OXFORD

Second Edition

Environmental Ethics for Canadians

Edited by Byron Williston

Second Edition

Environmental Ethics
for Canadians

Edited by Byron Williston

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries.

Published in Canada by
Oxford University Press
8 Sampson Mews, Suite 204,
Don Mills, Ontario M3C 0H5 Canada

www.oupcanada.com

Copyright © Oxford University Press Canada 2016

The moral rights of the author have been asserted

Database right Oxford University Press (maker)

First Edition published in 2012

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without
the prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence, or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Permissions Department at the address above
or through the following url: www.oupcanada.com/permission/permission_request.php

Every effort has been made to determine and contact copyright holders.
In the case of any omissions, the publisher will be pleased to make
suitable acknowledgement in future editions.

Library and Archives Canada Cataloguing in Publication

Environmental ethics for Canadians / edited by Byron
Williston. -- Second edition.

Includes bibliographical references and index.
ISBN 978-0-19-901449-1 (paperback)

1. Environmental ethics--Canada. 2. Environmental
ethics. I. Williston, Byron, 1965-, editor

GE42.E585 2015 179.1 C2015-903452-3

Oxford University Press is committed to our environment.
This book is printed on Forest Stewardship Council® certified paper
and which contains 100% post-consumer waste.

Printed and bound in Canada

1 2 3 4 — 19 18 17 16

Contents

Preface xii
List of Contributors xvi

Introduction 1

- A. The Nature of Moral Assessment 1
- B. Challenges to Morality I: Ethical Egoism 4
- C. Challenges to Morality II: Ethical Relativism 6
- D. Four Normative Theories 9

PART I | MORAL STANDING 25

CHAPTER 1 | Animal Welfarism 26

- A. Introduction 26
- B. Moral Standing and Speciesism 28
  - "All Animals Are Equal" 29
    Peter Singer
- C. Beyond Utilitarianism 37
- D. Animal Welfarism and Animal Citizenship 38
  - "Animal Citizenship" 39
    Sue Donaldson and Will Kymlicka
- E. Conclusion 44

Case Study: Sustainabilitarianism and Eating Beef 46

CHAPTER 2 | Biocentrism 49

- A. Introduction 49
- B. Rights for Living Things? 50
  - "Should Trees Have Standing? Toward Legal Rights for Natural Objects" 51
    Christopher D. Stone

C. Biocentric Egalitarianism 57
  "The Biocentric Outlook on Nature" 57
  Paul W. Taylor
D. Human Superiority and Inter-species Conflict 68
E. Conclusion 70

Case Study: Respect for Nature and the Mount Polley Mine Disaster 71

CHAPTER 3 | Ecocentrism and Deep Ecology 74

A. Introduction 74
B. The Land Ethic 75
  "The Land Ethic" 75
  Aldo Leopold
C. Going Deep 87
  "Identification as a Source of Deep Ecological Attitudes" 88
  Arne Naess
D. Three Objections and Responses 93
E. Conclusion 96

Case Study: Tallgrass Prairie as an "Endangered Space" 98

PART II | CHALLENGES AND NEW DIRECTIONS 101

CHAPTER 4 | Economics and Ecology 102

A. Introduction 102
B. Optimal Thinking 104
  "People or Penguins: The Case for Optimal Pollution" 104
  William F. Baxter
C. The Allure of Cost-Benefit Analysis 110
D. Problems with Cost-Benefit Analysis 112

“Ethics, Public Policy, and Global Warming” 113
Dale Jamieson

E. Conclusion 119

Case Study: Aquaculture and the Economic Growth Imperative 122

CHAPTER 5 | Environmental Pragmatism **126**

A. Introduction 126
B. Two Problems with Intrinsic Value 128
C. Value Pluralism: Reclaiming the Land Ethic 130
  “Before Environmental Ethics” 131
  Anthony Weston
D. The Importance of Building Consensus 138
  “Environmental Pragmatism” 139
  Jennifer Welchman
E. Conclusion 147

Case Study: Protecting Canada’s Freshwater Resource 149

CHAPTER 6 | Ecofeminism **152**

A. Introduction 152
B. Sexism and Naturism: Making the Connection 154
  “The Power and the Promise of Ecological Feminism” 154
  Karen J. Warren
C. Overcoming Dualisms 162
D. Ecofeminism Now 164
  “Ecofeminists Without Borders: The Power of Method” 164
  Trish Glazebrook
E. Conclusion 172

Case Study: Dioxin in Breast Milk and Women as Front-Line Environmentalists 174

CHAPTER 7 | Environmental Aesthetics 178

A. Introduction 178

B. Beauty and Duty: Mapping the Terrain 179

“Aesthetic Appreciation of Nature and Environmentalism” 180
Allen Carlson

C. The Dispositive Character of Natural Beauty Judgments 187

“The Moral Dimensions of Natural Beauty” 188
Ronald Moore

D. Aesthetic Weight and the Preservationist’s Dilemma 195

“Aesthetic Preservation” 195
Glenn Parsons

E. Conclusion 202

Case Study: Nunavut and the Reciprocity Thesis 203

CHAPTER 8 | First Nations’ Perspectives 206

A. Introduction 206

B. The Circle 208

“The Sacred Circle of Life” 209
Georges Sioui

C. Confronting Myths of the Ecological Amerindian 217

“The ‘Ecological Indian’ and Environmentalism” 218
Bruce Morito

D. Traditional Ecological Knowledge 227

E. Conclusion 229

Case Study: Language, Land, and the Residential Schools 231

CHAPTER 9 | Environmental Virtue Ethics 234

A. Introduction 234

B. Human Excellence and the Environment 235

“Ideals of Human Excellence and Preserving Natural Environments” 236
Thomas E. Hill, Jr

C. Epistemic Environmental Virtues 247

“Epistemic Virtue and the Ecological Crisis” 247
Byron Williston

D. Two Objections and Responses 253
E. Conclusion 256

Case Study: Three Canadian Environmentalist Exemplars 257

CHAPTER 10 | Social Ecology and Environmental Activism 260

A. Introduction 260
B. Bookchin’s Social Ecology 261
C. The Importance of Activism 266

“Environmental Political Activism” 266
Nir Barak and Avner de-Shalit

D. The Problem of Domination 273
E. Integrity and Stewardship 275

“Ecological Integrity: Between Ethics and Law” 275
Laura Westra

F. Conclusion 282

Case Study: Fighting Hierarchy through Access to Knowledge 283

PART III | ENVIRONMENTAL ISSUES 287

CHAPTER 11 | Climate Change 288

A. Introduction 288
B. Confronting Climate Change Denial 290
C. Responsibility for Climate Change 293

“American Disenlightenment, or Climate Change Made in the USA” 294
Martin Schönfeld

D. The Problem of Political Inertia 301

"Saved by Disaster? Abrupt Climate Change, Political Inertia, and the Possibility of an Intergenerational Arms Race" 302
Stephen M. Gardiner

E. Conclusion 311

Case Study: Canada, Climate Change, and Bullshit 313

CHAPTER 12 | Population and Consumption 317

A. Introduction 317

B. Malthus's Challenge 318

"An Essay on the Principle of Population" 319
Reverend Thomas Robert Malthus

C. The Economist's Retort 325

"Can the Supply of Natural Resources Really Be Infinite? Yes!" 326
Julian Simon

D. Peak Oil and the Tar Sands 333

E. Conclusion 336

Case Study: Making Space for Grizzlies 338

CHAPTER 13 | The Biodiversity Crisis 342

A. Introduction 342

B. Species or Individuals? 345

C. The Nature of Biodiversity 347

"The Power of Diversity" 347
David Suzuki

D. The Value of Biodiversity 350

"Why Put a Value on Biodiversity?" 352
David Ehrenfeld

E. Species Preservation: The Challenge of Climate Change 358

"Global Climate Change and Species Preservation" 358
Ronald L. Sandler

F. Conclusion 366

Case Study: Biodiversity and the Decline of Pollinators 367

CHAPTER 14 | Sustainability 371

A. Introduction 371

B. Sustainability and Human Needs 373

“The Concept of ‘Sustainability’” 375
Robert F. Litke

C. Sustainability and Substitutability 381

D. Sustainability and the City 386

“Sustainability and Sense of Place” 387
Ingrid Leman Stefanovic

E. Conclusion 396

Case Study: Nuclear Power: Unsustainable Train to the Future? 396

Notes 400
Glossary 413
Bibliography 419
Credits 431
Index 432

Preface

I grew up in Whistler, British Columbia. When I was a kid, Whistler was nothing like the tourist colossus it has since become. Rather than the current slick four-lane highway connecting Whistler and Vancouver, at that time there was just a pothole-filled two-lane road etched precariously into the narrow shelf between mountain and sea. The road often washed away, and driving it was always an adventure. Whistler itself was a sleepy little town populated mostly by hippies and hard-core ski bums. There was no Blackcomb Mountain to ski on, no Whistler Village, and you could access the upper runs only by the two lifts—one of which was fetchingly called "the Olive Chair"—rising up into the airy heights from the mountain's south side. The skiing, naturally, was sensational. Whistler has fierce fall lines and big, beautiful bowls. And it *had* fabulous tree skiing: long, steep fields of loosely packed evergreens. Entering one of these fields after a fresh snowfall was a stunning experience. The trees blocked all sound except that of the wind, the air was suffused with the smell of pine, and the light bent rakishly, providing uncanny depth perception. Back then, the human presence on this vast natural place was so insignificant that even on weekends you could feel as though you were lost in a wild space. Because there were no lifts going high into the glacier, as there are now, you could hike up there and see nobody at all, all day.

Whistler isn't like that anymore. There are now two mountains to ski on, dozens of lifts, hotels creeping up the hills, often deafening noise from the bars and restaurants, and lots of cars and trucks. More important, it is nearly impossible to find the sort of serenity at the top of the mountain that used to be so readily available. There's still some great skiing, but not nearly as much tree skiing, and many more people to navigate around. In this place, our relentless encroachment into nature seems to have deprived us of something important. I mention Whistler because I know it well and because it symbolizes the way many have come to think and feel about wild nature more generally. The disenchantment goes way beyond spoiled recreational possibilities, of course. We are now legitimately worried about the extent to which we are not just pushing into but also degrading the whole natural world, in some cases dramatically. In his book *The End of Nature*, Bill McKibben argues that we are now in an age in which "nature" is no more. What he means by this is that if we understand nature as something that is untouched by our activities and schemes, then there really is nothing natural any more. For instance, with the phenomenon of climate change, our activities—chiefly massive deforestation and the burning of fossil fuels—may already have altered every square centimetre of the planet. Because of this, according to McKibben, nature is now a kind of *artifact*. That is an inescapably sad thought.

This reality can make us think that we are now in a position where we need to constrain our activities so as to establish a better relationship with nature. And this is a multi-faceted task. It involves thinking seriously about population stabilization, reduction in consumption, altering our patterns of land use, learning how to build sustainable cities, learning more about ecology generally, seeing *ourselves* as ecologically constrained beings, and much more. But even more fundamentally, it involves rethinking the nature of our duties. In the face of an ecological crisis, what exactly is the scope of our obligations? Asking this question brings us into the sphere of environmental ethics.

We can begin to understand what environmental ethicists are trying to do by examining a distinction that has been a part of philosophical ethics for most of its history. This is the distinction between agents and patients. An agent is a moral actor, someone capable of performing actions for specifically moral reasons. Anyone who can perform an action and explain it to herself and others by saying that she did it because it was to her advantage, or was something a kind person would do, or was something required by the categorical imperative, or, simply, was the right thing to do, is a moral agent in this sense. A moral patient, by contrast, is someone or something toward whom or which moral agents may have duties. All moral agents are also moral patients but not vice versa. That is, moral agents have duties toward all other moral agents, but some moral patients have no duties toward anyone or anything else.

Traditionally, it has been assumed that the only moral agents in the world are normally functioning adult humans. This definition excludes, in the first place, some severely impaired adult humans and all non-adult humans and, in the second place, all non-humans. In defining our duties, we are asking what agents owe to patients. There are therefore two immediate tasks for moral philosophy at the level both of normative ethics and applied ethics. The first is to define who is and who is not a member of the class of moral agents; the second is to define who or what is and is not a member of the class of moral patients. As we have said, on the traditional picture the first task is relatively straightforward: since agency requires the ability to act for reasons, only those entities that are capable of doing this are genuine moral agents, and only normally functioning adult humans fit this description. There may be reasons to reject this conception of moral agency but we will not linger on them here.

The really hard question is what things are in the class of moral patients. It is crucial to know this, because with respect to anything in this class, we are not permitted to do whatever we like. Our actions toward these beings will be subject to moral constraint. Most of us think that other moral agents, severely impaired adult humans, and children are moral patients. But what about the non-human world? Environmental ethics begins when we take seriously the task of widening the circle of moral considerability beyond the human sphere. Many philosophers believe that *this* task—finding a way to think of individual animals, plants, or even ecosystems as moral patients—is fundamental if we are to solve our most pressing environmental problems. This book is meant to aid Canadians in thinking through these problems clearly and systematically.

Why the national focus? Why environmental ethics *for Canadians?* The first and most obvious answer is that most of the work done in environmental ethics, at least judging by the contents of most anthologies for university courses, uses case studies and examples from the American and global context. This perspective can give Canadian students studying such material the mistaken impression that there are no environmental issues in Canada, that the environment is someone else's problem. But it is not: Canada has immense and complex environmental issues to resolve. To illustrate, consider Canada's record on environmental protection as documented by the Washington-based Centre for Global Development. In its 2013 survey, Canada came in thirteenth place among 27 of the world's wealthiest countries. This middle-of-the-pack result hides a very poor environmental performance because the ranking is based on a "commitment to development index" (CDI) that includes performances in foreign aid, openness to trade, openness to migration, technology creation, and more. On the criterion of environmental protection, Canada ranked twenty-seventh, dead last. According to the report, Canada "has the dubious honor of being the only CDI country with an environment score which has gone down since we first calculated the CDI [in 2003]. This reflects rising fossil fuel production and its withdrawal from the Kyoto Protocol, the world's only treaty governing the emissions of heat-trapping gasses. Canada has dropped below the U.S. into bottom place on the environment component."[1]

Given Canada's traditionally progressive values, its internationalism, its wealth and sophistication, this is frankly embarrassing. My hunch is that this very poor record would come as a profound shock to many Canadians were they to learn of it, which is all the more reason for us to come to grips with what we are currently doing to our environment in the pursuit of unconstrained economic growth and enhanced resource extraction. This book was written in part as a response to this crisis. It is a small way of pushing back against our government's attempts to deceive Canadians about the mess we are in. The moral failure and the deception are evident in the way environmentally destructive policies are couched in the bogus rhetoric of striking a "balance between the environment and the economy," in the muzzling of government scientists, in the gutting of Canadian environmental protection laws (especially with Bill C-38, introduced in 2012), in the abject failure to consult meaningfully with First Nations communities about industrial projects that will affect lands to which they have or claim title, and in the closure of internationally renowned environmental research facilities like the Experimental Lakes Area (ELA) in northern Ontario on the transparently fabricated grounds that they are too costly to maintain (the government of Ontario has, happily, saved the ELA from the federal government's shameful abandonment of it). If we are to confront the damage to the environment set in motion by our governments—not to mention their all-out assault on the *truth* about what is going on—we need to enhance our awareness of the facts.

To that end this text contains a multitude of case studies and examples from the Canadian context: issues concerning our biodiversity crisis, the way we have failed to take seriously the ecological wisdom of our First Nations peoples, the way our lifestyles are crowding out megafauna like the grizzly bear, the sustainability of our agricultural practices, the "insider" manner in which environmental issues are dealt with at the political level, the problem of dioxins in the breast milk of Canadian mothers, the question of whether or not our fresh water ought to be sold in bulk to other countries, the current effects of climate change on our ecosystems, the advisability of developing more nuclear power plants or of mining the tar sands in Alberta, our federal government's generally obstructionist approach to international negotiations on climate change, the legacy of the tar ponds in Nova Scotia, the alarming decline in key pollinators like honeybees, and much more.

This list only scratches the surface of the environmental challenges we face in Canada. It is my hope that this book will both help us understand where our main problems lie and give us the philosophical tools we need to meet the challenges in a principled and rationally defensible way.

A word of thanks is in order to the good and diligent people at Oxford University Press. Thanks first to Ryan Chynces for originally suggesting I take this project on. At the time, I doubted that I could fit it into a busy schedule, but he convinced me that it was a timely and worthwhile thing to do. Thanks as well to my developmental editors, Kathryn West, Patricia Simoes, and (for the second edition) Meg Patterson and Judith Turnbull. They are all exemplary editors, always encouraging, with an ever-ready supply of incisive suggestions for improving the manuscript. They unfailingly helped me see the shape of the larger work through the often jumbled geometry of its various parts. I also thank all my students and colleagues at Wilfrid Laurier University for talking to me about these issues over the years and Martin Schönfeld, the self-styled Mad Hun, for getting me interested in environmental ethics in the first place. Finally, thanks to Shanna Braden for her inspiration. Well before just about anyone had even heard about climate change, and while still a teenager, Shanna canvassed for Greenpeace on this issue, knocking tirelessly on the doors of Ottawa's (mostly) skeptical citizens. People like Shanna embody the green virtues we so desperately need.

Byron Williston, Waterloo, Ontario

List of Contributors

Nir Barak is a graduate student in Political Science, Hebrew University of Jerusalem, Israel.

William F. Baxter (1929–1998) was Professor of Law at Stanford University and Assistant Attorney General in the Antitrust Division of the United States Department of Justice during the Reagan administration.

Allen Carlson is Professor Emeritus of Philosophy, University of Alberta, Edmonton, AB.

Avner de-Shalit is Professor of Political Science, Hebrew University of Jerusalem, Israel.

Sue Donaldson is an independent writer and researcher living in Kingston, ON.

David Ehrenfeld is Professor of Ecology at Rutgers University, New Brunswick, NJ.

Stephen M. Gardiner is Associate Professor of Philosophy, University of Washington, Seattle, WA.

Trish Glazebrook is Professor of Philosophy, University of North Texas, Denton, TX.

Thomas E. Hill, Jr is Kenan Professor of Philosophy, University of North Carolina, Chapel Hill, NC.

Dale Jamieson is Professor of Environmental Studies and Professor of Philosophy at NYU, New York, NY.

Will Kymlicka is Canada Research Chair in Political Philosophy at Queen's University, Kingston, ON.

Aldo Leopold (1887–1948) was an ecologist, forester, naturalist, and environmentalist. He was a professor at the University of Wisconsin and founder of the "land ethic."

Robert F. Litke (retired) was Professor of Philosophy, Wilfrid Laurier University, Waterloo, ON.

Reverend Thomas Robert Malthus (1766–1834) was an English scholar working in the fields of political economy and demographics.

Ronald Moore is Professor of Philosophy, University of Washington, Seattle, WA.

Bruce Morito is Associate Professor of Philosophy in the Centre for Global and Social Analysis, Athabasca University, Athabasca, AB.

Arne Naess (1912–2009) was a Norwegian philosopher who taught at the University of Oslo. He is the founder of "deep ecology."

Glenn Parsons is Associate Professor of Philosophy, Ryerson University, Toronto, ON.

Ronald L. Sandler is Associate Professor of Philosophy, Northeastern University, Boston, MA.

Martin Schönfeld is Professor of Philosophy, University of South Florida, Tampa, FL.

Julian Simon (1932–1998) was Professor of Business Administration at the University of Maryland and a senior fellow at the Cato Institute.

Peter Singer is Ira W. DeCamp Professor of Bioethics at Princeton University, Princeton, NJ, and Laureate Professor at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne, Australia.

Georges Sioui is Associate Professor of Philosophy and Coordinator of the Aboriginal Studies Program, University of Ottawa, Ottawa, ON.

Ingrid Leman Stefanovic is Dean of the Faculty of Environment, Simon Fraser University, Vancouver, BC.

Christopher D. Stone is J. Thomas McCarthy Trustee Chair in Law, University of Southern California, Los Angeles, CA.

David Suzuki is a geneticist, broadcaster, environmental activist, and co-founder of the Suzuki Foundation.

Paul W. Taylor is Professor Emeritus of Philosophy, Brooklyn College, City University of New York, Brooklyn, NY.

Karen J. Warren is Professor of Philosophy, Macalester College, St Paul, MN.

Jennifer Welchman is Professor of Philosophy, University of Alberta, Edmonton, AB.

Anthony Weston teaches in the Department of Philosophy, Elon College, Elon, NC.

Laura Westra is Professor Emerita in Philosophy, University of Windsor, Windsor, ON.

Byron Williston is Associate Professor of Philosophy, Wilfrid Laurier University, Waterloo, ON.

Introduction

Philosophical ethics gives us tools to help us to know both what to do and what sort of people to be and how to defend our views and actions rationally. In this introduction, we will look at two of the three major domains of ethics: meta-ethics and normative ethics. In sections A–C, we will examine some meta-ethical questions before going on, in section D, to do some normative ethics. The third domain of ethics is applied ethics, the effort to apply the insights of the other two domains to concrete questions in our business, environmental, medical, or other professional practices. Since the rest of this book is an extended exercise in applied ethics, I won't say much about the nature of this domain in the introduction. What follows in this introduction is by no means meant to be a comprehensive description of philosophical ethics. As you can imagine, the various positions staked out here have undergone considerable refinement over the years, and in the present context we can only scratch the surface of this rich history of thinking. The arguments, counter-arguments, and critiques I present have all been made numerous times by other philosophers. The goal here is not to present new arguments or to provide all the philosophical details but to give you a sense of the main questions and concerns that have come to shape the discipline in the roughly 2500 years of its development. Interested readers are encouraged to consult the texts listed at the end of this chapter for elaboration of any of the themes explored here.

A The Nature of Moral Assessment

Meta-ethics is the study of abstract questions concerning the nature of moral justification or assessment, the meaning of fundamental moral terms like "good," "right," and "impermissible," and whether or not we have a reason to be moral. Morality is a fundamentally social phenomenon. We all need certain things to live and flourish—food, shelter, a sound education, good medical care, and a thriving social milieu that produces the cultural goods we want, allows for the development of friendship among people, gives rise to opportunities for play, recreation, and meaningful work, and so on. Such goods do not fall into our lives like manna, however. Nature is stingy in supplying them. They can only be obtained through cooperation and mutual restraint. How do we achieve this? A necessary condition is that each of us conducts himself or herself in ways that do not unduly infringe on or impede the ability of others to live their lives as they see fit. That is, the moral life requires that the projects we each pursue are robustly *constrained by* consideration of the needs and interests of others.

However, this leaves open the possibility that we sometimes *can* infringe on the freedoms of others (and they can do so to us) as long as the infringement is not "undue" or inappropriate. Sometimes others will get in the way as we go about pursuing our various projects, and the question then is whether or not they are *justified* in doing so. As soon as we raise the question of justification, we admit, at least tacitly, that the constraints that define moral behaviour cannot be applied or followed in a haphazard or arbitrary fashion. If Jones constrains himself from stealing the cow of his neighbour to the right but does not do so with his neighbour to the left, we naturally want to know why he is behaving this way. Quite apart from the morality of stealing from either of his neighbours, we want to know how he can justify treating his two neighbours differently. In response, he might say that the neighbour to his left stole *his* cow last year, or that he needs this cow to feed his starving family and this neighbour, in contrast to the other, has a surplus of cows, or that this neighbour poses less of a threat to him than the other does, or that one should only steal from people to one's left and never from those to one's right. Jones is trying, however clumsily, to justify his behaviour. As such, he is engaged in the social institution that is morality.

Morality is about making certain kinds of judgments or assessments, and the judgments that comprise morality are organized in a systematic way. But what are they *about?* Although it is possible to say that we can make moral assessments of agents with no reference whatever to the things they do, this idea is unattractive in view of the fundamentally social and cooperative nature of morality.[1] A better answer is that moral assessments are focused on *actions* (understood broadly to include omissions)—what we do (or fail to do). And the most basic distinction among our moral judgments is between those actions that are **permissible** and those that are **impermissible**. Another way to put this distinction is to say that some actions are *right* and some are *wrong*. The category of wrong or impermissible actions is relatively unproblematic. Most people think that murder, which is defined as the unjust killing of someone, is wrong, and nobody is therefore permitted to do it. Right actions/omissions are more complicated. They can be divided into those that are obligatory and those that are optional. An obligatory action is one that is required. One way to understand a requirement is to say that if you are required to perform a certain action—say, giving 5 per cent of your income to charity—then you can be justly blamed, and perhaps punished, for failing to do it.

Optional actions come in two kinds. The first comprises morally neutral actions. Deciding to become a firefighter is obviously permissible, but it is just as clearly not a moral requirement. You could not, other things being equal, be justly blamed for deciding to become a teacher rather than a firefighter. Nor, however, would we say that you should be morally praised for making this decision. On the other hand, there are actions that are **supererogatory**: they go "above and beyond the call of duty." Rushing into a burning building to save a cat (to simplify, suppose you are not a firefighter) is not a moral requirement. However, if you do this (a) you *can* be morally praised for doing so (the action is not merely optional), but (b) you cannot be blamed for failing to do so (the action is not a requirement).

So morality is fundamentally about actions, about what we do. But the question remains: how do we decide where any particular action belongs in the taxonomy just sketched? The answer is that our judgment of actions—their rightness or wrongness—is itself dependent either on their consequences or on the internal states of the agents performing them.

Let's look at consequences first. Suppose Beckett proposes to refuse to pay his taxes. When asked to justify this action, he might cite any number of reasons. He might say that if he pays his taxes he won't be able to install a swimming pool in his backyard this summer, or that he didn't vote for the government so he should not be forced to pay taxes to them, or that the government is using his tax money for immoral purposes, funding a covert and unjust war against the peasantry in Bolivia, for example, or, finally, that all taxation is robbery and nobody therefore should be compelled to pay taxes. This is a motley collection of reasons, but if pushed on any of them, Beckett could respond by pointing to the consequences of his actions. He could say that he will despair if his desire for a pool goes unfulfilled, or that governments one does not vote for will have more money than they strictly deserve if those who didn't vote for them pay their taxes and they will get up to no good with this extra revenue, or that his tax dollars will aid in the unjust treatment of the Bolivian peasants, or, finally, that the robbery that is taxation will encourage more widespread robbery among citizens, which will lead to total social chaos.

Whichever argument he makes, Beckett will say that the consequences of his paying taxes are *bad*, so withholding them is right or permissible for him. If we want to oppose him and stick to the assessment of consequences, we would need to show that he is wrong about this. For example, although we do not need to deny that his falling into a state of despair because he can't get a pool is a bad thing, we can say that its badness is outweighed by the badness of his refusing to pay his taxes, since if everyone acted this way, the result would be the loss or severe impairment of key governmental services. On the other hand, we might be inclined to agree with the justification springing from a consideration of the plight of the Bolivian peasants. Here, the best consequences—forcing the government to cease funding an unjust war—might be achieved by an act of civil disobedience like Beckett's.

What about internal states? Here, we have in mind things like motives, character (dispositions), intentions, and even principles. As with consequences, we do not abandon the basic distinction between right and wrong actions. We merely say that our moral assessment of the action is dependent on a consideration of agents' internal states. For example, suppose the government has imposed conscription on its citizens to help fight a just war. Smith lies about his birth date or the severity of a medical condition in order to avoid going off to fight. If he had done this simply because he lacked courage, we would be inclined to blame him. In this case, we would say that his dispositions were vicious. If he had done it because he supports the other side in the combat, and since we are supposing this is a just war, we would say that his motives or intentions were evil. On the other hand, he might have done it because he is a religiously inspired pacifist, in which case we might be reluctant to blame him at all, although we could not quite bring ourselves to praise him. Or he might have done it because his aging grandmother, who desperately needs him to care for her, would suffer horribly if he were to go to war, in which case we *might* be inclined to praise him.

With all of these permutations, our moral assessment is still focused primarily on the action, the lie. But we allow our judgment of the rightness or wrongness of that action to alter depending on what we learn about the agent's internal state. In the first two examples, we say that the lie was wrong because it was the product of a vicious or evil internal state. In the second two examples, we say that the lie was right because it was the product of a conscientious or compassionate internal state. Of course, we might think that some actions, like lies, are *always* wrong. Looking to agents' internal states does not by itself force us to the view that sometimes actions are wrong, sometimes right. Kant, for example, thought that lying was always wrong. But the crucial point is that for him the action was wrong in all circumstances because of some feature of the principle (Kant called it a "maxim") on the basis of which the agent proposes to act—namely, its non-universalizability (we'll get to this concept below). A principle is not a consequence of the action, nor is it simply the action itself, so it makes sense to include it in the category of internal states (even if this stretches the latter notion somewhat).

Let's return to Jones and his neighbours' cows. At the most general level, what we want to say is that Jones's action was either right or wrong and that to decide this issue we must look either to his internal states or to the consequences of his action (or perhaps some combination of the two). Once we do all this, we will be in a position to decide whether or not Jones is culpable for his actions and, if he is, what punishment, if any, ought to be meted out to him.

B Challenges to Morality I: Ethical Egoism

However, we might wonder how this whole enterprise of assessing others' actions morally—and the associated practices of praising them, blaming them, and punishing them—can itself be justified. Moreover, quite apart from whether or not we should be morally assessing the actions of other people, why should we ourselves *be* moral? Let's begin with this second question, and let's call it the challenge of ethical egoism. We will then address the first question in the following section.

In Book II of Plato's *Republic*, Glaucon, a young Athenian aristocrat, puts forward a theory about the nature of justice that goes to the heart of the enterprise of philosophical ethics. "Justice" here can be thought of as referring to morality in general insofar as it places constraints on the otherwise unbridled pursuit of self-interest. Here is Glaucon:

> This, they say, is the origin and essence of justice. It is intermediate between the best and the worst. The best is to do injustice without paying the penalty; the worst is to suffer it without being able to take revenge. Justice is a mean between these two extremes. People value it not as a good but because they are too weak to do injustice with impunity.[2]

The strong person, by contrast, considers it "madness" to be bound by the terms of moral agreement. This person simply does what he wants. Even the weak wish they could act as they desire, but they are too afraid of the consequences of doing so. To test this theory, Glaucon tells an arresting little tale. Imagine, he says, a powerful ring that allowed you to become invisible if its setting is turned inward. The ring thus gives you the power to do whatever you want with no fear of the consequences. Would you not use this new power to fulfill all your desires no matter how "immoral"? Glaucon is convinced that we would answer this question in the affirmative.

If we do answer yes, we have committed ourselves to the view that for each of us, it is best to perform those actions that fulfill our own desires and interests regardless of the effect such actions have on others. This is **ethical egoism**. It may not be the way we in fact act—because we are too afraid to, given the existence of a moral code enforced by other members of society—but it is the ideal. What response can be given to Glaucon? Over the years, a number of arguments against ethical egoism have been put forward by philosophers. Let's focus on three of them.

The first is the so-called **publicity argument**.[3] One feature of a moral system is that if it is deemed to be correct, we would appear to have a duty to make its principles public. It is difficult to imagine people being held to the demands of a moral doctrine they know nothing about because it is not made accessible to them. The ethical egoist, however, cannot make his moral theory public. The reason is contained, implicitly, in Glaucon's myth of the ring. I might think it is best to pursue my interests at the expense of others but also judge that the best way to achieve this is to fool others into believing that I am committed to the terms and constraints of their code (my invisibility while wearing the ring expresses this). If I did not do this, they would presumably take measures to protect themselves against me, which would result in making it more difficult for me to exploit them for my own ends. So the ethical egoist must live a morally schizophrenic life, something that might be difficult to accomplish psychologically. More important, if a necessary feature of a moral theory is that it can be publicized successfully, then ethical egoism is not a moral theory.

Second, the ethical egoist is barred from achieving some important goods like friendship. Assuming the ethical egoist wants such goods, this is a problem. Here's how the argument goes:

1. The ethical egoist seeks the goods of friendship.
2. The goods of friendship demand that one tend to the interests of the friend.
3. Doing this often goes against self-interest.
4. Therefore, the ethical egoist must abandon her egoism in order to fulfill her own desire for friendship.

Of course, the ethical egoist could respond by claiming, as was the case with the publicity requirement, that her egoism just needs to be covert in such cases. But this is probably an unstable way to live, because such a ruse would likely be detected by even a minimally perceptive person. If Sally discovers that the *only* reason her alleged friend Betty drives her to work when her car breaks down is because she, Betty, wants to maintain access to Sally's social circle (and she probably *would* discover this), then Sally has good reason to tell Betty to take a hike.

The final criticism is directly relevant to environmental ethics and concerns our duties to future generations and to the rest of nature. Here, we focus on the counterintuitive nature of the ethical egoist's principles. Imagine a person who claimed that his desire to drive a gas-guzzling vehicle is more important than the damage to the interests of future generations such behaviour might cause. He does not need to deny that his actions will have this effect, just that the interests of posterity matter as much as his interests do (or that they matter at all). Suppose further that the interests that are being damaged are basic or vital interests. If these kinds of activities cause climate change that leads to massive droughts in 50 years and this causes a partial collapse of the global food system, then they threaten the basic interests of anyone dependent on that system. In contrast, the desire to drive is only about pleasure: our ethical egoist likes to spend his spare time driving fast down country roads. Most of us would see this as a clear case of the driver having to curb his desire. The ethical egoist thinks not, but when a moral theory—assuming ethical egoism is one—is counterintuitive to such an extent, it is probably false.

Ⓒ Challenges to Morality II: Ethical Relativism

Ethical relativism is the view that moral codes and the practices associated with them arise from particular cultures and that there is no set of transcultural moral standards against which any particular code or practice can be assessed. Therefore, we should refrain from judging the moral practices of other cultures. Rather, we should be tolerant of their differences. This line of thinking is a challenge to morality because morality itself very often seems to force us into condemning the practices of other cultures. For example, many people think it is appropriate to criticize cultures that practice female genital mutilation. But if ethical relativism is the correct position, such criticism is misguided. Formally, the argument for ethical relativism looks like this:[4]

1. There is a large diversity of moral practices and beliefs in the world.
2. Judgments about right and wrong are dependent on, or arise from, the particular cultural milieu in which they are generally expressed and acted on.
3. There are no moral standards that transcend all cultures and that can be used to assess the moral practices and beliefs of any particular culture.
4. Therefore, we ought to be tolerant of other such practices and beliefs.

What should we make of this argument? Premise (1) is a **descriptive claim**. That is, it tells us something about the way the world is, not about how it should be. To verify it, you really just need to look around the world a little. Also, the work of anthropologists and historians provides a rich and readily accessible cache of examples. Here is one from the *History* of Herodotus, one of the great early Greek historians. He is speaking of a people called the Massagetae:

> The following are some of their customs. Each man has but one wife, yet all the wives are held in common. Human life does not come to its natural close with these people; but when a man grows very old, all his kinsfolk collect together and

> offer him up in sacrifice. . . . After the sacrifice they boil the flesh and feast on it; and those who thus end their days are reckoned the happiest. If a man dies of disease they do not eat him but bury him in the ground, bewailing his ill-fortune that he did not come to be sacrificed.[5]

Premise (2) is not about the fact of diversity but about another (alleged) fact, one concerning the origins of moral practices and beliefs. Here is a statement that expresses this view well:

> The "right" way is the way which the ancestors used and which has been handed down. The tradition is its own warrant. It is not held subject to verification by experience. The notion of right is in the folkways. It is not outside of them, of independent origin, and brought to test them. In the folkways, whatever is, is right. This is because they are traditional, and therefore contain in themselves the authority of the ancestral ghosts. When we come to the folkways, we are at the end of our analysis.[6]

If we think of morality as a set of practices and beliefs that together comprise something like a "code" that tells people which actions are right and which are wrong, premise (2) tells us that the culture itself is always the author of this code. This statement is much more controversial than premise (1). To take just one counter-example, many religious people would argue that the moral code with which they operate is distinct from, and capable of standing in judgment on, the code of the larger culture they inhabit.

Premise (3) is meant to follow logically from premises (1) and (2). And—setting aside the question of the soundness of premises (1) and (2)—it surely does. For *if* it is the case that there are sometimes radically different sets of moral practices and beliefs, and *if* the explanation for this diversity is that each set arises from a particular cultural milieu, then there cannot be a set of moral practices and beliefs that is independent of all culture and able to sit in judgment on any culture. If we thought such a set existed, we would be mistaken. The set we picked out for this role would *in fact* be just one more emanation of a particular culture, even if it were dressed up as an absolute, universal, or transcultural moral code.

The argument's conclusion, (4), is an explicitly **normative claim**, a statement about the way the world ought to be. It states that because of what the argument has so far established, it is impermissible to be intolerant of cultures whose moral practices and beliefs are different from one's own. When you contemplate some of these practices—child labour, racial discrimination, environmental destruction, the oppression of women, and so on—you may find it difficult to avoid a feeling of disgust or outrage, but you must not express these feelings in the language of moral condemnation. In fact, you should probably work on eliminating such negative reactions altogether lest they lead you down the path of moral condemnation.

Before looking at what is wrong with ethical relativism, we should say something about what the theory is not saying. It is not the same as **moral scepticism**. The moral sceptic thinks that there are no moral truths. That is, she asserts that there is nothing anywhere in the world to make a sentence of the form "*x* is right" true. Compare this with a simple descriptive statement. The sentence "snow is white" has truth conditions. Whether or not snow is in fact white makes the sentence either true or false. But moral sentences are not like this. Just what they *are* has been the subject of much debate among moral philosophers. Perhaps, to take just one prominent possibility, they are merely expressions of approval. The sentence "*x* is right," on this construal, just means "I approve of *x*." But the ethical relativist is not a moral sceptic, because she *does* believe there are truth conditions for moral sentences. For the ethical relativist, the sentence "*x* is right" is true if and only if it is an element in the moral code of the culture of the person asserting it. Otherwise it is false. For example, if society *Y* condones female genital mutilation and a member of *Y* says, "Female genital mutilation is wrong," she would be making a false claim, not just expressing disapproval of the practice (though she might be doing that as well).

This observation is a good starting point for an examination of some criticisms that have been made of ethical relativism by philosophers over the years. We will consider three problems with ethical relativism, beginning with the problem of moral error. The person living in a society that condones female genital mutilation might think that in asserting "female genital mutilation is wrong," she is neither making a false claim nor merely expressing her disapproval of the practice. Rather, she is claiming that other members of her society are in *error* in allowing this practice to continue. She might argue as follows:[7]

1. Elements of a society's moral code may be in error. Think for example of the belief in Nazi Germany that it is right to kill Jews.
2. Ethical relativism allows for the claim that a moral practice is erroneous only if that practice is contrary to the society's moral code.
3. When elements of the moral code are themselves suspect, this is not sufficient. Think again of the "Nazi code," which condoned the killing of Jews.
4. In cases like this, we are justified in seeking a critical standpoint from outside the society's code.
5. But ethical relativism thinks there is no such critical standpoint.
6. Therefore, ethical relativism is false.

The key to this argument is the very strong intuition we have that some moral practices and beliefs are so bad that we cannot rely on the culture that has them to supply us with the standpoint we require to think intelligently and responsibly—that is, critically—about them. If ethical relativism does not allow us to take this transcultural step—the one that supplies the claim about an element of the code being in error—then it is a false theory.

The second criticism is related to this one but concerns the nature of moral disagreement. Suppose Bob, a member of society *S*, says to John, a member of society *Q*, "Rounding up and torturing citizens who speak out against their government is wrong." John, on the other hand, says, "Actually, Bob, there is nothing wrong with that sort of thing. Such people are a nuisance, and the less we see and hear of them the better." To all appearances, John and Bob are disagreeing about something. But can ethical relativism make sense of this idea? Let's suppose that both John and Bob are correctly stating an element of the moral codes of their respective societies, *S* and *Q*. Then what the ethical relativist has to claim is that Bob is really saying, "In my society, rounding up and torturing citizens who speak out against the government is not condoned." John, on the other hand, is really saying, "In my society, doing so is condoned."

However, once they translate their claims into this form—the form approved of by the ethical relativist—they should shake hands and get on to the next topic because *they no longer disagree about anything*. They are each making a descriptive claim about what goes on in their own society.[8] As long as neither suspects the other of dissembling, each of them should agree with the other. The problem is that this is not at all how we understood the original conversation they were having. We were right in thinking that they were having a genuine moral disagreement. Here's how the criticism looks formally:

1. There are genuine moral disagreements.
2. Ethical relativism denies this.
3. Therefore, ethical relativism is false.

The final criticism of ethical relativism has to do with our alleged duty to be tolerant of other cultures. Doesn't the term "duty" sound a bit weird in the mouth of a relativist? It should, because it contradicts the theory. Suppose James finds ethical relativism attractive but lives in a society that strongly disapproves of the practices and beliefs of all other cultures. In fact, James's society is a Christian theocracy that believes that all infidels (no matter the culture they come from) should be persecuted and, if they refuse to declare allegiance to the state religion, summarily executed. If James is inclined to be tolerant of infidels, he will find no support for his views in the doctrine of ethical relativism. His claim that infidels should be tolerated is, from the standpoint of this theory, simply false. In other words, if ethical relativism is correct, then we have a duty to be tolerant of others' moral practices and beliefs *only* if our culture happens to approve of tolerance. That, we might think, is a pretty shaky foundation for a duty of tolerance. More important, it shows that if the claim about tolerance is meant to be an absolute, transcultural moral standard, then, of course, the ethical relativist is in no position to assert it.

The two major challenges to morality both fail. It is not the case that whatever is in the interest of an agent is by that fact right (ethical egoism), nor is it the case that we are necessarily misguided in seeking transcultural or universal moral standards (ethical relativism). These results open the door to an investigation into the nature of our moral duties, the normative constraints we are justified in placing on both our own behaviour and that of others. This brings us to the sphere of **normative ethics**, the attempt by various philosophers to spell out the nature of these duties and to provide accounts of how such duties are philosophically grounded.

D Four Normative Theories

1. Utilitarianism

The first normative theory is a form of **consequentialism**, the view that what matters morally are the consequences of our actions. **Utilitarianism** is a consequentialist view according to which we should strive, with respect to each action we perform, to maximize welfare among all those affected by the action (more precisely, this is **act-utilitarianism**). Among utilitarianism's earliest exponents was Jeremy Bentham (1748–1832). The doctrine was then substantially revised by John Stuart Mill (1806–1873). Bentham grounded his account in three fundamental claims: (a) that sentience is an entity's most morally important attribute; (b) that evidence for sentience is provided by the ability an entity has to feel pleasure and pain; and (c) that pleasures and pains can be quantified. On the basis of these claims, Bentham thought it was possible to be quite precise when deliberating about how we should act.

Suppose we rate pains on a scale from 0 to –10, with –10 being the worst, and we rate pleasures on a scale of 0 to +10, with +10 being the best. For example, if Jane is contemplating punching Fred in the nose because he has done something morally wrong (though not terrible), as a good act-utilitarian she must reason as follows. Fred, who is quite sensitive to physical pain, would derive –5 units from being punched. Jane herself, who enjoys punishing the wicked but realizes that Fred has been only mildly wicked, would derive +1 units of pleasure from hitting him. The total score here is –4. So long as Jane's refraining from the punch would produce a higher score than this—and it's hard to see how it could fail to do so given the scant information about our two characters provided here—the action would produce less pleasure or welfare than some feasible alternative, and she should therefore not do it.

This is, of course, hyper-simplified. The calculations will get extremely difficult when we factor in all the people affected by the proposed course of action, including those (perhaps) in future generations. Also, we don't always know what consequences our actions will bring about, so we need to factor probabilities into our calculations. But in principle this can be done with any proposed course of action. In spite of, or perhaps because of, its simplicity, the idea is not unattractive, and here are three reasons why this is so.

First, it seems to conform to our ordinary way of making moral judgments. For example, on 9/11 George W. Bush, on hearing about the planes that hit the World Trade Center in New York, ordered Air Force jets to shoot down the remaining passenger jet (the one that eventually crashed in Pennsylvania). He was prepared to order that plane shot down, thereby killing some 200 innocent people, rather than allow it to cause a potentially greater loss of life by, for instance, being flown into another building. Many people think this was the right choice, and it would have been fairly easy to justify on Benthamite principles. If this is the way we react to the decision, chances are we are utilitarians at heart.

Second, the doctrine can be a potent tool for social reform. Bentham himself was a tireless social reformer, an outspoken critic of the horrors of early industrial capitalism in Britain. At that time, as the novels of Charles Dickens illustrate, child labour was the norm, and children were often forced to work long hours in appalling conditions. One way to justify such practices is to insist that the pleasures and pains of children are not worth as much as the pleasures and pains of adults, if they are worth anything at all. One of Bentham's key claims, however, is that everyone whose pleasures and pains are affected by a course of action gets a "vote" on that decision.

Third, because of the latter claim, Benthamite utilitarianism has become instrumental in the moral struggle to end discrimination against non-human animals. As we will see in

Chapter 1 of this volume, Peter Singer, the most prominent figure in the animal liberation movement, draws explicitly on Bentham, especially on the idea that the key question for ethics is not whether a being can reason but whether it can suffer.

In spite of these points, the doctrine has received extensive criticism from philosophers. Let's focus on four ubiquitous criticisms.

First, utilitarianism runs counter to some of our most deeply entrenched intuitions. For example, most of us think that what it means to issue a promise is that the promisor will follow through on the terms of the promise *no matter what*. Or, if this is too extreme, then at least the promisor will not break the promise unless it is absolutely necessary to do so. If I promise to meet you for lunch but on the way am detained by a roadside accident and must stop to give assistance to injured people (suppose I'm a doctor), then I'm justified in breaking the promise. But the strict utilitarian might have to break virtually every promise she makes, because a fresh calculation of consequences might indicate that *just a little more* welfare would be produced by doing so. No matter how small the increase in welfare, the act-utilitarian is duty-bound to pursue this course.

But even when the utility gains of promise-breaking are quite large, we might balk at the idea that the agent ought to break the promise. For example, a married person might calculate that he should break his promise of fidelity to his wife because by having an affair, which he is reasonably certain she would not learn about, he could bring an enormous amount of pleasure both to himself and to his would-be paramour. In fact, if this is the way the calculation were to come out, he would be duty-bound to have the affair. But promises, so goes the counter-argument, are in place precisely to guard against outcomes like this. They are meant to bind the promisor's will into the future. Would it be rational *ever* to believe the promises of a strict act-utilitarian?

Utilitarians have responded to worries like this by arguing that the best consequences will be realized if everyone follows certain rules in the appropriate circumstances. So even if on a particular occasion it seemed that utility could be maximized by breaking a promise, the promise-keeping rule, if adhered to by everyone, would achieve this result more reliably. This is **rule-utilitarianism**. More technically, it is the claim that an act is right if and only if it conforms to a rule that, if followed by everyone, will produce the best consequences. However, this revision to act-utilitarianism, though it looks attractive, is not plausible. It works if, but only if, following the appropriate rule in every situation would maximize utility. But in our example of the broken promise, we have supposed that the married man has correctly surmised that his wife will not discover his affair and that, partly because of this, more utility will be produced by breaking the promise than by keeping it. If this is correct, then he has a duty to violate the rule. We do not have to deny that sometimes following a rule will maximize utility; it's just that whether or not this is the case must be assessed on an act-by-act basis. In other words, it appears that rule-utilitarianism, if it is to avoid becoming a form of rule-worship, reduces to act-utilitarianism.

The second criticism of act-utilitarianism is that it is too demanding, as it may require us to perform actions that are extremely difficult—or even psychologically impossible. Suppose Frank is walking along the bank of a river and he sees two people drowning. He notices to his horror that one of them is his wife, and someone next to him (who can't swim) informs him that the other person is a famous doctor on the cusp of discovering a cure for cancer. Frank, himself not a very strong swimmer, knows that he cannot save both people but can probably save one. What should he do? An immediate calculation of the consequences of the two decisions shows him unequivocally that more good will come to more people if he saves the doctor. So his duty is clear, but, of course, he finds the task impossible and saves his wife instead. According to the utilitarian, the action Frank performed was wrong. His emotional attachment to his wife was irrelevant from the standpoint of making the correct moral judgment. Most of us can sympathize strongly with Frank, because we believe that particular attachments—like those we have to family members—place special moral burdens on us. We believe that the sort of *impartiality* utilitarianism asks us to display in cases such as this is out of place.

Third, utilitarianism eliminates supererogation. Think again of the person who rushes into a burning building to save a cat. In doing so, he brings an enormous amount of pleasure to the cat's owner, not to mention to the cat. To say that the act was supererogatory is to claim that it is above and beyond the call of duty. But for the utilitarian, in any situation there is just one right thing to do. If you do it, you may be praised, but if you don't, you can rightly be blamed. It all depends on how the figures add up. Our reaction to the individual's act is not just about whether or not we have recourse to a word, "supererogatory." It has to do with our whole moral practice. Were the person to refuse to go into the building, the utilitarian would expect us to criticize him morally, and criticizing is a meaningful social act with real consequences. We will think of him in a less favourable light, perhaps subject him to a certain amount or kind of social ostracism, and so on. The concept of the supererogatory is meant to give our moral practices some subtlety and flexibility, qualities that allow us to better cope with a moral reality that is often messy and complex. So the critique of utilitarianism here is that in asking us to eliminate the supererogatory from our moral repertoire, it is oversimplifying the practice of morality.

Fourth, utilitarianism has generally been thought to conflict with the requirements of *justice*. One aspect of this criticism has to do with how the benefits and burdens of decisions are distributed across a population, a question central to environmental ethics. Questions of environmental justice arise often for low-income people and non-white or Aboriginal people. Toxic waste sites are disproportionately located in their neighbourhoods. Exploitation of the resources on Aboriginal peoples' traditional lands tends to proceed without adequate consultation with them. Or, their land rights are encroached upon in more indirect ways. For example, the Innu of Labrador have had to endure years of low-level test flights by NATO fighter jets over their territory. The flights have caused health problems for the people and disturbed the migratory patterns of many animals on which the people depend. Attempts to justify actions like this sometimes proceed on utilitarian grounds. The actions, so goes the argument, maximize aggregate welfare because NATO pilots use the flights to hone their skills just in case they are called upon to protect us from our enemies, whereas the people who are disadvantaged—the Innu—are not particularly numerous. But if we are inclined to oppose such actions, we will likely want to say that people are as a *matter of right or justice* entitled to not be treated or interfered with in this sort of way, no matter what the utilitarian calculation suggests. Rights cannot be abrogated in the interests of promoting aggregate welfare.

2. Deontology

The question of normative ethics is, "What makes an act right?" Utilitarians answer by pointing to consequences, but we have seen that there are problems with that approach. Partly in response to these problems, we might be inclined to suggest that what really matter are the rules or principles on the basis of which agents act. This is the standpoint of **deontology**, which means "duty-based." It holds that we should focus on these rules or principles and try to determine which of them are right and which are wrong, quite apart from the consequences of acting on them. The most famous exponent of this approach to morality is Immanuel Kant (1724–1804). For Kant, sound morality was grounded in the **categorical imperative**. There are three versions of this imperative, but we will focus here on just two. First, let's analyze the concept itself. An "imperative" is a command. To say that a command is "categorical" is to contrast it with a **hypothetical imperative**. What is a hypothetical command? Here are some simple examples:

- If you are hungry, eat some food.
- You can only get to heaven by following the Ten Commandments. Do so.

What unites these examples is the idea that there is a command to pursue a certain course of action, but the command "binds" only if something else is true. So you should eat some food but only if you are hungry. In the second example, the structure is the same even though the if-clause is merely implicit: we could have said, "If you want to get to heaven, follow the Ten Commandments." For any hypothetical imperative whose if-clause is not satisfied or is false, the command is cancelled. By contrast, no such if-clause can cancel a categorical imperative. Here is what categorical imperatives look like:

- Follow the Ten Commandments.
- Get out of bed.

For Kant, all genuinely moral duties are categorical imperatives. They apply to us, if they do at all, whatever our other inclinations, desires, sentiments, and so on. If, for example, we have a duty to keep a promise, then this applies to us in the sense that it ought to motivate us to act in accordance with it, even if we do not feel like keeping the promise or believe that utility will be maximized if we break it. The only circumstance in which the duty would cease to apply is if we had been prevented from keeping it through no fault of our own. If Bill has promised to visit Mary in the hospital but before leaving his house is waylaid by thieves who tie him to a chair, preventing him from moving while they ransack his house, then his duty to Mary is cancelled. As Kant famously put it, "ought implies can." Further, only if our actions are motivated by categorical imperatives are they genuinely moral actions. Now let's look at the two versions of the categorical imperative.

The first version (CI-1) says that we should "act only according to that maxim by which you can at the same time will that it should become a universal law."[9] A "maxim" is a general principle of action. We are constantly faced with choices between two or more courses of action among which we must deliberate, since we can very often only choose one thing. Think about Canada's decision to allow the extraction of bitumen from Alberta's tar sands, an egregiously polluting activity. Should we do this or not? CI-1 offers a way to conduct our deliberations about such choices systematically. Let's suppose that each one of us is required to make a decision about the morality of this proposal so that we know which way to vote in the next federal or provincial election, for example. Heather is one such agent. We can break her deliberation down into three steps. First, she describes a course of action: "Since it makes our economy strong, we should exploit the tar sands with no regard for the environmental consequences of doing so." Next, she generalizes the proposal: "In the interest of strengthening its economy, any country with a valuable natural resource should exploit it with no regard for the environmental consequences of doing so." This is Heather's **maxim**. Finally, she should test her maxim for **universalizability**. That is, she should ask what would happen if everyone actually did this.

Kant's claim is that it is permissible to act on the maxim if, and only if, doing so would not result in a contradiction, which is the same as saying that it is universalizable. Let's suppose that if everyone acted on Heather's maxim, the result would be environmental catastrophe on a global scale. But since the economy cannot function except on the basis of a healthy environment, the widespread degradation of our natural capital would severely impair the global economy. What has happened to Heather's deliberations? Despite appearances, the Kantian is not arguing like a consequentialist here. He is not saying that we should refrain from exploiting the tar sands because such exploitation would produce a bad outcome (it would fail to maximize utility, say). Rather, he is saying that Heather is *contradicting* herself and that it is therefore logically impossible for the maxim to be universalized. Here's how the contradiction looks formally:

- Heather: "I am committed to acting in ways that strengthen the economy."
- Heather: "I am committed to acting in ways that weaken the economy."

Because the maxim generates a contradiction, it is immoral for Heather to act on it. The key to this theory is the idea that if an action is permissible (or impermissible) for one agent, then it should be permissible (or impermissible) for all agents in relevantly similar circumstances. That is, Kant is attempting to weed out of our moral deliberations factors that, he believes, are irrelevant to sound morality. Most of these factors play a large part in how we do generally act, factors like our particular attachments, our emotions, our desires, and so on. We may recognize that if everyone did what we are proposing to do, the results would be less than optimal, but we insist that there is something special about us that gives us permission to perform the action.

So, to pursue the example one step further, we might ask, "What is special about Canada that gives it moral permission to develop this resource unsustainably?" Put another way, suppose every country had its own cache of tar sands (or something analogous). Since we could not permit everyone to develop their resource (on pain of environmental catastrophe), would we argue that Canada alone has the right to develop its resource? On what basis could we make this claim? CI-1 is important precisely because it defuses the attempt, endemic to moral decision-making, to make exceptions of ourselves. You act this way every time you jump a queue at the coffee shop or support the unsustainable development of our resources, both of which actions are unjustifiable on Kantian grounds.

The second version of the categorical imperative (CI-2) says, "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only."[10] Kant elaborates on the idea this way:

> Now, I say, man and, in general, every rational being exists as an end in himself and not merely as a means to be arbitrarily used by this or that will. In all his actions, whether they are directed toward himself or toward other rational beings, he must always be regarded at the same time as an end. . . . [R]ational beings are designated "persons," because their nature indicates that they are ends in themselves, i.e., things which may not be used merely as means.[11]

Actions are right to the extent that they conform to this principle, but what does it mean to treat something as an "end in itself"? Let's get at this by looking at the contrasting notion, that of treating something as a mere means. Here are some examples:

- I use my car to get to work.
- I use the pharmacist to get my medication for me.

In each case, the "thing"—car, pharmacist—is a mere instrument for my purposes. There is, other things being equal, nothing wrong with treating these things this way. This is unproblematic in the case of the car. But reference to the pharmacist indicates that there is another class of things in the world that we cannot treat as a *mere* means to our ends—namely, persons. What is it about persons that gives them this special status? For Kant, it is the fact that they are rational natures—that is, autonomous agents. **Autonomy** refers to the ability to act on the basis of self-legislated reasons (the word derives from the Greek words "auto" or "self" and "nomos" or "law"; so: "giving the law to oneself"). We are all assailed by desires, emotions, and inclinations. But most of us think we should not act on all of them. On what basis do we decide which ones to act on and which ones to suppress or ignore? Usually we do this by appealing to a higher-order set of ideals or projects that more deeply define who we are. Isaac, a reformed smoker, might still like smoking and want to smoke, but he also wants to be healthy, and so, in the name of this ideal, he suppresses the desire for cigarettes. Here, he acts for reasons that he has, we suppose, autonomously generated.

Kant makes three further claims. First, that each of us inevitably conducts *himself or herself* this way. Second, that we should also notice that every *other* "rational nature" does so as well. And finally, that this should cause us to act in a way that respects this fact about ourselves and others. This is what it means to respect rational natures wherever we find them. On what grounds could we respect this fact about ourselves but not when it comes to others if what we respect is precisely *the fact itself*? Morally, it does not matter where we find autonomy. This is a moral doctrine with substance: it requires us to conduct ourselves in such a way that we do not undermine or bypass the autonomy of other people. We cannot lie to them, for example, because in order to act autonomously a person must have full access to all relevant information, but liars conceal this information. A whole host of other actions—coercion, for example—will be impermissible on similar grounds.

Let's consider three standard criticisms of deontology, two directed at CI-1 and one at CI-2. The first criticism of CI-1 is that it allows us to generate "duties" that are trivial or immoral. Here's an example of a trivial maxim: "Always brush your teeth one hour before you go to bed." Obviously, the maxim is universalizable. No contradiction would result from it, but it is clearly too trivial to count as a moral rule. True, replies Kant, but what it does do is pick out a permissible action. Because it is trivial, it cannot be obligatory, so it is better to think of it as a non-supererogatory optional action (see section A, above). The other point is that immoral actions can be based on universalizable maxims. An example is: "Torture all those whose last name has nine letters in it." Unfortunately for people with names like "Williston," it is difficult to see what sort of contradiction could be generated out of this maxim. Is it therefore permissible to act on it? Here, the best response is to insist that CI-1 and CI-2 come as a package. And since we have clear grounds, on the basis of CI-2, for excluding torture from the list of permissible actions, the maxim is not morally sound (phew!).

The second criticism of CI-1 is that it is absolutist. That is, whereas most of us think that there are legitimate exceptions to any moral rule, Kant denies this. There is an undeniably absolutist element in Kant's thinking. To deny it would be to cancel the defining feature of his moral philosophy. Many critics point to his stance against lying—about which he was a staunch absolutist—to argue that the theory as a whole is flawed. That is probably too quick. One way to get around the problem is to note that much depends on how we frame our maxims. Although we may not want to say that a given action is simply wrong, wherever and whenever it occurs, we can formulate the maxim so that it defines circumstances under which we can all agree that it is wrong. So, for example, we may want to say that the claim "theft is wrong" is false—because, say, theft may be the only means available to feed one's starving family—which leaves open the possibility that theft for pure profit is impermissible. In this fashion, we can build reasonable exceptions into a system of rules that is otherwise absolutist in orientation.

The third criticism of CI-2 focuses on those beings whom it seems to leave outside the sphere of moral concern. The connection Kant draws between a person's capacity for rationality and his or her moral standing should make us wonder how we are to treat beings that are not rational in this sense. These beings would include fetuses, small children, mentally impaired people, non-human animals, and other living things. Are they mere "things"? If so, are we permitted to treat them as mere means to our ends? The best way to answer may be to divide the list of beings just mentioned into those that are potentially rational and those that are not. So fetuses and small children are worthy of respect just because they will eventually become fully rational adults. But the rest of the beings on the list may not fare as well. What is the Kantian basis for treating mentally impaired humans, non-human animals, and other living things morally? As we will see in Chapter 2, Paul Taylor employs Kantian premises to argue that living things as such are worthy of respect, but not everyone agrees with this use of Kant. If we balk at it, it may be because we see a real limitation in the theory here, especially for environmental ethics.

3. Social Contract Theory and Contractualism

If we find the idea that morality is a fundamentally social phenomenon attractive, we may be drawn to social contract theory or contractualism, both of which claim that actions are right by virtue of having arisen from a certain kind of agreement among people. **Social contract theory** originated with Thomas Hobbes (1588–1679), who argued that in a state of nature we all have good reason to "sign a contract" bringing civil society, complete with a nearly all-powerful sovereign, into being. The reason is that in the state of nature preceding the establishment of civil society, life is "solitary, poor, nasty, brutish and short."[12] It is that way because everyone is self-interested, there are no external constraints on anyone's actions, and people are therefore out to get as much as they can to secure their own interests. This is the infamous "war of all against all." For Hobbes, we are all fundamentally equal in this state, not because we are all deserving of respect but because any person can kill or dispossess any other person. To get out of this horrible state, we agree to establish an authority figure whose function is to limit our natural liberty in the interest of maintaining civil peace.

For moral philosophy, this is the key claim. The fact that we have signed an agreement acts as a constraint on our future relations with other signatories, whereas in the state of nature there were no constraints on our actions. This is a powerful idea. For Hobbes, the sovereign was required to back up the demands of the contract. In setting up the sovereign, the contracting parties are clear that they are relinquishing their own authority over crucial matters like dispute resolution:

> And, therefore, as when there is a controversy in an account, the parties must by their own accord set up for right reason the reason of some arbitrator or judge to whose sentence they will both stand, or their controversy must either come to blows or be undecided, for want of a right reason constituted by nature, so it is also in all debates of what kind soever.[13]

But nobody gives up the perspective of self-interest in making this move. Instead, each of us judges that that interest will be best served by allowing an independent authority to decide our quarrels for us. This makes sense: if you and I disagree about who gets what, I might not like what the judge rules (because it is less than I wanted), but it is better than the possible alternative—namely, that you would have gotten everything because you were able to overpower me. The judge then has two functions. First, to define what is right and wrong in particular cases. This effectively gives the judge the power to fix the content of moral principles. Second, to apply sanctions to those who contravene the rules. So although morality is reduced to self-interest on this model the cooperative enterprise does not seem to be threatened.

It is worth emphasizing the role given to *correct procedure* in deciding how to resolve conflicts among citizens. Hobbes is saying that each of us will sign the social contract, and consider ourselves bound by its terms, if we are sure that every other member of the group will do likewise. Again, we might not like any particular decision the judge makes, but we agree to abide by the results of the procedure. In other words, its origin in an agreement among signatories *legitimizes* the procedure even when that "procedure" is simply the will of a sovereign power.

A more recent version of the theory, labelled **contractualism**, was provided by John Rawls (1921–2002). Like Hobbes, Rawls was in the business of providing a justification for specific moral and political principles governing people's relations with one another. But he goes about it differently, partly because he was inspired as much by Kant as by Hobbes. Rawls constructs a thought-experiment. Imagine you were a party to the original agreement but that you and your co-signatories negotiated the terms of the contract from behind a **veil of ignorance**. That is, you were not aware of specific features that define who you are: your place on the socio-economic ladder, your race, your gender, and so on. Rawls describes this situation as the **original position**. Now, Rawls does not think there ever was such an agreement among us. His theory is explicitly hypothetical. What he is doing is asking what we would agree to—given some of our deepest values and ideals—if we had been called upon to shape the principles that govern the institutions of justice.

Suppose someone suggests that those with exceptional physical "talents," such as great strength or beauty, ought to receive 95 per cent of society's wealth. Everyone in the original position would be likely to reject this principle for the very good reason that they are, given the relative scarcity of very strong and beautiful people in the world, unlikely to be among the charmed elite. More seriously, Rawls thinks that utilitarian thinking generally would be rejected by these people. If someone proposed to abolish individual rights and liberties—the right to free speech, habeas corpus, and the like—whenever doing so would maximize utility, everyone would, given a moderate degree of risk aversion, object. After all, *your* rights and freedoms might be the first to go. You might be the victim of the utilitarian calculus. What *would* we agree to in the original position? First, that there be an extensive catalogue of basic individual rights and liberties. Second, that if there is to be economic inequality, it must be to the benefit of the worst-off in society. That is, such people must be better off than they would be in a system of strict economic equality. Finally, everyone must have equal access to positions of power and prestige in society.

These principles aside, what is the key difference between the Hobbesian and Rawlsian versions of the theory, between social contract theory and contractualism? Both theories, suitably expanded, claim that the content of morality comes from an agreement among rationally informed agents. The main difference has to do with what motivates agents to follow the rules, to be moral. For Hobbes, a "contract without the sword is but words." That is, he does not suppose that agents will be motivated to obey the pronouncements of the judge in conflict resolutions unless that judge has the power and the will to enforce his decisions. This way of seeing things has the following implication. Suppose I discover on some particular occasion that I will gain by reneging on my contract with you. And I also discover that I will get away with it. That is, neither you nor the judge will know that I breached the contract. It would appear in this case that I have no incentive to abide by the contract. I have no motivation to be moral.

Rawls's version of the theory seeks to avoid this outcome. It says that we are all equal, not because we have the power to damage one another but because everybody's interests matter in an equal moral sense. This is the sense in which he is deeply indebted to Kant. In other words, the parties to a contract are defined as having a fundamental respect for each other. That is why they agree to consider factors like race and gender irrelevant in the original position. And because we go into the agreement with a built-in sense of respect for each other, we also do not renege on our agreements, because to do so would violate that fundamental value or commitment. We are motivated to accept the principles we devise because we think that is the right thing to do, and we always act in accordance with what is right.

So the basic difference between Hobbes and Rawls is that Hobbes thinks people are motivated only by self-interest whereas Rawls thinks that people can be motivated by the consideration that acting a certain way is, simply, right. Morality itself is motivating. Another way to put the same point is that although Hobbes and Rawls both think there is a fundamental equality among us, they conceive of it differently. Equality, for Hobbes, means that we are equally powerful in the state of nature. Even weaklings can band together to defeat powerful individuals. Rawls, however, is talking about moral equality, the idea that we all ought to treat each other, or refrain from treating each other, in a certain way. One understanding of equality is descriptive, the other is normative.

Two further points are worth emphasizing. First, contractualism reveals its debt to Kant in another, related way. The original position is a way of allowing the moral ideal of *impartiality* to generate concrete principles to structure our institutions. The corollary is that it is precisely partiality that gets in the way of our doing this. When Kantians argue that we should view our particular identities—my status as *this* person, a member of *this* economic class or gender, race, tribe, and so on—as irrelevant to the process of justifying the decisions we make, they are trying to move beyond the perspective of partiality. That is the whole point of CI-1: if it is right for you do *x* here and now, then it is right for anyone similarly placed. There's nothing morally special about you. In applying the test of universalizability to our maxims, Kant is, in a sense, forcing us to *erase* our particular identities, just as Rawls is explicitly doing with the device of the veil of ignorance. In both cases, we can attain the status of properly moral agents only if we make this move. So all three normative theories considered so far—utilitarianism, deontology, and contractualism—are impartialist.

Second, the theory is attractive partly because everyone counts in a radical way. Utilitarians think everyone counts too. If your interests are going to be affected by someone else's decision, then your vote must be counted. But for utilitarianism, your vote may get swamped by the tide of contrary votes, and crucially, you have no further *moral grounds* on which to complain about this. You are therefore morally bound to abide by the terms of the decision. For contractualism, however, every person effectively has a *veto* on any decision. The difference between the two theories springs from how they define right action. For utilitarianism, actions are made right by their consequences. But for contractualism, what makes an action right is that it is the product of a properly arrived-at *agreement*. Therefore, if you do not sign the contract, then you are effectively saying that you do not agree to its terms and you cannot be bound by it. Of course, this might mean that things will go very badly for you, since there are advantages to being inside the circle of the contract's signatories. You have effectively placed yourself outside the bounds of moral consideration. But for what it's worth, you can still protest while those inside the circle ignore you as they construct the institutions of civil society.

Now let's focus on one very important criticism that philosophers have made of the theory. It applies to both versions and is similar to one of the criticisms of Kant considered above. It has to do with the exclusion of certain beings from the circle of moral concern. Again, a person needs to possess certain properties or attributes to be able to enter into the negotiations culminating in a contract. The metaphor of a contract would appear to exclude anyone incapable of understanding its "terms." This applies clearly to children and the mentally impaired, but does it also apply to members of future generations or members of foreign cultures? For that matter, will there not be a tendency to exclude from negotiation anyone deemed already to lack sufficient *power* to affect the interests of the signatories? Historically, for example, the theory was invoked explicitly to exclude anyone who did not own property. Nor did women fare very well under the terms of the contract. From the standpoint of environmental ethics, the most troubling exclusion has to do with members of future generations. Many of our environmental decisions have implications that will directly affect those people, yet how can they be genuine parties to our contracts?

4. Virtue Ethics

Virtue ethics is the oldest of the normative theories we are considering here. It began with the work of Aristotle (384–322 BCE), whose articulation of the basic tenets of the theory are still canonical. For Aristotle, actions are made right by being the product of the correct character or disposition of the agent performing them. Aristotle begins his analysis by considering what the concept "good" means. And here he makes a basic distinction between kinds of goods:

> If, then, there is some end of the things we do, which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go on to infinity, so that our desire would be empty and vain), clearly this must be the good and the chief good. Will not the knowledge of it then have a great influence on life? Shall we not, like archers who have a mark to aim at, be more likely to hit what is right? If so we must try, in outline at least, to determine what it is . . .[14]

The distinction is between instrumental and intrinsic goods. Instrumental goods are those that are desired entirely for the sake of something else (e.g., medicine, physical exercise); intrinsic goods are those that are desired entirely for their own sakes. There is only one intrinsic good, and that is happiness. The Greek word for it is *eudaimonia*, but "happiness," to the extent that it connotes a psychological state, is a misleading translation of it. Better is "flourishing" or "excellence." Obviously, it is possible to flourish or be excellent at something in the absence of happiness (if we think of happiness as, say, cheerfulness).

To unpack this key notion, we need to look at Aristotle's conception of *function*. Everything has a function peculiar to it by virtue of the kind of thing it is. For example, the function of a knife is to cut well, and the function of a carpenter is to build sound structures. Notice that these descriptions presuppose that the thing can perform its function well or badly, and this gives us room to criticize or praise it. We might say that the knife is bad because it does not perform its cutting function properly or that Jones is a good carpenter because he builds sound structures. So if the broad claim about function is true of everything there is, what is the human function? The ancient Greek philosophers were fond of dividing the mind up into various parts, then assigning a specific function to each part. Plato thinks that the human soul is divided into three distinct parts: the appetitive (home of desire), the spirited (home of the emotions), and the rational (home of the intellect). The job of the rational part of the soul is to control the "lower" powers, sometimes by violently suppressing them. Aristotle works with the same general model, although he thinks that desire and emotion are more amenable to rational training than Plato does. For this reason, one sees the metaphors of conflict and even "civil war" among the parts of the soul far less often in Aristotle than in Plato.

We humans are living up to our potential when reason is in charge of the whole person. Aristotle thinks that one way in which we can exercise our rational capacity to its utmost extent is through contemplation of the heavens. But arguably just as important is to *live* in a rational manner, and this means acting in accordance with the virtues. As Aristotle puts it, "happiness is an activity of the soul in accordance with virtue."[15] A virtue is a state of character that causes or allows us to act in a specific way as the occasion demands. The key virtues are courage, liberality, justice, temperance, pride, wit, and friendliness. The idea, therefore, is to locate the rightness of actions in the dispositions of agents to behave justly, temperately, and so on. Aristotle's famous "doctrine of the mean" helps clarify what it means to be disposed to be virtuous. Each virtue is said to be a mean between two extremes, one of which is a defect or deficiency in the motivation that defines the virtue, the other an excess of it. So, for example, liberality (generosity) is midway between stinginess (defect) and prodigality (excess), and proper pride is midway between undue humility (defect) and vanity (excess). In principle, every virtue admits of this sort of analysis.

Even with the doctrine of the mean, however, our analysis is not complete. This is because we can imagine someone who seems not to be either defective or excessive with respect to a particular virtue but is nevertheless not properly virtuous. Suppose James, a Greenpeace activist, has just powered his tiny rubber dinghy toward an offshore oil rig in the North Sea, in very heavy seas and under the threatening watch of the Danish navy, whose state oil company owns the rig. Whatever we think of his politics, we might see his action as a clear example of courage. It certainly does not look like either cowardice (defect) or recklessness (excess). James executes the operation masterfully, neither hesitating at an inappropriate time (as a timid person would) nor rushing headlong when it might be better to wait a bit (as a reckless person would). But what if we learned that James was able to perform the action only because he had taken a fear-inhibiting drug or because he had learned the night before that he had just two months to live and had as a result become unhinged? In such cases, we might be inclined to deny that he acted courageously. To get our bearings on this issue, let's look at what Aristotle had to say about justice and temperance:

> Actions, then, are called just and temperate when they are such as the just or temperate man would do; but it is not the man who does these that is just and temperate, but the man who also does them as just and temperate men do them.[16]

And how do just and temperate (and also courageous) people perform actions?

> [I]f the acts that are in accordance with the virtues have themselves a certain character it does not follow that they are done justly or temperately. The agent also must be in a certain condition when he does them; in the first place he must have knowledge; secondly, he must choose the acts and choose them for their own sakes; and thirdly, his actions must proceed from a firm and unchangeable character.[17]

James, then, may not have performed the courageous action *as a courageous person would*. There is thus a key distinction between those who perform actions that are merely in accordance with virtue and those that are done from the virtues. The latter requires knowing what one is doing, choosing the action because it is the right thing to do, and acting from "a firm and unchangeable character." James may satisfy the first condition, though perhaps not: his mind may be too altered by drugs or emotions for him to fully appreciate what he is doing. But he almost certainly does not meet the second and third conditions. He is not acting *because of* the rightness of what he is doing. Instead, the drug or his despair is the proximate cause of his actions. And his character is not firm and unchanging. We may suppose that in the absence of the drug or the bad news, he would not be doing what he is doing or any other "courageous" thing for that matter.

What we might want to say about James is that he lacks **phronesis**, or "practical wisdom." For Aristotle, this is the master virtue because it allows one to deal in just the right way with the emotions that fuel our actions:

> For instance, both fear and confidence and appetite and anger and pity and in general pleasure and pain may be felt both too much and too little, and in both cases not well; but to feel them at the right times, with reference to the right objects, toward the right people, with the right motive, and in the right way, is what is both intermediate and best, and this is characteristic of virtue.[18]

Phronesis is skill at perceiving what situations require and then marshalling the emotions—in just the right degree and quality—to get the job done. How do we learn this kind of wisdom? Aristotle famously says that you become just or courageous or moderate by doing just or courageous or moderate things. What this means is that you gain the appropriate character by living in a society with the right kind of people, those who can show you the moral ropes. You do not first learn a set of rules, then decide how to apply them on a case-by-case basis.

Think of how you might learn to cook well. You can buy recipe books and teach yourself, or better still, you can apprentice with a master chef. In the latter case, you will learn to cook well by being told what to do at first, watching and learning from the way the chef does things, and incrementally incorporating into your own behaviour what you learn from these observations. In other words, you begin simply by doing what you are told so that you may come, in time, to do those same things yourself at the right time, for the right reasons. Similarly, if you want to be courageous, your best course is to work closely with someone who is genuinely courageous. At first, you let this person tell you what to do, and you may not understand exactly why you should be performing this action rather than another one. But you will, one would hope, become increasingly *self-sufficient*. And this means that you will come to know how to see and feel in exactly the right way to produce the appropriate action.

Let's briefly consider two criticisms of virtue ethics, criticisms that have resurfaced in one form or another among moral philosophers for over 2000 years. The first is a challenge from relativism: that the list of virtues required for morality differs radically from one culture to the next. One example is the inclusion of pride on the list of virtues put forward by the ancient Greeks. Yet Christian writers considered pride a sin. So, to generalize, if one society or culture operates with a catalogue of the virtues that is totally different from another society's catalogue, then there is no possibility of genuine moral dialogue between the two cultures. To return to a problem examined above (section C), there is therefore no possibility of moral disagreement between these two cultures, and this is an unwelcome result (as we have seen). The virtue theorist could respond to this charge by denying that there is *radical* disagreement among cultures as to what makes up the list of virtues. Although the place of a virtue like pride comes and goes, every culture values virtues like courage, justice, and temperance. This claim would need to be backed up by anthropological evidence, and it would be necessary to show that distinct cultures mean the same thing by the same virtue terms. Nonetheless, assuming we could fulfill these tasks, such a response might be adequate.

The second criticism has to do with the possibility of evil virtues, or better, of virtues being used in the cause of evil. Think for example of the "courageous terrorist." This person's job is to kill large numbers of innocent people through suicide bombing, something which certainly seems to demand a good deal of courage. Are we therefore required to praise the virtue of the suicide bomber? This seems absurd. If it is, we may have good reason to reject the theory. Here's how the argument in support of the rejection would go formally:

1. For virtue ethics, an action is right if it is the product of a virtuous disposition.
2. But a person can practise the virtues for evil purposes (our terrorist).
3. Therefore, for virtue ethics it can be right to act in an evil manner.
4. This is absurd, and virtue ethics is therefore an inadequate normative theory.

This is a powerful argument, but we may be able to avoid the conclusion by denying premise (2). That is, we could say that the terrorist is not *really* courageous, appearances to the contrary notwithstanding. One way to cash this idea out is to say that you have either all the virtues or none at all. So you cannot be genuinely courageous unless you are also just, for instance. And since he is in the process of treating others unjustly, the terrorist's courage is a sham. This is the **unity of the virtues thesis**, which Aristotle himself advocates. Not every philosopher agrees with it, but it may be the only way to escape the conclusion of the argument from evil virtues.

Environmental ethics is a form of **applied ethics**. It employs the concepts and vocabulary of meta-ethics and, especially, normative ethics in an effort to rationally ground our duties to nature (just as other forms of applied ethics do in such fields as business and medicine). To see how it works, read on.

Further Reading

Fred Feldman. 1978. *Introductory Ethics*. Englewood Cliffs, NJ: Prentice Hall.

William Frankena. 1973. *Ethics*. Englewood Cliffs, NJ: Prentice Hall.

J.L. Mackie. 1977. *Ethics: Inventing Right and Wrong*. New York: Penguin.

Louis Pojman. 2002. *Ethics: Discovering Right and Wrong*. Belmont CA: Wadsworth.

James Rachels. 1993. *Elements of Moral Philosophy*. New York: McGraw-Hill.

Russ Schafer-Landau. 2003. *What Ever Happened to Good and Evil?* Oxford: Oxford University Press.

Russ Schafer-Landau. 2015. *The Fundamentals of Ethics,* 3rd edn. Oxford: Oxford University Press.

Bernard Williams. 2012. *Morality*. Cambridge: Cambridge University Press.

Part I

Moral Standing

In Part I, Moral Standing, we examine what philosophers have had to say about who or what a moral patient is. To whom or to what do we owe duties? What do we do when our duties to one thing, or one kind of thing, conflict with our duties to another? The first three chapters of the book describe the traditional approach to environmental ethics over the past 40 years or so in light of these fundamental questions about value, obligation, and principled conflict resolution. Environmental ethics begins the moment we reject the view that only humans can be moral patients, but this by itself does not tell us how far to widen the circle of moral standing. So we begin (Chapter 1) with what is perhaps the easiest case—that of sentient non-human animals. Because these beings are sentient, many philosophers believe that they deserve moral consideration. After all, surely the most important fact about moral patients is that their interests, expressed in their pains and pleasures, can be affected by what we do to them. If so, then many non-human animals deserve moral consideration. However, some think that this is not enough (Chapter 2): all living things, not just sentient non-human animals, can be said meaningfully to have interests, so we owe them all moral consideration. But not all living things can experience pain and pleasure, so there must be some other way to define what it means to have an "interest." Finally, some philosophers (Chapter 3) think that we should move beyond taking only individual things—animals or plants—as morally considerable and widen the circle of moral standing so that it includes systems of living things—ecosystems and the biosphere as a whole. However, this will work only if such things are enough like living things that we can attribute interests to them.

CHAPTER | 1

Animal Welfarism

Ecological Intuition Pump

Imagine living in a society where the economy is based on the slavery of non-whites. If someone were to stand up and say that enslaving non-whites was wrong, you might wonder what grounds she had for this claim. How do you think you would react if she had gone on to explain that there were no morally relevant differences between whites and non-whites that could justify the sort of radically different treatment of them we find in a slave economy? Or imagine the same sort of political radical arguing that women ought to be given the vote at a time when they were excluded from participation in the public sphere. The claim would be similar: there is no morally relevant difference between women and men that would license this sort of discrimination. If you think you might have found these two challenges compelling, try generalizing them even further so that they apply to the way in which we treat many non-human animals today. We routinely torture and kill them, but what justifies this behaviour? Is there some property we have and they lack that makes the difference? What could it be? Are you sure that whatever property you isolate is not just some value-neutral difference between us and the rest of the animal world? Can we consistently both side with our abolitionist/suffragette and continue treating animals as we do?

Ⓐ Introduction

To possess **moral standing** is to be an entity whose existence and fundamental interests have "positive moral weight."[1] To have positive moral weight means that *other* agents have duties to constrain themselves in specific ways when dealing with such entities. For example, we say that humans have moral standing, and this means, in large part, that other humans may not treat them in certain ways (torture them, say). **Anthropocentrism** is the view that only humans have genuine interests of this sort, so we need only look to what they value to discover what all our duties are. Environmental ethics begins the moment we challenge this view. But what things beyond humans might have moral standing? The most obvious place to look is at certain non-human animals.

Philosopher Mark Rowlands lived with a wolf for 11 years. The wolf taught him a lot about love, death, and happiness, but perhaps the deepest lesson he learned from it had to do with how we draw the line between those who count morally and those who do not. The idea of spending significant time with a wild animal might remind you that almost all of the animals we humans deal with have been rendered fairly powerless through the long historical process of domestication. This notion caused Rowlands to re-evaluate the contractarian view of civilization. The view that moral or political communities are held together by a contract among their members is a very powerful one. In early modern philosophy, it originates with Hobbes but also finds potent expression in the political thought of the late-twentieth-century philosopher John Rawls. Its central claim is that the norms governing the community, and the power required to enforce those norms, are justified by the fact that the community's members have agreed to this state of affairs, even if only tacitly. In the same way that you might sign a contract with a plumber that clearly lays out what each of you is required to do for the other—he fixes your pipes and you pay him—we have all signed a contract with one another to refrain from interfering in each other's lives in specified ways. For example, we agree to refrain from seizing one another's property by force or fraud. A political authority—what Hobbes calls "The Leviathan"—is then set up, by us, to enforce these agreements.

Why "sign" such a contract? Because you reckon that you can be either helped or harmed by other would-be members of the community, but that they will help you or refrain from harming you only if you reciprocate. Each person therefore agrees to forswear attacks on the person or property of others on the condition that those others adopt the same stance toward him or her. Key to this arrangement is the recognition by all concerned that there is a rough equality of power among them. I may be able to attack someone weaker than I am, but that person can join forces with others and either resist me or attack me in turn. It is probably best to play it safe and effectively "disarm" everyone. The key aspect of social contract theory for our purposes is that being a party to this agreement is necessary and sufficient to confer moral standing on each of us. It draws us into the circle of moral concern, isolating us from the wild, natural, and essentially amoral forces outside. To have moral standing means that one's interests must be taken into account by other members of the moral community, a process that gives such interests positive moral weight.

This move into the circle of moral considerability *empowers* us relative to those who do not sign up. As Rowlands puts it:

> Those who fall outside the scope of the contract fall outside the scope of civilization. They lie outside the boundaries of morality. You have no moral obligations to those who are significantly weaker than you. That is the consequence of the contractual view of civilization.[2]

Ever since we began domesticating non-human animals some 10,000 years ago, this has been our attitude toward them: they have been placed outside the moral circle. We have tamed them so that they may be used as resources: pets, food, beasts of burden, fodder for experimental research, sources of entertainment, and so on. Even wild species have been rendered mostly powerless against us. Technology and the rise of urban civilization have effectively separated most of us from the really dangerous animals, a separation that is only reinforced by the phenomenon of zoos. At least as far as non-human animals are concerned, Rowlands's equation seems exactly right: to be without power is to be without moral standing and vice versa. It does not follow, however, that we may do what we want with those lacking moral standing. Let's distinguish two ways in which a thing can have value: (1) To have **intrinsic value** is to be valuable independently of other entities or their interests. (2) To have **extrinsic value** is to be valuable relative only to the values or interests of some other entity. Until quite recently, most philosophers thought that non-human animals have, at best, extrinsic value.

But this *can* place constraints on what we may do with such entities. Kant, for instance, thought that even though we have no duties *to* non-human animals, we have duties *regarding* them. He argued that there are two sources of the moral duties we may have regarding things, like non-human animals, that have merely extrinsic value. The first arises from the fact that the entities in question might be the property of some person. If so, then the constraint is rooted in my duty—if I have one—not to interfere with another's property. Second, it may be thought that to be cruel, say, to non-human animals is likely to lead to cruelty toward humans. Again, the duty not to be cruel to non-human animals is entirely derivative from some other moral concern, in this case the obligation to reduce our chances of being cruel to humans. According to the idea that animals have only extrinsic value, and without at least one of these two constraints in place, we can treat non-human animals any way we like.

B Moral Standing and Speciesism

The view that all—and only—members of our species have moral standing is intimately linked to the claim that only humans have intrinsic value. This idea, in turn, can be justified by pointing to features or properties of humans that confer on them this special status. Historically, many properties have been proposed for this role, the most prominent being rationality, personhood, the possession of a soul, the capacity for moral agency, and linguistic capacity.

There are two problems with any such appeal to a special property. First, even if we accept the idea that only humans possess the relevant feature, we need to ask why this should matter morally. How, for example, does rationality or linguistic capacity confer specifically *moral* standing on its bearer rather than simply marking some value-neutral natural difference between the members of various species? Would it not be just as dubious to argue that a fish's unique capacity to breathe underwater gives it, and it alone, moral standing? Presumably so, but what is the difference between this claim and the claim that linguistic capacity or the possession of a soul confers such status? Second, every criterion proposed fails to apply to all humans. Fetuses and infants lack both personhood (at least any very psychologically complex version of it) and rationality. If to lack the relevant criterion is to be deprived of moral standing, do we say that these humans lack moral standing? Presumably not.

For Peter Singer, appeal to these special properties—any of them—to ground the claim that their bearers alone have moral standing is a form of **speciesism**. To be racist is to believe that being a member of the approved racial group is necessary for full moral standing. To be sexist is to believe that having the approved gender is necessary for full moral standing. Similarly, to believe that *being human* is necessary for full moral standing is to be speciesist. In all three cases, the claim will be "grounded" by appeal to properties that are deemed necessary for moral standing, properties that the disfavoured group—people of the wrong colour or gender or species—lack. But the properties are morally neutral or irrelevant in all three cases. This might make us think that the search for a suitable criterion of moral standing is doomed. Rather than abandoning the search altogether, however, one might instead respond to these worries by casting a wider net. Perhaps the relevant criterion for moral standing is simply sentience. This, at least, is Singer's provocative suggestion.

ALL ANIMALS ARE EQUAL

Peter Singer

In recent years, a number of oppressed groups have campaigned vigorously for equality. The classic instance is the black liberation movement, which demands an end to the prejudice and discrimination that has made blacks second-class citizens. The immediate appeal of the black liberation movement and its initial, if limited, success made it a model for other oppressed groups to follow. We became familiar with liberation movements for Spanish-Americans, gay people, and a variety of other minorities. When a majority group—women—began their campaign, some thought we had come to the end of the road. Discrimination on the basis of sex, it has been said, is the last universally accepted form of discrimination, practised without secrecy or pretence even in those liberal circles that have long prided themselves on their freedom from prejudice against racial minorities.

One should always be wary of talking of "the last remaining form of discrimination." If we have learnt anything from the liberation movements, we should have learnt how difficult it is to be aware of latent prejudice in our attitudes to particular groups until this prejudice is forcefully pointed out.

A liberation movement demands an expansion of our moral horizons and an extension or reinterpretation of the basic moral principle of equality. Practices that were previously regarded as natural and inevitable come to be seen as the result of an unjustifiable prejudice. Who can say with confidence that all his or her attitudes and practices are beyond criticism? If we wish to avoid being numbered amongst the oppressors, we must be prepared to rethink even our most fundamental attitudes. We need to consider them from the point of view of those most disadvantaged by our attitudes and the practices that follow from these attitudes. If we can make this unaccustomed mental switch, we may discover a pattern in our attitudes and practices that consistently operates so as to benefit one group—usually the one to which we ourselves belong—at the expense of another. In this way, we may come to see that there is a case for a new liberation movement. My aim is to advocate that we make this mental switch in respect of our attitudes and practices toward a very large group of beings: members of species other than our own—or, as we popularly though misleadingly call them, animals.

In other words, I am urging that we extend to other species the basic principle of equality that most of us recognize should be extended to all members of our own species.

All this may sound a little far-fetched, more like a parody of other liberation movements than a serious objective. In fact, in the past the idea of "the Rights of Animals" really has been used to parody the case for women's rights. When Mary Wollstonecraft, a forerunner of later feminists, published her *Vindication of the Rights of Women* in 1792, her ideas were widely regarded as absurd, and they were satirized in an anonymous publication entitled *A Vindication of the Rights of Brutes*. The author of this satire (actually Thomas Taylor, a distinguished Cambridge philosopher) tried to refute Wollstonecraft's reasonings by showing that they could be carried one stage further. If sound when applied to women, why should the arguments not be applied to dogs, cats, and horses? They seemed to hold equally well for these "brutes," yet to hold that brutes had rights was manifestly absurd; therefore, the reasoning by which this conclusion had been reached must be unsound, and if unsound when applied to brutes, it must also be unsound when applied to women, since the very same arguments had been used in each case.

One way in which we might reply to this argument is by saying that the case for equality between men and women cannot validly be extended to non-human animals. Women have a right to vote, for instance, because they are just as capable of making rational decisions as men are; dogs, on the other hand, are incapable of understanding the significance of voting, so they cannot have the right to vote. There are many other obvious ways in which men and women resemble each other closely, while humans and other animals differ greatly. So, it might be said, men and women are similar beings and should have equal rights, while humans and non-humans are different and should not have equal rights.

The thought behind this reply to Taylor's analogy is correct up to a point, but it does not go far enough. There are important differences between humans and other animals, and these differences must give rise to some differences in the rights that each have. Recognizing this obvious fact, however, is no barrier to the case for extending the basic principle of equality to non-human animals. The differences that exist between men and women are equally undeniable, and the supporters of women's liberation are aware that these differences may give rise to different rights. Many feminists hold that women have the right to an abortion on request. It does not follow that since these same people are campaigning for equality between men and women, they must support the right of men to have abortions too. Since a man cannot have an abortion, it is meaningless to talk of his right to have one. Since a pig can't vote, it is meaningless to talk of its right to vote. There is no reason why either women's liberation or animal liberation should get involved in such nonsense. The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality, I shall argue, is equality of consideration, and equal consideration for different beings may lead to different treatment and different rights.

So there is a different way of replying to Taylor's attempt to parody Wollstonecraft's arguments, a way that does not deny the differences between humans and non-humans but goes more deeply into the question of equality and concludes by finding nothing absurd in the idea that the basic principle of equality applies to so-called "brutes." I believe that we reach this conclusion if we examine the basis on which our opposition to discrimination on grounds of race or sex ultimately rests. We will then see that we would be on shaky ground if we were to demand equality for blacks, women, and other groups of oppressed humans while denying equal consideration to non-humans.

When we say that all human beings, whatever their race, creed, or sex, are equal, what is it that we are asserting? Those who wish to defend a hierarchical, inegalitarian society have often pointed out that by whatever test we choose, it simply is not true that all humans are equal. Like it or not, we must face the fact that humans come in different shapes and sizes; they come with differing moral capacities, differing intellectual abilities, differing amounts of benevolent feeling and sensitivity to the needs of others, differing abilities to communicate effectively, and differing capacities to experience pleasure and pain. In short, if the demand for equality were based on the actual equality of all human beings, we would have to stop demanding equality. It would be an unjustifiable demand.

Still, one might cling to the view that the demand for equality among human beings is based on the actual equality of the different races and sexes. Although humans differ as individuals in various ways, there are no differences between the races and sexes as such. From the mere fact that a person is black or a woman, we cannot infer anything else about that person. This, it may be said, is what is wrong with racism and sexism. The white racist claims that whites are superior to blacks, but this is false: although there are differences between individuals, some blacks are superior to some whites in all of the capacities and abilities that could conceivably be relevant. The opponent of sexism would say the same: a person's sex is no guide to his or her abilities, and this is why it is unjustifiable to discriminate on the basis of sex.

This is a possible line of objection to racial and sexual discrimination. It is not, however, the way that someone really concerned about equality would choose, because taking this line could, in some circumstances, force one to accept a most inegalitarian society. The fact that humans differ as individuals, rather than as races or sexes, is a valid reply to someone who defends a hierarchical society like, say, South Africa, in which all whites are superior in status to all blacks. The existence of individual variations that cut across the lines of race or sex, however, provides us with no defence at all against a more sophisticated opponent of equality, one who proposes that, say, the interests of those with IQ ratings above 100 be preferred to the interests of those with IQs below 100. Would a hierarchical society of this sort really be so much better than one based on race or sex? I think not. But if we tie the moral principle of equality to the factual equality of the different races or sexes, taken as a whole, our opposition to racism and sexism does not provide us with any basis for objecting to this kind of inegalitarianism.

There is a second important reason why we ought not to base our opposition to racism and sexism on any kind of factual equality, even the limited kind that asserts that variations in capacities and abilities are spread evenly between the different races and sexes: we can have no absolute guarantee that these abilities and capacities really are distributed evenly, without regard to race or sex, among human beings. So far as actual abilities are concerned, there do seem to be certain measurable differences between both races and sexes. These differences do not, of course, appear in each case, but only when averages are taken. More important still, we do not yet know how much of these differences is really due to the different genetic endowments of the various races and sexes and how much is due to environmental differences that are the result of past and continuing discrimination. Perhaps all of the important differences will eventually prove to be environmental rather than genetic. Anyone opposed to racism and sexism will certainly hope that this will be so, for it will make the task of ending discrimination a lot easier; nevertheless, it would be dangerous to rest the case against racism and sexism on the belief that all significant differences are environmental in origin. The opponent of, say, racism who takes this line will be unable to avoid conceding that if differences in ability did after all prove to have some genetic connection with race, racism would in some way be defensible.

It would be folly for the opponent of racism to stake his whole case on a dogmatic commitment to one particular outcome of a difficult scientific issue that is still a long way from being settled. While attempts to prove that differences in certain selected abilities between races and sexes are primarily genetic in origin have certainly not been conclusive, the same must be said of attempts to prove that these differences are largely the result of environment. At this stage of the investigation, we cannot be certain which view is correct, however much we may hope it is the latter.

Fortunately, there is no need to pin the case for equality to one particular outcome of this scientific investigation. The appropriate response to those who claim to have found evidence of genetically based differences in ability between the races or sexes is not to stick to the belief that the genetic explanation must be wrong, whatever evidence to the contrary may turn up: instead, we should make it quite clear that the claim to equality does not depend on intelligence, moral capacity, physical strength, or similar matters of fact. Equality is a moral ideal, not a simple assertion of fact. There is no logically compelling reason for assuming that a factual difference in ability between two people justifies any difference in the amount of consideration we give to satisfying their needs and interests. The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat humans.

Jeremy Bentham incorporated the essential basis of moral equality into his utilitarian system of ethics in the formula: “Each to count for one and none for more than one.” In other words, the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being. It is an implication of this principle of equality that our concern for others ought not to depend on what they are like or what abilities they possess—although precisely what this concern requires us to do may vary according to the characteristics of those affected by what we do. It is on this basis that the case against racism and the case against sexism must both ultimately rest, and it is in accordance with this principle that speciesism is also to be condemned. If possessing a higher degree of intelligence does not entitle one human to use another for his own ends, how can it entitle humans to exploit non-humans?

Many philosophers have proposed the principle of equal consideration of interests, in some form or other, as a basic moral principle, but as we shall see in more detail shortly, not many of them have recognized that this principle applies to members of other species as well as to our own. Bentham was one of the few who did realize this. In a forward-looking passage, written at a time when black slaves in British dominions were still being treated much as we now treat non-human animals, Bentham wrote:

> The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villoscity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? nor, Can they talk? but, Can they suffer?[3]

In this passage, Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration. The capacity for suffering—or more strictly, for suffering and/or enjoyment or happiness—is not just another characteristic like the capacity for language or for higher mathematics. Bentham is not saying that those who try to mark the "insuperable line" that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests, because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is. . . .

The racist violates the principle of equality by giving greater weight to the interests of members of his own race when there is a clash between their interests and the interests of those of another race. Similarly, the speciesist allows the interests of his own species to override the greater interests of members of other species.[4] The pattern is the same in each case. Most human beings are speciesists. I shall now very briefly describe some of the practices that show this. . . .

It is not merely the act of killing that indicates what we are ready to do to other species in order to gratify our tastes. The suffering we inflict on the animals while they are alive is perhaps an even clearer indication of our speciesism than the fact that we are prepared to kill them. In order to have meat on the table at a price that people can afford, our society tolerates methods of meat production that confine sentient animals in cramped, unsuitable conditions for the entire durations of their lives. Animals are treated like machines that convert fodder into flesh, and any innovation that results in a higher "conversion ratio" is liable to be adopted. As one authority on the subject has said, "cruelty is acknowledged only when profitability ceases."[5] . . .

Since, as I have said, none of these practices cater for anything more than our pleasures of taste, our practice of rearing and killing other animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own. To avoid speciesism, we must stop this practice, and each of us has a moral obligation to cease supporting the practice. Our custom is all the support that the meat industry needs. The decision to cease giving it that support may be difficult, but it is no more difficult than it would have been for a white Southerner to go against the traditions of his society and free his slaves: if we do not change our dietary habits, how can we censure those slaveholders who would not change their own way of living?

The same form of discrimination may be observed in the widespread practice of experimenting on other species in order to see if certain substances are safe for human beings, or to test some psychological theory about the effect of severe punishment on learning, or to try out various new compounds just in case something turns up. . . .

In the past, argument about vivisection has often missed this point, because it has been put in absolutist terms: Would the abolitionist be prepared to let thousands die if they could be saved by experimenting on a single animal? The way to reply to this purely hypothetical question is to pose another: Would the experimenter be prepared to perform his experiment on an orphaned human infant if that were the only way to save many lives? (I say "orphan" to avoid the complication of parental feelings, although in doing so I am being over-fair to the experimenter, since the non-human subjects of experiments are not orphans.) If the experimenter is not prepared to use an orphaned human infant, then his readiness to use non-humans is simple discrimination, since adult apes, cats, mice, and other mammals are more aware of what is happening to them, more self-directing, and, so far as we can tell, at least as sensitive to pain as any human infant. There seems to be no relevant characteristic that human infants possess that adult mammals do not have to the same or a higher degree. (Someone might try to argue that what makes it wrong to experiment on a human infant is that the infant will, in time and if left alone, develop into more than the non-human, but one would then, to be consistent, have to oppose abortion, since the fetus has the same potential as the infant—indeed, even contraception and abstinence might be wrong on this ground, since the egg and sperm, considered jointly, also have the same potential. In any case, this argument still gives us no reason for selecting a non-human, rather than a human with severe and irreversible brain damage, as the subject for our experiments.)

The experimenter, then, shows a bias in favour of his own species whenever he carries out an experiment on a non-human for a purpose that he would not think justified him in using a human being at an equal or lower level of sentience, awareness, ability to be self-directing, etc. No one familiar with the kind of results yielded by most experiments on animals can have the slightest doubt that if this bias were eliminated, the number of experiments performed would be a minute fraction of the number performed today. . . .

It is significant that the problem of equality, in moral and political philosophy, is invariably formulated in terms of human equality. The effect of this is that the question of the equality of other animals does not confront the philosopher, or student, as an issue itself—and this is already an indication of the failure of philosophy to challenge accepted beliefs. Still, philosophers have found it difficult to discuss the issue of human equality without raising, in a paragraph or two, the question of the status of other animals. The reason for this, which should be apparent from what I have said already, is that if humans are to be regarded as equal to one another, we need some sense of "equal" that does not require any actual, descriptive equality of capacities, talents, or other qualities. If equality is to be related to any actual characteristics of humans, these characteristics must be some lowest common denominator, pitched so low that no human lacks them—but then the philosopher comes up against the catch that any such set of characteristics that covers all humans will not be possessed only by humans. In other words, it turns out that in the only sense in which we can truly say, as an assertion of fact, that all humans are equal, at least some members of other species are also equal—equal, that is, to each other and to humans. If, on the other hand, we regard the statement "All humans are equal" in some non-factual way, perhaps as a prescription, then, as I have already argued, it is even more difficult to exclude non-humans from the sphere of equality.

This result is not what the egalitarian philosopher originally intended to assert. Instead of accepting the radical outcome to which their own reasonings naturally point, however, most philosophers try to reconcile their beliefs in human equality and animal inequality by arguments that can only be described as devious. . . .

What else remains? . . . Stanley Benn, after noting the usual "evident human inequalities," argues, correctly I think, for equality of consideration as the only possible basis for egalitarianism. Yet Benn, like other writers, is thinking only of "equal consideration of human interests." . . . Benn's statement of the basis of the consideration we should have for imbeciles seems to me correct, but why should there be any fundamental inequality of claims between a dog and a human imbecile? Benn sees that if equal consideration depended on rationality, no reason could be given against using imbeciles for research purposes, as we now use dogs and guinea pigs. This will not do: "But of course we do distinguish imbeciles from animals in this regard," he says. That the common distinction is justifiable is something Benn does not question; his problem is how it is to be justified. The answer he gives is this:

> [W]e respect the interests of men and give them priority over dogs not insofar as they are rational, but because rationality is the human norm. We say it is unfair to exploit the deficiencies of the imbecile who falls short of the norm, just as it would be unfair, and not just ordinarily dishonest, to steal from a blind man. If we do not think in this way about dogs, it is because we do not see the irrationality of the dog as a deficiency or a handicap, but as normal for the species. The characteristics, therefore, that distinguish the normal man from the normal dog make it intelligible for us to talk of other men having interests and capacities, and therefore claims, of precisely the same kind as we make on our own behalf. But although these characteristics may provide the point of the distinction between men and other species, they are not in fact the qualifying conditions for membership, or the distinguishing criteria of the class of morally considerable persons; and this is precisely because a man does not become a member of a different species, with its own standards of normality, by reason of not possessing these characteristics.

The final sentence of this passage gives the argument away. An imbecile, Benn concedes, may have no characteristics superior to those of a dog; nevertheless, this does not make the imbecile a member of "a different species" as the dog is. Therefore, it would be "unfair" to use the imbecile for medical research as we use the dog. But why? That the imbecile is not rational is just the way things have worked out, and the same is true of the dog—neither is any more responsible for their mental level. If it is unfair to take advantage of an isolated defect, why is it fair to take advantage of a more general limitation? I find it hard to see anything in this argument except a defence of preferring the interests of members of our own species because they are members of our own species.

To those who think there might be more to it, I suggest the following mental exercise. Assume that it has been proven that there is a difference in the average, or normal, intelligence quotient for two different races, say whites and blacks. Then substitute the term "white" for every occurrence of "men" and "black" for every occurrence of "dog" in the passage quoted, and substitute "high IQ" for "rationality," and when Benn talks of "imbeciles," replace this term by "dumb whites"—that is, whites who fall well below the normal white IQ score. Finally, change "species" to "race." Now reread the passage. It has become a defence of a rigid, no-exceptions division between whites and blacks, based on IQ scores, notwithstanding an admitted overlap between whites and blacks in this respect. The revised passage is, of course, outrageous, and this is not only because we have made fictitious assumptions in our substitutions. The point is that in the original passage, Benn was defending a rigid division in the amount of consideration due to members of different species, despite admitted cases of overlap. If the original did not, at first reading, strike us as being as outrageous as the revised version does, this is largely because although we are not racists ourselves, most of us are speciesists. Like the other articles, Benn's stands as a warning of the ease with which the best minds can fall victim to a prevailing ideology.

Drawing inspiration from the nineteenth-century philosopher Jeremy Bentham, Singer claims that a necessary and sufficient condition for moral standing is sentience. Sentience is the capacity to experience pain and pleasure. For Bentham, the key question to ask is not whether a being can reason but, more basically, whether it can suffer. If the answer is yes, the being has moral standing. But by endorsing this view, hasn't Singer made the same error as the people he criticizes? That error, recall, is to isolate a special natural property and claim that possession of it by any entity confers moral standing on that entity. If this move is illegitimate with respect to language, rationality, personhood, and so on, why is it legitimate with respect to sentience? Singer's answer comes in two parts. First, to have moral standing requires having interests. Second, to have interests requires having the capacity to suffer, or be sentient. Many non-human animals are clearly sentient, which means they have interests. This fact then confers moral standing on them.

Following on this, Singer's key claim is that we are required to weigh the interests of different species *impartially* when they conflict. The reason is straightforward: every sentient being has an equal interest in avoiding pain. This does not mean that suffering is the same across species. As Christopher Belshaw puts it, "slapping a small child may be morally wrong while slapping an elephant with the same degree of force is something to which we, like the elephant, may well be indifferent."[6] But it does mean that every species has an interest in avoiding pain relative to its peculiar characteristics. Singer is a utilitarian, so he thinks that once we accept the claims just described, it is incumbent on us to act so as to maximize welfare across sentient species. The view has clear implications for how we treat non-human animals. Using them for food, at least when this involves the cruel practices employed in factory farms, is out. So too, however, is using them as fodder for experimental research and in certain sports like bullfighting and fox hunting, as well as breeding them either for their pelts or, in some cases, as pets.

C Beyond Utilitarianism

Act-utilitarianism is the view that with respect to every particular act we undertake, or propose to undertake, we must ask the question about whether or not it will maximize welfare. If it will, then we have a duty to perform it. If it will not, then we are not permitted to perform it. Act-utilitarianism has often been criticized for failing to place absolute prohibitions on specific acts. At most, the utilitarian can claim that acts are only conditionally wrong, the wrongness being conditional on whether or not their performance would maximize welfare. One explanation for the power of rights discourse in our moral culture is that appeals to rights can block this way of thinking. If an entity has a *right* not to be interfered with in specific ways, then this claim cannot be overridden by appeals to general welfare. How does all of this affect how we treat non-human animals?

Tom Regan thinks that utilitarians like Singer go wrong in emphasizing the *interests* of non-human animals rather than the entity that *has* such interests. More specifically, and technically, Regan holds that non-human animals have intrinsic value in virtue of being "subjects-of-a-life." Here is how Regan describes this crucial concept:

> To be the subject-of-a-life involves more than being merely alive and more than being merely conscious. [It is to] have beliefs and desires, perception, memory and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference and welfare interests; the ability to initiate action in pursuit of desires and goals; a psychological identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them, independently of their utility for others.[7]

This is a marvellously rich articulation of an intuitively powerful idea. To the extent that we agree that some entities have intrinsic value, it is surely because they have this complex list of capacities. For Kant, who provides the philosophical inspiration for Regan's views, it is impermissible to treat such beings as mere means to others' ends. Rather, they are ends in themselves, to be treated with respect. And insofar as we describe some non-human animals this way, the position is clearly stronger than the utilitarian one, for it entails that there are absolute, rather than merely conditional, prohibitions on treating non-human animals in certain ways.