

Three Wrong Leads in a Search for an Environmental Ethic:  
Tom Regan on Animal Rights, Inherent Values, and "Deep Ecology"

In "Two Conceptions of an Environmental Ethic and Their Implications" (this journal, IV/4, December, 1983), Evelyn Pluhar has expertly and meticulously explicated a basic distinction in environmental ethics: that of *holism* and *individualism*. This distinction may be as fundamental to environmental ethics as is naturalism/idealism to metaphysics, rationalism/empiricism to epistemology, and utility/deontology to ethics. As with these other philosophical bifurcations, I believe, as does Pluhar, that neither holism or individualism can be successfully subsumed under the other in a comprehensive and consistent environmental ethic.<sup>1</sup> In this essay, I would like to examine critically one attempt, that of Tom Regan, to articulate an environmental ethic upon a strongly individualistic foundation—namely, upon the concept of "rights of nature," which, in turn, he derives from a theory of "inherent value." Regan's attempt is impressive in the scope of his enterprise, in the clarity and eloquence of his language, and in the subtlety and structure of his argument. For all that, I believe that he fails to accomplish his objectives. However, as is so often the case, the lessons learned through errors of this skillful philosophical effort may prove to be of considerable value to further investigation.

Early in his book, *All that Dwell Therein*, Regan writes: "I wanted to provide vegetarianism with a moral basis without resting it on extremely controversial moral views."<sup>2</sup> Because this is sound strategy for a philosopher to adopt in defense of *any* position, it would be appropriate to ask whether Regan has, in defending his basic views on animal rights and

environmental ethics, avoided "extremely controversial" assumptions. I submit that he has not, but rather that he has utilized, and failed to defend effectively, three crucial yet highly controversial, and perhaps untenable, assumptions: (a) that there are no morally significant differences between humans and other animals; (b) that "inherent value," as Regan defines it, is an intelligible concept, and (c) that the views in defense of "animal rights" presented here are compatible with a "deep ecological" approach to environmental ethics. These claims, I will argue, are countered by a large and familiar body of refuting arguments, highly regarded and widely supported, both within and beyond the philosophical profession. Regan's difficulties arise, in large part, from his allegiance to what Pluhar calls an "individualistic conception of an environmental ethic." Near the close of this essay, I will suggest how many of these pitfalls might be avoided through an accommodation of "individualism" and "holism" in environmental ethics.

I

#### ANIMAL RIGHTS AND HUMAN RIGHTS

Regan's most recurrent strategy for validating animal rights is to demonstrate that if human beings can be said to have rights, some animals can likewise be said to have rights. (1) This argument is based, in turn, on the propositions that (a) human and animal experiences and interests may be "comparable" (8, 12, 86) or even "equal" (31-2, 50, 86), (b) Human and animal experiences differ in degree but not in kind (159), and (c) no traits that are universal among

humans are exclusive to them (28, 36).<sup>3</sup> There is a large body of published opinion that would deny (a) and (b), and which would hold that (c), though true, is unresponsive of Regan's conclusion.

It is crucial, at the outset, to point out that, in attempting to derive animal rights through an analogy between animals and humans, Regan fails to come to terms with the strongest rival position: namely, the argument that so-called "human rights" attach, not to "humans" (a biological category) but to "persons" (a moral category) and "potential persons." (Pluhar repeats this error, on pp. 111-2.) "Personhood" refers to a set of capacities—self-consciousness, self-awareness, rationality, ability to act on principle, etc.—which are possessed by most members of the species *homo sapiens*, and, to the best of our knowledge, by no other animals in a remotely comparable degree and kind. This close (though imperfect) correlation between species and capacity-set leads to the common, though strictly incorrect, term "human rights." Regan's analysis takes advantage of this linguistic inaccuracy. (The error is also rampant in public discussions of "the right to life" of fetuses.) The defender of "person-rights" (rather than "human-rights") will have a much easier time responding to Regan's arguments, for the simple reason that he will readily accord these rights to *any* nonhuman being (animal, cybernetic, or extra-terrestrial) shown to possess personal traits. However, this advocate would claim, it is a simple empirical fact that no such beings have yet been shown to exist.

It does not follow from this analysis that nonhumans possess no rights whatever. Several philosophers have argued that sentient animals have a right to humane treatment.<sup>4</sup> However, no animals can be said to have

such "person-rights" as "freedom of worship," or a "right to a college education," simply because they have no capacity to exercise such rights.

What, then, of so-called "marginal cases" of human beings with only partial or potential person-traits? As with animals, they might be accorded such rights as they have the capacity to exercise. Also, potential persons, such as infants or temporarily comatose individuals, are plausibly accorded rights "in anticipation" of later capacities. But again, personal capacity, not species membership, is the key to such an analysis of rights. Surely it is, to say the least, a prominent analysis among philosophers who deal with this issue.<sup>5</sup> Yet it is not the approach adopted by Regan (or Pluhar), who repeatedly writes of "humans" (as a species) and only rarely of "persons."<sup>6</sup>

Why should "personhood" loom so large in a philosophical analysis of human and animal rights? Essentially for these reasons: (a) the *quality* of personal life, and of the experience therein, may be fundamentally different from that of non-personal life; (b) this qualitative difference is such that personal life may be said to be richer, more comprehensive, and more valuable to the person, than a life of a non-personal being to *that* being; and (c) "personhood" denotes a set of capacities that appears to be exclusive to the human species (a contingent fact), though not universal thereto.<sup>7</sup> If these claims can be sustained, then it follows that the rights of persons (i.e., most humans) are both more comprehensive and more stringent than the rights of relevant non-persons (i.e., some animals). This, of course, is a conclusion to which Regan strenuously objects.

Why, then, should personal life, contrary to Regan's contention, be qualitatively different? The key, most

commentators agree, is *language*, defined, not as "sign communication," but as a syntactically structured system of significant symbols.<sup>8</sup> With language, an organism is able to respond, not only to mental images of objects of experience (a capacity perhaps attainable without language), but also to *types* (abstractions), *facts* (as propositions), *projections*, *hypotheses*, *time frames*, *argument forms*, and *moral principles*. Furthermore, all this and more can, through grammar, be combined and structured in an inexhaustible variety of ways. Finally, through language, one may acquire a *self-concept*, and view oneself as an entity continuing through time.

In view of all this, Regan's treatment of "the language difference" is remarkably restrictive. Though the point of view outlined above has been extensively and recently argued by philosophers (such as Mead, Dewey, Cassirer, Langer, Wittgenstein) and many linguists, psychologists, and anthropologists, Regan chooses instead to take on Rene Descartes—and no one else. (6-7) Regan writes: "one might dispute the view that being able to *use a language* is a necessary condition of being a conscious being." (6) Later he asserts: whether or not a person is experiencing pain ... does not depend on his being able to perform one or another linguistic feat." (7, cf. 32) However, by "linguistic feat," Regan seems to mean the capacity to speak or write—i.e., to "produce" discourse. He thus dismisses "the linguistic difference:"

Imagine a person whose vocal cords have been damaged to such an extent that he no longer has the ability to utter words or even to make inarticulate sounds, and whose arms have been paralyzed so that he cannot write, but who, when his tooth abscesses, twists and

turns on his bed, grimaces and sobs. We do not say "Ah, if only he could still speak, we could give him something for his pain. As it is, since he cannot speak, there's nothing we need give him. For he feels no pain." We say he is in pain, despite his loss of the ability to say so. (6-7)

Here Regan attacks a position with no adherents, and draws our attention from a significant rival position. Of course, animals and language-deprived humans can suffer pain, and may be said to have a right not to endure gratuitous pain. However, paralyzed humans who cannot "perform linguistic feats" may *not* be language-deprived, since there may be a great deal "going on inside." Speaking and writing, in fact, are not even the most significant "linguistic feats." They are, instead, the outward manifestations of an inward accomplishment which supports advanced thought—the basis of uniquely personal (presumably human) experiences.

With language and personhood, life-quality is transformed. The life and experiences of persons and of non-persons are no longer "comparable;" they are "different in kind." Regan would have us believe otherwise. His defense of "animal rights," as we have noted, stands repeatedly on the contention that human and animal experiences might be regarded as "comparable," or even "equal," and thus that human and animal "interests" and "rights" might be "equal." Such a contention seems to rest upon a presumption that human and animal lives, like safe-deposit boxes containing coins and notes of debit, are composed of discrete and transferable experiential (and derivatively moral) counters. But surely, this is not how it is. Because experiences are interactive, organic, and systemic, an "autobiography" is more than a sum of

discrete sequential experiences. Because human experiences are contextual, they come out of an ongoing life, and affect the future of that life. Experiences which "happen to" a life—a stubbed toe, a toothache, an unexpected prize, etc., have sense, meaning, value, in the context of that life. Thus the *quality* of a pleasure or pain can not be assessed apart from the quality of the life it happens "in" or "to"—apart from the matrix of attitudes, expectations and evaluations that make up that life. Now if, as Regan's argument seems to require, the differences between human and animal lives are simply matters of degree (not kind, cf. 159) among isolated phenomenal bits, then some sense and use may be made of his arguments by analogy. Our account of "personhood" seems to suggest, however, that this position is radically mistaken. Humans, *qua* persons, deal with each other in conversation and with themselves in thought, with and through concepts articulated through syntactical language. They think abstractly of themselves, of others, of community, of time, of their past and future, of concepts such as rationality and of morality. As persons, humans experience unique dimensions of mental and emotional pain; self-reproach, dread of impending loss, regret for abandoned projects, fear of death, and such moral sentiments as guilt and shame. Persons also uniquely enjoy such pleasures as self-respect, intellectual and creative accomplishment, patriotism, irony, humor and pride. In sum the transcending and transforming fact that human beings are *persons* gives them a moral considerability far beyond that of animals. Thus if we regard the human condition of *personhood* seriously, talk of "comparability" or even "equality" of experiences of animals and human beings becomes unsupportable.

Having said all this, we must not coast off the deep end. In

particular, acknowledgment of these significant differences does not entail that animal experiences do not morally "matter," and that gratuitous torture of animals is not morally reprehensible. However different and even unknowable animal pain may be, it is pain nonetheless. Furthermore, this point of view need not be regarded as "species chauvinism." If *homo sapiens* is the only terrestrial personal species, this is a contingent fact. *Personal* capacities, and the entailed transformation of experience, are logically attributable to any creature. The limitation thereof is based upon empirical fact and circumstance. If we were to discover that chimps or dolphins could be educated to personhood, our moral stance toward them would and should be radically transformed. So too if we were to encounter an extra-terrestrial person. Indeed, if recent experiments with "ape language" are as significant as some claim then a reassessment of our moral stance toward these cousins is overdue.

In an effective defense of *human* rights, Regan points out that: "The world contains individuals (e.g., human beings) who not only are alive but have a life; these individuals are not mere things (objects); they are the subjects of a life; they have, in James Rachels' helpful phrase, autobiographies." (70, cf. 94, 135) Predictably, he then attempts to extend this argument to animals.<sup>9</sup> It won't do. While some non-personal animals may be said to "have a life," being without time- and self-consciousness they can scarcely be said to have "autobiographies." Given these dimensions of consciousness in personal life, the significance of one's life to oneself is utterly transformed. A steer does not look upon its scheduled slaughter with the sense of dread and foreboding suffered by a condemned prisoner. "Capital punishment" for beasts simply makes no sense (as

Regan himself tacitly admits, 150-2). To a person, a life—*his* life—is a continuity and a unity. This phenomenological fact entails rights to *life* that are unique to persons.

Regan asks: "on what grounds, precisely, might it be claimed that no animals can reason, make free choices, or form a concept of themselves?" (13) The answer is richly represented in recent philosophical, linguistic and psychological literature: on the grounds that animals lack articulate languages—a rejoinder that Regan has utterly failed to address. He continues, "what one would want [to support this claim] are detailed analyses of these cooperative concepts together with rationally compelling empirical data and other arguments that support the view that all non-human animals are deficient in these respects." (13) Again, there are such arguments, based upon well-known studies of problem-solving skills with and without language, studies of aphasia, of animal behavior, of children raised without language, of language-using blind-deaf (e.g., Helen Keller), and more. In addition, there is a vast philosophical literature on the function of language in personality. Among the prominent contributors to this field of study are Mead, Dewey, Cassirer, Langer, Wittgenstein and Chomsky (to offer only a small sample). None of the above are indexed in Regan's book and, after two careful readings of the book, I can recall none of them being mentioned in this regard. All these studies, and more, are crucially relevant to Regan's arguments and theories. His failure to face them and respond critically must seriously compromise his case.

In summary: Regan's basic strategy in his defense of animal rights is to stress the similarity between humans and nonhuman animals, at the expense of de-emphasizing and

perhaps devaluing that which sets humans apart from the animals; namely, the moral significance and dignity of personhood. That, I submit, may be an exorbitant and unacceptable moral cost—especially so, since there are other grounds upon which to articulate and justify a humane treatment of animals.

## II

### RIGHTS AND "INHERENT VALUES"

Regan has assembled two arguments in defense of the rights of animals; the first (just considered) might be called "the argument from analogy with human rights." The second, which appears late in the book (essays 6, 8 and 9) is "the argument from inherent value." If the preceding analysis is correct, the first argument accomplishes too little (for Regan's purposes, at least). The second argument, I will contend, accomplishes too much. With it, Regan seems to be arguing what might be called "pan-liberationism;" i.e., with this argument it is difficult to imagine that *anything* is without rights. And if *everything* has rights, then, in effect, *nothing* has. ("That which denotes everything, qualifies nothing.")

Consider, then, Regan's concept of "inherent value." In explication thereof, he writes:

- (1) ... if any given being (x) has inherent value, then x's having value of this kind is logically independent of any other being's happening to take an interest in or otherwise valuing x; (2) ... x's having inherent value makes it improper (a sign of disrespect) to treat x as though it had value only as a means ... (133)<sup>10</sup>

The bond that Regan ties between "inherent value" and "rights" could not be more complete: "all those beings (and only those beings) which have inherent value have rights." (136, cf 139) (In logical notation:  $(x) (IVx \leftrightarrow Rx)$  .) Regan's strategy then becomes clear: prove (a) the above "equivalence proposition," and (b) that animals have "inherent value," then it will follow (c) that animals have rights. Still more, with (a) and (b') (the claim that plants, rivers, etc., have "inherent value"), it will follow (c') that these natural entities also have rights. Regan believes that this argument establishes the foundations for an environmental ethic. Why? Because, says Regan, "it would seem to be the case that it is only if [inanimate natural entities] have value of this kind that we can develop a genuine ethic of the environment, as distinct from an ethic *for its use*." (133, Regan's emphasis. Cf. 167.)

Perhaps the most astonishing aspect of this concept is the fact that it is *monadic*—i.e., non-relational. While most axiologists regard *evaluation* as relational, Regan apparently does not. To Regan, values are not "values for" or "transactions" between evaluator and evaluated. They are simply independent and objective properties, which we can take or leave alone. (199) To some philosophers (this writer included), this claim makes as much sense as the following exchange:

"This thing is bigger"

"Bigger than *what*?"

"Nothing in particular, just *bigger*"

In other words, the concept of value, some contend, *logically requires* an evaluator; someone to whom a property or event *matters*. That there are "independent and

objective properties" (or, if the Lockean objects, "property-makers") is granted. That such properties include "values" *per se* seems contrary to the very logic of the concept.<sup>11</sup> Without an evaluator on the scene, the "value" is demoted to the status of a value-neutral property, "awaiting" evaluation.

The difficulties with Regan's concept of "inherent value" might become clearer if we examine his attempts to illustrate the notion. First, *cars*:

[It will not] do to argue that cars cannot have a good of their own because what characteristics are good making in cars depends on what our interests are. For a car has those characteristics it has, including those that are good making, quite independently of our taking an interest in them. (177)

The second sentence simply asserts what is not in dispute; namely, that cars have properties. It does not support Regan's contention that some of these qualities are "inherently valuable." Of course these "good-making qualities" (e.g. of cars) exist independently; but the *value* of these qualities is *not* "independent" of our taking an interest in them. He writes, "cars do not *become*, say, comfortable or economical by becoming the objects of our interest." Granted, but the *value* of being "comfortable" or "economical" is a matter which requires our attention and interest.<sup>12</sup> A "good" luxury car is not economical; and a "good" racing car is not comfortable. The characteristics are independent, but the "goodness" of those characteristics depends upon our interest in these characteristics. (Better, perhaps, our "appropriate" or "reasoned" interest in them.) Continuing:

If a good car was produced by purely natural means ... that would not make it any less a good one. It would make it an unusual one ... If we were to transport a good car from our world to a world inhabited by beings who did not have the interests we have, it would not cease to be a good car, though it would cease to be valued as one. A good car does not lose its goodness if we lose our interest in it. (177)

Again, it would be better to say that the car would not cease to have the qualities deemed (by us) to be good. In a word, Regan is once again confusing here certain properties of an object with the judgment (of value) made of those properties. Shouldn't we instead say that in this strange case it *would* cease to be "a good car," even if its properties were not altered. When he writes, above, "a good car does not lose its goodness if we lose our interest in it," all this means is that the car would keep the properties that we would prize if, contra the example, we were there to evaluate it—or, for that matter, the properties that we now value from our *hypothetical* standpoint as *hypothetical* observers of this fanciful world

Regan next offers us a floral illustration:

A luxuriant gardenia, one with abundant blossoms and rich, deep, green foliage is a *better gardenia* than one that is so deformed and stunted that it puts forth no blossoms at all, and this is quite independently of the interests other beings happen to take in them. (179)

If the flower in question is to be found in a florist shop, it is worth noting that it is an *artifact*—an artificial creation, by a botanist,

"assembled" from natural (genetic) "media," and designed to appeal to human tastes. As such, the "better" gardenia *must* mean "better for us." We value the blossoms and foliage. Another plant with less blossoms and foliage might produce more pollen—better for a bee. Or more seeds—better for a finch. It might be "better for" the gardenia and/or its species (whatever that means) if it were allowed to go to seed and reproduce! And would this cultivated plant survive in the wild as well as its wild relatives? Probably not. Does that mean that it is not, after all, a "better gardenia"? Note that these alternative "evaluations" apply differing *contexts* to Regan's reductive analysis of the gardenia *per se*. (A method, by the way, ill-suited for environmental ethics.) Without context, it just makes no sense to talk of something as blankly "better."

There is still worse ahead. Suppose, as Regan argues, that the gardenia is "good," not to the florist, or the bee, or the finch, or even the ecosystem—but just "good, *period*." What, then, is a "bad gardenia?" A bad (or good) *anything*! How can we begin to answer such a question, *without* placing an evaluator into the picture, at least hypothetically (thus deriving, presumably, a "hypothetical value"). Without an answer to such a question, or at least a decision procedure, the notion of "inherent value" is unbounded—it "underlines every word in the book." If the concept lacks bounds, then *everything* is "inherently good," and "goodness" fails to qualify anything at all. "That which denotes everything, connotes nothing."

Has Regan an answer to this objection? Consider his final words on the subject: "Two questions that I have not endeavored to answer are: (a) what, if anything in general, makes something inherently good, and (b)

how can we know, if we can, what things are inherently good?" (202) Unfortunately for Regan's argument, and his concept of "inherent value," these are precisely the questions that he must answer if we are to make any sense of what he is saying. Without answers to these questions, his theory has no meaning or justification. He has, in effect, declared conceptual bankruptcy, by admitting that he is unprepared to "cash in" his concept of "inherent value" in the commerce of practical moral judgment and experience.

### III

#### ANIMAL RIGHTS AND ENVIRONMENTAL ETHICS

Regan admits to being "attracted" to the "deep ecology" approach to environmental ethics. (208) But *can* he embrace "deep ecology" without seriously compromising his views on animal rights? I think not.<sup>13</sup> His primary difficulty follows from his commitment to a "rights approach" to moral responsibility to animals. As Regan correctly perceives, this approach "emphasizes the value of individuals" (96, cf. 70). Following Ronald Dworkin, Regan affirms that "the rights of the individual trump the goals of the group. (91) It would seem to follow, then, that the optimum ecosystem, for Regan, would be that which best secures the rights of each organism therein.

This is *not* the approach of deep ecology—not if, (as Regan proposes) Aldo Leopold is to be a paradigm of "deep ecology." In what is perhaps his most widely quoted remark, Leopold wrote: "a thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise."<sup>14</sup> There is no talk of individuals here. "The biotic community"—the *system* and the *context*—is

the focus. The *whole* informs and validates the *part*, while the "individual" is but a component in the system, and the anonymous conveyer of evolution. The prey has no "right to life;" it must reclaim title to its own life in each encounter with its predators and the elements. While the wolf is the enemy of the deer, it is the friend of the deer species, which, through time and a culling of the "unfit," the wolf makes ever more alert and swift. Thus does the predator contribute to the "integrity, stability and beauty of the biotic community."

Consider some other contrasts between animal rights and "deep ecology." To the advocate of animal rights, hunting is wicked; in the context of the "deep ecological" land ethic, hunting could be a moral duty, (e.g., in a region where the predators have been depleted and where, as a result, the prey have overstocked the carrying capacity of their habitat—the Kaibab deer in Northern Arizona are the classical example). "Rights morality" demands equal treatment; "deep ecology" acknowledges the survival of the fittest and a differential significance of species and individuals to the "integrity" of the community.<sup>15</sup> Regan's "rights approach" is an explicit extension into nature of a humanistic ethic; "deep ecology" is an environmental ethic derived, in large part, from non-philosophical, scientific origins.<sup>16</sup>

So attached is Regan to the individualistic/rights approach that he is led to suggest that his concept of "inherent value" is the "*only*" way to "develop a genuine ethic of the environment, as distinct from an ethic *for its use*. (133) In a word, he suggests that by according rights to the most trivial and detachable bits of nature, we will gain an environmental ethic by aggregation of the parts. It never seems to occur to him to take



the ecological perspective seriously, thus regarding the "biotic community" as a whole system, and then deriving the value of the part from its involvement in and contribution to the systemic whole. That, of course, is the way Leopold goes about it.

The basic discord between "animal rights" and "deep ecology" might be illustrated by a fanciful case. Imagine a national park administrator determined to carry out a wildlife management policy based on Regan's principles of "animal rights"? How might he best "liberate" the creatures under his management and protection? One might propose that he adopt the "deep ecological" approach and just leave the natural processes to their own cruel devices and let nature take its terrible toll. After all, Regan will not fault the predators for doing their thing: "the lamb can have rights only against those beings who are capable of taking the interests of the lamb into account and trying to determine, on the basis of its interests, as well as other relevant considerations, what, morally speaking, ought to be done." (18)<sup>17</sup> It is not, however, quite that simple. For while the predators might be excused, the hypothetical park administrator may not be excused for letting this brutal, if natural, business go on. *He* can put a stop to at least some of this carnage; indeed, because he can, the deer (and other prey) have a *right* to his protection.

How might he bring all this about? First, in order to fulfill his duty to minimize needless pain and death, he would seek to eliminate, as humanely as possible, predator species. It wouldn't do, of course, to hunt and kill them; rather, their elimination would have to be accomplished through sterilization. Perhaps DDT might be reintroduced into the food chain, since this seems to diminish the reproductive ability of birds of prey.

Carcasses might be laced with contraceptive chemicals, and thus predatory mammals would be eliminated while avoiding the iniquity of hunting them.

With the predators removed, it would then, of course, become necessary to remove excess herbivores, to avoid their increase beyond carrying capacity and consequent starvation. Since hunting would be unacceptable, this control of population might be accomplished through selective and partially effective birth control methods (again, presumably through the use of contraceptive chemicals in food, water, etc.).

Of course, the policy would only be partially successful. The elimination of insect predators would be economically unfeasible, if not in fact practically impossible. Presumably, insectivore birds would also be allowed to survive. The primary "beneficiaries" of this "rights-oriented management" would be "higher order" herbivores. This would be the policy, notwithstanding Regan's insistence that *all* animals have "right to life."

An interesting consequence of this fanciful exercise is the discovery that, far from being an "extension" or a "foundation" of environmental ethics, vegetarianism and "animal rights," unconstrained, run contrary to fundamental ecological principles. For one thing, by insisting upon the "rights" of individual beings to be spared unnecessary pain, one loses sight of the species and the ecosystem—and the fact that predators, while "enemies" of individual prey animals, are "benefactors" of the prey species. In general, by focusing upon the individuals, "animal liberationists" give inadequate attention to *contexts* and *systems*—the essential concepts of the "ecological point of view." In short, the "rights approach" can lead us far astray from Aldo Leopold's "Land Ethic."

I'll not go on with a critical task that has been superbly performed elsewhere. My effort will be successful if I have managed to suggest that Regan's subtitle, "Essays on Animals Rights and Environmental Ethics" tends, by simple conjunction, to paper over a massive theoretical crack—a rift that he has not recognized, far less attempted to repair, in the body of the book.

#### IV

#### INDIVIDUALISM AND HOLISM: TOWARD A SYNTHESIS

If the foregoing analyses have been successful, we have found that individualism alone fails as a ground for an integrated environmental ethics. This failure is most apparent in the attempt to extend to all nature moral categories (such as "rights," and "duties") which are appropriately applied within communities of persons. However, neither can holism stand alone as a basis for a sound environmental ethic. In this final section, I would like to suggest (and merely that), how these contrasting approaches to environmental ethics might be integrated.

Some holists contend that the *components* of an ecosystem have, by themselves, no moral significance whatever.<sup>18</sup> That position is extreme and untenable. For while we might agree with Leopold's maxim that "a thing is right when it tends to preserve the integrity, stability and beauty of the biotic community," we need not assume from this that Leopold's maxim is the *only* test of "rightness." (I am not aware that Leopold makes this claim.) There may be other, independent, grounds of "rightness." For instance, something may also be "right" if it enhances the interests of *sentient* beings, and still more "right" if it serves the interests of *cognitive* sentient beings (such as

*persons*). Hence, in an ecosystem with at best only minimally sentient life-components (e.g., an alpine lake), the integrity of the system would have a higher moral claim than that of the "interest" of a trout, much less a dragonfly. In another system, containing persons, individuals may have valid claims against the "system".

Thus the moral significance of *individuals* may be perceived as increasing incrementally along the evolutionary line of the development of "sentience." In an environmental ethics thus conceived, the feelings of a mole might be judged to have some, but very little, moral significance alongside the significance of the "integrity, stability and beauty of the biotic community" of which it is a part. However, as neuro-mechanisms evolve to greater complexity, and therefore toward a greater acuteness to the experience of pleasure and pain, individualism (the morality of "rights") gains moral significance. At a certain stage of evolution, neural complexity, and the psychic life that it supports, reaches a point (perhaps past the "quantum leap of *personhood*") at which individuality rates very high consideration—often enough to trump the demands of ecological communities. Thus, for example, a pond or a field might justifiably "give way" to "development" for a habitat for *homo sapiens*).

Why should this be so? What is it about complex neural (*ergo* psychic) life that should afford it this consideration? The question is too large to consider this late in the paper.<sup>19</sup> Briefly, I would suggest this possibility: First of all, complex brains support "sheer sentience," which demands immediate moral attention.<sup>20</sup> In addition, though less obviously, the brain—and therefore the mind, the language, the culture, and thus the "autobiography—of a *person* claims

significance through its replication of the "integrity, stability and beauty" of ecosystems. Just as there is, in an ecosystem, an ecology of organisms, there is in the life of a person, an "ecology of mind" featuring complex interactions between the person-organism, its nervous system, the natural environment, and the entity called "culture" which intervenes between organism and natural environment. Most immediate to the mind of the person-organism is that part of his culture which is articulated by meaning in his language, and which constitutes his "thought-world." This "thought-world," in turn, is a complex system of memories, cognitions, connotations and affections. This neural elaboration from brain, through language and community, to self-consciousness, culture and "thought-world," rivals the complexity and integration of the life-community which supports it. If, as Leopold asserts, "goodness" is grounded in the "integrity, stability and beauty" of ecosystems, then, by displaying these qualities, minds too have value.<sup>21</sup>

There are, of course, times when the values of ecosystems and the values of person-communities appear to compete—as, similarly, there are conflicting demands, well-known to political scientists and moralists, between human communities and human individuals. Still, such conflicts of claims between life-communities, human communities and human individuals need not be exclusive and destructive of each other. Perhaps the valid limits of the claims of the individual upon the community, and the community upon the ecosystem, are exceeded when these claims threaten the health and integrity, even the existence, of the larger systems which sustain the claimants. Ultimately, the notion of a "competition" between holistic and individual values may be false; both might be subsumed under a still broader holistic system which gives

due notice to the values and claims of pre-eminently significant parts of the ecosystem; namely, the dignity, rights and duties of the personalistic components of that system.<sup>22</sup>

If this sketch indicates a promising avenue of accommodation between individualism and holism, it also reveals a fatal weakness in Regan's individualistic approach to environmental ethics—namely, the failure of that approach to make allowance for the incremental moral significance of neural complexity. In particular, Regan's approach gives no acknowledgment of the moral significance of the quantum leap which takes place with the concomitant emergence of language, culture and personhood.

Notice, now, that this sketch has made no claim for a higher moral significance of members of the species *homo sapiens*. That claim has been applied here to *persons*—beings possessing a type of advanced neural complexity which, in turn, supports language, self-consciousness and culture. Any species might conceivably apply to that Club. It is a contingent fact, not a logical truth, that only the species *homo sapiens* seems able to pass the entrance examination. Other beings have been portrayed in fiction to be persons (e.g., in the Dr. Doolittle tales and in the "Star Wars" films), and some beings (e.g., dolphins, extra-terrestrials, computers) may yet in fact be found to be persons. So much for the charge of "speciesism."<sup>23</sup>

An uncompromising individualistic "rights-approach" to environmental ethics leads to such absurdities as were portrayed in the "rights-oriented game management." Total commitment to a holistic ethic is radically destructive of the rights and dignity of persons and their communities. Clearly an accommodation is called for. I have suggested a solution which may, or

may not, deserve elaboration and then survive circumspect analysis. Whatever the fate of this suggestion, it is more important that the challenge be raised to the philosophical community

to scrupulously search for an accommodation and eventual integration of the individualistic and holistic dimensions of environmental ethics.

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#### NOTES

<sup>1</sup>Evelyn Pluhar, "Two Conceptions of an Environmental Ethic and Their Implications," *Ethics & Animals*, IV:4, (December, 1983), p. 110.

<sup>2</sup>Tom Regan, *All That Dwell Therein*, Berkeley: University of California Press, 1982, p. 2. Hereafter, all clear references to Regan's book will be placed in the text.

<sup>3</sup>This characterization of Regan's position is supported by the following quotations from the book: (a) "... because [animals'] interests are frequently as important to them as comparable interests are to human beings, *their* interests must be given the same weight as comparable human interests." (86) (b) "... attempts to mark a qualitative chasm that separates man from the beasts must fail..." (159) (c) "It is not clear, first, that no non-human animals satisfy any one (or all) of these [rights-conferring] conditions, and second, it is reasonably clear that not all human beings satisfy them." (28)

<sup>4</sup>Notably, Joel Feinberg in his essay, "The Rights of Animals and Unborn Generations," in Blackstone (ed), *Philosophy and Environmental Crisis*, Athens, Georgia: University of Georgia Press, 1974.

<sup>5</sup>This is not the place to discuss the idea that manifestly "unequal" persons deserve "equal rights." The literature on the topic is vast, of course. The best recent treatments, in my opinion, are by Ronald Dworkin and John Rawls.

<sup>6</sup>Regan's indexed references to "persons" (152-3, 156) deal exclusively with "person" as a legal concept—i.e., entities with juridical standing. He makes little use of the concept of "person" as an integrated and continuous set of capacities.

<sup>7</sup>Some researchers claim that some experimental apes have broken this barrier (e.g., the Gardiner's "Washoe" and Paterson's "Koko"). Still others, (e.g., John Lilly) believe that dolphins may be "persons" with an articulate language. If so, and if this can be demonstrated, then these animals are welcome to the club (i.e., to our "moral community"). The issue, however, is in doubt, to say the least. (Cf. Herbert Terrace's work with "Nim Chimsky".)

<sup>8</sup>By (a) "significant" is meant that symbol, "x", evokes the same response (or image) in all parties to the communication. Other criteria of language are (b) syntactical (grammatical), (c) conventional, and (d)

arbitrary. Cf. Fromkin and Rodman, *An Introduction to Language*, (New York: Holt, Rinehart & Winston, 1983), Ch. 1.

<sup>9</sup>This, however, is not Regan's sole criterion of "rights." He further contends that inanimate beings have "rights," due to their "inherent value." (Clearly plants, rocks and rivers do not "have autobiographies.") More about this shortly.

<sup>10</sup>There is a third feature, of which Regan admits in a footnote, "I am myself confused about this part" (146); a confusion that I share, and thus will spare the reader.

<sup>11</sup>But to say that projects, objects and events contain "value-makers" (or "value-gens," to use Holmes Rolston's felicitous term) may be quite acceptable, in that such a notion entails a relation with an evaluator. For an expanded treatment of the ideas in this section, see my "Values in Nature: Is Anybody there?", presented at a conference at the University of Georgia, "Environmental Ethics: New Directions," October 5, 1984 [in circulation—publication virtually assured]. The following three [ms] pages are shared with that paper.

<sup>12</sup>Because I don't necessarily wish to embrace an interest theory of value here, I would say that "attention and interest" are *necessary* for value, though not sufficient. Otherwise, we are perilously close to subjectivism and relativism.

<sup>13</sup>My statement of the final objection will be brief, since I am quite unable to improve upon Baird Callicott's superb presentation of the same objection in "Animal Liberation: A Triangular Affair" (*Environmental Ethics*, 2:4 (Winter, 1980)). Callicott's article is twice cited, but never answered, by Regan in this book. Another excellent treatment of this

issue is Mark Sagoff's "Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce" *Osgoode Hall Law Journal*, 22:2 (Summer, 1984). Though in close agreement to those of Callicott and Sagoff, my views on this issue were arrived at independently.

<sup>14</sup>Aldo Leopold, *A Sand County Almanac*, (New York: Oxford University Press, 1949), 224-5. Regan does not cite this passage.

<sup>15</sup>Callicott, 327.

<sup>16</sup>Ibid, 321f.

<sup>17</sup>Regan, who is so anxious to discount the differences between humans and animals, fails to notice that the very qualities that make a man responsible, and a wolf not responsible, are the qualities which make human life much more valuable, and human rights much more urgent, than those of animals without these qualities.

<sup>18</sup>Pluhar, p. 120-3, so characterizes holism, and in defense of this characterization, cites Callicott, *op. cit.*, 332.

<sup>19</sup>I examine this question more deeply in my "Values in Nature," *op. cit.*, and in "Nature as a Moral Resource," *Environmental Ethics*, 6, (Summer, 1984).

<sup>20</sup>"Sheer sentience," as a factor in moral significance, may be at "moral bedrock." The best expression, to my knowledge, of this "Cartesian certainty" of the evil of pain, is from Charles Schulz' "Linus": Lucy: "Well, why is pain bad?" Linus: "Because pain *hurts!*" Beyond this, I'm not sure what more can, or *need*, be said. To know pain is to know it's *prima facie* bad (whatever the possibly over-riding good results may be). Cf. Feinberg on the Interest Principle, in "Rights of Animals and Unborn

Generations," in Blackstone (ed), *Philosophy and Environmental Crisis*, Athens, Georgia: University of Georgia Press, 1974. Also see my "Environmental Ethics: Obstacles and Opportunities," in Schultz and Hughes, (eds), *Ecological Consciousness*, Washington, DC: University Press of America, 1981.

<sup>21</sup>As a necessary condition for the sustenance of communities of persons, the natural system may also be said to "draw" significance from the significance of personhood. According to the anthropocentric view, the ecosystem draws *all* of its significance therefrom.

<sup>22</sup>Let us not forget that the very concept of "morality" *presupposes* personhood: persons are the only beings that can be said to have duties, or can be meaningfully "guilty" or "ashamed" of a violation of moral principles.

<sup>23</sup>Analogously, with considerable imagination, one might imagine "super-persons" (e.g., able to settle communal disputes without resort to threats of mutual annihilation, or capable of selecting communal leaders on the basis of intelligence and ability, rather than property, power or charm). Such beings might then exceed "persons" in moral significance.