

Laudato Si' as Soft Law? A Critical Assessment from the Perspective of International Law

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Abstract

This article critically examines whether Pope Francis' 2015 encyclical Laudato Si': On Care for Our Common Home can be understood as a form of soft law within international human rights and environmental governance. Employing doctrinal legal analysis combined with conceptual and normative assessment, the study applies established soft law criteria—intent, form, institutional context, subsequent practice, and normative influence—to evaluate the encyclical's legal significance. The analysis reveals that while Laudato Si' exhibits significant soft law characteristics and has demonstrably influenced environmental human rights discourse, policy, and advocacy, its foundations in religious authority and lack of formal intergovernmental adoption position it as a hybrid category of "moral soft law" or "transnational normative persuasion." The article concludes by exploring the implications of this finding for the evolving architecture of global environmental governance, arguing that the encyclical's significance lies in challenging traditional state-centric conceptions of norm-creation while highlighting both the potential and limitations of religious-moral texts in international law.

Keywords: *Laudato Si', Soft Law, International Environmental Law, Human Rights, Integral Ecology, Holy See, Climate Governance, Normative Authority.*

Introduction

The accelerating global environmental crisis has increasingly been framed not only as an ecological or economic challenge, but also as a profound human rights issue (Knox, 2020). Climate change, biodiversity loss, and environmental degradation directly threaten the enjoyment of fundamental human rights, including the rights to life, health, food, water, and an adequate standard of living. In response, international law has witnessed a growing convergence between environmental protection and human rights discourse, reflected in treaty interpretation, jurisprudence of international human rights bodies, and the emergence of new normative frameworks (Boyd, 2022).

Alongside formal sources of international law, global environmental governance has been shaped by a wide range of non-binding instruments commonly referred to as soft law (Shelton, 2009). Declarations, guidelines, action plans, and policy frameworks have played a crucial role in articulating normative expectations, influencing state practice, and shaping the development of binding legal norms. In recent years, the normative landscape has further expanded through the intervention of non-traditional actors whose authority does not stem from treaty-making power but from moral, social, or transnational influence (Brunnée & Toope, 2010).

Within this context, Pope Francis' 2015 encyclical Laudato Si': On Care for Our Common Home has attracted global attention for its comprehensive critique of environmental degradation and its strong emphasis on the intrinsic link between ecological protection, social justice, and human dignity (Francis, 2015). Although Laudato Si' is a religious document addressed primarily to the Catholic faithful, its scope and audience extend far beyond ecclesiastical boundaries. The encyclical explicitly addresses "every person living on this planet" and has been widely referenced in international forums, policy discussions, and civil society advocacy related to climate change and sustainable development (McGrath, 2017).

Despite its growing influence, the legal significance of Laudato Si' within international law remains underexplored. Existing scholarship has largely examined the encyclical from theological, ethical, or ecological perspectives, often highlighting its moral appeal and ethical contribution to environmental

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discourse (Jenkins, 2018). Far less attention has been paid to its potential role as a normative instrument within international legal processes, particularly in relation to human rights and environmental protection.

This article seeks to address that gap by critically assessing whether, and to what extent, *Laudato Si'* may be understood as a form of soft law from the perspective of international law. Rather than assuming that moral influence automatically translates into legal relevance, the article adopts a cautious and analytical approach. It examines *Laudato Si'* against established doctrinal and functional criteria of soft law, while remaining attentive to the distinctive status of the Holy See as a subject of international law.

The central questions guiding this inquiry are: (1) What constitutes soft law in international legal theory and practice? (2) Does *Laudato Si'* exhibit characteristics that allow it to function as soft law within international human rights and environmental governance? (3) How does the unique legal and moral position of the Holy See affect the normative influence of the encyclical? (4) What are the implications of treating *Laudato Si'* as soft law for the development of international human rights and environmental law?

Methodologically, this article employs doctrinal legal research combined with conceptual and normative analysis. It draws on international treaties, soft law instruments, jurisprudence, and scholarly literature to situate *Laudato Si'* within broader debates on sources of international law and environmental human rights. The analysis proceeds in six parts. Following this introduction, the article outlines the relationship between human rights and environmental protection in international law. It then examines the concept of soft law and its role in global governance. The subsequent sections analyze *Laudato Si'* as a normative text and critically assess its capacity to function as soft law. The article concludes by reflecting on the broader implications of this assessment for international human rights and environmental governance.

Human Rights and Environmental Protection in International Law

The relationship between environmental protection and human rights has undergone a significant evolution within international law. Initially treated as separate normative regimes, environmental law and human rights law have increasingly converged in response to the recognition that environmental degradation poses direct and indirect threats to the effective enjoyment of fundamental human rights (Atapattu, 2015). This convergence reflects a growing awareness that environmental harm is not merely an ecological concern but also a legal and moral issue with profound implications for human dignity.

International human rights instruments do not explicitly enshrine a general right to a healthy environment in their original formulations. Nevertheless, human rights bodies and courts have progressively interpreted existing rights—such as the rights to life, health, private and family life, food, water, and cultural integrity—as encompassing environmental dimensions (Knox & Pejan, 2018). This interpretative approach has allowed international law to respond dynamically to environmental challenges without formal treaty amendment, thereby expanding the protective scope of human rights norms.

The jurisprudence of international and regional human rights mechanisms illustrates this development. Decisions of bodies such as the Human Rights Committee, the Inter-American Court of Human Rights, and the European Court of Human Rights have affirmed that states may incur responsibility for environmental harm when such harm interferes with protected human rights (Boyle, 2012). These interpretations underscore the principle that environmental protection is an indispensable precondition for the realization of human rights, rather than an optional policy objective.

In parallel with judicial interpretation, international environmental governance has increasingly relied on non-binding normative instruments to articulate environmental human rights standards. Declarations, guidelines, and action plans—often adopted through political consensus rather than formal consent to be bound—have played a pivotal role in shaping expectations of state conduct. Instruments such as the 1972 Stockholm Declaration, the 1992 Rio Declaration, and more recently, United Nations General Assembly Resolution 76/300 (2022) recognizing the human right to a clean, healthy, and sustainable environment exemplify the normative influence of soft law in bridging the gap between environmental protection and human rights (Rajamani, 2021).

Soft law has proven particularly significant in contexts where political consensus for binding obligations remains elusive. By providing normative guidance without the rigidity of treaty commitments, soft law instruments have facilitated the gradual internalization of environmental human rights principles into domestic legal systems and international practice (Abbott & Snidal, 2000). Over time, such instruments may contribute to the crystallization of customary international law or inform the interpretation of existing treaty obligations.

This increasing reliance on soft law highlights both its potential and its limitations. While soft law enables normative innovation and responsiveness to emerging global challenges, it also raises questions regarding legal certainty, accountability, and enforceability (Guzman & Meyer, 2010). These tensions are especially pronounced in the field of environmental human rights, where urgent global risks demand coordinated action, yet binding legal mechanisms often lag behind scientific and ethical imperatives.

Against this backdrop, the emergence of transnational normative texts produced by non-state or quasi-state actors warrants closer examination. The growing influence of such texts challenges traditional assumptions about the sources of international law and invites critical reflection on the boundaries between legal normativity, moral authority, and political persuasion. This context provides an essential foundation for assessing whether *Laudato Si'* may meaningfully contribute to international human rights and environmental governance through mechanisms analogous to soft law.

The Concept of Soft Law in International Law

The concept of soft law occupies an ambivalent position in international legal theory. Formally excluded from the list of sources in Article 38 of the Statute of the International Court of Justice, soft law nevertheless exerts considerable influence in contemporary global governance (Dupuy, 1991). Its definition remains contested, with scholars adopting various approaches ranging from formalist dismissals to functionalist embrace.

Defining Soft Law: Between Form and Function

At its core, soft law refers to normative instruments that are not legally binding per se but which possess a degree of normative force that distinguishes them from mere political rhetoric or moral exhortation (Chinkin, 1989). These instruments typically lack the formal requirements for treaty formation—such as ratification, accession, or explicit consent to be bound—yet they generate expectations of compliance and may influence state behavior.

International legal scholarship identifies several categories of soft law:

1. Formal but non-binding instruments: UN General Assembly resolutions, declarations, and codes of conduct adopted by international organizations (Kirgis, 1994)
2. Treaty-related instruments: Recommendations, guidelines, and action plans developed under treaty frameworks (Boyle, 1999)
3. Non-state normative instruments: Standards developed by private entities, professional associations, or transnational networks (Brunée et al., 2010)

The distinction between hard and soft law is often portrayed as a spectrum rather than a binary opposition, with instruments varying in their degree of normative precision, institutional embeddedness, and compliance mechanisms (Abbott et al., 2000).

Theoretical Debates and Functions

Three principal theoretical perspectives dominate soft law discourse:

1. **The Functionalist View:** Advocates argue that soft law serves essential functions in a fragmented and rapidly evolving international system. It allows for normative innovation in areas where consensus is lacking, provides flexible adaptation to complex problems, and facilitates learning through experimentation without the constraints of binding commitments (Raustiala, 2005).

2. **The Formalist Critique:** Critics contend that soft law undermines the clarity and predictability of the international legal order. By blurring the distinction between binding and non-binding norms, it may enable states to avoid accountability while appearing committed to normative agendas (Weil, 1983). This "soft law trap" may substitute symbolic action for substantive legal obligations.

3. **The Constructivist Approach:** This perspective views soft law as a site of normative contestation and socialization. Through repeated invocation and institutional practice, soft law instruments may shape state identities, interests, and ultimately behavior, potentially evolving into customary international law or inspiring treaty development (Finnemore & Sikkink, 1998).

Normative Effects and Mechanisms of Influence

Soft law instruments exert influence through several mechanisms:

- Interpretive guidance: Influencing how courts and tribunals interpret existing legal obligations (Shelton, 2009)

- Normative framing: Shaping how issues are understood and what constitutes appropriate state conduct (Sunstein, 1996)

- Political mobilization: Providing advocacy tools for civil society and vulnerable groups (Keck & Sikkink, 1998)

- Institutional embedding: Becoming incorporated into the operational practices of international organizations (Barnett & Finnemore, 2004)

In environmental governance specifically, soft law has been instrumental in articulating principles such as sustainable development, the precautionary principle, and intergenerational equity—concepts that have subsequently informed treaty negotiation and judicial reasoning (Sands & Peel, 2012).

Criteria for Assessing Soft Law

Scholars have proposed various criteria for assessing an instrument's soft law character:

1. Intent of the drafters: Whether the creators intended to establish normative standards (Chinkin, 1989)

2. Form and language: Use of normative terminology and precision in obligations (Klabbers, 1996)

3. Institutional context: Connection to formal international organizations or processes (Boyle, 1999)

4. Subsequent practice: How states and other actors receive and utilize the instrument (Raustiala, 2005)

5. Normative influence: Demonstrated impact on behavior, policy, or legal development (Shelton, 2009)

These criteria provide an analytical framework for evaluating Laudato Si's potential soft law status. However, applying them to a religious document requires careful consideration of the Holy See's unique position in international law—a subject addressed in subsequent sections.

Limitations and Critical Perspectives

Despite its utility, soft law faces significant limitations:

- Accountability gaps: The absence of formal compliance mechanisms (Guzman & Meyer, 2010)
- Selective adoption: States may embrace soft law principles rhetorically while avoiding substantive implementation (Bodansky, 2015)
- Normative fragmentation: Proliferation of inconsistent soft law instruments may undermine coherence (Koskenniemi, 2007)
- Democratic deficits: Many soft law instruments emerge from technocratic or elite processes with limited public scrutiny (Kingsbury et al., 2005)

These limitations are particularly relevant when considering religious documents as potential soft law. The moral authority of religious texts may circumvent some accountability mechanisms while introducing new forms of legitimacy. This complex dynamic informs the subsequent analysis of Laudato Si's position within the soft law landscape.

*Laudato Si' as a Normative Text**Integral Ecology: A Foundational Normative Framework*

Laudato Si' introduces the concept of "integral ecology" as its central normative framework, proposing an indivisible linkage between environmental protection, social justice, human dignity, and spiritual wellbeing (Francis, 2015, para. 137). This framework transcends conventional environmental discourse by rejecting artificial separations between nature and society, economy and ecology, or human rights and ecological integrity. In Paragraph 137, Pope Francis explicitly states: "We are faced not with two separate crises, one environmental and the other social, but rather with one complex crisis which is both social and environmental." This holistic approach carries significant normative weight, challenging fragmented policy responses and advocating for systemic transformation (Jenkins, 2018).

The encyclical's normative structure operates on multiple interconnected levels:

1. Ethical-moral level: Articulating principles of stewardship, intergenerational justice, and preferential option for the poor (Himes, 2016)
2. Social-political level: Critiquing extractive economic models, consumerist cultures, and technological paradigms that disregard ecological limits (McGrath, 2017)
3. Spiritual-existential level: Reconnecting human flourishing with cosmic harmony and transcendental values (O'Connell, 2019)

Explicit Normative Claims and Their Legal Resonance

While framed in theological language, Laudato Si' makes claims that directly parallel emerging norms in international environmental and human rights law:

1. Right to a Healthy Environment: The encyclical repeatedly asserts that "access to safe drinkable water is a basic and universal human right" (LS 30) and that environmental degradation disproportionately affects the poor, thereby implicating rights to life, health, and an adequate standard of living (Boyd, 2022).

2. Intergenerational Equity: Paragraph 159 emphasizes that "the environment is a collective good, the patrimony of all humanity and the responsibility of everyone." This echoes the principle of intergenerational equity enshrined in instruments like the UN Framework Convention on Climate Change (Weiss, 2021).

3. Precautionary Principle: The text advocates for caution in technological development and environmental decision-making, particularly regarding genetic modification and geoengineering (LS 131, 133-134), mirroring the precautionary principle in international environmental law (Sands & Peel, 2012).

4. Common But Differentiated Responsibilities: While not using the precise terminology, the encyclical calls for developed nations to bear greater responsibility for addressing environmental problems given their historical contributions and current capabilities (LS 52, 170), aligning with the principle of common but differentiated responsibilities in climate law (Rajamani, 2021).

5. Participation and Transparency: The document emphasizes the need for inclusive decision-making processes, particularly involving indigenous communities and local populations in environmental governance (LS 146), reflecting procedural environmental rights in international law (Knox, 2020).

Normative Language and Rhetorical Strategies

The encyclical employs linguistic devices characteristic of normative instruments:

1. Deontic Modality: Frequent use of "must," "should," "ought to," and "it is essential that" establishes prescriptive expectations rather than mere descriptive analysis (Himes, 2016).

2. Universal Address: While formally addressed to "all people of good will," the text positions itself as speaking to multiple audiences simultaneously—states, international organizations, civil society, businesses, and individuals—thereby assuming a transnational normative voice (McGrath, 2017).

3. Legal and Scientific Referencing: The document incorporates references to international agreements, scientific reports (particularly from the IPCC), and papal social teaching, creating intertextual connections with established normative discourses (Jenkins, 2018).

4. Causal Attribution and Responsibility: Specific actors are identified as bearing particular responsibilities—states for regulatory frameworks (LS 177-181), corporations for ethical practices (LS 129), consumers for lifestyle choices (LS 203-208) (O'Connell, 2019).

The Holy See's Dual Authority: Religious and International Legal Status

The normative weight of *Laudato Si'* derives in part from the Holy See's unique position in international law. As a subject of international law with treaty-making capacity, observer status at the UN, and diplomatic relations with most states, the Holy See occupies a hybrid position between state and non-state actor (Reese, 1996). This dual status allows the encyclical to function simultaneously as:

- A religious teaching with moral authority over 1.3 billion Catholics worldwide (McGrath, 2017)
- A diplomatic document from an entity recognized in international law (Kunz, 1945)
- A contribution to global policy discourse from a permanent UN observer (Reese, 1996)

This positioning enables *Laudato Si'* to operate across multiple normative registers, potentially enhancing its influence in international forums while complicating its classification within traditional soft law taxonomies.

E. Systematic Structure as Normative Architecture

The document's organization follows a logical progression characteristic of legal and policy instruments:

1. Diagnosis: Analysis of the ecological crisis (Chapters 1-3)
2. Principles: Exposition of integral ecology (Chapter 4)
3. Guidelines: Proposed lines of approach and action (Chapter 5)
4. Implementation: Education, spirituality, and political framework (Chapters 6-7)

This structure moves beyond moral exhortation to provide a comprehensive framework for action, resembling the architecture of international action plans and policy frameworks (Himes, 2016).

Critical Tensions and Normative Ambiguities

Despite its normative ambitions, *Laudato Si'* contains tensions that may affect its reception as a normative instrument:

1. Universal Claims vs. Particular Foundations: The document grounds its arguments in Catholic theology while claiming universal validity, potentially creating tensions in pluralistic international settings (Jenkins, 2018).
2. Systemic Critique vs. Reformist Prescriptions: While offering radical criticism of dominant economic and technological paradigms, many proposed solutions remain within reformist frameworks, potentially limiting transformative potential (McGrath, 2017).
3. Moral Authority vs. Political Implementation: The encyclical provides moral direction but offers limited guidance on political trade-offs, institutional design, or enforcement mechanisms characteristic of legal instruments (O'Connell, 2019).

Comparative Positioning Within Papal Social Teaching

Laudato Si' represents both continuity and innovation within the tradition of Catholic social teaching. While building on earlier encyclicals like *Rerum Novarum* (1891) and *Centesimus Annus* (1991), it marks the first comprehensive treatment of environmental issues as central rather than peripheral to social justice concerns (Himes, 2016). This evolution positions the document at the intersection of religious ethics and global policy, potentially expanding its normative relevance beyond traditional Catholic audiences.

The encyclical's reception—both enthusiastic embrace and critical questioning—reflects its attempt to navigate these multiple normative dimensions. Its influence on subsequent developments, including the Vatican's inclusion in the Paris Agreement process and references in international forum statements, suggests its emerging role as a reference point in environmental governance, regardless of formal legal status.

Assessing Laudato Si' through the Lens of Soft Law

This section applies the criteria for soft law established in Section III to evaluate whether, and to what extent, *Laudato Si'* can be understood as a form of soft law within the international legal system.

Intent of the Drafters: Normative Aspiration versus Pastoral Purpose

The first criterion concerns whether the creators of an instrument intended to establish normative expectations. In the case of *Laudato Si'*, intent is complex and multilayered:

1. **Explicit Universal Address:** The encyclical opens with an appeal to "every person living on this planet" (LS 3), indicating a conscious move beyond internal Church teaching toward a global normative audience (Francis, 2015).
2. **Use of Prescriptive Language:** Throughout the text, imperative language ("we must," "it is essential," "there is an urgent need") signals an intention to guide conduct and shape choices, not merely to reflect or describe (Himes, 2016).
3. **Strategic Framing as Contribution to Global Dialogue:** Pope Francis positions the document as part of an "urgent dialogue... about the future of our planet" (LS 14), framing it as a constructive contribution to a transnational normative conversation rather than an exclusively theological statement (McGrath, 2017).

However, a counterargument exists: as an encyclical, its primary canonical purpose remains pastoral and doctrinal within the Catholic Church (Jenkins, 2018). The tension between its internal ecclesiastical function and its external normative ambition makes its "intent" hybrid rather than purely legislative.

Form and Language: The Architecture of a Normative Text

Soft law instruments often employ a structure and lexicon that mirror binding legal documents. *Laudato Si'* exhibits several such features:

1. **Structured Argumentation:** The document is systematically organized into chapters that diagnose problems, articulate principles, and propose lines of action—a format common in international policy frameworks and action plans (O'Connell, 2019).
2. **Incorporation of Extrinsic Authorities:** The encyclical extensively cites scientific reports (e.g., IPCC), international agreements, and statements from regional bishops' conferences, embedding itself within a wider intertextual network of authoritative sources (McGrath, 2017).
3. **Normative Vocabulary:** Terms like "right," "responsibility," "obligation," "justice," and "equity" are employed in ways that resonate with international legal discourse, particularly in human rights and environmental law (Boyd, 2022).

Nevertheless, its form remains that of a papal encyclical—a religious document rooted in scripture and theological tradition. It lacks the formal precision, articles, or numbered paragraphs typical of many soft law instruments like UN declarations or guidelines (Jenkins, 2018).

Institutional Context and the Holy See's Unique Legal Personality

The institutional origin of a text significantly affects its soft law potential. The Holy See is not a typical state, yet it possesses international legal personality, engages in diplomacy, and is a party to numerous treaties (Reese, 1996):

1. **Diplomatic Channels and UN Observer Status:** Following its release, the Holy See actively promoted *Laudato Si'* through its diplomatic network and in UN forums, including the COP21 negotiations leading to the Paris Agreement (McGrath, 2017).
2. **Treaty-Making Capacity:** The Holy See's ability to conclude treaties (e.g., the Paris Agreement, which it signed and ratified) means that its normative pronouncements come from an entity that participates in the creation of hard law (Kunz, 1945).

3. Hybrid Authority: The document derives normative weight from both the moral authority of the papacy and the quasi-state status of the Holy See, creating a dual source of influence uncommon for typical soft law instruments drafted by non-state actors (Reese, 1996).

Subsequent Practice: Reception and Mobilization

The most telling criterion for soft law is often its reception and use by relevant actors. Since 2015, *Laudato Si'* has been invoked in diverse international, national, and judicial contexts:

In International Forums:

- United Nations: The encyclical has been cited in speeches and debates at the UN General Assembly, Human Rights Council, and Climate Change conferences (UN News, 2015).
- Intergovernmental Organizations: UNESCO, FAO, and UNEP have organized events and published reports engaging with its themes (UNESCO, 2017).
- Paris Agreement Negotiations: While not formally incorporated, its ethical framing was acknowledged by several state delegations as influencing the moral atmosphere of the negotiations (Bäckstrand et al., 2017).

In Domestic Legal and Policy Contexts:

- National Legislation: References to *Laudato Si'* appear in parliamentary debates on environmental laws in several majority-Catholic countries (e.g., the Philippines, Italy, and parts of Latin America) (Peña, 2018).
- Judicial Citations: In a growing number of cases, litigants and **amici curiae** have cited the encyclical to support arguments regarding climate justice and intergenerational equity, notably in the **Philippines Human Rights Commission** investigation into carbon majors and in youth climate litigation in various jurisdictions (Setzer & Higham, 2021).

By Civil Society and Academic Institutions:

- NGOs and advocacy groups use the document to mobilize religious communities for environmental action (McGrath, 2017).
- Universities and research centers have established programs and courses centered on "integral ecology," institutionalizing its concepts within academia (Jenkins, 2018).

E. Normative Influence: Shaping Discourse and Behavior

Beyond citation, soft law is measured by its capacity to shape understandings, priorities, and conduct:

1. Discursive Impact: *Laudato Si'* has popularized the term "integral ecology" and strengthened the narrative linking environmental protection with social justice and human rights in global policy discourse (Himes, 2016).

2. Behavioral Influence: It has inspired concrete actions, including:

- Divestment Movements: Catholic institutions worldwide have begun divesting from fossil fuels, citing the encyclical as justification (Ansar et al., 2020).

- Grassroots Mobilization: The Global Catholic Climate Movement and other faith-based networks explicitly frame their activism around the encyclical's teachings (McGrath, 2017).

- Corporate and Financial Sector: Some ethical investment frameworks and corporate social responsibility policies now reference Laudato Si's principles (Richardson, 2020).

3. Normative Interplay: The encyclical's principles show signs of interaction with formal legal processes—for example, reinforcing arguments for the recognition of the human right to a healthy environment and the principle of intergenerational equity in international law (Boyd, 2022).

Limitations and Counterarguments

Despite these indicators, significant limitations challenge its classification as soft law:

1. Lack of Formal Endorsement by States: Unlike UN declarations or resolutions, Laudato Si' has not been adopted or endorsed through an intergovernmental process (Bodansky, 2015).

2. Ambiguous Compliance Mechanisms: It creates no monitoring body, reporting procedure, or review mechanism—common features of many soft law regimes (Guzman & Meyer, 2010).

3. Selective Adoption: Its influence is strongest within Catholic-majority contexts and certain civil society circles but remains marginal in secular or non-Western diplomatic settings (Jenkins, 2018).

4. Theological Foundation: Its ultimate grounding in Catholic doctrine may limit its perceived legitimacy as a universal normative instrument in a pluralistic international order (O'Connell, 2019).

Intermediate Conclusion: A Distinct Category of "Moral Soft Law"?

Applying soft law criteria yields a mixed but significant result. Laudato Si' exhibits substantial normative influence and performs many functions of soft law—framing issues, shaping discourse, mobilizing action, and informing legal argumentation. Yet it does so from a unique source of authority and through mechanisms distinct from typical intergovernmental soft law.

This suggests that it may represent a distinct category: "moral soft law" or "transnational normative persuasion." It operates in the penumbra of formal sources, leveraging moral and institutional capital rather than state consent to affect global governance. Its impact is real but channeled through social, religious, and diplomatic pathways rather than formal legal processes.

Implications for Human Rights and Environmental Governance

The preceding analysis reveals Laudato Si' as operating in a complex normative space between moral teaching and quasi-legal instrument. Its influence carries significant implications for the development and implementation of international human rights and environmental governance.

Contributions to International Environmental Human Rights Discourse

Strengthening the Moral Foundations of Environmental Human Rights

Laudato Si' provides a robust ethical framework that reinforces and expands the normative foundations of environmental human rights (Boyd, 2022). By framing ecological degradation as a "sin against creation" and a violation of human dignity, it imbues legal concepts like the right to a healthy environment with deeper moral urgency.

Advancing the Integration of Social and Environmental Justice

The encyclical's concept of "integral ecology" offers a powerful conceptual tool for advancing more holistic approaches to human rights protection (Jenkins, 2018). In international forums, this framework has been invoked to challenge fragmented policy responses and advocate for approaches that simultaneously address poverty, inequality, and environmental degradation.

Expanding Intergenerational and Ecological Justice Arguments

The document's strong emphasis on obligations to future generations and to creation itself has provided new rhetorical and ethical resources for climate litigation and advocacy (Setzer & Higham, 2021). Legal arguments in cases such as *Juliana v. United States* and advisory opinions before international tribunals have drawn upon the encyclical's moral reasoning to strengthen claims for intergenerational equity and the rights of nature.

Influence on International Institutions, States, and Civil Society

Institutional Engagement and Legitimization

The active reception of *Laudato Si'* by UN bodies demonstrates how religious normative texts can gain traction in international governance structures (UNESCO, 2017). This engagement creates new pathways for moral perspectives to influence technical and policy discussions.

State Practice and Diplomatic Mobilization

Several states have incorporated the encyclical's language into their diplomatic positions and national policies (Peña, 2018). The Holy See's use of its observer status at the UN to advance the document's principles illustrates how non-state normative instruments can enter interstate diplomacy through hybrid actors.

Civil Society Mobilization and Transnational Advocacy Networks

The encyclical has catalyzed unprecedented mobilization within religious communities, creating new alliances between faith-based organizations, environmental NGOs, and human rights advocates (McGrath, 2017).

Risks and Limitations of Relying on Religious Normative Texts

Selective Adoption and Instrumentalization

States and other actors may selectively invoke the encyclical's less controversial elements while ignoring its more challenging critiques (Bodansky, 2015). This "cherry-picking" could dilute the transformative potential of the text.

Pluralism and Legitimacy Challenges in Secular Forums

In international settings characterized by religious and cultural diversity, reliance on documents grounded in specific theological traditions may raise legitimacy concerns (Jenkins, 2018).

Accountability and Enforcement Gaps

Unlike formal soft law instruments developed through intergovernmental processes, *Laudato Si'* lacks associated monitoring mechanisms, reporting requirements, or review procedures (Guzman & Meyer, 2010).

Potential for Fragmentation and Parallel Normative Systems

The growing influence of religious normative texts could contribute to normative fragmentation in international law, particularly if different faith traditions develop competing or incompatible environmental ethics (Koskenniemi, 2007).

Broader Implications for the Architecture of Global Governance

Redefining Normative Authority in a Polycentric World

The case of *Laudato Si'* challenges traditional statist conceptions of norm creation, suggesting that in an increasingly polycentric global order, moral authority derived from non-state sources can achieve significant normative effects (Brunnée & Toope, 2010).

New Models of Transnational Norm Diffusion

The document's trajectory demonstrates innovative pathways for norm diffusion that bypass traditional state-centric channels (Keck & Sikkink, 1998).

The Role of Values-Based Discourse in Legal Development

The encyclical's influence suggests that explicitly values-based, ethically grounded discourse can play a constructive role in legal evolution, challenging prevailing positivist assumptions in international law (Finnemore & Sikkink, 1998).

Future Pathways and Research Directions

Institutionalizing Engagement without Co-optation

Future governance arrangements might develop more structured mechanisms for engaging with religious and moral perspectives while preserving the secular character of international institutions (Barnett & Finnemore, 2004).

Developing Hybrid Accountability Mechanisms

Civil society and faith-based networks might develop independent monitoring and reporting frameworks to track implementation of *Laudato Si'*'s principles (Richardson, 2020).

Comparative Analysis Across Religious Traditions

Further research could examine how other religious traditions are developing environmental ethics and normative frameworks (Tucker & Grim, 2017).

VII. Conclusion

This study has undertaken a critical assessment of Pope Francis' encyclical *Laudato Si'* through the lens of international law, with particular attention to its potential status and function as a form of soft law within the evolving landscape of human rights and environmental governance.

Summary of Key Findings

Soft Law Characteristics with Distinct Foundations

Laudato Si' exhibits significant attributes commonly associated with soft law but its normative authority derives from the moral and institutional capital of the Holy See rather than state consent, placing it in a hybrid category of "moral soft law" or "transnational normative persuasion."

Substantive Contribution to Environmental Human Rights

The encyclical's core contribution lies in its robust articulation of "integral ecology," strengthening the moral and conceptual foundations of the right to a healthy environment and enriching climate justice discourse.

Pathways of Influence Beyond Formal Legal Channels

Laudato Si' has exerted normative influence primarily through discursive, diplomatic, and mobilizational pathways rather than formal legal incorporation.

Persistent Limitations and Risks

Despite its influence, the encyclical faces inherent limits as a soft law instrument: it lacks formal endorsement by states, is grounded in a particular religious worldview, and offers no compliance or monitoring mechanisms.

Reflections on the Boundaries Between Moral Authority and Legal Normativity

This case study illuminates deeper tensions within international law concerning the sources of normative authority in a fragmented, polycentric global order. Laudato Si' challenges the traditionally state-centric and positivist orientation of international legal theory by demonstrating how moral and religious voices can generate normative effects that complement, critique, and occasionally reshape formal legal processes (Brunnée & Toope, 2010).

Implications for the Future of International Environmental Human Rights Law

Looking forward, the experience of Laudato Si' offers several insights:

1. The Value of Ethical Enrichment: Legal frameworks benefit from being underpinned by strong ethical narratives (Finnemore & Sikkink, 1998).
2. The Importance of Inclusive Normative Dialogue: There is growing openness to diverse sources of wisdom in global governance (Barnett & Finnemore, 2004).
3. The Need for Hybrid Governance Models: Addressing planetary crises may require hybrid governance models that strategically combine hard law, soft law, moral persuasion, and grassroots mobilization (Abbott et al., 2000).

Directions for Future Research

This study opens several avenues for further scholarly inquiry:

1. Comparative Studies of other religious or philosophical documents to assess whether Laudato Si' represents a unique case or part of a broader trend (Tucker & Grim, 2017).

2. Empirical Research tracking the long-term impact of the encyclical on national legislation, judicial decisions, and corporate behavior (Setzer & Higham, 2021).
3. Theoretical Exploration of how international legal theory might formally accommodate normative instruments emanating from moral and religious authorities (Koskenniemi, 2007).
4. Policy-Oriented Analysis of how international institutions can develop structured, critical, and productive engagement with such texts (Bodansky, 2015).

Concluding Remarks

Laudato Si' cannot be neatly classified as soft law in the conventional sense, yet it undeniably performs soft law-like functions in the realm of environmental human rights. Its significance may ultimately reside not in its categorization, but in what it reveals about the evolving nature of normative authority in an era of ecological urgency. As the international community struggles to translate scientific warnings into effective action, moral voices—rooted in deep traditions of justice, solidarity, and stewardship—are playing increasingly visible roles in shaping the norms that govern our common home.

The encyclical reminds us that law does not operate in a moral vacuum. While international law must maintain its secular, consensual, and procedural foundations, it can also remain open to ethical insights that strengthen its capacity to protect both people and planet. In this sense, *Laudato Si'* stands as both a challenge and an invitation: a challenge to rethink the sources of normative authority in a plural world, and an invitation to build a more integrated, equitable, and ecologically conscious global legal order.

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