

Tom Regan, "The Nature and Possibility of an Environmental Ethic," Environmental Ethics, Vol. 3, No.1, Spring, 1981

{A Second Opinion}

In the December, 1981, issue of Ethics & Animals, Peter Wenz provided a clear, concise outline of Tom Regan's "The Nature and Possibility of an Environmental Ethic." Wenz concluded that "this helpful article clarifies the issues with which it deals and prepares the ground for further work in the area." I would disagree with that evaluation; I think Regan's conception of environmental ethics is unpromising and his defense of that conception is insignificant.

Regan's conception of environmental ethics seems to be guided by the desire for a firm foundation from which one may morally condemn not only individuals but also cultures and humanity in general when they do not care about preserving natural objects, including plants, rivers, and other nonconscious things. He recognizes that arguing for the preservation of nature on utilitarian grounds, on the grounds that natural objects express important cultural values, or on other homocentric, sentient-centric, or conscious-centric grounds will not provide him the foundation he wants. This is because cultural values may change and preserving natural objects may not always be what is best for people, sentient beings, or conscious beings. He seems to have concluded--rightly, I think--that the only way of securing the unvarying moral foundation for preservation which he wants would be to establish that natural objects have a morally significant good of their own; a good inherent in them, a good independent of their effects on or value for conscious, sentient, or human beings.

Regan does not attempt such an argument in this essay, nor in the others of his writings to which he here refers. Rather, he limits his case to showing that the proposition

that (some) nonconscious objects are inherently good (i) is not incoherent and (ii) must be true if the development of environmental ethics is to be possible. I shall first consider his argument for the second of these conclusions, then devote the remainder of this review to arguments concerning the first conclusion.

The basic problem with Regan's attempt to demonstrate that (some) nonconscious, natural objects must be inherently good if the development of environmental ethics is to be possible is that it begs the question. Regan's argument here consists of considering four other possible bases for environmental ethics, showing that they cannot "reasonably account for our duties regarding the environment" (30), and concluding that in the absence of any other viable alternative, environmental ethics must be based on accepting that (some) nonconscious objects are inherently good. Among these four alternatives is a utilitarian environmental ethics, which would preserve the natural environment because doing so is important for the well-being of sentient beings, and an embodiment of cultural values environmental ethics, which would preserve nature because it expresses or symbolizes important cultural values, e.g., freedom, integrity, and power. Regan finds these two alternatives inadequate because they would not commit us to preserving nature (i.e., unmanufactured environments (26)) in situations where doing so would not benefit sentient beings or where the environment did not symbolize the current cultural values of those intending to destroy that environment. However, these limitations on the commitment to preserving nature do not constitute objections to utilitarian or embodiment environmental ethics unless one presumes that among our duties regarding the environment are duties to preserve nature in situations where doing so has no benefit, either utilitarian or expressive, for the sentient beings who will be affected by the preservation of that environment. It is not obvious that we have such duties, and Regan does not even attempt to estab-

lish that we have such duties. So, we would seem here to have a controversial, crucial unjustified presumption in Regan's argument.

Another weakness in Regan's argument against a utilitarian environmental ethics can be found in his claim (27) that a utilitarian environmental ethics would be susceptible to the following reductio: if we were capable of manufacturing an environment which would be significantly more beneficial for sentient beings (including future generations and incorporating principles of fair distribution of this increase in the general welfare) and if it were the case that there was no more beneficial (for sentient beings) way for us to employ our energies and resources, then we ought, on utilitarian grounds, to replace the natural environment with this manufactured environment. (Regan's brief statement of this reductio does not elaborate all the above conditions, but not to accept them would be to misrepresent utilitarianism and to refute a strawman.) Is this utilitarian conclusion absurd? Is it even wrong? Is it detrimental to developing a coherent, effective environmental ethics, given our current limited capacity for manufacturing beneficial environments? Some argument is needed to show that the answer to any of these questions is "yes." Regan provides no such argument.

Rather, he moves on to claim that "in the world as it actually is, there are grounds for thinking that environmental protection efforts favor the interests of a powerful elite rather than maximizing the pleasure of all" (27). This is supposed to show that even under current conditions, utilitarianism cannot justify preserving nature. However, these grounds are nothing but rhetorical flourish. First, the fact that "rising property values in protected areas drive the poor out" does not even suggest that the most effective way to maximize the general welfare, or even the welfare of the poor, would be to replace natural environments with "parking lots, condominiums, and plastic trees" (27).

Second, any viable utilitarian ethics will include provisions for minority opportunities (even for the elite!) and fair distribution of benefits. There is no reason to believe that the general welfare will be maximized by forcing all of us to live the way only most of us want to. So utilitarianism would not undermine attempts to preserve some natural environments, even if the majority did prefer manufactured environments. Finally, utilitarianism requires considering the pleasures of animals, as well as of humans, and indirect contributions to pleasure, such as providing oxygen, enriching the soil, and making other vital contributions to the biosphere. "Plastic trees" hold no promise of fulfilling these needs. (Also, I see no reason why a utilitarian environmental ethics could not recognize the benefits obtained through having natural expressions of cultural (and trans-cultural) values, thereby embracing the embodiment environmental ethics and dispelling the impression that a utilitarian environmental ethics must regard nature in a crudely instrumental way.) Consequently, the current prospects for the happiness of sentient beings do not support Regan's claim that a utilitarian environmental ethics could not justify current preservation efforts.

It is trivially true that no principle for determining our duties regarding the environment which bases that determination on something other than the inherent goodness of the environment will be able to show that we have duties regarding the environment independent of the well-being of other beings or things than the environment. That is, it is trivially true that any such principle will be unable to support Regan's conception of environmental ethics and the duties which would follow from such an ethics. But since Regan does not even attempt to demonstrate that his conception of environmental ethics correctly expresses the sorts of duties we have regarding the environment, his conclusion here should be limited to saying that utilitarianism and

embodiment of cultural values do not provide adequate bases for the kind of environmental ethics he wants. Before he can move on to concluding that what he wants does, and the other theories do not "reasonably account for our duties regarding the environment," he will have to provide some credible arguments in favor not just of the logical possibility of his theory but also of its adequacy and accuracy. As it stands, he has given us no reason to believe that we must postulate the inherent goodness of nonconscious objects in order to account for our duties regarding the environment.

Turning to Regan's other point, that it is logically possible for non-conscious objects to be inherently good, his arguments for this proposition are limited to showing that some arguments against this proposition contain premises, interpretations, or presumptions which are not "self-evident and stand in need of rational defense, something not provided by the argument itself" (23).

There is a certain amount of merely rhetorical flourish to such an objection, since no argument justifies its own definitions, presumptions, or premises. Still, Regan's defense of his proposition is probably invincible. If a conception of goodness as a simple, non-natural property, *a la* G. E. Moore, is not logically incoherent, then it will be impossible to prove that nonconscious objects cannot possibly be inherently good. As Moore's famous critique of naturalism amply demonstrated, a simple, non-natural property could (logically) be associated with anything. Regan does not openly subscribe to Moore's interpretation of goodness--although it is hard to imagine any other interpretation which could accommodate the claims he makes for his logically possible I know not what--but the logical possibility of such an interpretation, in conjunction with Regan's never explaining what makes something good, does explain why he can so easily refute attempts to prove that nonconscious objects cannot (logically) be inherently good.

It also explain why this defense of his position is so insignificant: intuitionism has long since proven a dead end, and what is needed to show there may be "something worth thinking about" (19) in Regan's conception of environmental ethics is not the merely logical possibility of resurrecting intuitionism but the substantive possibility of developing a conception of inherent goodness which will be able to make an advance over interpretations of goodness based on happiness or interests (the two options Regan criticizes). We need to be shown how Regan's conception of inherent goodness can help us understand cases or aspects of goodness which these other interpretations cannot account for.

In a previous article, "Feinberg on What Sorts of Beings Can Have Rights" (*The Southern Journal of Philosophy* 14/4 (1976)), to which he here refers several times, Regan argued (i) that something, e.g., a gardenia bush, can be good of its kind without reference to its relation to any conscious being and (ii) that since something, e.g., a car, can be good but not valued, there is a distinction between being valued, which is what requires consciousness, and being good, which is something the object is in its own right. Regan has come to reject the concept of being good of its kind as a basis for environmental ethics because such goodness need not be morally significant, i.e., need not call for respect (33). However, he does still consider it an objective good that nonconscious things may have independent of conscious beings. But is even this reduced claim correct?

A plant's being good of its kind clearly does not depend on anyone's direct interest in the plant: weeds are often healthy, flourishing paradigms of their species. However, this does not show that plants are good independent of conscious beings, for one obvious explanation of how even weeds

can be good of their kind is that they express the values of conscious beings, e.g., health, tenacity, fulfilling one's potential, and survival. Regan acknowledges that the inherent goodness of nonconscious objects is a supervenient property (31), and if we interpret their non-instrumental, non-aesthetic goodness as the expressive or symbolic value their other properties have (or can have or normally have or would have if observed) for conscious beings, then we can readily understand how this supervenient property arises. Especially the non-instrumental, non-aesthetic goodness of rivers, cliffs, and other inorganic things seems to be intelligible only in this way. I really cannot imagine how the undisturbed flowing of the Colorado River would be good in a world bereft of conscious beings--except as a possibility for the use or appreciation of conscious beings who might someday return. The water would move differently, the cliffs be formed differently, and the mud deposited differently if the river's flow were impeded, but in a world bereft of (the possibility of) conscious beings, how would one pattern of movement, erosion, and sedimentation be better than another? Finally, some of the values expressed by natural objects in being good of their kind are moral values, e.g., freedom, which is why, as Regan emphasizes, the appropriate response to these natural objects is respect. So, the expressive interpretation of a non-conscious thing being good of its kind can even recognize that some of these things thereby acquire moral significance.

Of course, offering this interpretation of the goodness of surviving, flourishing, and otherwise being good of one's kind does not prove that it is logically impossible for there to be another interpretation of this goodness. But it does explain how this goodness is dependent on the objective properties of the nonconscious object, is supervenient, is not

crudely instrumental, is independent of our direct desires concerning the survival or flourishing of the thing, and in some cases has moral significance. It also shows that being good of its kind is not a kind of goodness that cannot be accounted for except by postulating a goodness nonconscious objects can have independent of (the possibility of) conscious beings.

Turning to Regan's other point in his contra-Feinberg essay, i.e., the distinction between being valued, which requires consciousness, and being good, which does not, this distinction can also be understood without postulating a kind of goodness nonconscious objects can have independent of (the possibility of) conscious beings. An unvalued car (Regan's example) can be good in the same way an unseen apple can be red. "The unseen apple is red" can be understood to mean that its physical properties are such that if a being relevantly like us were to see the apple under normal lighting conditions, the color that being would see is what we call "red." That is, the objective redness of the apple is its capacity to influence certain beings in a certain way. It has this capacity whether or not it ever affects such a being in this way. Similarly, "the unvalued car is good" may be understood to mean that its physical properties are such that if a being relevantly like us wanted reliable transportation, knew how to use a car, had the materials necessary for using a car, and came across this car, he would value it. This capacity is something the car has whether or not any being ever actually values the car. So, the car can be good even though never valued, and this is a supervenient goodness of the car itself. But this goodness retains an essential reference to the possible desires, beliefs, understandings, and other capabilities of conscious beings. Given these obvious, alternative interpretations of being good of one's kind and of being good though unvalued, Regan's arguments in his contra-Feinberg essay fail to give us any reason to believe nonconscious objects

have independent goodness.

Finally, in the present essay, as well as in the contra-Feinberg essay, Regan insists that "having an interest in X" may mean either being interested in X or that X will contribute to the individual's good, well-being, or welfare (20). He concludes from this that it is possible for nonconscious objects to have interests and, consequently, a good of their own, since only the first alternative, being interested in X, requires consciousness.

Regan is certainly correct in insisting that one can have an interest in something in which he is not interested, e.g., his diet. But ordinarily this is because that something will affect what he does care about, e.g., his health, even though he does not realize it. Consider the following example: suppose there is a cream I do not know about which will cure baldness, that I am bald, but that I do not care (even subconsciously) whether or not I am bald or about any of the consequences of my baldness. Could it be said that nevertheless, unbeknownst to me, I have an interest in that cream? That would be a strange thing to say, and the only way I can make any sense of such a claim is in terms of people normally wanting not to be bald and the possibility that in spite of what I currently think and feel, I will be happier if I get my hair back. But such an interpretation does not even suggest that nonconscious objects can have interests. Of course, it is possible to stipulate that "P has an interest in X" may refer to situations in which P does not or cannot care about what will be produced by what he has an interest in. However, our common understanding of "P has an interest in X, even though he takes no interest in X" strongly suggests that the kinds of good, well-being, or welfare to which things in which one has an interest but takes no interest may contribute are limited to feelings of pleasure and pain, the fulfillment or frustration of wants and desires, and other such conscious, sentient goods.

It seems fair to say that Regan has begged the question and been insensitive to the meaning of "having an interest" by presuming that the kinds of good, well-being, or welfare to which the things in which one has an interest may contribute do not themselves essentially involve a reference to feelings, desires, and other things only conscious beings can have. Thus, having an interest in things in which one takes no interest does not indicate that interpretations of goodness which tie it to wants, desires, cares, hopes, happiness, etc., have left something out, something which requires postulating a goodness which nonconscious objects can have independent of (the possibility of) conscious beings.

Like Regan's other essays, this one is admirable for its clarity and organization. However, although it clearly indicates his personal dissatisfaction with other theories of goodness and environmental ethics, this essay provides nothing in the way of a more adequate theory of goodness or environmental ethics or even in the way of arguments for convincing those who do not share his unqualified commitment to preserving nature or his dissatisfaction with other theories of nature's goodness that they ought to share his values. This essay merely raises the logical possibility of an I know not what and points in the direction of mysterious, objective value properties, conflicts among moral goods that are in principle incapable of rational adjudication (21), and some form of intuitionism. Following such a path would seem to have scant chance of helping us secure serious philosophical attention for environmental ethics. Regan will have to find some positive arguments to show those of us interested in securing serious philosophical attention for environmental ethics that we cannot avoid this thorny path or, at least, that the path looks promising before

his concept of environmental ethics can attain credibility and before we need conclude that we should follow him on his adventure.

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