

HOW THE TECHNIQUE ADVANCEMENT DOES THREATEN HUMANKIND, ENVIRONMENT AND LIFE: AN ETHICAL APPROACH

Carmen COZMA¹

carmen.cozma@uaic.ro

Abstract. Undoubtedly, the advancement of technique and technology represents one of the most important paths of human progress. It is not the place to stress the great value technologies have meant throughout the history of civilization on Terra, especially in its 20th century growth, connected with the ‘Second Industrial Revolution’ followed by the ‘digital revolution’, on which the so-called ‘Fourth Industrial Revolution’ is now building. Unfortunately, there are plenty of examples of human using of a good thing not for good purposes, but on the contrary causing major destruction and suffering on long-term. This kind of situations emphasizes a lack of responsibility and of minimal wisdom, care and respect for life in its integrality. Beyond all, at stake there is a serious problem of morality. We refer to the ignorance of ethical problems by some corporate organizations in our globalizing world, having a great negative impact for the planet and its various any life-forms. Part of nowadays multinational companies proves disdain as regards basic moral duties and social responsibilities, even though they display impressive codes of conduct, which remain just emptied formulas of applicability in real life. It is the case of the serious risks and dangers that the technique known as hydraulic fracturing or ‘fracking’ produces for the medium to long-term evolution of life in its plenitude on Earth. In this paper we try to highlight the need of a veritable ethical culture to be appropriated and activated by all the social actors and, also, the significance of moral awakesness in making people to act for their own fundamental rights. We focus on the importance of working together on the side of ‘good and right’, using the potential of moral philosophy towards an efficient, healthy and secure interference with economics, ecology, social culture, etc., to protecting and developing the wellness and sustainability of life, of natural environment and of human well-being finally.

Keywords: ethics, morality, social and ethical culture, moral duty, hydraulic fracturing/fracking, corporate conduct, health, life, wisdom.

Rezumat: Neîndoielnic, avansul tehnicii și tehnologiei reprezintă una din căile cele mai importante ale progresului uman. Nu e locul să subliniem marea valoare reprezentată de tehnologii de-a lungul istoriei civilizației de pe Terra, mai ales sub forma creșterii sale legate de a Doua Revoluție Industrială urmată de revoluția digitală pe care se clădește acum așa-numita A Patra Revoluție Industrială. Din nefericire, există numeroase exemple de folosire a unui lucru bun nu pentru scopuri bune, ci dimpotrivă determinând distrugere masivă și suferințe pe termen lung. Această situație evidențiază o lipsă de responsabilitate și de minimă înțelepciune, grijă și respect pentru viață în integralitatea sa. Dincolo de toate, miza este o problemă serioasă de moralitate. Ne referim la ignorarea problemelor etice de către unele corporații în lumea noastră globalizată, ceea ce are un mare impact negativ pentru planetă și variatele sale forme-de-viață. O parte din companiile multinaționale din zilele noastre dovedește dispreț în ceea ce privește datoriile morale elementare și responsabilitățile sociale, chiar dacă aceste companii afișează coduri de conduită impresionante, ce rămân doar formule golite de aplicabilitate în viața reală. Este cazul serioaselor riscuri și pericole pe care tehnica ce este cunoscută ca fracționare hidraulică (fracking) le produce, pe termen mediu și lung, evoluției vieții în plenitudinea ei pe Pământ. În acest articol, încercăm să evidențiem nevoia unei veritabile culturi etice care să fie însușită și activată de toți actorii sociali și, de asemenea, semnificația trezirii morale în determinarea oamenilor să acționeze pentru propriile lor drepturi fundamentale. Ne concentrăm asupra importanței de a lucra împreună de partea „binelui și dreptății”, folosind potențialul filosofiei morale pentru o interferență eficientă, sănătoasă și sigură cu economia, ecologia, cultura socială etc., pentru a proteja și dezvolta bunăstarea și viabilitatea vieții, a mediului natural și, în ultimă instanță, bunăstarea umană.

¹ Professor, Department of Philosophy, “Alexandru Ioan Cuza” University of Iași, Romania

Cuvinte-cheie: etică, moralitate, cultură socială și etică, datorie morală, fracturare hidrocarbură (*fracking*), conduită corporatistă, cod etic, sănătate, viață, înțelepciune.

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1. On some couples of ethics' variations

Beyond the frequent present usage of 'ethics' / unfortunately, by too many so-called experts in ethics/ without any philosophical education -, we are interested in the intimate link between this notion and those of morals and morality. It is not at all right to separate them or, worst, to stress the possibility of an 'ethics without morality' – as it seems to be more and more made use of. So, we try to point out the full, original and long history meaning of *ethics* as it has been acknowledged by Aristotle in his major *Nicomachean Ethics*; namely, as moral philosophy centered on the study of human individual and social conduct.

Thus, we can find significant interpretations of *ethics* in the light of morals' duality. A good starting point proves to be the Aristotelian doctrine about the role of habit in conduct, the importance of character in voluntarily doing right acts, and the status of a free man to be(come) a good citizen thanks to the moral virtues, on the ground of admirable human qualities to seeing truly, to judging rightly and to act effectively by principles that finally fit a man for life in an organized civic community.²

Some distinctions in the territory of ethics enlighten our comprehension for which we aim to outline the issue of the basic professional duty in a business company to completely abide by ethical guidelines and to be responsible for humans and environment in a globalizing world.

On this route, we might better account the dilemmatic situation of moral beingness, eventually concerning the truth that ever after the humanity finds itself with strengths and weaknesses, wealth and poverty, elevation and decline, etc; the people being divided between rulers and commoners, nobles and servants, plutocrats and paupers, etc. Somehow, correspondently, two types of morals crystallized, following both the 'ideal-real' and the 'force-helplessness' dyads of thinking upon values and norms, and promoting them.

Philosophers have drawn special attention to this fact, part of them developing eloquent theories about the *dual morality*. For example, René Descartes laid out a "provisional morality" in *Discourse on (the) Method* (1637) and he alluded to a "definitive" one, "the highest and most perfect moral system as the ultimate level of wisdom" in the Preface to the French edition of the *Principles of Philosophy* (1647). Also, a famous distinction belongs to Friedrich Nietzsche, in many texts like *Human, All Too Human* (1878) or *On the Genealogy of Morality* (1887), between "Herrenmoral" and "Herdenmoral" / the "master and slave morality," essentially covering a delimitation of super- and sub-humanity. In 1907, Constantin Dimitrescu-Iași has published *The*

² Aristotle, *Nicomachean Ethics*. Romanian translation by Stella Petecel. Bucharest: Scientific and Encyclopedic Publishing House, 1988, I. 5; II. 1-6; V. 2.

Two Morals: A Study of Social Psychology, emphasizing the presence of “a formal morals” with its heteronomy that ceaselessly preaches the ideal of Good, on the one hand, and the “real morals,” permanently changing, as a response to the needs of life, being in fact the ruling reference for the human activity, on the other hand. In his turn, Henri Bergson – in *The Two Sources of Morality and Religion* (1932) - has imposed the opposition of “two morals”: the static one, the “closed morality,” which is the morals of obligation, one of rigid rules; and the dynamic, the “open morality,” one of aspiration, of a “spiritual dash.” Significant distinctions are also made by contemporary thinkers, such as Jürgen Habermas; in *Erläuterungen zur Diskursethik* (1991), the German philosopher writes about “ethics” – defined in the axiological horizon with the question of the good life – and “morals” – centered on the normative dimension, on deontology with the concept of justice.

These views give us an image of a clearer understanding as concerns the complex, dynamic and the so much ambiguous ethical field with the entire – axiological and normative – moral experience. We better enlighten in respect with the dialectic unity-in-opposition, even the *ambivalence* of human structure: to be, at the same time, “simple and double, *simplex-duplex*, but torn (*ambo*) between two incompatible values that draw each other within the duel of intentions, choices, and decisions.”³

2. The Call for Kantian Theory in our Nowadays Global Stage to Charting Companies’ Responsibility towards Humans, Environment and Life

On the ground of the above considerations, the impact of individual and social morality in improving the area of economic activity is coming to the fore. Certain ethical theories could offer an efficient support for /a better relationship of companies with their stakeholders and the natural environment, too; namely: virtue ethics, utilitarianism, and deontology. Elements of all of these doctrines articulate professional codes of conduct for companies, in the horizon of settling rights and obligations, respectively the so much claimed responsible activity at large. Such types of codes make the framework of the values and principles of openness, performance with integrity, accountability and leadership, trust, care, respect, etc., in building an authentic *ethos of work*, by promoting a sort of Golden Rule with the demand of treating others (humans and nonhumans alike) in a manner in which everyone would like to be treated, for health, safety and progress, for the individual and common benefit of living in its entirety.

Mainly last decades brought to the fore the question of ethical investment in business as a general admitted requirement for all agents in the world. A lot of codes of ethics have been elaborated in social and economic domains. They represent good tools in assuring a sustainable development; but, only if their contents were not confined to statements, and they are really applied.

Regrettably, the reality brings out many situations of an obvious discrepancy between what is stated and what is happening within the activity of companies in the public space. We have to deal with the *morals’ duality* between the formal and real forms. Here, the call for Kantian doctrine is completely entitled. We refer to a *moderate* deontological ethics, rooted in Immanuel Kant’s philosophy that focuses on acting in a morally right way; in other words: “acting from within duty.” According to the author of *The Metaphysics of Morals*, “Duty is a necessity of acting, which is generated by the respect for the law.”⁴

In an accurate, without excesses, reading of Kantianism, we may find landmarks for appropriating *duty* in its in-depth, and valuating deontology not by contrast, but in harmony with

³ Vladimir Jankélévitch, *Le paradoxe de la morale*. Paris: Editions du Seuil, 1981, p. 101.

⁴ Immanuel Kant, *The Metaphysics of Morals*. Translated by Mary J. Gregor. New York: Cambridge University Press, 1991, p. 181.

virtue ethics and utilitarianism. We consider that it is a path of the most desirable “doing well by doing good,” to being tantamount to the very own valuable offer of ethics that means:

a) The implementation of veritable models of life (character, conduct), thanks to a plurality of moral virtues put in act like trustworthiness, respect, responsibility, fairness, caring, citizenship⁵.

b) The respect for the “categorical imperative,” that is, for a good will of a rational person, to act through a maxim that would become a universal law; in Kant’s formulations: “Act only according to that maxim by which you can at the same time will that it should become a universal law;” and, as respect for persons: “Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only”⁶.

c) Taking into account the outcomes – the actual, foreseen and intended consequences – by maximizing *utility*. Paraphrasing the utilitarian principle, respectively the “greatest-happiness principle” established by John Stuart Mill as “the greatest amount of happiness altogether”⁷, we would say: maximizing good and reducing evil; certainly, as much as it is possible.

Merely in such a modulated ethical approach, we think that the deontological dominant of any *business conduct and ethics code* can be really assessed and understood; leading to the internalization of its principles and rules, and to produce ethical performance, to advance in the framework of *ethical competence*, finally. This engages: “personal, social and global” levels of competence; thoughts, valuations and actions of individuals and communities, in a “complex interconnected whole”, for humankind and for the whole life on Earth; beliefs, values, desires, and social skills; an anchorage in the present but no less in “future orientation”, by assuming the status of “responsible citizens in creating the future.”⁸

3. What Kind of Ethics? A Duty-Based Ethics for the Corporate Conduct Dealing with Human and Environmental Rights

An overview of a recent serious case of the encroaching upon business ethics made by a multinational energy corporation is herein relevantly. It gets an example for the situation of disregarding the own Code of Ethics by the company itself, as concerns the proclaimed duties of honesty, integrity, trust, collaborative partnership, protection of the people and environment, etc.

In discussion is the case of the actions for shale drilling of a multinational corporation in Romania, on the Moldavian Platform: the Bârlad Plateau, between 2012 and 2015.

One of the largest US oil companies and corporations, imposed among the first largest global oil companies, global corporations and global economy⁹, Chevron Corp. has started activities of exploring for shale gas, using hydraulic fracturing technology, on early 2012, in Vaslui County, Bârlad Plateau, Romania. For a few months, since Chevron has the installation of the first well nearby the villagers’ farms, the life of the community in Pungești-Vaslui County, has been severely affected. Without any announcement about what is going to happen on the site that is believed to be on large reserves of shale gas, the villagers found themselves face to face with the Chevron’s trucks

⁵ Michael Josephson, *Making Ethical Decisions: The Basic Primer on Using the Six Pillars of Character to Make Better Decisions and a Better Life*. Wes Hanson and Dan McNeil (Eds.). California: Josephson Institute of Ethics, 2002.

⁶ Immanuel Kant, *Foundations of the Metaphysics of Morals*. Translated by Lewis White Beck. New York: Library of Liberal Arts, 1990, pp. 38; 46.

⁷ John Stuart Mill, *Utilitarianism*, Chicago, IL: University of Chicago Press, 1906, p.16.

⁸ Desmond E. Berghofer, “Creating a Knowledge Society: The Building Blocks of a New Transcendent Humanity.” *New Paradigm: International Journal of Economic Humanism, Medicine and Conscious Evolution*, Volume 1, Issue 1, 2006. www.newparadigmjournal.com/March2006/berghofer.htm.

⁹ See: Chevron Corporation, Annual Reports; *Fortune Magazine*; International Monetary Fund World Economic Outlook Database; Michelle Kinman and Antonia Juhasz (Eds.), *The True Cost of Chevron: An Alternative Annual Report*, May 2011, p.2, truecostofchevron.com/report.html.

and /drilling/ equipments. The village of Pungești became the scene of peaceful protests, under the slogan: “We want to the mayor to leave and Chevron to leave.”

According to many press articles and TV news, the people were worried about what would come about in the future with the agricultural land because of the water contamination – the experts warned the great danger of ‘fracking’ to contaminate groundwater –, the air pollution, the dumping of waste fluid, etc. as results of the use of hydraulic fracturing.

The conflict has escalated and it was going on. A summary of the events, over the months of resistance, registers: protests engaging villagers, students, professors, priests, ecologists; online activism, including the *Pungești TV Internet Channel*; the brutality of the riot police, which together with Chevron joined forces to dismantle the people camped across the road from the field of operations of the company; some of the villagers were beaten and arrested; Chevron had to scale down activities for a while, but then it took back to install its shale gas exploring equipment on the site despite prior official statement “to halt any activity till the community agrees with the project;” media representations did not have access to the site; the road to Pungești was blocked; the commune has been declared as “special region of public security;” incidents between protestants and gendarmerie, many villagers complaining of brutality and injustice; Chevron has built a new access road and erected a metal fence around the drilling site, deploying its own private security team.

Meanwhile, many interviews, reportages, statements of “Avaaz” global civic organization or of APADOR-CH have appeared in Romanian and international mass media. *Le Monde*, *The Guardian*, *France 24*, for example, have related about the restricting of the press access in the area, as the “authorities did not allow the public to be informed.”¹⁰ In response to questions from the press, a Chevron spokesperson said that the company is “committed to working with local communities to explain the benefits of natural gas.” But, on the whole, “the life of the entire community has been severely disrupted.”¹¹

It is notable to mention about the anti-fracking democratic channels used by Romanian protesters: written letters; marches and large manifestations of solidarity with the local community opposition, organized in Bucharest and other cities in Romania; many NGOs signed petitions requiring the ban of the hydraulic fracturing technology in Romania, the interdiction for Chevron’s operations and denouncing the abuse of the authorities; the foundation of “PUNGESȚI Resistance Movement” Association against shale gas exploration and exploitation, etc. According to *STOP Chevron and the Police abuse in PUNGESȚI, Romania*, in a *Call for International Support* – December 2, 2013, Addressed to The European Parliament, to The European Commission, to The Subcommittee on Human Rights of the European Parliament and to all human rights NGOs that can monitor and act NOW on this attack –, “The abusive intervention against the local community is without precedent in a democratic Romania,” and the “continuous harassment and intimidation,” too; “It is an irresponsible, dangerous attack on human and civil rights.”¹²

On December 17th, 2013, an *Open Letter* signed by 11 Green European Parliament MPs from six countries, about “the lawfull protests of the villagers against Chevron’s plans” and “the violation of human rights and freedom of opinion for European citizens in a community of

¹⁰ Luke Dale-Harris and Vlad Ursulean, “Police remove protesters from Chevron’s fracking site in Romania.” *The Guardian*, 2013, December 5. www.theguardian.com.

¹¹ *Ibid.*

¹² *STOP Chevron and the Police abuse in PUNGESȚI, Romania*, December 2, 2013.

https://secure.avaaz.org/en/petition/All_humanrights_NGOs_that_can_monitor_and_act_NOW_on_this_attack_Save_the_village_of_Pungesti_Romania_from_fracking_and_a/.

Romania, Pungești, because the interests of a private company, Chevron”, has been submitted to the EP President, Martin Schulz.¹³

For many months, the rural community of Pungești-Vaslui County manifested a peculiar resistance, intensely striving to achieve and to protect the human rights goals.

The villagers – who found support in other places of Romania by actions of solidarity in Iași and Bucharest, for example – proved a strong potential to protest in very dramatic situations, manifesting conscious awareness, mobilization, determination, courage – having to resist in face of harmful practices the local and central authorities in cooperation with Chevron have used –, responsibility, care, cohesion in dealing with the rights abuses that were coming from a foreign corporation that has illustrated itself by disrespect towards basic human rights, such as the right to life, liberty, security, dignity, the property right, etc. And, no less, disrespect face the natural environment and life in its totality.

Despite the official media attitudes, the habitants of Pungești have demonstrated, once again, a healthy and wise style of thinking and reacting, defending their rights by nonviolent actions. They have proved themselves superior to the corrupt rulers who accepted the infringement of the environment defence laws. They knew very well how desastrously can be used the hydraulic fracturing, and how dangerous can be the effects of this technique regarding the water depletion, the experience of fracking tremors, by reaching the groundwater table without any possibility to be re-made, etc.

Pungești commune, Vaslui County, was a case of open conflict between community and Chevron, especially after the company’s resumption of operations in spite of its public declaration of promoting a dialogue with the people. No more comments, in this regard.

We just notice that it is one of the examples in a long list of Chevron misconduct with impact on the environment, on the human health and security. Actually, it is another case of disregarding the corporate accountability and, eventually, of causing human and environmental grave damages in medium and long term.

It is well known that Chevron has a topranking position “gained” among the “least ethical companies in the world” – according to the Swiss research firm Covalence. We find that the “# 3 Chevron Corp.,” the “oil and gas behemoth” has been “accused of tax evasion as well a number of environmental infractions in several countries around the world.”¹⁴

Among the most disastrous episodes, those of the late 20th century in Ecuador and Nigeria are well ascertained. *The True Story of Chevron’s Ecuador Disaster*, a 2012 documentary movie, is more than eloquently. Briefly, Chevron “enjoys” the reputation of operating “without regard for the environment or human health in communities around the world”¹⁵.

The sad reality is that Chevron’s experimental process of extracting shale gas and oil “known as unconventional gas drilling, hydraulic fracturing, or just ‘fracking’”, which means huge risks, with negative consequences for long term on the Earth produces “a detrimental effect on the environment, on the people, their children, and the future generations,” – according to Ronald D. Castille of Pennsylvania Supreme Court Justice, who pronounced for a legal guaranty, in USA, to each citizen, of the right to „clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment” (see *Shalefield Stories. Personal and Collected*

¹³ “Fracking in Romania. Greens call on President Schulz to denounce the ongoing rights abuses in Pungești, Romania, 17.12.2013”. www.greens-efa.eu/fracking-i-romania-11314.html.

¹⁴ Grace Kiser, “The 12 Least Ethical Companies in the World: Covalence’s Ranking.” *Huffington Post*, 30 March 2010. www.huffingtonpost.com/2010/01/28/the-least-ethical-companies-n-440073.html.

¹⁵ Michelle Kinman, Antonia Juhasz (Eds.), *The True Cost of Chevron: An Alternative Annual Report*, 2011. www.truecostofchevron.com/report.html.

Testimonies, released by Environment America at the beginning of the year 2014).¹⁶ Terrible problems, like cancers, seizures and silicosis in the workers' lungs, sick and dying cattle in farms, etc., happened in the US as a result of the 'fracking', we can find from an "ever-growing *List of individuals and families that have been harmed by fracking (or fracked gas and oil production) in the US*," posted since 2012 and continuously updated by Pennsylvania Alliance for Clean Water and Air.¹⁷

Developed in the late 1940s, the 'fracking' procedures represent one of the most controversial oil and gas extraction techniques. The process of "hydraulic fracturing" involves the "smashing of rock with millions of gallons of water – along with sand and an undisclosed assortment of chemicals in order to bring gas to the surface."¹⁸ Many risks and concerns have been ascertained: contamination of groundwater; methane pollution and its impact on climate change; air pollution impacts; exposure to toxic chemicals; blowouts due to the gas explosion; waste disposal; large volume water use in water-deficient regions; fracking-induced earthquakes; workplace safety; infrastructure degradation, etc. On the ground of reports from a students' research of the Department of Earth Sciences, Montana State University, in 2012, Joe Hoffman points certain health effects of the 'fracking' as regards what the chemicals could affect: „the skin, eyes, and other sensory organs, and the respiratory and gastrointestinal systems; the brain/nervous system, immune and cardiovascular systems, and the kidneys; the endocrine system;” they also “could cause cancer and mutations.”¹⁹

In this type of ample operations, the environment is not considered at all. The hydraulic fracturing seems to be an ecological disaster. We put similar questions as Natalie Hynde does²⁰: “Do we want to leave this mess for the next generation? Why hasn't the public been informed of the risks?” A healthy humanity can live only in a healthy environment; and basic environmental standards, like clean air, fresh water, fertile food-producing soil and a temperate climate, are conditions for the right to life.

The famous Scottish author and barrister Polly Higgins was completely entitled to speak about a fifth international “crime against peace”: the *ecocide*. She coined the “law of ecocide” that holds to account heads of corporate bodies as well as other ‘natural persons’ in positions of superior responsibility. “The Law of Ecocide is a law which will change the world. ...It will signal the beginning of business taking full responsibility. Humanity will celebrate the end of a polluting and destructive era. The earth will be given a chance to heal,” Polly Higgins featured.²¹ By such a law, essentially a superior moral *duty* is at work, too, linked to the *precautionary principle* (from the German *Vorsorgeprinzip*) viewed from the perspective of environmental management and of the rise of *global citizenship*, which implies the existence of a social responsibility to protect the public from exposure to harm, when a scientific consensus about a potential harm is absent. The

¹⁶ Environment America Research & Policy Center, *Shalefield Stories: Personal and Collected Testimonies*. Homestead, PA: Steel Valley Printers, 2014, p. 22. www.environmentamerica.org/reports/ame/shalefield-stories.

¹⁷ Pennsylvania Alliance for Clean Water and Air, *List of individuals and families that have been harmed by fracking (or fracked gas and oil production) in the US*, 2014. pennsylvaniaallianceforcleanwaterandair.wordpress.com/the-list/.

¹⁸ Joe Hoffman, “Potential Health and Environmental Effects of Hydrofracking in the Williston Basin, Montana.” *Geology and Human Health: Topical Resources – On the Cutting Edge. Professional Development for Geoscience Faculty*, 2013. ser.carleton.edu/NAGTWorkshops/health/case_studies/hydrofracking_w.html.

¹⁹ Ibid.

²⁰ Natalie Hynde, “Why we need an outright ban on fracking in the UK.” *The Guardian*, 26 February 2014. www.theguardian.com.

²¹ Polly Higgins, *Eradicating Ecocide: Exposing the corporate and political practices destroying the planet and proposing the laws needed to eradicate ecocide*. London: Shephard-Walwyn (Publishers) Ltd, 2010, p.4. See also: “December 2018: Top Shell bosses and Dutch Minister to be investigate for Climate Ecocide, ‘the missing International Crime of our Time.’ British Barrister Polly Higgins calls for criminal law of ecocide to impose a legal duty on governments to protect the public from dangerous industrial practices.” <https://pollyhiggins.com/>.

precautionary principle leads to a theory of avoiding risk even when it likelihood seems remote²². Otherwise, in 2000, this principle has been issued by the Commission of the European Communities.²³

A proper *duty of care* for the natural environment is at stake, too. Turning to the problem of the risks for safety, in general, made by ‘fracking’ in shale gas exploration and exploitation, a basic *duty* of the company is to completely and accurately inform the local communities in this sense. It is also the situation of Chevron that should give information not only about the “economic benefits”, but about the environmental risks, too: contamination of groundwater, depletion of fresh water, contamination of the air, noise pollution, the migration of gases and hydraulic fracturing chemicals to the surface, surface contamination from spills and flow-back, the migration of methane and fracking chemicals into shallow aquifers used for drinking water wells, the increase in earthquake activity associated with the degradation of bedrock, and the health effect of these.²⁴ *Truthland: Dispatches from the Real Gasland*, a 2012 film by Josh Fox, is exactly exposing the ‘fracking’ meaning and consequences.

The high importance of the entire process was considered by the European Commission by adopting, on 22 January 2014, a Recommendation with minimum principles for shale gas operations: “The Recommendation should help all Member States wishing to use fracking practice address health and environmental risks and improve transparency for citizens. It also lays the ground for a level playing field for industry and establishes a clearer framework for investors.” The document points out, for the Member States, to:

“*Plan ahead* of developments and evaluate possible cumulative effects before granting licenses.

Carefully assess environmental impacts and risks.

Ensure that the *integrity* of the well is up to best practice standards.

Check the quality of the local water, air, soil before operations start, in order to monitor any changes and deal with emerging risks.

Control air emissions, including greenhouse gas emissions, by capturing the gases.

Inform the public about chemicals used in individual wells, and

Ensure that operators apply *best practices* throughout the project.”²⁵

Nevertheless an official position of EU came after the conflictual problem has grasped the inhabitants of Pungești-Vaslui, Romania, as regards the operations of Chevron; we think that it helps the communities of Member States to claim full transparency from potential corporations interested in developing much risky activities for those who are living in the targeted sites.

The dilemma around the exploration and exploitation of shale gas remains. There is a rich literature disclosing the gravity of a careless and without minimal wisdom use of the ‘fracking’ technique, starting since 1964²⁶ and continuing until now.

²² See Timothy O’Riordan and James Cameron (Eds.), *Interpreting the Precautionary Principle*. Routledge, 2013.

²³ Commission of the European Communities, *Communication From the Commission on the Precautionary Principle*. Brussels: 02.02.2000 COM (2000/1). ec.europa.eu/dgs/health_consumer/library/pub/pub07_en.pdf.

²⁴ Valerie J. Brown, “Industry Issues: Putting the Heat on Gas.” *Environmental Health Perspectives*, US National Institute of Environmental Health Sciences, 115 (2): A76, February 2007. www.ncbi.nlm.nih.gov/pmc/articles/PMC1817691/.

²⁵ European Commission, “Communication and Recommendation”, 2014.

http://ec.europa.eu/environment/integration/energy/unconventional_en.htm.

²⁶ A series of articles has been published in 1964 in: *Lubbock Avalanche Journal*; *San Antonio Express News*; *Denton Record Chronicle*; *Great Bend Tribune*. www.truthstream.com. Till nowadays, many other very well documented articles and books have been written and published. So, people reached to know and to understand the positive but also the negative impact of using this 20th technique; more and more people became concerned with the risks they expose

Great problems of ethics come to the fore: What about the situation when a company does not abide by ethical rules, and it preferentially interprets the values and principles established in its own declarations? What about the case – so often it occurs – in which the financial power of a corporation makes it to playing ethics as the momentary interests command?

The case of Chevron Corp. in Pungești reveals an example of company's usage to resort to a different ethics (comparing the formal recognized one) and finally to avoiding even the content of its own Ethics Code.

It is worth to noting that, in the framework of Chevron Corp.'s *Business Conduct and Ethics Code* the placement of the "Human Rights Policy" is at the very end before the "Closing Notes" (!) and the "Compliance with Environmental Laws" almost is non-existent, being just briefly mentioned in three sentences in the "Operational Excellence Management System" section.

From the beginning, the *Business Conduct and Ethics Code* of Chevron Corporation is telling that the "Chevron enjoys a strong reputation for honesty and integrity throughout the world" as a responsible company interested in "preserving trust of our stakeholders."²⁷

The stated core values making "The Chevron Way" are: *integrity, trust, diversity, ingenuity, partnership, protecting people and the Environment, high performance*²⁸. We italicized part of these values, seeing their deep ethical resonance for both social relations and the relatedness of man with the natural environment, generally.

Sentences like: "We conduct our business in a socially *responsible and ethical manner*. We respect the law, *support universal human rights, protect the environment and benefit the communities where we work*" are bolded, trying to become cogently for a rigorous reader. Also, the "Chevron's support for universal human rights" features that the global operations of the company are "consistent with the spirit and intent of the United Nations Universal Declaration of Human Rights;" the corporate policy is to operate "*safely, responsibly, and in compliance with applicable laws and regulations*"²⁹. Being reiterated and bolded, a kind of slogan is that "Protection People and the Environment is a key value at Chevron;" and the notions of "*safety, health, environment, reliability and efficiency*" are connected to the "Operational Excellence Management System"³⁰.

Taking into account the situation in Pungești–Vaslui County, Romania, many questions are raising.

A comprehensive inquiry is if any duty and/or any key value was really at work?

Undoubtedly, it comes out that the above – with italic characters – values are missing. The concept of *partnership* proves to be very ambiguous. The Code explains: "*Partnership*. We have an unwavering commitment to being a good partner focused on building productive, collaborative, trusting and beneficial relationships with governments, other companies, our customers, our communities and each other"³¹. What does mean *our communities*? Because, the showed conduct in Pungești–Vaslui County was out of any sort of collaboration with the community where the company operated; first of all, by a total deficiency of transparency, by nothing like a minimum

themselves and especially the future generations. See Christina Nunez, "How Has Fracking Changed Our Future?" *National Geographic*, 26 September 2019.

<https://www.nationalgeographic.com/environment/energy/great-energy-challenge/big-energy-question/how-has-fracking-changed-our-future/>

²⁷ Chevron Corporation, *Business Conduct and Ethics Code* - A Message from John Watson, Chairman and Chief Executive Officer, San Ramon, CA., 2012, p. 1.

www.chevron.com/documents/pdf/chevronbusinessconductethicscode.pdf.

²⁸ Ibid., p. 2.

²⁹ Ibid., p. 9.

³⁰ Ibid., p.19.

³¹ Ibid., p. 2.

communication, none dialogue to give the requested information to the local community. And, by consequence, how and where *trust* could come from?

The “Closing Note” of the *Code* – “Chevron’s legal and *ethical* obligations go far beyond what is included in this Code”³² – is, at the same time, encouraging and disheartening. We might hope to something better as regards the *moral duties* and an assumed *responsibility* together with legal obligations of Chevron. But, no less, we could expect to a plus of the already obvious bare view of the company in practising an authentic and viable professional ethics. Just the last sentence keeps an illusion for the best: “In the end, our confidence must rest, as it always has, on the honesty, integrity and good sense within each of us”³³. What about the will to construct, by serious and accurate reasons, the confidence within *all* the stakeholders?

4. Conclusion

We didn’t aim to do an indictment to Chevron. We just took a case in which its name appears. It is an example to follow the manner in which a professional code of ethics is applied, in the play of the dualities articulated by moral philosophers in the effort to catch a more nuanced understanding of the complex area of morals’ functionality. Unfortunately, ‘Chevron in Pungești’ represents an eloquent illustration for the grave effects of some corporate activities upon the rights, the health and safety for humans and for the entire environment, on long time, bringing out the need of accomplishing a *responsible duty*: that of *respect of life* in its totality.

A lesson we all might get, with very few words in conclusion, is: To not mess around, by playing ethics. For that reason it is a necessity to study, understand and put into practice / real life an ethical culture.

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