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Human Right and Sustainable Development

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ABSTRACT

This work entitled *"Human Rights and Sustainable Development"* seeks to clarify the phrase 'sustainability' as an ethical concept within the framework of human right, and also tend to show that the generally accepted definition is conceptually inadequate. This inadequacy could be seen in the radical differences between various discourses of 'sustainability' depending upon the perspective such as social, political, economic, et al. Furthermore, one overreaching concern that requires consideration while dealing with 'sustainability' and the 'environment' is; ethics. Due to the above, in this work, a theoretical framework will be laid bare wherein it will be argued that all humans have equal rights vis-avis nature and the environment. However, if all humans have equal rights vis-avis nature and the environment, then sustainability must take into account the poor Southern Blocs and their rights to development just like the rich Northern Bloc had done in the past. This work argues that the concept of 'sustainability' needs to be revisited. This work also argues that the concept of 'equal rights', cannot be justify based on some empirical investigation, but upon moral norm that has its roots in the general theory of ethics; environmental ethics.

Keywords: Human Rights; Sustainable Development; Environmental Ethics.

INTRODUCTION

A brief clarification of what is the meaning of 'human rights' and what is the moral justification for the same will be necessary to understand what follows later on. The early Western political and philosophical tradition was engaged with the concern of 'duties' towards God or King. In the classical Indian, there are no references to 'rights', the only concerns are expressed in terms of duties (Okafor & Stella 2018; Ogar & Ogar 2019). It is only in the seventeenth century that rights discourse began to appear in the philosophical scene culminating with a clear

articulation of 'human rights' *Universal Declaration of Human Rights* (Cataldi 2019).

The philosophical debate regarding what kind of rights humans have, that are natural, inalienable and beyond the scope of ordinary positive law, resulted in various types of theories regarding rights. For instance, the juristic theory of rights attempts to define rights in terms of power as in the case of Spinoza and T.H. Green (Terao 2016). For such philosophers, natural right would imply exercising 'power' over others, like sovereign exercises power over the subjects, or an individual has the power to act in a particular manner. It is obvious that not all rights necessarily result in exercising of power as they may be merely hypothetical and the individual may be 'powerless' to enforce the right. The most important feature of human rights is its relationship to moral rights. We shall try to make a case for the moral foundation of human rights taking into account, first, the relationship between moral rights and natural rights, and secondly, distinguishing between legal rights and human rights. This inquiry will help us to define what constitutes human rights. The concern of the present study and the analysis of human rights is to argue for the moral basis of sustainable development. And hence, a case is made for 'right to development' at this stage. Article 1 of the Universal Declaration of Human Rights claims that "all human beings are born free and equal in dignity and rights" (Cruz-Martínez 2020, p. 54). If this is so, then all humans presently living on earth and all those who will be born in the future have equal rights on the natural resources of this planet. This implies that all individuals present or future have equal right to share the benefits of development, and negatively, restrict the development that will not be of benefit to themselves or their future generations.

TRADITIONAL UNDERSTANDING OF RIGHTS

A positivist understanding of moral rights is based upon an analysis and descriptions of customs and conventions. Classic examples of Bentham and Austin both of whom understood rights as correlatives of duties. Such rights were sanctioned or enforced by the community or public because the same is given by God rather than by the legal system of the country society (Ramanzini 2018). In contrast to the above, the idealists like T.H. Green claimed that individual morality was dependent on society's morality which in turn is the result of 'unfolding of a rational morality' (Ramanzini 2018). What follows from this is that an individual's right (if any) is not recognised as a right, unless the society recognises this right as a 'necessary condition' to attain some good that the society recognises as such.

Critiques of such a position will point out that an individual's moral right doesn't need to be recognized by society and acknowledged as such. It is not necessary that society recognises such rights and legally sanctions it. The slaves in ancient Rome and in the U.S.A. before civil war had moral right to freedom even though Romans did not accept it or in the USA the statutory books did not sanction it. H. L. A. Hart's argument may be the best response to overcome this anomalous situation and argue for autonomy of right. One can argue: "to ascribe a legal right to a person is to reach a conclusion of law, but to ascribe a moral right is not to conclude what ought to be done but only to make a relevant claim" (Hart 2017, p. 67). Hart's article "Are There Any Natural Rights", in spite of some criticisms, is still relevant to make a case for the existence of 'natural' rights, and

consequently, argue for fundamental human rights. What Hart tries to prove can be summed up in his own words:

> "....if there are any moral rights at all, it follows that there is at least one natural right, the equal right of all men, to be free. By saying that there is this right, I mean that in the absence, of certain special conditions which are consistent with the right being an equal right, any adult human being of choice (1) has the right to forbearance on the part of all others from the use of coercion or restraint against him save to hinder coercion or restraint and (2) is at liberty to do (i.e. is under no obligation to abstain from) any action which is not one coercing or restraining or designed to injure other persons" (Hart 2017, p. 69).

Hart argues *a la* classical theorist of *natural rights* that one has a right because one is capable of choice and this is the case because man as man is capable of choice. This has nothing to do with his being a member of a society or that he has a special relation to other members of a community. Again, Hart argues that such a right is *natural right* not due to some 'voluntary choice' of his, like in the case of other moral rights. The difference between classical theorists of natural rights and Hart is that, he does not ascribe absolute or unconditional right to act or to be acted upon. He justifies coercion or restraint under certain conditions. Hart has a limited conditional claim, namely, "if there are any moral rights then there must be this one natural right" (Hart 2017, p. 72) as no one denies that there are moral rights, what is denied is that there is a philosophical justification of giving "ontological status' to these rights because of the nature of language employed.

Hart's claim can be clarified by distinguishing between various types of human utterances – for the present purpose, the following three: tautological or analytical propositions, empirical or contingent propositions and assertions or expressions of value. Philosophical claims of natural rights seem to be the result of attempts to interpret natural rights in terms of and giving ontological status accorded to analytical and contingent propositions. An example will be useful to make this point. The *right* a slave has in a given society is dependent on society's conventions, as the status of a 'slave' is an artificial one created by society. But that he (slave) has the right to be free is dependent on his humanness, i.e. by 'nature'. The notion of 'humanness' provides the necessity, which makes the propositions expressing the same analytical propositions. However, the slave in ancient Rome did have 'actual' right but was not free, as no law provided him with guarantee of freedom. Propositions expressing the existing of right to be free are, therefore, in such circumstances, contingent.

M. MacDonald (1984) arguing for 'natural law' cites the example of early Roman lawyers as something that is 'ideal' in nature to be discovered and gradually codified by men. Such an 'ideal' is not determined by men, but by nature, and some deemed it 'by God'. Arguing that no existing code is perfect, M. MacDonald points out that we notice only an imperfect realisation of *natural law* in positive laws created by men. Codes do have many positive laws that regulate relations between men, between men and animals, between men and nature; and between men and associations or institutions created by men. Natural law is not an overarching regulation or an ideal realisation of all positive laws. Neither is it, like the natural laws of nature, derived by deduction, from the observations in nature. Nevertheless, it is applicable to all men, by their very nature as men.

How then are these rights justified? When Rousseau argued that "man is born free and everywhere he is in chains" (PattersonV& Morris 1960), he did not have an inductive argument based upon observations of large number of people 'born free and in chains.' Similarly when Cicero while arguing that the law of nature applies to all men equally said that "no one would be so like his own self as all men would be like others", he did not observe nature's instances to come to the conclusion (PattersonV& Morris 1960). The justification for such conclusions lies in the understanding of reason and what status it has in moral theorizing. It is obvious that propositions about natural rights are not inductively deducted generalisations. It is not experience that justifies such statements. But they are at the same time not unrelated to natural facts. Since such facts are known due to man's capacity to reason which is intrinsic to man as man, they are natural facts. The fact that man can deduce 'ideal from actual' due to his natural disposition of reason, man is different from non-moral entities.

The preamble of United Nations charter of human rights states that humans possess human rights as human persons. This is possible if and only if we recognise the ontological status of all human beings and their moral worth – as Immanuel Kant put it – "worth-in-itself" or "worth-in-themselves" (Burchard 2011). It is this moral grounding that renders human rights *universal.* And this universality is not an epistemological conclusion on the basis of empirical verification. The issue is beyond empirical discourse. The descriptiveness of this concept may depend upon some empirical facts, but its universality is normatively construed. We come across expressions such as 'human rights are both legal and moral' or 'human rights are legal, moral or both'. |These are, to say the least, category mistakes. What is true is human rights are by definition (primarily) moral and later legally enforceable. If one takes into account the foundation and objectives to be achieved, all legal codes are moral. Unfortunately, the framers of legal codes or legislations have rendered such codes morally neutral, rendering the precepts in such codes to the status of 'rules of games'.

To sum up, moral rights distinguished from non-moral (such as legal rights) are characterised by the very origin and justification as they are natural and discovered by the act of human reason. Non-moral rights are either created by legislations or by societal conventions and are justified either by a claim to collective wisdom of the community or social customs. Again, moral rights are characterised by the unequivocal applicability. In other words, they are equal rights as they are equally distributed, thus creating no injustice in their application. Alternatively, non-moral rights can or may be unequal, as the situation demands. This leads to unequal and unjust distribution of right claims. Further, moral rights are inalienable as man cannot be deprived of the same, unless, of source, he so willingly and rationally chooses to give up the same for a greater good. Legislations can be passed to deprive individuals of their non-moral rights. And finally, moral rights are characterised by their universal applicability as against non-moral rights which have a limited jurisdiction of space and time, geographical limitation and historical context.

Human rights issues have been the focus of attention even before the Declaration of Human Rights. Western developmental models have been used to implement human rights, and by and large these models are deemed to be the best to promote human rights. In 1993, the Vienna Conference declared: "Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. The International

community should support strengthening and promoting democracy, development and respect for human rights and fundamental freedoms in the entire world." (Pisanò 2015, p. 393). What was observed was that the economic development that is the base of the declaration, instead of protecting human rights of all societies, gave maximum benefit to western societies, thereby depriving others of developmental benefits. This is particularly so because 'free market economies' that the Western developed countries propagated in the name of 'international order' deprived the local communities the benefits of their natural resources.

The most fundamental of rights, namely, 'right to life' provides us with justification to right to natural resources and a healthy environment conducive to propagate and protect life. If 'development', particularly the one emphasized by capitalist 'free market economists', means greater consumption of natural resources and material products, then it violates the right to life of those individuals and communities living and surviving on that environment, as there are always constraints in supply of such resources, and the same cannot be equitably enjoyed by all. The positivist economists, under the influence of a model of development, defend 'hyper consumption' in order to make profits and reap profits for their investments. It is such models of development propagated by the West that result in environmental damage. Unfortunately, the 'residents' of third world countries, particularly the tribal people, are accused of overexploitation of nature and destruction of forests. Returning to the main theme of this paper, it may be recalled that there are radical differences between various discourses of 'sustainability' depending upon the perspective such as social, political, economic, et al. There is, however, one overreaching concern that requires consideration while dealing with the environment, that is, ethical. It is under this consideration that the primacy of 'sustainability' can be evaluated. The present paper seeks to clarify 'sustainability' as an ethical concept without which the entire discourse on 'sustainable development' is conceptually inadequate.

SUSTAINABLE DEVELOPMENT

There are as many definitions of 'sustainable development' and 'sustainability' as individuals or groups are trying to define them. Scholars are aware of the difficulties faced in defining the two concepts. For instance, T. O'Riordan observing the difficulty, had described the task of defining 'sustainability' as 'exploration into a tangled conceptual jungle where watchful eyes lurk at every bend' (Turner 1988). Spedding as early as 1996 observed that there are large number of books, chapters in books and articles that have the terms in the title, but have not defined the term/s (Turner 1988). Wilson probably influenced by his 'deep ecology' inclination lamented: 'The raging monster upon the land is population growth; in its presence, sustainability is but a fragile theoretical construct'.

A reflection on various definitions of 'sustainability' or 'sustainable development' shows the predilection of individual authors or groups in understanding the concepts. For instance, when Brundtland said that " Sustainable development is development that meets the needs of the present without compromising the needs of future generations to meet their own needs" (WCED 1987, p. 76), it prioritises 'needs' of the poor while restricting the use of exploitation of environment to that extent that 'needs' of future generations is not affected (Eba 2010; Edame et al, 2014; Eba 2014). Harwood while extending the

concept to apply to non-human species says: “Sustainable agriculture is a system that can evolve indefinitely toward greater human utility, greater efficiency of resource use and a balance with the environment which is favourable to humans and most other species” (1990, p. 97). Pearce, Makandia & Barbier provide a broadest possible definition when they claim that “sustainable development involves devising a social and economic system, which ensures that these goals are sustained, i.e. that real incomes rise, that educational standards increase, that the health of the nation improves, that the general quality of life is advanced” (1989, p. 78) Again, Conway & Barbier extending the concept to agriculture defined sustainability as the ability to maintain productivity, whether as a field or farm or nation. Productivity in this context, is defined as the output of valued product per unit of resource input (1989, p. 79).

Critiques of attempts of ‘precise’ definitions point out not only to the fact that definitions in terms of ‘economic’ benefits are inadequate, but also to the fact that inherent essentialist definitions are a disservice to such a ‘primitive’ concept. IUCN, UNEP, WWF point out that ‘sustainable development’, ‘sustainable growth’ and ‘sustainable use’ have been used interchangeably as if they refer to the same concept. Nothing physical can grow indefinitely, hence ‘sustainable growth’ is a contradiction in terms (Terao 2016). The expression ‘sustainable use’ is applicable in the case of resources renewable. And finally, ‘sustainable development’ is the strategy of ‘improving the quality of human life whilst living within the carrying capacity of the ecosystems.’ Although development implies realisation of resource potential, ‘sustainable’ development implies recognition of limits to the development processes even when technology can overcome some of the limitations. Holdgate highlighted the fact that sustainability of technology be judged by a criterion, namely, whether the increase of production retains the inherent capacity of the environment for productivity (1993, p. 435). Consequently, ‘sustainable’ development is concerned with the development of a society where the costs of development are not transferred to future generations or at least an attempt is made to compensate for such costs, as Pearce argues. A society that looks for ‘sustainable’ development tries to reconcile between the developmental needs such as higher standards of living of the recent generation and that of the future generations by protecting the environmental resources as well as enhancing their potential.

The above attempts at defining ‘sustainable development’ and ‘sustainability’ and its cognates clearly reflects both complexity and ambiguity of the concepts. This led Daly (1978, p. 6) to argue that ‘lack of a precise definition of the term ‘sustainable development’ is not all bad’ - it allows ‘a considerable consensus to evolve in support of the idea that it is both morally and economically wrong to treat the world as a business in liquidation’. Besides, as Heinen argues given the variety of scales inherent in different conservation programmes and different types of societies and institutional structures, no single definition of ‘sustainable development’ or framework is consistently useful (Daly 1978, p. 8). An analysis of ‘sustainability’ as defined in various textbooks, primarily concerned with economic development, reveals types of ‘sustainability’ depending upon the resources, living or non-living, thereby leading to various types of sustainability; biological etc. Again we can categorize ‘sustainability’ on the basis of the conceptual association it has with the community, business, agriculture, etc.; social sustainability, economic sustainability, agricultural sustainability, etc. At another level, analysis of the above definitions reveals that

(a) The processes of development are limited to the extent that 'sky is not the limit' to growth; (b) There is an inseparable connection between development, society and environment;
(c) There is need of equitable distribution of resources and opportunities.

Although there is considerable difficulty in defining 'sustainable', 'sustainability' and 'sustainable growth', one could begin with World Commission on Environment and Development (WCED) Report attempt at redefining the terms. The WCED defines 'Sustainable Development' as development that meets the needs of the present without compromising the ability of future generations to meet their needs (WCED 1987, p. 78). There are two important concepts that need clarification. First, the term 'needs' refers to essential needs of the world's poor and secondly, the idea of restriction imposed on technology and political and social organisation on 'exploitation' of environment in view of environment's capacity to meets the needs of future generations. Critiques of the above definition have pointed out that 'sustainability models' created on the basis of the above definition tend to forget the inequity in the existing social and economic relationships, while emphasising the futuristic needs.

INADEQUACIES IN SUSTAINABILITY DISCOURSE

In order to discuss the concepts and principles that are inherent in sustainability, one may have to look at the most appropriate of the definitions and easily the most accepted one by the scholars involved in the discourse on sustainability. The definition provided by The Brundtland Report that defines 'Sustainable Development' as development that meets the needs of the present without compromising the ability of future generations to meet their needs (WCED 1987), be taken as starting point of our analysis. The most emphasised objectives of sustainability or sustainable development are ecological health, social equity, and economic welfare. These are manifest objectives designed to aid professionals in evaluating and directing their activities, particularly when developing, deploying, and employing technology. The pursuit of the three above objectives grounded on ethical commitments, in sustainable development, need to be balanced so as to ensure the wellbeing of contemporary populations, at the same time not depriving opportunities for future generations. Consequently, sustainable development has to pursue both *inter*generational and *intra*generational benefits from within the framework of ethical values.

The credo of 'sustainable development' has given rise to societies and communities, professional, scientific and cultural that are not only committed but make concerted efforts at solving energy problems, waste disposal issues, development of green spaces, urban planning, development of local economies, etc. Contemporary economics literature is replete full with sustainability discourse giving rise to the belief that planet earth shall not last if we do not commit ourselves to sustainable development. A brief review of some of the 'frameworks' may not be out of place so that when we come to its critique, we will be able to see the deficiencies of such frameworks. What are the presuppositions of such frameworks? The Natural Step (TNS), a framework developed by Karl Henrik Robèrt, is based upon four scientifically derived System Conditions (2012, p. 43).

(1) In order for a society to be sustainable, nature's functions and diversity are not systematically subjected to increasing concentrations of substances extracted from the Earth's crust.

(2). In order for a society to be sustainable, nature's functions and diversity are not systematically subjected to increasing concentrations of substances produced by society.
(3). In order for a society to be sustainable, nature's functions and diversity are not systematically impoverished by overharvesting or other forms of ecosystem manipulation.
(4). In a sustainable society resources are used fairly and efficiently in order to meet basic human needs globally. The Natural Step besides laying down the 'system conditions' envisages a systematic approach to implement the framework.

In 1992 William McDonough developed a set of foundational principles for sustainable ecological design which in fact provided a definition of *sustainable design* as the "conception and realization of ecologically, economically, and ethically responsible expression as part of the evolving matrix of nature" (Mehalik 2000, p. 181). These foundational principles have since come to be known as *Hannover Principles* which have the potential of ethical interpretation. The Hannover Principles are nine 'commandments' that an ecologically sustainable designer has to keep in mind:
1. Insist on the rights of humanity and nature to coexist;
2. Recognize interdependence;
3. Respect relationships between spirit and matter;
4. Accept responsibility for the consequences of design;
5. Create safe objects of long-term value;
6. Eliminate the concept of waste;
7. Rely on natural energy flows;
8. Understand the limitations of design;
9. Seek constant improvement by the sharing of knowledge.

The third 'framework' that may be reviewed is the *Three Legged Stool Interpretation* which demands that there should be balance between ecological, economic and social systems. The three legged stool of interpretation envisages equal 'value' to all the three systems. The primary objective of sustainability is a strong and healthy society in which the needs of its population, present and future, are met. For such a society, there must be a strong economy to meet the needs of its population, provide jobs, adequate health care and take care of needs after the productive years are over. Thirdly, both the society and the economic system must respect centrality of our planet's ecological systems on which the society and the economy are utterly dependent.

A growing consciousness among the world business establishments (who came under pressure from the non-governmental organizations to control their 'greed'), the need for sustainable development, has resulted in another framework, namely, Corporate Social Responsibility. This corporate sustainability movement at one level seems to be tokenism, but at another level there seems to be concerted effort on the part of the business world to apply sustainability to guide the behaviour of business with respect to both, society and the environment as well as its responsibility to stockholders. In this new framework, responsible financial establishments highlight their success stories not solely based upon their annual profits but also on their social and environmental performance.

The difficulties of the first framework have been highlighted by many groups. However the most prominent seems to be the fact that TNS is more of an

'educational tool' rather than an avowed practical framework for companies to use for the progress toward sustainability. The framework as a definitional paradigm suffers category mistake when condition four is fundamentally different from the first three conditions. In fact condition four is *raison d'être* for the three earlier conditions. It is precisely because a large population lacks adequate nutrition while another population has more than what it needs, that there is lack of fairness with regard to meeting basic human needs.

Hannover Principles developed a sustainable design for architects, urban planners and industrial designers wherein products and processes are seen as dependent on environmental, economic and social systems surrounding them as against purely utilitarian considerations of earlier models (McDonough 1992). The model was never meant to be a 'framework' for sustainable development. However, since the principles have been quoted in various discussions as definitional framework of 'sustainable development' it may be pointed out that it lacks clarity regarding the first two principles when placed along with the other seven.

This model based upon common sense understanding of sustainability suffers from some inherent conflicts and contradictions. This may be due to the very structure of 'stool' which laces mankind outside the environment instead of being embedded in the environment or is part thereof. It suffers from the same issues as neoclassical economic model, the fundamental obstacle to the adoption of sustainability as an international framework for decision-making.

Thus humanity is embedded in the ecological system as is the economy.

Since Corporate Social Responsibility is an application of the three-legged stool model, it suffers from the inadequacies mentioned above. However, the internal contradiction between profits and social responsibility has given rise to criticisms that the corporate world at best is indulging in philanthropy rather than accept of ecological system as core in which both humanity and economic systems are embedded.

RIGHTS OF FUTURE GENERATIONS AND OTHER SPECIES

There are two fundamental objections to the 'orthodox' approach to environment protection. The first objection is that while valuing environment, the values of future generations must be taken into account. Secondly, 'orthodox' approach ignores the 'intrinsic value' of environment. These objections are in fact part of the 'positivistic' economics, the official doctrine upon which all economic theories are based. An ethical definition of sustainability has to take into account these objections. What follows is an attempt to lay the foundation of 'intergenerational equity' on the basis of which 'sustainability' is justified.

The general concerns for the environment are reflected in the orthodox method of how we derive environmental value by inquiry into how much we are willing to pay to protect the environment. But how do we elicit information about values that the unborn or future generations attach to environment? It is, therefore, necessary that we find a method by which we can both find out the 'values' of future generations as well as what would constitute 'intrinsic' value of environment. Indeed, we cannot know what value future generations will place on the environment. However, it is not unreasonable to attempt a guess based upon a philosophically relevant method. We can therefore have a fairly good idea of what would happen to the environment over a period of time, if the current trends are not reversed. Philosophers have used 'thought experiment' as a useful

method in philosophical methodology (Regalado 2014). Imagine we are living hundred or fifty years from now. What we would wish that our previous generation had done with respect to the environment? Two answers come to mind which reveal two plausible interpretations, depending upon the level or extent of 'sustainability.

Minimum that should have been done is that the previous generation should not have left us with environmental catastrophe (Ogar 2019). If in a hundred years' time global temperatures have risen as far as currently predicted, it seems reasonable to suppose that the generation living then will not thank us for the legacy. Indigenous people in the rainforest today would surely make the same judgement of generations before the present one. People in the mining belt of developing countries would wish that something had been done to reverse the trends towards degradation. This is the basis of intergenerational *equity* inherent in the concept of 'sustainability'. As we have seen in the earlier part of the discussion, the term 'sustainability' is used in varied senses, facing the risk becoming bland if not meaningless. But inherent to the term is a useful intuitive meaning, namely, the capacity to last or continue. The above thought experiment gives direction to accord precise meaning to the term, and at the same time justify use in the context of environmental ethics.

Secondly, we may not be satisfied with merely avoidance of catastrophe. We may like to have a high level of environmental consumption as previous generations had, if not more on the basis of advancement of technology. When one generation degrades the environment by consumption, it deprives the next generation of opportunities that the earlier generation enjoyed. The benefits enjoyed are not merely economic as exploitation of mineral resources in the process of creation of wealth, but also deprivation of aesthetic delights to the next generation. The next generation may feel great injustice done to them when the environment is irreversibly degraded due to extinction of species or loss of unique habitats or even depriving the generation of aesthetic pleasures of walking in sylvan forests. The earlier generation may not have the obligation of increasing the potential level of environmental consumption of the next generation, but cannot deprive the next generation of equal opportunity for consumption of both wealth and aesthetic delights.

The discussions justifying sustainability on the basis of intergenerational equity and ecocentrism are clearly ethical in character. This is the difference between the arguments provided by the orthodox approach which are based upon positivistic methods of environmental valuation. Indeed, they appear to make sustainability a different sort of concept from environmental evaluations. Those who defend the evaluation approach to environmental protection believe that their 'positive' approach helps them to measure objectively 'desires', 'interests' of living humans who reveal their likes or dislikes, interests or disinterestedness, through their behaviour. This methodological framework used by economists creates an environmental protection that is not based, according to them, on what 'ought' to be, but on what is. The resultant environmental valuations are empirically measured valuations and not ascriptions of interests to future generations. The methodological framework that economists employ to deal with the environment can be understood if we reflect on the 'engineering' model in sciences. Economics as a science will use the framework of engineers "in creating technology which enables humans to transform the environment in

unprecedented ways, changing radically the nature and scale of the environmental impacts of their activities"(Merkt 2016, p. 3092).

Development in technology has led to the capacity of humans to change any part of our environment to such an extent that it is irreversible. Of course, this is not a new venture on the part of humans. Right from the primitive times, man has employed his intelligence to bring about changes and exploit nature for his survival or benefit. However, development of modern science-based technology is both capable of creating irreversible changes in the nature, which may be beneficial to few individuals, not necessarily to all. Further, such benefits may be beneficial to the whole of mankind, but not necessarily to future generations. This is the most critical issue that environmentalists in general and moral philosophers in particular, are concerned. As environmentalists point out, "enhanced technological efficiency, industrialization and reliance on fossil fuels have brought about a number of environmental problems which are potential threats not only to humans themselves but to other organisms in the biosphere, and even to preserving life on the Earth" (Spier 1995, p. 5).

Whereas the advancement of technology was seen as the natural consequence of human rationality, its use in bringing about changes in nature is frightening as some of the changes are irreversible and the present generation may not be able to see the consequences of such changes. This fear can best be expressed in words of the Christopher Stone: "there is today a widespread feeling that our technology, our capacity to alter the Earth and the relations thereon, *is outstripping our ethics, our ability to provide satisfactory answers to how that power ought to be exercised"* (Stone 1988, p. 865).The moral predicament is reflected in the fact that on the one hand the interventions in nature by the 'engineering' framework were meant to enhance survival and quality of life, on the other hand, they brought about changes that resulted in unforeseen consequences for the future generations. Economists consciously or unconsciously using the 'engineering' model fall prey to the same moral predicament of technology experts.

A brief reflection on the type of approaches that scientists /technologists on the one hand and ethical environmentalists adopt, on the other, will clarify the issue and suggest direction of solution for the same. For the engineers and technocrats, the environment is 'the physical surroundings, the external conditions' within which engineers work. They have only instrumental or technical control of the environment, which has to be rationally managed, namely, manipulated, controlled and predicted. The nature of such analytical science is the production of knowledge that helps to control and predict nature. One of the inherent limitations of such an approach is that science envisages a form of dualism between the physical objects or nature and the human observing subject, the scientist or technocrat. This framework has been developed as a result of a long tradition of science dating back to sixteenth and seventeenth-century philosopher-scientists and mathematicians like Copernicus, Kepler, Francis Bacon and Isaac Newton. This has resulted in a Cartesian dualism wherein "scientists are observers who approach nature analytically, i.e. by breaking it down into (its) component parts. They study and control nature as it is, or might be, useful for their own ends" (Dika 2020, p. 338). Implicit to this world view of classical science is a certain kind of human-environment relation that creates environmental ethics of their profession which is by and large *utilitarian*, an ethics that believes in maximising the use of natural resources, driven by

commercial self-interest. Positive economics, attempting to be a science, uses the classical and modern scientific framework, whereby, the inherent dualism of the classicists is adopted while evaluating that what is good for humans. It also, like the 'engineering model' looks at the natural environment as that what should be controlled and managed by mankind to reap benefits for it. Environmental issues are considered solely within such a dualistic framework and narrow limitations of 'benefits to the observer'.

The alternative vision of natural environment as a resource, to be contemplated and enjoyed by all, present and future generations as it has been done by past generations, is not part of the above framework. Issues are not addressed by considering ourselves as constituents of nature and as actually and potentially valuable resources. To consider that human needs, wants and interests alone are the basis for a whole system of principles and norms governing our conduct in relation to the natural environment is the basic fallacy of such a paradigm. This engineering or scientific approach, and *mutatis mutandi*, the economic approach based upon the scientific approach, considers nature as actually or potentially valuable resource to be used or exploited in terms of economic interests. The utilitarian ethics prevalent in this approach urges that we ought to preserve the environment for the sake of humans. Such an ethics therefore treats only humans as morally considerable (Rae 1968). Consequently, all non-humans and environment are denied intrinsic value. In other words, nature and non-human animals have only instrumental value, they are valuable so long as they satisfy human interests (Osuala & Nyok 2020; Ogar et al., 2020; Akpan et al., 2020). Such an environmental ethics locates justification of moral duties and obligations to the natural world, in its (natural world's) capacity to satisfy human beings and protect and promote the well-being of humans. In economic terms, such an ethics "takes the form of a cost- benefit analysis in which monetary value is ascribed to the benefits which accrue to the humans balanced against the costs which fall on humans" (Rae 1968, p. 94).

It is obvious that such an environmental ethics based upon utilitarian cost benefit approach satisfactorily accounts for values we attach to forest, as a living community of different species. Many environmentalists believe that biodiversity has intrinsic value, in spite of the fact that it may also have great instrumental value as it contributes to human welfare by providing new medicines, generic strains for food, recreational enjoyment, etc. Another consequence of the above utilitarian based approach is that the type and extent of protection of the environment will be determined by the perception of benefits that human accrue the from environment. This is clearly observed from the fact that moral duties and obligations to the natural environment are justified by utilitarian considerations. Philosophers in general and environmental ethicians in particularly have rightly concluded that ethics based on the above model is more of an ethics for the 'use of environment' rather than 'environmental ethics' (Bassey 2020).

What is the alternative? Philosophers, scientists and environmentalists have expressed alternative ways of looking at the environment and consequently tried to develop alternative environmental ethics. This is the result of the critique of dominant scientific paradigm that has been adopted by economists and that has failed to arrest the environmental degradation. It also failed to take into account the concerns of the future generations. One could label such an approach as *ethics environmentalist concept of environmental*. Historically viewed, the

new concept of environment based on 'ecology' goes back to Alexander von Humboldt's studies regarding relationships of animals and plants and his findings of 'how nature's forces act upon one another, and in what matter the geographic environment exerts its forces on animals and plants' and, more importantly, his reflections about the 'harmony of nature' (Livi-Bacci 2015). In ecology, plants and animals in their habitats, form an interdependent 'community'. The dynamic interactions of the biotic organisms and a-biotic elements are the integral parts of an ecosystem, which is larger than the sum total of its parts.

The instrumentalist conception of the world, the outcome of a mechanistic, reductionist and atomistic approach to environment, has undermined the importance of environment as a whole, and gave undue importance to humans. The resultant anthropocentric ethics has led to exploitation of nature to the extent of undermining nature itself. The alternative model is an ecological and holistic conception of reality on the basis of both scientific and non-scientific reflection and understanding derived from recent developments in science (Bassey 2019; Bassey & Pimaro 2019). Ethics based on the environmental approach as stated above, unlike the utilitarian ethics, believes that we ought to preserve the environment for the sake of the ecosphere and the appropriate behaviour of all humans should be such that we maintain the integrity of ecosphere and not dominate and conquer it. It also presupposes that humans are not only members of the human community but first and foremost members of 'biotic community'. Animals, plants and ecosystems have intrinsic value unlike in case of anthropocentric utilitarian ethics where they have instrumental value in relation to human beings.

CONCLUSION

Sustainability is a 'normative' concept, that has an element of normativeness, whether positivist-oriented social scientists and economists accept it or not. This is not because 'sustainability' cannot be proved by an appeal to facts or its valuations cannot be empirically measured, or it involves imputing interests to future generations. The accusations that the chosen method of thought experiment is arbitrary and inevitably reflects the values of the chooser, is not a valid argument against 'sustainability' understood as an *ethical* concept. To the orthodox economist, this is unacceptable as it places sustainability outside the realm of economics. The belief that, economics as a positive discipline is free from value judgements, is questionable. As much as ethical choice is involved in policy decisions (since different options that affect differently, different groups of people and other living things), similarly, is the case whether society should adopt the optimal level of environmental protection. But the optimal level itself is not an ethical concept. It is not derived from value judgements about what the economist thinks should be done, but from the interests and desires of the affected people, objectively measured, as far as possible. On the other hand, sustainability does have, value judgements built into it. It is impossible to impute interests to future generations without specifying what those interests are, and the choice cannot but express the chooser's views of what level of environmental protection is morally right.

In conducting thought experiment – indeed, in choosing to conduct it – ethical concepts such as 'fairness', 'justice', act as guides. One has to accept the analysis of the ethical nature of sustainability not because it functions as a critique

of general economic framework used for valuating environment, but because of the very nature of the environmental concerns. No concept of dealing with environmental protection is able to avoid value judgements. Value judgements are not accidental incursions but are necessary constituents of the environmental discourse. The very fact which made the thought experiment necessary – the impossibility of measuring future people's environmental valuations - ensures this. This impossibility leaves two options. The recognition that the very concept of environmental protection is a moral one, therefore does not undermine the concept of sustainability. On the contrary, it corrects the false sense of objectivity created by 'positive' economics. The ethical understanding of sustainability brings out the essential issue at the heart of the environmental crisis, namely the relationship between current and future generations (Njar & Enagu 2020). In evaluation approach, either the interests of future generations are ignored, or we have to accept the ethically constructed concept of sustainability. This choice too is an ethical one. We have to ask the all-important question of how important are the lives of future people.

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