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Economic assumptions of the Ecological State: looking for sustainability

Pressupostos econômicos do Estado Ecológico: buscando a sustentabilidade

Ana Stela Câmara*

Centro Universitário Christus (Brasil)

emailastela@gmail.com

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Abstract

Although many efforts were taken until now, the fact is that environmental questions are still challenging governments and civil society, what is evidenced by the continuous tendency of pollution's growth, depletion of resources and loss of biodiversity. Considering that considering that anthropocentric conduct, reflected particularly by capitalism, as economic system, and industrialism, as production method, would have led to this disastrous and generalized level of environmental degradation, Klaus Bosselmann has

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* Professora do Centro Universitário Christus (Fortaleza-CE, Brasil). Doutora em Direito pela Universidade Federal do Ceará. Membro da Associação Brasileira de Professores de Direito Ambiental - APRODAB. E-mail: emailastela@gmail.com

purposed the Ecological State, a theoretic model of State (re)organization, ethically based on ecocentrism. The present work intends to introduce the economic assumptions of the Ecological State, to understand in which way it can contribute to improve the notion of strong sustainability. The study points out that economic modern standards, seen as dogmas, are a difficult obstacle to changes and brings some of Tim Jackson's purposes to reach prosperity without growth to a democratic transition to an Ecological State. The methodological approach is qualitative, pure and the main source of research is bibliographical.

Keywords: State; Ecological State; sustainability; strong sustainability; ecocentrism.

Resumo

Embora muitos esforços tenham sido realizados até agora, o fato é que as questões ambientais ainda desafiam os governos e a sociedade civil, o que é evidenciado pela contínua tendência de crescimento da poluição, esgotamento de recursos e perda da biodiversidade. Considerando que as condutas antropocêntricas, refletidas particularmente pelo capitalismo, como sistema econômico, e o industrialismo, como método de produção, teriam levado a um desastroso e generalizado nível de degradação ambiental, Klaus Bosselmann propôs o Estado Ecológico, um modelo teórico de (re)organização do Estado, eticamente baseado no ecocentrismo. O presente trabalho pretende introduzir os pressupostos econômicos do Estado Ecológico, para compreender em que medida este pode contribuir para ampliar a noção de sustentabilidade forte. O estudo aponta que os padrões econômicos modernos, vistos como dogmas, são difíceis obstáculos para mudanças e traz algumas das propostas de Tim Jackson para alcançar prosperidade sem crescimento para uma transição democrática para o Estado Ecológico. A abordagem metodológica é qualitativa, pura e a principal fonte de pesquisa é bibliográfica.

Palavras-chave: Estado; Estado Ecológico; sustentabilidade; sustentabilidade forte; ecocentrismo.

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1. Introduction

Even though environmental policy and legislation are aimed to safeguarding human life, discoveries about the complex system of life organization increasingly strengthen the need for integrative thinking.

Increasing awareness about the organizational principles of ecosystems and ecological literacy are indispensable for sensitizing ecological problems in the context of socioeconomic and political organization, proving indispensable for the survival of humanity in the coming decades.

The limitation of the anthropocentric model has been evidenced by the continuous tendency of pollution's growth, depletion of resources and loss of biodiversity. Although many efforts were taken until now, the fact is that environmental questions are still challenging governments and civil society.

In this sense, Klaus Bosselmann has purposed the Ecological State¹, a theoretic model of organization ethically based on ecocentrism. According to this author, while traditional environmental protection (Environmental State) focuses on the human well-being, the Ecological State considers, simultaneously, the relevance of the human and the nature's well-being, recognizing the latter's intrinsic value, independently from the human condition, assigning, then, to the State, the duty to protect all forms of life. Thereafter, the differences between the two models are significant, not gradual and truly paradigmatic².

The ecocentrism emerged in the 1980s decade from concerns about the aggravation of the ecological crisis, being then considered that the latter's main causes derived from man's selfish and self-centered behavior – generated and propagated throughout over 2,500 years of prevalence of the European culture, philosophy, economy, production method, science and theology – and, also, from the realization that the proposals and measures based on anthropocentrism have been inefficient in reversing the complex setting of environmental damages provoked by this world view (BOSELDMANN, 1995, p. 7)³.

¹ Cf.: BOSELDMANN, 1995; CÂMARA, 2017.

² "The eco-constitutional state differs significantly from a state merely committed to the rule of law (Rechtsstaat), on the one hand, and environmental protection (Umweltstaat) on the other. Rather, both must be seen as mutually reinforcing and together defining the state. Such an integrating view in stark contrast to the traditional liberal idea of the state (perceived to be "neutral"). Most strikingly, the liberal concept of the rule of law/Rechtsstaat has its focus on the well-being of humans, whereas the ecological concept of the rule of law/Rechtsstaat has its focus on the well-being of humans and nature. The difference between both models is not merely gradual, but paradigmatic (...)" (BOSELDMANN, 2012, p. 23).

³ This reasoning is very close to that developed by Boaventura de Sousa Santos, which leads him to see that the environmental crisis that we witness today, in fact, is also a civilizational crisis. Cf.: SANTOS, 1999.

In this context, the present work intends to introduce the economic assumptions of the Ecological State, to understand in which way it can contribute to improve the notion of strong sustainability, since the ecological element is not a simple aspect from sustainable development concept, but rather an assumption of its existence (BOSELNANN, 2015, p. 56).

The methodological approach is qualitative, pure and the main source of research is bibliographical.

2. Challenging economic standards

Regarding the modern standards in effect, maybe the major incompatibility with the theorization of an Ecological State derives from economic factors. In this sense, Klaus Bosselmann manifests:

The constitutional level is one of the preferred platforms on which goals and values are negotiated. But that does not mean that it is the central stage. Whether the economy can be curbed is first decided elsewhere [...] then neither social revolts nor legal norms will be good enough if taken on their own. In legal and state instances the criteria are expressed more clearly than anywhere else, according to which the economic process should develop. We have already shown that they are gradually changed by the ecocentric ethic (BOSELNANN, 1995, p. 220-221).

In terms of fundamentals for Bosselmann's objections to the economic actions, there is, firstly, the secularization process brought forth in modernity, in which the practice of economic activities starts being guided by its own logic and rationality.

The race towards the accumulation of wealth and profitability within the capitalist system spreads and readily causes new needs to appear⁴, to the point where the unlimited growth of economy is defended.

This guideline goes further and deeper and complexes with the development of industrialism, which intensifies the amount of fabricated

⁴ One example of this is the way that the mercantilism develops in France. As that country did not have, contrary to Portugal and Spain, many colonies to exploit raw materials, they began to employ creativity and workforce in the development and improvement of luxury goods and thus obtain the said metal by other means. Cf.: (HUGON, 1995).

merchandise, reduces the time in which they are produced, reduces the amount of required workers, making them alienated in the structure of the production process and ever more dependent on machines.

In this sense, Bosselmann is inspired by the thought of Herbert Marcuse, according to who one of the most disturbing aspects of the industrial society would be “the rational character of its irrationality” (1973, p. 29) (free translation).

That is because the system of created truths and needs causes the individuals in it to be reflected in such a fashion that the concept of alienation itself may be questionable: that is “when the individuals identify themselves with the existence that is imposed to them and find in it their own development and satisfaction” (MARCUSE, 1973, p. 31) (free translation), which caused the modern industrial man to be declared as the “unidimensional man” (free translation).

In this context, the production techniques are diversified, the technologies are multiplied and consumption reaches unprecedented levels. Continuous movements of product upgrading are created in innumerable and successive versions, each one supposedly more efficient to their self-proposed function, and, in parallel, there is the occurrence of seasonal movements, in which products from previous models – notwithstanding their perfect functioning or reutilization conditions – are rapidly devaluated, a phenomenon named as planned obsolescence, in respect to function, quality and desirability (PADILHA, 2013).

Although industrialism and many of its environmentally undesirable economic consequences reported here are interweaved to the very rise and development of capitalism, it is also needed to advert that the socialist experiences were not immaculate of harms occasioned by such production method, such as the illusion of infinite growth (DALLAPENNA, 2010).

This scenario of dominance by industrialism is impracticable for the preservation of the environment, even from an anthropocentric point of view and all the more with the adoption of an ecocentric ethical paradigm.

In order to reverse this logic of unsustainability, it is necessary to reduce the immense overload of the industrial system, which has occasioned irreparable losses in ecosystems and exceed their capacity of recovery and absorption⁵.

⁵ As an example, according to The Worldwatch Institute, humans have used about 10 times more energy during the twentieth century than in the previous thousand years. Coal mining, for example, which was approximately 10 million tons in 1800, increased to 4,130 million tons in 2013. Production of metals,

In the present context, “all the technical solutions for the protection of the environment combined are not enough to reduce the amount of energy and material deployment” (BOSELNANN, 1995, p. 222).

For the above mentioned reasons, Bosselmann vehemently affirms that the Ecological State cannot be founded on free market, neither would it constitute a state of planned economy. From that, this author concludes that the modern economic standards are incompatible with an Ecological State: thus, it is necessary to overcome the industrial production method and the capitalist and socialist economic systems.

Therefore, Bosselmann proposes, in face of so many uncertainties that mar the vision of the future, not a closed model, but an open one, which may allow the appreciation, based on a strong critique towards the ingenuous predictions of unlimited economic growth, founded on the combat to industrialism, of the construction of something new and different, which brings relevance to an association of his thinking to the sayings of Edgar Morin on the challenges of fabricating the method of knowledge: “here we have to accept walking without a path. To make our way as we walk” (1991, p. 23) (free translation).

However, that does not mean that this course would be taken by adventurers to their own fate; actually, it would be necessary to establish criteria and objectives to be watched over during this process of ecologization of the State, the Law and of policies.

3. Economic assumptions in Ecological State: a new dawn

In this sense, Bosselmann starts raising the assumptions for his Ecological State. He initially defends the need to adopt *the economic decrease* as ecologically viable organizational alternative (BOSELNANN, 1995).

With that, his thinking approximates to those of authors such as Nicholas Georgescu-Roegen and Herman Daly⁶. The first one lays critiques

which was 30 million tons in 1900, increased to 1.7 billion tons in 2013. More than 150,000 chemical compounds have been synthesized since 1900, a market which in 1970 reached 171 billion dollars and until 2010 increased to 4.1 trillion dollars. About 179 million tons of synthetic fertilizers (including agrochemicals) were used in agriculture in 2013, compared to 4 million in 1940. Air pollution has increased significantly, with about 1 billion cars circulating in 2013 (in 1950 they were 8 million). Cf.: THE WORLDWATCH INSTITUTE, 2015.)

⁶ For further information on the subject, Cf: DERANI, 2009.

to the neoclassic economy⁷ for the fact that it represents the economic processes “in a circular diagram, which binds the back-and-forth movement of production and consumption in a completely closed system” (1995, p. 40)⁸.

Georgescu-Roegen and his followers judge this perception as mistaken, given the teachings of Thermodynamics⁹, whose laws point

⁷ “The framework of neoclassical economics is easily summarized. Buyers attempt to maximize their gains from getting goods, and they do this by increasing their purchases of a good until what they gain from an extra unit is just balanced by what they have to give up to obtain it. In this way they maximize “utility”—the satisfaction associated with the consumption of goods and services. Likewise, individuals provide labor to firms that wish to employ them, by balancing the gains from offering the marginal unit of their services (the wage they would receive) with the disutility of labor itself—the loss of leisure. Individuals make choices at the margin. This results in a theory of demand for goods, and supply of productive factors. Similarly, producers attempt to produce units of a good so that the cost of producing the incremental or marginal unit is just balanced by the revenue it generates. In this way they maximize profits. Firms also hire employees up to the point that the cost of the additional hire is just balanced by the value of output that the additional employee would produce. The neoclassical vision thus involves economic “agents,” be they households or firms, optimizing (doing as well as they can), subject to all relevant constraints. Value is linked to unlimited desires and wants colliding with constraints, or scarcity. The tensions, the decision problems, are worked out in markets. Prices are the signals that tell households and firms whether their conflicting desires can be reconciled. At some price of cars, for example, I want to buy a new car. At that same price others may also want to buy cars. But manufacturers may not want to produce as many cars as we all want. Our frustration may lead us to “bid up” the price of cars, eliminating some potential buyers and encouraging some marginal producers. As the price changes, the imbalance between buy orders and sell orders is reduced. This is how optimization under constraint and market interdependence lead to an economic equilibrium. This is the neoclassical vision. Neoclassical economics is what is called a metatheory. That is, it is a set of implicit rules or understandings for constructing satisfactory economic theories. It is a scientific research program that generates economic theories. Its fundamental assumptions are not open to discussion in that they define the shared understandings of those who call themselves neoclassical economists, or economists without any adjective. Those fundamental assumptions include the following: 1. People have rational preferences among outcomes. 2. Individuals maximize utility and firms maximize profits. 3. People act independently on the basis of full and relevant information. Theories based on, or guided by, these assumptions are neoclassical theories”. Cf. WEINTRAUB.

⁸ Free translation (la représentation dans les manuels courants du processus économique par un diagramme circulaire enfermant le mouvement de va-et-vient entre la production et la consommation dans un système complètement clos).

⁹ Luiz Fernando Krieger Merico states, briefly, that the two laws of Thermodynamics can be expressed in a single sentence: “The total energy of the universe remains constant and the entropy of the universe tends continuously to the maximum” (free translation). The author goes on to explain that the first law of Thermodynamics is popularly known as the law of conservation of matter/energy. “Considering an automobile, it is found that the energy contained in the gas is equal to the work done by the engine, plus the heat generated, plus the energy from the exhaust products. Nothing is destroyed, but transformed” (free translation). Thus so happens to the matter and energy in the life cycles and the industrial production. If the existence and functioning of energetic processes were just like that, there would be no problems. After all, it would be possible to use and reuse the same energy infinite times. However, it is not really the case, because there is still the second part of the sentence set out above, which significantly limits the amount of energy available for use in the universe. The sources of energy available on the Earth come primarily from the Terrestrial stock and solar energy. The first consists of renewable resources on a human time scale, such as biomass, and on a geological time scale, such as minerals and oil, which need to be treated as non-renewable. All these resources are limited, including renewable ones, which, depending on the level of exploitation, may be treated as non-renewable resources. Solar energy, in its turn, which is practically unlimited, can also be considered limited,

towards the existence of an open energetic cycle, in which the potential of available energy for usage is finite, even in respect to said renewable sources.

So, even though it is indispensably relevant to debate on the need of improvement of the energetic efficacy in the productive processes, or that the incontestable advance in technologies that allow greater utilization of raw materials is recognized, in reality, such measures would not be enough to guarantee growth *ad infinitum*.

These notions relating to an inexorable physic and ecological limitation to the economic activities are disregarded, underrated or unexplained in the neoclassic economy's analyses.

If the enlightenment by Thermodynamics regarding the natural world's functioning were accepted, there would be direct implications in the understanding of what is sustainability, leading to the indispensability of adaptations in the economic theories and in the public policies, so that it may really be possible to prolong the existence of life to its maximum [non human and human] with quality.

To Clóvis Cavalcanti, brazilian economist and adept of this line of thought, it is not a catastrophic or pessimistic perception of reality. Quite conversely, "it allows the design of a developmental process without frenetic and illusory proposals of expansion of the economic scale" (1996, p. 328) (free translation).

Adopting these lessons by Nicholas Geogescu-Roegen, Herman Daly, who is considered to be one of his main pupils, demonstrates the distinctions between the concepts of growth and development, categorically affirming that the latter is not subordinate to the former.

In this sense, this thinker establishes a conceptual distinction between economic growth and development, from the presupposition that those who identify equivalence between sustainable economy and economic growth dodge the debate about the biophysical limits of growth, imbuing a rhetorical and unsubstantiated trait to the expression "sustainable" (DALY, 2007, p. 14).

according to the rates and standards of arrival to the Earth. The increase in entropy, the energy dissipated or scattered reduces the total amount of available energy. The industrial production process, if examined from a purely physical perspective, transforms low entropy into high entropy, a phenomenon which is usually accompanied by toxic emissions and all sorts of polluting waste. It can be seen, therefore, that the increase in entropy, although inevitable, is not a phenomenon that is desired to be accelerated from the ecological point of view. Cf. MERICO, 1996.

In this way, he identifies that, to the notion of development, inversely as to the notion of growth, it is possible to assign and desire from it a character of limitation, because:

Clearly there are physical limits to growth of the economic subsystem. Perhaps welfare and happiness, which are experiences not things, can increase forever if based on qualitative improvements (development) rather than in quantitative increase (growth) in the throughput of matter-energy. The problem is growth, not development (DALY, 2017, p. 2).

The description of the scenario of mismatch of the economic order in face of the construction of an Ecological State, therefore, is based on criticism aimed at the unlimited economic growth and to the industrial model of production.

Interestingly, each one of these factors, by themselves, bring negative repercussions to the protection of the environment. When jointly considered, they intensify one another, increasing the challenges through the path to the environment's healthiness.

In this sense, Herbert Marcuse observes:

In contemporary times, the conquest over scarcity is still limited to small sectors of the developed industrial society. Its prosperity cloaks the inferno inside and outside its borders; it also disseminates a repressive productivity and "false needs". [...] The standard of life achieved in the most developed areas does not constitute an appropriate model of development if the purpose is pacification. In face of what this standard has done to Man and to Nature, it must be once more questioned if it is worth the sacrifices and the victims done in its defense (MARCUSE, 1973, p. 222-223) (free translation).

The author calls, then, for a rational examination of the economic [dis] organization of this civilizational model, which has caused harmful consequences not only to the environment, but also to many spheres of social politic relations.

In this sense, Herman Daly makes a few provocations:

How big can economy possibly be before it overwhelms and destroys the ecosystem in the short run? We decided apparently to do an experiment to answer that question empirically! [...] If we were true economists we would stop throughput growth before the extra environmental and social costs that it causes exceed the extra production benefits. [...] Once growth becomes uneconomic at the margin it begins to make us poorer, not richer (DALI, 2009, p. xii).

While some data are more optimistic and others more pessimistic, although it is possible to envisage the development of techniques and methods which provide a better use of existing resources, the fact is that we are before the existence of actual, material, feasible and inexorable limits and, every day, they become more apparent.

In this context, the very concern occasioned by the Malthusian predictions with the population explosion and the accompanying inability of food production no longer makes sense from the moment it is realized that, while the population of the planet is six times greater than the time when Malthus lived, the economy - including therein the food production sectors, among many others - grew sixty-eight times. If this pace lasts, the volume of economic activities will be eighty times higher in 2100 compared to 1950 (JACKSON, 2009).

Another example that the situation is bumping up against limits relates to climate change. It is estimated that, despite all efforts to combat the use of Greenhouse Gases (GHG), its use has increased by forty percent since 1990, which means that to avoid the increase in temperature of two Celsius degrees, as it was considered essential in the closing Conference of the Parties - COP of the UN Framework Convention on Climate Change, eighty-five percent of emissions need to be cut off by 2050. Thus, this goal seems increasingly difficult to achieve.

Also in that same direction, other serious evidences are pointed out as related to major biodiversity losses, such as the one indicating degradation or excessive use of sixty percent of the ecosystems' resources around the world since the mid-twentieth century.

Moreover, as known from the systemic understanding of the operation of the biosphere, these damages cause synergistic effects, which

intensify each other and are able to produce other unexpected effects in the medium and long term.

Before that, the belief in the ideology of progress, in man as protagonist, master, intervenor and changer of his surrounding world and achiever of its ingenuity and dreams, these are representations that appear to be utopian, illusory, naive or superficial, when placed facing one of the assumptions of any political or social organization, which is the notion of continuity, perpetuity, of prolongation in time.

As well explicated by Michel Serres (1990, p. 19), in a context of so many risks:

We need to anticipate and decide; to bet, therefore, that our models can be used to hold the two opposite theses. If we consider our actions as innocent, we will not gain anything. History will, as always, move forward; but if we lose, we lose everything, without preparing for any possible catastrophe. But if, in reverse, we chose our responsibilities: if we lose, we lose nothing; but if we win, we win everything, we continue to be the actors of history. Nothing or loss in one hand, winning or nothing on the other: thus are removed all doubts (free translation).

So that, in this context, winning becomes effectively possible, it is necessary that the organization of economic activities grounded on the claim of infinite growth be rethought as a whole.

In this sense, there are contributions of some economists, such as the previously mentioned Nicholas Georgescu-Roegen, Herman Daly, Clovis Cavalcanti and also the professor at the University of Surrey, Tim Jackson, who, in his book "Prosperity without growth" brings some relevant contributions to the examination of the issue that is now being discussed (2009).

In face of the material limits to growth, Jackson suggests that an economic policy of transition to strong sustainability must involve a review of the macroeconomic framework around a worldwide "Green New Deal" (JACKSON, 2009), without ignoring the wide disparities in wealth between countries.

He explains that natural capital must be included as an economic variable and, hence, there must be a relativization or revision of the Gross Domestic Product as gauging parameter of wealth by nations.

Moreover, he argues that the stabilization of the volume of economic activities and the decrease should happen planned and slowly, so that the economy can in fact take into account social and ecological aspects, monitoring factors such as unemployment, poverty, greenhouse gases emission and urban mobility.

In this scenario, unemployment must be fought by the division of existing work by the number of people who need to work. In other words, it advocates the reduction of the weekly working hours.

Jackson notes that some countries have come to adopt this measure, which, however, needs, to be successful, a relatively stable income distribution, to avoid social chaos. Thus, should be accompanied by the establishment of a minimum wage for citizens, so that, at the same time, poverty is also targeted (JACKSON, 2009).

Another essential requirement for the achievement of a sustainable macro-economy is the transition from fossil energy sources to renewable sources. It requires a new ecology for investments, which should also take into account elements such as productivity, clean technologies, green businesses, climate adaptation and improvement of ecosystems.

For this strategy to be viable, the pace of investments cannot be too slow, failing to exhaust the available natural resources, nor too fast, to the point of causing is a very profound economic downturn, disabling the continuity of quantity of investment needed to complete the transition.

The role of consumption as a driver of production must also be relativized. This is a task that goes far from easy, mainly because of the power of communication that these consumer goods yield.

But there needs to actually be a work to rescue the idea that prosperity cannot be simply related to economic and material factors, but that it is well beyond that, involving psychological, sociological, philosophical and spiritual aspects, which, altogether, give deeper meaning to existence and thus are able to moderate the effects of an economic recession.

In this sense, Jackson dialogues with streams of contemporary philosophers and psychologists who offer alternatives to hedonism and comes to identify that the lifestyle grounded on consumption and strict materialism feeds values like popularity, appearance and financial success, which are opposed to intrinsic values essential for the well-being, and

therefore constitutive of prosperity, such as self-acceptance and a sense of belonging to a given community (2009).

The evidences from studies of these streams are in the sense that human beings can flourish, reach their potentials, be happy in an ecologically viable environment and with economic limits.

These initiatives tend to be most successful when they receive the support of a community. And we must find room to measure these aspects in the macroeconomic indicators.

There are already some communities, spiritually guidance or otherwise, that propagate a simpler life ideal¹⁰. However, they are movements seen by some as marginal, by others as avant-garde, which do not yet have sufficient expressiveness in the global context.¹¹

Jackson recognizes that the media and even governmental appeals to stimulate the consumer society will not make that an easy task and that this decision cannot be brought merely to the individual sphere.

In this sense, he lists two essential measures to revert the current logic: to correct the incentives for the unproductive and unsustainable competitive status and the second, to establish new structures so that people can fully participate in the social life in a less materialistic manner¹².

In this context, the State must play a fundamental role, intervening on the fronts that are necessary to contribute for the improvement of the sustainability indexes¹³. That because the very figure of State becomes

¹⁰ Some examples are the Ecovillages, governed by common principles of respect to ecology, promotion of organic agriculture and alimentation, use of alternative technologies and energy resources, alternative money, ecological architecture, permaculture, social integration, development of spirituality and search for sustainable development. Cf.: BRAUN, 2005.

¹¹ "It's a possibility that has already been explored to some extent from within modern society. Against the surge of consumerism, there are already those who have resisted the exhortation to 'go out shopping', preferring instead to devote time to less materialistic pursuits (gardening, walking, enjoying music or reading, for example) or to the care of others. Some people (up to a quarter of the sample in a recent study) have accepted a lower income so that they could achieve these goals. Beyond this 'quiet revolution', there have also been a series of more radical initiatives aimed at living a simpler and more sustainable like. 'Voluntary simplicity' is at one level an entire philosophy for life. It draws extensively on the teachings of the Indian cultural leader Mahatma Gandhi who encouraged people to 'live simply, that others might simply live'". Cf.: JACKSON, 2009, p. 148-149.

¹² Interesting, in this regard, to note that Fritjof Capra explains that cooperative and collaborative behavior in nature is much more common and essential to the balance of ecosystems than competitive behavior. Cf. CAPRA, 1996.

¹³ Jackson sought to overcome the controversy surrounding more or less interventionist prospects, calling attention to the fact that in difficult times, as happened at the time of the economic crisis of 2008, there remained no alternative but State intervention. Thus, just as the State is responsible for the economic stability, there is no plausible reason for it not to do so in regard to sustainability. Cf.: JACKSON, 2009.

meaningless when disconnected from the notion of permanence and preservation of its own constituent elements.

For that, it is important to avoid contradictory measures and what Jackson denominates “institutional schizophrenia”:

There is a real sense here of institutional schizophrenia. On the one hand, government is bound to the pursuit of economic growth. On the other, it finds itself having to intervene to protect the common good from the incursions of the market. The state itself is deeply conflicted, striving on the one hand to encourage consumer freedoms that lead to growth and on the other to protect social goods and defend ecological limits (JACKSON, 2009, p. 167).

Thus, it is clear that State actions need to be better coordinated and keep more consistency with each other, around the common goal of sustainability.

Among the relevant interventionist strategies, those that enable the internalization of environmental costs, such as a large green tax reform, stimuli to fiscal and financial prudence, the combat against scheduled and perceptive obsolescence in the productive system and also the targeting of investments for the creation and improvement of green public spaces for leisure, the expansion of eco-efficient public transportation conditions, the environmental education, the restriction of advertisements that encourage consumerism, especially those targeted at children, among others, stand out.

Specifically for developing countries¹⁴, Jackson points to the need to create opportunities for investments and technology transfer that enable a

¹⁴ The author uses the term "developing countries", which brings a number of reflections, among which we would like to comment on some. On the one hand, Celso Furtado shows that the underdeveloped countries will never reach the level of the so-called developed countries, because the richness of these ones is only possible, in part, because of the exploitation of the formers, in a work entitled as "The myth of economic development", which turns it extremely reasonable to use the term "underdeveloped" rather than "developing". On the other hand, the use of the term "developing" could be fully admitted, if it were clearly established the distinction between simple economic growth and the notion of development, which involves, as seen above, a number of other indicative aspects of human well-being. Still, it is hard not to remember Nicholas Robinson's stand, an emeritus professor of Environmental Law at Pace University in New York that started the coordination of the work presentations session in which we participated in the Rule of Law for Nature - Environmental Law Conference, at the University of Oslo, in 2013, with the thought-provoking question: "Aren't we all developing countries?", to remember that, although there are major differences, all countries are developing, especially if we consider that none, so far, has achieved full degree of sustainability. Cf.: FURTADO, 1974.

more sustainable economic growth, considering the parameters of energy efficiency, renewable energy matrices, efficiency in the use of natural resources, biodiversity protection and carbon stocks.

In this passage, Jackson, in a line of thought that dialogues with the ideas of Michel Serres, listed in the previous section, mentions the need to reassess the idea of social contract, always advocating for a meticulous work to be carried out through the democratic ways.

4. Conclusion

One of the aspects certainly most difficult to the adhering to the Ecological State is Bosselmann's refuse to defend the economic growth.

This is because, at present, economic growth is eagerly sought by virtually the entire international community, in a way that it can be considered a true economic dogma of our times, around which is deposited faith, security and stability for the days to come.

Therefore, it is commonplace that the thinkers who dare to question the economic growth are accused of an irresponsible and unworkable utopia that could ruin the whole civilizational project that has been built since the beginning of modernity.

However, although we seem to be before a process of cultural change in many aspects irreversible, which causes threats to the current lifestyle, largely based on consumption, to be strongly curbed or disqualified - especially in times of economic crisis - and while recognizing that because of the deep level of internalization of such ideas, it is indeed a difficult hurdle to overcome, it must be admitted that there are strong evidences of limits' exhaustion reached by the exploitation of many renewable and non-renewable natural resources separately considered, as well as the vulnerability of entire biomes facing the ecological imbalances.

Thus, it is clear that, in fact, the idea of an Ecological State is an invitation for an ecosystemic look upon the state. It is the projection of a new civilizational proposal, which necessarily implies a complete but gradual shift of the economic activities, these which will depend on the political will for the implementation of a transition program.

The starting point for this trial, therefore, are the real States, with their real Constitutions, home, in themselves, of the fundamental rights

and guarantees arising from the revolutionary French bourgeois tradition, with all the contradictions and weaknesses inherent to capitalism.

From the moment in which there is, thence, an established democratic constitutional order and it recognizes the right to the environment as a fundamental right, it is possible to investigate to what extent this theoretical model is fit to be fulfilled or not.

References

BOSELMMANN, Klaus. **Grounding the Rule of Law** – In memoriam of Staffan Westerlund. Speech at the Rule of Law for Nature – Environmental Law Conference. University of Oslo, Oslo, Norway, 2012. Keynotes pressed by University of Oslo, May 2012.

BOSELMMANN, Klaus. **O princípio da sustentabilidade: transformando direito e governança**. São Paulo: Revista dos Tribunais, 2015.

BOSELMMANN, Klaus. **When two worlds collide: Society and Ecology**. Auckland: RSVP Publishing Company Limited, 1995.

BRAUN, Ricardo. **Novos paradigmas ambientais**. 2. ed. Petrópolis: Vozes, 2005.

CÂMARA, Ana Stela. Ecological State and Ecocentrism: introductory parameters for sustainability according to Klaus Bosselmann. **Revista de Direito Econômico e Socioambiental**, Curitiba, v. 8, n. 2, p. 92-113, maio/ago. 2017.

CAPRA, FRIJOF. **A Teia da Vida: uma nova compreensão científica dos sistemas vivos**. São Paulo: Cultrix, 1996.

CAVALCANTI, Clóvis. Desenvolvimento e respeito à natureza: uma introdução termodinâmica à economia da sustentabilidade. In: FERREIRA, Leila; VIOLA, Eduardo (org.). **Incertezas de sustentabilidade na globalização**. Campinas: Editora da UNICAMP, 1996.

DALY, Herman. **Ecological economics and sustainable development: Selected essays of Herman Daly**. Massachusetts: Edward Elgar Publishing, Inc., 2007.

DALY, Herman. Forewords. In: JACKSON, Tim. **Prosperity without growth: Economics for a finite planet**. London: Earthscan, 2009.

DELLAPENNA, Joseph W. Behind the red curtain: environmental concerns and the fall of communism. In: ENGEL, Ronald J.; WESTRA, Laura; BOSELMMANN, Klaus (ed.). **Democracy, ecological integrity and international law**. Cambridge: Cambridge Scholars Publishing, 2010.

DERANI, Cristiane. **Direito Ambiental Econômico**. 3. ed. 2.tir. São Paulo: Saraiva, 2009.

FURTADO, Celso. **O mito do desenvolvimento econômico**. 2. ed. Rio de Janeiro: Paz e Terra, 1974.

GEORGESCU-ROEGEN, Nicholas. **La décroissance**. 2. ed. Paris: Sang de la terre (Édition électronique), 1995.

HUGON, Paul. **História das doutrinas econômicas**. 14. ed. São Paulo: Atlas, 1995.

JACKSON, Tim. **Prosperity without growth: Economics for a finite planet**. London: Earthscan, 2009.

MARCUSE, Herbert. **A ideologia da sociedade industrial: o homem unidimensional**. 4. ed. Rio de Janeiro: Zahar, 1973.

MERICO, Luiz Fernando Krieger. **Introdução à economia ecológica**. Blumenau: FURB, 1996.

PADILHA, Valquíria; BONIFÁCIO, Renata Cristina A. **Le Monde Diplomatique**. 02 set. 2013. Available in: <<http://www.diplomatique.org.br/artigo.php?id=1489>>. Access in: 23 mar. 2018.

SANTOS, Boaventura de Sousa. **Pela mão de Alice: o social e o político na pós-modernidade**. 7. ed. Porto: Afrontamento, 1999.

SERRES, Michel. **Le contrat naturel**. Paris: Flammarion, 1990.

THE WORLDWATCH INSTITUTE. **State of the World 2015: confronting hidden threats to sustainability**. Washington: Island Press, 2015.

WEINTRAUB, E. Roy. Neoclassical Economics. In: **The concise Encyclopedia of Economics**. Available in: <<http://www.econlib.org/library/Enc1/NeoclassicalEconomics.html>>. Access in: Jan. 10th, 2018.