

individual prerogative, not democratic collective decision-making, should govern. Although both claims are in need of substantial argument, the first is plainly the more fundamental. The second cannot even be formulated if the first cannot be demonstrated.

However, the private/public distinction, despite the best efforts of Mill and others, remains notoriously intractable. Yet, in view of Sen's result, the liberal democrat cannot make do without it. If liberalism cannot be integrated alongside democratic collective decision-making in a single constitution, there is no alternative but to restrict the scope of democratic collective choice. And if, as seems likely, the prospects for doing so are poor, then so too are the prospects for liberal democratic theory. Without a well-motivated private/public distinction, the formal possibility of avoiding Sen's result by restricting the scope of each choice rule remains merely a formal possibility.

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### ON BEING MORALLY CONSIDERABLE

A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.

—Aldo Leopold

**W**HAT follows is a preliminary inquiry into a question which needs more elaborate treatment than an essay can provide. The question can be and has been addressed in different rhetorical formats, but perhaps G. J. Warnock's formulation of it <sup>1</sup> is the best to start with:

Let us consider the question to whom principles of morality apply from, so to speak, the other end—from the standpoint not of the agent, but of the "patient." What, we may ask here, is the condition of moral *relevance*? What is the condition of having a claim to be *considered*, by rational agents to whom moral principles apply? (148)

In the terminology of R. M. Hare (or even Kant), the same question might be put thus: In universalizing our putative moral maxims, what is the scope of the variable over which universalization is to

<sup>1</sup> *The Object of Morality* (New York: Methuen, 1971); parenthetical page references to Warnock will be to this book.

range? A more legalistic idiom, employed recently by Christopher D. Stone,<sup>2</sup> might ask: What are the requirements for "having standing" in the moral sphere? However the question gets formulated, the thrust is in the direction of necessary and sufficient conditions on  $X$  in

(1) For all  $A$ ,  $X$  deserves moral consideration from  $A$ .

where  $A$  ranges over rational moral agents and moral 'consideration' is construed broadly to include the most basic forms of practical respect (and so is not restricted to "possession of rights" by  $X$ ).

#### I

The motivation for addressing such a question stems from several sources. The last decade has seen a significant increase in the concern felt by most persons about "the environment." This new awareness manifests itself in many ways. One is a quest for methods of "technology assessment," for criteria for social choice that capture the relevant costs and benefits (be they quantifiable or not). On another front, heated controversies have arisen over endangered species and our treatment of animals generally (both as sources of food and as sources of experimental knowledge). The morality of abortion and, in general, the proper uses of medical technology have also tried our ethical sensitivities about the scope and nature of moral considerability.

These developments emphasize the importance of clarity about the *framework* of moral consideration as much as about the *application* of that framework. We need to understand better, for example, the scope of moral respect, the sorts of entities that can and should receive moral attention, and the nature of the "good" which morality (since it at least *includes* beneficence) is supposed to promote. In addition, we need principles for weighing or adjudicating conflicting claims to moral consideration.

The question focused on here is therefore only a first step toward the larger task. It is a framework question more than an application question—though its practical relevance is not so remote as to be purely a matter of logical speculation. My convictions about the proper answer to the question are sketched in another place,<sup>3</sup> but they can be summarized more explicitly as follows.

Modern moral philosophy has taken ethical egoism as its prin-

<sup>2</sup> *Should Trees Have Standing?* (Los Altos, Calif.: William Kaufmann, 1974); parenthetical page references to Stone will be to this book.

<sup>3</sup> "From Egoism to Environmentalism," in Goodpaster and K. M. Sayre, eds., *Ethics and Problems of the 21st Century* (Notre Dame, Ind.: University Press, forthcoming 1978).

principle foil for developing what can fairly be called a *humanistic* perspective on value and obligation. That is, both Kantian and Humean approaches to ethics tend to view the philosophical challenge as that of providing an epistemological and motivational generalization of an agent's natural self-interested concern. Because of this preoccupation with moral "take-off," however, too little critical thought has been devoted to the flight and its destination. One result might be a certain feeling of impotence in the minds of many moral philosophers when faced with the sorts of issues mentioned earlier, issues that question the breadth of the moral enterprise more than its departure point. To be sure, questions of conservation, preservation of the environment, and technology assessment *can* be approached simply as application questions, e.g., "How shall we evaluate the alternatives available to us instrumentally in relation to humanistic satisfactions?" But there is something distressingly uncritical in this way of framing such issues—distressingly uncritical in the way that deciding foreign policy solely in terms of "the national interest" is uncritical. Or at least, so I think.

It seems to me that we should not only wonder about, but actually follow "the road not taken into the wood." Neither rationality nor the capacity to experience pleasure and pain seem to me necessary (even though they may be sufficient) conditions on moral considerability. And only our hedonistic and concentric forms of ethical reflection keep us from acknowledging this fact. Nothing short of the condition of *being alive* seems to me to be a plausible and nonarbitrary criterion. What is more, this criterion, if taken seriously, could admit of application to entities and systems of entities heretofore unimagined as claimants on our moral attention (such as the biosystem itself). Some may be inclined to take such implications as a *reductio* of the move "beyond humanism." I am beginning to be persuaded, however, that such implications may provide both a meaningful ethical vision and the hope of a more adequate action guide for the long-term future. Paradigms are crucial components in knowledge—but they can conceal as much as they reveal. Our paradigms of moral considerability are individual persons and their joys and sorrows. I want to venture the belief that the universe of moral consideration is more complex than these paradigms allow.

## II

My strategy, now that my cards are on the table, will be to spell out a few rules of the game (in this section) and then to examine the "hands" of several respected philosophers whose arguments seem to

count against casting the moral net as widely as I am inclined to (sections III, IV, and V). In the concluding section (VI), I will discuss several objections and touch on further questions needing attention.

The first (of four) distinctions that must be kept clear in addressing our question has already been alluded to. It is that between moral *rights* and moral *considerability*. My inclination is to construe the notion of rights as more specific than that of considerability, largely to avoid what seem to be unnecessary complications over the requirements for something's being an appropriate "bearer of rights." The concept of rights is used in wider and narrower senses, of course. Some authors (indeed, one whom we shall consider later in this paper) use it as roughly synonymous with Warnock's notion of "moral relevance." Others believe that being a bearer of rights involves the satisfaction of much more demanding requirements. The sentiments of John Passmore<sup>4</sup> are probably typical of this narrower view:

The idea of "rights" is simply not applicable to what is non-human . . . It is one thing to say that it is wrong to treat animals cruelly, quite another to say that animals have rights (116/7).

I doubt whether it is so clear that the class of rights-bearers is or ought to be restricted to human beings, but I propose to suspend this question entirely by framing the discussion in terms of the notion of moral considerability (following Warnock), except in contexts where there is reason to think the widest sense of 'rights' is at work. Whether beings who deserve moral consideration in themselves, not simply by reason of their utility to human beings, also possess moral *rights* in some narrow sense is a question which will, therefore, remain open here—and it is a question the answer to which need not be determined in advance.

A second distinction is that between what might be called a *criterion of moral considerability* and a *criterion of moral significance*. The former represents the central quarry here, while the latter, which might easily get confused with the former, aims at governing *comparative* judgments of moral "weight" in cases of conflict. Whether a tree, say, deserves any moral consideration is a question that must be kept separate from the question of whether trees deserve more or less consideration than dogs, or dogs than human persons. We should not expect that the criterion for having "moral standing" at all will be the same as the criterion for adjudicating competing claims to priority among beings that merit that standing.

<sup>4</sup> *Man's Responsibility for Nature* (New York: Scribner's, 1974).

In fact, it may well be an insufficient appreciation of this distinction which leads some to a preoccupation with rights in dealing with morality. I suspect that the real force of attributions of "rights" derives from comparative contexts, contexts in which moral considerability is presupposed and the issue of strength is crucial. Eventually, of course, the priority issues have to be dealt with for an operational ethical account—this much I have already acknowledged—but in the interests of clarity, I set them aside for now.

Another important distinction, the third, turns on the difference between questions of intelligibility and questions of normative substance. An adequate treatment of this difficult and complicated division would take us far afield,<sup>5</sup> but a few remarks are in order. It is tempting to assume, with Joel Feinberg,<sup>6</sup> that we can neatly separate such questions as

- (2) What sorts of beings can (logically) be *said* to deserve moral consideration?

from questions like

- (3) What sorts of beings do, as a matter of "ethical fact" deserve moral consideration?

But our confidence in the separation here wanes (perhaps more quickly than in other philosophical contexts where the conceptual/substantive distinction arises) when we reflect upon the apparent *flexibility* of our metamoral beliefs. One might argue plausibly, for example, that there were times and societies in which the moral standing of blacks was, as a matter of *conceptual analysis*, deniable. Examples could be multiplied to include women, children, fetuses, and various other instances of what might be called "metamoral disenfranchisement." I suspect that the lesson to be learned here is that, as William Frankena has pointed out,<sup>7</sup> metaethics is, and has always been, a partially normative discipline. Whether we are to take this to mean that it is really impossible ever to engage in morally neutral conceptual analysis in ethics is, of course, another question. In any case, it appears that, with respect to the issue at hand, keeping (2) and (3) apart will be difficult. At the very least, I think, we must be wary of arguments that purport to answer (3) *solely* on the basis of "ordinary language"—style answers to (2).

<sup>5</sup> Cf. R. M. Hare, "The Argument from Received Opinion," in *Essays on Philosophical Method* (New York: Macmillan, 1971), p. 117.

<sup>6</sup> "The Rights of Animals and Unborn Generations," in Blackstone, *Philosophy and Environmental Crisis* (University of Georgia, 1974), p. 43; parenthetical page references to Feinberg will be to this paper.

<sup>7</sup> "On Saying the Ethical Thing," in Goodpaster, ed., *Perspectives on Morality* (Notre Dame, Ind.: University Press, 1976), pp. 107–124.

Though the focus of the present inquiry is more normative than conceptual [hence aimed more at (3) than at (2)], it remains what I called a “framework” inquiry nonetheless, since it prescind from the question of relative weights (moral significance) of moral considerability claims.

Moreover—and this brings us to the fourth and last distinction—there is another respect in which the present inquiry involves framework questions rather than questions of application. There is clearly a sense in which we are subject to *thresholds* of moral sensitivity just as we are subject to thresholds of cognitive or perceptual sensitivity. Beyond such thresholds we are “morally blind” or suffer disintegrative consequences analogous to “information overload” in a computer. In the face of our conative limitations, we often will distinguish between moral demands that are relative to those limitations and moral demands that are not. The latter demands represent claims on our consideration or respect which we acknowledge as in some sense ideally determinative if not practically determinative. We might mark this distinction by borrowing Ross’s categories of “prima facie vs. actual duty” except that (A) these categories tend to map more naturally onto the distinction mentioned earlier between considerability and significance, and (B) these categories tend to evoke conditionality and lack thereof of a sort which is rooted more in a plurality of “external” moral pressures than in an agent’s “internal” capacities for practical response. Let us, then, say that the moral considerability of *X* is *operative* for an agent *A* if and only if the thorough acknowledgment of *X* by *A* is psychologically (and in general, causally) possible for *A*. If the moral considerability of *X* is defensible on all grounds independent of operativity, we shall say that it is *regulative*. An agent may, for example, have an obligation to grant regulative considerability to all living things, but be able psychologically and in terms of his own nutrition to grant operative consideration to a much smaller class of things (though note that capacities in this regard differ among persons and change over time).

Using all these distinctions, and the rough and ready terminology that they yield, we can now state the issue in (1) as a concern for a relatively substantive (vs. purely logical) criterion of moral considerability (vs. moral significance) of a regulative (vs. operative) sort. As far as I can see, *X*’s being a living thing is both necessary and sufficient for moral considerability so understood, whatever may be the case for the moral *rights* that rational agents should acknowledge.

## III

Let us begin with Warnock's own answer to the question, now that the question has been clarified somewhat. In setting out his answer, Warnock argues (in my view, persuasively) against two more restrictive candidates. The first, what might be called the *Kantian principle*, amounts to little more than a reflection of the requirements of moral *agency* onto those of moral considerability:

- (4) For *X* to deserve moral consideration from *A*, *X* must be a rational human person.

Observing that such a criterion of considerability eliminates children and mentally handicapped adults, among others, Warnock dismisses it as intolerably narrow.

The second candidate, actually a more generous variant of the first, sets the limits of moral considerability by disjoining "potentiality":

- (5) For all *A*, *X* deserves moral consideration from *A* if and only if *X* is a rational human person or is a potential rational human person.

Warnock's reply to this suggestion is also persuasive. Infants and imbeciles are no doubt potentially rational, but this does not appear to be the reason why we should not maltreat them. And we would not say that an imbecile reasonably judged to be incurable would thereby reasonably be taken to have no moral claims (151). In short, it seems arbitrary to draw the boundary of moral *considerability* around rational human beings (actual or potential), however plausible it might be to draw the boundary of moral *responsibility* there.<sup>8</sup>

Warnock then settles upon his own solution. The basis of moral claims, he says, may be put as follows:

. . . just as liability to be judged as a moral agent follows from one's general capability of alleviating, by moral action, the ills of the predicament, and is for that reason confined to rational beings, so the condition of being a proper "beneficiary" of moral action is the capability of *suffering* the ills of the predicament—and for that reason is not confined to rational beings, nor even to potential members of that class (151).

The criterion of moral considerability then, is located in the *capacity to suffer*:

- (6) For all *A*, *X* deserves moral consideration from *A* if and

<sup>8</sup> Actually, it seems to me that we ought not to draw the boundary of moral responsibility just here. See my "Morality and Organizations," forthcoming in *Proceedings of the Second National Conference on Business Ethics* (Waltham, Mass.: Bentley College, 1978).

only if *X* is capable of suffering pain (or experiencing enjoyment).

And the defense involves appeal to what Warnock considers to be (analytically) the *object* of the moral enterprise: amelioration of "the predicament."

Now two issues arise immediately in the wake of this sort of appeal. The first has to do with Warnock's own over-all strategy in the context of the quoted passage. Earlier on in his book, he insists that the appropriate analysis of the concept of morality will lead us to an "object" whose pursuit provides the framework for ethics. But the "object" seems to be more restrictive:

. . . the general object of moral evaluation must be to contribute in some respects, by way of the actions of rational beings, to the amelioration of the human predicament—that is, of the conditions in which *these* rational beings, humans, actually find themselves (16; emphasis in the original).

It appears that, by the time moral considerability comes up later in the book, Warnock has changed his mind about the object of morality by enlarging the "predicament" to include nonhumans.

The second issue turns on the question of analysis itself. As I suggested earlier, it is difficult to keep conceptual and substantive questions apart in the present context. We can, of course, stipulatively *define* 'morality' as both having an object and having the object of mitigating suffering. But, in the absence of more argument, such definition is itself in need of a warrant. Twentieth-century preoccupation with the naturalistic or definist fallacy should have taught us at least this much.

Neither of these two observations shows that Warnock's suggested criterion is wrong, of course. But they do, I think, put us in a rather more demanding mood. And the mood is aggravated when we look to two other writers on the subject who appear to hold similar views.

W. K. Frankena, in a recent paper,<sup>9</sup> joins forces:

Like Warnock, I believe that there are right and wrong ways to treat infants, animals, imbeciles, and idiots even if or even though (as the case may be) they are not persons or human beings—just because they are capable of pleasure and suffering, and not just because their lives happen to have some value to or for those who clearly are persons or human beings.

<sup>9</sup> "Ethics and the Environment," forthcoming in Goodpaster and Sayre, *op. cit.*

<sup>10</sup> "All Animals Are Equal," in Tom Regan and Peter Singer, *Animal Rights and Human Obligations* (Englewood Cliffs, N.J.: Prentice-Hall, 1976). See p. 316.

And Peter Singer<sup>10</sup> writes:

If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others (154).

I say that the mood is aggravated because, although I acknowledge and even applaud the conviction expressed by these philosophers that the capacity to suffer (or perhaps better, *sentience*) is sufficient for moral considerability, I fail to understand their reasons for thinking such a criterion necessary. To be sure, there are hints at reasons in each case. Warnock implies that nonsentient beings could not be proper "beneficiaries" of moral action. Singer seems to think that beyond sentience "there is nothing to take into account." And Frankena suggests that nonsentient beings simply do not provide us with moral reasons for respecting them unless it be potentiality for sentience.<sup>11</sup> Yet it is so clear that there *is* something to take into account, something that is not merely "potential sentience" and which surely does qualify beings as beneficiaries and capable of harm—namely, *life*—that the hints provided seem to me to fall short of good reasons.

Biologically, it appears that sentience is an adaptive characteristic of living organisms that provides them with a better capacity to anticipate, and so avoid, threats to life. This at least suggests, though of course it does not prove, that the capacities to suffer and to enjoy are ancillary to something more important rather than tickets to considerability in their own right. In the words of one perceptive scientific observer:

If we view pleasure as rooted in our sensory physiology, it is not difficult to see that our neurophysiological equipment must have evolved via variation and selective retention in such a way as to record a positive signal to adaptationally satisfactory conditions and a negative signal to adaptationally unsatisfactory conditions . . . The pleasure signal is only an evolutionarily derived indicator, not the goal itself.

<sup>11</sup> "I can see no reason, from the moral point of view, why we should respect something that is alive but has no conscious sentience and so can experience no pleasure or pain, joy or suffering, unless perhaps it is potentially a consciously sentient being, as in the case of a fetus. Why, if leaves and trees have no capacity to feel pleasure or to suffer, should I tear no leaf from a tree? Why should I respect its location any more than that of a stone in my driveway, if no benefit or harm comes to any person or sentient being by my moving it?" ("Ethics and the Environment.")

It is the applause which signals a job well done, but not the actual completion of the job.<sup>12</sup>

Nor is it absurd to imagine that evolution might have resulted (indeed might still result?) in beings whose capacities to maintain, protect, and advance their lives did not depend upon mechanisms of pain and pleasure at all.

So far, then, we can see that the search for a criterion of moral considerability takes one quickly and plausibly beyond humanism. But there is a tendency, exhibited in the remarks of Warnock, Frankena, and Singer, to draw up the wagons around the notion of sentience. I have suggested that there is reason to go further and not very much in the way of argument not to. But perhaps there is a stronger and more explicit case that can be made for sentience. I think there is, in a way, and I propose to discuss it in detail in the section that follows.

#### IV

Joel Feinberg offers (51) what may be the clearest and most explicit case for a restrictive criterion on moral considerability (restrictive with respect to life). I should mention at the outset, however, that the context for his remarks is

- (I) the concept of "rights," which, we have seen, is sometimes taken to be narrower than the concept of "considerability"; and
- (II) the *intelligibility* of rights-attributions, which, we have seen, is problematically related to the more substantive issue of what beings deserve moral consideration.

These two features of Feinberg's discussion might be thought sufficient to invalidate my use of that discussion here. But the context of his remarks is clearly such that 'rights' is taken very broadly, much closer to what I am calling moral considerability than to what Passmore calls "rights." And the thrust of the arguments, since they are directed against the *intelligibility* of certain rights attributions, is *a fortiori* relevant to the more substantive issue set out in (1). So I propose to treat Feinberg's arguments as if they were addressed to the considerability issue in its more substantive form, whether or not they were or would be intended to have such general application. I do so with due notice to the possible need for scare-quotes around Feinberg's name, but with the conviction that it is really in

<sup>12</sup> Mark W. Lipsey, "Value Science and Developing Society," paper delivered to the Society for Religion in Higher Education, Institute on Society, Technology and Values (July 15–Aug. 4, 1973), p. 11.

Feinberg's discussion that we discover the clearest line of argument in favor of something like sentience, an argument which was only hinted at in the remarks of Warnock, Frankena, and Singer.

The central thesis defended by Feinberg is that a being cannot intelligibly be said to possess moral rights (read: deserve moral consideration) unless that being satisfies the "interest principle," and that only the subclass of humans and higher animals among living beings satisfies this principle:

. . . the sorts of beings who can have rights are precisely those who have (or can have) interests. I have come to this tentative conclusion for two reasons: (1) because a right holder must be capable of being represented and it is impossible to represent a being that has no interests, and (2) because a right holder must be capable of being a beneficiary in his own person, and a being without interests is a being that is incapable of being harmed or benefited, having no good or "sake" of its own (51).

Implicit in this passage are the following two arguments, interpreted in terms of moral considerability:

(A1) Only beings who can be represented can deserve moral consideration.

Only beings who have (or can have) interests can be represented.

Therefore, only beings who have (or can have) interests can deserve moral consideration.

(A2) Only beings capable of being beneficiaries can deserve moral consideration.

Only beings who have (or can have) interests are capable of being beneficiaries.

Therefore, only beings who have (or can have) interests can deserve moral consideration.

I suspect that these two arguments are at work between the lines in Warnock, Frankena, and Singer, though of course one can never be sure. In any case, I propose to consider them as the best defense of the sentience criterion in recent literature.

I am prepared to grant, with some reservations, the first premises in each of these obviously valid arguments. The second premises, though, are *both* importantly equivocal. To claim that only beings who have (or can have) interests can be represented might mean that "mere things" cannot be represented because they have nothing to represent, no "interests" as opposed to "usefulness" to defend or protect. Similarly, to claim that only beings who have (or can have)

interests are capable of being beneficiaries might mean that “mere things” are incapable of being benefited or harmed—they have no “well-being” to be sought or acknowledged by rational moral agents. So construed, Feinberg seems to be right; but he also seems to be committed to allowing any *living* thing the status of moral considerability. For as he himself admits, even plants

. . . are not “mere things”; they are vital objects with inherited biological propensities determining their natural growth. Moreover we do say that certain conditions are “good” or “bad” for plants, thereby suggesting that plants, unlike rocks, are capable of having a “good” (51).

But Feinberg pretty clearly wants to draw the nets tighter than this—and he does so by interpreting the notion of “interests” in the two second premises more narrowly. The contrast term he favors is not ‘mere things’ but ‘mindless creatures’. And he makes this move by insisting that “interests” logically presuppose *desires* or *wants* or *aims*, the equipment for which is not possessed by plants (nor, we might add, by many animals or even some humans?).

But why should we accept this shift in strength of the criterion? In doing so, we clearly abandon one sense in which living organisms like plants do have interests that can be represented. There is no absurdity in imagining the representation of the needs of a tree for sun and water in the face of a proposal to cut it down or pave its immediate radius for a parking lot. We might of course, on reflection, decide to go ahead and cut it down or do the paving, but there is hardly an intelligibility problem about representing the tree’s interest in our deciding not to. In the face of their obvious tendencies to maintain and heal themselves, it is very difficult to reject the idea of interests on the part of trees (and plants generally) in remaining alive.<sup>13</sup>

Nor will it do to suggest, as Feinberg does, that the needs (interests) of living things like trees are not really their own but implicitly *ours*: “Plants may need things in order to discharge their functions, but their functions are assigned by human interests, not their own” (54). As if it were human interests that assigned to trees the tasks of growth or maintenance! The interests at stake are clearly those of the living things themselves, not simply those of the owners or users or other human persons involved. Indeed, there is a suggestion in this passage that, to be capable of being represented, an organism must *matter* to human beings somehow—a suggestion

<sup>13</sup> See Albert Szent-Gyorgyi, *The Living State* (New York: Academic Press, 1972), esp. ch. vi, “Vegetable Defense Systems.”

whose implications for human rights (disenfranchisement) let alone the rights of animals (inconsistently for Feinberg, I think)—are grim.

The truth seems to be that the “interests” that nonsentient beings share with sentient beings (over and against “mere things”) are far more plausible as criteria of *considerability* than the “interests” that sentient beings share (over and against “mindless creatures”). This is not to say that interests construed in the latter way are morally irrelevant—for they may play a role as criteria of moral *significance*—but it is to say that psychological or hedonic capacities seem unnecessarily sophisticated when it comes to locating the minimal conditions for something’s deserving to be valued for its own sake. Surprisingly, Feinberg’s own reflections on “mere things” appear to support this very point:

. . . mere things have no conative life: no conscious wishes, desires, and hopes; or urges and impulses; or unconscious drives, aims, and goals; or latent tendencies, direction of growth, and natural fulfillments. Interests must be compounded somehow out of conations; hence mere things have no interests (49).

Together with the acknowledgment, quoted earlier, that plants, for example, are not “mere things,” such observations seem to undermine the interest principle in its more restrictive form. I conclude, with appropriate caution, that the interest principle either grows to fit what we might call a “life principle” or requires an arbitrary stipulation of psychological capacities (for desires, wants, etc.) which are neither warranted by (A1) and (A2) nor independently plausible.

v

Thus far, I have examined the views of four philosophers on the necessity of sentience or interests (narrowly conceived) as a condition on moral considerability. I have maintained that these views are not plausibly supported, when they are supported at all, because of a reluctance to acknowledge in nonsentient living beings the presence of independent needs, capacities for benefit and harm, etc. I should like, briefly, to reflect on a more general level about the roots of this reluctance before proceeding to a consideration of objections against the “life” criterion which I have been defending. In the course of this reflection, we might gain some insight into the sources of our collective hesitation in viewing environmental ethics in a “nonchauvinistic” way.<sup>14</sup>

When we consider the reluctance to go beyond sentience in the context of moral consideration—and look for both explanations

<sup>14</sup> Cf. R. and V. Routley, “Not for Humans Only,” in Goodpaster and Sayre, note 3. R. Routley is, I think, the originator of the phrase ‘human chauvinism’.

and justifications—two thoughts come to mind. The first is that, given the connection between beneficence (or nonmaleficence) and morality, it is natural that limits on moral considerability will come directly from limits on the range of beneficiaries (or “maleficiaries”). This is implicit in Warnock and explicit in Feinberg. The second thought is that, if one’s conception of the good is *hedonistic* in character, one’s conception of a beneficiary will quite naturally be restricted to beings who are capable of pleasure and pain. If pleasure or satisfaction is the only ultimate gift we have to give, morally, then it is to be expected that only those equipped to receive such a gift will enter into our moral deliberation. And if pain or dissatisfaction is the only ultimate harm we can cause, then it is to be expected that only those equipped for it will deserve our consideration. There seems, therefore, to be a noncontingent connection between a hedonistic or quasi-hedonistic<sup>15</sup> theory of value and a response to the moral-considerability question which favors sentience or interest possession (narrowly conceived).

One must, of course, avoid drawing too strong a conclusion about this connection. It does not follow from the fact that hedonism leads naturally to the sentience criterion either that it entails that criterion or that one who holds that criterion must be a hedonist in his theory of value. For one might be a hedonist with respect to the good and yet think that moral consideration was, on other grounds, restricted to a subclass of the beings capable of enjoyment or pain. And one might hold to the sentience criterion for considerability while denying that pleasure, for example, was the only intrinsically good thing in the life of a human (or nonhuman) being. So hedonism about value and the sentience criterion of moral considerability are not logically equivalent. Nor does either entail the other. But there is some sense, I think, in which they mutually support each other—both in terms of “rendering plausible” and in terms of “helping to explain.” As Derek Parfit is fond of putting it, “there are no entailments, but then there seldom are in moral reasoning.”<sup>16</sup>

Let me hazard the hypothesis, then, that there is a nonaccidental affinity between a person’s or a society’s conception of value and its conception of moral considerability. More specifically, there is an affinity between hedonism or some variation on hedonism and a predilection for the sentience criterion of considerability or some

<sup>15</sup> Frankena uses the phrase “quasi-hedonist” in *Ethics* (Prentice-Hall, 1973), p. 90.

<sup>16</sup> “Later Selves and Moral Principles,” in A. Montefiori, ed., *Philosophy and Personal Relations* (Boston: Routledge & Kegan Paul, 1973), p. 147.

variation on it. The implications one might draw from this are many. In the context of a quest for a richer moral framework to deal with a new awareness of the environment, one might be led to expect significant resistance from a hedonistic society unless one forced one's imperatives into an instrumental form. One might also be led to an appreciation of how technology aimed at largely hedonistic goals could gradually "harden the hearts" of a civilization to the biotic community in which it lives—at least until crisis or upheaval raised some questions.<sup>17</sup>

## VI

Let us now turn to several objections that might be thought to render a "life principle" of moral considerability untenable quite independently of the adequacy or inadequacy of the sentience or interest principle.

(O1) A principle of moral respect or consideration for life in all its forms is mere Schweitzerian romanticism, even if it does not involve, as it probably does, the projection of mental or psychological categories beyond their responsible boundaries into the realms of plants, insects, and microbes.

(R1) This objection misses the central thrust of my discussion, which is *not* that the sentience criterion is necessary, but applicable to all life forms—rather the point is that the possession of sentience is not necessary for moral considerability. Schweitzer himself may have held the former view—and so have been "romantic"—but this is beside the point.

(O2) To suggest seriously that moral considerability is coextensive with life is to suggest that conscious, feeling beings have no more central role in the moral life than vegetables, which is downright absurd—if not perverse.

(R2) This objection misses the central thrust of my discussion as well, for a different reason. It is consistent with acknowledging the moral considerability of all life forms to go on to point out differ-

<sup>17</sup> There is more, but much depends, I think, on defending claims about the value theory at work in our society and about the need for noninstrumental approaches to value change. Value theory, like scientific theory, tends to evolve by trying to accommodate to the conventional pattern any new suggestions about what is good or should be respected. I suspect that the analogy holds true for the explanations to be given of ethical revolutions—a new and simpler way of dealing with our moral sense emerges to take the place of the old contrivances—be they egoistic, utilitarian, or in the present case hedonistic (if not humanistic). Such topics are, of course, not the topics of this essay. Perhaps I can be excused for raising them here by the contention that a line of argument in ethics (indeed, in philosophy generally) needs not only to be criticized—it needs to be *understood*.

ences of moral significance among these life forms. And as far as perversion is concerned, history will perhaps be a better judge of our civilization's treatment of animals and the living environment on that score.

(O3) Consideration of life can serve as a criterion only to the degree that life itself can be given a precise definition; and it can't.

(R3) I fail to see why a criterion of moral considerability must be strictly decidable in order to be tenable. Surely rationality, potential rationality, sentience, and the capacity for or possession of interests fare no better here. Moreover, there do seem to be empirically respectable accounts of the nature of living beings available which are not intolerably vague or open-textured:

The typifying mark of a living system . . . appears to be its persistent state of low entropy, sustained by metabolic processes for accumulating energy, and maintained in equilibrium with its environment by homeostatic feedback processes.<sup>18</sup>

Granting the need for certain further qualifications, a definition such as this strikes me as not only plausible in its own right, but ethically illuminating, since it suggests that the core of moral concern lies in respect for self-sustaining organization and integration in the face of pressures toward high entropy.

(O4) If life, as understood in the previous response, is really taken as the key to moral considerability, then it is possible that larger systems besides our ordinarily understood "linear" extrapolations from human beings (e.g., animals, plants, etc.) might satisfy the conditions, such as the biosystem as a whole. This surely would be a *reductio* of the life principle.

(R4) At best, it would be a *reductio* of the life principle in this form or without qualification. But it seems to me that such (perhaps surprising) implications, if true, should be taken seriously. There is some evidence that the biosystem as a whole exhibits behavior approximating to the definition sketched above,<sup>19</sup> and I see no reason to deny it moral considerability on that account. Why should the universe of moral considerability map neatly onto our medium-sized framework of organisms?

(O5) There are severe epistemological problems about imputing interests, benefits, harms, etc. to nonsentient beings. What is it for a tree to have needs?

<sup>18</sup> K. M. Sayre, *Cybernetics and the Philosophy of Mind* (New York: Humanities, 1976), p. 91.

<sup>19</sup> See J. Lovelock and S. Epton, "The Quest for Gaia," *The New Scientist*, LXV, 935 (Feb. 6, 1975): 304-309.

(R5) I am not convinced that the epistemological problems are more severe in this context than they would be in numerous others which the objector would probably not find problematic. Christopher Stone has put this point nicely:

I am sure I can judge with more certainty and meaningfulness whether and when my lawn wants (needs) water than the Attorney General can judge whether and when the United States wants (needs) to take an appeal from an adverse judgment by a lower court. The lawn tells me that it wants water by a certain dryness of the blades and soil—immediately obvious to the touch—the appearance of bald spots, yellowing, and a lack of springiness after being walked on; how does “the United States” communicate to the Attorney General? (24).

We make decisions in the interests of others or on behalf of others every day—“others” whose wants are far less verifiable than those of most living creatures.

(O6) Whatever the force of the previous objections, the clearest and most decisive refutation of the principle of respect for life is that one cannot *live* according to it, nor is there any indication in nature that we were intended to. We must eat, experiment to gain knowledge, protect ourselves from predation (macroscopic and microscopic), and in general deal with the overwhelming complexities of the moral life while remaining psychologically intact. To take seriously the criterion of considerability being defended, all these things must be seen as somehow morally wrong.

(R6) This objection, if it is not met by implication in (R2), can be met, I think, by recalling the distinction made earlier between regulative and operative moral consideration. It seems to me that there clearly are limits to the operational character of respect for living things. We must eat, and usually this involves killing (though not always). We must have knowledge, and sometimes this involves experimentation with living things and killing (though not always). We must protect ourselves from predation and disease, and sometimes this involves killing (though not always). The regulative character of the moral consideration due to all living things asks, as far as I can see, for sensitivity and awareness, not for suicide (psychic or otherwise). But it is not vacuous, in that it does provide a *ceteris paribus* encouragement in the direction of nutritional, scientific, and medical practices of a genuinely life-respecting sort.

As for the implicit claim, in the objection, that since nature doesn't respect life, we needn't, there are two rejoinders. The first is that the premise is not so clearly true. Gratuitous killing in nature is rare indeed. The second, and more important, response is

that the issue at hand has to do with the appropriate moral demands to be made on rational moral agents, not on beings who are not rational moral agents. Besides, this objection would tell equally against *any* criterion of moral considerability so far as I can see, if the suggestion is that nature is amoral.

I have been discussing the necessary and sufficient conditions that should regulate moral consideration. As indicated earlier, however, numerous other questions are waiting in the wings. Central among them are questions dealing with how to balance competing claims to consideration in a world in which such competing claims seem pervasive. Related to these questions would be problems about the relevance of developing or declining status in life (the very young and the very old) and the relevance of the part-whole relation (leaves to a tree; species to an ecosystem). And there are many others.

Perhaps enough has been said, however, to clarify an important project for contemporary ethics, if not to defend a full-blown account of moral considerability and moral significance. Leopold's ethical vision and its implications for modern society in the form of an environmental ethic are important—so we should proceed with care in assessing it.

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## BOOK REVIEWS

*Acting on Principle: An Essay in Kantian Ethics.* ONORA NELL. New York: Columbia University Press, 1975. viii, 155 p. \$10.00.\*

For a book of modest length and allegedly limited ambitions, Onora Nell's *Acting on Principle* is exceptionally rich. At the beginning of this "essay in Kantian ethics" Nell states the chief limitation on her enterprise:

I shall not here raise many questions about the justification of the Categorical Imperative. To some this will seem misguided. Why take the time to work out the implications of a principle whose justification is not established? My own view is that we can understand the

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