

REVIEWS

The Review Section of E&A consists of three parts. The first is made up of brief reviews of books and articles (and perhaps films, etc.) that are concerned in some way with the rights and wrongs of human treatment of non-human animals. The second part of this Section is entitled 'Replies' and contains comments on or responses to reviews published in earlier issues of E&A. By letter the Editor invites the authors of works reviewed to respond, and by this proclamation in each issue invites all other interested readers to submit comments. The third part of the Reviews Section is a list of works of which reviews are invited. Any member who wishes to review any work in this continuing 'Reviews Needed' list should contact the Editor.

Bryan G. Norton, "Environmental Ethics and Nonhuman Rights,"
Environmental Ethics, Vol. 4, No. 1, Spring, 1982, pp. 17-36.

Norton wants to show that environmentalists "lack a coherent theoretical rationale around which to rally." As evidence of this alleged lack, Norton cites two cases in which environmentalists failed to achieve their goal: the Tellico dam project on the Tennessee River, and the Dickey-Lincoln hydroelectric project on the St. John River in Maine. But why did environmentalists fail to stop these projects? From Norton's own account, it looks like one reason was that they could not agree on what sort of ethical appeal to make, and not that they lacked a coherent ethical theory. They couldn't decide whether to make a utilitarian appeal or to defend the rights of endangered species. Besides, they could have had a coherent theoretical rationale and still failed to stop the projects in question because they were up against big business and greed for profit.

Why aren't standard ethical theories such as utilitarianism and rights theory a coherent basis for environmental ethics? Norton argues that these two approaches are inadequate, at least as a basis for environmental ethics. The first view he discusses is utilitarianism, or more specifically "anthropocentric utilitarianism." On

this view, actions are good if they maximize the happiness of the totality of humans, ignoring nonhuman individuals. According to Norton, this view is unsatisfactory as a rationale for preserving the environment because if human preferences are modified in the appropriate way, then any given natural object or species could be destroyed. For example, if no human had any interest in saving the North American timber wolf because, say, these wolves do not make good pets, then there would be nothing wrong with allowing this species to become extinct.

No doubt this sort of utilitarianism is unacceptable; but why not expand utilitarianism to include nonhuman animals? Following Bentham (and Singer), we can say that any creature capable of suffering should be included in our utilitarian calculation. This sort of "sentient utilitarianism" could be used to argue against destroying the natural habitat of non-human animals, since this would cause them to suffer. In any event, it is hasty to conclude that utilitarianism cannot provide an adequate environmental ethic just because one version, "anthropocentric utilitarianism," which is not even the most plausible

version, cannot do the job.

Most of Norton's article is concerned with a second approach to environmental ethics, namely the appeal to the rights of nonhumans. Unlike some authors, he does not challenge the attribution of rights to nonhumans. This is because he accepts (with a couple of additions) Feinberg's account of rights. On this account, if X is an individual who can have an interest, then X can have a right. Not all interests imply rights, but some do; in particular the interest in not suffering implies a right not to suffer. Rights can be overridden by other goods and obligations. But all individuals who are capable of suffering to a comparable degree must be considered equally, and this means that some nonhumans who have an interest in not suffering have a right to not suffer.

Norton says that his account gives only the "minimal conditions" for having a right. He does not attempt to say definitely which interests are sufficient for having a right (although he is willing to grant that the interest in not suffering implies a right not to suffer), nor does he say what goods or obligations could override rights. This leaves several important questions unanswered, for example, does the human interest in consuming animal flesh override the right of animals not to suffer?

Anyway, assuming that nonhuman animals do have rights, including the right not to suffer, why doesn't this imply that we have corresponding duties to them such as the important environmental duty to preserve their natural habitat? This is the main issue, and Norton devotes several pages to attacking the claim that nonhuman rights imply environmental duties. Let us confine our attention to four of Norton's arguments.

First, no matter where one draws the line as to what has interests (and corresponding rights), there will always be some area of earth or sea which is not the habitat for any rights-holding individual, and which does not have to be preserved to prevent the violation of rights.

One difficulty for this argument, and indeed for Norton's whole article, is that he ignores the possibility that future individuals have rights. He accepts Feinberg's account of rights, but he ignores Feinberg's contention that future generations can have rights. But if we assume that there will be rights-holding individuals in the future, as Feinberg does, and that they will need places to live, including presently unoccupied places, then it seems that we have a duty to preserve these places for future individuals. Furthermore, even if we confine our moral consideration to those presently living, we would still have a duty to preserve uninhabited areas as possible habitats for those living in too-crowded areas or those who need to roam. The North American timber wolf, for example, requires as much as ten square miles of wilderness in order to survive. So we ought to preserve large areas of basically uninhabited land for them, assuming that we grant that they have a right to survive.

Second, Norton argues that if the class of rights holders is restricted to primates, the resulting environmental ethic will not protect areas which affect no primates. But why should we restrict rights to primates? Aren't there creatures capable of suffering who are not primates? Moreover, even restricting our concern just to primates, it is hard to see what areas of land or sea we can safely destroy or pollute without affecting any primates; presumably human primates will be affected no matter what area of land or sea is polluted. After all,

destroying or polluting one area of land or sea affects other areas – an H-bomb exploded in some remote place still produces wide-spread radioactivity.

Now suppose we adopt Singer's view that sentience is where we draw the line between those we morally consider and those we don't. Then we should preserve the environment to prevent the suffering of sentient creatures. Norton replies, third, that it is always possible for humans to prevent the suffering of sentient creatures while at the same time destroying their natural habitat. The animals whose natural habitat has been destroyed could be "moved to zoos or other preserves, protected from predators, given food and shelter."

Perhaps relocation of animals would reduce their suffering when their habitat has been destroyed, but it would not eliminate this suffering. The animals would suffer less if their natural habitat was not destroyed in the first place. Besides, what about future generations of animals? Wouldn't they suffer from the loss of their natural habitat?

Fourth, Norton mentions a serious practical difficulty: Should we concern

ourselves with individuals or with whole species? The animal liberationist tends to be concerned with individual animals, but the environmentalist is worried about preserving whole species, and is not so concerned about the fate of individual animals. Thus environmentalists advocate the culling of deer and buffalo herds in the absence of natural predators. Leopold, for instance, recommends hunting as an ideal form of human recreation in the same book in which he introduces his famous land ethic. But vegetarians and antivivisectionists will object that culling deer by hunting or just random slaughter causes needless suffering for the animals.

Surely this is not an insurmountable problem. There must be a better way to control the population of animals than hunting and random killing; nobody seriously advocates this as a way of limiting the human population, so why should we do this to animals? An alternative would be sterilization. Environmentalists can and should agree, at least in principle, that we ought not to cause unnecessary suffering to sentient individuals, and they can do this without giving up their goal of preserving the natural environment and nonhuman species.

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