

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*?<sup>1</sup>

In this passage Bentham points to the capacity for suffering as the vital characteristic that entitles a being 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.

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin colour?

Racists violate the principle of equality by giving greater weight to the interests of members of their own race when there is a clash between their interests and the interests of those of another race. White racists do not accept that pain is as bad when it is felt by blacks as when it is felt by whites. Similarly those I would call ‘speciesists’ give greater weight to the interests of members of their own species when there is a clash between their interests and the interests of those of other species. Human speciesists do not accept that pain is as bad when it is felt by pigs or mice as when it is felt by humans.

That, then, is really the whole of the argument for extending the principle of equality to nonhuman animals; but there may be some doubts about what this equality amounts to in practice. In particular, the last sentence of the previous paragraph may prompt some people to reply: ‘Surely pain felt by a mouse just is not as bad as pain felt by a human. Humans have much greater awareness of what is happening to them, and this makes their suffering worse. You can’t

equate the suffering of, say, a person dying slowly from cancer, and a laboratory mouse undergoing the same fate.’

I fully accept that in the case described the human cancer victim normally suffers more than the nonhuman cancer victim. This in no way undermines the extension of equal consideration of interests to nonhumans. It means, rather, that we must take care when we compare the interests of different species. In some situations a member of one species will suffer more than a member of another species. In this case we should still apply the principle of equal consideration of interests but the result of so doing is, of course, to give priority to relieving the greater suffering.

### Note

1. J. Bentham, *Introduction to the Principles of Morals and Legislation* (1789; New York: Hafner, 1948), 311.

## [From] On Being Morally Considerable

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*Kenneth E. Goodpaster*

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

*Aldo Leopold*

WHAT FOLLOWS is a preliminary inquiry into a question which needs more elaborate treatment than an essay can provide. The question can be and has been addressed in different rhetorical formats, but perhaps G. J. Warnock’s formulation of it is the best to start with:

Let us consider the question to whom principles of morality apply from, so to speak, the other end—from the standpoint not of the agent, but of the “patient.” What, we may ask here, is the condition of moral *relevance*? What is the condition of having a claim to be *considered*, by rational agents to whom moral principles apply?<sup>1</sup>

In the terminology of R. M. Hare (or even Kant), the same question might be put thus: In universalizing our putative moral maxims, what is the scope of the variable over which universalization is to range? A more legalistic idiom, employed recently by Christopher D. Stone,<sup>2</sup> might ask: What are the requirements for "having standing" in the moral sphere? However the question gets formulated, the thrust is in the direction of necessary and sufficient conditions on *X* in

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

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

## I

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

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

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

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

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

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

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

. . . just as liability to be judged as a moral agent follows from one's general capability of alleviating, by moral action, the ills of the predicament, and is for that reason confined to rational beings, so the condition of being a proper

"beneficiary" of moral action is the capability of *suffering* the ills of the predicament—and for that reason is not confined to rational beings, nor even to potential members of that class. (151)

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

- (4) For all *A*, *X* deserves moral consideration from *A* if and only if *X* is capable of suffering pain (or experiencing enjoyment).

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

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

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

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

The second issue turns on the question of analysis itself. . . . [I]t is difficult to keep conceptual and substantive questions apart in the present context. We can, of course, stipulatively *define* 'morality' as both having an object and having the object of mitigating suffering. But, in the absence of more argument, such definition is itself in need of a warrant. Twentieth-century preoccupation with the naturalistic or definist fallacy should have taught us at least this much.

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

W. K. Frankena, in a recent paper, joins forces:

Like Warnock, I believe that there are right and wrong ways to treat infants, animals, imbeciles, and idiots even if or even though (as the case may be) they are not persons or human beings—just because they are capable of pleasure and suffering, and not just because their lives happen to have some value to or for those who clearly are persons or human beings.<sup>3</sup>

And Peter Singer writes:

If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for

the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others.<sup>4</sup>

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

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

If we view pleasure as rooted in our sensory physiology, it is not difficult to see that our neurophysiological equipment must have evolved via variation and selective retention in such a way as to record a positive signal to adaptationally satisfactory conditions and a negative signal to adaptationally unsatisfactory conditions. . . . The pleasure signal is only an evolutionarily derived indicator, not the goal itself. It is the applause which signals a job well done, but not the actual completion of the job.<sup>5</sup>

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

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

## II

Joel Feinberg offers what may be the clearest and most explicit case for a restrictive criterion on moral considerability (restrictive with respect to life).<sup>6</sup> I should mention at the outset, however, that the context for his remarks is

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

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

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

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

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

- (A1) Only beings who can be represented can deserve moral consideration.  
Only beings who have (or can have) interests can be represented.  
Therefore, only beings who have (or can have) interests can deserve moral consideration.
- (A2) Only beings capable of being beneficiaries can deserve moral consideration.  
Only beings who have (or can have) interests are capable of being beneficiaries.  
Therefore, only beings who have (or can have) interests can deserve moral consideration.

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

I am prepared to grant, with some reservations, the first premises in each of these obviously valid arguments. The second premises, though, are *both* importantly equivocal. To claim that only beings who have (or can have) interests can be represented might mean that “mere things” cannot be represented because they have nothing to represent, no “interests” as opposed to “usefulness” to defend or protect. Similarly, to claim that only beings who have (or can have) interests are capable of being beneficiaries might mean that “mere things” are incapable of being benefited or harmed—they have no “well-being” to be sought or acknowledged by rational moral agents. So construed, Feinberg seems to be right; but he also seems to be committed to allowing any *living* thing the status of moral considerability. For as he himself admits, even plants

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

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

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

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

passage that, to be capable of being represented, an organism must *matter* to human beings somehow—a suggestion whose implications for human rights (disenfranchisement), let alone the rights of animals (inconsistently for Feinberg, I think), are grim.

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

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

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

### III

Thus far, I have examined the views of four philosophers on the necessity of sentience or interests (narrowly conceived) as a condition on moral considerability. I have maintained that these views are not plausibly supported, when they are supported at all, because of a reluctance to acknowledge in nonsentient living beings the presence of independent needs, capacities for benefit and harm, etc. . . .



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

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

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

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

(R2) This objection misses the central thrust of my discussion as well, for a different reason. It is consistent with acknowledging the moral considerability of all life forms to go on to point out differences of moral significance among these life forms. And as far as perversion is concerned, history will perhaps be a better judge of our civilization’s treatment of animals and the living environment on that score.

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

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

The typifying mark of a living system . . . appears to be its persistent state of low entropy, sustained by metabolic processes for accumulating energy, and maintained in equilibrium with its environment by homeostatic feedback processes.<sup>7</sup>

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

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

(R4) At best, it would be a *reductio* of the life principle in this form or without qualification. But it seems to me that such (perhaps surprising) implications, if true, should be taken seriously. There is some evidence that the biosystem as a whole exhibits behavior approximating to the definition sketched above, and I see no reason to deny it moral considerability on that account.<sup>8</sup> Why should the universe of moral considerability map neatly onto our medium-sized framework of organisms?

(O5) There are severe epistemological problems about imputing interests,

benefits, harms, etc., to nonsentient beings. What is it for a tree to have needs?

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

I am sure I can judge with more certainty and meaningfulness whether and when my lawn wants (needs) water than the Attorney General can judge whether and when the United States wants (needs) to take an appeal from an adverse judgment by a lower court. The lawn tells me that it wants water by a certain dryness of the blades and soil—immediately obvious to the touch—the appearance of bald spots, yellowing, and a lack of springiness after being walked on; how does “the United States” communicate to the Attorney General?<sup>9</sup>

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

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

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

As for the implicit claim, in the objection, that since nature doesn’t respect life, we needn’t, there are two rejoinders. The first is that the premise is not so clearly true. Gratuitous killing in nature is rare indeed. The second, and more important, response is that the issue at hand has to do with the appropriate moral demands to be made on rational moral agents, not on beings who are not rational moral agents. Besides, this objection would tell equally against *any*

criterion of moral considerability so far as I can see, if the suggestion is that nature is amoral.



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

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

### Notes

1. G. J. Warnock, *The Object of Morality* (New York: Methuen, 1971), 148. All parenthetical page references to Warnock are to this book.
2. C. D. Stone, *Should Trees Have Standing? Toward Legal Rights for Natural Objects* (Los Altos, Calif.: William Kaufmann, 1974).
3. W. K. Frankena, "Ethics and the Environment," in *Ethics and Problems of the Twenty-first Century*, ed. K. Goodpaster and K. Sayre (Notre Dame, Ind.: University of Notre Dame Press, 1979).
4. P. Singer, "All Animals Are Equal," in *Animal Rights and Human Obligations*, 2nd ed., ed. T. Regan and P. Singer (Englewood Cliffs, N.J.: Prentice-Hall, 1989), 79 [this volume, 54].
5. M. W. Lipsey, "Value Science and Developing Society" (Paper presented to the Society for Religion in Higher Education, Institute on Society, Technology and Values, July 1973), 11.
6. J. Feinberg, "The Rights of Animals and Unborn Generations," in *Philosophy and Environmental Crisis*, ed. W. Blackstone (Athens: University of Georgia Press, 1974). All parenthetical page references to Feinberg are to this article.
7. K. M. Sayre, *Cybernetics and the Philosophy of Mind* (New York: Humanities Press, 1976), 91.
8. See J. Lovelock and S. Epton, "The Quest for Gaia," *New Scientist* 935 (February 1975): 304–9.
9. Stone, *Should Trees Have Standing?* 24.

## Environmental Ethics: Values in and Duties to the Natural World

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*Holmes Rolston III*

ENVIRONMENTAL ethics stretches classical ethics to the breaking point. All ethics seeks an appropriate respect for life. But we do not need just a humanistic ethic applied to the environment as we have needed one for business, law, medicine, technology, international development, or nuclear disarmament. Respect for life does demand an ethic concerned about human welfare, an ethic like the others and now applied to the environment. But environmental ethics in a deeper sense stands on a frontier, as radically theoretical as it is applied. It alone asks whether there can be nonhuman objects of duty.

Neither theory nor practice elsewhere needs values outside of human subjects, but environmental ethics must be more biologically objective—non-anthropocentric. It challenges the separation of science and ethics, trying to reform a science that finds nature value-free and an ethics that assumes that only humans count morally. Environmental ethics seeks to escape relativism in ethics, to discover a way past culturally based ethics. However much our worldviews, ethics included, are embedded in our cultural heritages, and thereby theory-laden and value-laden, all of us know that a natural world exists apart from human cultures. Humans interact with nature. Environmental ethics is the only ethics that breaks out of culture. It has to evaluate nature, both wild nature and the nature that mixes with culture, and to judge duty thereby. After accepting environmental ethics, you will no longer be the humanist you once were.

Environmental ethics requires risk. It explores poorly charted terrain, where one can easily get lost. One must hazard the kind of insight that first looks like foolishness. Some people approach environmental ethics with a smile—expecting chicken liberation and rights for rocks, misplaced concern for chipmunks and daisies. Elsewhere, they think, ethicists deal with sober concerns: medical ethics, business ethics, justice in public affairs, questions of life and death and of peace and war. But the questions here are no less serious: The