

## Epistemic Integrity and the Environmental Future

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## OPENING REMARKS: VIRTUE AND THE FUTURE

Why consider unborn generations in policy and personal decisions, especially when sacrifices today assist no person who is suffering or even real? Why should we care about future people even if it were easy? They have done nothing for us.<sup>1</sup> Besides, we have a profound capacity to affect them, but they have absolutely no power over us.<sup>2</sup> Such questions and remarks are supposed to reveal paradoxes about our duties to future people.<sup>3</sup> At worst, such comments make us question whether we should care, or how much. In fact, we already do care about those yet to come and not just those with whom our lives will overlap. Our public institutions reflect this concern. American law, in protecting environmental and cultural resources, elevates future generations to a vital policy concern.<sup>4</sup> Modern international law has similar emphasis.<sup>5</sup> Yet describing our relationship to the future generates conceptual and ethical puzzles

<sup>1</sup> See, e.g., Jan Narveson, *Future People and Us*, in OBLIGATIONS TO FUTURE GENERATIONS 38 (R.I. Sikora & Brian Barry eds., 1978) (discussing the “wag,” why care about the future that’s done nothing for us); Ernest Partridge, *On the Rights of Future Generations* [hereinafter “*On the Rights*”] in UPSTREAM/DOWNSTREAM ISSUES IN ENVIRONMENTAL ETHICS 40 (Donald Scherer ed., 1990) (“cynical taunt, ‘What has posterity ever done for me?’”).

<sup>2</sup> See, e.g., Norman S. Care, *Future Generations, Public Policy, and the Motivation Problem*, 4 ENVTL. ETHICS 208, 209 (1982); John O’Neill, *Future Generation: Present Harms*, 68 PHIL. 35, 35 (1993); William Grey, *Possible Persons and the Problems of Posterity*, 5 ENVTL. VALUES 161, 162 (1996). See also Stephen M. Gardiner, *The Real Tragedy of the Commons*, 4 PHIL. & PUB. AFF. 387, 402-03 (2001) (future people lacking control over current climate policies).

<sup>3</sup> An additional “paradox” is that what we do now affects who will be born at all. As long as their lives are minimally worth living, future people cannot claim that our conduct has made them worse off. Gregory S. Kavka, *The Paradox of Future Individuals*, 11 PHIL. & PUB. AFF. 93, 93-95 (1982); Derek Parfit, *Future Generations: Further Problems*, 11 PHILOS. & PUBLIC AFF. 114, 115-119 (1982).

<sup>4</sup> The following environmentally related statutes illustratively address duties to future generations: Farms for the Future Act of 1990, 7 U.S.C.A. § 4201 note 1465(b) (West 2007) (purpose to preserve farms for future generations); Global Climate Change Prevention Act, 7 U.S.C.A. § 6707 (West 2007) (urban forestry projects to protect natural resources for current and future generations); National Parks Act, 16 U.S.C.A. § 1 (West 2007) (National Park Service obligated to conserve parks “unimpaired for the enjoyment of future generations”); National Historic Preservation Act, 16 U.S.C.A. § 470-1(3) (West 2007) (policy to administer “prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations”); Wilderness Act, 16 U.S.C.A. § 1131(a) (1964) (policy to “secure...enduring resource of wilderness”); National Wild and Scenic Rivers Act, 16 U.S.C.A. § 1271 (West 2007) (rivers “preserved in free-flowing condition . . . for the benefit and enjoyment of present and future generations”). See also Aaron-Andrew P. Bruhl, *Justice Unconceived: How Posterity Has Rights*, 14 YALE J.L. & HUMAN. 393, 430-33 (2002) (select national laws protecting future persons); Note, *Toward a Better Understanding of Intergenerational Justice*, 36 BUFF. L. REV. 165, 170-72 (1987) (tracing American legal traditions recognizing posterity).

<sup>5</sup> See, e.g., Edith Brown Weiss, *The Planetary Trust: Conservation and Intergenerational Equity* [hereinafter *Planetary Trust*], 11 ECOL. L. Q. 495, 540-63 (1984) (describing modern developments in international law recognizing future generations); *Our Rights and Obligations to Future Generations for the Environment*, 84 AMER. J. INT. L. 198, 201-03 (1990) [hereinafter *Rights and Obligations*] (discussing international human rights law and future generations). See also Lothar Gundling, *Our Responsibility to Future Generations*, 84 AMER. J. INT. L. 207, 208 (international documents mentioning protection of future generations).

that can dampen motivation and resolve.

I contend that the supposed paradoxes about future ethics show that we largely have things backward. Instead of asking what we owe them - those future souls we imagine having rights, interests, and the capacity to benefit or suffer harm at our behest - we should consider the meaning of the future to the evolving character of people existing now. Caring is inherent in a moral point of view, and the future means as much as past and present. A virtuous person necessarily anticipates future conditions and inhabitants. On an institutional level, commitments toward the future define the current identities of nations, governments, corporations, and other organized groups. Virtue is impossible without regard for future beings and events. Thus, future humans have enormous power over us, after all. Their fate shapes the kind of people we are and aspire to be.

In this paper I tackle the problem of future generations from the perspective of virtue ethics. While the virtue approach to ethics has excited great interest overall,<sup>6</sup> it is an unusual perspective in the context of examining morality toward the future.<sup>7</sup> The dominant perspectives have centered on rights, consequences, and intergenerational equities. These share an outward and speculative focus on future people themselves and anticipated conditions they will inherit. A virtue approach looks inward at people now, their motivations and character traits. It better accounts for the fact of future caring without the supposed paradoxes external approaches spawn. It is thus a more intuitive approach. Virtue ethics also offers a more fruitful account of moral motivation than pronouncements of duty to future rights holders and interest bearers. It offers a way to deliberate

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<sup>6</sup> Virtue ethics generally makes the traits of good persons its primary focus, moving away from a long tradition in western moral philosophy that centers on principles for action. The movement revives classical Greek and medieval philosophy in the emphasis on human character, although virtues discussed in contemporary writing may differ. Illustrative, notable work in the modern virtue ethics tradition includes the following: PHILIPPA FOOT, *VIRTUES AND VICES AND OTHER ESSAYS IN MORAL PHILOSOPHY* (1978); ALASDAIR C. MACINTYRE, *AFTER VIRTUE: A STUDY IN MORAL THEORY* (1981); MARTHA C. NUSSBAUM, *THE FRAGILITY OF GOODNESS: LUCK AND ETHICS IN GREEK TRAGEDY AND PHILOSOPHY* (1986); GABRIELLE TAYLOR, *PRIDE, SHAME, AND GUILT: EMOTIONS OF SELF-ASSESSMENT* (1985); and BERNARD WILLIAMS, *MORAL LUCK: PHILOSOPHICAL PAPERS, 1973-1980* (1981).

<sup>7</sup> This is especially true in the legal writing on future generations, where I found only one law review piece adopting a virtue perspective and grounding responsibility to the future in the virtue of benevolence: Jeffrey M. Gaba, *Environmental Ethics and Our Moral Relationship to Future Generations: Future Rights and Present Virtue*, 24 *COLUM. J. ENVTL. L.* 249, 285-86 (1999). The foundational discussions of futurity in philosophy have also not favored virtue ethics, with the predominant emphases on rights, utility, and intergenerational justice. Recently, environmental ethics, a specialized field of philosophy, has taken up the topic of environmental virtue. See *ENVIRONMENTAL VIRTUE ETHICS* (Ronald Sandler & Philip Cafaro, eds., 2005); RONALD L. SANDLER, *CHARACTER AND ENVIRONMENT* (2007); LOUKE VAN WENSVEEN, *DIRTY VIRTUES: THE EMERGENCE OF ECOLOGICAL VIRTUE ETHICS* (1999); LAURA WESTRA, *AN ENVIRONMENTAL PROPOSAL FOR ETHICS: THE PRINCIPLE OF INTEGRITY* (1994). This interesting twist toward virtue in the field of environmental ethics has yet to direct comprehensive attention to the ethics of future generations, instead focusing mostly on virtues toward the environment itself.

about responsibilities to the future that builds and replenishes existing commitments to improve our individual selves, our group affiliations, and ultimately our world. Although a virtue analysis does not eradicate speculation or puzzles about the future, especially at the concrete level of implementation, it fertilizes and supplements typical inquiries that link current moral responsibilities to the standing of those yet unborn. Combining virtue with the ethics of duty based on rights, justice, and harmful or beneficial consequences, offers a more comprehensive way of conceiving personal responsibility and translating it into collective policy.

Start with common experience. Most of us seek to be remembered as ethical and generous by our nearest descendants. Many also aspire to leave enduring contributions to our society and world that far outlast our death and kin. The narratives we build of our evolving identities reach beyond the past we inherited toward the meaning of our existence.<sup>8</sup> This orientation is not necessarily self-conscious but everyday preoccupations exemplify it. For example, currently popular genetic research connects searchers to surprising relations and may link them to progeny they will never know.<sup>9</sup> Increasing concern over such matters as the ecological disposition of our remains,<sup>10</sup> our “carbon footprint,”<sup>11</sup> and protection of fragile areas and species we will never see all demonstrate that we already do envision a better future. Even corporations such as Conoco-Phillips profess commitment to the future, demonstrating recognition that such pronouncements have popular appeal: “We’re defined by what we pass on to the next generation.”<sup>12</sup> Some see this natural future orientation as a psychological or communal propensity.<sup>13</sup> Others trace it to biological components of human

<sup>8</sup> See Ernest Partridge, *Why Care about the Future?*, in RESPONSIBILITIES TO FUTURE GENERATIONS 203-06 (Ernest Partridge ed., 1981) (discussing psychological fact of caring for future); AVNER DE-SHALIT, WHY POSTERITY MATTERS: ENVIRONMENTAL POLICIES AND FUTURE GENERATIONS 13, 15, 41 (1995) (treating future people as part of a “transgenerational community”).

<sup>9</sup> Such searches can be conducted on the internet. See, e.g., Ancestry.com, <http://dna.ancestry.com/> (“expand your family tree”) (last visited Nov. 15, 2008); Family Tree DNA, <http://www.ancestry-dna.com/> (“some day, someone may use a DNA repository to look for long lost relatives...”) (last visited Nov. 15, 2008); Genetic Genealogy, <http://www.dnaancestryproject.com/> (“unearth your ancestry”) (last visited Nov. 15, 2008); Genetic Testing Laboratories, Inc., <https://www.gtldna.net/> (“...unique ‘BioGeographical’ identity”) (last visited Nov. 15, 2008).

<sup>10</sup> “Green” cemeteries and burials are becoming popular alternatives. See, e.g., The Centre for Natural Burial in England, <http://www.naturalburial.coop/> (last visited Nov. 15, 2008); Social Capital Blog, <http://socialcapital.wordpress.com/?s=eco-burials> (describing eco-burials as way to preserve undeveloped land) (last visited Nov. 15, 2008); CoolBusinessIdeas.com, [http://www.coolbusinessideas.com/archives/eco\\_burials.html](http://www.coolbusinessideas.com/archives/eco_burials.html) (decomposing cadavers without harming the environment) (last visited Nov. 15, 2008).

<sup>11</sup> Some students in my Environmental Ethics classes take online tests to calculate and compare their carbon usages. See, e.g., CarbonCounter.org, <http://www.carboncounter.org/> (last visited Nov. 15, 2008); Conservation International, <http://www.conservation.org/> (last visited Nov. 15, 2008).

<sup>12</sup> This statement appeared in a full page magazine advertisement: THE ATLANTIC 57, Sept. 2008.

<sup>13</sup> See Partridge, *supra* note 8, at 203-06; DE-SHALIT, *supra* note 8, at 13, 15, 41.

functioning that include innate consideration for kin and species persistence.<sup>14</sup> Virtue deserves attention alongside of these explanations of future concern.

The real ethical problem about the future is that, however intuitive, all of our caring falls woefully short. In application, the laws and policies that purport to consider the future too often succumb to cost-benefit balancing that smothers that avowed purpose.<sup>15</sup> Law and policies fail to curb our collective cultural appetites and shortsighted desires to use resources for economic and other utilitarian gains.<sup>16</sup> Many westerners have not progressed very far personally in reining in consumptive work, play, and family lives.<sup>17</sup> This is despite years of vows and exhortations of public figures respected for wisdom, religious values, political leadership, and social activism.<sup>18</sup> Some current environmental heroes have failed to pursue environmental commitments consistently, opening themselves to familiar charges of hypocrisy, or challenges to “practice what you preach.”<sup>19</sup> We need new or renewed attention to our virtue because our concern for the future too easily atrophies or evaporates.

Deficiencies abound despite recent recognition of urgency.<sup>20</sup> The ability of humankind to create a template for the future is unprecedented and stunning. Advances in technology and knowledge have shrunken the earth. These conditions justify renewed attention to morality toward the future. Besides avoiding harmful consequences, I argue that commitment to a better future is

<sup>14</sup> See Partridge, *supra* note 8; Andrew Johnson, *Sociobiology and Concern for the Future*, 6 J. APPLIED PHIL. 141, 141, 143, 145-46 (1989) (arguing from sociobiology for future concern as natural for humans); Richard A. Epstein, *Justice Across the Generations*, 67 TEX. L. REV. 1465, 1472 (1989) (claiming genetic bias toward considering the future).

<sup>15</sup> See, e.g., Coleman Bazelon and Kent Smetters, *Discounting in the Long Term*, 35 LOY. L.A. L. REV. 277, 277 (2001) (discussing economic practice of discounting uncertain future costs and benefits); Axel P. Gossieries, *What Do We Owe the Next Generation(s)?* 35 LOY. L.A. L. REV. 293, 349-52 (2001) (limits on discounting); Brett M. Frischmann, *Some Thoughts on Shortsightedness and Intergenerational Equity*, 36 LOY. U. CHI. L.J. 457, 458-59 (2005) (lamenting “shortsightedness” of American decisions).

<sup>16</sup> See, e.g., Frischmann, *supra* note 15. Aldo Leopold cautioned against treating land as a commodity, at best a selfish attitude of long term, “enlightened self-interest.” ALDO LEOPOLD, A SAND COUNTY ALMANAC: WITH ESSAYS ON CONSERVATION FROM ROUND RIVER 223 (1966).

<sup>17</sup> Some changes may be afoot. For example, current public disdain of “McMansion” houses and SUVs suggest at least temporary shifts in popular attitude.

<sup>18</sup> Such historical heroes and heroines of environmentalism include Aldo Leopold, Rachel Carson, and John Muir. Former Vice President Al Gore is a contemporary political figure lauded for his environmental work. Bill McKibben is a popular writer on environmental policy.

<sup>19</sup> The huge, energy consuming family houses of both Al Gore and John Edwards, avowed environmentalists, are examples. See, e.g., *Gore Gets Green Kudos for Home Renovation*, MSNBC, Dec. 13, 2007, <http://www.msnbc.msn.com/id/22248699/> (describing renovations designed to meet criticisms of a large, energy consuming house); *Edwards Takes Heat over Lavish Estate*, MSNBC, Feb. 8, 2007, <http://www.msnbc.msn.com/id/17043005/> (discussing “two images” of Edwards as anti-poverty crusader and owner of a massive residential compound).

<sup>20</sup> See, e.g. Partridge, *supra* note 1, at 46 (“devastating long-range effects for our successors”); Bryan G. Norton, *Environmental Ethics and Rights of Future Generations*, 4 ENVTL. ETHICS 319 (1982) [hereinafter *Environmental Ethics*] (“alarm” over environmental exploitation and destruction); *Planetary Trust*, *supra* note 5, at 496-98 (modern capacity for destruction).

essential to personal and collective integrity. Future people cannot reciprocate for our failings, and they have no voice in our practices. These asymmetries and the high unilateral stakes for humanity both now and later demand ethical foundations that resist perennial human weakness. It is far too easy to rely on others to solve future problems, diffusing responsibility<sup>21</sup> and creating a “tragedy of the commons.”<sup>22</sup> At the pre-conscious level of perception, humans are psychologically prone to minimize even obvious harms and glaring injustices, not to mention those distant in time.<sup>23</sup> Failures of will, which Aristotle called ‘akrasia,’<sup>24</sup> impede our ability to act on our concerns and carry out our better judgments for the future.

Justifying responsibility for the future will remain something of a snare. Many words have not settled the subject and more will not quell debate. This is as it should be since virtue comes from good judgment, which requires vigilant reflection. I offer a theory of personal integrity that includes active and self-replenishing commitments to improving the future.<sup>25</sup> I apply my ideas about virtue collectively to groups of individuals, arguing that concern for the future is deeply connected to the moral integrity of institutions. A complete analysis must address the virtue of organizations from religious groups, to non-governmental organizations, to corporations, to countries. Groups differ markedly in their collective character, and the moral identity of individuals depends on affiliation. The reader need not accept my particular ideas to agree that collective virtue influences public policy decisions and laws affecting the future. Public virtue applies deliberation and choice about substantive ideals and processes to realize the promises of humanity.

First, I present my ideas about the overarching virtue of integrity and the specific virtues that support it. I aim to show that duties to the future are

<sup>21</sup> Psychological research documents the phenomenon that individuals are less likely to rescue others needing assistance when they are in the presence of other people. See, e.g., Bibb Lantane and Steve Nida, *Ten Years of Research on Group Size and Helping*, 89 *PSYCHOL. BULLETIN* 308, 319, 321 (1981); Bibb Lantane and John M. Darley, *Group Inhibition of Bystander Intervention in Emergencies*, 10 *J. PERS. & SOC. PSYCHOL.* 215, 221, 220, 215-16 (1968).

<sup>22</sup> See, e.g., Gardiner, *supra* note 2, at 388, 403 (analogizing climate changes to tragedy of commons and finding it “worse”).

<sup>23</sup> Psychologist Melvin J. Lerner first described a “belief in a just world” in 1980. It is an adaptive belief that overall the world is just and people receive what they deserve, despite evidence to the contrary. MELVIN J. LERNER, *THE BELIEF IN A JUST WORLD: A FUNDAMENTAL DELUSION* 11, 13, 16-17 (1980). Psychological understanding of the phenomenon has expanded with further research over the years. Adrian Furnham, *Belief in a Just World: Research Progress Over the Past Decade*, 34 *PERSONALITY AND INDIVIDUAL DIFFERENCES* 795, 797 (2003).

<sup>24</sup> Aristotle, *THE NICOMACHEAN ETHICS*, Bk. VII, 3 (Martin Ostwald trans., 1962) (morally weak person knows not to do something but does it regardless). See also M.F. Burnyeat, *On Learning to Be Good*, in *ARISTOTLE’S ETHICS: CRITICAL ETHICS* 221 (Nancy Sherman ed., 1999) (akratic pursuit of goals of which person disapproves).

<sup>25</sup> See Care, *supra* note 2, at 199-200 (questioning motivation and capacity for people to limit their lives for sake of future people). But see Partridge, *supra* note 8 (caring for future part of psychological health).

inherent in this configuration of traits. I anticipate and reply to objections to this approach as instrumental, egoistic, anthropocentric, and permissive. Second, I explain how virtue grows through contacts with non-human nature. Third, I consider how my depiction of virtue informs the future generations' discussion. Fourth, I apply these ideas about personal virtue and the future to organizations, arguing that collective virtue is a meaningful aspiration. Finally, I link my virtue approach to the morality of obligation, identifying moral principles of conduct in rescue situations and applying those to future obligations. In so doing, I try to overcome the general criticism that virtue ethics does not guide individual action or, collectively, shape public policy and law.

#### I. A VIRTUE SUPPLEMENT TO UTILITY AND RIGHTS: A PLURALISTIC VIEW

The conceptual puzzles that stymie our relationship to future people perpetuate our akratic weaknesses. The dominant conversation on future generations analyzes utility and rights. I revive that discussion very briefly here to suggest why dialogue has stalled and a virtue approach might help.

Teleological analyses measure morality by good results.<sup>26</sup> Utilitarianism is the dominant teleological approach to futurity. Utilitarianism is in principle capable of evaluating harms and benefits to future people. It seeks aggregate satisfaction as the good, making each unit of satisfaction contribute to overall utility, including future units. Nonetheless, focusing on consequences leads to discounting harms and benefits to the unborn because of compelling current interests, difficulties in predicting future conditions, and significant uncertainties about the capacities, values, and resources non-existing people will possess.<sup>27</sup> As Jan Narveson put it, utilitarianism either demands too much or too little.<sup>28</sup> If we treat each person equally, we should sacrifice relentlessly for the future because the number of unborn people is likely vast in relation to the number of people now.<sup>29</sup> If, instead, we devalue future interests in favor of interests now, our duties to future people rapidly dissolve.<sup>30</sup> Narveson's rough conclusion is that we should do something, but not too much, for future beings, and only those nearer in time.<sup>31</sup> This idea ratifies our record of weakness toward the future.

In contrast, ascribing rights to the unborn lends clout to their imagined claims, according to some.<sup>32</sup> Yet this approach generates problems of its own since it is

<sup>26</sup> See William K. Frankena, *Ethics, in THE LEGAL PROFESSION: RESPONSIBILITY AND REGULATION* 112 (Geoffrey C. Hazard, Jr. and Deborah L. Rhode eds., 1973).

<sup>27</sup> See, e.g., Note, *supra* note 4, at 180.

<sup>28</sup> Narveson, *supra* note 1, at 38, 56.

<sup>29</sup> *Id.* at 59.

<sup>30</sup> See *id.* at 56-57, 59.

<sup>31</sup> *Id.* at 39, 59-60.

<sup>32</sup> See, e.g., EDITH BROWN WEISS, IN FAIRNESS TO FUTURE GENERATIONS: INTERNATIONAL LAW, COMMON PATRIMONY AND INTERGENERATIONAL EQUITY 24-25 (1989) [hereinafter COMMON PATRIMONY] (equal rights and minimum guarantees across generations); *Rights and Obligations*,

difficult to conceive rights without existing subjects, or subjects without existing interests.<sup>33</sup> We seem to be left with diffuse group or class rights, not concrete, inviolable rights. The literature on future generations does a convincing job of exposing conceptual problems with a rights model, at least as a full account.<sup>34</sup>

In the spirit of moral pluralism,<sup>35</sup> I see value in the traditional perspectives. Consequences of conduct are obviously important to societal goals, and futurity ethics should not dodge empirical information or prediction. Yet utilitarian approaches to the future are too removed from personal motivation to suffice, and the problem of discounting is daunting. The language of rights has cautionary and metaphorical value, especially in public discourse on policy and law, but it is an insufficient way to define our relationship to future beings. I believe the common defect is that both utilitarian and rights approaches center on moral obligations to imaginary people external to the agent. This outward perspective ensnares both approaches in speculation about characteristics of unknown and unknowable beings.

This cursory discussion of dominant perspectives does not do justice to rich and complex bodies of literature, but it does commend a different approach. A virtue perspective attends to moral agents here and now. Virtue unifies past, present, and future in the evolution of existing characters, individual and institutional. While this approach does not resolve moral problems about the future, it provides insights.

Implementation compounds the trickiness of considering future humans, and contributes to moral malaise. Just how much do we owe? Is a reasonable target no more or less than we inherited?<sup>36</sup> If no more, what about the host of

*supra* note 5, at 200 ("minimum floor for all generations"). See also Partridge, *supra* note 1, at 43 ("priority" and "stringency" of rights); Bruhl, *supra* note 4, at 399-401, 406-07 (advantages of rights over preferences); Doran Smolkin, *The Non-Identity Problem and the Appeal to Rights*, 32 S. J. OF PHIL. 315, 318 (1994) (overall welfare not justifying rights violations); JOHN AHRENS, PREPARING FOR THE FUTURE: AN ESSAY ON THE RIGHT OF FUTURE GENERATIONS (1983) ("priority" and enforceability of rights).

<sup>33</sup> See, e.g., Mary Warren, *Do Potential People Have Moral Rights?* 14, 14-15, 19-20, 29, in OBLIGATIONS TO FUTURE GENERATIONS (R.I. Sikora & Brian Barry eds., 1978) (no possible rights in non-existing, non-sentient beings); Note, *supra* note 4, at 168-69 (repeating idea that rights belong only to identifiable beings); Kenneth E. Goodpaster, *On Being Morally Considerable*, 75 J. PHIL. 308, 310, 322 (1978) (only beings alive deserving of moral consideration); John Passmore, *Philosophy and Ecology* 140, 147 in the PROCEEDINGS OF THE TWENTIETH WORLD CONGRESS OF PHILOSOPHY, Vol. I (1999) (rights only attributable to beings able to make claims); Ruth Macklin, *Can Future Generations Correctly Be Said to Have Rights?*, in RESPONSIBILITIES TO FUTURE GENERATIONS 151-52 (Ernest Partridge ed., 1981) (no rights for class with no existing members).

<sup>34</sup> See Warren, *supra* note 33, at 14-15, 19-20; Note, *supra* note 4, at 168-69; Goodpaster, *supra* note 33, at 310, 322; Passmore, *supra* note 33, at 147; Macklin, *supra* note 33, at 151-52.

<sup>35</sup> See, e.g., LAWRENCE M. HINMAN, ETHICS: A PLURALISTIC APPROACH TO MORAL THEORY, 2d Ed. 61 (1998) (pluralism as acceptance of multiple and conflicting moral truths).

<sup>36</sup> See *Rights and Obligations*, *supra* note 5, at 200 (passing "planet on in no worse condition"); COMMON PATRIMONY, *supra* note 32, at 37-38 (conserving resource diversity, quality, and access "in no worse condition than received"); *Planetary Trust*, *supra* note 5, at 532 (trust obligating each generation to leave at least level of first humans, but more possible).



environmental problems we received from careless or unaware ancestors? If we must make up for ancestral deficiencies, how much must we expend in effort and treasure?<sup>37</sup> Should current needs beyond emergencies take precedence, and if so, what counts as a genuine “need?”<sup>38</sup> If some current people are truly needy, should we relieve their suffering before attending to the future? Are we entitled to favor amenities over speculative future interests and, if so, how far should we deflect future concerns?<sup>39</sup>

All approaches offer indeterminate answers to such difficult questions. Yet a virtue approach insures a more exacting standard. Virtue develops character and progressively elevates morality. We owe more as we progress. This means we cannot rest with the status quo, or what we inherited, disregarding our own advanced technological, scientific, and ethical awareness. Yet virtue does not demand endless sacrifice. We should contribute and preserve enough to perfect specific virtues of humility, generosity, and a temperament for justice without inviting sacrificial resentment or bitterness. Virtue keeps the future alive and requires deliberation on cultural excesses and deficiencies. It directs compassion and beneficence to alleviate current suffering and perfect equitable institutions for the future. Virtue is a cultural as well as ethical ideal, and we need to come to terms with the values of our society in deciding what kind of person or people we wish to become. This relative stance on virtue does not demand renunciation of the larger consumptive society in which some Westerners partake. Cultural isolation impedes compassion and prevents cooperation, rendering us less effective in projects to improve collective policies and institutions.

Virtue guidance is indeterminate because making wise judgments depends on current character and involves the choice to become better.<sup>40</sup> This appears squishier than a morality of obligation that compels certain conduct. In reality, it is hard to know, by employing utilitarian or rights analysis, what duty compels, and following duty is a matter of choice. Determining what interests

<sup>37</sup> The extension of current responsibility is a difficult line-drawing topic. See, e.g., Narveson, *supra* note 1, at 39, 59-60 (only some duties to nearer generations); Gosseries, *supra* note 15, at 353-54 (factors for just distribution bettering conditions off worse-off people); WILFRED BECKERMAN & JOANNA PASEK, JUSTICE, POSTERITY AND THE ENVIRONMENT 22 (2001) (passing on “just institutions” allowing future people to define good life); Frischmann, *supra* note 15, at 466 (meaningful accounting of future interests without unjustly enriching current people).

<sup>38</sup> See, e.g., HERBERT MARCUSE, ONE DIMENSIONAL MAN (discussing the creation of wasteful needs as means of “social control”) 9, 7 (2d ed. 1991).

<sup>39</sup> See, e.g., Daniel C. Callahan, *What Obligations Do We Have to Future Generations?*, in RESPONSIBILITIES TO FUTURE GENERATIONS 73, 79-80 (Ernest Partridge ed., 1981) (future people predictably like us in basic welfare needs); BECKERMAN & PASEK, *supra* note 37, at 23 (future essential interests likely similar to ours).

<sup>40</sup> See IMMANUEL KANT, FUNDAMENTAL PRINCIPLES OF THE METAPHYSICS OF MORALS 39 n. 9 (Thomas K. Abbot trans., Liberal Arts Press 1949) (1785). See also Bruhl, *supra* note 4, at 402-04 (discussing difference between mandatory duties to specific people and “superogatory” duties, such as charity, that involve choices and not particular rights).

to pursue, comparing goods in tension, and predicting the consequences of moral positions render utilitarianism similarly indeterminate. Major uncertainties in utilitarian analysis include the nature of the goods sought, how goods compare, and how particular conduct actually affects those goods. Rights analysis fares little better in determinacy despite its attraction based on asserted strength. Rights are not absolute, and positing them does not reveal how to resolve conflicts in particular situations. It is true that democratic societies must justify constraints on rights, while failing at virtue seems more private, variable, and permissive.<sup>41</sup> Yet public virtue, or the vision of a good society, also requires dialogue and justification. Thus, neither rights nor utility relieve us of balancing, disagreement, or indeterminacy, despite their appeal as more secure foundations than virtue.

## II. A THEORY OF MORAL VIRTUE

### A. *Moral Integrity*

This sketch depicts a virtuous ideal and makes no psychological or biological claims about how people develop morally in fact. The discrepancy between this picture and the average or “normal” state of morality is glaring. Virtue implies a stretch. Yet credible moral theory should not outstrip people’s realistic abilities, and I do not think this normative ideal violates the principle, ‘ought implies can.’<sup>42</sup> The human capacity for morality includes the desire to become better, although not necessarily the skills or resolve. People need high aspirations, especially in relation to the future, where they are so prone to weakness.

I portray moral development as an epistemic process toward a state of wisdom, which I define as a state of dynamic equilibrium between moral conviction and doubt.<sup>43</sup> The epistemic predicament is that people dangle uncomfortably between confidence in moral truth and skepticism about morality. Moral disagreement, even within cultural frameworks, injects insecurity into moral attitudes and aspirations. To deny the fact of widespread moral disagreement is to relegate oneself to a tiny, ever shrinking moral domain. Uncertainty, however, threatens moral confidence because beliefs motivate and support commitments. Perpetual tension between two epistemic pictures can

<sup>41</sup> See Kant, *supra* note 40, at 39 n.9; Bruhl, *supra* note 4, at 402-04.

<sup>42</sup> OWEN FLANAGAN, VARIETIES OF MORAL PERSONALITIES: ETHICS AND PSYCHOLOGICAL REALISM 33-35, 43, 46 (1991) (advocating realistic morality that recognizes psychological constraints).

<sup>43</sup> Refer to the following for more writing on this topic: Reed Elizabeth Loder, *Integrity and Epistemic Passion* [hereinafter *Integrity*], 77 NOTRE DAME L. REV. 841, 852-63 (2002); *Lawyers and Gratitude*, 20 NOTRE DAME J. L. ETHICS & PUB. POL’Y 175, 183-86 (2006). I do not think an “epistemic virtue” requires conscious attention to moral knowledge. I agree with those who argue that moral progress need not be self-conscious. See, e.g., Flanagan, *supra* note 42, at 143-44 (referring to Dostoevsky’s peasant characters who are moral exemplars).

produce moral catatonia, indifference to overwhelming moral predicaments or despair about their resolution. In contrast, the conflict can produce dogmatism and insularity as a way of quieting distress. Either stance jeopardizes moral development. Epistemic suspension depends on factors like history and culture, but typically a person teeters toward the pole of either certainty or skepticism overall. Neither inclination is fixed, only a personal tendency. The post-modern tendency in the West has been largely skeptical, although this may be waning with external threats to security. A skeptical attitude toward law surely permeates contemporary jurisprudence and has infected the professional ethics of lawyers.<sup>44</sup>

These epistemic caricatures are impediments to virtue. Moral certitude smothers input that softens intractability and allows growth. The person convinced of moral correctness invites flawed character traits and conduct. Dogmatism fosters disrespect for dissenters and those who are “other,” a type of harm in most moral schemes. At the extreme, this leads to arrogance and violence against those who do not conform to cultural, religious, and personal ideals. Skepticism, on the other hand, can undermine moral commitments or confine them to homogenous groups, thus jeopardizing meaningful dialogue about moral issues that seem futile and insoluble. One “tolerates” or “puts up with” different attitudes that cannot be evaluated on the merits with confidence. Social isolation results when factions coalesce around the contingencies of consensus. Violence can ensue if exerting power becomes the only viable way to settle intractable disagreements. Casual acceptance promotes indifference. Either cartoon picture takes a toll on openness. The dogmatist shuns those who disagree and sometimes resorts to settling disputes through force. Since moral discourse is futile in the skeptic’s mind, “preaching to the converted” can follow, or exerting bald power to carry the day. Neither habit of mind is conducive to virtue.

Instead of squelching moral motivation, epistemic discomfort can invite further exploration. An open and searching orientation is a more morally appropriate response to the range of epistemic experiences. A reasonable initial posture is to treat all experiential input as genuine including the ambivalent human history of moral commitment and strife. Moral life invites confidence and doubt simultaneously, and both should be treated as real.

The role of integrity as a regulative virtue is to realign epistemic forces in particular situations and overall. A common view is that a person of integrity stands up for her values and beliefs in the face of adversity.<sup>45</sup> Integrity is a term synonymous with strength that we apply to both people and physical objects, for example, to a principled and steadfast person as well as an architecturally sound

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<sup>44</sup> See, e.g., Reed Elizabeth Loder, *Moral Skepticism and Lawyers*, UTAH L. REV. 47, 54-57 (1990) (skeptical propensities of law and legal ethics).

<sup>45</sup> Loder, *supra* note 43, at 845-46.

building. Such strength of purpose and structure signifies the confidence people have in their moral bearings that can withstand the ravages of uncertainty, like the solitary building that survives a hurricane. On the other hand, commentators have noticed that integrity is not strength come what may, but can accommodate flexibility and change.<sup>46</sup> On the epistemic scale, integrity balances uncertainty and confidence, doubt and commitment, in a state of dynamic equipoise. Either posture can be appropriate depending on variations of context. Sometimes it is appropriate to judge, while other times to suspend judgment, and the person of integrity has acquired through experience and reflection the proficiency to assess what each situation commends. In this sense, integrity recalls Aristotle's idea of practical judgment, a virtue that builds on experience and facilitates the best contextual choices in particular circumstances.<sup>47</sup> Overall, integrity makes commitments worthwhile while preserving aspiration toward a better self than one happens to be. Guidelines for virtue reflect the constraints of culture and personal history. People adopt a complex of attributes, attitudes, and principles from a framework of given possibilities.<sup>48</sup> A faithful person seeks to identify and loosen negative social tentacles on the personality. The hope of liberation motivates a person to rattle habits and outlook, despite discomfort.

The balanced or integral person adopts a searching response to epistemic tension. Because her commitments are solid, they are worth testing and bear refinement. The modes of testing are inherently social. Integrity nudges a person toward alien others and opens unfamiliar pathways to moral insights. This input comes from people who variously share and reject her world-view. The seeker hovering between confidence and doubt actively seeks out diverse viewpoints. Integrity pushes her overall, but she also cultivates specific skills and virtues that enable her to stretch the "walls of her cage."<sup>49</sup>

### B. *Specific Supporting Virtues*

Through moral imagination and empathy, the person of integrity tries to appreciate another's experience, however imperfect this effort is in yielding accurate insights.<sup>50</sup>

Humility is a virtue that makes these efforts worthwhile because the humble

<sup>46</sup> *Id.* at 847.

<sup>47</sup> For Aristotle, excellence is both moral and intellectual. Aristotle, *supra* note 24, at Bk. I, 13; Bk. II, 5.

<sup>48</sup> See LARRY MAY, *THE SOCIALLY RESPONSIVE SELF: SOCIAL THEORY AND PROFESSIONAL ETHICS* 15-18 (1996) (describing difficulties in selecting impartial standards).

<sup>49</sup> Ludwig Wittgenstein, *A Lecture on Ethics*, in *ETHICS: SELECTIONS FROM CLASSICAL AND CONTEMPORARY WRITERS* 345-53, 385 (Oliver A. Johnson ed., 5th ed. 1984) (referring more restrictively to the boundaries of language).

<sup>50</sup> Richard Delgado, *Rodrigo's Eleventh Chronicle: Empathy and False Empathy*, 84 CAL. L. REV. 61, 70-71 (1996). See also Thomas Nagel, *What Is It Like To Be A Bat?* 83 PHIL. REV. 435, 438-39 (1974) (ability to imagine life of bat limited to human resources).

person recognizes how much she has to learn. Rehearsed over time, humility becomes ingrained in the moral personality. Because humility invites questioning, this particular virtue relies on skepticism for epistemic sustenance.<sup>51</sup> Yet the humble person musters the trait of courage to open herself deliberately to antagonistic ideas and experience, which puts preconceptions on the line. At the same time, courage shields humility from degenerating into chameleon-like tolerance.<sup>52</sup> Courage is an antidote to excessive humility that upsets integral balance too far toward the skeptical pole.<sup>53</sup> Courage preserves faith that humble exploration is consistent with moral truths. Courage provides resistance to entrenched ideas and grants strength to judge with one's cultivated lights. Both virtues thus support integrity in equilibrating epistemic tensions. Courage rescues humility from excess uncertainty, while humility tempers moral bravery that might otherwise be dogmatic. Adding to the virtuous brew, a caring disposition keeps the process moving. Care encompasses one's own moral fate as well as that of others who offer hidden insights. Caring sustains the motivation to get things as right as possible. All of these virtues centrally involve ongoing reflection about comfortable moral attitudes. Humility, courage, reflection, and care are some specific virtues that support integrity as the source of wisdom.

Other supporting virtues deserving mention are gratitude, generosity, and a temperament for justice.<sup>54</sup> Gratitude as a virtue is different from feeling indebted for identifiable benefits from particular benefactors, the common emotion of gratitude.<sup>55</sup> It involves diffuse, free-floating motivation to bestow something of value. The recipient need not be identifiable or capable of reciprocating in any manner. Indeed, the virtue of gratitude is distinguished from ordinary gratitude just because it is unhinged from a sense of just returns or *quid pro quo*. This free thankfulness is closely linked to generosity as a virtue because the disposition to be generous arises from a perception that one has something to offer and should share that bounty. Reciprocity is not necessary to the virtue.

Like humility and courage, gratitude and generosity have virtuous targets that vary by context. Sometimes one can be grateful or generous to a fault, for example, when feelings and offerings overwhelm more immediate responsibilities to special relations or people with more pressing needs that the

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<sup>51</sup> See, e.g., Thomas E. Hill, Jr., *Ideals of Human Excellence and Preserving Natural Environments*, 5 ENVTL. ETHICS 211, 219-21 (1983) (humility in relation to others a valuable trait).

<sup>52</sup> See Thomas E. Hill, Jr., *Servility and Self-Respect*, in AUTONOMY AND SELF RESPECT 8-9 (Thomas E. Hill, Jr.) (servility a moral defect involving lack of self-respect). See also Aristotle, *supra* note 24, at Bk. II, 2, 6 (excellence requiring precise contextual judgment of virtuous target appropriate to situation, neither excess nor deficiency).

<sup>53</sup> Aristotle, *supra* note 24, at Bk. II, 6 (idea of virtuous mean between excess and deficiency).

<sup>54</sup> There may be more supporting virtues beyond the scope of this paper.

<sup>55</sup> For my full treatment of gratitude as a virtue, see Loder, *supra* note 43, at 177-83.

actor can address. Injustice occurs when a person lavishes much on some, while ignoring needs of others that can be easily satisfied without sacrificing quality of life. Without a disposition to perceive and do justice, a person would have difficulty determining how to distribute goods equitably in particular situations. Justice as a virtue permits a person to recognize circumstances requiring reallocation of goods or some other equitable adjustment. This is a challenging perceptual skill, given strong psychological tendencies to see the world as already just.<sup>56</sup> The virtue of justice also motivates a person to make equitable corrections. Justice and the other specific virtues involve skills of judgment as well as motivational dispositions. They both invoke and perfect the overall equilibrating virtue of integrity. It is the configuration of these interdependent virtues that makes a virtuous person.

### C. *Egoistic and Instrumentalist Objections*

Someone could object that this picture of integrity and supporting virtues is egoistic and instrumentalist.<sup>57</sup> It casts other people and beings as moral "material" for a process of ethical self-realization. Their quirks and differences offer food for testing. A person experiencing discomfort in juggling moral truth and uncertainty solicits others in order to relieve personal distress, making virtue servile to individual interests.<sup>58</sup> Either he will ratify his beliefs through a like-minded person, or he will re-examine his judgments with the challenge of incompatible ideas. The developing individual needs the perspectives of others to push and expand horizons and to fertilize moral imagination. This depiction of virtue may resemble the self-actualization model familiar in psychology.<sup>59</sup>

In reply, I think the assumptions of exclusive self-interest and instrumentalism impoverish this model of moral development. The individual realizing moral potential must respect the intrinsic dignity of others to change in the deep ways suggested. One "cause" of character development is attraction to others based on their intrinsic value. The person undergoing moral development credits others *because* she respects them. Other people are not merely a means to virtue. This model does not resort to determinism, biological or otherwise, to explain the value of other people to a moral seeker, for example, kin partisanship that tends to perpetuate genes.<sup>60</sup> Aspiration, deliberation, and choice drive virtue, and achieving virtuous dispositions requires persistence to rise above psychological and moral impediments.

<sup>56</sup> See LERNER, *supra* note 23, at 11, 13, 16-17.

<sup>57</sup> See HINMAN, *supra* note 35, at 121 (defining egoism as theory of self-interested motivation).

<sup>58</sup> See, e.g., Robert B. Cialdini et al., *Empathy-Based Helping: Is It Selflessly or Selfishly Motivated*, 52 J. PERS. & SOC. PSYCHOL. 749, 749, 754 (1987).

<sup>59</sup> For one theory supporting the popular view, see, e.g., KAREN HORNEY, *NEUROSIS AND HUMAN GROWTH* 18 (1950) (developing individual personality under secure conditions).

<sup>60</sup> See Johnson, *supra* note 14, at 145-46.

Using the tools of empathy, imagination, and moral reason, the searching person comes to know something more about how others perceive and navigate the world. Empathy does not by itself generate feelings for the other, however. Empathy is the capacity to understand the emotions of another and is different from sympathy, which is a direct response to another's plight with compassion and care.<sup>61</sup> Empathy, on this view, can be egoistically bound, whereas sympathy is more outwardly oriented toward feelings for another person.<sup>62</sup> While empathy initiates the process, the second component of direct concern thrusts the person beyond egoistic self-concern.

Habitual empathizing does tend to build altruistic dispositions, however. A person's openness to another makes sympathetic responses possible and more likely. Imagining how someone came to understand the world involves projecting oneself into novel experiential circumstances, which facilitates sympathetic emotions in a psychologically healthy person. Compassion thus tends to emerge from applying moral imagination, even when disagreement persists. Caring for the other and understanding the other's perspective does not entail accepting that point of view as one's own. Despite disagreement, the other's worthiness that attracted the moral seeker shines in personal connection, and respect and concern grow accordingly. That "challenger" displays inherent value, not simply as "material" for testing and growth. The moral journey toward virtue is neither exclusively altruistic nor egoistic.

Increased receptivity alters moral emotions. Emotionally, the receptive person becomes more attuned and sensitive to moral strangers, whose input more dramatically enlarges the moral universe.<sup>63</sup> Far from narcissistic, the seeker relinquishes something in the process of expansion. With the support of humility and courage, she sheds some sense of her own importance as a unique and special being in touching the other. Although she does retain moral interest in her own burgeoning identity, she becomes more disinterested at the same time. In the sense that personal boundaries between her and others soften, she approaches a Buddhist ideal of emptiness rather than an egoistic model of self-definition.<sup>64</sup> Deep receptivity endures only through rigorous exercise of moral

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<sup>61</sup> See, e.g., Nancy Eisenberg and Janet Strayer, *Critical Issues in the Study of Empathy*, in *EMPATHY AND ITS DEVELOPMENT 5* (Nancy Eisenberg and Janet Strayer eds., 1987) (defining empathy as sharing perceived emotions of another person).

<sup>62</sup> On this view, even a psychopath could possess empathy in having unusual powers to grasp what drives another person and makes him vulnerable. A psychopath altogether lacks sympathy, however, as a feeling response accompanying acuity of understanding.

<sup>63</sup> Nearly everyone has cried at the movies or on reading an affecting novel. Most people can empathize with the follies of literary and real characters (for example, President Clinton) even if they disapprove foolish behavior.

<sup>64</sup> See Donald K. Swearer, *The Hermeneutics of Buddhist Ecology in Contemporary Thailand: Buddhadasa and Dhammapitaka*, in *BUDDHISM AND ECOLOGY 21-44*, 24-25 (Mary Evelyn Tucker and Duncan Ryuken Williams eds., 1997).

skills.<sup>65</sup> It is a possibility that emerges from regular exploration.

#### D. *The Anthropocentric Objection*

Another objection is that a virtue approach is a version of anthropocentrism, a flawed environmental ethic. Virtue narrowly centers on humans, the objector would say. The field of environmental ethics has expanded and improved traditional ethics beyond humans to the environment itself, all or part of which many ethicists view as having intrinsic value.<sup>66</sup> Indirect concern for the environment, as a byproduct of primary human concern, is insufficient to curtail exploitation of the environment for human economic and other purposes, according to non-anthropocentric ethicists.<sup>67</sup>

Recently critics of non-anthropocentric approaches have addressed conceptual and practical flaws in that position. Some have argued that valuing implies a human subject, and thus it makes little sense to discuss value apart from humans.<sup>68</sup> Others have maintained that the distinction between anthropocentrism and non-anthropocentrism is not central to generating a fully protective environmental ethic.<sup>69</sup> I do not think typical non-anthropocentric ethics do a good job of resolving contextual conflicts between values and interests. Finding ways to analyze and resolve conflicts is important if environmental ethics is to have practical significance to policy. Some non-anthropocentric philosophers posit only 'prima facie' equality among subjects of equal intrinsic value, thus permitting some balancing of interests, but they say precious little about how to set and weigh priorities in context.<sup>70</sup> At the same time, I believe the call to direct moral consideration of the environment has important historical and heuristic value in exposing the unrestrained egoism that has led to environmental destruction. Non-anthropocentric perspectives are valuable to virtue ethics and compatible with virtues like humility and gratitude, even though these are human traits. Thus, I defend my approach as

<sup>65</sup> Without regular exercise, moral sensitivity and skills can atrophy.

<sup>66</sup> See, e.g., PAUL W. TAYLOR, *RESPECT FOR NATURE: A THEORY OF ENVIRONMENTAL ETHICS* 10-12 (1986) (distinguishing human-centered and life-centered ethics and defending latter); *The Ethics of Respect for Nature* [hereinafter *The Ethics*], in PEOPLE, PENGUINS, AND PLASTIC TREES, 125, 125 (Christine Pierce & Donald VanDeVeer eds., 2d ed. 1995) (direct respect for living individuals). See also Tom Regan, *The Case for Animal Rights*, in PEOPLE, PENGUINS, AND PLASTIC TREES 72 (Christine Pierce & Donald VanDeVeer eds., 2d ed. 1994) (animals not resource for humans); HOLMES ROLSTON III, *ENVIRONMENTAL ETHICS: DUTIES TO AND VALUES IN THE NATURAL WORLD* 1-2, 42-43 (challenging view that nature has no intrinsic value).

<sup>67</sup> Regan, *supra* note 66, at 78 (respecting animals by not using them); ROLSTON, *supra* note 66, at 48 (protecting value of sentient beings through rights).

<sup>68</sup> See, e.g., Bryan G. Norton, *Environmental Ethics and Weak Anthropocentrism* [hereinafter *Weak Anthropocentrism*], in PEOPLE, PENGUINS, AND PLASTIC TREES, 2d Ed. 191, 183 (Christine Pierce & Donald VanDeVeer, eds., 1995) ("questionable ontological commitments involved in attributing intrinsic value to nature").

<sup>69</sup> See *id.* at 183.

<sup>70</sup> See, e.g., *The Ethics*, *supra* note 66, at 139.



incorporating intrinsic non-human value even though its focus is human virtue.

### III. COLLECTIVE MORAL VIRTUE

People rarely function in isolation. Individual identities are socially constructed.<sup>71</sup> When it comes to the environmental status of future generations, much pervasive impact emanates from organized groups such as governments and corporations. The structural impact of organizations on members' character is a significant inquiry. So is the examination of collective character in its own right, although thorough analysis of this issue is beyond the scope of this paper.<sup>72</sup> A significant question is whether familiar talk of group personalities, such as, the "ruthlessness" of ENRON or "belligerence" or "generosity" of the United States, is a shorthand reference to individuals in the aggregate or a reference to collective moral traits. I bypass that ultimate question here and assume that references to group virtues and vices are meaningful, if metaphorical. At least such speech recognizes that organizational structures influence moral behavior. It is well accepted, for example, that modern bureaucracies compartmentalize and diffuse responsibilities in ways that alter people's perceptions about the moral significance of their intentions and actions.<sup>73</sup> The mere presence of others affects an individual's psychological readiness to render assistance to others in glaring need.<sup>74</sup> Peer behavior influences individual perceptions of risk,<sup>75</sup> and even shapes judgments about observable facts that would not otherwise be controversial.<sup>76</sup>

Such distortions affect long-term dispositions toward the future. We have considered how intuitive individual concern for the future falls short, and the group dynamics just mentioned can weaken motivation and resolve even further.

<sup>71</sup> See, e.g., Marilyn Friedman, *The Social Self and the Partiality Debates*, in FEMINIST ETHICS 161, 161, 165-66 (Claudia Card ed. 1991) (relational view of ethics); LARRY MAY, SHARING RESPONSIBILITY 3 (1992) (social view of self); NEL NODDINGS, CARING: A FEMININE APPROACH TO ETHICS AND MORAL EDUCATION 2, 79 (1984) (caring as origin of ethics).

<sup>72</sup> I am writing another piece, "The Moral Personalities of Groups," that addresses this question directly.

<sup>73</sup> See, e.g., John P. Sabini and Maury Silver, *Destroying the Innocent with a Clear Conscience: A Sociopsychology of the Holocaust*, in JOHN P. SABINI & MAURY SILVER, MORALITIES OF EVERYDAY LIFE 55, 62-63 (1982) (perceived distinction between technical and moral responsibility); ELIZABETH WOLGAST, ETHICS OF AN ARTIFICIAL PERSON: LOST RESPONSIBILITY IN PROFESSIONS AND ORGANIZATIONS 66-67, 73, 143 (sense of agency necessary to morality and avoiding diffusion of responsibility).

<sup>74</sup> E.g., Russell D. Clark III & Larry E. Word, *Why Don't Bystanders Help: Because of Ambiguity?* 24 J. PERS. & SOC. PSYCHOL. 392, 393, 399 (1972) (groups of subjects less likely to respond to emergency in next room).

<sup>75</sup> Daryl J. Bem, Michael A. Wallace, & Nathan Kogan, *Group Decision Making Under Risk of Aversive Consequences*, 1 J. PERS. & SOC. PSYCHOL. 453, 453, 458-59 (1965) (enhanced risk-taking). See also Kenneth D. MacKenzie, *An Analysis of Risky Shift Experiments*, 6 ORG. BEHAV. & HUM. PERF. 283, 283 (1971).

<sup>76</sup> See SABINI & SILVER, *supra* note 73, at 84-85 (describing 1952 Asch experiments with perceived line lengths).

Such phenomena help to explain why attention to moral development is important to future care and protection. Hard work and ongoing deliberation mark the person of integrity. If workplace, governmental, and other collectives do not foster such diligence, virtue can easily whither.<sup>77</sup> A corporation can impede moral reflection quite passively, for example, by not sharing information across tasks, by failing to make ethical discussion and education part of business, by hiring and promoting employees irrespective of ethics, by attitude and conduct of leaders or exemplars, and through myriad non-intentional practices and messages. An organization of integrity, in contrast, is conscious of impediments to virtue and strives to inject ethical alertness and concern into everyday business operations.<sup>78</sup> Most relevant to the future, an integral organization does not operate from a short-term, bottom-line stance and improves its community and global standing for reasons beyond prudence. Members tie their moral destiny to affiliations, even long absent predecessors who defined group heritage.<sup>79</sup> Current attitudes toward past and future organizational character shape group identity in part.

Specific virtues of individuals are different from collective virtues. Virtues like gratitude, humility, and compassion involve emotions not available to abstract wholes. Non-biological organizations like corporations and governments have no subjective capacity to experience emotions or reach insights, which is one reason many commentators reject the idea of group personality as anything more than metaphor.<sup>80</sup> Yet the distorting tendency of group affiliation on those very capacities in the biological beings composing organizations demonstrates the importance of considering character traits holistically. Whether literal or elliptical, people understand comments about the "rashness" or "courage" of Bear Stearns, Fannie Mae, or Freddie Mac. They judge organizations by characteristics attributed to the whole. Many of these characteristics affect the future significantly.

<sup>77</sup> I call this state of atrophy "ethical winter."

<sup>78</sup> See, e.g., CHRISTOPHER STONE, *WHERE THE LAW ENDS: THE SOCIAL CONTROL OF CORPORATE BEHAVIOR* 236-48 (1975) (measures to change corporate culture); Kenneth E. Goodpaster & John B. Matthews, *Can a Corporation Have a Conscience?* 60 *HARV. BUS. REV.* 132-41 (1982) (some conscientious corporations); Ronald R. Sims, *The Institutionalization of Organization Ethics*, 10 *J. BUS. ETHICS* 493, 504 (1991) (corporate messages on importance of ethics).

<sup>79</sup> See KARL JASPERS, *THE QUESTION OF GERMAN GUILT* 26 (E. B. Ashton trans., Fordham University Press 2001) (1948) (co-responsibility for known acts and omissions); LARRY MAY, *SHARING RESPONSIBILITY* 146-62 (1992) ("moral taint" based on affiliations and identity, not actions).

<sup>80</sup> See, e.g., John R. Danley, *Corporate Moral Agency: The Case for Anthropological Bigotry*, in *ETHICAL ISSUES IN PROFESSIONAL LIFE* 269-74 (Joan C. Callahan ed., 1988) (no capacity for punishment or consciousness); John Ladd, *Morality and the Ideal of Rationality in Formal Organizations* 54 *THE MONIST* 488-516, 513 (1970) (acts of individuals attributed to organizations); Manuel G. Velasquez, *Why Corporations Are Not Morally Responsible for Anything they Do*, 2 *BUS. & PROFESS. ETHICS* 1, 9 (1983) (nonsensical idea of "group mind" without body).

#### IV. NON-HUMAN NATURE AS TEACHER AND HEALER: ENVIRONMENTAL VIRTUE

A persistent theme of environmental ethics, despite rich variation in theoretical approaches, is that immersion in “nature” transforms humans. ‘Nature as teacher’ is an idea belonging to diverse western environmental philosophies encompassing those of John Muir,<sup>81</sup> Aldo Leopold,<sup>82</sup> Bryan Norton,<sup>83</sup> Arne Naess,<sup>84</sup> Paul Taylor,<sup>85</sup> and Karen Warren,<sup>86</sup> to name just some. The link between wisdom and nature also is central in some non-western traditions. For example, the Buddhist word ‘dharma’ stands for both truth and nature.<sup>87</sup> Nature is conducive to enlightenment in some Buddhist symbolism, and the Buddha found wisdom under trees.<sup>88</sup> Just what nature teaches varies, but such different traditions agree that people learn to appreciate the widely divergent interests of fellow beings and entities through immersion in non-human nature. Nature as a source of knowledge is not an instrumental idea simply because humans are the recipients. The natural world does not exist for the sake of edifying people. Rather, people learn from non-human nature because of its inherent properties. They discover things from nature.

Attentive contact with non-human nature facilitates virtue, but nature is not merely a means of perfecting human character. The natural world stretches ethical frames of reference. Connections with non-human worlds can instill humility about personal and human affairs and their centrality. Aldo Leopold’s image of humans as citizens of a larger ecological community re-orient humans,<sup>89</sup> as does Paul Taylor’s differently conceived respect for unique capacities of living non-humans, such as the “speed of the cheetah.”<sup>90</sup> Such

<sup>81</sup> JOHN MUIR, *THE YOSEMITE* (Modern Library 2003) (1912).

<sup>82</sup> LEOPOLD, *supra* note 16, at 220, 235.

<sup>83</sup> *Weak Anthropocentrism*, *supra* note 68, at 190 (contacts with nature enabling people to revise their consumptive preferences).

<sup>84</sup> Arne Naess, *Self-Realization: An Ecological Approach to Being in the World*, in *THINKING LIKE A MOUNTAIN: TOWARD A COUNCIL OF ALL BEINGS* 29 (John Seed, Joanna Macy, Pat Fleming, Arne Naess, 1988) (deepening understanding of “ecological self”).

<sup>85</sup> *The Ethics*, *supra* note 66, at 126-28 (using imagination to understand uniqueness of each living thing).

<sup>86</sup> Karen Warren, *The Power and Promise of Ecological Feminism*, 12 *ENVTL. ETHICS* 125, 137 (1990) (self-knowledge through rock climbing).

<sup>87</sup> Leslie E. Sponsel & Poranee Natadecha-Sponsel, *A Theoretical Analysis of the Potential Contribution of the Monastic Community in Promoting a Green Society in Thailand*, 45-68, 47, in *BUDDHISM AND ECOLOGY* 45, 47 (Mary Evelyn Tucker and Duncan Ryuken Williams eds., 1997).

<sup>88</sup> Swearer, *supra* note 64, at 34-35.

<sup>89</sup> LEOPOLD, *supra* note 16, at 220.

<sup>90</sup> *The Ethics*, *supra* note 66, at 126-28 (using imagination to understand uniqueness of each living thing).

insights alter consciousness as the experiencing subject comes to understand herself better in relation to other inhabitants of the natural world.<sup>91</sup>

Such "feedback" is not unlike the input of other people that a person striving for moral balance taps to test her own moral attitudes, even though the environmental data is not deciphered in verbal communications or shared species experiences. Indeed, it is precisely because of such limitations that successful connections with the non-human world can transform outlook. The observer gleans more about herself in relation to the non-human world by appreciating the specific differences between her and other parts of nature. She thus gains better overall understanding of her place within the natural world. In this exploration, the human virtue of integrity relies on non-human relations to realize its fullest potential.

Such contacts simultaneously carry moral hazards and promise, invoking integrity as an equilibrating virtue. On the plus side, appreciating differences in non-human nature may increase tolerance and respect even more than interactions with diverse people, since non-human perspectives are more alien than those of a shared species legacy. The non-human environment more profoundly stretches skills and habits without the close emotional chafing of intra-human conflicts. Greater "otherness" can be an advantage in relieving insularity. Responding to non-humans has more potential to alter moral sensibilities than responding to humans alone. Moral affect adapts to strange and unanticipated emotions as a result of forays into different worlds. The skills involved in imagining the plights of foreign creatures and entities, sentient and not, are more demanding than those that connect even the most distant humans. Empathy is more challenged since it extends less spontaneously to those not sharing biology or capacities.<sup>92</sup>

Deep connection with non-humans is harder to achieve because of difficulties imagining what it is like to be another being. Conclusions may be illusory since based on anthropocentric projections onto non-human domains.<sup>93</sup> Direct reciprocity is often missing from such interactions, especially with non-sentient beings and non-living things that cannot ratify our understanding of them in terms translatable and familiar.<sup>94</sup> Imaginary feedback may make it more difficult for the observer to sustain interest and emotional responsiveness. Yet perennial human fascination with non-human nature suggests that perceived chasms do not deaden but heighten sensibilities. Of course, those drawn to

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<sup>91</sup> See, e.g., Warren, *supra* note 86, at 137 (coming to understand differences in relationship to the rock face).

<sup>92</sup> See Nagel, *supra* note 50, at 438-39 (knowing subject limited to human experience).

<sup>93</sup> See Delgado, *supra* note 50 (false empathy).

<sup>94</sup> See Graham Parkes, *Voices of Mountains, Trees, and Rivers: Kukai, Dogen, and a Deeper Ecology*, in *BUDDHISM AND ECOLOGY: THE INTERCONNECTION OF DHARMA AND DEEDS* 111, 117, 119, 122 (Mary Evelyn Tucker & Duncan Ryuken Williams eds., 1997) (human perspective impeding understanding).

explore non-human nature already welcome its mysteries, and those without attraction or prior experience may simply avoid encounters. Unfamiliarity does not preclude belated responsiveness, however. For example, many city natives suddenly exposed to less treaded places experience predictable pleasure and insights.<sup>95</sup>

Nonetheless, enhanced moral sensibility is only a possibility, and at most a tendency, of close contacts with non-human nature. Strangeness can also alienate people from non-human domains, as the history of attitudes toward nature shows.<sup>96</sup> Distance can reinforce human superiority and fear of the unfamiliar. To resist this, a person must press imagination beyond comfortable applications and outside the framework of shared species experience. Effort requires motivation, and someone not so disposed could avoid experiments that seem fanciful and futile. An exploitative attitude toward the non-human natural world is still worse than alienation. Cool observations can serve short-term human purposes.<sup>97</sup> Information can be used to manipulate non-human nature exclusively for the benefit of humans, and often a select inner circle that does not include most existing people, let alone the unborn.<sup>98</sup> "Enlightened" or long-term self-interest is an insufficient constraint on exploitation.<sup>99</sup>

Despite these pitfalls, non-human contacts facilitate moral integrity as a virtue of balance. In navigating the epistemic terrain between moral confidence and uncertainty, the explorer becomes more proficient in distinguishing solid beliefs from prejudices.<sup>100</sup> While not escaping cultural and biological heritage, glimpsing non-human nature adds opportunities for moral progress in the face of, and even because of, moral diversity. Progress depends upon respect and compassion, which diminish tendencies to place one's species at the center.

Contacts with non-human nature transform moral emotion at a deep level. Some environmental writers have recognized the therapeutic possibilities in nature. John Muir, for example, frequently lauded spiritual healing from nature.<sup>101</sup> Deep Ecologists seek insights and repose in ceremonies designed to

<sup>95</sup> See, e.g., MUIR, *supra* note 81, at 256 ("beauty-hunger" of poor people).

<sup>96</sup> See, e.g., William Cronon, *The Trouble with Wilderness, in UNCOMMON GROUND: RETHINKING THE HUMAN PLACE IN NATURE* 69, 70 (William Cronon ed., 1996) (discussing eighteenth century fearful attitudes toward wildness as "desolate," "barren" wasteland).

<sup>97</sup> See, e.g., J. Baird Callicott, *Traditional American Indian and Traditional Western European Attitudes Towards Nature: An Overview, in ENVIRONMENTAL PHILOSOPHY* 231, 236-37 (R. Elliot & A. Gare eds., 1983) (describing European/Greek mechanistic view of nature).

<sup>98</sup> See, e.g., CAROLYN MERCHANT, *THE DEATH OF NATURE: WOMEN, ECOLOGY, AND THE SCIENTIFIC REVOLUTION* 33-34 (1989) ("prying" attitude toward nature allowed commercial exploitation).

<sup>99</sup> "Enlightened self-interest" refers to the assessment of human benefit with a long-term perspective. See, e.g., LEOPOLD, *supra* note 16, at 223. This can result in measures such as resource conservation and pollution control. Nonetheless, the ultimate measure of value is use of the environment for human purposes. Thus the motivation is egoistic and anthropocentric.

<sup>100</sup> *But see* MAY, *supra* note 48, at 15-18 (reflection within social frameworks).

<sup>101</sup> MUIR, *supra* note 81, at 247, 256 (physical and spiritual healing from nature).

connect participants to non-human nature.<sup>102</sup> Theodore Rozack's secular work in environmental psychology,<sup>103</sup> and Mitchell Tomashow's in environmental education,<sup>104</sup> describe similar benefits of environmental excursions. This "therapy" is ethical and also relieves stress. It propels one toward a better self. In some Buddhist traditions, nature offers salvation besides tranquility.<sup>105</sup>

Epistemic balance represents ethical health. Balancing openness with conviction promotes the reflective virtue of integrity and supporting traits of humility, courage, care, generosity, gratitude, and justice. The integral person is steadfast and courageous, yet humble and caring, in the face of challenges and temptations. The integral person is not impervious to change, unlike the dogmatic person who lacks integrity. Interactions with non-human nature can puncture the vices of insularity, arrogance, and intolerance that suppress and perpetuate injustice. Contacts stoke moral curiosity, which spurs imagination and sensitivity. These moral faculties stimulate ongoing progress toward habits that alter perception and character. Thus the integral person learns to value the richness around her and to be grateful for detail and variety. She exudes free-floating thankfulness for participating in a rich natural order.<sup>106</sup> A person who appreciates the variety of non-human nature becomes generically grateful. This attitude is mighty, for it infuses moral concern into all endeavors.

A person may consciously pursue this normative ideal of virtue for moral reasons.<sup>107</sup> Such reasons include respect for the environment as well as improvement of character. The moral personality is not static or beholden to contingencies of heritage and training. Aristotle affirmed that people acquire ethics through habitual actions, comparing moral excellence to superior harp playing through practice.<sup>108</sup> His remarks on the importance of early training, and the fortune of good family modeling,<sup>109</sup> were too pessimistic, however. While early propensities are surely assets, Aristotle offers no satisfactory reason to deny belated ethical progress with conscious effort.<sup>110</sup>

<sup>102</sup> John Seed, *Invocation*, in *THINKING LIKE A MOUNTAIN: TOWARD A COUNCIL OF ALL BEINGS* 19, 19-30 (John Seed, Joanna Macy, Pat Fleming, Arne Naess, 1988) (deepening understanding of "ecological self").

<sup>103</sup> Theodore Rosack, *Where Psyche Meets Gaia*, in *ECOPSYCHOLOGY: RESTORING THE EARTH, HEALING THE MIND* (Theodore Rosack, Mary E. Gomes, & Allen D. Kanner eds., 1995).

<sup>104</sup> MITCHELL TOMASHOW, *ECOLOGICAL IDENTITY: BECOMING A REFLECTIVE ENVIRONMENTALIST* 13, 15 (1995) (transforming experiences of wild places).

<sup>105</sup> Steve Odin, *The Japanese Concept of Nature in Relation to the Environmental Ethics and Conservation Aesthetics of Aldo Leopold*, in *BUDDHISM AND ECOLOGY* 89, 101 (Mary Evelyn Tucker & Duncan Ryuken Williams eds., 1997).

<sup>106</sup> See Patrick Fitzgerald, *Gratitude and Justice*, 109 *ETHICS* 119, 120 (1998) (reciprocity not necessarily part of gratitude).

<sup>107</sup> These are not empirical generalizations from moral psychology, although it would be valuable to study whether such refinements could be documented.

<sup>108</sup> Aristotle, *supra* note 24, Bk. II, 1 (learning excellence by doing).

<sup>109</sup> See *id.* at Bk. II, 3; Bk. X, 9.

<sup>110</sup> Research suggests that young adults are capable of significant changes in moral attitude

The natural world is a resource for refining this ethical ideal or others. Non-human nature is an important moral as well as scientific “laboratory.” As dialogue opens the mind and heart to novel human perspectives, non-human contacts expand the very quest. The natural laboratory can foment the ethical virtues of humility, care, courage, and generosity, which work in conjunction to decentralize the human place in the overall scheme. Grasping difference can teach respect and generosity toward beings having dignity in their own right. Although human similarities lend moral affinities, the dissimilar features of a rock, for example, invite another level of connection and perspective.<sup>111</sup> Opening oneself to great novelty deflates the sense of personal centrality, diminishing some boundaries of self while preserving a sense of identity.<sup>112</sup>

Viewing nature as a moral resource is thus not unavoidably “anthropocentric” but enhances respect for things-in-themselves. With attention and practice, this respectful posture can widen moral consideration and make moral caring an ingrained emotional response. This disposition can affect a considerate person’s actions in particular circumstances, which over time can solidify behavioral inclinations such as generosity. In short, nature instills ethics.

#### V. ENVIRONMENTAL VIRTUES AND FUTURE GENERATIONS

How do virtues, individual and collective, affect people not yet born? Imaginary future people themselves have no moral capacities independent of our projections. This does not free us to neglect the future in our own moral thinking. Disregard would stunt our own moral character, which requires fertile imagination for growth. While we can research the needs of existing people across the globe,<sup>113</sup> it is not possible to learn directly of unborn people’s interests. Yet these beings nurture our better nature and affect our moral identity.

Interactions with the non-human world facilitate wisdom about this better character, which includes concern for future humans. We have considered how interactions with the non-human world are potentially more liberating than exchanges with contemporary fellows. These experiences stretch moral capacities because they enlist extensive imaginative powers and generate subtle

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through education. See, e.g., Thomas H. Batchelder & Susan Root, *Effects of an Undergraduate Program to Integrate Academic Learning and Service: Cognitive, Prosocial Cognitive, and Identity Outcomes*, 17 J. ADOLESCENCE 341, 342, 352-54 (1994) (discussing impacts of service programs on students); Susan Daicoff, *Lawyer: Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1386-89 (1996) (more competitive attitudes developing during first year of law school).

<sup>111</sup> See, e.g., Warren, *supra* note 86, at 137 (connecting to rock face through climbing).

<sup>112</sup> But see MURRAY BOOKCHIN, *REMAKING SOCIETY: PATHWAYS TO A GREEN FUTURE* 7-13 (1990) (criticizing “misanthropic” attitudes of environmentalists).

<sup>113</sup> For example, members of groups like Doctors Without Borders travel the world to expose and redress serious health needs.

moral responses. In extending empathy to the non-human world, reflection takes twists and turns that tax moral sensibilities. One learns to appreciate diverse interests and develop direct respect. The same moral imagination propels one beyond temporal and species boundaries. Differences between humans and living non-human counterparts are sometimes vast. Glimpsing the world of a reptile, for example, calls upon unusual powers.<sup>114</sup> Intractable mystery is one reason why the process of projecting the experience of being a warm-blooded mammal onto imagined reptilian existence is so fruitful for the virtues of gratitude, humility, and courage. Fanciful excursions into non-human nature challenge cognitive assumptions and stretch capacities. Not unlike aesthetic appreciation of art,<sup>115</sup> immersion in strange and imaginary worlds heightens overall sensitivity to one's surroundings. The imagination so engaged becomes more spontaneous and ingrained.

The deeper sense of mystery provides lessons for virtue. Accepting worlds out of reach tempers the human propensity to control and manipulate everything in sight. It teaches the limits of human knowledge and fosters virtues of humility, courage, care, and gratitude. Heightened imagination can also affect action by exposing harmful and beneficial conditions affecting a widening circle of beings. Although incomplete, the imaginative ability to grasp *some* consequences to non-humans orients one generally to the interests of others. This sensitivity enlarges the scope of moral concern, which disposes the more caring person at least to avoid inflicting foreseeable harms. This develops a disposition toward justice.

A wide gulf does not separate the aesthetic and ethical appreciation of the non-human world from that of worlds yet to be. Similar imaginative powers can be useful in crossing the divide between humans who inhabit the planet now and those who someday could. Imagining what it is like for the reptile to burrow in sand transports one further than imagining the world of non-existing humans, who will share our basic features to be called human at all. Given this common ground, ethical projection into inchoate human existence is a less formidable task than considering non-human beings with fewer shared features.<sup>116</sup> Thus, ethical responsiveness to the non-human natural world is useful preparation for human worlds unknown besides being valuable in its own right.

Integrity traverses the epistemic gulf between relatively secure understanding and persistent mystery, balancing the promise of moral truth with inevitable doubt. Although the epistemic balance varies contextually, the ideal posture

<sup>114</sup> See, e.g., Nagel *supra* note 50 (analogous experience of imagining life of bat).

<sup>115</sup> See David E. Cooper, *Aestheticism and Environmentalism*, in *SPIRIT OF THE ENVIRONMENT: RELIGION, VALUE AND ENVIRONMENTAL CONCERN* 100, 108 (David E. Cooper & Joy A. Palmer eds., 1998).

<sup>116</sup> Even the gulf between living and non-living things is somewhat ephemeral. For example, streams, rivers, or mountains do not appear to be alive, but are self-regulating systems composed in part of living things.



overall is confidence and faith tempered by doubt and openness. The ethical challenge of future generations is a peculiarly apt microcosm for equipoise, for it balances secure features of humanity alongside of bewildering novelties that drive even contemporary human peers apart. That imaginary people have indeterminate interests no more relieves ethical responsibility than the diversity of cultures relieves moral obligations toward contemporaries.

Some means of straddling perspectives are unavailable regarding future people. Dialogue is not possible. Yet people find ways to communicate with non-human nature without verbal language. However daunting, people relate to natural beings and have feelings of genuine connection.<sup>117</sup> The absence of language does not prevent reciprocal relations. The non-human relater provides signals for the human to absorb, from which the human derives ethical conclusions. While no one doubts the human capacity to alter non-human surroundings, the impact of non-human nature on understanding, feelings, skills, attitudes, and actions should not be underestimated. Reciprocity between humans and non-humans is meaningful although less obvious than that between humans.

People can even develop relations with specific elements of a place or with a landscape as a whole.<sup>118</sup> The sensitivity involved in appreciating places aesthetically evolves into moral concern for sustaining the place intact. Sometimes the best posture is to avoid tampering with the environment. Activist notions of stewardship, for example, "ecosystem management," can reflect the human arrogance that precipitated mismanagement.<sup>119</sup> Attunement often proscribes conduct, however. One learns to accept restraint based on respect and diffuse affection for the whole place.

Such ways of relating do not fit Martin Golding's sense of "moral community," which requires conventional mutuality.<sup>120</sup> For Golding, moral reciprocity involves mutual obligations among people who share common values and capacities to communicate and deliberate.<sup>121</sup> This narrow notion of direct reciprocal relations begs the question of what constitutes a moral community. It excludes beings lacking moral reason, thus ruling out in advance that the non-human world counts morally.<sup>122</sup> Responsibility does not hinge on

<sup>117</sup> See Warren, *supra* note 86, at 37.

<sup>118</sup> Leslie Marmon Silko, *Landscape, History, and the Pueblo Imagination*, in *INQUIRY: A CROSS-CULTURAL READER* 281, 283-84 (1993) (describing holistic connection with place).

<sup>119</sup> See, e.g., STEPHEN S. PYNE, *FIRE IN AMERICA: A CULTURAL HISTORY OF WILDLAND AND RURAL FIRE* (1982) (discussing historical mismanagement of fire in the Northeast).

<sup>120</sup> See Martin P. Golding, *Obligations to Future Generations*, in *RESPONSIBILITIES TO FUTURE GENERATIONS* 61, 65 (Ernest Partridge ed., 1981) (contractual ability to reciprocate benefits).

<sup>121</sup> *Id.*

<sup>122</sup> The standard might also exclude humans who are impaired in their thought processes, for example, the comatose, who have lost the ability to communicate and to act on the environment and affect others. See, e.g., THOMAS REGAN, *THE CASE FOR ANIMAL RIGHTS* 241-43 (living beings having inherent value despite different capacities).

precise feedback about the interests of others. The images of nature as beloved or nature as teacher suggest unilateral duties.<sup>123</sup> The human has primary responsibility to ascertain what moral concern requires, although the non-human supplies cues. The relationship is not asymmetrical, and the human does not bestow all the benefits. Aesthetic, affectionate, and grateful responses to one's environment are widespread human delights. Awe and appreciation of scope and proportion are just some lessons the non-human world provides. Rest and repose are also gifts of non-human nature, which offers therapy, healing, and even salvation to human souls.<sup>124</sup> Such interactions are rich resources for developing moral sensibilities and improving one's moral identity. This bounty evokes the moral emotion of gratitude that saturates outlook. Natural gifts inspire return.

In some ways, reciprocity is more attenuated with people yet unborn than with non-humans. Even pre-verbal communication is not possible. We cannot observe the effects of events on non-existing beings. Yet the impossibility of forming particular ideas about the interests of non-existing folk is not devastating even for action-centered morality. One can assume basic needs of future humans based on historical and biological continuity, and we can restrain action accordingly.<sup>125</sup> Moral duty originates in communal connections to the past and continuity with the future.<sup>126</sup>

A person attuned to the future develops virtues of courage, care and humility.<sup>127</sup>

Earlier I considered how virtues supporting integrity lose balance. Humility, for example, can produce passivity without courage. Courage enlists humility to mitigate rashness. Disequilibrium toward the future results either from disregarding future people or sacrificing needy contemporaries – an everything-or-nothing obligation to the future.<sup>128</sup> Even the virtue of care can be excessive and unjust if it elevates concern for the future above pressing needs of today. Balancing duties to peers with more distant obligations to strangers presents

<sup>123</sup> See, e.g., Sallie McFague, *A Square in the Quilt*, in *SPIRIT AND NATURE: WHY THE ENVIRONMENT IS A RELIGIOUS ISSUE* 39, 52-54 (Steven C. Rockefeller & John C. Elder eds., 1992) (reinterpreting place in nature and loving earth).

<sup>124</sup> See, e.g., MUIR, *supra* note 81, at 247, 256; Rozack, *supra* note 103, at 4; TOMASHOW, *supra* note 104, at 13, 15.

<sup>125</sup> See, e.g., COMMON PATRIMONY, *supra* note 32, at 37, 38, 59, 60 (specific duties despite future uncertainties); Callahan, *supra* note 39, at 80 (reasonable guesses on basic interests of future people).

<sup>126</sup> DE-SHALIT, *supra* note 8, at 124; EDMUND BURKE, *REFLECTIONS ON THE REVOLUTION IN FRANCE* (Anchor/Doubleday, 1973) (1790).

<sup>127</sup> Aristotle, *supra* note 24, at Bk. I, 8; Bk. II, 1, 3, 4 (happiness from loving virtue). See also Ismar Schorsch, *Learning to Live With Less: A Jewish Perspective*, in *SPIRIT AND NATURE: WHY THE ENVIRONMENT IS A RELIGIOUS ISSUE* 25, 32-33, 36-37 (Steven C. Rockefeller & John C. Elder eds., 1990) (limiting appetites through rest and study).

<sup>128</sup> See Narveson, *supra* note 1, at 38, 56 (paradox of endless obligations or none at all); Grey, *supra* note 2, at 173 (overly "onerous" duties or none at all).

epistemic challenges of defining appropriate sacrifice in particular cases.<sup>129</sup> This is where a temperament for justice feeds a virtuous stance toward the future.

A virtue orientation to futurity does not yield precise formulae, any more than do rights or utilities approaches. This indeterminacy should not be surprising or troubling, but endemic to morality. Virtue is a reflective process of hitting the best mark the moment permits, but aiming higher over time through perfected judgment, information, and will. This is how both action and character improve. Virtuous motivation is self-replenishing and propels one toward the future. A better self is inherently a future self. Personal integrity sweeps features not yet existing into one's identity. The envisioned self provides motivation and fortitude for the actual self. Striving for a better nature is essential to virtue. An integral self at least steers choices toward unrealized ideals.

A person who does not care about future flourishing stunts her own moral development. A minimalist legacy squelches the aspiration to a better self. Integral development depends upon faith in moral expansion and better ways of being. Basic needs are the floor, but bequeathing minimal survival prevents ascent of the human species by suppressing human potential.

## VI. HOW TO COUNT THE FUTURE

### A. *Supplementing Virtue with Action-Guiding Principles*

Standing alone, even virtues in ecological harmony are inadequate moral resources. Critics of virtue ethics complain that over-emphasizing character creates deficiencies in guidelines for action.<sup>130</sup> Although a good person inclines toward right action, cognitive and affective skills are necessary to translate dispositions into practice. A virtuous person must decide on the best course of action to pursue in particular situations. Contextual judgment takes time and experience to ferment.<sup>131</sup> Judgment develops each time particular circumstances adjust parameters for reflection. A morality of action thus must supplement a morality of virtue. The reflective person of integrity constantly calibrates action. The environmentally wise person conducts regular judicious analysis of relevant factors and principles, heeding and honing emotive responses as well. That person thus acquires better judgment over time in accordance with refined habits of reflection and sensibility.

The virtue dimension of morality nonetheless assumes greater importance

<sup>129</sup> See, e.g., Callahan, *supra* note 39, at 82-83 (balancing rights of present and future people giving priority to present when "fundamental" rights at stake).

<sup>130</sup> See, e.g., Robert C. Solomon, *Justice as a Virtue*, in *SOCIAL AND POLITICAL PHILOSOPHY: CONTEMPORARY PERSPECTIVES* 169, 170 (James P. Sterba ed., 2001) (ethics including more than virtue); Rosalind Hursthouse, *Virtue Theory and Abortion*, in *VIRTUE ETHICS* 217, 220 (Roger Crisp & Michael Slote eds., 1991) (abortion illustrating virtue ethics as guide to action and public policy).

<sup>131</sup> See Aristotle, *supra* note 24, at Bk. I, 9; Bk. II, 1.

than the action side in facing the future. As many have noted, fantasy people lack features and interests of reliable specificity to generate standards useful for contextual judgments.<sup>132</sup> Fundamental human interests and needs remain remarkably stable far across time, however, making at least minimalist insights reliable. Each person has a minimum duty to treat surroundings with care and avoid squandering resources with abandon.<sup>133</sup> The principle of leaving a legacy at least on par with our own inheritance is a common sense floor.<sup>134</sup> Beyond obligations not to inflict harm, however, each person has the latitude and responsibility to improve the world in distinctive ways worthy of his more generous and grateful self. This is the arena of virtue, which leaves much to reflection and choice.<sup>135</sup> Suitable contributions to the future are not unbounded in content, however. Imaginative flights to non-existent worlds borrow heavily from longstanding knowledge of people and conditions that affect them.<sup>136</sup> The better person strives to create a better species. In this sense, the character model presented here reinforces some standard insights on how to handle future concerns.

Derek Parfit's paradox suggests that future people could not justifiably complain of specific, inherited conditions as long as they acknowledge they would rather exist than not.<sup>137</sup> The "paradox" arises when the spotlight is on the non-existing people, instead of those who consider the future now. Perhaps the reason he and others look to future people is the fear that inward approaches are idiosyncratic and self-contained – that virtue offers little in the way of concrete guidance for conduct and policy. Ordinary morality always considers the actor, however. Assessing an individual's knowledge, skills, equipment, and sheer luck of position are highly relevant to moral judgments about that person's character. People do not separate the evaluation of how a person acted from that person's traits and dispositions. In fact, they learn about the person from observing how the person behaves in a variety of situations, making judgments of character from how well that person employs substantive principles of action across varied situations. Character and principles of action are integrated in common sense.

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<sup>132</sup> See, e.g., Richard T. DeGeorge, *The Environment, Rights, and Future Generations*, in RESPONSIBILITIES TO FUTURE GENERATIONS 157, 160 (Ernest Partridge ed., 1981) (existence required to have interests); Golding, *supra* note 120, at 66 (knowing future person's good "a mere blank"); John Passmore, *Conservation*, in RESPONSIBILITIES TO FUTURE GENERATIONS 45, 49 (Ernest Partridge ed., 1981) ("ignorance is too great...").

<sup>133</sup> See COMMON PATRIMONY, *supra* note 32, at 82-83.

<sup>134</sup> See *id.*

<sup>135</sup> See KANT, *supra* note 40, at n.39 (imperfect duties exceeding enforceable moral mandates and manifesting freedom).

<sup>136</sup> See, e.g., Callahan, *supra* note 39, at 80 (reasonable assumptions about basic interests).

<sup>137</sup> See Parfit, *supra* note 3, at 116, 122, 125.

B. *Guidelines for a Duty to Assist Strangers: The Moral Position of Helper*

In assessing a person's responsibility toward future people, we are forced to analogize to known, current situations. The moral problem of rescue, or bystander obligation to render help to a needy stranger, is a helpful analogue to the problem of assisting future people, although the analogy has limits. One similarity is that we have no pre-existing relationship to either the stranger or future person that presumptively binds action. In both circumstances, a responder forestalls personal plans for the sake of unknown people. In neither case is the actor pursuing personal goals. Both situations thrust the actor outside of negative morality, or the obligation not to harm others, into a realm of positive assistance. Although the person needing rescue is identifiable, unlike the future person, the position and capacities of the potential helper relative to the needy one are important in both rescue and future morality cases.

Taking rescue cases first, when is the principle "do no harm" converted into a duty to render aid to a person who happens to be within range? In Anglo-American law, such a duty generally turns on relationship.<sup>138</sup> For example, a "special relationship" between parties, for example, professional or parental, sometimes generates a legal obligation to warn another person of peril.<sup>139</sup> A moral special relationship is broader and can arise through accidental factors. No single criterion typically determines responsibility, but the configuration of factors is relevant to a contextual moral judgment. In justifying moral judgments, it is useful to identify relevant standards of responsibility. Mere proximity to events, no matter how fortuitous, is one factor. That you are the sole witness to an accident on a lonely road makes you the only person with capacity to notify others or provide direct aid. That you are there at all might be a matter of coincidence; you forgot your umbrella at work and this delayed you by two minutes. Despite sheer contingency, you are now the only person who knows of the accident. This unique position in itself creates responsibility.

Beyond mere proximity, your personal characteristics influence your responsibilities. If you happen to be a physician, for example, you owe greater obligations to victims than laypersons simply because you happen to possess relevant knowledge and skill to administer necessary medical assistance within your expertise.<sup>140</sup> An able-bodied athlete might also owe unique duties if

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<sup>138</sup> See, e.g., Liam Murphy, *Benevolence, Law, and Liberty: The Case of Required Rescue*, 89 GEO. L. J. 605, 611-37 (2001) (tracing common law of crimes and tort and finding positive duties of assistance exceptional).

<sup>139</sup> See *id.* at 613, 622.

<sup>140</sup> For example, a cardiologist not otherwise engaged who comes upon a heart attack victim would be acting immorally for failing to prevent harm that she is in a special position to redress. Even some unusual Anglo-American common law of rescue requires a capable person to render assistance if this does not endanger herself. R.I. GEN. LAWS § 11-56-1 (1994); VT. STAT. ANN. 12 § 519 (1973). *Id.* at 615 (mentioning several state rescue provisions).

assistance demands strength and stamina. Beyond talents and training, particular equipment that happens to be accessible is another factor in assessing your responsibility. Anyone with a cell phone would incur a minimal obligation to call 9-1-1 about the crash. A rope might enable you to remove an obstruction. If the potential helper happens to be deficient in any of these characteristics, for instance, elderly, disabled, or unable to phone, those negative attributes weigh against responsibility. Thus facts about you as a person, including the fortuities of proximity, special knowledge, skills, strength, and equipment, all enter into a moral judgment about your duty to assist a stranger. In combination, these contribute to a contextual moral judgment about how well you respond.

What you do in relation to what you have simultaneously reveals something about you as a person. Perhaps you act “out of character.” Past acts lead observers to predict consistent behavior. For example, a passive and cowardly person might surprise others, and himself, by undertaking risky measures to assist an accident victim. This could be a transforming moment that could reorient the person toward courage in future events as well. Over time, however, we discover a moral personality through patterns of conduct, in varieties of circumstances.

### C. *Guidelines for Rendering Assistance: The Relative Position of Recipients*

In the rescue context, the circumstances of the subject of assistance are also morally relevant to the accident and analogous future predicaments. A particularly vulnerable subject deserves a vigorous response from a person in a position to help, especially when the probability of harm is high and its nature severe. Bypassing a disabled person unable to escape the crash violates basic principles of preventing harm and demonstrates the vice of extreme callousness in a single stroke. Conduct and virtue intersect. Moral duties increase if one can lend a hand without undue risk or hardship.<sup>141</sup> The virtuous person might risk her own physical integrity to assist, and most people would admire such heroism “beyond the call of duty.”<sup>142</sup> Most people would condemn the passive bystander as immoral, however, if that person could easily help someone vulnerable. If the needy person had no hand in his own perilous circumstances – was not drunk or careless; for example, the obligation of the potential rescuer might rise, although the retrospective possibility of the victim avoiding the accident probably should not be a moral factor if assistance is easy and the need

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<sup>141</sup> See KANT, *supra* note 40 (no duty to incur hardship or great risk).

<sup>142</sup> Holocaust rescuers, for example, risked grave harm to themselves and their families to harbor Jewish people during World War II. Although most saw their conduct as unremarkable, current people greatly admire exceptional heroism beyond that morally required. See SAMUEL P. OLINER & PEARL M. OLINER, *THE ALTRUISTIC PERSONALITY: RESCUERS OF JEWS IN NAZI EUROPE* 222, 228-29, 239 (1998).

is great.<sup>143</sup>

Characteristics of the vulnerable person also mark future people. They have no control of their heritage but nonetheless will face predictable environmental dangers and deficiencies. They will have had no say in such matters as the use of resources by prior generations.<sup>144</sup> Accordingly, the moral duties of existing people toward future people compound. The differential autonomy among generations is morally relevant. Every person alive has more autonomy than any unborn person, although more or less relative to each other. Since living people have freedom to choose, they are responsible even for failures to act.

#### D. Duty to Assist Future People

##### 1. Collective Duty

On a collective scale, cutting across time, such factors are relevant in determining obligations to unborn people. Collectively, aggregate characteristics matter, generating difficult questions about the allocation of responsibility among individual nations and groups who are differently situated with respect to capacities. Proximity has special meaning in the collective context since it transcends distances through time. Current people are the *only* source of assistance to those who do not exist and cannot protect themselves. *We* are the sole travelers on the lonely road. We cannot call 9-1-1 to relieve our moral burden. Our increasingly sophisticated awareness of environmental harms, some irreversible like extinction, poises us to render aid.<sup>145</sup> Despite persistent uncertainties, we know so much more than our predecessors, and this awareness places us in a better position to take remedial and preventive steps.<sup>146</sup> This knowledge includes solid information about how humans are causing environmental stress, thus removing us from the passive stance of the bystander. We may not face an accident at all, but foreseeable wreckage from our own conduct. For all of these reasons, we have a higher duty to the future than did those who preceded us. Of course, later generations may be better positioned than us in terms of knowledge and resources, but we cannot count on this to justify delaying our response any more than a solitary potential rescuer can justifiably assume that others will come along. The diffusion of responsibility

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<sup>143</sup> *But see* LERNER, *supra* note 23 (“just world” perceptions).

<sup>144</sup> *See supra* note 2.

<sup>145</sup> Again, having this awareness places people in a special position to predict harms and to alter conditions that make such harm foreseeable. Failing to utilize this capacity is a moral failure unless action involves self-sacrifice. *See also* R.I. GEN. LAWS § 11-56-1 (1994) (analogous legal obligation on “any person...who knows that another person is exposed to...grave physical harm”). *See id.* at 615.

<sup>146</sup> I think this enhanced knowledge over time counts against the view that we are obligated to leave the planet in no worse position than we inherited, but to do more without hardship to ourselves. *See Rights and Obligations, supra* note 5.

that weakens resolve toward the future arises from just these sorts of expectations.

Like individuals, nations and groups differ in positioning. Developed countries can incur greater responsibilities to prevent future harms related to phenomena like climate change, given their history of greater emissions and their superior resources in knowledge and technology.<sup>147</sup> These factors are analogous to the capacity and equipment of the rescuer on the lonely road. Developed societies have special responsibility to improve technical capacity through feasible enhancements.<sup>148</sup> They owe obligations to the future, and also undeveloped nations that need technological assistance, in the form of equipment and expertise.<sup>149</sup> Those with capacities should minimize environmental exploitation and harm related to economic necessity. They should not await future ingenuity to solve known problems implicating basic welfare.<sup>150</sup>

The collective propensity to justice influences national judgments about allocating benefits and burdens among and within nations. An overall high standard of living frees people from the struggle for subsistence. Yet not all people within wealthy nations share this excess capacity, and a society committed to justice should address glaring internal inequities along with, if not before, expending resources on future people. Otherwise concern with the equitable treatment of future people is hypocritical. Those less well off should not be expected to contribute through taxation or otherwise to support a future oriented agenda. More fortunate nations are in a position to circumscribe cultural appetites, thus setting an example for altering cultural conceptions of a good life in the aggregate over time. They have cushioning and strength analogous to that of the athlete who comes well-equipped to the wreck.

## 2. Individual Duty

Individual positioning is complex in relation to the future. The call to action beyond inheritance comports with a virtue approach. The more a person progresses developmentally, the higher the virtuous standard. This is not unfair because virtuous people aspire to an increasingly better life. Ideals of excellence are the norm for few moral exemplars, so room for improvement is typical.

<sup>147</sup> I think history and capacity morally justify differing treatment, at least for a temporary period, of developed and even rapidly developing countries with respect to emissions affecting climate. This is the position of the Kyoto Protocol.

<sup>148</sup> This principle supports my own view that exploration of energy alternatives to fossil fuels such as solar, wind, ocean thermal power is a collective moral obligation, not just practical policy.

<sup>149</sup> See Alastair S. Gunn, *Environmental Ethics and Tropical Rain Forests: Should Greens Have Standing?*, 16 ENVTL. ETHICS 21, 22-23 (1994) (discussing Malaysian smog emergencies and arguing for "northern" assistance).

<sup>150</sup> See, e.g., Callahan, *supra* note 39, at 79-80.



Material and other capacities facilitate virtue. An endowed person is well situated to make choices about consumption that resist cultural temptations.<sup>151</sup> An affluent person of virtue is able to donate time and money to organizations whose mission is future oriented. Standards of virtue increase relative to material and virtuous capacities. The principle of leaving at least as much as inherited is overly minimalist in relation to the future as standards of living, knowledge and virtue rise.<sup>152</sup> A person struggling to survive has fewer choices, and it takes less to be virtuous. In either case, contextual judgment is important to avoid excesses or deficiencies. For example, generosity is excessive if a person neglects personal and family flourishing to chase visions of the future.

In defining generosity as a futuristic virtue, puzzles arise on how far to carry personal limitations within a consumptive society. I teach Environmental Ethics in a school that attracts students committed to environmentalism. I instruct each class member to bring an item he or she considers “environmentally questionable” but hesitates to give up. I define an “environmentally questionable” thing as something unnecessary, but convenient or enjoyed, that has small or moderate deleterious impacts on the environment individually or in the aggregate, now or over time. A student can bring in the item itself, or something that represents a large object or questionable activity. This exercise sparks lively discussion over attachments to such things as barbecue sauce, spring water bottles, disposable diapers, SUV keys, McDonald’s food packaging, a mountain bicycle tire, ski equipment, a caged iguana, facial cosmetics, a leather coat, and a docile indoor cat. We each describe our environmental reservations and consider why we are unwilling to banish the thing from our lives. In so doing, we contemplate how much to demand of ourselves and acknowledge some “hypocrisy” in avowing environmentalism within a consumptive culture. Many discuss extraneous ways they compensate for their “excesses” through such methods as donations, voluntary environmental service, and public-spirited career aspirations. As a rule, participants do not excuse particular weaknesses through compensatory, utilitarian additions to overall good. They are frankly squeamish in navigating a flourishing life while pursuing environmental improvement. The discussion inevitably turns to public policy, law, and political measures that could improve national moral standing through reducing waste and curbing consumer wants. We consider concrete ways to discharge individual and collective duties to a future wholly dependent on our resolve. Some are hopeful about possibilities for individual and collective integrity. Reflection and dialogue about matters of

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<sup>151</sup> See, e.g., AL GORE, *EARTH IN THE BALANCE* 240-41 (1992) (unsatisfying and inauthentic consumptive habits); Schorsch, *supra* note 127, at 32-33, 36-37 (curbing appetites with examples from Judaism).

<sup>152</sup> JOHN RAWLS, *A THEORY OF JUSTICE* 288-89 (“just savings principle” as passing on “fair equivalent” of that inherited, but not indefinitely).

human frailty helps us to become better people and environmentalists. Being overwhelmed by environmental duties is not only futile, but can squelch enthusiasm for making the world a cleaner, more beautiful, more equitable place.<sup>153</sup>

In this pragmatic affirmation of 'ought implies can,' my concept of virtuous identity stops short of Buddhist-like emptiness and oneness and clings to individualist traditions. In perhaps unalterably American terms, an aspiring self and a relished life sustain moral motivation best within that cultural framework. It is unrealistic to expect a westerner to forsake basic consumptive comforts like electricity and tap water to conserve resources for future people, although a person who deliberately renounces conveniences might deserve admiration. Cultural concessions to custom and peer standards do not grant license to consume in a consumptive milieu, however. People do not select the dominant values of their society, but they can make conscious decisions to ratify or modify that heritage. How one responds to environmental inheritance is a matter of direct responsibility, and this applies to groups like nations as well as to individuals. Affiliation can carry "metaphysical guilt," in the words of Karl Jaspers.<sup>154</sup> Public policy decisions that disregard the future or, worse, wreak predictable and severe harm, are collectively unjustified. It is the duty of each person, no matter how unwitting a participant in social norms, to pursue policy change to avoid moral taint from harmful communal arrangements.<sup>155</sup>

An important ethical principle is that economic and other advantages create obligations to rescue those less fortunate, including strangers and distant inhabitants of Earth. Flourishing imposes special duties to transmit the bounty. Gratitude and generosity should govern interpersonal as well as intergovernmental relations. Sharing includes not only material resources, but also knowledge about matters affecting the future and technology suited to solving environmental and other problems.<sup>156</sup> Minimally, this special moral obligation proscribes a privileged person or group from exploiting others who lack capacity to resist. It prohibits a United States corporation, for example, from marketing surplus pesticides overseas that have been recently banned at

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<sup>153</sup> I am reminded of a conversation I unintentionally overheard outside a sporting goods store between a father and teenage son. The father was berating his son for wanting to purchase a brand name, expensive pair of sneakers for school. The father unleashed a series of disapproving points on the hapless son: "When I was your age . . . ; Why do you have to conform . . . ; What does the label matter . . . ?" Although each point was plausible, I could not help but wonder how the young man would remember the event and whether the parent's harsh judgments would be effective in accomplishing the desired end. The father did not acknowledge his son's understandable difficulty in resisting the tantalizing barrage of consumptive culture.

<sup>154</sup> See JASPERS, *supra* note 79, at 26-27 ("metaphysical guilt" for failing to prevent harm by nation or group).

<sup>155</sup> *Id.*

<sup>156</sup> See Gunn, *supra* note 149, at 22-23, 39.

home.<sup>157</sup>

#### CONCLUDING THOUGHTS: INTEGRITY AND THE ENVIRONMENTAL FUTURE

Epistemic virtue allows people to ascertain guiding principles of conduct in particular situations but does not promise formulaic resolutions. The configuration of interrelated virtues motivates people to make good particular and overall choices. The right target of humility prevents over-modesty about what current people can accomplish for the future. Excess humility dampens resolve toward the future in a cloak of confusion about speculative consequences and interests. A surplus of one virtue paradoxically results in deficiencies toward the future. Courage tempers excessive humility and prods people to enhance their legacy. Justice helps people to assess intergenerational equity and motivates them to bestow more equitable conditions on the future without compromising today. Integrity regulates balancing toward epistemic equipoise, or wisdom. It generates virtuous ideals while preserving ample room for corrections. Integrity permits ongoing adjustments toward a legacy of excellence. Caring drives the process emotionally.

This vision is challenging, to be sure, which explains why intuitive concern for the future falls short. We all yearn for Arne Naess's "beautiful" life, where generosity is spontaneous and pleasurable, not "dutiful," painful, and scarce.<sup>158</sup> At the same time, tougher virtue is realistic and necessary because people strive to be better. Ultimately, a beautiful life is a virtuous life, which involves struggle, epistemic and moral, on the way to excellence. The balance and wisdom of integrity require conscientiousness, reflection and vigilance. Virtuous motivation sustains the reflective process, especially its futuristic dimensions. That sustenance is why virtue improves utility and rights ethics in the futurity context, even though the ethics intertwine.

Virtue pushes forward. Character has no significance trapped in a snapshot of time. Moral narratives fuse existing people with successors who will bear today's markings. This flow morally binds people to the future.<sup>159</sup> Integrity involves no less.

<sup>157</sup> Even this principle is complicated in context, however. For example, the health scourge of malaria in Africa, India, and elsewhere may ethically justify limited uses of the pesticide, DDT, despite known environmental impacts. See, e.g., Tina Rosenberg, *What the World Needs Now Is DDT*, N.Y. TIMES, April 11, 2004.

<sup>158</sup> Naess, *supra* note 84, at 28 ("beautiful acts" done for pleasure). See also Aristotle, *supra* note 24, at Bk. I, 13 (happiness in virtue).

<sup>159</sup> See, e.g., Holmes Rolston III, *The River of Life: Past, Present, and Future* 123-37, in *RESPONSIBILITIES TO FUTURE GENERATIONS* (Ernest Partridge ed., 1981) (metaphor of river as organic flow of past, present, and future).

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