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RAWLS, CLIMATE CHANGE, AND ESSENTIAL GOODS

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Abstract

Climate change is one of the most important social and environmental justice issues of the 21st century. As such, it deserves serious treatment by John Rawls, perhaps the most important social justice theorist of the 20th century. In this paper, I first discuss Rawls' conception of a well-ordered society presented in *A Theory of Justice* and how climate change may be incorporated in his principles of justice as an intergenerational savings problem. Then, I present a characterization of environmental goods like clean air and clean water as a special kind of good in Rawlsian justice and argue that this is a more effective way of incorporating environmental considerations into the framework of a well-ordered society. Essential goods, as I call them, can be distinguished by two particular traits: 1) their status as a public good, and 2) their status as preconditions for the usage of our primary goods.

By recognizing that environmental goods are preconditions for the proper exercise of our social primary goods, we establish a precedent for the incorporation of environmental and climate considerations into the fundamental structure of a Rawlsian framework. This approach is unique in the literature because past papers addressing a Rawlsian reply to climate change and environmental concerns have focused primarily on the original position, the just savings principle, or the two principles of justice. My conception of essential goods accounts for environmental goods as a necessary, and not merely peripheral, element in Rawlsian political philosophy.

I. Introduction

Anthropogenic Global Warming (AGW), the theory explaining the climate change phenomenon that causes rising temperatures and rising waters around the globe, is endorsed by 97% of climate scientists (Cook et al., 2013). As a process that affects every country in the world, climate change is the most important social and environmental justice issue of the 21st century.¹ As such, it deserves serious treatment by philosophers like John Rawls, the most important social justice theorist of the 20th century.

Warmer temperatures and rising sea levels will combine to develop into serious consequences for coastal communities in terms of storm surge and sustained flooding. In *A Theory of Justice* (TOJ), Rawls introduces two well-known principles of justice that are concerned with improving the positions of the least advantaged in society. The poor, or the 'least advantaged', in Rawlsian terms, are especially vulnerable to the aforementioned environmental stressors (Hallegatte, Fay & Barbier, 2018, p. 225). Thus, climate change, as a subset of background environmental justice, must be accounted for by the principles of justice in a well-ordered society. In this paper, I first

¹ For the purposes of this paper, 'climate change' can be viewed as a proxy for other closely related environmental issues, like resource depletion, air and water pollution, and deforestation. Though they are different issues, the nature of their causes and consequences are similar enough for them to warrant the same treatment under a Rawlsian framework.

briefly explain Rawls's conception of a well-ordered society and how he attempts to solve the problem of intergenerational justice using the just savings principle. Then, I present an argument characterizing environmental goods as a special kind of good and discuss how they may provide a more effective entry point for climate change into this discussion.

II. Rawls' Well-Ordered Society and the Just Savings Principle

John Rawls believes that a well-ordered society is the one best situated to satisfy the precepts of justice as fairness; that is, to demonstrate a fair basic structure with institutions that support lasting justice for its constituents. Rawls' principles of justice, which are derived from a conceptual decision-making process, regulate this society by protecting equal liberties and creating a fair distribution of 'social primary goods'—a fair distribution being to the greatest benefit of the least advantaged in society. Social primary goods are opportunities, income and wealth, and the bases for self-respect. They are goods that everyone, regardless of their individual life plans, is presumed to desire. Most importantly, they allow for the proper exercise of our two moral powers: 1) judging and upholding just institutions, and 2) pursuing our rational plan of life.

In TOJ, decision-making begins in the original position, a state in which free and equal actors arrive at some sort of consensus under the veil of ignorance. The veil limits their knowledge of identifying particulars as an attempt to nullify any bias in the decision-making process that could result from natural or social contingencies (Rawls, 1971, p. 137). Also excluded under the veil is the generation in which the bargainers reside. This is because Rawls is concerned with a stable basic structure that can support itself in perpetuity, but there is no easy way to ensure that contemporary bargainers will commit to principles that benefit future generations at the cost of their sacrifice in the present.

This is the first challenge that TOJ presents for climate change. Even when temporal information is removed under the veil, there is still no discernible moral duty that demands the parties make sacrifices for posterity. Rawls (1971) claims to solve this "savings problem" between generations by altering the motivation assumptions in the original position (p. 140). He paints a picture of the bargainers as individuals that care deeply for the next generation — "as fathers say care for their sons" (1971, p. 288).

If we are to entertain this conception of the bargainers, then it is reasonable to assume that they would naturally act to promote the well-being of the generations that come after them. A cooperative attitude arises in which the parties weigh how much they are willing to save against how much they expect those previous to have saved for them. This correct balance is institutionalized in what Rawls calls the Just Savings Principle (JSP), which tracks the optimum level of societal investment to better the outcomes of the least advantaged in both the current *and* future generations. The threat of climate change, which entails gradual and irreversible environmental damage across multiple generations, underscores the necessary universality of this JSP. The JSP must protect the environment insofar as it is necessary to support the functioning of just institutions now and in perpetuity.

The alteration of the motivation assumption to include these sentimental ties between generations affects the designation of the JSP at the stage of its inception within the original position. Consequently, each generation and its members has a natural duty to save for future generations insofar as it is required to achieve the "conditions necessary for just institutions and fair value of liberty"² (Rawls, 1971, p. 298). The JSP becomes a constraint in choosing the two

2 "We can now see that persons in different generations have duties and obligations to one another just as

principles of justice.

Though Rawls believes that this combination is robust enough to resolve the issues of intergenerational justice, he himself agrees that the rate of savings the JSP licenses would be very difficult to determine. Importantly, it only works if we accept a conception of human nature guided by those sentimental ties. Any environmental protection measures demanded of the members in a society are contingent upon an increasingly ambiguous rate of savings determined within the original position and an unrealistic portrayal of human nature; thus, the JSP leaves us without a clear sense of what can be done to combat climate change.

This leads us to inquire whether or not there is a more effective way to work the protection of the environment for posterity into an existing Rawlsian framework. In the next section of the paper, I present an idea for incorporating environmental considerations into a Rawlsian framework that more closely tracks his idea of primary goods, which are the true driving force behind his two principles of justice. This idea responds more effectively to climate and environmental issues than existing literature.

III. Characterization of Essential Goods

Rawls explains how the principles of justice are meant to distribute the social primary goods fairly, which support the development of one's moral powers. In contrast with the social primary goods, natural primary goods like intelligence and strength cannot be distributed interpersonally and exist as arbitrary contingencies to be tempered by the principles of justice. Rawls does not discuss these natural goods at length, but he does mention that they are indirectly impacted by the basic structure of society (Rawls, 1971, p. 62). As we can see, there is no easy place for environmental goods (say, clean air and clean water) to fit in.

Certain environmental goods should be considered under the Rawlsian framework as a special kind of good distinct from the other kinds of goods Rawls discusses because of their particular importance to a well-ordered society. These environmental goods, which I call essential goods, are characterized by two distinct traits: 1) their status as a public good, and 2) their status as preconditions for the usage of our primary goods. The primary example I will employ to motivate this characterization is clean air.

The first trait has already been discussed by Rawls in TOJ in reference to economic systems, which involve the JSP. Rawls (1971) defines a public good by its indivisibility and its "publicness" (p. 266). Public goods are distinct from private goods in that they cannot be easily divided and distributed between people in the way that market products can be. Economics and political theorists have long referred to these qualities as "non-rivalrous consumption" and

"non-excludability" (Anomaly, 2013, p. 109-111). Non-rivalrous consumption is exhibited when the use of a good by one person does not prevent its use by another person. Non-excludability, on the other hand, tracks the (theoretical) availability of a public good to all people within a society. This non-excludability also gives rise to the oft-discussed free rider effect, where those who are not contributing towards the production or preservation of a public good may nonetheless derive benefits from it.

A clear example of a public good would be clean air. It is indivisible and available to

contemporaries do. The present generation cannot do as it please but is bound by the principles that would be chosen in the original position to define justice between persons at different moments in time. In addition, men have a natural duty to uphold and further just institutions..." (Rawls, 1971, p. 293).

the entire public. It is non-rivalrous; my breathing of clean air does not limit your ability to simultaneously enjoy clean air. It is non-excludable, because all the people in an area have equal access to the clean air and can breathe it, as they so desire. Another prominent example of a non-environmental public good that has been employed, including by Rawls, is national defense. When the U.S. Department of Defense carries out its military and surveillance operations to protect the citizens of the United States, it creates a public good that is indivisible, non-rivalrous, and non-excludable in the ways previously described. All citizens within the borders of our society derive benefits from national defense, and the enjoyment of it by one does not limit its enjoyment by another.

National defense and clean air are often used in the same breath when it comes to public goods. However, there are distinctions between the two that merit recognition. For example, they come to be in very different ways. Both national defense and clean air can be promoted through government legislation and directional investment of public resources, such as taxes; this could be exemplified by publicly funded research in surveillance drone technology and cleaner burning fuels, respectively. However, while national defense is at its core a product of social cooperation, clean air is provided by nature and can only be preserved or regulated by social cooperation. If humans ceased to exist, national defense would not exist, but clean air would still exist.

It seems that, while environmental public goods are not created by social cooperation, they are still connected to it in an important way. In fact, the nature of these goods makes them necessary for the well functioning of society. This leads me to the second trait that I pose for essential goods: the status as a precondition for the usage of one's social primary goods. Recall that every rational person is presumed to want more of the primary goods, and that they are enable people to develop their capacities for a sense of justice and an operating conception of the good. This is why the principles of justice chosen within the original position are based around their fair distribution.

Rawls' first principle of justice concerns itself with the distribution of equal liberties. Regardless of which liberties we take these to be, it would be incredibly difficult to exercise them if we did not have clean air to breathe. It is easy to imagine how one's exercise of the liberties afforded to them by their society may be greatly restricted, or even rendered impossible, by the lack of certain environmental goods such as clean air and clean water. These essential goods make possible the usage of not only equal liberties, but also fair equality of opportunity and material wealth. One cannot utilize these social primary goods to advance their rational ends without having access to clean air.

On the other hand, without national defense, it would still be possible to use these social primary goods. While national defense is a public good that ensures the security of the citizens in a country, it is not a necessary precondition for the proper usage of one's primary goods in the way that clean air may be and, therefore, it is not required for the proper exercise of one's moral powers. Clean air is an essential good; national defense is not.

Some may argue that national defense *can* be necessary for the usage of one's primary goods, such as in the case when a country is attacked and the basic liberties of its people are threatened. However, that would mean that its significance is contingent on the presence of a foreign threat of this nature. Without such a threat, national defense becomes unnecessary in a way that clean air will never be. This is because the essentiality of clean air is not contingent upon any circumstance external to that of our biological nature. It will always be necessary for the proper

use of our primary goods, ergo, the exercise of our moral powers.

If this distinction is not intuitive enough, due to the contingency point, take another commonly cited example of a public good: fireworks. Public firework displays are enjoyed in a non-rivalrous and non-excludable fashion; often, in fact, most people enjoying them are “free riders” in that they themselves have not contributed towards the manufacture, purchase, or operation of those particular fireworks. Yet the difference in essentiality between fireworks and clean air is even more pronounced. Fireworks are not necessary for the exercise of one’s moral powers under the two principles of justice, and they do not contribute towards the maintenance of a well-ordered society. Without clean, breathable air and clean, drinkable water, it would not be so easy to maintain a society at all — much less a well-ordered one.

It is increasingly clear now that essential goods also bear a close connection to the natural primary goods I mentioned previously. In fact, the reason essential goods are so necessary for the usage of one’s social primary goods may be tied precisely to their impact on the usage of one’s natural primary goods. This effect is most prominent when we look at the natural good of health, which is directly impacted by environmental conditions like clean air and clean water. Polluted air may cause a variety of respiratory diseases, and if someone is suffering from these health issues, they will hardly be able to exercise full use of their social primary goods. Thus, we can also draw the logically prior conclusion that natural primary goods are critical for the proper use of the social primary goods, and they are indeed important in this way. However, due to their nature as arbitrary and personal traits, the government cannot regulate natural primary goods as it as effectively as it can essential goods. This is why my focus is on the latter type of good as the precedence for environmental protection.

A difficulty now arises after one accepts this characterization of essential goods; since clean air is shown to have such a critical role in preserving just institutions, there must be a way to determine what constitutes ‘clean air’ in the first place. After all, if it is a precondition for the use of one’s primary goods and therefore the full exercise of their moral powers, it would seem that people living in impoverished, polluted areas are not able to achieve either of these given unhealthy environmental conditions. The inability to easily define such a “clean air minimum” may be advanced as a critique of the characterization of essential goods themselves, but this would be a mistake.

The reason for this is that we do not actually need to define a minimum in order for the essential goods to do their necessary work. One way to understand this is by examining how Rawls writes about the social primary good of self-respect, which bears many similarities to the conception of essential goods in this paper. There is no particular minimum level of self-respect that would allow for the continued justice of a well-ordered society. However, self-respect is integral for the exercise of one’s moral powers in the same way that other social primary goods are. Rawls (1971) writes, “a sense of [one’s] own worth is necessary if they are to pursue their conception of the good with zest and to delight in its fulfillment” (p. 178). Though self-respect cannot be redistributed like wealth, Rawls implies that it can nonetheless be regulated. Institutions in society can be designed so as to promote and maintain the social bases for self-respect. As such, institutions in society can also be designed so as to promote and maintain the essential goods such as clean air and clean water.

One may also wonder why the essential goods were not just classified as social primary goods themselves, seeing as though they fulfill similar functions. This classification would not feel

quite right, as essential goods are not social in nature. This idea has been discussed before: without humans, social primary goods would not exist, but essential environmental goods would still exist. While the social primary goods operate solely within a human system, the natural environment is a complex system distinct from human social life — yet bears important implications for and connections to it.

I have now completed my characterization of essential goods. The next relevant question to ask is how the Rawlsian framework for a well-ordered society should incorporate this new class of goods. The answer is that the duty of a well-ordered society to protect essential goods is beyond that required of an ordinary public good. This society may not be morally required to promote public firework displays, but it is morally required to promote clean air and water. This duty arises by virtue of the society's *existing* duty to uphold the principles of justice in fair institutions, which was mentioned in our original discussion of intergenerational savings and the JSP. As a reminder, Rawls wrote that each generation has a duty to save for future generations insofar as it is required to achieve the “conditions necessary for just institutions and fair value of liberty” (Rawls, 1971, p. 298). With the knowledge of essential goods, we can reason now that a healthy environment (with clean air and clean water) *is* one of the conditions necessary for these just institutions to flourish. Therefore, each generation is morally required to make sacrifices to uphold the institutions that ensure the continued health of the environment for future generations.

I have not yet addressed the latter half of this duty, or what Rawls refers to as “the fair value of liberty”. The principles of justice are distributive in nature and seek to maintain an appropriate level of equality in society in regard to the social primary goods. Yet, the absolute magnitude of a single good may be of different value, or worth, to different individuals. Rawls argues that the worth of social primary goods under his conception of justice would be greater than under any other conception, but this is a difficult claim to substantiate, given the reality that the goods in a society may have vastly divergent worth. For example, a farmer living thirty miles from the nearest polling location may have the same nominal liberty to political participation as a city-dwelling executive with a polling location within walking distance. The executive's ability to exercise her liberty, and therefore the value she derives from it, may in reality be far greater than that of the farmer's. This issue of relative worth is heightened in cases of income and wealth, distributed under the difference principle; as the saying goes, the rich man's silver is the poor man's gold.

Examining the problem of divergent worth is not fully within the scope of this paper, but it alludes to another reason why essential goods are so important in a Rawlsian society. By making one's natural primary goods accessible and useful, essential goods accordingly increase the worth of that individual's social primary goods, including their liberties. Protection of the environment is in fact necessary for ensuring both just institutions and the fair value of the liberties those institutions safeguard.

IV. Conclusion

If one accepts my conception of essential goods, then they will have found the beginnings of a Rawlsian argument justifying environmental protection. Instead of simply applying Rawls' framework — the original position or its various derivative principles — to environmental problems as past theorists have done, the acknowledgement of essential goods as the special kinds of goods that they are would make them foundational attributes of his theory (in much the same way that social primary goods are).

Though the stability of a well-ordered society is paramount, that does not entail a necessarily static conception; in fact, in order to uphold justice, “adjustments are made in view of new social circumstances” (Rawls, 1971, p. 458). Climate change is, very euphemistically put, a new social circumstance. Rawls’ work has long sought to enumerate the principles of justice of societies that are ultimately ordered around the protection of their least well off. The access of our least advantaged groups to essential goods is now not only a problem of the social and natural sciences, but also a problem for social justice.

I hope that I have provided another way to forward the notion that, if a society wishes to be successful at upholding justice in the Rawlsian sense, proper treatment of the environment is an integral component to consider in its design.

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