

Why Environmental Ethics Shouldn't Give Up on Moral Considerability: A Response to O'Neill, et al¹

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Abstract

In their 2008 book, *Environmental Values*, John O'Neill, Alan Holland & Andrew Light challenge the notion that moral deliberation regarding the environment should begin by attempting to identify the types of beings that are morally considerable. They give at least four interrelated arguments in making their case. First, they doubt that we can specify necessary and sufficient conditions for moral considerability in any general sense. Second, they believe that the drive to identify the necessary and sufficient conditions for moral considerability stems from a misconception of what moral theory is supposed to do. Third, they believe that it is part of a misguided effort to provide optimal solutions to all environmental dilemmas. And fourth, they argue that descriptions such as 'having interests', which ground claims of moral considerability, are "too thin" to do the job of explaining our relations with and appropriate responses to different kinds of beings. While they never explain what they mean by "too thin," it is apparent that they mean to suggest that such descriptions are too general, lacking both the detail and variety necessary to describe our relations to the great diversity of beings we encounter in the world. While I am sympathetic to their claim that not all moral dilemmas admit of optimal solutions, I think that their dismissal of moral considerability is a case of throwing the baby seal out with the ballast water.

Part I: The Challenge

O'Neill, et al, challenge the claim that the environmental crisis demands a new uniquely environmental ethic which extends moral consideration to beings other than humans (animals, plants, species, ecosystems, etc.). They agree that it is wrong to treat animals cruelly, and that it is wrong precisely because acts of cruelty to animals wrong the animals. They agree that living organisms have interests. They do not take a specific stance on whether holistic entities (species, ecosystems, etc.) have interests, but they seem rather skeptical. They say that having interests may be a necessary condition for being morally considerable, but they deny that it is a sufficient condition for being morally considerable. They doubt that one can give necessary and sufficient

¹ O'Neill, John, Alan Holland, and Andrew Light. *Environmental Values*. Routledge. 2008.

conditions for being morally considerable in any general way. However, they do believe that conditions can be specified in which particular moral responses are appropriate. A being must be sentient to be an object of cruelty. Sentient beings demand from us relations of benevolence. A being must have the capacity for autonomous choice to be an object of paternalism. Beings with the capacity for rational choice demand a particular kind of respect from us (the kind described by Kant).

O'Neill, et al, claim that descriptions such as 'having interests' and 'intrinsic value' are *too thin* to do the job of explaining our appropriate relations with and responses to different kinds of beings. "Our plea here is to begin ethical deliberation from the actual thick and plural ethical vocabularies which our everyday encounters with both human and non-human worlds evoke. If we start with a thick and plural ethical vocabulary we invoke a similarly thick and plural set of relations and responses appropriate to different kinds of beings. These are lost if we start from a picture of moral theory as an exercise in the derivation of specific moral norms from some set of moral primitive concepts or propositions."²

Part II: An Analysis of Moral Considerability?

O'Neill, et al, doubt that we can give necessary and sufficient conditions for moral consideration in a general sense. They deny that we can complete the following analysis:

For all x, x is deserving of moral consideration from a moral agent if and only if x is...

They consider the following answers and reject each of them as being "too thin":

- x is a rational person.
- x is a sentient being.
- x is a being that has interests of its own.

² O'Neill, et al, pp. 109-110.

- x is a living thing.

They deny that there is some set of necessary and sufficient conditions for being an object of generalized moral concern or consideration. However, they do say that it is possible to give necessary and sufficient conditions for being an object of moral consideration once the particular kind of consideration is properly specified. Thus, sentience is a necessary and sufficient condition for being an object of cruelty, and the capacity for autonomous choice is a necessary and sufficient condition for being an object of paternalism. They also say that having interests may be necessary for being an object of moral consideration, but that it is not sufficient.

They point out that sentientists, such as Peter Singer, and biocentric individualists, such as Robin Attfield, Paul Taylor, and Gary Varner all agree that having interests, or having a good of its own, is the central feature that marks out the class of beings who have moral standing.³ The difference between the sentientists and the biocentrists is that the sentientists believe that having desires is a necessary condition for having interests, while the biocentrists do not. Why then do O'Neill, Holland, and Light deny that having interests is a sufficient condition for moral considerability? They argue that "[t]here are some beings that we might recognize as having interests but not believe to be the kinds of being whose interests should be fostered. We can know what is good for X and what constitutes flourishing for X, and yet believe that X, under that description, is the sort of thing that ought not to exist and hence that the flourishing of X is just the sort of thing that we ought to inhibit."⁴ We might believe that the sadist, the rapist, or the tyrant is not the sort of being who ought to flourish. Thus, their having interests is not sufficient for their being morally considerable. We have no moral duties to the sadist, the rapist, or the tyrant.

³ O'Neill, et al, p. 103.

⁴ O'Neill, et al, p. 106.

I think that their argument is flawed. I contend that A's having interests generates a *prima facie* duty to consider those interests when doing something which affects A. It may turn out that A's interests are overridden by other moral values or that they are defeated by some feature which makes them morally illegitimate. To say that A's interests are overridden by other moral values is to say that A's interests are given some weight, but that they are outweighed by other concerns. To say that A's interests are defeated is to say that they are given no moral weight. When A's interests are overridden, they still count in the moral deliberation, and A is still morally considerable. The *prima facie* duty to consider the interests of any being with a good of its own may, in some cases, not generate an all-things-considered-duty, but it is sufficient to make the being in question morally considerable.⁵

When a being's interests are defeated, those interests do not count in the moral deliberation, and we may be tempted to say that the possession of such interests is not sufficient to make the being morally considerable. The sadist's interest in seeing others suffer is defeated by the logical incompatibility of this particular interest with the welfare of others. Even interests which are defeated generate a *prima facie* duty to take those interests into consideration. Even when this *prima facie* duty is defeated, I am inclined to say that the being in question is morally considerable simply in the sense that its interests generate *prima facie* duties. However, there is further reason for believing that such beings are morally considerable. I think that these defeasors apply only to the interests of autonomous beings, and autonomy is, according to O'Neill, et al, a sufficient condition for moral considerability. A being's interests are defeated only when we judge that the being in question ought not to have these interests. The ought is a

⁵ Fred Feldman attempts to address these issues by seeking to maximize "justicized utility," such that people get what they deserve rather than what they desire. On Feldman's view, tyrants, rapists and sadists are morally considerable since it is good for them to get what they deserve. See Feldman, "Justice, Desert, and the Repugnant Conclusion," *Utilitas* 7, no. 2 (Nov. 1995), pp. 194-201.

moral ought which seems to require a certain degree of moral autonomy. Tyrants, rapists, and sadists are morally considerable in virtue of their autonomy, even if some of their interests are defeated. If a being A, has interests and is not morally autonomous, then that being's interests are not defeated because they are not morally repugnant, and A is morally considerable. If A has interests and is morally autonomous, then some of A's interests may be defeated, but A is morally considerable in virtue of A's autonomy. Thus, possessing interests is a sufficient condition for moral considerability. I contend that when we consider extending moral considerability beyond the realm of autonomous beings, there are no defeasors because none of their interests are morally repugnant. If viruses have interests (I'm not convinced that they do), those interests may be overridden, but they are not defeated. O'Neill, et al, contend that even after we recognize that non-humans have interests, it is still an open question as to whether those interests ought to be promoted. They say, "the claim that they have standing cannot be deduced from the fact that non-human beings have their own good. The farmer can accept that weeds have their own good. It is a separate question whether it is good for weeds to flourish."⁶ I think that the motivation for this claim is the belief that the interests of the weeds (assuming that they have interests) may be overridden by other concerns. However, even when a being's interests are overridden, that being is morally considerable. If the weed's interests did not conflict with any other interests or values, then to deny that it is good for the weed to flourish would simply exhibit a lack of sensitivity to the well being of others.

In fact, I think that O'Neill, et al, have essentially given us necessary and sufficient conditions for moral considerability. They have given us at least one necessary condition (having interests) and several conditions which are independently sufficient (sentience, capacity for autonomous choice, etc.). Their denial of the possibility of specifying necessary and

⁶ O'Neill, et al, p. 107.

sufficient conditions for moral consideration appears to be too hasty. While I am inclined to analyze moral considerability strictly in terms of interests, the account given by O'Neill, et al, gives us a second way to go about analyzing moral considerability. The analysis looks like this:

For all x, x is deserving of moral consideration from a moral agent if and only if x

(a) has interests, and

(b) satisfies at least one of the sufficient conditions for being an object of a particular kind of consideration:

- i. the capacity for autonomous choice (which generates a duty to be treated in a way which respects one's autonomy), or
- ii. sentience (which generates a duty to be treated with benevolence), or
- iii. etc.

The project of providing a complete analysis of general moral considerability then becomes one of making the list of conditions which would satisfy (b) as exhaustive as possible. If it is possible to give an exhaustive list of these conditions, then we will have provided a complete analysis of moral considerability. If it is not possible to provide an exhaustive list (perhaps the list is infinite?), then we can still provide a partial analysis which will be perfectly adequate for most of our needs.

Part III: Do We Need a New Theory for Environmental Ethics?

O'Neill, Holland, and Light deny is that there is a need for a new ethical *theory*, with new foundational postulates. They claim that utilitarian and Kantian (deontological) ethics share the assumption that an ethical theory should resemble a scientific theory, complete with theoretical primitives, from which our specific obligations could be deduced. These approaches assume that

ethical deliberation requires an ethical theory which begins with some foundational postulates and allows one to deduce the optimal solution to any practical/moral problem. O'Neill, et al, deny that there will always be an optimal solution to every problem. There may be conflicts which cannot be resolved, and cases in which there is no 'best' choice. There may be a number of admissible solutions, all of which involve doing wrong. It's not that the solutions are equally right/wrong. Rather, different solutions will emphasize different and incommensurable values. Whatever solution is chosen will be tragic and will leave some moral "residue."

The debate in environmental ethics thus far has focused on coming up with new foundational postulates. As they describe it, "Early on, environmental ethicists such as Richard Sylvan (then Routley) urged that an ethics for the environment needed to come up with an entirely new approach to assessing value in the world, since the overwhelming 'anthropocentrism' of traditional ethical theories had in part contributed to the growing environmental crisis by creating theories that were incapable of formulating moral reasons for protecting nature."⁷ Sylvan's conception of an ethical theory, as described by O'Neill, et al, resembles a scientific theory or logical theory in that it consists of a set of basic principles or postulates from which lower order ethical claims can be derived.⁸ A new ethical theory, then, would be one which begins from different basic principles. In particular, a new environmental ethic would challenge the assumptions made by traditional anthropocentric theories about (i) the class of beings who deserve moral consideration and (ii) the domain of beings or states of affairs that have intrinsic value. "Accordingly," they say, "the new non-anthropocentric ethic has been

⁷ O'Neill, et al, p. 91.

⁸ O'Neill, et al, p. 92.

built around two claims: first that the class of beings to whom moral consideration is owed needs to be extended beyond human persons; second that nature has intrinsic value.”⁹

O’Neill, et al, go on to challenge these two claims as well as the entire project of creating a new environmental ethic which begins with new fundamental postulates. The claim that our environmental crisis demands a new uniquely environmental ethic stems from a particular picture of what ethical theories are and how they ought to work, according to O’Neill, et al, and once we replace this view with a pluralistic perspective, “much of the case for a new environmental ethic disappears.” (p. 93) Rather than beginning with some general ethical principles and using these principles to derive particular moral duties, they want to begin with the “plurality of relations and moral responses that are owed to beings.”¹⁰ They argue that descriptions such as ‘having interests’ and possessing ‘intrinsic value’ are *too thin* to do the job of explaining our relations with and appropriate responses to different kinds of beings. They want us to begin ethical reflection from the “actual thick and plural ethical vocabularies which our everyday encounters with both human and non-human worlds evoke.”¹¹

I must say, first of all, that I have always found it somewhat paradoxical to argue that there is an environmental crisis that can only be solved by creating a new, non-anthropocentric environmental ethic. My reason for concern, however, is very different from the reasons expressed by O’Neill, et al. If an anthropocentric value system is sufficient for recognizing an environmental crisis, then it seems to me that this value system provides the necessary theoretical tools for addressing this crisis. If, on the other hand, the crisis can only be solved by creating a non-anthropocentric value system which gives us non-anthropocentric reasons for protecting nature, then it seems to me that only someone who already possesses such a value

⁹ O’Neill, et al, p. 92.

¹⁰ O’Neill, et al, p. 110.

¹¹ O’Neill, et al, p. 109.

system would be capable of recognizing the crisis as a crisis. Consider, for example, all of the misery experienced by the millions of chickens, pigs, cows, and other animals living in factory farms. As far as I am concerned, this is a crisis. However, a thorough going Kantian who views animals as merely means would not recognize this as a crisis unless it adversely affected human beings. If it did adversely affect human beings, then the Kantian would possess the necessary tools for addressing the problem as she/he perceives it. For these reasons, I find it rather odd to argue that there exists an environmental crisis which can be recognized as a crisis from within an anthropocentric value framework, but can only be solved by adopting a non-anthropocentric value framework.

That said, I do believe that we ought to extend the class of beings who are deserving of moral consideration beyond human persons, and that nature has intrinsic value. Since O'Neill, et al, are challenging both of these claims, I find it necessary to respond to them. While I focus in this paper on their critique of moral considerability, questions about *moral considerability* and questions about *intrinsic value* are closely tied together. Both concepts suffer from some degree of ambiguity. In his earlier work, O'Neill has helped to clarify what it means to say that something has intrinsic value by identifying three different varieties of 'intrinsic value'.¹² The first refers to that which is valued non-instrumentally. The second refers to the value which something has in virtue of its intrinsic (non-relational) properties. The third refers to objective, mind-independent value which something is said to possess independently of the valuations of valuers. O'Neill points out that the subjectivist view associated with the first sense of intrinsic value does not entail that only humans have intrinsic value since the source of value (the evaluations of valuers) is not the same as the object of value (that which is valued non-

¹² O'Neill, John. "The Varieties of Intrinsic Value," *The Monist*, vol. 75, no. 2 (April, 1992), pp. 119-137. See also John O'Neill, *Ecology, Policy and Politics: Human Well-Being and the Natural World*, Routledge, 1993, pp. 8-13.

instrumentally). Strangely, O'Neill seems to assume that the valuers in question must be human. In addition to the three varieties of intrinsic value identified by O'Neill, Katie McShane adds a fourth variety according to which "intrinsically valuable things are those that have moral standing—i.e., they are such that we must consider their interests when thinking about doing something that might affect them."¹³ In order to avoid ambiguity, I shall simply stipulate that when I say that nature has intrinsic value, I am using O'Neill's first sense of intrinsic value, claiming that nature is valued non-instrumentally. When I speak of 'moral considerability', I am referring to those things which have moral standing, such that we must consider their interests when thinking about doing something that might affect them.¹⁴

¹³ McShane, Katie, "Why Environmental Ethics Shouldn't Give Up on Intrinsic Value," *Environmental Ethics*, vol. 29, no. 1 (Spring 2007), p. 47.

¹⁴ This account of moral considerability assumes that having interests is a necessary condition for moral considerability. There may, however, be some who would wish to deny this. The one philosopher who comes to mind is Thomas Birch. See Birch, "Moral Considerability and Universal Consideration," *Environmental Ethics: Divergence and Convergence*, 2nd edition, edited by Richard G. Botzler and Susan J. Armstrong, McGraw Hill, 1993, pp. 380-390. Birch describes moral consideration as follows: "To give moral consideration to X is to consider X (to attend to, to look at, to think about, where appropriate to sympathize with X, etc.) with the goal of discovering what, if any, direct ethical obligations one has to X." Birch denies that there are any criteria which restrict the range of morally considerable beings. According to Birch, the original source of value is the "deontic experiences" we have when we attend to something, look at it, think about it, sympathize with it, etc. A "deontic experience" is a feeling that one must do something. According to Birch, all things are morally considerable because all things have the potential to produce these deontic experiences. He describes his experiences with rocks, when he really paid attention to them for the first time. He was left with a sense that he must minimize the impacts that he has on rocks. It is not clear to me whether Birch believes that rocks possess interests which can generate direct duties to them. I have a friend who studied with Birch in Montana and maintains that rocks do have interests, a claim which I find rather hard to comprehend. However, I do not think that this is what Birch actually means to suggest. When Birch says that all things are morally considerable because they have the potential to produce deontic experiences when we attend to them, I think he is saying that we can potentially come to value these things intrinsically. He says that deontic experience is the original source of our values and our deontic experiences tell us which things we really care about. He says that "[d]eontic experiences can be generated out of a relationship with any kind of entity: persons, things, systems, ecosystems, other sorts of abstractions, even numbers." I don't think that Birch means to suggest that numbers have interests. Rather, I think he is saying that we may potentially come to value numbers intrinsically. Thus, Birch is using the term 'moral considerability' to refer to anything which is potentially valued intrinsically.

Part IV: Are Optimal Solutions Possible?

O'Neill, Holland, and Light are critical of consequentialist approaches to ethical decision making regarding the environment, particularly classical utilitarianism and environmental economics. They deny that the rightness or wrongness of an action is determined by entirely by its consequences, and they are critical of maximizing approaches, reductionism, value monism, value commensurability, and the idea that social choice should ideally proceed through a systematic calculation of value. In short, they are critical of any approach which attempts to reduce all values to one common scale or lexically rank values in order to calculate an optimal result. They reject value monism and value commensurability in favor of value pluralism. In such a pluralistic framework, there will be some moral dilemmas which do not admit of a uniquely correct solution. It is not merely that there may be multiple solutions which are equally permissible, but rather that different solutions will emphasize different and incommensurable values such that whatever choice is made the result will be tragic.

I agree with O'Neill, et al, that when it comes to environmental decision making, there are a plurality of incommensurable values at stake which cannot be reduced to one single value or given a lexical ranking so as to yield an optimal solution in all cases. There are cases that are truly tragic such that no matter what one choose to do there are significant values which are sacrificed and which cannot be fully compensated by other values which are realized.. The well known case of feral goats on San Clemente Island off the coast of California strikes me as one such case. Given this point of agreement, there are some ways in which my critique of O'Neill, Holland, and Light is a friendly one. However, unlike O'Neill, et al, my approach is a broadly consequentialist one. Furthermore, I believe that the project of specifying the beings which are

morally considerable is of fundamental importance to environmental ethics, and unlike O'Neill, Holland, and Light, I believe that possession of interests is the key to moral considerability.

O'Neill, et al, argue that consequentialism and deontology fail because they share the assumption that there must be one, unified condition which serves as the basis for moral consideration. The debate is then about what that condition is. Virtue theory, on the other hand, invokes different goods and ills, according to O'Neill, et al. It is thus a mistake to view virtue theory as yet another theory with different foundational postulates. However, the conditions which satisfy (b) above do sound an awful lot like foundational postulates. The significant difference then between virtue theory, as O'Neill et al describe it, and other types of moral theories (consequentialism and deontology) appears to be that virtue theory allows multiple "foundational postulates," while consequentialism and deontological theories insist on one foundational postulate.

Whether it is advantageous or disadvantageous to have a theory which allows multiple, incommensurable foundational postulates is an interesting question which I will not attempt to answer here. I will simply state that I am inclined to agree with O'Neill, et al, that there may not be definitive answers to all moral dilemmas involving conflicting values. In any case, if one desires a theory which allows multiple, incommensurable foundational postulates, I see no reason to think that virtue ethics provides any particular advantage in producing such a theory. One could, for example, adopt a consequentialist theory which recognizes multiple, incommensurable goods and attempts to maximize each of them independently, while denying that trade offs are always possible in such a way as to produce one optimal solution in all cases.

In the case of the goats of San Clemente Island, 15,000 feral goats were killed in order to save five endemic species of plants. There were also concerns about the effects that the goats

were having on the ecosystem of the island, including their effects on native or migratory birds, foxes, and reptiles. The ecosystem of San Clemente Island, as well as the endemic species of plants and animals, are things that I value intrinsically (non-instrumentally). To say that I value these things intrinsically, is not to say that they have interests which are morally considerable. Holmes Rolston seems to believe that species are entities which extend across many generations and which literally have interests.¹⁵ Gary Varner, on the other hand, takes it to be clearly the case that species and ecosystems do not have interests and are thus not morally considerable.¹⁶ Varner, at one point, defended biocentric individualism, the view that all and only individual living organisms have morally considerable interests. He has since backed off this position.¹⁷ Peter Singer and Bernard Rollin have argued that only sentient beings have interests, and hence only sentient beings are morally considerable. My point here is not to adjudicate between these views. I will say that I take it to be obviously true that sentient beings do have morally considerable interests. I am inclined to think that species and ecosystems do not have interests; and I remain uncertain though somewhat skeptical about claims that non-conscious beings such as plants have morally considerable interests. I will make no attempt here to defend these intuitions. My point is simple this: Only beings with interests are morally considerable, and the debate about which beings have interests is precisely the sort of debate in which environmental ethicists must engage.

O'Neill, Holland, and Light challenge this claim, saying both that the project of giving necessary and sufficient conditions for moral considerability is doomed to failure and that once

¹⁵ Rolston, Holmes, III. *Environmental Ethics: Duties to and Values in the Natural World*. Temple University Press. 1988. pp. 141-153.

¹⁶ Varner, Gary E. *In Nature's Interests?: Interests, Animal Rights, and Environmental Ethics*. Oxford University Press. pp. 3-25.

¹⁷ Varner, Gary E. "Book Review of *Life's Intrinsic Value*, by Nicholas Agar." *Environmental Ethics*, vol. 25, no. 4 (Winter 2003), pp. 413-416.

we drop the assumption that a theory must begin with foundational postulates that yield specific moral duties in particular cases, the need to give necessary and sufficient conditions for moral considerability disappears. I argued in Part II that the project is not doomed to failure. In this section, I argued that even if we accept their claims about plural and incommensurable values, such that there will not be optimal solutions to all environmental dilemmas, the need to identify those beings that are morally considerable does not disappear. A theory which defines moral considerability in terms of having interests is compatible with the view that trade offs between values are not always possible, and some moral dilemmas are inherently tragic. If species and ecosystems do not in fact have interests, then the morally relevant interests at stake in protecting the ecosystem of San Clemente Island and the endangered species it contains are the interests of those of us who value these things intrinsically, as well as the interests of the sentient beings and possibly the non-sentient beings which will be affected by the course of action we choose. I do not think that there is an optimal solution to this case. The killing of 15,000 goats was tragic because it was contrary to the interests of those 15,000 goats. The loss of endangered species on the island would also have been tragic in my view because I value these species intrinsically. There is no rational basis that I can see for trading these values off against one another or giving priority to one over the other. However, this does not mean that we must abandon consequentialism or moral considerability. If we can make sense of the idea that species and ecosystems do have morally relevant interests, this will change the picture significantly.

Part V: Through Thick and Thin

O'Neill, Holland, and Light urge us to "begin ethical deliberation from the actual think and plural ethical vocabularies which our everyday encounters with both human and non-human

worlds evoke.”¹⁸ They contend that descriptions such as ‘having interests’, which ground claims of moral considerability, are “too thin” to do the job of explaining our relations with and appropriate responses to different kinds of beings. While they never explain what they mean by “too thin,” it is apparent that they mean to suggest that such descriptions are too general, lacking both the detail and variety necessary to describe our relations to the great diversity of beings we encounter in the world.

I agree with them that the relations and responses which are appropriate to different kinds of beings cannot be fully understood simply by describing these beings as having interests. How we ought to treat a being and relate to it will depend in large part on what its interests are. Philosophers such as Singer and Varner who focus on interests have always acknowledged this. In fact, they have made a point of it. Determining that a being possesses morally considerable interests is just a starting point. The necessary next step is to try to understand that being more fully by trying to understand what its interests are. This starting point does not preclude the “thick and plural ethical vocabulary” which O’Neil, Holland, and Light desire. While it may be the beginning of discussion, it is not the end. There is no reason that we should use the interests of the various beings we encounter in the human and non-human world as a basis for understanding the complex and varied relationships which are appropriate with these beings. Talk of interests does not rule out detail and variety. Focus on having interests as a necessary and sufficient condition for moral considerability is compatible with the “thick and plural” ethical vocabulary which O’Neill, Holland, and Light are so fond of.

¹⁸ O’Neill, et al, pp. 109-110.