

Environment as Common Good and Equality among Generations[†]

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Let me make a little excuse at the beginning. In my career as a philosopher of law, I have had much interest in theories of liberty and equality. Thus it is natural for me to try to extend the knowledge of these theories to that topic. However, this extension is not easy, because there wait many kinds of unique theoretical obstacles or elusiveness in this topic of global warming. Especially for me, who have been thinking about legal or political relationships among human beings, the very premises of the issues of global warming themselves are the problems to be addressed properly, that is, what is the importance of natural environment?; How should we human beings make our stance to it?; And how can we resolve the problems occurred in nature by human artifices? I always feel the necessity to return to these persistent questions, although I also feel I am not sure why. Thus, my task in this short essay is to elucidate what I have been wondering on the very basic frameworks of our topic of global warming. It might not be rigorously theoretical, and yet I would like rather to emphasize that what we should care about more is not mathematical arguments for this research topic but our basic view of nature, the place of human beings within it, and our basic stance to the environmental problem itself. Even if my elucidation is not articulate enough, I hope my essay could stimulate some relevant reflections.

[I]

What is the importance of natural environment?

Some might feel strange why I pose this question at the very outset. I mean, it might be considered no doubt that natural environment is important for human beings because we need air, water, soil and other basic natural resources to subsist. Yes, indeed. Still, to me, it is to be philosophically explicated in order to get started our discussion, why it is the case. I will explain more.

If we see natural environment as the physico-chemical ecosystem

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surrounding human beings, it is evident that the ecosystem has its own order of things. If CO₂ and other GHGs become increased, the ecosystem will change as it absorbs the increase of those gases into some physico-chemical change within the system. This change itself is necessary for the nature, that is, inevitable consequences according to the laws of nature. And, whether we like it or not, that is it for the nature itself. Even if greenhouse effect becomes serious, the ozone shield is destructed, or the sea level becomes higher than before, these phenomena are necessary and hard consequences for the nature. All of this means that when we see the change from a highly impartial viewpoint, such as from the cosmos, it will be just a physico-chemical change of the ecosystem on globe which itself is not directly relevant to human beings who cannot be seen from the cosmos. Of course, let me immediately add, I am not denying the importance of natural environment, nor allowing further egocentric behaviors of human beings. Rather, I am asking how we should understand the real importance of natural environment *for human beings*, if there seems to exist some disparity between the nature itself and us human beings living within it. If natural environment itself is neither positive nor negative to human beings, what are we talking about when we discuss about the crisis of global warming?

The answer seems clear at first sight. Natural environment is important because we human beings are living within it with being supported by and utilizing natural resources, and especially because the conditions of air, water and soil are very basic resources on which human lives directly depend. It is also clear that if temperature grows higher, many diseases tend to occur very often, climate becomes much unstable, or sea erodes shorelines etc., all of which will surely bring very dangerous circumstances for the subsistence of human beings as well as of other lives on globe. Well, of course, this is persuasive. However, we should be aware here that this answer is related not with the existence of natural environment itself but rather with the significance of it for human beings. My sense is that this shows the necessity of reconsideration of the importance of natural environment.

In doing this reconsideration, it will be better to recall that Jakob von Uexkuell, a unique German biologist in the first half of the 20th century, once talked about the *Umwelt* (surrounding world) for beings on the earth (Jakob von Uexkuell, *Streifzuege durch die Umwelten von Tieren und Menschen*, S. Fischer Verlag, 1970, Teil 2). This *Umwelt* is an aspect of the entire environment which is relevant from a viewpoint of each being: plants, animals, human beings, and other lives. The *Umwelt* is different,

though, from just a part of the ecosystem surrounding the being, because it is interpreted as having some unique meaning for the being. For example, for bat, the *Umwelt* is not the world which we human beings experience through our sensory organs but the echoing wave field which its sonar can detect. This *Umwelt* for bat is very monotonous than ours, and its meaning for bat is apparently very different from ours. Thus, it will be easy to find that this *Umwelt* thinking implies the relativity or heterogeneity of the environments among beings.

Now, here some might think that even if there is certain heterogeneity of the environments among beings, the underlying process of it, that is, the physico-chemical system itself, is still the same for every being. Well, it might be so, if scientific knowledge for human beings is absolutely right in all possible worlds and the change of that process always has the same meaning among beings. However, the point here is that if there is such heterogeneity the change of the alleged basic process will have diverse importance among beings, and possibly even no importance for some beings. And here we can add the point mentioned before, that is, change cannot have any meaning for natural environment itself.

What does this brief consideration indicate at all? I think that the very problem of environment for us is uniquely *human* problem and not the problem of nature itself. In other words, the problem of environment is not the problem of natural change but the problem how we can recognize the significance of nature and how we can appreciate and act for it. The people living in busy cities might feel the importance of nature itself more strongly: the nature is to be appreciated as the nature itself. However, we should be aware that it sometimes is just an illusion of the people who live in an artificial space and do not really know the wilderness of nature, just yearning the beauty of nature. The real nature is very cool and often even cruel to us human beings. Thus we should not lose sight of a couple of faces which nature has toward us. I say the environmental problem is *human* because, I would like to emphasize, the importance to be noticed is the *meaningful* relationship between human beings and natural environment. We live under the nature, with utilizing and consuming it. In so doing, we ourselves incessantly remake the systemic conditions of nature, which can be absorbed to the extent that the nature can endure. Thus the global warming is itself our problem which we throw to the nature, which we have to solve for ourselves. But, of course, this small warning is not the real focus of the discussion. Rather, we have to pursue a deeper meaning of this *human* character of the global warning.

In what real sense is natural environment *human*? To explicate this, I

think we need to make clear the significance of background space for human conducts. By this background, I mean a certain magnetic field, as it were, within which human beings do a variety of activities. There are several kinds of preconditions for the lives of human beings, such as physiological health or know-how for ordinary activities. However, other than these individual preconditions, there are also some conditions which are collectively given to individuals. As to these collective preconditions, I will tentatively distinguish three kinds of conditions: the cultural, the social, and the natural. In the cultural field, language or life-forms are to be included; in the social field, norms or rules in the form of trust relationship, community, laws or market, are to be included; and in the natural field, the basic natural resources such as air, water or soil are to be included. These fields are significant for human beings because these make the baselines for human conduct by being equally provided to every people. Of course, we should be aware that there are important differences among these conditions in relation to human individuals. This difference is made clear when we think about the vulnerability of these conditions which can be caused by excessive human activities. In other words, when we think about the harm relationship between each of these conditions and human activities, the vulnerability and necessity of recovery is different in each of those conditions. In the cultural field, since the transformations caused by a variety of human activities are built-in, the scarcity problem will hardly occur. In the social field, as its problem is the observance of norms and rules, there need certain regulations for the disfunctions of the field. If this is the case, it will be adequate for the former conditions that human beings bear equal burdens to maintain the basic stream of the field, and for the latter that only regulations for the stability of rules are necessary while human conducts themselves can be developed freely.

However, in the natural field at the background of human activities, the situation is a little bit different. In one respect, natural environment can be transformed by human activities to the limit of its capacity of equilibrium. However, in the other respect, above the limit, it will become harmful to human subsistence and thus is to be wholly recovered in spite of every sacrifice, if necessary. Because, if not recovered, the subsistence of human beings itself will just vanish. This is a serious *human* problem. Thus, in the former situation, we need certain regulation to maintain the equilibrium, while in the latter situation we have to bear equal burden to entirely recover it. In this sense, the double security, so to speak, is necessary for natural environment. This is special in comparison with the other fields mentioned above.

Of course, sometimes, the cultural and the social environment become disastrous. And the cases in this kind will have the same significance as natural environment. For example, recall the case of the Ainu people or the Nazi regime. In the former case, the cultural environment for the Ainu people is now being almost destroyed by the complex process of social, economic and political assimilations. If this kind of radical cultural change happens, then the Ainu people will need full recovery of their culture. Also, in the Nazi case, when the norms or rules of society were gradually destroyed by strategic inhumane politics, people needed full recovery of humanity. These cases will be similar to the natural field problem, although the difference of time-lag might exist.

What does all this mean for natural environment from a *human* perspective? I think this means that natural environment is strongly important as the background of human activities. And, in this sense, I believe it should be called as the *common good* for human beings, more than other similar conditions such as the cultural and social conditions.

The concept of *common good* is traditionally considered as relevant within the bounds of moral community of human beings (John Finnis, *Aquinas*, Oxford U.P., 1998, Chs. III & VII). However, we should be aware that the concept invoked here is not limited to a certain boundary of local community but open to every possible community of human beings, that is, in a word, *universally* invoked. Natural environment in this sense is to be shared by all the possible human beings in all the possible worlds on this planet. It is important as the background for possible activities by any human being, as a baseline for human subsistence. Thus this should be called as *universal common good*.

We should further distinguish here the three types of the idea of common good: the organic, the nomological, and the liberal. By *the organic common good*, I mean that common good is the pole of the organic structure of beings. In this organic structure of beings, the units of beings have teleologically hierarchical relationship under the common good. For example, from the Aristotelian understanding of the place of human beings, the common good is the truth-seeking which is highly praised as a splendid virtue of rational being. To this common good, every part of human being is converged and integrated, which is the organic state of human beings. By *the nomological common good*, I mean that common good is the norm that dictates and specifies the convergent relationship of beings. In this conception, the units of beings are placed within the rationally hierarchical order of things. For example, the Thomistic understanding of the role of human beings, the common good is the decency of human living through

the realization of reason given by the God. To this common good, every part of human being is related by the norm which represents the dictates of reason. By *the liberal common good*, I understand that common good is a meaningful principle which embraces the particular pursuit of private good within a certain limit of toleration. In this conception, the units of beings is just arranged to have co-existence among them in a spherical way. For example, diverse individuals in political sphere can live in peace with certain political principles of liberty and equality which regulates the external conditions of those units.

When I emphasize the importance of *universal common good*, I take it as *the liberal common good*. Because from the viewpoint of this essay, natural environment is common to every possible human beings as the fundamental resources to be exploited, in which there is no teleological or hierarchical ordering.

To understand this, it might be good to imagine the books in public library. In public library, there are vast amounts of old books which are significant for every people. The books themselves have its own existence as the bulk of knowledge for human beings, albeit itself just a bunch of papers, and those have been utilized by many people and sometimes torn out through many uses. Now, you can understand these books in the library are *common good* for us as having their meaningful existence toward human beings, and the chances of use are equally provided to any people. Thus it is *the liberal common good*. And it is even *universal good* because even I or some person from, say, Africa or other countries, any people, can access to them. In this regard, the books in the library for us seem something like air for human beings. Air is open to any human being and to be exploited freely.

I should add that this “any” is not only synchronical but also diachronical. This might need certain justification even if it is established that within the present existence of the entire people on this planet natural environment is *universal common good*. I am aware that this is also a very hard theoretical issue in this research topic on global warming. And yet let me point out that as well as the case for the books in the library can suggest itself the significance of natural environment will be also clear. But let us postpone considering it until the later part of this talk, where I will question about the relevance of the so-called non-identity problem.

Concerning this universality of *common good*, I should mention about the difference of *common good* and public goods. In the field of economics, according to the condition of non-excludability or non-competitiveness, some goods can be called as public goods, which are in nature not

adequately distributed by market mechanism (Pel-Olov Johansson, *An Introduction to Modern Welfare Economics*, Cambridge U.P., 1991, Ch. 5). Of course, there are many intermediate cases of public goods, sometimes called as quasi-public goods or non-pure public goods, which are partly non-excludable or non-competitive and yet partly not so. For example, parks are, if broad enough, such public goods, and yet, if small, they are quasi-public goods. From this perspective, natural environment is also quasi-public goods which needs certain mechanism such as carbon tax in order to attain an adequate distribution. If so, natural environment seems common to every person and to be shared in a certain universal way. And thus there seems no significant difference between the *common good* perspective and the ordinary public goods perspective. However, I do not think there is no significant difference.

Three things are to be pointed out. One is that natural environment continually changes from public goods to quasi-public goods. That is, when capacity is enough, natural environment is freely utilized by any human beings, and then if capacity gets filled up natural environment becomes quasi-public goods. And actually it is changing now. This means that the character of goods can change naturally and that the characterization of them as public goods is just given fact and not significant in itself. The intrinsic value of natural environment should be elucidated in some other way. The other is that the actual problem of natural environment for human beings is to deal with bads which are generated by human activities and suffocate human beings themselves by accumulation. The question here is why those things are bad. And the answer should be, logically, because the equilibrium of natural environment is itself good for human beings. One more thing to be noted is that the concept of public goods is determined based on a certain boundary of active people. People can freely come in or go out of a public good. However, natural environment itself is the very fundamental preconditions for human beings in which people are born, live, and die. We cannot voluntarily come in or go out of it. Anyone's life depends on it. And this can imply the universal significance of natural environment for all the human beings, actual or possible.

[II]

I have so far reconfirmed two basic points; one is that the environmental problem is *human* problem, and the other that natural environment is *universal (and liberal) common good* for human beings. Then, the next question to be addressed is, what does this recognition further imply for us

human beings in the nature?

Concerning this question, I would like to first point out that if the nature is *universal common good* for human beings then there is a presumption of *shared responsibility* for it by all human beings, actual and possible. The reasoning is that if the nature is *universal common good* for human beings it will be a higher-order value which requires respect and concern at the very baseline of human life. That is, any human being has responsibilities for the adequate or harmless use of natural environment. Within *human* perspective, this means that the nature is to be shared by everyone, and that one cannot offend others' possible use of the environment by surpassing the limit of use allowed to him/her. Thus if one abuse his/her due in the nature others can claim recovery or compensation for their possible dues in it.

All this means that all human beings have general responsibility for the use of nature, and thus, based on this responsibility, they have certain obligations among themselves. Let me explicate these responsibility and obligations.

First it might be better for us to recall John Locke in his famous Part Two of *Two Treatises on Government*. When he talked about the legitimacy of private property he was aware that the nature itself is not anyone's property. Human beings can acquire private property through their own labors, and yet this is possible within a certain limitation that the last coming individual can have enough room to acquire his/her property by laboring on the nature (John Locke, *Two Treatises on Government*, Everyone's Library, Ch. V). This so-called Lockean proviso is very important because the nature (in this case, land) itself is supposed to be shared by everybody. Thus individual beings have certain responsibility not to overuse the nature and not to offend others' possible use of it. Of course, the case of land is different from the case of air, especially because the land is solid and virtually divisible goods while air is not. However, the ethics of use is the same to the extent that these natural resources can be shared by individuals in a certain way. And this sharing imposes each individual to observe his/her due to the extent that he/she can make room for the last comer. Let me immediately add, of course, there is a condition that this last comer can be recognized. If this last comer is in far infinity, present people cannot save and utilize their dues properly. However, the difference between land and air is relevant here, because as to air we can assume its enduring equilibrium through its own cyclic mechanism in which the balance of constituents such as oxygen or CO₂ can be maintained over time, while as to land the process of use is irreversible once it is

legitimately conducted by a particular person.

Second, we should be aware that the responsibility relevant here is not the responsibility concerning punishment or compensation but the responsibility, as it were, concerning expectation. Generally speaking, there are three kinds of responsibilities; attributability, moral responsibility, and accountability (John Martin Fischer, "Recent Work on Moral Responsibility", *Ethics*, Vol. 110, 1999). Attributability is concerned with the conditions of moral agency which can bear the responsibility claims; moral responsibility is concerned with the worthy character of activity itself; and accountability is concerned with blameworthiness which includes both negative sanction-requiring one and positive compensation-requiring one. Important here is the latter two responsibilities which are related to the processes and results of certain activities, and, in particular, moral responsibility. To sustain the nature is concerned with the problem of the character of human activities toward the nature, which means that the basic responsibility here is moral one. But it should be noted that there are two kinds in this responsibility; as it were, backward and forward. Backward moral responsibility is concerned with the problem of conscientious reflection or regret for the results of activities to others, while forward moral responsibility is concerned with the problem of orientation of activities for the future. I think this difference is clear because our activities toward the nature are not necessarily evil in themselves and often justified to some extent. If our even ego-centric activities toward the nature can be permitted to some extent, the responsibility accompanied by them cannot be backward one, since there is no evil in them.

Incidentally, I should mention here that we cannot use the conception of responsibility in the sense of accountability in this case of global warming. If we use this conception, we have to frame our problems in a way that present generation must internalize its external effects of activities or must be compensated by future generations who claim the offence by present generation. In this regard, we need to identify the future generations' interest with the appreciation of its gain or loss, and try to count them in order to judge the distribution of those interests. However, the problem of responsibility to be discussed here is not positive accountability but moral responsibility and related attributability. Also to be discussed here is the possibility of extension of such moral responsibility from present generation to unknown future generation. Although this extension problem is difficult to solve, my suggestion is that the core of the problem lies in the durability of natural environment as *universal common good* and not

the identification of intergenerational interests. The universality and commonality of the nature is important in order to impose enduringly certain obligations to anyone who has to live on this planet. Incidentally, you will find that I here implicitly reject the standpoint of the so-called deep ecology and put aside the problem of the standing of non-human lives, which are to be considered on another occasion.

However, we should not take these responsibility and obligations as absolute ones. There is a certain range of prerogatives which is to be justified even under these responsibility and obligations. And I believe there exists a harmony of responsibility and prerogative. But the question is on what condition. Ideally, a person is in a state of standing him/herself pulled by the concern of others, while others are in a state of showing their concern pushed by the autonomy of the former person. This state of cross-reaching, as it were, is the core of the harmony of responsibilities and prerogatives. And here people need certain intersubjective prerequisites such as charity in understanding, similar sensibility, and the common ability of progressive response. To put these conditions together, we will get a significance of the spirit of mutual respect. However, in reality, these prerequisites often break down in the plurality of interests for divergent people. And a more important problem for *universal common good* is how this harmony is institutionally realizable. How is this possible? My sense is, first, through a public scheme of justice, and second, especially through an adequate distribution of rights and obligations among people. And, then, the problem comes further to: what is an adequate distribution of rights and obligations, or how properly can a public scheme of justice formulate such a distribution? Since this problem is not directly relevant here, I just suggest that the ordering principles of justice such as the Rawlsian ones can be interpreted in terms of this responsibility arrangement (John Rawls, *A Theory of Justice*, Harvard U.P., 1971, Ch. 2). For example, looking from this perspective, the lexical ordering of the Rawlsian two principles of justice can be grasped as a well-balanced set of responsibility and prerogatives. That is, the first principle of equal liberty assigns the space of prerogatives including certain rights for environment, while the second principles of fair equality of opportunity and of income differentiation assign the space of responsibility in terms of the permissible limit of prerogatives. And this lexical ordering between two principles can mean that these two principles have an inner-outer connection which in its entirety functions for the development of well-being of people. And this kind of interpretation might be extended to cover the case of distribution of natural resources, though I won't deal

with it here.

Now, I turn to the third point. It is concerned with equality in the distribution of basic units of natural resources among human beings. First it is intuitively evident that natural resources are to be distributed equally to everyone. For, as I have suggested, it is a logical consequence of the point that natural environment is *universal common good* for human beings. As far as natural environment endures as the fundamental living conditions for human beings, it is the baseline for every possible human being (cf. Ronald Dworkin, *Sovereign Virtue*, Harvard U.P., 2001, Ch. 2). This point should be understood as such that equality of environment is first and foremost the presumption of our environmental thinking and not *vice versa*. In other words, this is to be understood as such that the possibility of human use of natural environment is always to be understood as the defeasibility problem of exploiting natural environment. By defeasibility I mean that the use of environment is the problem of permissibility from an impartial viewpoint, if we stand at the viewpoint of *universal common good*.

However, in this regard, we should be aware two points. One is that the equality to be imagined here is the equality of standing of every human being toward the *common good*, and not the equality of worthy amount of natural environment for each person. Each of us, even in present generation, has different worth in utilizing natural environment. Someone can cultivate land and get many vegetables but not generate much GHGs, while other can just exploit many products and yet generate much GHGs even if not intentionally. If we try to equalize the worth of natural environment among people in present generation, we have to devise some index, in particular for example the rate of contribution to producing GHGs, and according to this rate we have to regulate the amount of use (not the mode of use, because we have to be *liberal* toward the life-styles as far as possible). But, even if so, the standing for use is not denied to any people, because all of them are entitled to use natural environment due to its commonality (Dale Jamieson, ed., *A Companion to Environmental Philosophy*, Blackwell, 2001, Ch. 30). The other thing to be noted is that this equality is possibly to be extended to every generation at least in principle. All of generations, present or future, can have equal standing toward the nature due to its universality. However, it is also important that the substantive worthiness of use is not necessarily to be distributed equally, because we don't know life-styles of foreign generations. Rather, as well as the case in present generation, the formal worth of use should be distributed equally according to the expected stable rate of contribution. Thus, the problem becomes here

to; what rate is adequate for every human being. Since this is an important focus of the debate on global warming, I only suggest that certain permissible amount of GHGs can be determined and that according to this rate the total amount of permissible GHGs can be determined for the present generation, which can produce certain room to choose possible life-styles for future generations.

The point to be stressed here is that we can say equality among generations not because we can know possible peoples and their life-styles but because we do *not* know them. Since we do *not* know every detail about not only future generations but also even present generation, we can presume certain equality at the level of baseline of our lives based on *universal common good*. This is equality of ignorance (Karl Popper, *Objective Knowledge*, Oxford U.P., 1974, Ch. 2). Thus, because we do *not* know every detail about human lives including the possible use of natural resources, the only evident thing is that environment is the basic given and is to be equally distributed to every possible human beings.

Also I should add that equality here is negative equality. I mean, it is equality which is concerned with the distribution of bads and not of goods. As *universal common good* natural environment is just already established and waiting to be utilized. If there generate no bads, there are no environmental problems. Because the equal distribution of natural resources is automatically established. (People are free to breathe fresh air.) The problem arises because there appear bads which we human beings generate themselves and makes their own subsistence dangerous. Thus these bads should be dealt by the people who produce them because they exploit *universal common good* for every possible human beings. Thus equality of standing toward natural environment requires the diminishing of inadequate use of natural resources which produces bads. This is also related to fairness of sacrifice. Here the way of thinking is the same as the case in which we use the books in the library and break something in the book (It is not sure whether this breakage has real bad effect for someone in the future, and if does, when). The moral responsibility here is toward generating the bads for other people from the viewpoint of *universal common good*, and not just toward other people, actual and possible.

Finally, I should emphasize that all of what I have said is one-dimensional. I have been considering the environmental problem from a impartial point of view within *human* perspective. And yet, even within this perspective, there remains the need for consideration from a partial point of view, that is, from a point of view of each of us (Thomas Nagel, *Equality and Partiality*, Oxford U.P., 1991, Ch. 2). Each of us uses

air-conditioner, car, stove or other facilities which produce more GHGs every day. And each of us feels some necessity toward it even if he/she often has some regret. How is this partial circumstance to be taken into account? Should it be rejected by placing ourselves in absolute impartial point of view? But, if so, each of us might have to stop everything harmful for the nature just but for breathing. I never think it reasonable. However, on the contrary, can each of us stick to his/her own activity by ignoring its external effect on environment? That it is already impossible is the lesson we are learning today. Thus, we have to accommodate these two standpoints in a morally adequate way, and I believe that the value necessary for this accommodation is the value of sustainability. Sustainability can be a bridging value which enables to fill the gap between the universal commonality and the partial use of natural environment from the viewpoint of, as it were, the space shuttle (The World Commission on Environment & Development, *Our Common Future*, Oxford U.P., 1987, Ch. 2). However, detailed considerations should be left for another chance.

One more note to be added. Some might feel that my considerations are naïve and too intuitive even if it can be philosophically significant. Especially from a viewpoint of welfare-economics or social choice theory, some might feel that philosophical considerations are just prosaic, and has no power to solve the difficult problems in a detailed way. I won't say my own consideration is adequate or even best to avoid such a misperception. However, I would like to emphasize that the best possible philosophical explication of the problem will have an organic relationship to the best possible economic theorizing, not only in this problem of global warming but also in any kinds of important human problems. In particular, the best possible theory of *universal common good* can be connected to the best possible economic theory for the fair and optimal distribution of natural resources among generations.