

Discussion papers in environmental philosophy

**13 Three essays upon deeper
environmental ethics**

Richard Sylvan



**THREE ESSAYES UPON DEEPER
ENVIRONMENTAL ETHICS**

- 1. The Way of Values**
- 2. Supplanting Maximization and other Utilitarian Assumptions in Western
Ethical Ideology**
- 3. Moral Matters Matter - Environmentally**

by

Richard Sylvan

Number 13

Preprint series in Environmental Philosophy

Departments of Philosophy

Australian National University

1986.

ISSN 0729 - 2708

THE WAY OF VALUES:

elaborating Meinong's theory of
impersonal values

Meinong's theory of value, perhaps because it inherits too much from Brentano¹, does not blend well with the fuller theory of objects. For example, there is an attempt, quite at variance with the spirit of object-theory, to write existence assumptions into many parts of evaluation and even into the basic forms of value judgements. This is coupled with a repeated attempt to reduce values to human value experience. Though these attempts fail, as Meinong came to emphasize, the resulting value theory never altogether escapes a human setting, but remains, both in principles and working examples, anthropocentric. There is no due acknowledgement of inherent value in the wider natural world independent of humans, no real anticipation of ecological (or green) reflection on value. And going along with this, there is little acknowledgement in Meinong of the extent of cultural and subcultural variation and disagreement over values. A biographical explanation partly explains these things: Meinong was, perhaps too much, a product of his time and location. Few in non-imperial cultures would have been rejoicing in German and Austrian victories in 1915 or ascribing positive value to these achievements.

Since what is sought is a theory of values which blends both with object-theory and with deeper environmental theory, and which makes proper room for cultural and paradigmatic differences, free variation on Meinong's theory will be the approach.² However, the input from Meinong's theory will be evident, and crucial at points, especially in the treatment of values as non-Platonic objects and in the account of access to their instantiation through emotional presentation.³ Meinong provides, to a greater extent than any other philosopher, the main components for a more satisfactory and deeper theory of values; virtually all the main ingredients of the theory reached can already be found in Meinong.

There is an abrupt and important transition in Meinong's later (post-1915) investigation of value theory, which modifies everything that preceded it. The change comes with the introduction of the theory of impersonal value, of value without valuers, and the removal of 'false psychologism' from value theory (EP, p.125ff.). Meinong distinguishes value-relative (or person-relative or personal) value from relation-free or valuer-independent (or impersonal) value.⁴ He presents much evidence for impersonal values and their ineliminability (pp.127-9), some of it along lines that anticipate recent environmental ethics, for instance, that value does not arise and perish, or fluctuate, with subjects or persons, and that value does not reside above all just in life (p.127).

Certainly Meinong is concerned not to diminish the practical and theoretical importance of relative value (where we can answer immediately the questions 'a value for whom?', 'for which subjects?'), or of his own previous work in value theory; and he offers various paradigmatic examples of personal value: a patient's illness or wounds, those projects and things of a person which 'are rendered less valuable or even totally worthless by the death of the person connected with them' (p.133). Nonetheless impersonal value, free of valuer relativity and mere local interest, is 'the primary notion of value'; it 'is really the notion which pretheoretical thinking hands over to the theory of values for theoretical processing' (p.137). Meinong sees his own earlier exclusive focus on personal values as interposing obstacles in the way of progress on this enterprise, 'obstacles which our theory itself put in its own way' (p.139). But he wants to emphasize the role of the theory of personal value as an indispensable preliminary to the theory of impersonal value (p.134, p.138), without which the new theory could not have been approached at all, and upon which it will build. 'But only the future will decide to what extent the problems of impersonal value find a satisfactory theoretical solution ...' (p.138 rearranged). Part of that future is now.

Value theory has been thoroughly subverted, especially in the Anglo-American tradition and sphere of influence, by two very powerful forces both of which Meinong was well-placed to avoid and in the end, with the theory of impersonal value, came to avoid, namely:

- 1) the epistemologization of value, which conflates how values come to be known, or acquired, with what is known, what values are, what standing they have, and what meaning. This confusion of epistemology with *sistology*⁵, which is spectacularly exhibited in verification principles and the like (to the effect that meaning and standing amount to matters of verification and ways of coming to know), lies behind the erroneous picture of values as matters of feeling or interests or expression of emotion and as (only) projected into the world through human valuing.
- 2) the ontologization of value, which assigns existence to all objects discerned in value investigations, that is roughly speaking, which Platonizes anything not already reduced epistemically or naturalistically. This confusion of ontology with *sistology*⁵, which is encapsulated in ontological assumptions (to the effect that what is a genuine subject of discourse must exist, that what has properties naturally exists), fuels naturalistic reduction of value features to underlying natural or scientific value-making characteristics whose existence is supposed if not already guaranteed (e.g. by science) at least much less problematic and queer.

Those who manage to avoid the first epistemological trap are especially liable to fall, because of ontologization, into the snares of naturalism. But though the main things discerned in both these types of reduction - emotional

bases through which values come to be known, and initial value-making features on which as well value features supervene - fit into a full theory of value, value does not so reduce. Value is what it is, its own sort of object with its distinctive features, and not another thing, emotional or natural, subjective or objective.

Meinong avoided both traps in the theory of impersonal value. In getting free of a 'false psychologism in value-theory', he several times compares value qualities with primary and secondary qualities, where as he remarks 'phenomenal character does not imply relativity' (pp.129-130).

Naturally there is no reason why, for special purposes, values should not be characterised through apprehending experiences, as colours and sounds can, by a different detour, be described by way of frequencies. But, this being admitted, these moments (of apprehension) are as little constitutive in the one case as in the other, and there is no reason why values should more readily be regarded as relative than colours. Value then does not consist in the capacity to attract value-experiences to itself but consists simply in what is presented by value experiences (p.130).

And, at the same time, he eventually breaks free from the ontologization of value: '... as regards impersonal value, i.e. the properly called true notion of value, one is justified in denying that the being, or rather existence, of its object is relevant' (p.141, with transposition). Nor, differently, does the value itself, since 'an ideal object of higher order', exist (e.g. p.149). But although Meinong avoided the traps, and established to his own and others' satisfaction the possibility of a theory of impersonal values, that theory takes only very preliminary shape in his work. What follows aims to give that theory some further shape, in a way broadly compatible with Meinong's beginning.

§1. Getting through on value theory: value discourse, value applications and primitive value models. Value discourse is a major and conspicuous component of discourse and of daily life, a component which can hardly be neglected theoretically. For not just the predicates of valuing, and what they relate to, but the whole spread of axiological terms (good, beautiful, authentic, agreeable, worthwhile, interesting, important, boring, oppressive, vexatious, cruel ...) cluster under the value umbrella. Moreover, judgements of value have wide and significant practical effects, issuing in such things as the continuation of lives or research programs, because valuable, or in their termination, because unimportant, in the building of dams or the letting of wild rivers flow free, in the bulldozing of rainforests, and in much else. Value

issues matter, matter importantly, intersubjectively, and interculturally.

Despite this, there is a remarkable reluctance to face up to the pretheoretical facts of valuation, especially among positivistically-inclined philosophers and their followers. Problems and issues concerning values are regarded as an embarrassment of some sort, dubious material to be got out of the way or pushed to the bottom of a store, or things to be personalised and subjectivised, analysed away as matters of taste or emotional expression, or otherwise reduced or removed. But none of these moves succeeds, none will do at all as a copious literature helps reveal; values and their surrounds are not so easily removed, but continue to feature prominently and intersubjectively in the workaday life of those who would remove them.

The chief reason why values, and value theory, are an embarrassment is plain enough. Values do not fit easily or at all into over-simple scientific views of the world, or accompanying sparse scientifically-determined ontologies (and yet they can prove a major source of scientifically-irresolvable disagreement). Not uncommonly "scientific" philosophers adopt a quite aggressive attitude to those who correctly insist on the autonomy of values, and of value theory, and who point out that values do not reduce decently to anything that scientific philosophers may be able to manufacture from personal effects using their crude tool kits, such as aggregations of preferences, or weighted sets of expected pleasure, and so on.

But this does not mean that nothing can be done for these people, or to meet some of their demands for some account of value, ways of assessing and fuzzily measuring value, and so forth. It can, it is important to do; and one way of doing something is by the method of partial modelling (an example of this is the Benthamite model for the value core of deep ecology, DE p.25).

A primitive model, adapted from behavioural psychology, provides a useful backdrop to an account of values-in-nature of the type to be worked out in a preliminary fashion in what follows. In a way familiar from other modellings, such as game-theoretic semantics where Nature is presented as a player, Nature is first of all given an active role (though not necessarily personified). The basic idea is that Nature rewards and punishes, and the extent of value or disvalue of a natural item depends on the level of reward or punishment respectively that Nature gives. As rewards and punishments can, to some extent, be compared and measured, so, in the same rough and ready way, can values. Naturally valuers respond emotionally to these rewards and punishments. So the model already captures in a rudimentary way what Meinong was attempting, a theory 'of there being values at once given in and through emotion and yet also independent of emotion or of any subjective attitude'.⁶

But this picture needs to be complicated to allow, among other things, for parts of Nature such as separable natural items, and also for cultural or paradigmatic variations in the representation and construal of these rewards and punishments. Duly elaborated the modelling looks like this:- In its various guises and parts, such as a mountain or a mountain landscape, a natural canyon, pieces of gold or precious stones, Nature rewards or punishes those who come into appropriate relations with the various guises or parts. What counts as an appropriate relation will depend however, like the corresponding reward or punishment, on the culture of the creature involved. Gold means nothing to pigs or many tribesmen, but its possession is very important and fulfilling to most bankers, and even viewing it in quantity is rewarding for most Northerners; whereas forests and groves of redwoods, which are very significant for many tribal and alternative people, matter little, except indirectly as sources of gold, to many Northerners (i.e. those from the developed North).

Though in making generous room for cultural variation, Meinong's theory has been exceeded, the deletion of one defective factual assumption from Meinong's work will enable reconciliation to be effected. The assumption - a very influential one since the Enlightenment, forming part of the theme of a uniform transcultural human nature - is that human emotions are invariant across cultures, that the passions are always the same and constant, and are accordingly subject to one and the same set of (hedonistic) laws (thus, e.g., Hume and many others: see Berry, p.18ff.). Not so: contrast, for instance, the very different emotional responses to raw and cooked meat of Maori with Pakeha and with contemporary vegetarians, and where respectively disgust is directed (many other examples can be extracted from Veblen). With the deletion, Meinong's early argument for the factuality of values is importantly modified in a further respect: not only impersonalised but relativised. The argument that 'questions of value are questions of facts' is essentially this:

It is a value for human beings; i.e. for creatures possessing the characteristics which we know as human, or are accustomed to recognise as such; a theory of moral value can no more concern itself with subjects possessing radically different emotional capabilities than physics can investigate a nature possessing other laws (UW, p.170).

As physics can theoretically investigate worlds satisfying different laws, so social anthropology can (or could) look in the field at cultures with different emotional capacities and responses, for whom rewards and punishments differ (with cooked meat perhaps no reward). Therefore Meinong's Enlightenment assumption will be abandoned, and room made for subjects with different emotional complexions. Most of what Meinong claims concerning impersonal values fortunately appears to withstand such pluralisation.

What then results on adding the further parameter is this:- Nature assigns

rewards or punishment for given natural items, the apparent assignment varying with culture. Or, to begin upon reducing the active role given to Nature, Nature contains such rewards or punishments. In terms of this model structure, the positive value of item a in culture or setting c may be defined in terms of the reward Nature contains or bears for a in c ; and the negative value may be defined correspondingly in terms of the punishment.⁷ Thus, for example, a wilderness area has a high value in environment circles inasmuch as appropriately situated environmentalists get a big kick (reward!) from the wilderness, knowing it is there, seeing it, traversing it, and so on. It is important to observe that the positive value resides in Nature, so to say, since it is Nature that contains the rewards. It is not a question of the experiences; for there may be no environmentalists to experience these rewards. The reward field is operative whether or not someone or some creature steps into it.

Though the model is undoubtedly primitive, it can be elaborated in various ways to make significant points (e.g. through such notions as those of reward fields in specific natural areas to make the point that values do not require valuers⁸). As it stands it serves to make the crucial point that there are simple ways of modelling the idea of values in nature, values as features of Nature or in the world. Of course it can also be easily adjusted with a view to removing that point and making values look conventional or invented. Indeed, it is in transmutations upon such a scheme of rewards and punishment - without due cultural relativisation, but perhaps conventionally rather than naturally determined - that some would locate value (cf. Quine on the nature of value). The model is only a model however; and values are no more rewards and punishments (which may or may not themselves be valuable) than black bodies consist of ideal harmonic oscillators.

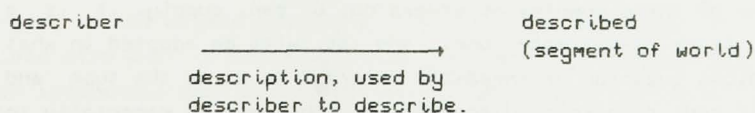
But before the model is set to one side, for only occasional use, it can do a little more work. Firstly, positive values, like rewards, come in a variety of forms, not just one, such as pleasure (contrasting with pain) as on simplistic utilitarian schemes, or dollars as on business schemes, or just two, such as pleasure and dollars, or just four as too neatly occurs with Meinong's dignitatives (beauty, goodness, agreeableness, and authenticity). The variety of positive values is like but exceeds the variety of rewards; some are more natural like simple pleasures, some more conventional like paper money. Secondly, there are many different ways of presenting and describing the complexity of the value situation, many of which can be reflected in the different ways the primitive model may be elaborated. For example, rewards can be presented as properties of pairs, comprising items and cultures, e.g. gold to Northerners, redwoods for environmentalists. Such a representation will no doubt appeal to those who regard values as values to or for, and valuers as essential (but note again that no requisite valuers need exist). But a different, and in some respects superior, representation is of the punishment as a feature in the

items alone, rather as pain is in the nettle leaves or a wasp's sting. Framework or culture then assumes quite different selectivity roles, of encouraging or inhibiting responses to the reward and punishment features; for instance, the rewards are present in groves of redwoods but impoverishing industrial culture blocks receptivity to them. As with standard subject-predicate linguistic formulation of value judgements, culture becomes part of the context of the judgements.

§2. Remapping the general setting of description and evaluation. The world in which we creatures dwell is rich and diverse, not the impoverished character-depleted and value-evacuated worlds of scientific realism. But for all its richness and diversity, "the" world comes largely undescribed and unevaluated. However it can be described and evaluated, and is; and that too is part of richer worlds. There are various types and levels of descriptions describers can offer, depending on the language available, the extent of their information, and their purposes - descriptions also of various degrees of adequacy. Indo-European languages with their underlying subject-predicate forms, tend to force descriptions into object-property and objects-interrelation modes (which need not be static, but tend to be, since persistents, stable objects, "substances", are somewhat easier to fix upon). But other forms are easily envisaged, for instance, an event language. Such an alternative, more difficult, representation of the whole is that favoured by Whitehead, in terms of processes. On such an account, ordinary things are certain stable systems (complexes or "societies") of processes.

While such alternative representations may well be in order, a satisfying theory will be quite pluralistic about the range of descriptions and representations of the (experienced) world. The much favoured "seamless whole" is only one of those representations, and not a privileged one, but for many purposes a pretty difficult and inadequate one. Part of what is right about such undifferential holism is that descriptions subtract from richness, and also introduce certain emphases at the expense of others. More of the richness of the whole world can be got by selectively accumulating and thickening descriptions, by a plurality of descriptions, ideally at different levels of detail, analysis, theory.

In a simple representation of the describing relation-cum-activity there are these elements:



Certain independence principles are important. What is described does not in

general depend on the description or on the describers. Describers can emerge or vanish without affecting what is described, so far as it does not involve them essentially, as it may not.

So it is also in the analogous simple representations connecting the following elements:

valuer	(e)valuation	valued
verifier	verification	verified

Unlike description, the activities here involved are not primarily, or perhaps, even at all, linguistic. Nonetheless most of what was said of the describing case applies also to the valuing and verifying cases. In particular, though valuing, like describing and observing, is always relational, what is valued, like what is described, does not in general depend upon the evaluators.

In an important sense, the determinable world also comes (earlier in its history especially) unexperienced, and unvaluated. That does not imply that it comes propertyless or valueless, without the richness and beauty of colours and scents. To the contrary, a large variety of features are there - instantiated - to be detected, verified and valued, by appropriate devices, equipment or observers. For things do not stand in splendid isolation; things have properties and interrelations, in abundance, in this standard representation.

Creatures such as human beings and "higher" animals are, among other things, pretty sophisticated devices for recording and processing information (and, more generally, experience) about the natural world. They are among the observers of orthodox quantum theory, they are so to say complex measuring apparatuses, helping to select and discern the qualities of the world (primary as well as secondary, tertiary as well as quaternary, as well as the various types of qualities these over-simple distinctions leave out, as Rolston explains, p.130).

What those observers observe by is no means independent of their programming, of the cultural (educational, environmental, etc.) shaping of the hereditary hardware. For example, in most human cultures, what comes through in the way of information, which gets communicated, concerns a world of things with various qualities standing or going in certain relationships. While this is not, as we have already noticed, the only representation of the way of the world which some of these complex observers do, or can, supply, it is a predominant one, it is a legitimate one, and it will be adopted in what follows. One philosophical question of immediate interest is as to the type and variety of qualities and relations discerned in the world, especially intensional and evaluative character.

The total flow of experience (inferentially or systemically influenced or not) of this form that human receivers or recorders obtain is exceedingly diverse. A forest can be experienced as dark, green-black, oval shaped, dense, gloomy, damp, immature but millable, ugly, ... (perhaps that is how it is). It is astonishing (especially given the enthusiasm of empiricists for experience) that there is an immediate, and rather automatic, reduction of this experience, in mainstream scientific thought, to certain approved forms. Experience is commonly, but quite illegitimately, cut-down to that received through certain approved sense channels (secondary qualities) or gathered by certain elementary verification procedures (primary qualities), leaving out for instance much bodily and psychic experience and all emotional reception. While these sorts of distinctions between types of experience can more or less be made out, as can other distinctions, that is no good excuse for ditching the rest, for impoverishing the phenomenological base. There is even less excuse for the extensive philosophical programs committed to impoverishing the world - to deintentionalizing it, or to removing its valuational features, to return to the main issue.

A main pressure for reduction is ontic and a main direction of reduction is epistemic, the original traps. The ontic trap is easily sprung (as Meinong showed). Things, whether discerned or not, have features, as in the standard representation; but the features had, universals, do not thereby exist. To conclude otherwise that they do is to fall into the ontological fallacy. The sky is blue today, has the feature of being blue; but blueness does not exist. The sky is beautiful this evening, has great beauty; but beauty does not exist. Of course, some items, such as blueness and beauty, are (analytically) features; so in this sense, which does not carry ontic commitment, there are features. But that is all; there is no need to try to determine some location for these items, or to heap the other characteristics of existing objects upon them. One important upshot is that there is no great ontic pressure operating, once this is seen, to remove or reduce these properties or "unscientific" features. We can, for example, get around to what is seriously lacking, some deeper classifications of features (for a beginning, see Rolston, and earlier Goodman).

Value properties are no doubt different, in the extent and style of their systemic dependence, from some of the properties that figure more prominently in science. But that does not render them queer. Values are perfectly compatible with a scientific world view, with suitably generous scientific views; both values and scientific features are part of the fabric of richer worlds, in the sense of belonging to the object domains of these worlds. The idea that values are incompatible with what is charmingly but misleadingly called the scientific world view - an idea encouraged by concentration upon poor thin worlds from which all but absolutely essential properties featuring in currently fashionable

mainstream reductionistic science are evacuated and from which values are accordingly excluded (except as approximately manufactured) - derives much of its force from the two fallacies explained at the outset, ontologization and epistemologization. It is time to spring again the epistemic trap.

\$3. Failing, yet again, the attempt to relocate value (qualities) in valuers. As it is important to distinguish colour from the experience of colour, so it is important to distinguish value from the experience of value. The old man is cruel, the horse clever, the woods gloomy, the mountain beautiful; but some of us experience none of these things on our first visit, though we wander in the woods and climb the mountain. Perhaps if they had stayed longer, relaxed, and got the feel of the place they should have; and perhaps not, so long had they lived with the noise and dirt and bustle of the city.

However, even more than with specific-sense qualities of bodies - the so-called secondary qualities - such as those of colour, smell, taste, touch and the like, there has been with emotional and valuational qualities - sometimes now called tertiary qualities - a concerted attempt to reduce the qualities experienced to features of the experiencers. Indeed so successful has this been in Western cultures, that many there take it for granted that valuation features are not really features of independent things in the world, but are products of those experiencing the things, "projected back" by the experiencers onto things. Beauty and the like are in us, not in places; in the eyes of the beholders. So the developers who destroy the places and therewith destroy their beauty, only touch us who experience the beauty, not anything about the places. Perhaps we should be compensated, not the places, for there was nothing there: certainly the developers do not appreciate the beauty, but only the reward of dollars in hand. ('We rationalise that the place we inhabit has no normative structures, and that we can do as we please': Rolston, p.150). It is a bit like saying that motor accidents are always due to driver negligence, never to features of motor cars themselves.

Hume's verificationist argument that value, both moral and aesthetic, is in the eye (or is it the heart?) of the beholder is a typical, typically unsuccessful, but very influential, relocation attempt (essentially of a relational complex into one of the components). Value is supposed to reduce to a feature of valuers, to one end of the valuing relation. But the argument does not establish this. Of the vice or evil of wilful murder, Hume claimed

you can never find it till you turn your reflexion into your own heart, and find a sentiment of disapprobation which arises in you towards this action (Treatise, pp.468-9).

But you don't find the value, vice or evil either; a sentiment is not the item in question. It would be a serious mistake, told that a landform or painting was

beautiful to try to find that beauty in oneself, rather than investigating the form that has the feature. It is the mistake of looking for a feature within a device that records or verifies the feature, confusing what is recorded with aspects of the recording. An Eddington might almost equally claim of a secondary quality like greenness, when peering through his physical spectacles at atomic structure, 'You can never find it until you turn within and find an image of green'.

Hume proceeds forthwith to apply the verification principle, in the crude form that meaning amounts to a method of verification:

So that when you pronounce any action or character to be vicious, you mean nothing, but that from the constitution of your nature you have a feeling or sentiment of blame from the contemplation of it (p.469).

The application of a thoroughly faulty verification principle is not all that goes wrong here. Hume has also proceeded to lump environmental and cultural features into constitutional ones. Yet the preparation and programming of a recording device, human or otherwise, can be crucial to what it records, not just its initial structure or hardware. As for the main point, Eddington might as well proceed to claim, 'When you pronounce a flag green you mean nothing but that you have images of green upon contemplating it'. And that's just wrong, in several ways.

The projection metaphor falls with such arguments. There is a heap of similar arguments for the projection view (several assembled in Mackie), which can be rather similarly dealt with. The suggestion that values reduce in the end to feelings or sentiments which are, so to speak, projected into objects valued and effectively "colour" them is mistaken. No such syntactical translation or analysis succeeds (and a semantical "analysis" is not a reduction). And the projection picture soon breaks down. Try "projecting" virtue on to the scene of a wilful murder, or greenness on to a grey landscape.

All this - the failure of both subjectivism and emotivism, for frequently marshalled reasons, along with the notorious difficulties of objectivism - has suggested that qualities like beauty are really relational, reflecting a relation between what is (said to be) beautiful and those who behold it. Beauty looks relational not (just) because of the form of the valuing relation, but because it only emotively touches those who are suitably receptive. Do we want to say that green too is really relational because it is only discerned by those with full colour vision and not duly distinguished by the increasing numbers who have only black and white vision? Surely not. Do we want to say this of shape, where again (with nuclear winter approaching) fewer and fewer may discern relevant shapes? This is to confuse what is discerned from the methods of discernment, meaning (or at least significance) with method of verification. It

is to succumb again to verificationism.

Certainly, how we got to appreciate or know that a mountain is beautiful or a wood gloomy is often primarily by way of experience. But it would be a crude confusion to conflate what is known or appreciated and how it comes to be known or appreciated - though that sort of crudity is central to verificationist positions (such as positivism and mathematically-based intuitionism). It is hard to avoid being infected with verificationism to some extent in these latter times, but in the comparative isolation of early 20th C Graz Meinong resisted. Despite, or perhaps because of, his careful phenomenological approach to value and the apprehension of value, he arrived at the result that value features are independent of valuers, are (nonsubjective) features inhering in objects, which do not reduce in some way to emotions or expressions of emotions of those who experience value features. In very many respects then, Meinong, as usual, told it like it is, provided an accurate account of the way of values, and in so doing avoided the familiar shoals of value theory. All that will really be done in what follows is to add to his account, duly neutralised, the missing dimension of cultural or paradigmatic variation. This pluralism will be injected, not through any mistaken (syntactical) relativism, but using contemporary semantical techniques.

§4. Rafting semantically through the shoals of value theory. The prevailing divisions and classifications of value theory rest on a series of false dichotomies. The dichotomies are damaging because, if they were accepted in the way their exponents insist, they would rule out viable and important positions concerning values - including, so it is contended, the way values are. One of these false dichotomies is the usual objective/subjective contrast, which has been worked hard against the very idea of an environmental ethic (see EE). Another related false contrast is the cognitivist/non-cognitivist dichotomy. 'Are you a cognitivist about values or not?' is a favoured initial move in a philosophical game that often ends in quick defeat for non-standard positions. Well, we environmentalists are spoil-sports, and are not playing the game. There's something right, and something wrong, about each of the answers admitted: cognitivist and non-cognitivist, the usual (vistic) answers. And we can say exactly what.

According to the way between, to nonvism if you like, value judgements are correctly said to be true or false, known or not, etc., to conform to a cognitive vocabulary - only, in the semantical assessments, a systemic relativisation of some sort is always tacitly presupposed, in the end. Without this sort of relativisation, cognitive assignments do not determinately apply. Of course absolutist positions assume there is a uniquely determined background system. But as the blatant situation of competing (environmental) paradigms helps show, the uniqueness assumption is mistaken. While there may be some

evaluations shared by almost all cultures, perhaps even a small common core, there is no uniquely determined correct value system. There are various overlapping systems.

To say all this is not to succumb to some sort of ethical relativism - though relativism (with its "group subjectivism") already affords a familiar route between subjectivism and objectivism. What is being advanced is rather a cultural pluralism (which fits into the framework elaborated in PP). Such a pluralism differs from relativism in several important ways, in particular the following:- The systems (frameworks, cultures) with respect to which semantical assessment is relativised are by no means independent, but may overlap, and, more significantly, admit of assessment and evaluation from one another. Thus systems are not incomparable, or, different, all equally satisfactory. Rather some, seen from where we are, are more satisfactory than others. As systems of reward and punishment of the primitive model can be evaluated, so evaluative frameworks can be ranked, internally or from other systems.

Consider, to illustrate, the evaluations of two different tribes of mathematicians on the merit of various mathematical problems. Both agree that certain problems in number theory are worthwhile, but tribe i (intuitionists) maintains that various problems in transfinite set theory, which tribe l (of classical logicians) finds immensely interesting, are of no real interest. From our different relevantist framework (that of a very minor cult), we should want to criticise both tribal frameworks, to set them both into systems involving restrictive and accordingly rejectable assumptions (cf. JB chapters 10-11), but on the specific evaluations at issue we should want to side with tribe l rather than i, arguing, from where we stand, that the transfinite problems are of interest and important.

Throughout a debate on the merit of such problems there may be no syntactical relativisation. Judgements like 'This problem is worthwhile', or their absolutist translation into other languages, may well not get systematically relativised, for instance to 'This problem is worthwhile in the lights of tribe l'. So what is going on? The fuller story is not a syntactical one, as absolutist (unrelativised) forms for the most part persist syntactically; rather it is a semantic, or more accurately, since context is important, a pragmatic story. That is, the answer to the perplexing question 'How is framework relativity accommodated when linguistically [or rather syntactically] things look absolute?' is 'in the pragmatics'.

The accompanying semantic (or pragmatic) story regarding the evaluation of value judgements goes like this:- In the semantical assessment of truth, and other cognitive features, the context of assessment supplies a systemic parameter. Once this is supplied, assessment can proceed in essentially

cognitivist fashion (details are given in SV). Thus value judgements behave semantically rather like indexicals, only, with such judgements, what the contexts of judgement supply is not a reference (as for 'I', 'here' or 'now'), but a system or, more specifically, a cultural setting (or culture). Because the cultural parameters are normally fixed in most contexts, value judgements usually function in an objective fashion.

Consider assessments of the judgements

- A. This forest is worthless,
referring to an apparently stunted, twisted and deformed but in fact climax elfin forest, and
B. The sky is beautiful,
Meinong's example but reset in the context of a massive nuclear exchange.

Both are of the surface form 'a[is]v', with a value predicate '[is]v'. Normally we semantically evaluate judgements from where we are, from the actual world, from the given context, from our given social framework or paradigm, in short within a native range. Because the elfin forest has, when it comes down to it, sufficiently many positive value-making characteristics which much more than compensate for its wood-production deficiencies, we environmentalists stick to our gut reactions and feelings that the forest is valuable and reject A as false. A Tarski T-schema is involved in this: the forest does not have the feature of being worthless, so we feel, and so further assessment confirms us in feeling; hence by the T-schema A is false. But that is not at all what the wood-production specialists are going to maintain; and some of us environmentalists can follow their evaluation by drastically adjusting our framework, by laboriously putting on our forestry glasses so to say.⁹ We then, in this adjusted framework (that of the wood-production ideology of the dominant social paradigm), reach the forest not with a feeling of uplift but with a strong sense of uselessness, realising that it will yield no quality logs at all. We curse Nature for her productive inefficiency, and begin on designs for a new man-made forest of genuine worth. This simple contrast of different evaluations with different background frameworks can be elaborated, to make it more real-life; but many of the main points are already exposed.

Is A true or false? It's false, we say. But the forestry people say it's true; and then we say they're wrong and criticise their wood-production framework. But is it false absolutely or not? Yes, from where we stand, and also in a way no, because of the competing forestry stance¹⁰; but strictly there are no absolutes here, pluralism superseding objectivism (see PP). Similar things are to be said too as regards whether the forest is worthless or not, has the property of being worthless or not. Since, from where we stand, A is false, the forest does not have the property, it is not worthless; however from a wood-production viewpoint it is pretty worthless. And so on. And likewise for B.

Such relativisation in semantic evaluation is not peculiar to value qualities, but rather grosser and more extensive there. But it also applies to primary and secondary quality judgements. Localisation and relativisation in the semantics of secondary quality claims was forced by classical physics, localisation of primary quality claims by relativity. In the assessment of 'The box is 2 metres long' a local frame is presupposed, and is supplied as part of the context in semantic evaluation. In each case primary, secondary and tertiary, there is an understood native range (as Rolston felicitously puts it), in terms of which semantical evaluations are made. In the tertiary case however the cultural component of the native range bulks much larger than with primary and secondary judgements.

Much still needs to be said to forestall misplaced objections. It is not being suggested that value predicates, of the form 'is v' or 'vs', are, despite appearances, of more than one-place, e.g. really of the form 'is v in system s' (for some otherwise specified s). They are not; they are not so syntactically elliptical, and such a suggestion would be open to several difficulties.¹¹ Nor, for related reasons, is it being said that 'is v' is indexical. Value predicates like 'is cruel', 'is important', and so on, involve no standard indexicals. Nor is it being suggested that value predicates are relational predicates, such as 'is 10 miles away', 'is 10 inches long', though again such a comparison is helpful. For 'is 10 miles away' is certainly cognitively assessible, yet in order to make an assessment of (e.g.) truth value, a base or starting point has to be supplied (and effectively it is supplied by the context of use, 'away' doing duty for 'away from here' and the context identifying here, etc). But, as with indexicals, the need for a base is syntactically flagged. If a syntactical comparison is wanted, that with dispositionals is better, that with secondary quality terms in particular.¹² Where object a is v then, for both values and colours, a is such as to feel or seem v to any normal participant in given framework s - a first-approximation connection which turns in part on the meaning of 'normal'. Like the semantical connection, it is not touched by Moore's critique of naturalistic theories which assimilate value terms to secondary qualities, e.g. 'good' to 'yellow'.

In semantical evaluation of a predicate 'is f', world relativism is normally involved; that is, what gets considered is $I(f, w)$ for each relevant world w. For less straightforward one-place predicates more is involved, and additional parameters, contextually given, are included in the evaluation function. In particular, in the evaluative case what gets considered is $I(v, s, w)$, where s is a contextually supplied system. Thus whereas 'is f' behaves semantically as a property, value predicate 'is v' behaves quasi-relationally (as (v, s)).

Values are then, so to say, on this representation, semantically relational. They are not simply properties of things, as objectivism usually suggests, but are so assessed as to relate things that are valuable (by virtue of what are taken to be value-making features they do have) to cultures or subcultures that account them such or perceive them as such. As cultures are systems of certain specific sorts, the semantical value relation is one between things and systems. When the system is contextually predetermined, as commonly, values become in effect properties, that is, the objective picture is restored. The initial semantic relation is not between things valued and valuers; but as this latter is the direct composition of the two relations, relativism is not that far astray either. The other relation involved in the composition is simply that values belong to or are selected by cultures, they adhere to systems.

In these terms it is easy to explain in yet another way how there can be values without actual valuers. The values are given by relations between things and cultures, which do not require actual valuers, human and other (consider, e.g., now-defunct cultures or future cultures).

A picture can help. Some things are painted out in cultural (culture-dependent) colours. A thing valuable in culture X has an X-valuable colour, much as it may also have a yellow colour. But to observe the "colour" of the valuable thing it is necessary to be sufficiently within an appropriate culture, to wear X-cultural spectacles¹³ - with acquiring them rather like acquiring a new language.

The picture gains some support from the sociobiological theme of the standardisation within (natural) cultures, of valuations and emotional presentation by natural selection.¹⁴ The standardisation helps explain why cultural parameters suffice in general, instead of individual ones, and why the wide variation subjectivism should predict does not occur. Of course added to naturally selected responses, and difficult to isolate from them, are the other things that make for cultural unity, such as manipulation, propaganda, social pressure. In the light of these, cultural group uniformity and relative stability is not surprising; value reception is tuned to the same bands.

\$5. Access to value qualities in(stantiated) the world, through emotional presentation. Value is picked up by valuers tuned to given cultural wave lengths. The means is not unrefined intuition, but emotional presentation. Much as the primary way of coming to know (experiential primary and secondary) qualities of objects is by sense perception or presentation, through the various senses, so the primary way of getting to know value features is by emotional presentation, through the various modes of feeling and desire. Moreover the "channels" here can be extended by equipment, devices, training, etc., as with sense presentation; this is already to some extent evident from such things as

the training of children (even within the primitive model), the education of adults especially in various Asiatic arts, and the emergence of people of refined sensitivity and feeling. The classing or grading of such items as wine, cheese and perfume can serve to illustrate how both sense perception and emotional reception can be much refined and improved. With such goods subjectivity concerning values fails seriously; people often freely admit that their tastes are little or no guide to quality. But though subjectivism goes down, cult relativity does not, but to some extent flourishes in different schools (especially at the more aesthetic end of auctionable goods, such as antique furniture and artworks).

Meinong emphasized, and pushed virtually as far as it would go, the analogy between emotional presentation and sense perception. Given the obvious fact of the internal perception of emotion, in a range of bodily ways (EP, p.23), the analogy is indeed deep and far-reaching. We are, for example, aware of the beauty of a place by general bodily response and uplift rather as we are aware of the greenness of a place by a generalisation on visual perception. To be sure, there are those who are blind or shuttered in one way or another, who do not respond so; to be sure, the methods are not invariably successful (even within the confines of a culture, where success is independently assessable); to be sure there is a deductive leap from the emotional or perceptual basis to the claims made on the strength of them. Naturally there are differences as well: notably, the bodily devices for specific sense perception are rather more easily isolated (but we are in the early days of understanding even such evident emotional responses as tears), and with sense perception there tends to be more extensive intercultural agreement. But for the present, when routes of access to nonsubjective value claims may appear lacking, the neglected similarities are what need emphasis.

The extent of these similarities Meinong brings out by appealing to

everyday attributions, as when people talk about a refreshing bath, fresh air, oppressive heat, disturbing noise, beautiful color, funny or sad, boring or entertaining, stories, sublime works of art, valuable people, good resolutions, etc. There is no question as to the close relationship of such attributes to our feelings. And there is no question that these attributes are fully analogous to other properties which are familiarly presented by ideas. When I say, "The sky is blue," and then say, "The sky is beautiful," a property is attributed to the sky in either case. In the second case a feeling participates in the apprehension of the property, as, in the first case, an idea does. And it is natural to let the feeling be the presentative factor in the second case, as an idea is always taken to be in the first case (pp.28-9).

Similarly, but with due cultural relativisation (and feedback) entering into the

presentation, Rolston:

We can be thrilled by a hawk in the wind-swept sky, by the rings of Saturn, the falls of Yosemite. We can admire the internal symmetry of a garnet crystal or appreciate the complexity of the forest humus. All these experiences come mediated by our cultural education; some are made possible by science. An Iroquois would have variant experiences, or none at all. But these experiences have high elements of givenness, of finding something thrown at us, ... (p.133).

Meinong's underlying tenet, 'that feelings can function as a means of apprehension' in much the way that sense data can, serves to separate the emotional presentation position from intuitionism. For it is not being claimed that there is a special moral or value sense, which delivers reliable (or even infallible) judgements. There is no special sense at all, but feelings which choice-making creatures clearly have and often act upon, though in ways that are hardly error-free. Emotional presentation affords a means, without however offering a reduction; it enables a passage between intuitionistic objectivism and reductionistic emotivism and subjectivism. Emotional presentation offers not the prospect of some analysis, as on emotivism old and new, but what is very different (though verification principles try to equate them), a way of coming to know.

But once again due elaboration - elaboration certainly needed, but the initial lines of which are already indicated by more careful literary and phenomenological scrutiny and analyses of relevant sentiments - involves departure from and further variation upon Meinong. For, in the first place, Meinong's doctrine of emotional presentation is set within his theory of content - a difficult theory, which though no doubt crucial in Meinong's actual route to object-theory, can be separated from object-theory and discarded (and should be discarded, so it is argued in JB, p.869). So it is also with emotional presentation, the linkage with the theory of content is not essential; central elements of the emotional presentation doctrine can be grasped and presented (as above) independently of the middlemen of content theory, with act-experiences the emotional bases.¹⁵

As with impersonal value, so with emotional presentation, Meinong leaves much open for further elaboration and further theoretical fastening down. In particular, he gives but little information as to how reliability of presentation is to be ascertained, or correctness determined, save appealing yet again to the perception analogy. The immediate problem is, of course, that

relation-free value is not always there where it is presented or could be presented. It is only there where, so to speak, something which is correct is the object of presentation. It is no easier to decide on such correctness, but in general much harder, than in the analogous

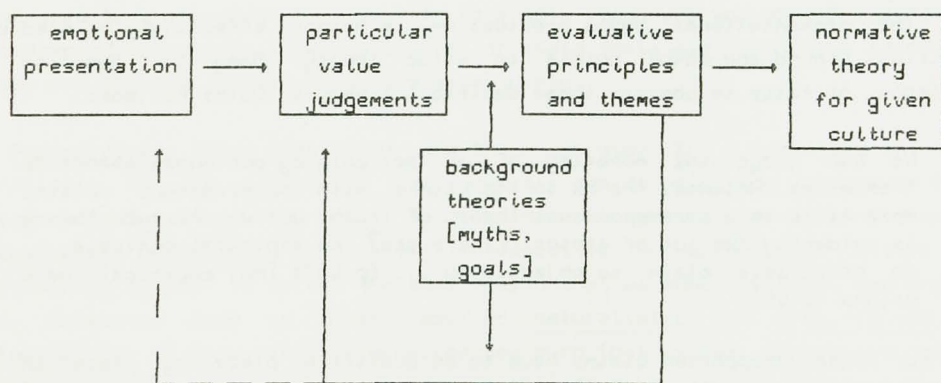
case of external perception (p.134).¹⁶

The first steps in explaining how the problem is resolved are simple enough: an encompassing theory is applied to separate out the correct from the incorrect presentations, to weed out the wrong from the right. Thus though feelings are the source or base, theory quickly enters, to organise and discriminate the data. This introduction of theory, which typically enhances culture or paradigm dependence already in the bases, enables both extension beyond the bases to be made and a certain independence of the bases to be achieved and also corrections of claims to be made and correctness to be assessed.

The structure is the same, in broad outline, in several important cases where transition is made from a given basis in search of correctness or rightness: not only emotional presentation and also sense perception but as well inferential practice. Always, for example, there is some filtration and ranking of participants and states. For example, some perceivers are discounted because defective or abnormal and likewise some states are excluded, e.g. being drugged or drunk. Some states are preferred for judging, e.g. the judge is fresh, not under stimulation or sedation, and some judges are preferred, e.g. those especially gifted or who have undergone appropriate training. These matters all affect the first stage in an idealised account of the route from empirical bases to end theory.

The fuller structure indicating broad stages is shown in the following flow chart:

Extended reflective equilibrium



The main linear stages are explained schematically along the following lines:-

1. Members of a given (pure) culture start with a series of emotional

presentations: those are given data.

2. They arrive by non-deductive processes, which include sorting and filtering, at a set of particular value judgements, selected for expected freedom from error
3. They, with the help of their theorists, generate a number of general evaluative principles and themes which explain, justify and organise the particular judgements.
4. They, or rather their theorists, attempt to develop a (sufficiently encompassing) coherent set of beliefs, consisting primarily of evaluative principles and themes, but also taking into account their background theories, especially concerning their psychological and emotional limitations.
5. After repeated adjustment in the light of background theories, they may arrive at a state of reflective equilibrium, and conclude that acceptance of the principles and themes in the final package of beliefs is justified.

This account of the stages sets out in a preliminary way, hopefully sufficient for present purposes, what is given rather fuller elaboration in burgeoning American literature (see especially Thargard, upon whose work the account sketched directly builds and upon whose rough and schematic explication of coherence it depends). A main difference from previous work consists in the introduction into the empiricist reflection picture of initial evaluative data in the form of emotional presentation.¹⁷

The presentational basis provides us, as Meinong effectively pointed out, empirical ground and check points in value theory. Many the theorist who neglects, or fails to observe these empirical linkages, Quine for one:

We can judge the morality of an act only by our moral standards themselves. Science, thanks to its links with observation, retains some title to a correspondence theory of truth; but a coherence theory is evidently the lot of ethics. [There are] no empirical controls ... no comparable claim to objectivity ... (p.43); [No] empirical check points (p.45).

Not so: these unsupported claims have to be qualified piece by piece in the light of emotional presentation (something that the wide appeal of emotivist theories should perhaps have suggested). As Meinong might have responded, and did respond in explaining 'that certainty as to whether a given object is worthy of being valued or not is in no sense unattainable for us',

On the contrary legitimate speculations, no matter how feeble, are permitted to us, which make it possible for us, building on our actual valuations and on the empirical evidence which constitute [strictly, found or ground] these, to pass over to stronger and stronger speculations, the more we generalize from the empirical evidence in question and the more we make use of still wider indirect factors, exactly as in the empirical investigation of the world of fact (p.138f.).

Here and elsewhere Meinong anticipates the bootstrap uplift of equilibrium modelling, and the conversion of justified surmises into systemic correctness and culturally authenticated certainty:

In the light of such surmises, it is no longer puzzling that, out of sufficiently congruous presentations, a knowledge of such foundations, or of such impersonal values, can be attained. This knowledge will count as certainty before the forum of epistemic practice, just as do many other sufficiently high-level surmises (p.151, italics added).

Because so much theory is built into resulting high-level evaluative principles and determinations, assessment of different and possibly competing ethical positions on the strength of the theory¹⁸ included becomes feasible, and likely. Many tribal ethical positions were, and are, rejected outright on the grounds that they remain interwoven with false scientific theories or primitive mythology. But the same sort of criticism applies equally to Western ethical systems which incorporated Cartesian assumptions to the effect that other animals were purely mechanical devices; for this false theoretical picture influenced or even governed responses to animals and treatment of them. Even today Northern capitalistic ethics remain integrated with a false picture of a human-dominated natural world, of its moral neutrality and free availability for local predatory use, limitless ability to supply resources and absorb wastes. In encompassing frameworks like capitalism, or state socialism, empirical facts and values are tightly jointed in a normative theory.

§6. Facts/values: their separation and their merging. But a corollary of this pluralistic way of values is the general non-deductibility of values from empirical facts, of is from ought. For if deductibility held, values (and deontic claims) would be uniquely determined, irrespective of underlying culture or relativising system. It is for the same reason that we should expect, and insist upon, fallacies such as those labelled naturalistic and prescriptive, as fallacies; for if they weren't fallacies too much that is not determined would be. Briefly, we would not expect what is obligatory or good to follow from the scientific facts, because that would determine which value systems to adhere to. But there is not a final unique system delivered from the empirical facts (for value frameworks involve more degrees of freedom than strictly empirical frameworks).

Nothing in this stops a culture from building evaluation into what would otherwise be more factual judgements, any more than it would block the infusion of theoretical or mythological elements into otherwise more observational claims. The factual (or descriptive)/evaluative distinction functions in certain important respects like the observational/theoretical distinction. While there are (relatively) evaluatively or factually neutral judgements, many claims that look neutral to people within a cultural setting are value or theory laden. Often in Western cultures, especially in scientific circles, more neutral terminology is insisted upon (this insistence itself is not of course value neutral). There is nothing however to prevent peoples of other cultures starting part way along these rough scales, with value- or theory-enriched terms in their assumptions. And should they do so, then they confront no fact/value or observation/theory gap. Consider, for example, the Aboriginal setting: the Dreamtime theory colours the world and their account of it. And the theory is itself evaluative, so both myth and value are incorporated in the initial presentation of things (as Bennett has explained, elaborating Rolston).

The Aboriginal theory of the Dreamtime is typical of traditional myths in delivering, in an integrated way, both a cosmology and a framework of values.¹³ As a result, valuations saturate the (described and perceived) landscape, a human and Dreamtime enriched landscape. So there is a free transfer from described facts to values, and free procedure back, when such a culture or mythology is given in. But, of course, such an integration of fact and values, at once raises the question of the adequacy of the theory. The motivation underlying such questions is two-fold: to discredit traditional theories which allow such an integration, and to distance our modern science which, so it is often alleged, makes a sharp division.²⁰

In such a setting there need be no gap between what is presented as description and evaluation, nor between related observation and theory. So full commitment to the culture is accepting also a network of valuations and a substantial mythological theory.²¹ Of course from outside the cultural framework (and within an extension of it) a separating analysis can be made. To this extent also the distinctions bear on and reinforce themselves; those cultures which tend to insist upon the distinctions, as Western scientific cultures typically do, incorporate these distinctions into their ways of viewing, categorising and presenting things.

\$7. Aesthetic and other values: nonjective, nonvistic and nonexistent also. As Meinong observed, in a different but relevant context,

in general ... the situation does not seem to be too different in the aesthetic domain and the domain of value. ... In principle, ... there

is no more reason why we should not empirically reach relation-free results in respect to the beautiful than in respect to value (pp.149-150).

There is indeed no very sharp semantic distinction between moral, practical, and aesthetic values.²² Moreover, most of the attempts that have been made to separate off moral values from the rest are characteristically based on human chauvinism - for instance, moral values were taken to be those that answered back in some fundamental way to human interests or needs - and so have been undermined with the rise of properly environmental ethics (see further EE, p.182).

What has been claimed of value and value judgements is of course intended to apply to aesthetic values and judgements. These judgements too are genuine assertions; they are propositional, and can be implied or contradicted, known or not, true or not, etc. This instates one main component of aesthetic realism (as formulated in AR, p.27). But the pluralistic way of value does not support another main component of such realism, according to which 'the presentation of appropriate evidence leaves no room for the sincere reservation of assent' (in AR, the other main component). The reason is that semantical system relativisation is here entirely omitted, as in absolutism. But in aesthetics, system or cult dependence is a very marked feature; and, by contrast with ethics, cults in aesthetics are often pretty small and exclusive. And, more important, a person outside the presupposed cult framework may well sincerely refuse to assent to a given judgement.

Nor does the way of values outlined support a further important component of realism, that aesthetics or other value properties really exist, that is realism about universals of this sort. For under neutral recasting of attribute and universal theory within object-theory (a recasting pioneered by Reid), no such existence claims are involved (see JB, p.627ff., p.846). Realism and the ontological commitments it imports have distorted value theory as they have distorted much other theory (e.g. in philosophy of science, concerning fictions, etc.). What happens is that philosophers are reluctant to allow irreducible discourse concerning values, especially value universals - despite the manifest difficulties of all reduction attempts - because then it appears that they are committed to the existence of values, and so in some fashion to their objectivity, even to a Platonic sphere of things (with the Good, the Beautiful, the Agreeable, the Authentic, and so on, in their proper heavenly places). But this is a fallacious sequence of reasoning, involving ontological assumptions (as noted at the outset, and criticised in JB, p.28ff.). In the end is the beginning.²³

FOOTNOTES

1. Eaton notes Brentano's influence on Meinong's value theory, p.218. Meinong however downplays that influence, e.g. p.131 n.8. All references to Meinong's work are, unless otherwise indicated, to EP, i.e. On Emotional Presentation.
2. For a brief, but fully referenced, presentation of Meinong's object-theory, see Morscher and Simons. But object-theory too will be varied, along the lines of JB; in particular the category of subsistence is removed, with the result that ideal objects, like other nonexistent objects such as incomplete objects, have no kind of being or existence. (To be sure, other different classifications may replace those removed, e.g. objectives corresponding to true judgements obtain; and subsistence is assigned its standard roles, in marking out types of existence.)
3. The main source for Meinong's theory of emotional presentation is, like the parts of the impersonal theory of values here considered, EP. For a helpful summary of the theory, see Findlay, chapter 10: Note that emotional presentation is primarily experiential, not propositional, and that 'emotional experiences, e.g. feelings and desires, are internally perceived' (EP, p.23); cf. Chisholm on Brentano's theory of correct emotion.
4. The distinction applies not only to values, but to associated notions such as purpose. 'Purpose ... is quite independent of an apprehending subject' (EP, p.146).
5. Sistology, the study of objects and their standing, is the enterprise of the theory of objects; for elaboration see SMF
6. Findlay, Forward to EP, p.xi. Meinong's aim is satisfied, but in a different fashion, through the approach of SV.
7. A type of 4-valued theory results, since not all items need yield rewards or punishments, and some may yield both. Details are given in NC. The idea of Nature as bringer and bearer of value runs through Rolston, e.g. p.143, p.147, p.151.
8. This contradicts not only the main non-objective stream of value theory but also the earlier Meinong, who claimed, without argument, that values require existent valuers. While it is true that the valuing relation, as exemplified in 'Squirrels value horsechestnuts', requires relata, this does not entail that valuables (e.g. chestnuts) or values (e.g. being good to eat) also require valuers. Accordingly too the onus of proof is on the opponents of impersonal value.
9. It is not so easy as simply putting on new glasses, but rather as if the glasses were lost and first have to be found. For changing frameworks, or operating in different frameworks, is like changing worlds, like living in a new world, which requires massive readjustment. Frameworks feature in many semantical respects like worlds.
10. In terms of the semantical theory of PP both A and $\sim A$ are p-true.
11. Two, indicated by Philip Pettit, are as follows: Firstly, this would preclude translating 'v' into the language of another culture. And, secondly, it would cast doubt on whether something's being v is genuinely evaluative, giving reason for action even in the absence of an independent desire (One would also have to have certain attitudes towards system s). There are also other well-known difficulties.

12. Pettit points out that a systemic relativity of this sort would be supported by what Wittgenstein has to say on rule-following.
13. Stavrogin, hero of The Devils, is a person who fails to see the world painted out in the moral colours of the culture he is embedded in or of any other viable culture, a point in effect elaborated by Pigden. From the angle of values as standardized by biological selection, Stavrogin is a cultural freak; whereas reformers and prophets are rather (benign) mutants. While reformers and prophets also deviate from their surrounding cultures in varying degrees, they will differ from amorlists in seeing the world in other (better) colours, in the case of reformers normally just a little different from those of their cultures.
14. Cf. Wilson, p.6:

... emotional responses and the more general ethical practices based upon them have been programmed to a substantial degree by natural selection over thousands of generations.

But here Wilson's point, made as regards humans, is adjusted to long-standing cultural communities, to certain human subspecies for example.
15. This is in diametrical opposition to Findlay, who asserts that 'the doctrine of "emotional presentation" is, in fact, an unexpected by-product of Meinong's doctrine of content, and would be unintelligible to one who had failed to grasp that doctrine, or to feel its persuasive power' (p.304).
15. The emphasis on correctness presumably derives indirectly from Brentano, for whom correctness is all-important in ethics, the fundamental relation of betterness for instance being given by correct preference. An analogous emphasis on rightness, especially in aesthetics, is found, in duty system relativised form, in the later Goodman, cf. pp.138-9.
17. There are other significant differences as well. Firstly, the American models tend to be maximizing models, which aim at maximally coherent sets of beliefs, whereas the intended model is a satisficing model, aiming only at a sufficiency of organisation (on satisficing, see DE). Secondly, the model is pure culture (or uniform group) relativised, and can accordingly take a middle way between the unsatisfactory populist and elitist elaborations of reflective equilibrium models (cf. Thagard, p.39).
18. Emotional and descriptive bases of normative theories are also open to assessment and adjustment (as the dashed feedback loop indicated). Emotional presentation is certainly sometimes criticisable, for emotions are not always so natural (or always meritorious when they are) but sometimes cultivated and fashioned; they can be manufactured and manipulated (as Veblen and others have explained).
19. It can be plausibly argued that modern science properly and more fully presented does the same.
20. But the modern separation is no longer so clear as it once seemed to be, and the fact/value distinction is in almost as bad a repute as the analogous observational/theoretical distinction. Still few would go as far as Whitehead, or

more recently Rolston, in denying a division and seeing values as simply supplied along with empirical facts. Nonetheless something of a case for taking this line can be made out, more strongly with the advent of (value-laden) ecological principles, such as Commoner's three "laws". There Nature, like the Dreamtime, takes on an overtly evaluative role, with a personified Nature which knows what it does.

21. A major question for outsiders is, naturally, the adequacy of such a powerful culture. Those guided by typical old-fashioned Western convictions would simply reject the cosmology as false and the accompanying valuations as misguided. Not so those with newer incommensurability theories, or (better) with new pluralisms.
22. Austrian value theorists were well aware of this, their idea of a general theory of value in effect depending on the possibility of a fairly uniform treatment. Cf. also, more recently, Quine, p.40, who has here followed the Austrians.
23. Thanks for comments on earlier versions of this paper are due to William Aiken, Holmes Rolston, and Philip Pettit, and to members of the Philosophy Department, University of Waikato, Rotorua.

REFERENCES

- D. Bennett, 'The "Is-Ought" Dichotomy and Environmental Ethics', paper presented at the Australasian Association of Philosophy Conference, Canberra, August 1984.
- C.J. Berry, Hume, Hegel and Human Nature, Martinus Nijhoff, The Hague, 1982.
- R.M. Chisholm, Brentano and Meinong Studies, Humanities Press, New Jersey, 1982.
- H.O. Eaton, The Austrian Theory of Values, University of Oklahoma Press, Norman, 1930.
- J.N. Findlay, Meinong's Theory of Objects and Values, Clarendon Press, Oxford, 1963.
- N. Goodman, The Structure of Appearance, Third edition, Reidel, Dordrecht, 1977.
- N. Goodman, Ways of Worldmaking, Harvester, Sussex, 1978.
- D. Hume, A Treatise of Human Nature (ed. L.A. Selby-Bigge), Clarendon Press, Oxford, 1967.
- J.L. Mackie, Ethics, Inventing Right and Wrong, Penguin, Harmondsworth, 1977.
- D. Mannison and others (eds.), Environmental Philosophy, Australian National University 1980; referred to as EE.
- A. Meinong, On Emotional Presentation (ed. M-L. Schubert Kalsi), Northwestern University Press, Evanston, 1972; referred to as EP.
- A. Meinong, Psychologisch-ethische Untersuchungen zur Werttheorie, Leuschner u. Lubensky, Graz, 1894; referred to as UW.
- E. Morscher and P.M. Simons, 'Meinong's theory of meaning', in Essays on Meinong (ed. P.M. Simons), Philosophia Verlag, Munich, 1985.

- P. Pettit, 'The possibility of aesthetic realism', in Pleasure Preference and Value (ed. E. Schaper), Cambridge University Press, 1983, 17-38; referred to as AR.
- C. Pigden, 'Stavrogin: critical study of an amoralist', paper presented to the Philosophy Society, Canberra, March 1985.
- W.V. Quine, 'On the nature of moral values', Values and Morals (ed. A.I. Goldman and J. Kim), Reidel, Dordrecht, 1978.
- H. Rolston III, 'Are values in nature subjective or objective?', Environmental Ethics 4 (1982) 125-151.
- R. Routley, Exploring Meinong's Jungle and Beyond, Research School of Social Sciences, Australian National University, 1980; referred to as JB.
- R. Routley, 'Roles and limits of paradigms in environmental thought and action' in Environmental Philosophy. A Collection of Readings (ed. R. Elliot and A. Garre), University of Queensland Press, St. Lucia, 1983; referred to as RE.
- R. and V. Routley, 'Semantic foundations for value theory', Nous 17 (1983) 441-456; referred to as SV.
- R. and V. Routley, 'Negation and contradiction', Research Series in Logic and Metaphysics, #2, Research School of Social Sciences, Australian National University, 1985; referred to as NC.
- R. Sylvan, 'How science and myth and fiction, step beyond the actual, and sometimes beyond the possible', Research Series in Unfashionable Philosophy, Research School of Social Sciences, Australian National University, 1984; referred to as SMF.
- R. Sylvan, 'Philosophy, politics and pluralism I. Relevant modellings and arguments', Research Series in Logic and Metaphysics #2, Research School of Social Sciences, Australian National University, 1985; referred to as PP.
- R. Sylvan, 'A critique of deep ecology', Discussion Papers in Environmental Philosophy #12, Research School of Social Sciences, Australian National University, 1985; to appear also in Radical Philosophy; referred to as DE.
- P. Thagard, 'From the descriptive to the normative in psychology and logic', Philosophy of Science 49(1982) 24-42.
- T. Veblen, The theory of the leisure class, Allen and Unwin, London, 1924.
- A.N. Whitehead, Process and Reality, Macmillan, New York, 1929.
- E.O. Wilson, On Human Nature, Bantam, New York, 1979.

SUPPLANTING MAXIMIZATION, AND OTHER UTILITARIAN ASSUMPTIONS,
IN WESTERN ETHICAL IDEOLOGY:

a satiating alternative to Brentano's foundations

Much of Brentano's extensive published work on ethics is devoted to the difficult task of uncovering and shoring up the foundations of ethics and ethical constructions, and revealing the origin and bases of ethical concepts such as right and wrong. For ethics is seen, in typical empiricist fashion, as a construction, which requires explanation. The (practical) ethics that emerges is, so Brentano himself describes it, a kind of utilitarianism. It draws heavily both on Aristotle's teleological theory and on British utilitarianism, especially Mill's system, the overall structure of which Brentano adapts for his own theory.¹ But Brentano's pluralistic consequentialism is an "ideal utilitarianism" with a difference, rather more subtle than British forms and with some strikingly original elements (anticipating Moore's innovations). These differences mitigate various of the more damaging features of hedonistic utilitarianism. However they do not reach far enough: ideal utilitarianism requires yet more drastic repairs.²

Brentano rightly rejects hedonism in favour of a plurality of ends; martyrs, for instance, are not trying to maximize their own pleasure (OK, p.12). Unfortunately, however, the ends admitted remain (as with utilitarianism and as befits Brentano's Catholic empiricism) essentially experiential: love, enjoyment, inspiration, knowledge, etc. 'This, therefore, is certain: there is a variety of fundamental ends. We must choose among them. ... the determining principle ... for choice ... is ... as Aristotle said, ... the fundamental question of ethics' (OK, p.12).

In prescribing choices - correct choices that is, what ought to be chosen - a means-end distinction should first be drawn (as utilitarians like Moore also stressed). There are various means to a plurality of ends (p.12). Among such ends Brentano's recipe for correct choice, supposed to follow from his Summation Principle, is: 'Choose the best among the ends that are attainable' (p.13), a recipe which replaces Mill's Greatest Happiness Principle. Brentano explains, in an important note, that what he intends to convey by the choice rule is this: maximize expected good, over the end collective. That is, attainability looks to likely ends. For means, the choice rule Brentano offers is: 'choose those means that will actually bring about the end', a rule that presumably should be adjusted, like the end-rule, to probabilistic form. These choice rules prescribe correct action, what, according to Brentano, ought to be done.

A remarkably similar approach (presumably deriving also from Aristotle) is subsequently taken by Broad, where he explains 'the Ethical Problem' in his

exposition of Sidgwick's ethical theory:³ 'It seems intuitively certain that we ought to aim at realising the greatest nett balance of good that we can' (p.152). As for Brentano, so in the same way for Broad, 'this at once leads to the question: "In virtue of what characteristics is a thing, or person, or state of affairs intrinsically good?"' - a fundamental question to which we shall return, once we have duly disposed of the 'intuitively certain' maximization assumption.

As for obligation, so for other deontic notions, such as rightness, the recipe offered is again a maximization one, of broadly utilitarian cast. In the historical survey leading up to his notable 'new attempt to give ethics a foundation', Brentano claims to

have hit upon something to which one can without doubt adhere as valid. Philosophers who in other respects set about working on the basis of ethics in quite different ways were unanimous in their opinion that the right end consists in the best of what is attainable (FE, p.128, *italics added*).

As it gets elaborated this is a consequentialist principle, in certain respects broader than utilitarian formulations. However is it not tautological, as is sometimes suggested (e.g. by McAlister), since it involves a substantive maximization principle. Certainly it would be tautological if it simply said that the best end amounted to the best end, best is best no doubt. It would still be analytic (apart from the attainability twist) if right meant best. But it does not, as any dictionary will reveal - though philosophers committed to the simplistic reduction of right to best can be found scattered everywhere throughout the Anglo-Celtic world. The reason the principle has not been widely disputed is that those who properly object to such deontic reductions (e.g. Kantians and intuitionists) have commonly conceded, or even insisted, that there is a (*prima facie*) duty to maximize the good in itself. That is, deontologists include as a substantive principle what some utilitarians (Moore for instance, but not Sidgwick) construe as meaning derived. There is no such general obligation, however, to maximize the good.

§1. The road from maximizing, towards a satisficing alternative. Despite the past unanimity - hardly a decisive argument for correctness - Brentano was working with what would now appear to be a somewhat biased sample. It would certainly be hard any longer to find quite such unanimity among philosophers on the character of rightness. A main reason for the change is that long-standing objections to utilitarianism, several of which extend to such maximization themes, are again beginning to be more widely appreciated.

The objections tend, like much ethical theory, to be example-oriented and overly particular. But there are, as well, underlying theoretical considerations

of two important types: those based on a rival theory to that of maximization, and those based on the meaning and explanation of key deontic terms such as right and obligatory (meaning considerations which will be picked up later). In the first place, then, there is a growing body of literature presenting cases of morally proper submaximal behaviour (for some examples, see Chisholm, Slote, RU). Typical examples involve people who have done well, done all that is required, but who choose courses which, while still perhaps good or adequate, do not maximize good or generalised utility. Thus the daughter (of RU) who eventually chooses to marry rather than continue supporting her parents, a permissible choice involving a reduction of net good. Thus Slote's doctor with personal interests in India who chooses work in India rather than Ethiopia, where however he would certainly do more good. In case there is some question about this we can elaborate the example by supposing that the doctor's personal interests are dubious or worse; it is not that he prefers Indian food or art to Ethiopian but say Indian drugs or boys to Ethiopian.

Sometimes, however, the eschewing of maximizing behaviour concerns not merely isolated significant choices, such as creatures are free to make, but whole ways of life, systematic choice patterns and practices. Such are lives of moderation, of one sort or another, strongly recommended by much ancient wisdom and philosophy, for instance by Solon with his principle 'Nothing too much' and Aristotle with his doctrine of the mean (cf. MS).

A satisfactory (meta)-ethical theory should reserve a welcome place for such cases countering maximization, and should make room for normative theories advocating moderation and the like. Nothing is easier to do, at least if local common-sense morality is even roughly mirrored by the theory. But this simple requirement is one that all the prominent Western ethical theories fail (in this respect Brentano was right about what was thought valid). The failure can be avoided, a repair of sorts effected, by moving from maximizing to satisficing, from aiming for extremes, or for the lot, to approximating mean levels or to doing with enough.

For several of the objections to maximizing ethical theories can be avoided, it has only recently been noticed (after a lapse of many centuries), by moving to satisficing alternatives, according to which a right end or act consists in a good enough alternative among what is attainable (cf. MS; also Slote). To satisfice is to attain or surpass a (pre-established but perhaps decidedly fuzzy) adequacy threshold: it is, more primitively, to get or do enough. What will emerge, however, is that a more satisfactory position still, in better accord with common-sense moralities, can be obtained by weakening the already diminished consequentialism of this satisficing replacement for the maximization recipe. Such is part of the story to be elaborated in the rambling way that follows.

The possibility of replacing maximizing ethical theories such as utilitarianism by improved satisficing forms is obvious once proper moral allowance and space are made for the ancient and frequently honoured practice of satisficing, of doing with enough and its accompaniments, such as making do, moderation, etc. The replacement possibility (recorded in MS), has been pursued independently by Slote, but under the somewhat misleading heading of satisficing consequentialism. For this would yield, were the established sense of 'satisficing' followed (rather than what Slote intended, which appears to be satisficing), the wrong thing. What it would yield is this: a constrained maximization of consequential features, such as satisfaction yielded, but constrained by non-consequential features, such as time available to the agent involved, resources of the agent, etc. That is, it would move beyond consequentialism. Such a breaking loose from consequentialism is indeed the correct way to go, as will appear. But the actual direction taken with satisficing is quite defective, since time and money and other such constraints, though important in practical reasoning, are substantially irrelevant to much morality.⁴ So let us take the intended satisficing route, which is not a constrained maximizing way. Though a definite improvement on maximization approaches, constrained or not, it too will prove defective; but it leads us in the right direction.

§2. The route past satisficing consequentialism. Satisficing consequentialism, in various formulations, results upon replacing maximization recipes by satisficing recipes in formulations of consequentialism. Thus, in place of such forms as 'Choose/act so as to attain the maximum, the best, among ...', result such forms as 'Choose/act so as to satisfy upon ...'. For definiteness consider a condensation of Slote's various formulations of satisficing (act-) consequentialism: 'an act is [morally] right/ permissible if and only if its consequences are good enough in comparison with the consequences of other acts open to the agent'.

Satisficing consequentialism no doubt represents a significant improvement on maximizing forms in several important respects. For instance, it not only renders the theory applicable and practical, by allowing cut-off of remote future effects and by limiting investigation of alternatives. It also avoids, or at least reduces, the standard totalitarianism - which effectively requires that a person perform what maximizes sought output - of maximizing consequentialism. It reduces, that is, those features of utilitarianism that run counter to individual freedom and autonomy.

For a satisficing theory which allows less than the best to be morally permissible can treat it as supererogatory, and perhaps as especially praiseworthy, for people to do more good than would be adequate to ensure the

rightness of their actions. By contrast, optimizing theories make excessive demands on individuals, requiring that they abandon deep commitments and important projects whenever these do not serve overall optimality. It has often been objected that this level of sacrifice is unfair and unreasonable, and alienating from projects. Thus it has become a regular criticism, by opponents of utilitarianism, that consequential requirements constitute attacks on the integrity of individuals as persons.

Satisfizing consequentialism escapes these sorts of objections (as Slote correctly argues). It allows directly for supererogation and for personal commitment and integrity. A person (e.g. a doctor in India) can satisfy her special interest or concerns (for things Indian), while at the same time fulfilling all that morality demands of her, though she could have done more good elsewhere (e.g. in the horn of Africa), and so has not maximized her output. However Slote thinks that a conflict with ordinary morality remains, since such morality allows a much wider range of permissible projects. But his point rests on a common confusion between what is permissible, or alright, and what is right. Projects which do not measure up to adequacy standards may still be permissible, because not wrong, even though they do not meet more exacting requirements for counting as correct.

Thus too satisfizing consequentialism avoids many of the obvious features that cause maximizing forms to diverge so sharply from more common-sense morality. Sidgwick's rather quaint hope for some sort of convergence between utilitarianism and (Victorian) common-sense morality has been seen to fail conspicuously as the weaknesses of utilitarianism have emerged this century. Undoubtedly a better rapprochement of consequentialism with common-sense morality can be obtained by moving to satisfizing consequentialism. In part the reason is because on an ordinary morality (which is usually equated with common-sense morality) producing sufficiently good non-optimal results is normally all that is required, as cases of supererogation and so forth again show. Indeed ordinary people tend to realise their limitations, and make-do in practice. If lucky, they obtain a satisfactory spouse, a good enough job, etc. They do not, if they are sensible (and rational), work at maximizing on these important life choices. On the contrary, pursuing a maximizing recipe for such life choices, or for charting of a good life, is a not unlikely way of failing to obtain a good life or good results.

Further major advantages of satisfizing forms lie in their ability to offer some reconciliation between deontic and consequential style theories. For satisfizing enables the defeat at once of many of the two-sided objections, from consequentialism to deontic principles, and from deontic theories to consequentialism. The consequentialist side of these objections is to the reliance on principles, when sometimes at least better results could be achieved

through (act -) consequentialism. But that is really to accept maximizing. Under satisficing such an objection no longer carries such great weight. It is enough, at most, that application of the principles involved yield sufficiently good outcomes.⁵ Several of the objections from the deontological side can also be parried: for instance, the inapplicability of consequentialism since nothing less than all consequences will do, and all are never in - because all are no longer required - the incomparability of factors (such as different virtues, or interpersonal comparisons of happiness) - because again exactness is not required, and not all outcomes need be compared precisely.

Satisficing consequentialism also fares markedly better than optimizing versions on a range of matters occupying the space between what is permissible, or right, and what is best (and so broadly linked with supererogation or its permissible absence), matters such as those concerning again personal integrity, agent fairness, and agent sacrifice. However, satisficing too remains unsatisfactory in demanding too much for (mere) permissibility. It still leaves inadequate room for freedom of choice and action, personal space and scope for autonomy. For instance, common-sense moralities normally permit an agent, capable of doing better, to pursue projects that do not contribute much at all to overall (human) well-being, whereas satisficing consequentialism could well exclude such projects (unless very low thresholds, which accentuate other difficulties, are set).

Worse, satisficing consequentialisms are defective for many of the same sorts of reasons as standard forms. In particular, they fall easy prey to counter-examples, for example from injustice. For with thresholds set at less than maximal levels, it is even easier to find cases of injustice which produce consequences exceeding the threshold, e.g. pleasurable entertainment for the masses by torture of homeless foreigners, or animals, sacrifice of individuals for movements or organisations or states, etc. For straightforward satisficing consequentialisms such defects are fatal.

Some of these major problems with consequentialism, satisficing or other, are however mitigated in borderline forms of utilitarianism, such as ideal satisficing utilitarianism, which do not restrict value assessments (e.g. of actions) solely to consequences.⁶ For then differential utility (or value) can be assigned to different types of motives, large values to individual autonomy, etc. But, as is well enough known, such adjustments, while certainly not to no avail, still do not succeed in excluding cases of injustice, unfairness, etc. The underlying logical reason is that relations, such as the counter-examples involve, cannot be reduced to properties, which is all that utility supplies. Thus, deontic constraints are required for effecting repair to satisficing utilitarianism as for maximizing forms (cf. RU). But this means abandoning utilitarianism, and likewise consequentialism. In sum, although satisficing

consequentialism has several attractive features, and a good deal of explanatory power, there are good reasons for moving beyond it.

§3. Beyond consequentialism and utilitarianism. The basic defect of consequentialism — whatever form it takes — is that it contracts value to consequences, to part only of what may bear quality. Such items as actions comprise an act and an outcome, both a process and a product.⁷ Both the components of this conceptual division are ethically important; both may matter for ordinary moral judgements. Contrast, for instance, attempted actions which fail, such as attempted revolutions, assassinations, rapes, with those that succeed. Murder is worse than attempted murder, both because of the type of act and intentions involved (also involved in attempted murder), and because of the drastic outcome. Ethical theories which move away from common-sense positions, and erroneously try to concentrate the badness of the process-product whole in one of the components, have a difficult time explaining the ordinary contrast between attempted and successful violence. This is not to say that they cannot accomplish something by way of explanation (as with "motive utilitarianism"), but that what they offer tends to fall far short of the adequate.

Consequentialist theories however construe all action as strictly instrumental; value proper is confined to outcomes, assessment is always through consequences. Thus consequentialist theories are, to put it in older terms, teleological (a way of putting it which may however unintendingly suggest goal-direction or purposes, which need form no part of physicalistic consequentialism). They typically involve deontic reduction, characterising what is right or wrong, what is permissible and so forth, also through consequences — where, that is, they do not attempt to dismiss these deontic notions in one way or another.

By contrast with consequentialist theories, pure deontological positions (such as Kantianism) take all value to lie in the intentions, or motives, with which actions are done. Plainly this teleological/deontological contrast (as presented, e.g., in Broad) represents a false contrast, and one that has been very damaging in ethics. For both intentions and outcomes matter for many assessments; in particular, action is not merely instrumental. The contrast thus exhibits two sides of an incomplete and inadequate picture. Both sides leave out essentials. A full picture has to include both, and their interconnections. In a satisfactory life, for instance, much of value in that life lies in the processes involved, not merely in the products produced (this claim is argued in ML).

Utilitarianism, as usually presented, is open to all the objections consequentialism encounters, and more. For utilitarianism is taken to be included in consequentialism. The value of consequences is taken by

utilitarianism to be "utility" of some (experiential) kind, e.g. well-being, happiness, pleasure, or whatever. For example, if consequentialism ranks (value wise) action and states of affairs in terms of the goodness of consequences, then usual utilitarianism ranks them in terms of the utility of consequences.

A quite representative account of utilitarianism (from Reese) runs as follows: the principle of greatest utility should be the criterion in ethical matters, where the criterion is to be applied to the consequences of acts, decisions, etc. (Observe that such encyclopaedia accounts strictly exclude satisficing forms, which would replace 'greatest utility' by 'sufficient utility'.) Moreover 'the criterion' is meant to determine what is permissible or right; rightness is characterised by way of utility. As well, utility is invariably psychologically construed, in terms of psychological features or attitudes of members of some selected base class of creatures or persons.⁸ It is because of this psychological reduction, in particular, that contemporary consequentialism can claim genuinely to be broader than utilitarianism, and can claim to take some account of considerations of justice (which are relational), since these may affect overall goodness of consequences without affecting utilities (which are nonrelational). Even so, such consequential-justice is not a constraint on action, but one more factor to be considered in the assessment and ranking of consequences; and so, unlike justice proper, it can be overridden, for instance, in certain extraordinary circumstances.

As we have already observed, this relatively neat picture

Usual Utilitarianism	Pure deontology
Consequentialism	Nonconsequentialism

has been upset by the expansion of 'utilitarianism' to include a much broader class of theories, those known as ideal utilitarianisms. Such positions need not be utilitarianisms in the more usual (narrow) sense at all, or indeed even consequentialist positions. Yet it is in such a broader sense that Brentano, Rashdall and Moore are "utilitarians", insofar as they are. The extension of the term has at least a two-way motivation; for exponents, it enables utilitarianism to look like a more comprehensive (and plausible) position, while for opponents it enables criticism of the easier target of narrow utilitarianism to be readily transferred to such forms.

It is better to classify these theories which look to the achievement of

some mix of ideals - of which utility is but one - not as types of utilitarianism at all, but instead as axiological. A significant divide in ethics (and aesthetics) is that between axiologic judgements - those of good, better, best, and of value type both generally and more specifically - and deontic judgements - those of obligations, rights, permissions, prohibitions, etc.⁹ As is well-known, imperialistic axiological theories such as brands of utilitarianism and consequentialism have tried to reduce deontic judgements to some favoured form of axiological ones, usually by way of meaning analyses or identifications (as e.g. right means, or is, best). As reportive accounts of usage of deontic terms, such analyses tend to fail dismally, so much busy linguistic work has shown.

§4. Across the swamps of deontic reduction: satissizing axiology. A main part of the appeal of utilitarianism lies not in its calculative charm - an appearance which disappears in practice, and is lost in any case in pluralistic (nonhedonistic) forms such as "ideal utilitarianism" - but in its explanatory and justificatory power. It can explain what is right and wrong, and even give a cost/benefit style recipe for estimating these things, quite in contrast to typical nonconsequentialist positions. So while the theme that rightness depends solely on consequences comes out as a typical philosophical reduction attempt, leaving out evident data concerning processes, intentions, etc., and thus looking typically inadequate, its appeal is bound to persist until a rival recipe is produced.

But, in the first place, there is no reason why the assessment of rightness should depend solely on the consequences, why it should not take account of all relevant factors of the acts involved. Since what is relevant is, on the face of it, what is good or of value, it is tempting to try out a rival satissizing recipe in place of Brentano's maximizing expected good, one in terms of satissizing value. As it happens, a slip in Slote's progressive reformulations of consequentialism so as to avoid maximization (S p.13x), exposes an interesting nonequivalence, thereby suggesting such a satissizing recipe. Slote proceeds from the theme

1. 'the rightness of an act depends solely on its consequences' (plus a maximizing clause
2. 'the rightness ... depends on its having the best consequences (producible in the circumstances)') to the theme 1*. 'the rightness of acts depends on whether their consequences are good enough' (together with 2*. 'only the best possible (in the circumstances) is good enough').

The point is that 1* allows other elements than consequences to enter into determination of rightness; for instance, coherence with other conduct, constraints, motivational adequacy, etc. The slip consists in the omission of

'solely', a qualifier which serves to make good enough consequence both necessary and sufficient. And while they may be necessary, as in 1*, they are not sufficient because of other determinants. That is, as we have seen, some of the usual objections to consequentialism adapt to defeat satisficing forms also. But it is not quite so obvious that they apply to satisficing axiology.

Satisficing axiology explains deontic principles as satisficing on value, as principles designed, not necessarily to maximize on value, but to yield adequate levels of value. It retains the explanatory power of consequentialism as regards deontic notions without full consequential reduction. Satisficing axiology has several advantages:- Primarily it allows for principles which do not always generate best consequences. So it is immune to maximization criticism. It naturally accommodates (moral) supererogation, permissible (and good) suboptimal practices, and so forth, in contrast with maximizing approaches. It permits other factors which do not always generate best consequences to be taken into account, e.g. agents' motives. In this latter sort of respect consequentialism fails, but axiology need not. Moreover, it does converge with common-sense morality. For example, it confirms the common assessment of violence (murder, etc.) as worse than attempted violence (murder, etc.), though the differences may be accidental or a turn of fortune. It can escape, too the act/rule dualism that plagues maximization. So far, good enough.

However, it is now a commonplace that Anglo-Celtic common-sense morality, by contrast with consequentialism, 'contains deontological restrictions on what on what agents may permissibly do in the name of overall optimality' (CM p.13). But Slote fails to observe that, with the abandonment of consequences as sole determinant of rightness, even deontic constraints can be reflected in the new recipe - provided they can in turn be unscrambled, without circularity, as value-producing factors. The proviso is crucial.

For a satisficing axiology may still come to grief over deontic constraints (prohibitions, circles of permission, etc.), unless it is carefully elaborated. Part of the problem in understanding and justifying deontic constraints derives, of course, from those features of maximization and consequentialism operating in tandem which have already been dealt with, especially problems which come from seeing constraints as getting seriously in the way of maximization of consequences. However such maximization is no longer the conceded objective; instead a characteristic aim is, as with more common-sense morality, to obtain a good enough, free enough life. But part of the problem derives from elsewhere, especially from the idea of single principle justification, whereas principles are justified in clusters, or, more exactly, in layered fashion.

What is right and rights, for instance, to take the complex deontic notions Brentano concentrates upon, are not determined in isolation, but systematically

in an intertwined network with other deontic notions. A helpful model is provided by probability theory, where some initial probabilities are fixed initially, e.g. equal probabilities from indifference principles. Similarly in the deontic sphere, basic impartiality principles, concerning for instance the equal *prima facie* value of persons, are determined initially. Then results determined earlier on, while not totally unrevisable, serve as constraints on later determinations. However, before trying to get such an inductive justification of the rights-picture nearer right, there are some important preliminaries.

§5. On relevant features of the meaning and justification of rights. Both maximizing and satisficing (consequentialist) theories are open to the serious criticism that they neglect obvious meaning features of deontic notions, reportive features presented in accessible dictionaries. Maximizing theories are most vulnerable. While nothing consistent is better than best, much that is permissible and right is considerably less than best. Such notions as permissible, right, duty, as normally construed, allow for suboptimal choice and action, normal construals easily defended against consequentialist high redefinitions.

In its relevant normative senses, right spans the positive deontic classificatory spectrum, from permissible (a deontic threshold) towards the bottom, to best at the top (while its opposite, wrong, correspondingly spans the negative deontic spectrum). Commonly at the extremities the adjective 'right' is combined with modifiers which indicate the classification concerned: thus 'all right' and 'right enough' (a clear satisficing modifier) for 'right' at the permissible or OK level; thus 'entirely right' or 'absolutely right' for 'right' at the top level. In between 'right' often does duty for 'obligatory', especially in such phrases as 'it is right to'. It is what is proper or required by unproblematic principles; 'right' matches 'ought' but with the presupposition that there are (uncontroverted) rules to appeal back to (thus its cognate rectus, related to regere, to rule). Utilitarian theories too often collapse the positive deontic spectrum. Consequentialism of any sort typically contracts the options open enormously - from a significant set to a singleton - with the simplistic equation: permissible = right = best.

The substantival behaviour of 'right' is also more interestingly complex than consequentialisms care to observe (indeed it is very complex, as dictionaries at once reveal). At bottom, the noun 'right' simply effects a standard that which (abstraction) operation on the adjective, serving to entrench or highlight important cases of 'that which is right or just'. But a selectivity, an asymmetry, unrecognised by utilitarianisms (which neutrally or impersonally sum over morally recognised objects), comes to be emphasized; the position of parties who have neglected or overridden deontic claims is selected

out for special attention. Naturally these tend to focus on features liable to be neglected (especially on maximization trips), such as considerations of fairness, equity, justice, integrity. The emphasized claims are also those worth dwelling upon, those entitlements which are permanent, as well as those which too often tend to be overlooked or overridden. This selectivity, with its accompanying picture of creatures as choice and opportunity centres, and sometimes as moral (deontic) centres, is brought still further into prominence in the special pluralisation of the noun. Thus rights represent not only 'proper condition', or 'correct or satisfactory states' as when something is put to rights, but also, with no double-take, entitlements; both an ethical state and what it would take to attain that state.

It will prove important, however, especially in avoiding circularity, to distinguish right as nondeontic adequacy notion in the sense of correct, from the span of deontic senses marked out above. The important feature in turn concerning the deontic span, is that all the deontic senses are derivative, derivative at least as regards justification (but so derivative as a result of their meaning), from the usual narrower deontic circle (that treated in familiar deontic logics) of prohibition, permissions, and obligations. The feature is evident for deontic adjectival uses, and thus transfers directly for most substantial uses. But it applies also to the central pluralisable deontic sense. For what a right is consists in a valid claim or entitlement accruing to a holder, by virtue of a validity confirming derivation, which the underwriting community should uphold.¹⁰ The relevant feature for present purposes is the deontic derivation. Since rights are deontically derivative, the matter of justification devolves onto the deontic circle from which they derive. The layering thus reduces also to a narrower deontic layering, that of deontic constraints: At each layer the constraints - prohibitions, permissions, etc. - yield as special cases interlinked derivative rights. Rights too disappear as a problem for deontic constraints; for these concern the narrower deontic circle.

How much of this sort of detail concerning right and rights can a broadly utilitarian theory capture or account for? Not enough, critical experience suggests, though rather more than the opposition chorus has allowed (as recent epicycling work has indicated, e.g. that of Sen). But there is a very interesting, though flawed, attempt of more subtle utilitarians such as Mill and Brentano, to set realistic standards for obligation and duty, and to account for supererogation and saintliness in what is really a satisfying way. Thus Brentano argued, along lines that anticipate fashionable contemporary work, for the adaption of "realistic" rather than ideal standard of obligation and duty, on the grounds that these would produce the maximum good in the long run. Brentano feared 'that a more stringent standard of duty, one which ordinary people would have too difficult a time living up to, would have a discouraging effect upon them and they would ultimately give up trying to fulfill their moral

obligations. He believe[d] that a less stringent standard of obligations, one which does not require saintliness of people, is more conducive to the highest practical good in the long run' (McAlister, p.125). Brentano correctly rejected Mill's proposal for setting a threshold for duty at what 'the average man in a given society would do, leaving everything above and beyond that merely optional' as unsatisfactory. But his amendment of Mill's threshold, to the more rigorous average or mean of the best among people, is open to similar and other objections. For example, a society or humanity may perish, or may fall upon degenerate times (as the mountain people did), so that even the best among them do not always achieve what is a duty or required. The thresholds proposed are then much too conventionally (as well as naturalistically and chauvinistically) determined, and are rather arbitrary. The Mill-Brentano approach does not offer an acceptable characterisation of practical deontic notions in axiological terms. However several relevant points do emerge: that satisficing notions are introduced inside a more generous utilitarianism (as in RU); that some of the spread of deontic spectra - real or practical obligations and duties versus ideal ones - is recognised; and that the operational notions of duty and obligation - and so, why not rights and what is right? - are set in satisficing fashion. In other respects also Brentano can do rather better than the run-of-the-mill utilitarian; for he was in no way confined to usual utilitarian strategies. The whole great apparatus of emotion (e.g. the types and qualities of pleasure and of pain), and correct emotion especially, was part of his working framework. This is enough to enable discernment of distinct choice and moral centres - for instance of all those separate creatures which have emotions, preferences, etc. - preferences which can duly be classified as correct or not. While this does allow recognition of important asymmetries said to be neglected under utilitarianism, for instance between oneself and others, it fails to break out of the axiological circle (unless 'correct' should mean 'right', as Moore would have¹¹). What correct emotion provides an account of on Brentano's theory is, after all, good, not directly any deontic notion.

There are solid grounds, moreover, for concluding that deontic notions - both the usual narrower notions and the wider rights, duty, classificatory sphere - cannot be satisfactorily defined or characterised explicitly through axiological devices. Certainly this has often been argued and claimed. For example, McCloskey sums up his extensive (though not exhaustive) investigations thus: 'it is not possible to define a right except in terms of the near synonym, entitlement. Rights are entitlements which are said to be neglected under utilitarianisms, grounded on obligations and goods' (p.153). The indefinability claim cuts much deeper than just a further illustration of the paradox of analysis.

However the expected failure of a meaning reduction does not matter, except for reductionistic theories, and may be advantageous. It does not matter because

independent semantic analysis of deontic terms can be provided.¹² Indeed it may be decidedly advantageous in preventing collapse of ethical theory into utilitarian inadequacy, or more generally into axiological inadequacy. For example, if meaning analyses succeeded, deontic constraints would vanish, and therewith the theoretical protection of the less powerful, the disadvantaged, and so on.

In any event, the failure of a meaning analysis does not imply the failure of justificatory patterns, or even of deductive relations. (For A does not mean the same as $A \ \& \ A$, $\sim A$, $A \ \& \ (A \vee B)$, etc., but all these are interdeducible.) And rights and duties require justification. Maximizing explanations and justifications are, like maximizing meaning analyses, inadequate; with satisficing accounts, however, things are different.

What fail conspicuously, it is important to see, are analytic forms of satisficing consequentialism (or axiology), that is, forms which attempt to provide an analysis of or meaning for such notions as rights and duties in consequentialist (or even axiological) terms. What do not fail in the same way are, firstly, substantive principles, and, secondly, explanatory and justificatory connections. As to principles, while there is no duty to promote the best, to maximize good, there is a standing obligation to aim for the good and to avoid excess evils. And what is required here is what is good enough, an adequate level; even so (pace Aristotle) it is an ongoing examination which many intelligent creatures flunk. Such principles also help set limits to what is permissible. What is permissible cannot invariably or too often yield bad results (indeed it must, by virtue of its semantics, yield acceptable results in satisfactory worlds). Because of these linkages also, explanation and justification of deontic principles can be given in a satisficing fashion.

While the meaning of rights is not to be analysed in axiological terms (e.g. in terms of consequences, satisficing or otherwise), the justification or grounding of rights can be by way of general, but not unexceptional, satisficing; that is, more precisely, in terms of a marked tendency to satisfy or a general opportunity to satisfy. The tendency justification is like the justification of, the reasons underlying, obligations; and from certain of these obligations and the like, rights are in turn derivative.

The initial choice recipe is to satisfice on a mix, a plurality, of value-making factors such as: enhancing value (promoting good), exhibiting respect for persons or creatures, care, assisting freedom, guaranteeing fairness, impartiality (cf. RU, but with satisficing replacing maximizing here). That is, at a first approximation the procedure is to satisfy on a mix of the type that give grounds - ground-giving factors. Several of these factors are consequential in character, but not all are. This provides one of the several

differences of the justificatory sketch from a satisficing rule utilitarianism, which in other respects the emerging picture resembles. The picture begins from that of a rule ideal utilitarianism or better from a rule axiology, so to say.

The justificatory picture so far given neglects deontic constraints however, and so is inadequate in much the same way as satisficing axiology. The picture has to be enlarged, by introducing layering of deontic controls. The first layer imposes constraints on the second application of the satisficing recipe (and so on, if the process is iterated: thus the second layer of constraints works together with the first as constraints on the third application of the tendency recipe, etc.) Correspondingly layers of rights are generated. The first, or basic, layer of rights is determined however not by any satisficing formula improving upon a maximizing one. Rather it is reached in terms of opportunity to satisfice. Creatures of prime facie value are allowed ethical space to move morally, to act, to choose, etc., well or badly. They may choose badly, choose never to work even in joyous ways, choose an unhealthy life, etc. and so contribute in little or no way to net value. That is their liberty, so long as they do not interfere damagingly with other items of value in their choices.

There is much more to be added to this layer picture if it is to go far towards explaining the deontic principles in fact adhered to or assumed in some community. What such pictures aim to explain are actively espoused principles, freely adopted in a rational fashion. What has been sketched is an ideal justificatory pattern. To speak in opposition jargon, practice frequently falls short of ideal or rational theory. In practice, there may be all sorts of extraneous influences entering, and deflecting or biasing choice or determination or formulation of principle. And differently, principles may have ossified, and lost their connections with any satisficing mix of factors recognised by the community in the light of their current knowledge, etc.

In sum, there is a two-way interaction, as the layers accumulate, between axiological and deontic elements. The interaction is generated especially by specific requirements of opportunity and freedom (and so derivatively justice and the like), which are ideals, and so values, as well as constraints. Deontic principles of permission and obligation answer to satisfactory levels of value, or at the base the opportunity therefore; conversely, what is best, like what is good, is constrained by deontic principles. Rights derive from the narrower deontic principles inductively built up on the value-theoretic basis. The eventual justification of rights is thus axiological, in terms of the overall satisfactory pursuit and provision of value. But the justificatory circuit is more devious than in Aristotle and much more indirect than in utilitarianism. As it will turn out, it is also grounded in a different account of value, which is discerned through correct emotion.

A main traditional justificatory pattern has been different. It has been through rationality; thus Plato, Kant, Hegel, Sidgwick and others. Plato's problem, it is often remarked, was that of showing that justice is rational, and more generally it was that of showing that the ethical life is rational. Then rationality, as opposed especially to egocentricity, was supposed to provide a self-evident justification for following ethical and just ways. For Kant the connections were even tighter; universal moral principles, including those for right conduct, were supposed to emerge directly from the features of a community of rational persons. In Hegel, right and rational were effectively identified! And even in Sidgwick, though the main justificatory pattern is utilitarian, it was taken that what is right is rational, thereby giving a basic reason for doing or following the right.

Though there are undoubtedly significant connections between rightness and rationality, they need to be treated with more circumspection than German idealism has done. Moreover unless treated with due care they force us back to the maximizing route we have only recently escaped.

§6. The arguments from rationality and summation to maximality, and the limited isomorphism of right and rational. Apart from the passing criticism of German idealism, we have wandered far from Brentano's concerns. But, like other maximizers, Brentano is not so easily bypassed or set aside. For the choice principle he proceeds to reach - what he declares is the 'basic moral principle', 'Choose the best among the ends which are attainable' - corresponds exactly to a basic principle of rational choice theory.

Maximization is even more solidly entrenched in accounts of rationality than in corresponding accounts of rightness. There is indeed a significant isomorphism between rationality and rightness which deserves some expansion. For, through this sort of connection, ethics and rationality are intimately tied, for instance reductively. In simplistic form, what ought to be done, what is right to do, is what it is rational to do. Or more holistically, ethical principles are those for rational action and practice. But, even if these linkages are quite rightly questioned, a remarkable parallelism remains between rightness and rationality, between deontic notions such as those concerning what is right, obligatory, etc., and rationality notions such as those concerning what is reasonable, justified, etc.¹³ Both get explained in parallel ways - through maximization on prevailing views. Thus, on the one side, stands Brentano's conclusion that philosophers are unanimous that right practice, end, or whatever, consists in the maximum value-production of what is obtainable. And, on the other side, stands the conclusion that rational practice consists in what maximizes value output. That is, both maximize value, under some prescription (e.g. as utility), in some form. However the argument from

rationality does not work. Firstly, it is a myth that rationality requires maximization, satisficing is again enough. Secondly, the isomorphism fails to respect certain crucial features, such as the deontic spread and constrained character of rights, and accordingly is rather superficial.

As to the first point, the rationality side of this parallel has already been critically examined and rejected (in RU), for the fundamental reason that rationality, as ordinarily deployed, is an adequacy notion, not a maximizing one. The maximizing recipe accordingly gets replaced by a satisficing one, which takes roughly the following sort of form: rational practice satisfices expected value output.¹⁴ The isomorphism between rightness and rationality suggests that maximization for rights is open to similar criticism to maximization for rationality – something we have independent evidence for from criticism of numerous varieties of utilitarianism – and that Brentano's rights recipe can be superseded, and this way largely rectified, through the following sort of recipe which supplants Brentano's: right practice satisfices upon what is attainable. Part of this message is correct: neither rightness nor what it derives from, obligation and the like, are maximizing notions.

Brentano's arguments for the maximizing choice recipe are different from rationality routes. One, already assessed, is from the historical consensus of philosophers – a questionable consensus that no longer obtains. The other, earlier noted, is from his Summation Principle, according to which goods are simply additive, so that any sum of goods is better than the components involved.¹⁵ Thus, more good is better than less, and wholes exceed parts. (Really this principle presupposes pure goods, upon which there are no constraints to block summation, as happens with finite collective goods. For instance, to take a familiar trivial example, it is good for interested person *n* to go to the local library, for each person *n* in some large aggregate; but it is not so good for them all to proceed to the library.) But, granting that more good is better than less, and the most good is best, it does not follow that 'clearly the correct end' should be the pursuit of maximal good, that this is 'a duty' (OK p.32). The argument to the choice recipe assumes a crucial point at issue, that what is correct or right or a duty is what is best, precisely what satisficing choice theory disputes.

Satisficing, despite its merit in rationalizing rational choice theory, does not afford a direct and easy route to the promised land in ethical theory. For, as it has turned out, while there is much that is correct there is still something amiss with satisficing choice recipes in morals. Partly this is because deontic constraints, to which there are no ordinarily required equivalents in the case of rationality, operate in morality to limit pure satisficing in much the way similar constraints operate to limit maximizing. Partly this is because ethics allows scope and opportunity to do rather badly, in ways that offend

rationality conditions. Partly this is because, very differently, notions like right are more complex, and more indirectly derivative, than consequentialist and rationalistic ethical theories are usually prepared to recognise.

Even with all the corrections and adjustments, and the extensions of justificatory lines, constrained satisficing axiology has to face the same eventual problem as that of broadly utilitarian positions, an account of the good, of what at bottom is of value (a problem much reduced in deontological approaches, since there is no circuit back in justifying principled conduct to an axiological base). Here we join company with Brentano again, if briefly.

§7. Good, correctness, and correcting correctness. Since what is best, as what is most good, is maximized good, and maximization is taken for granted, as obvious as well as historically given, much of Brentano's further work (in OK and FE) is devoted to the explication of the basic axiological terms, good and better. Brentano analyses good, in a way again conspicuously different from orthodox utilitarianism, as correct (generalised) love, or, to put what he is after in contemporary terms rather than older Christian ones, as correct pro-attitude (such an analysis also fits more neatly with his appealing explication of betterness as correct preference).¹⁶ It is plain that Brentano only escapes damaging circularity if correct is duly distinguished from right. Otherwise, right is analysed in terms of best and, best through maximum good, and good again through correct, i.e. right, emotion, rendering the circle complete. Though the circle can be broken, by distinguishing deontic rightness from nondeontic correctness in the fashion of constrained axiology, it is doubtful that Brentano escapes scot-free.

In reaching his analysis of good - which, as he realises, calls for further explanation - Brentano relies heavily on two analogies: one from logic, explaining logical principles in terms of correct inferences or reasoning, and a second comparing the good (as that which is correctly loved) with the true (as that which is correctly affirmed). In fact the main argument is carried, so far as it is, by these analogies, especially the first (see OK, p.9ff.; as Brentano subsequently came to think, the second analogy is far from perfect, OK, p.18 note).

The analogies have serious weaknesses. The old and feeble analogy of moral judgements with logical and mathematical judgements was subsequently worked very hard by ethical intuitionists such as Ross and McCloskey,¹⁷ and as a result has come in for severe criticism. Furthermore, with the rise of non-Euclidean geometries last century, ethical relativism gained a strengthened foothold. But as it is now realised, even with logical judgements there are rival systems which can make warranted claims to correctness. Correctness, even in things like logic, is framework dependent. Contrary to Brentano's assumption, uniqueness

goes by the board, even in logic (see e.g. WV, where the elements of pluralism are explained). Certainly there are ways of trying to restore uniqueness of a sort, for instance by appeal to different senses of key terms involved. However such methods are suspect at best - unless logical terms are maintained in splendid isolation from the rest of discourse. And they do not work so well where nonanalytic judgements are concerned; yet interesting moral judgements are surely synthetic.

More generally, the evidence continues to accumulate that much that has been taken to be absolute in philosophy is not. Correctness is, like space and time, a fairly recent casualty. For correctness is, at least as regards pragmatic assessment, system bound, in a way often dependent on locality. A similar fate has befallen common-sense theories (including common-sense morality), which are not unique, but commonly culture dependent. Or rather it has become apparent that common-sense is, near enough, local communal sense, a function of setting (including time in particular). Much the same goes for moral judgements whose full assessment involves an implicit, contextually systemic parameter¹⁸; values and "ethical truth" are, much like time, locally objective.

Typically utilitarianism tries to avoid the issue of correctness. Typically in utilitarianism a psychological reduction of value is proposed, for instance, to pleasure, enjoyment, satisfaction, consciousness, etc. (Some such emotional elements are implicitly assumed to be valuable in culture-independent ways.) In Brentano the reduction class is not only pluralised (as recently in Sen); more important, in view of much emphasized inadequacy, it is severely qualified - by a correctness requirement. This difficult requirement - difficult to explain, difficult to justify - is still not adequate (though Chisholm succeeds in making it much more plausible). For good doesn't mean correct pro-attitude; so much those like Moore committed to the nontrivial indefinability of 'good' have argued. The trouble is not however that Brentano's equation is open to easy counterexamples, such as Moore's beautiful inanimate objects (it isn't : they may well be good as well as worthy of respect). The trouble goes deeper, to the assumption that value is a subjective feature - though somehow an objectively corrected one - of those who have emotion, rather than a feature out there in the wider richer world.

The trouble can be avoided by major refocussing. The veridictory means, emotion as corrected, is not what value is, but the means of access to it. Value is discerned by correct emotion. Or, to put it in terms borrowed from Brentano's one-time student Meinong, emotional presentation is the mode of value perception.¹⁹ Brentano's way of putting it is like saying that colour is correct colour-sense-data; it isn't, but is correctly discerned through such data.

Once again, Brentano's divergence from the standard run of utilitarianism

is right and proper. Once again, however, it does not proceed far enough, but stops at an unstable and problematic part-way house. The requirement of correctness, for example, implies external standards: one's pro-emotion is correct when the object in question is good, when it does have the instantiated property. How otherwise is correctness determined? Brentano does not face the question directly (as McAllister explains, p.94), though there are several approaches he might have tried, e.g. a conventionalist approach, much favoured by later Austrian empiricists and nowadays dressed up in equilibrium models (see also fn 18). But these models too leave room for what conventionalist and anthropological approaches should have made sufficiently evident, group variation or system dependence. It is through such equilibrium modelling that incorrect value presentation is weeded out, i.e. the modelling serves to filter presentation.

Correctness is not absolute; correctness, like quality and importance, is locally (and sometimes too parochially) determined. While this does not mean that it is a conventional matter, it does cut into the often assumed objectivity and supposed impersonality of value and moral judgements. But so it should, if due reflection of anthropological investigation of cultural variation is to be built into value theory — investigation Brentano tried to dismiss, by way of the correctness analogies.

Like what is accounted correct, common-sense morality varies, to differing degrees, from culture to culture. But almost everywhere outside the business houses it diverges from the maximizing moralities many philosophers have recommended, or wished to impose, or even found the only rational way.

§8 Features of the theory emerging from this encounter with Brentano's foundations: constrained satisficing axiology. The theory beginning to emerge from this extensive tampering with Brentano's ethics has the following shape:- It takes an ethical system as essentially a cultural system for satisficing on values of the culture, (or background systemic framework), subject to constraints also derived from values assumed in the culture. Values are then the ethical starting points from a justificatory perspective but values themselves are not without foundation. They are discerned at bottom through culturally-corrected emotional presentation. Deontic principles are justified, ultimately, by appeal to overall satisficing on values, but such justification may be very indirect because of the effects of layering. Typically such an ethical system is also conceived as a rational system, i.e. there are integrally associated, analogously justified, rationality principles to which the system conforms and answers.

Constrained satisficing theory supplies machinery which can be coupled with a variety of emotional and axiological bases. Thus, by contrast with Brentano,

the theory is pluralist, neither absolutist nor relativist (and, since judgments are semantically system-relative, only quasi-objective). There is not one correct ethical system, but several.²⁰ Among the admissible systems not all are equally satisfactory; comparisons are perfectly in order, a ranking of systems obtains, though it affords only a partial ordering.

Nor is the emerging theory reductionist, though various linkages which form the basis of reductionistic attempts are retained. These linkages, for instance between rights and the narrower deontic circle, between obligation and values, between value and preference and emotion, are to be prized, especially for comprehension, and for explanatory and justificatory purposes, but not for reduction. Ethics does not stand in need of reduction, ideal utilitarian as corrected, or other. What is wanted, in ethics and elsewhere, is explanation without reduction – ethics without, in this sense, foundations.

There remains nonetheless an immense theoretical tendency – in the face of evident inadequacies and the recognised complexity of the matter of values – to go in for reductions of one sort or another in ethics; for instance, to single out just one feature, especially a psychological aspect such as experience or consciousness, as uniquely valuable. Indeed a main reduction ploy in ethics has been the experiential route (as opposed to the other main alternative in the grand false dichotomy – humans, minds or the like or else the world – naturalistic reduction). What is good (or the like) reduces to some sort of experience, e.g. pleasure, happiness, satisfaction, love, sympathy, some form of "higher" creature experience. Such an assumption enters into Brentano's analysis also, though in "corrected" form. Motivation for these erroneous reductionist drives is complex, but much of it can be traced back to verificationist sources (cf. WV). There is more to it than verificationism however. There is also the failure of mainstream science to accommodate value; and since science is taken to have some sort of monopoly on the natural world, there is an accompanying drive to relegate value to a residual area, such as the mental world or mind. A related end-result is yielded by idealism, which attempts to experientialise or spiritualize everything including value, but with the mind and nature rendered continuous by the assimilation of nature within mind.

The spiritualizing or transvaluation of nature does not however require such reductionistic assimilation, indeed it does not require any doing, as naturalists of more esoteric cast find nature already spiritualized. Such naturalism represents an attempt, still too mentalistic, to reach what is right, the intenzionality of the world. Due recognition of the spirituality, or better intenzionality, of the richer world – which permits value to find a natural place within it – does not however remove reductionistic enterprise. There is still a drive to identify intrinsic value with some of the things that characteristically manifest it, such as elements of organic or purposive nature

or their features. Especially popular in this respect, since ancient times, have been the teleological cluster - growth, flourishing, functions, direction, unfolding, development, projects, interests, needs, and so on. No doubt many of these involve a worthwhile and healthy dynamism; but once again, there are bad purposes and ends as well as good, evil flourishes in some places, people, projects (cf. ML again). While evil projects will typically be excluded, under adequate theories, through constraints, pointless projects, which abound, will not.

The basic empiricist drive, manifested also in Catholic empiricism, is to remove value from the natural world, values mustn't remain, as queer things. There are several ways, of varying degrees of unsatisfactoriness, in which this removal may be attempted, e.g. subjectivism, emotivism, projectionism, supervenientism. The primitive reductionistic techniques of positivists and logical positivists illustrate main early options. But values are in the world, at least in the sense that objects and entities straightforwardly have value properties - in the way that they have other properties, such as empirical and primary ones (which are also system oriented). These do not disappear in the absence of humans or observers or other projectors; they are not projections, they are not generated by human supervenience magic, or the like.

The further main empiricist tack, democratic social engineering, has the great advantage of extending a subjective reduction to some form of quasi-democratic objectivity. Within such positions utilitarianism takes an easy, even natural place. Like virtually all utilitarianisms, the generous form Brentano elaborates remains part of an empiricist reduction and revision program; and it reveals the serious weaknesses of such general foundational programs. Brentano's theory is, in this regard, no exception. His more general philosophical position was at a practical level like that of Mill before and many utilitarians since, essentially empiricist.

The emerging theory moves away both from the empiricism that underlies and motivates utilitarianism, and from the resulting utilitarianism, that may be independently, though less plausibly, motivated. Utilitarianism, having been idealised and complicated in the style of Brentano, gives way on several fronts: Maximizing to satisficing, consequentialism to a broader distribution of value over process as well as end-product, unconstrained to layer-constrained, base class chauvinism to deeper environmentalism. None of this is now very new; all of it is rather obvious, but seldom has it been organised together in a theory. Satisficing on value, for instance, is really just a non-maximizing way of dressing up the older choice recipe for conduct of a worthwhile life - namely seeking the good, enough good, and avoiding the bad, excess bad - a recipe to be found in both Greek and Christian ethics, main sources for Brentano.

Brentano remains worth struggling with, despite all the alterations proposed, because of the richness of his ethical theory, only some features of which have been exposed here (and none of his important axiomatic ethics), and because many of the elements that contribute to the design of a more satisfactory ethical theory are to be unearthed in his work. In such a drastic relocation of his theory as here attempted there have been many local struggles. Even so the way that has been followed represents, in correct pluralistic fashion, just one such concerted struggle.

FOOTNOTES

1. On Brentano's adaption of Mill, see McAlister, p.112ff.; and for the claim as to utilitarianism p.116. Details of both appear in Brentano's OK.

Strictly, Brentano's ethics is dualistic, juxtaposing a theoretical ethics in which the highest good is God, with a practical ethic of broadly utilitarian cast. However the practical dominates, not merely encompassing everything within the human sphere of influence, but including 'every living thing upon the earth' God is simply an ideal adjunct to Brentano's utilitarianism, and does no more work than ~~to~~ does in grocery calculations.

Brentano's Catholic empiricism depends similarly on a two world distinction, between a practical, secular realm and a theoretical, spiritual realm. Because the worlds interact in significant respects, the position encounters serious problems, and appears unstable.

2. Repairs elaborating those already suggested in RU.
3. There are striking parallels between Brentano and Sidgwick, both of whom were writing at about the same time and drawing on similar traditions (except that while Brentano makes detailed reference to British moral philosophy, Sidgwick makes no reference to German philosophy apart from Kant). Neither one, however, draws upon the work of the other, or appears to have been even aware of it.
4. This is not to say that motives are irrelevant to assessments of morality, only that the administrative constraints of satisficing commonly are irrelevant.
5. In a similar way, satisficing helps in avoiding the myriad of paradoxes concerning maximization and its forms, such as paradoxes of perfection.
6. Such was the idea of MS, of a satisficing ideal utilitarianism. The recent assumption that utilitarianism is a form of consequentialism is mistaken - at least if utilitarianism is given its turn-of-the-century construal. The matter of the interrelations of utilitarianism and consequentialism are pursued further in the subsequent text.
7. These important distinctions are at least as old as Aristotle (e.g. Ackrill

- p.41). More complex models of action naturally involve more, e.g. the scheme, preparation of doing of outcome, with intention entering at the first stages.
8. While this is true of mainstream empiricist utilitarianism, it fails for less primitive formulations. Thus Brentano qualifies this to correct attitudes; Mill had already amended to give more weight to higher attitudes. These amendments, which take matters out of the purely psychological sphere, and appear to reintroduce evaluative considerations, undermine some of the naturalistic reductive power of utilitarianism.
 9. The distinction is elaborated in Nowell-Smith. But, as will emerge, from consideration of Brentano's axiological analyses and from, the vexed matter of correctness, the distinction, like many a philosophical distinction and many a divide, is not free of problems and fuzziness. Or, to switch the metaphor, the distinction will bear only a limited load.
 10. Such an account of rights, which elaborates on the Oxford English Dictionary (sense 11.7) and on Mill's definition, is pursued further in "Another rights view", typescript, Canberra, 1986.
 11. There are much larger problems enmeshed in this translation issue, questions of what Brentano meant by correctness, and how it relates to rightness, questions taken up also in fn 16. There are various different ways of rendering Brentano's correctness requirement in English. But Moore's rendering of the German richtig as 'right', which makes Brentano's ethical theory look narrowly circular, is surely unsatisfactory and somewhat unfair. Other alternative translations such as 'proper' and 'suitable', bring Brentano much closer to of Anglo-Celtic intuitionism.
 12. As is carried out in contemporary semantics for deontic logics; see e.g. MD.
 13. On both compare Kant who has done more than anyone in converting ethics to "the rational enterprise". It was perhaps because of Brentano's antipathy to Kantian philosophy that one encounters comparatively little as to rationality in his ethical output.
 14. This is still approximate only, because there are also holistic requirements.
 15. McAllister presents the Summation Principle incorrectly (p.118), confusing the Principle with the choice recipe it is supposed to yield.
 16. Generalized love covers as well as love, a range of positive states and attributes, including joy, pleasure, inclinations, affirmation, acceptance, and so on (cf. Chisholm). Thus Brentano's recipe takes in all straightforward form of utilitarianism, but subject to the correctness requirement. Nor, however, does Brentano stick to the one recipe, but switches to various near- but non-equivalent recipes, such as worthy of love, correct to love, worthy of respect, right to admire, impossible to love incorrectly, etc., and exchanges the German term 'richtig' frequently for the deontic terms 'rechtmässig', 'mit Recht' and 'rechters', all translated as 'correct' in OK. Then in an illuminating but damaging passage (OK p.14ff), Brentano observes that the main criterion of

correctness and positiveness for a emotive act to be good in itself sometimes fails. For instance, there are good items, such as the sun, which arouse no correct emotion. However this problem is avoided by the worthy of recipe (p.25), or the correct to recipe.

17. See McCloskey, p.137, for details.
18. See WV and also FE for further elaboration and argument. The system pluralisation also enables a straightforward equilibrium solution to be given to the problem of determining correctness (as in WV). It thus can offer an appealing resolution to a problem to which Brentano has, so McAlister argues (p.94), no solution. In fact, an equilibrium-style resolution is open to Brentano, with or without pluralisation; pluralisation simply avoids crucial difficulties in such modellings.
19. Brentano's attempted philosophical synthesis was not only far from trouble-free, but contained the elements for significant divergence. In particular, the mental world provided a rich variety of objects for phenomenological and nonempirical investigation (including so it later appeared, value). And the correction of the utilitarian notion of value by a correctness requirement provided the way to a more objective, improved theory of value (hinted at in Brentano's talk of correct love where there is harmony with the value of an object). Both these routes, diverging from Brentano's empiricism, were followed by Meinong. We have followed them further than Meinong, here extending the route Meinong took away from Brentano's ethics. The further details are in WV.
20. See further EE. In this way too, the disconcerting smugness that mars some of Brentano's ethical writing can be avoided.

REFERENCES

- J.L. Ackrill, Aristotle's Ethics, Faber and Faber, London, 1973.
- F. Brentano, The Foundation and Construction of Ethics, Routledge and Kegan Paul, London, 1952; referred to as FE.
- F. Brentano, The Origin of our Knowledge of Right and Wrong, Routledge and Kegan Paul, London, 1963; referred to as OK.
- C.D. Broad, Five Types of Ethical Theory, Kegan Paul, Trench, Trubner and Co., London, 1944.
- R.M. Chisholm, Brentano and Meinong Studies, Humanities Press, Atlantic Highlands, NJ, 1982 (the main relevant essay also appears in McAlister 76).
- L. McAlister (ed.) The Philosophy of Brentano, Duckworth, London, 1976.
- L. McAlister, The Development of Franz Brentano's Ethics, Rodopi, Amsterdam, 1982.
- H.J. McCloskey, Meta-Ethics and Normative Ethics, Nijhoff, The Hague, 1969.

- G.E. Moore, 'Review of Franz Brentano', reprinted in McAllister 76.
- P.H. Nowell-Smith, Ethics, Penguin, 1954.
- W.L. Reese, Dictionary of Philosophy and Religion, Humanities, New Jersey, 1980.
- H. Rashdall, The Theory of Good and Evil, Oxford University Press, 1907.
- R. Routley, 'Maximizing, satisficing, satisfizing: the differences between real and rational behaviour under rival paradigms', Discussion Papers in Environmental Philosophy #10, Research School of Social Sciences, Australian National University, 1984; referred to as MS.
- R. and V. Routley, 'Human chauvinism and environmental ethics' in Environmental Philosophy (ed. D. Mannison and others), Research School of Social Sciences, Australian National University, 1979; referred to as EE.
- R. and V. Routley, 'An expensive repair kit for utilitarianism', Discussion Papers in Environmental Philosophy #7, Research School of Social Sciences, Australian National University, 1985; referred to as RU.
- R. Routley and N. Griffin, 'Unravelling the meanings of life?', Discussion Papers in Environmental Philosophy, Research School of Social Sciences, Australian National University, 1982; referred to as ML.
- R. Routley and V. Plumwood, 'Moral dilemmas and the logic of deontic notions', Discussion Papers - Environmental Philosophy #6; to appear in Paraconsistent Logic (ed G. Priest and others), Philosophia Verlag, 1986; referred to as MD.
- A. Sen, 'Plural utility', Proceedings of Aristotelian Society 86 (1980-1) 193-215.
- M. Slote, 'Satisficing consequentialism', Proceedings of the Aristotelian Society, Supplementary Vol. LVM (1984) 139-163; referred to as S.
- M. Slote, Common-sense Morality and Consequentialism, Routledge and Kegan Paul, London, 1985; referred to as CM.
- R. Sylvan, 'Myths concerning rationality', typescript, Canberra, 1984; referred to as MR.
- R. Sylvan, 'The way of values', this collection; also in Essays on Meinong (ed. P. Simons) Philosophia Verlag, Munich, 1986; referred to as WV.

MORAL MATTERS MATTER - ENVIRONMENTALLY?

Beyond moral extensionisms.

Some of us find ourselves not merely at odds with mainstream environmental thinking - which remains shallow, heavily exploitative, and likely disastrous, not only for many other species but for many humans as well - but uneasy also with main deeper environmental approaches, most of which now emanate from North America. Elsewhere I have, to my cost, taken issue with Deep Ecology, a movement with European origins quickly captured in California; but here I wish to criticise forms of Moral Extensionism that now have a main base in Southern USA¹, forms that elaborate moral standing, considerability, and rights theories. Again the criticism will not be purely negative; positive alternative positions will begin to emerge in early morning outline.

Moral extensionisms extend morality and conventional chauvinistic moral apparatus beyond its conventional (but certainly unwarranted) confines to certain subjects and areas where it has not been applied, or else, more likely, has been used for discrimination and other negative purposes. They simply extend the moral apparatus without much in the way of adjustment, with egalitarian assumptions (equal value, equal rights, equal considerations, etc.) simply applied to a wider class of "moral" subjects. (As a general type, moral extensionisms have been described and criticised in some detail in EE, p.139ff., and under the label 'Nature Moralisms' in Rodman.) Moral extensionism is a typical and useful weapon of liberation and rights movements (though such movements could proceed with more accurate but less publicly impressive equipment). Seen from a conservative opposition, moral extensionisms endeavour to bend morality to certain illegitimate purposes, since not only do the extensions make nonsense of the notions involved (rights, equality, standing, interests, etc), but in any case everything is sufficiently in order, at least on the boundaries, as it is! Seen from a wider environmental perspective, extensionisms are not always unjustified in where they go, but in how they go, in the pseudo-egalitarian facades of the extensions, and more important in where they stop. For though privilege is widened and so diluted, it remains. The zones of extension remain too limited, and things outside the usual extensions, such as forests, species, ecosystems, continue to be open to substantial mistreatment, exploitation and so on (see EE, p.141). Nor can the sorts of things involved plausibly be brought within the extension fold (though isolated efforts are not lacking); for they appear to lack requisite characteristics on which extensions operate, such as sentience, pain-receptivity, interests, individuality, or whatever. For example, the very idea of an environmental ethic, which serves to protect uninhabited environments and to justify requisite respect for natural systems and communities, founders on the moral rights

position propounded by Regan in defence of certain animals (AR p.354ff).

Morality is a many purpose weapon, often deployed by pressure and interest groups. Throughout modern history it has typically been used to ground and justify a wide range of activity and practices hostile to natural environments. Humans are entitled to this or that, which interfere; their needs generate these or those requirements, which ought to be met even though there are costs to local environments, and so forth. Those opposed to morality - there is a long and distinguished philosophical chain from Lao-tsu through Hinckfuss and Pigden - have a point when it comes to such morality. The damage of moralities and moral-points-of-view often seem substantially higher than the benefits conferred. For the restrictions they impose are heavy, and often work the wrong ways. A sort of cost/benefit assessment of morality thus gets under way², supposedly yielding negative results.

Many are the arguments for morality, beginning with the claim that it is impossible to conduct oneself and one's life without lapsing into moral talk, concepts, practices and, generalising, back into morality. Part of the response to such faulty arguments is always that there are distinctions, insisted upon by leading moral theorists themselves, between value matters and morality, between axiology (which is hard to avoid) and deontics. And there is a further distinction, tougher to maintain, between practical deontic expressions (practical and expedient oughts and shoulds for instance) and moral ones. With such devices, anti-moralists, who do have a solid case against objective or absolute moralities, can escape moral hooks.

Maybe a careful practitioner can shun deontic discourse, but wouldn't the net impact on the treatment of environments be worse rather than better? Doesn't morality constrain some of the grossest practices? The questions can collect a range of answers, including such uncharitable ones as: Not so clearly that one would notice. The main impact of morality is chauvinistic, on human affairs; and even here only the grossest of abuses, such as human slavery, appear to be turned around through an input from morality. Even so the persuasive force and influence of moral considerations, properly redirected, are not things to be lightly abandoned. For rightly directed they could contribute positively in things that matter socially and environmentally. In particular, morality affords some needed protection and, especially as rectified, offers the prospect of more, more protection, less discrimination. But actual protection is typically provided, where it is, through very different institutions; it is channelled through legal rather than moral frameworks, with the benefits flowing, all too often, to the wrong parties, such as the strong and established.

Making morality work the right ways, where it does figure seriously, is,

moreover, uncomfortably like making weapons work for peace (morality being a main force behind wars and preparation for wars), more like than it ought to be. Nor is it nearly as easy as it was: beating swords into ploughshares, to provide an assault on the environment instead of other creatures, was a pretty easy technological feat compared with converting an F1-11 fighter-bomber or a modern submarine to peaceful purposes (genuinely peaceful ones, that is; of course, like guns in the West, they're peacemakers). For local chauvinism, in one form or another (human, or more likely, national, state or race), is now deeply entrenched in most bureaucratic arrangements and an integral part of supporting social sciences and technology. Even so, whatever local practices, moral theory can be rectified; the theorising can be accomplished, even if a new morality is not successfully applied, and must await its post-Armeggedon day. Thus the protected battle to duly expand morality goes on.

There are two main battle-lines over which ideological wars (quaint to anti-moralists) are fought as regards moral extension issues, lines purportedly marking moral outer bounds. The first line concerns the following cluster of (often equated) notions: moral status, standing, consideration, relevance, considerability, ... The second line concentrates on a narrower group: moral permissions, rights, ... These lines will be surveyed in turn; needless to say, even an outside survey such as this can scarcely escape altogether the common issue as to what makes something, a consideration or permission, moral. But the term 'moral' is so slack (as dictionary definitions reveal) that any tight use is bound to be partly legislative. A main modern tendency is for the term (in Latin origin just a substitute for the Greek expression for 'ethical') to have become linked to features and behaviour of accountable (human) actors, such as character, disposition, action, virtue. These are the areas where moral attributes are at home. Hence moral notions tend to occupy inner places in the much larger evaluative circle, and not to extend without some forcing to natural objects that are not accountable actors. Partly for these reasons too, the term 'moral', much favoured in extensionalist enterprises, tends to be shunned in deeper environmental theory.

§1. Against moral standing and simplistic ethical typologies. The notion of moral standing, introduced by questionable analogy with the Anglo-American notion of legal standing, is coming to play a major, but damaging, role in environmental ethics. It is damaging because, very briefly, it would paint a heavy, but rather arbitrary, black/white boundary - segregating off those that have not from those that have moral standing - across much more complex territory.

As to its role, it is sometimes claimed that adoption and defence of a criterion of moral standing is 'absolutely basic' in environmental thinking and problem solving; 'reasonably addressing' the issue of moral standing 'must be

viewed as a benchmark of any plausible "environmental ethic" (PP, p16). None of this is so evident, especially given the murkiness of the notion of moral standing. In the same vein, it is stated that 'a necessary condition ... for an adequate ethical theory is the most [!] defensible criterion of moral standing' (p.4).

Such statements are surely overstatements. For, in the first place, there can be, and indeed appear to be ethics, which count as environmental ones, which do not include a notion of moral standing (e.g. Naess's deep ecology, Rodman's ecological sensibility). Secondly, elaborations of these theories can make warranted claims to adequacy, without introducing, and perhaps explicitly rejecting (for the sorts of reasons given below), a notion of moral standing.

For these sorts of reasons, too, Regan's attempt (in NP) to make a notion of moral standing integral to the very idea of an environmental ethic, part of the conditions of adequacy for such as ethic, is far off course (as well as ahistorical, a piece of retrospective legislation). But, as it happens, Regan's footnoted account of moral standing, according to which a being has moral standing if and only if we morally ought to consider how it is affected by a given action or policy, both enables elimination of the notion (thus exposed as a parasitic middleman) by substitution using the biconditional involved in the conditions of adequacy, and also enables straightforward satisfaction of the conditions by types of ethics that are hardly environmental. Consider a forest system about to be bulldozed, or the Moon about to be tourized by an American-based transnational. Many the development or progress ethics these days that will allow that we ought to consider how the forest or the Moon will be affected, but then claim that we should proceed, though perhaps in a modified way. Thus, in such contexts, the forest and the Moon have moral standing. And so, such a development ethic meets Regan's conditions for an environmental ethic; for the forest and the Moon are nonhuman beings, and indeed nonconscious beings, which have moral standing. The result is not what Regan intended; for he proceed to suggest (p.24,p.30) that intrinsic value is a necessary condition for moral standing, something his footnoted account does not guarantee. The legalistic notion of moral standing is not so clear and distinct after all.

An initial tactical point against the notion of moral standing concerns its origin, on the model of legal standing. Legal standing is a dubious model for any sufficiently comprehensive notion of sometimes entering into moral consideration (which can be true of almost anything). For one reason, it imports some decidedly restrictive assumptions, concerning interests and rights of whatever has such standing. But many things of value, which enter into ethical assessment on occasions, do not have, and are not the sorts of things that can significantly have, interests or hold rights. Legal standing always operates in terms of having certain sorts of interests, which can be represented, whereas

what has or deserves environmental standing may not have interests, or be the sort of thing that could have interests, even as derived (as in the case of legal persons, such as companies) from those of its members. More often indeed, to have legal standing is to have certain rights, duties, protection, etc., beginning with the right of being able to proceed to the courts.

Of course there is considerable room to widen the notion of legal standing (which in Australia can even exclude environmental organisations) and to admit, through representation, other "claimants" to the courts. Presently, for sure, the model is much too narrow, restricting access to certain capitalist persons and claimants. But there are severe conceptual difficulties in the way of broadening the standing notion to encompass many requisite environmental objects, because again of the limitations the notions of interests and rights impose. Organisations of persons, such as partnerships, coalitions and so on, do not exceed (easy stretching at most of) these limits, since interests and rights accrue from component members: uninhabited ecosystems, natural monuments, and the like do, considerably. Only by a brazen, and implausible, overriding of these conceptual limitations (such as Stone is prepared to fancy American courts indulging in) can the in-built severe internal restrictions of the legal model be overcome.

Still the inadequacies of its legal analogy could be recognised, the analogy left behind, and a fresh unimpeded account of the now rather free-floating notion offered. Van De Veer and Pierce are rash enough to propose an explication of moral standing which can be construed along these lines. According to them,

MS1. 'For any thing X, X has moral standing iff the continued existence of X or its interests in well-being have positive moral weight' (PP. p.3). Actually, they say that they're stipulating this; but they're not free simply to stipulate, given that it is a notion with some currency already, something they recognize in proceeding at once to consider various standard answers to their 'basic question Which things have moral standing?'. The account proposed is more than a little curious, not to say obscure and scarcely grammatical. Later they in effect substitute a less tortuous account, namely (in generality interpretation)

MS2. X has moral standing iff the (continued) existence or welfare of X has positive moral weight (see e.g. p4, p16: 'continued' should however be deleted, since purely future items may have some moral significance, as may dead ancestors). Either way the account is circular, since having positive moral weight and having moral standing are interdependent notions (cf. Goodpaster. p.311). In fact some of the problems with the account could have been avoided by cutting out the troublesome middle part and moving on to the simpler, explicitly circular,

MS3. X has moral standing iff X possesses (or obtains) positive moral weight.

But then as a explication, the definition might almost as well drop out; it explicates nothing, connecting some near synonyms only.

Perhaps it is better to ask: What work does the notion do? The trouble is that except on particular theories, which legislate as to what has moral standing, the notion in fact does very little work in environmental ethics, because there is little agreement about what determines it. It is one of those notions, whose main home base lies within the confines of traditional chauvinistic ethics, which does not extend or travel well to the wider environmental setting. All the main criteria proposed for moral standing are unsatisfactory; they are not only unstable and rather arbitrary, but tend to confuse ethical classifications with biological classifications (such as membership of the species Homo sapiens or of the zoological kingdom) or with sociopsychological distinctions (such as linguistic capacity or competence, or potential personhood). The main sorts of reason for their inadequacy are well enough documented in PP (and in much other earlier literature, e.g. EE)

Despite the enthusiasm shown for the notion of moral standing, then, no satisfactory criterion for moral standing emerges, or is in clear sight, in PP or elsewhere it seems. It remains to be demonstrated that there is a stable, non-arbitrary context-invariant notion of moral standing worth pursuing. Rather the notion tends to force awkward choices (e.g. those offered in PP on p.5.) The reason for the enthusiasm about this difficult notion, that does no present useful work, is evident enough: it would decisively delimit the moral search space, what needs to be looked at in moral conflict issues, utilitarian cost-benefit assessments, applications and delimitations of categorical imperatives (which presuppose a moral universe, usually of persons), and so forth. There are as well more sinister ulterior purposes behind some proposed applications of the notion, for instance use of the distinction to reduce the search space towards the confines of the humanistic/chauvinistic fold (partly this is achieved by use of the term 'moral'). Moral standing is not a morally neutral notion, but a framework and culturally dependent one; hence some of its limitations.

Consider instead of work, instead of straightforward pragmatics, what moral standing is supposed to confer or remove? It is assumed that if X has moral standing (M-s) then moral agents have presumptive obligations, and duties to X, e.g. to let it alone, not to confine it or undermine its interests; but otherwise they do not (cf. p.3-p.4). Or, to put it the other way around, if a thing has M-s it is entitled to continued existence, pursuit of its interests, whereas if it lacks M-s, it does not have this protection, it does not count, instead there is entitlement to interfere with it³ Indeed, so it is said, 'By definition of moral standing ... if something lacks moral standing, its well-being just does not itself morally count' (p.4). The definition however

delivers no such result; further implausible assumptions, (reduction of weight to well-being, equality conditions for counting) from an underlying picture of moral assessment are implicitly incorporated (a utilitarian picture where items without m-s are discounted, and trade-offs of items with m-s are soon contemplated, p.16).

Such application accordingly implies an unfortunate all-or-nothing division; if an item is in it gets (careful) consideration, otherwise it gets nothing - exactly what the legal analogy implies: a proper hearing if standing and otherwise nothing. What this black-and-white division should be contrasted with is not removal of all distinctions, but rather a more sophisticated ethical typology, such as that of the annular picture (of EE, p.107 and DC, p.2). The typology is based on a listing of ethically relevant features and capacities, such as having value, well-being, preferences, autonomy, and so forth; and appropriate ethical postulates and principles are geared to these (cf also PP p.12).⁶

That the all-or-nothing character of moral standing needs to be at least modified becomes evident from various distinctions soon introduced (e.g. p.5) to keep it afloat, e.g. duties to (direct duties) as opposed to duties regarding (indirect, and perhaps derivative, duties). The main strategy adopted in PP to save the all-or-nothing context-independent boundary consists in appeal to the specially-adjusted notion of presumptive duties. Moral standing is assumed to be necessary and sufficient for presumptive duties: specifically PS1. Moral agents 'have a presumptive duty to' X [to treat it morally decently] iff X has moral standing (this takes up the content of signposted item 1, p.4). But presumptive duties are even more prone to be upset by overriding circumstances than the older prima facie duties (which the notion expands); so the notion operates even more as a theory-saving device. But even as so hedged around, and so extended (by derivative duties, duties regarding things without moral standing, p.5), the connections forged are much too simple, as will appear. Firstly, a more complex classification of things is required for moral purposes than a hard division into moral countables and others, a nonarbitrary classification such as that of the annular picture. Secondly, rights and duties, which the notion of moral standing is supposed to bound, link rather with value, and extent of value (see SM).

Much of the importance ascribed to moral standing or moral consideration comes from conflating it with value consideration, which is in turn equated with having some (non-negligible) value, bearing value that would be taken into account, and perhaps counted, in any complete value assessment. Though moral attributes are evidently a subclass of value attributes, the conflation is commonplace (if sometimes surprising, as e.g. in Callicott). Possessing intrinsic or inherent value is even offered sometimes as an alternative to moral

status (cf. PP, p.16 fn 3); but more often the confusion is less blatant. Indeed PP begin by warning us about slipperiness (fn 3), soon slides itself from m-s to intrinsic value (p.5) and before long has identified moral standing of things with their being 'valuable in themselves' (p.16). Such equations are not evident, and prove damaging. Towards the end of his essay, on being morally considerable, Goodpaster lapses from moral considerability into value-for-itself, in way that matters for claims made. For example, it is true that 'psychological or hedonistic capacities seem unnecessarily sophisticated when it comes to locating the minimal conditions for something's deserving to be valued for its own sake' (p.320); but it not so obvious that they are too sophisticated for the capture of moral considerability. A similar conflation is at work in Goodpaster's 'hypothesis that that there is a nonaccidental affinity between a person's or a society's conception of value and its conception of moral considerability' (p.34). The affinity - more than accidental for value and value considerability - only appears to obtain where unreduced value is (illicity) contracted to a range where moral considerations enter; for example where, as in Goodpaster's solitary illustration, the setting is hedonism (when no doubt moral considerability is, so far as moral matters are allowed to enter, characteristically bounded at bottom by some sentience criterion).⁵

The biocentric criterion for moral considerability that Goodpaster leaps to (p.313) has itself to be differently looked at if moral considerability is exchanged for value-in-itself. For life is even less obviously the stopping point for value consideration. Assume, for instance, that Mars or the Moon has no [significant] life. They still have value; indeed they may have real estate value (a very chauvinistic value "measure") now that they are becoming humanly accessible (for mining, residential and other transfiguring purposes). Suppose further, what is not at all unlikely, that the Moon has some formations or systems that match the natural monuments of the American arid lands. It is a defensible claim, these days, that the Moon monuments have value in themselves, which should be taken into account in any environmental impact assessment of projects interfering with parts of the Moon. But it would be implausible to insist that the Moon monuments are morally considerable; for they are not the right sorts of things (as a matter of significance) to have moral attributes.

It is not just the feature of having intrinsic value that should be separated from that of having moral status. Some of the notions in the moral circle have different connotations. For example, being moral considerable suggests some suitable moral dimension, some weight to be taken into account, not merely some relevance. Consideration also characteristically requires that the item in question has interests or at least a well-being or such like (a telos), that an agent can be considerate towards (as does Goodpaster's discussion-setting phrase 'deserves moral consideration'). And normally the notions are deployed that way (eg. p.31 'normally an organism'; PP p.3 'normally

certain organisms'; and in Goodpaster's leap.) A different notion would not impose these limitations, e.g. those of awe, respect, etc., do not. Nor, it would appear, does moral relevance, yet another different notion sometimes equated with moral standing (e.g. Pluhar p.47), though presumably erroneously, since mere artifacts are morally relevant on occasions (for similar reasons moral significance differs from standing). Moral relevance remains an elusive, context dependent, quarry that has evaded contemporary moral philosophers of high standing, despite much effort put into the chase. Since however, these other notions are not going to be put to serious work - most of them are, like moral standing, better mothballed or scrapped - we can quietly bypass the nuances and differences.

Certainly moral considerations and value interconnect, with value the wider notion and morality, if not derivative, at least dependent. A most important way in which they connect is through limitations on interference. Morality precludes the gross reduction of value. A little more precisely, a moral actor is not normally entitled to interfere deliberately in such a way as to reduce significantly overall value (or risk the various possibility of such reduction⁶). But exact formulation of such noninterference principles is a sensitive matter - mainly because deontic principles do not exclude some reduction of value, provided it is sufficiently limited - a matter to which we shall be obliged to return.

By contrast with moral considerability, standing and the like, value notions are fundamental, and not at all easily avoided, even by anti-moralists, in the regions of environmental ethics.⁷ Some of the analogue notions are trivial however, e.g. a thing warrants value consideration iff it has value; it is of value relevance iff it has nonnegligible value (in the circumstances); etc. Even so the analogue notions help in shifting the issues and showing where the real problem lies with the group of moral notions, namely in what makes something moral. It is this notion too that has induced the unwarranted narrowing of focus, to chauvinistic concerns. For a commonplace answer, certainly wrong, to what determines what is moral is: human concerns. Rather, what is moral has to do with interest-independent value and with a certain impartiality and lack of discriminations (i.e. in more old-fashioned forms, with justice and goodness), features reflected formally in suitable universalizability of principle.⁸ So conceived, moral matters do not terminate at certain narrower ethical types, which exclude the wider environment. The width of concern would be better revealed by replacing 'moral' by its original equivalent 'ethical'. (For comparison, consider the effect in environmental ethics of a reclassification as "environmental morals" or "environmental morality").

§2. Against environmentally-restrictive rights packages. Ethical standing does

not strictly get or grant a thing rights. Standing gets an item in an ethical door for a hearing; it may, or may not, be conceded or granted rights in the hearing. Rights imply some standing, but not vice versa; some standing is even, if you like, a proper part of a right. While such an equation is not much excuse for identifying standing and rights (short of the astonishing but prevalent assumption that all relations are identities), still too often the differences are glossed over, having moral rights is equated with having moral standing (e.g. Callicott). The slippage between the notions Goodpaster exploits (p.318) in converting conditions on having rights into conditions for deserving moral consideration (exploitation not free of costs, since what is plausible for exercisable rights is much less plausible for moral consideration). Underneath these equations and conventions lie important assumptions; not just the more trivial one that what has a status thereby has a right, for instance to get in the ethical door, but the assumption that having rights and standing or consideration are rendered equivalent through a common middle term, such as having interests, being capable of being represented, being able to benefit. For example, an item has moral standing (or deserves moral consideration) iff it has (or can have) interests, i.e. iff it has (or even can have) rights. Such equations appear implicit (with but minor qualifications) in Goodpaster, and explicit elsewhere, for a wide notion if "interests" extending to all living things; but much more commonly they appear (e.g. as in Frey) for a very much more restricted notion of (humanoid) interest. If such faulty equations did hold, what has been said against moral standing would apply to that extend also against rights. But they do not, and rights require more independent investigation.

By contrast with anti-moralists, who would reject (moral) rights talk and institutions altogether, and with many utilitarians, who view the notion of (moral) rights with considerable suspicion at least, it will be argued, in passing, that rights are alright⁹. The chief targets for criticism will be certain unduly narrow theories of rights, which would have, if they stood, decidedly unfavourable environmental consequences. Although Regan's particular view, for which he has illegitimately bagged the title 'the rights view' (as if an animal rights supporter had to adopt his sort of view), is very far from the worst of these theories, it is worth singling out for special attention, since it has been heavily promoted in environmental ethics literature and it does score exceedingly well, compared with its usual chauvinistic rivals, in certain areas of major environmental concern, such as the (mis-)treatment of animals.

A theory of rights comprises a package, which can be given formal representation (in the fashion of other genetic theories) as containing the following components:

- D. a definition of a right, and
- P. further postulates (perhaps independently argued for) delimiting rights.

As mathematical examples (such as those of vector space and category) reveal there is a good deal of slippage between D and P. But because of the more ordinary usage controls on philosophical theories, only so much in the way of postulates can be pumped into the definitions offered. The package also commonly includes as well

C. a set of canonical forms into which all (nondiscarded) rights locutions or cases can be put, and perhaps also (with ground prepared through C)

R. a set of reduction schemes for eliminating rights locutions, e.g. by translation, reduction rules, etc.

The particular theory of rights advocated by Regan conveniently lends itself to separation into these components, as well as suggesting such genetic breakdown. It begins with a neat definition of right drawn from Mill, according to which a right is, roughly, a valid (or sufficient) claim which society should guarantee. It is coupled with a series of principles or postulates, each given some independent support, of which the most basic is the right of moral agents and patients to respectful treatment. Although canonical forms are not explicitly addressed, one does emerge, which takes the form 'The right of X[s] [not] to - ', where 'to' introduces an infinitival clause indicating a type of action or activity. The clauses may be negated, as for instance in 'not to unduly harm'. The basic form is singular, applying to individuals, who are the only rights-holder on the theory, but it permits pluralisation (the features included distributing back onto individuals). Finally reduction of rights, in particular to some sort of utilitarian analysis, is strongly resisted (in this context 'the rights view' has a little more point, it is "the" irreducible rights view as opposed to a motley array of reductionistic positions, with 'the' signifying a collective.)

While Regan's rights package will be criticised, and in significant respects rejected, through its variation a different rights theory will emerge. Some of the crucial principles Regan arrives at depend heavily upon - though they do not follow from - definition of right(s) he defends. And several of the unnecessarily restrictive features of the view do flow from elaboration of this definition, in particular the limitation of rights to certain individual things, to certain animals. It is important then to begin with, and hard to avoid, the issue of definition.

To ground the variant definition and theory of rights to be reached firmly in usage, consider first the main relevant sense¹⁰ of right (to) given by the Oxford English Dictionary, viz. 'II.7 Justifiable claims, on legal or moral grounds, to have or obtain some thing, or to act in a certain way.' The account of rights given by Mill (which Regan claims to endorse, p.369.) contains a similar core: 'a person's right ...[is] a valid claim upon society to protect him in the possession of ... something society ought to defend...', Mill

provides, however, an important insurance or cover clause, as to who is supposed to cover the claim, which the OED account does not include, and which Regan after a brief discussion also correctly omits (beginning p.270). That is, right quickly contracts to the less than adequate valid claim; but the force of Mill's insurance cover is supposed to follow, primarily in virtue of what is pushed into the idea of a claim. As it turns out, it does follow, but not in that way.

Regan, now imitating Feinberg's tricks, tries to pull substantive features of rights out of the notion of a claim. But the notion does not bear the weight they try to impose upon it; a stronger rope is needed for such acts than claim can supply. The crucial act, which tries to read anticipated features of the notion of right into that of claim, fails at the outset: 'To make a claim ... is to assert that someone... is entitled to treatment of a certain kind and that the treatment is due or owed directly to the individual ... in question. To make a claim thus, involves both claims-to and claims-against... individuals,' (p.271). Such an analysis of making a claim imports much that the ordinary notion does not support, namely, in the first place, that it involves or asserts entitlement, entitlement to treatment of a certain sort, secondly, that it is a transaction between individuals¹¹, thirdly, that the imputed treatment is owed directly to the claimant, it is a claim-against given individuals. But in making such claims as that one has visited Mount Athos, has seen the lark ascend, took tea at sunset, one is not doing any of those things in any straightforward sense. There is nothing significant due or owed, the assertions need not be directed at other individuals in the demanding way, or at all; and no entitlement to special treatment is asked for. Claim is a transitive verb, so it requires as well as subjects, claimants, objects, claims, propositional items typically introduced by 'that' or 'to'. Someone who makes a claim claims that something or to (have or have done) something. But that is all. Only some claims are directed against others, only some claims are entitlements. And if it is claims that are entitlements that are to be distinguished, it would be better to start with entitlements (cf McCloskey).

Just such a fresh start will be made, in the first stage of modification of the OED definitions and integration of it with Mill's definition. Upon separating off legal rights (which Regan correctly distinguishes in pretty much the standard way, p.267), the following then results:

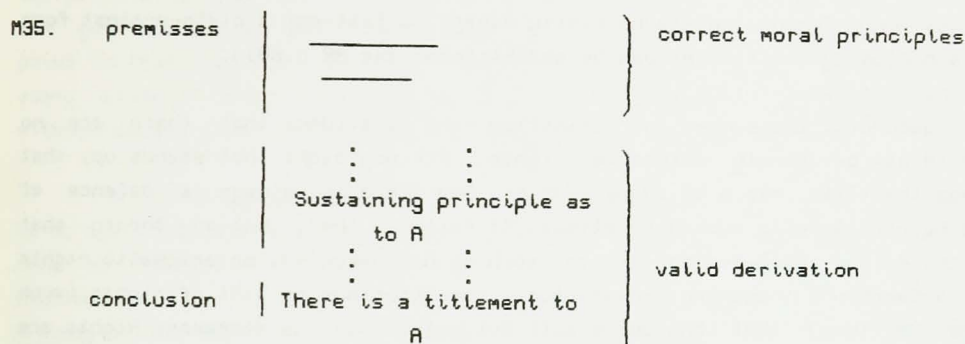
M2. Valid entitlement, on moral grounds, to something (of a correct category). The changes (from II.7) deserve some justification. Firstly, the phrase '(To) have or obtain something, or to act in a certain way', which gives the characteristic fill to '(to) something', logically adds little content. For each of the sorts of entitlement is an entitlement to something, and conversely an entitlement to something entails an entitlement to have something. Secondly, 'justifiable' is not strong enough; a claimed entitlement may be regarded as

justifiable if some sort of justification, which as it turns out is not fully adequate, can be given, whereas for a right the derivation from moral grounds has to be entirely sufficient, i.e. valid. Thirdly, and most important 'entitlement' improves upon 'claim', not merely for the reasons given, that the claims involved are in any case entitling ones, and that 'entitlement' sheds dubious claims-against preconceptions, but also because 'claim' unduly and without warrant appears to restrict the expected class of rights havers or holders, what can have or hold rights, to claimants. Of course the haver of a right need not claim on it, but it is hard to escape the assumption that if something has a claim then it should be the sort of thing that can (at least potentially?) make or stake claims. Thus use of the term 'claim' makes it an even tougher uphill struggle to work the powerful rights medicine on behalf of wild animals and wildernesses. Of course too, what claims are made could be made indirectly, through representatives; but the term "representatives" suggests very easily that rights havers have interests to be represented. Opportunity to make the dubious inference from "rights" to "interests" should not be afforded by the basic definition; and "entitlement" gives appropriate distance.

A lot hangs on choice of basic terms then (as in other challenging philosophical areas, such as the fundamentals of reasoning), even if it seems to newcomers, as it does to dictionaries, that 'right' 'entitlement' and 'claim' are more or less interchangeable (each is characterised in standard dictionaries partly in terms of the others) and that definitions like M2 are virtually tautologous. Well, satisfactory explicative definitions are analytic, but preferably not trivially circular, else informativeness is sacrificed. A weakness of the entitlement account (hard to credit after Regan's attack upon it) is that it risks the latter. What is needed in place of 'entitlement' is something, a putative entitlement, that becomes an entitlement, or right, when validity is appropriately established, and so on. From this angle, 'claim' is a slightly better expression, since a claim sometimes amounts to 'a real or supposed right', i.e. it doesn't write in validity. To avoid these problems with available terminology, there is a case for coining a rather immediate expression to fill in that something (after 'valid' in M2) and avoid disappearance of the basic definition into quantificational vacuity (e.g. 'Valid something, on something, to something', which could embrace lots of items other than rights). A suitable term is 'titlement'; a titlement is a putative or alleged entitlement, which may or may not be correctly validated, en-ed (cf. title '6. That which justifies or substantiates a claim; a ground of right; hence, an alleged or recognised right', Const. with inf or to, in, of the thing claimed'.) A titlement is a transformation of a suitable deontic principle, called a sustaining principle. For instance, the form "It is mostly permissible [for X] to A", where suitable, yields the titlement form "There is a titlement [for X] A" Requirements for suitability, what conditions objects (As) and subjects (Xs) should satisfy, are investigated in what follows.

Before trying for a mark-3 definition of right (to), let us return to Mill, as interpreted by Regan (pp.270-1). Mill 'provides...guidance' as to how entitlements are to be validated: 'the validity of a right, he believes, must depend on its compliance with moral principles whose validity have been independently established' (p.270), i.e. correct principles. It is the derivation from these correct moral principles that takes up, removing the slack, the vaguer "moral grounds" (cf. M2 and II.7). Then in the mark-3 version, a right (to) is a

M3. Valid entitlement, from correct moral principles, to some (categorially appropriate) item. The logical form is almost immediate:



Assuming everything is in order in the scheme M35, the inference to a right-to A is then immediate, by M3. The whole pattern is at once duly relativisable to suitable havens. Thus X has a right to A iff X has a valid entitlement, from correct moral principles, to A, something that a suitable relativised derivation may establish. The candidates to fill out A provide a familiar list, e.g. freedom from unnecessary suffering, respectful treatment, satisfy basic needs, life, sound support, rewarding work, a fair go, etc.. By no means all of these candidates can be validated, without at least considerable qualification, and several restrict the category of subjects, i.e. the logical sort of item that can have the purported entitlement.

Such a scheme, as M35 (while not entirely adequate without a duly elaborated notion of entitlement) both enables further features of rights to be derived and reveals much about rights. In the first place, it shows that Mill's important addition to the definition of 'right', of a requirement that society ought to protect holders, can be separated as a consequence; it is not (as dictionary definitions also indicate) a defining feature. For it is no doubt

true as regards correct moral principles, that relevant societies ought to uphold them. But such functors, as obligation to uphold, transmit over valid derivations; and therefore apply to entitlements. A characteristic point of rights, to insure protection, is thus a consequential feature. Similarly such diffuse correlative duties as societies' obligations to uphold rights are not part of the definition of rights, but a logically emergent feature from their derivative character. In particular, the Feinberg-Regan claim-against component of their proposed analysis is not part of the meaning of right, but something that follows from the principles sustaining a right to something. For instance, if it is generally permissible to live free from unnecessary suffering then others, moral agents are thereby prohibited from causing unnecessary suffering; and the prohibition functor is transmitted down the derivation.¹² A claim-against certain, typically unspecified, moral agents is a consequential feature of valid entitlements to, transmitted from the sustaining moral principle. (This is why Regan can always easily manage to fill out a claim-against form where a McCloskey entitlement can be established; see AR p.281).

Secondly, the scheme and definition make it evident that there are no self-evident or purely axiomatic rights. For any right that stands up, that commands the title, has a valid derivation. And there is always a defence of rights by reference to such derivations. It follows, then, that any theory that lays claims to self-evident rights (such as McCloskey's), or axiomatic rights (such as Dworkin's), and any declarations, constitutions or bill of rights (such as the American) that announces self-evident rights, is mistaken. Rights are always derivative from other parts of an ethical system.

Thirdly, the theory shows directly the "derivative character" of rights, and helps to indicate the extent of their eliminability. For if rights are ever to be established, then there must, in the end, be correct moral principles, as there are, from which entitlements do derive. Thus a requirement of ground holds, and rights are generated from other moral principles, in particular those of permission and obligation. Rights are derivative, not in the sense that there is a precise recipe for translating rights discourse out - any adequate translation remains within the rights circle, of entitlement, claims, etc. - but in the derivational sense, that they derive from another part of the deontic area, that arguments and justifications for them go back to deontic principles.

Because of their multiply derivative character, rights are dispensable after a fashion, and at some cost. So they are not absolutely essential for environmental ethical enterprises. But in a strongly individualistic rights-oriented society, such as the USA, where rights notions (and particularly individual property notions) are taken very seriously, it is a smart strategy to make heavy use of them, after the mode of Regan. Environmental positions can do this also, by deriving appropriate entitlements.

Rights are not merely derivative, because, for instance, of the force they are accorded and the roles they can play when admitted. As American writers stress, rights are among the weightiest of moral considerations, which trump others (hence the importance in a moral or environmental cause of obtaining rights accreditation). Rights certainly have important protective and insurance roles, in sheltering items from powerful actors and interests. For those sorts of persuasive reasons too, imputed rights are important in reinforcing principles, in getting others to take items seriously, to treat them decently, and so on. The social institutionalisation of rights accordingly offers argumentative advantages not to be taken lightly or abandoned. For these sorts of reasons, too, rights are not superfluous (as Frey is inclined to suggest: he is also inclined to suggest, not altogether consistently, that there aren't any moral rights, p.7, p.17). Granted that for many purposes we can proceed back to the principles from which rights derive; still, it is not a consequence that we can get along as well without them, still less that there is no advantage or point to them. Set-theoreticians can get along without numbers; women can get along without their bras, some of them tell us; nuclear reactors can get along without double shielding, so Russian experts used to tell us.

A fourth set of consequences of the rights package offered is that there is no basis for various restrictions widely imposed upon the having of rights, such as interest, sentience, etc. (a now rather familiar list). Consider interests first, since an "interests" restriction on rights-havers is pervasive. Nothing in the definition and derivation scheme given, or in other definitions in the vicinity (OED, McCloskey, Mill, ...), requires such interests (though they could be incorporated, in suitability requirements). Yet a crucial premiss in the issue of whether things other than persons, animals especially, can have rights links rights-holding with interest. A typical bridge principle is RI. Only items which have interests (can) have moral rights (cf Frey, p.5). As Frey observes, RI is not obvious (he later applies a strong form of RI, without anything much in the way of argument, nonetheless), and has had many rivals, notably with 'interests' replaced by other candidates put up for gaining moral standing (rationality, language, sentience, etc. - the same tiresome list).¹³

How then does the interest requirement, RI, gain its wide accreditation and grip? For an astonishing series of bad reasons (as Freedman in effect brings out), including:-

1) Usage; we don't speak of items lacking interests (individuality, etc.) as possessing rights (thus in effect McCloskey). In fact we do, and others have; and non-usage has to be backed by other consideration if arbitrariness and prejudice are to be avoided (Freedman pp. 160-1).

2) Abysmal analyses, such as Tooley's analysis of X has a right to A as roughly synonymous with 'if A desires X, then others are under a prima-facie obligation

to refrain from actions that would deprive him of it' and coupled reasoning (again dissected by Freedman p.161 ff.)¹⁶

3) Mistaken themes, such as Feinberg's (drawn from McCloskey) that 'a right is a protection of an interest, and hence [it is claimed] for something to have a right it must have an interest' (Freedman, p.164, who upsets the inferred claim). Nothing requires however that the protection that rights characteristically afford is of an interest; as far as the meaning of 'right' goes it can be of a thing or a system.

4) Confusion of having a right with exercising a right (pp.162-3), or even with being able to claim a right. Though these are evidently different, and entailments from having to exercising or to claiming evidently fail, such conflation is encouraged by easy but unwarranted transition, such as those from having a claim to making or being able to make a claim. But, to reiterate, rights have nothing highly intimate to do with the making of claims by a holder (though no doubt an articulate maker of claims holds some advantage in achieving its and others claims). A creature or item with claims may have no ability or competence to make or present them; or be the sort of thing that can.

4a) Contractions of rights to a subclass of rights, such as exercisable rights, interest-protecting rights, accountable rights, etc. Then indeed conative requirements do follow (e.g. what has an exercisable right must presumably at some stage be suitably alive and capable of relevant activity), but such requirements follow from the subclassification involved, not from the notion of right. For instance, the interest-protecting aspect of interest-protecting rights follows from the interest-protecting restriction, not from the notion of rights, which may serve to protect things lacking interests (especially under chauvinistically-favoured high redefinitions of 'interests').

A related cluster of points applies to attempts to restrict rights to persons or to individuals, attempts also typically underpinned by the assumption that what has or can have rights must have interests, or desires, or a suitable conative life, or whatever. But nothing in the notion of rights restricts rights to persons, or to "persons" in a generous legal sense; nothing restricts them to individuals, or individuals and "persons". All these restrictions on right-holders are imposed, without much or sufficient justification, usually for ideological reasons, such as blocking legitimate claims on behalf of damaged or disadvantage items or systems, meriting protection.

§3. Deconstructing "the rights view" and rebuilding environmentally. Consider, most important, Regan's sharp limitation of rights to individual subjects, a limitation which has a most damaging effect on the ability of his rights view to cope decently with major environmental problems of our times, such as those concerning rare and endangered species, forest ecosystems, wilderness, etc. (e.g. pp.395-6). Regan's restriction does not follow even from his own definition of a right, as a valid claim. Rather the restriction is progressively

infiltrated, as the postulates concerning rights are elaborated. It is not uniformly infiltrated (and in other work Ryan appears to abandon restrictions to individuals, e.g. NP, p.32). For instance at a closing stage (in AR, p.395) a brief argument against privileged status for rare or endangered species begins, 'because paradigmatic right-holders are individuals' (In extended syllogistic form the argument runs: Paradigmatic right-holders are individuals. Individuals do not acquire any further rights if they belong to rare or endangered species. Therefore, paradigmatic right-holders do not so acquire further rights. So 'the rights view does not acknowledge any privileged moral status on the part of rare or endangered species of animals'.) The beginning makes it look as if right-holders needn't be so restricted after all, only the paradigms are individuals, further undercutting the brief argument. For simply consider some non-paradigmatic right-holders, such as endangered species, members or species themselves. (with species treated, e.g., as Hulleian entities, certainly then individuals, at least Goodman-esque). But earlier Regan announces, 'The rights view is a view about the moral rights of individuals. Species are not individuals, and the rights view does not recognise the moral rights of species to anything' (p.359). Thus individuals, whatever they are (no characterisation is actually offered), are not merely the paradigmatic right-holders; they exhaust right-holders. The more conciliatory paradigmatic line gives way to the iron-fisted theme of the alleged 'individualistic nature of moral rights' (p.361), according to which the notion of moral rights cannot be meaningfully applied other than to individuals (p.361). As far as everyday, moral and legal usage goes this just isn't true; there is no such categorial restriction.

Why try to impose such an implausible and environmentally damaging atomistic restriction on a rights view? Or, similarly, on a moral standing view? Emending the brief argument away from anti-environmental ends indicates why. On a rebuilt rights view, an individual may acquire more rights, and warrant more protection, by belonging to an endangered group, in virtue of principles such as that significant endangered species ought to be protected. But then different creatures would hold different rights, contradicting Regan's assumption that 'all animals are equal' (p.395) - at least in rights held, and (the basis of this, but as a matter of definition) in 'inherent value'. Here is the source of the trouble, of individualistic restrictions, not the basic account of rights, but the adjoined equality assumptions.

The restriction to individuals is not just an optional extra in Regan's rights package, that can simply be peeled off. It is required not only in major applications of the theory, but is essential for coherence given the super-imposed equality postulates. If a super-individual, such as a species, held rights on an equal basis with the individuals composing it, then the super-individual would both have more rights than its individuals (those of all

its components) and the same rights (cf. DE on biocentric egalitarianism; DC, p.35). Furthermore, equality assumptions are very heavily deployed in following through implications of the individual rights view, where differential treatment of different sorts of creatures is repeatedly ruled out by appeals to equality.

Integral as equality assumptions are to Regan's individual-rights view, they are neither part of more ordinary reflections on rights nor part of what is meant by rights, but additional postulates. They can accordingly be removed, and on deconstruction of "the rights view" exactly this is done. Equality assumptions concerning moral rights are supposed, in the first place, to follow directly from features distinguishing moral rights, for instance universality and equality features (p.267). But all this "equality" aspect reflects is that rights are absolute qualities, they do 'not come in degrees' (p.368). It does not follow that one item cannot have more rights than another (because, e.g., of the sort of thing it is), or therefore that all items that have rights have equal bundles of (even basic) rights. Nor does equality of basic rights follow from universality requirements, but only a certain impartiality in treatment (often confused however with egalitarianism).

Neither equality assumptions nor individualistic restrictions emerge then; and in fact they do not figure elsewhere in the analysis of rights given. To find them we have to follow the text past the analysis, through to the introduction of the fundamental respect principle and the right to respectful treatment (p.277 ff.), where both equality and individuality enter in a big way, both being imported as parts of the theory of inherent value (and associated justice principle) from a previous chapter. For what is argued is the 'basic right of those who have inherent value to... respectful treatment' (p.277), where inherent value is by definition confined to individuals and something all suitably conative individuals (those subject-of-a-life) have equally.

Consider subjects' 'value as individuals - what we'll call inherent value. ... all who have inherent value have it equally' (pp p.37; similarly AR p.235 ff.). Inherent value is thus a theoretical notion, conforming to various postulates, notably individuality and equality. Obviously the theory of inherent value can be varied, as Regan effectively admits (p.362). Consider, then, in place of inherent value, initial or connate value, defined, for any item X, individual or not, as follows: the value of X, if any, as an item (and not as a mere receptacle). In place of the equality postulated for inherent value, it is assumed that, for any X and Y of the same ethical type, X and Y have the same connate value. Then, while connate value is not very well characterised, it is as adequately specified as inherent value, and can carry its work-load.

Before showing that let's look at differences, and limitations, of the notion. While inherent value is an all-or-nothing affair (certain individual

types have it, nothing else does, but has zero value), connate value is not. Not all types that have (non-zero) connate value need have equal positive value or positive value at all. Devils, certainly if they existed, would have decidedly negative connate value (their nonexistence no doubt adding to their disbolicalness, if ontological proofs of the existence of top connate value objects are to be believed.) Connate values are thus somewhat like initial levels of perfection. Connate value is, like inherent value properly understood, at best an initial assignment. The assignments are like those of initial probability under a principle of indifference (particularly those of inherent value; connate value involves a further typology). Until actors, objects, sort themselves out by their life-styles, world-lines, states they receive a presumptive initial value, which can then be increased or diminished as intrinsic value gets clarified; compare a posteriori probability assignments. Thus too connate value is not all that is taken into account in discerning moral principles, and so in deriving rights. Further value-making or value-detracting features of things which affect intrinsic value are also relevant.

A critical question is whether connate value can serve to carry enough (not all, of course) of the requisite argument; in particular, that to a respect principle. Examination appears to show that it can, at least to this extent: insofar as the argument (pp.277-9) based on inherent value to the right to respectful treatment succeeds, so does that based instead on connate value. It suffices, in fact, to substitute 'connate' for 'inherent' and replace 'individual' by 'item' throughout, and to verify by inspection that all details work just as well. Minor use of some points already made is required, namely those concerning features of moral rights. But it is straightforward to verify that everything does work as well, given that the presupposed defence of the respect principle, as also modified, succeeds. It does, as inspection of the argument (pp.258-60) for the modified respect principle soon shows, where the modified principle results by the same substitutions as before. The modified principle looks near-analytic: We are to treat those items which have connate value in ways that respect their connate value (pp.248). The modified respect principle applies of course to species and systems, as well as for individuals, and so does the expanded right to respectful treatment.

Much of the remainder of Regan's text can be similarly reinterpreted, but again by no means all.¹⁵ (Limitations of space, time, and energy preclude a fuller de- and re-construction). Some initial indication only of the expanded environmental rights theory which replaces the moral rights view will be offered. But it is important to observe right away, that many of the goals of the animal rights movement, as Regan conceives it (e.g. PP,p.32), can remain largely intact under the expanded rights theory (minus perhaps the totality claims), for instance, the theme of abolition of the use of animals in science.

But not all the further postulates of Regan's rights view remain intact, most notably that of vegetarianism, which is not a consequence of themes of the animal rights movement. Nonetheless, 'the rights view holds that the individual has a duty to lead a vegetarian way of life ...' (p.394); 'vegetarianism is not supererogatory; it is obligatory' (p.346). But the most the arguments (p.351,p.346) to this conclusion appear to establish is that it is not permissible to consume the products of commercial animal agriculture (including presumably eggs and purely bread sausages). 'Since the animal industry routinely violates the rights of these animals, for the reasons given, it is wrong to purchase its products. That is why, on the rights view, vegetarianism is morally obligatory, (p.351,italics added). As an argument to vegetarianism (a vegetarian being, one who abstains from animal food, and lives on vegetable food, and, usually eggs, milk, etc' ¹⁶), the argument is a major nonsequitur (likewise the argument, p.346)¹⁷. For there are many ways of obtaining animal food which do not involve commercial animal agriculture or commercial practices (the no doubt proper focus of Regan's attack, since such practices typically lead to disrespectful and insensitive use and rights violations). Examples include the practices of hunting-gathering lifestyles, of the gardening cultures of the Melanesia and Polynesia, of subsistence farming and of some of the new communes. Regan's further argument (it would be unfair to stick him with the awful page 351 and with eating dogs) commits him, moreover, to the moral impropriety of these extensive traditional lifestyles (as well as minor newfangled ones), insofar as they involve the killing of pigs and fish and occasional wildlife and so on. A chief reason given is that 'animals' lives are brought to an untimely end' (e.g. p.394). But suppose, to dispose first of strict vegetarianism, that their time has come, or, more straightforwardly, that they are already dead. What precludes respectful use?

An expanded rights theory does not entail vegetarianism - any more than connected theories, such as that all sentient beings deserve moral consideration, or rival theories such as utilitarianism, entail such dietary restrictions, without further large assumptions. For there are many types of circumstance where it is perfectly permissible to eat dead creatures, things which are no longer sentient or which will not now attain sentience (as DC explains and argues). The more problematic area is not that of consuming what is already dead, but of causing death (or, to a lesser extent, letting die) prematurely, in order to achieve that option or, to yield it as a by-product. For this appears to infringe rights to life and livelihood and to violate moral standing of creatures interfered with so drastically.

Appears to. For even ethical theories that now concede various rights to animals balk at admitting such extensive rights to life and livelihood to animals. And Regan's own view provides, in the categorial distinction between moral agents and moral patients,¹⁸ some ground for justifying differential

treatment, for the Papuans' differential treatment of people and pigs, a distinction in which Regan himself takes refuge when pressed.¹⁹ So how tight is Regan's further argument, in particular when reconsidered as applying against traditional lifestyles rather than against modern commercial practices? The bulk of the crucial argument (p.343 ff.) simply does not apply. By and large traditional cultures did not treat animals just as resources, still less as renewable resources. Nor did they treat animals as mere instruments or receptacles (p.344); consider the respectful treatment of many hunter-gatherer groups in aboriginal Australia, or the practices of gardening peoples in Papua, who often exchanged pigs before killing. Careful, respectful practices do not exclude some killing of animals - or do they? It would seem that the practices of traditional peoples, unlike commercial farmers who violate the respect provision (p.343), are admitted under Regan's liberty principle (p.331, a dubious principle supposedly derived from the respect principle, p.332). A critical question is whether the respectful use of animals, including use for food, in the style of better traditional practices is excluded under the more fundamental respect principle itself. On a straight reading of the principle, which requires 'treatment that is respectful of the kind of value they have' (p.277), such uses of animals are not excluded. Some respectful interference with creatures of inherent value is not excluded. No rights are thereby infringed because a creature of inherent value does not acquire a right to persist, come what may.

There are however countervailing indications in Regan's text (and elsewhere in his "preservation principle") which would go far towards sustaining the vegetarian conclusions he fails to reach, and thereby to ruling traditional lifestyles inadmissible. Such are the bioconativist assumptions²⁰ that it is always wrong to destroy life (very special circumstances apart perhaps), that it is never permissible to reduce value catastrophically the way that bringing an animal's life to an untimely end does. But in fact Regan does not endorse such principles, strongly rejecting principles like the pacifist principle never to use harmful or destructive violence (p.287); indeed bioconativism appears incompatible with the "liberty" principles as interpreted. Nonetheless, bioconativist assumptions, no matter how difficult to live by, are highly appealing to many ethical pacesetters and theory designers, especially to many who would maximize value. But they throw the whole natural order into ethical disorder; predation, full territorial defence and many other commonplace natural happenings are thrown into ethical doubt or rendered inadmissible. Maybe The World is not Required the way it surprisingly is (Lestlie's thesis) after all; maybe a very different predator-free sin-eradicated post-natural world is Required, where value is maximized?

§4. Titlements to life and livelihood: predation, territoriality and other substantial problems. Despite the dust that status-quo-supporting philosophers

have raised, there is no doubt, looking through the cloud, but that

- Animals have various interests, many of them of the same sort as those of human animals, for instance, sustenance, survival, sex, species, shelter (see e.g. AR, PR).

- Animals have various rights. For example, they have, in the same way that humans do, a right to live free from unnecessary suffering, and from excessive interference.

While these claims are substantially independent (having interests is logically neither necessary nor sufficient for having rights), there are nonetheless significant connections, inasmuch as rights serve to protect permissible worthwhile interests which more powerful operators, such as de-foresters, may otherwise override or ignore. There is no doubt, furthermore, that present human practices systematically infringe animal rights, especially those tied to their interests. For example, much animal experimentation causes quite unnecessary suffering. Thus there is a powerful case for changing these practices (compare and contrast Frey p.4), a case both enhanced, and easier to obtain positive action upon, by the due admission of relevant rights. Attainment of the sorts of social protection the widespread admission of rights can lead to should not be underestimated, in the way it is by utilitarians and anti-moralists.

Granted animals have rights, some of them on a par with those that higher humans have, a main outstanding question (pace Frey) concerns which rights nonhumans, animals particularly, have. Because especially of the widespread phenomenon of predation, essential to the continued livelihood of many creatures, the issue can look like an exceedingly difficult one (and one Regan comes to grief upon). There are undoubtedly serious conflicts of interest induced through the phenomenon, some of them unavoidable as when a herbivore's interest in continued existence clashes with a carnivore's interest in continued sustenance, others avoidable as in human slaughter of whales and dolphins. Predation is not of course the only source of serious conflict of interests; territoriality, for instance, can also lead to serious encounters, particularly in situations of expanding populations (thus too the issues are connected).

Such matters as predation, territoriality and population increase have been converted into serious problems by mistaken atomistic views of value and associated excessive claims as to rights. Removing these defective themes much reduces the problematic. The value theory involved, typified by utilitarianism but an integral part of atomistic non-utilitarian positions such as Regan's, holds that value (or utility) is a feature, at bottom, of atomistic items such as individuals, that those items (constituting the base class) have a fixed (equal) value while they persist, which is not substitutable for or alienable,

and that (derived) values of whales and organised structures, such as ecosystems, are simply additive functions of the atoms within them. Characteristically also themes of maximization and preservation of present value are incorporated into the theory. On such assumptions, predation and the like involve a reduction in value, at least in the shorter term, and so a suboptimal path, infringing maximization and preservation desiderata. The rights view enhances the problems by postulating a right to continued existence to every individual that has initial (inherent) value (and similarly moral considerability positions add to the difficulties). But the assumptions involved should be removed. Both the way the problems are generated from the assumptions, and the reasons for revising the value assumptions, are explained in detail elsewhere (in the Green Series, especially DC §4). Most important, ecosystems, which are more than the sum of their individual components, though they typically include predators, may be highly valuable in their own right, with lives of herbivores substituted for within the system, without reduction of value. The escalation of the problems through rights' theories deserves, however, some elaboration.

A serious clash of interest, as between carnivores and herbivores, fortunately does not thereby induce an incompatibility of rights, unless too many interests are elevated to rights. But just this appears to happen when the extensive (but not invariable) interests of living creatures in continuing to exist are sharply upgraded to unqualified rights to life (a mistaken elevation that is common in ethical thought). The right to life of a succession of gnus is infringed by a lion which also has a right to sustenance to sustain its life. With the advance of technology it would now be possible to interfere in some cases of predation, e.g. that of the remaining large carnivores, to uphold gnu "rights", by switching the carnivores to an appropriate vegetarian diet (and, to avoid culling, our splendid contraceptive technology could be applied to hold gnu population in check). But to deal with all cases of predation and associated issues in these bizarre sorts of ways is not only practically impossible; but further, such extensive interference with natural ecosystems is itself, at the very least, dubiously permissible. High-tech vegetarian-style resolutions of problems of predation, territoriality and so on, are radically unsatisfactory. On the contrary, virtually all remaining natural systems containing large carnivores should be left substantially intact or restored towards their natural states. These ecosystems ought to persist, and have a right to, though their flourishing involves regular violation of alleged absolute "rights to life".

Can't rights to life be left intact (i.e. merely morally extended from an unauthentic human setting), and the problems skirted around? After all, some conflict, and inconsistency even, of rights, obligations and so on, is inevitable, and can be logically lived with in these latter paraconsistent days. Some can, but not too much. Conflict should be confined to exceptional (often

significant) sorts of cases. In these terms, predation is not satisfactorily accommodated by way of conflict of rights or principles. It is too regular, systematic and commonplace. A sufficiently efficient deontic system does not multiply up conflict cases, because they remove part of the point of deontic structures: for then much too much time is spent repuzzling and redeciding rather analogous conflict cases. A more satisfactory fashion to deal with such regular systematic conflict, which undermines the point and force of principles, is revision of principle. Furthermore, a conflict of rights approach (no more than a conflict of values approach: DC, p.33) doesn't feel at all right. A lion is not acting wrongly or infringing rights wholesale, every week when it may kill an antelope or other creature.

A superior alternative, already indicated, consists then in winding in excessive titlement concessions, so as to avoid extensive conflict. A strong and legitimate interest in a continuing livelihood does not give an unqualified right to life, which can be conferred against associated predators. It affords only a defeasible right, which can be forfeited or lapse. In these terms, a lion that takes a weaker aged gnu, tailing or separated from a herd, does not violate its defeasible right to life. The situation with humans is not essentially different. Weak, ill-equipped or reckless humans who put themselves in or find themselves in threatening situations, such as highspeed action or wilderness travel take their chances. If they thereby lose their lives, their defeasible rights to life are not thereby infringed (and where animals are involved, predatory animals or animals defending their territories should not be persecuted).²¹ Wild animals such as gnus are almost always on wilderness travel, except when imprisoned in zoos; they properly take their chances with natural predators.

As pursuit of this approach suggests, a helpful way of coming to grips with predation and like issues is through zoning, or more generally through bioregionalism, which zones regions of the earth's surface and elsewhere. For what happens, what is protected, what is permissible and right, in wilderness can be significantly different from that in urban areas. A tiger that moves out of a wilderness to a supposedly easier life in a city where incautious citizens are plentiful, cannot expect and doesn't merit the same treatment as it did the wilderness, namely being left largely alone. Moreover, with bioregions such as big wilderness as locus, it is much easier to think holistically, to see predation as an integral and significant part of a rich natural structure - rather than isolated action of individuals without a further justifying setting. (The adjustment of ethical principles to regions, and large communities, need involves no loss of universalizability; 'wilderness' is an appropriately general notion, not yet a proper name.)

The action of carnivores (including traditional peoples) in wilderness

areas, in taking prey conservatively, in defending their territories and so on, involves in itself no infringements of rights then, whether what is taken is human or not (is "replacable" or not). There is moreover no need to deny that predation, with its frequent violence and death, may involve loss of value, as for instance if a carnivore had consumed a trespassing Darwin early in his career. Only a brash utilitarian would insist, or pretend, that, when all the undo-able computations are done, the suffering and losses and replacements of natural systems, net value of overall natural processes is always approximating maximality. On the other side, it would be a supreme technological optimist who thought that human-engineered systems could perform nearly as satisfactorily, even on a quite modest scale. Human efforts, which are especially prone to breakdown, can sometimes make some small improvements around the edges; mostly they rely upon exploiting what is already there or nearby. As a working rule, the more humans interfere with natural processes, the more problems there are and the more things go wrong. Medical experience with intervention, even in matters as normally straightforward as human childbirth, provide well-documented evidence of the rule at work. The chances of humans improving, technically or morally, upon Nature in wilderness areas is exceedingly slight. To adapt one of the ecological "laws" to encapsulate the working rule: Nature generally does better than humans. Its corollary is: Curtail excessive human interference in natural regions.

It does not matter if, because of predation and the like, value is not always as high as it might be. With the persistence of sin and prevalence of political wickedness, there is copious reason for conjecturing that we do not inhabit the best of possible worlds. Besides we are free to speculate that the long evolutionary process - no doubt a rather restricted, heavily interfered with, and very hit and miss business - did not turn out as perfectly as it might have. Major ecosystems certainly do not appear to have evolved in a way well adapted to (or anticipating, so to say) the arrival of modern humans with their enormous destructive capacity and will to power. But, even apart from the advent of such humans, it is far from clear that Nature provides an optimal system; rather Nature *satisfies* (an adjustment of ecological "law" argued for elsewhere: see SM).

The facts of *satisfization* do not put Nature out of step with morality, with deontic principles. For deontic principles also answer back eventually to sufficient levels of value, not to maximal consequences (see SM). Even if it were best that value be maximized, obligation certainly does not require it. Predation can take a rightful place in such a *satisfying* environment; for the natural systems which have evolved with predation seem to offer quite adequate, and often dazzling, levels of value.

NOTES

1. For all that I am critical of much of the environmental thought that flows out of southern and western American schools, it far surpasses the dreary and reactionary anti-environmental dross that typically emerges from the more prestigious universities in industrial north-eastern USA and British light-engineering centres like Oxford.
2. This may strike a moral theorist as almost as curious as a cost/benefit analysis of (mainstream) economics - also in order and having real point - would strike economists. But the cases are different. Cost/benefit assessments depend on a value theory of some (perhaps degenerate) sort, but not necessarily on morality.
3. Entitlement to whom? On traditional views, and according to PP, what amounts to a self-appointed chosen, 'we free and rational choice makers' (p.4). There are problems regarding use of 'entitlement' in these contexts, since entitlement moves in the rights-circle and items with M-s may lack rights.
4. The annular picture is open to the separate charges of being but a devious sort of moral extensionism and of introducing or involving a moral hierarchy, both of which set scenes for condemnation. But neither charge is justified in a form that would do damage. Moral notions are not extended, rather their proper significance ranges and catagorial features are investigated and put to principled work. As to the matter of hierarchy, the classification reflects divisions of things in terms of such features, where they apply, as capacities and capabilities. This would yield a hierarchy were these features ranked, which on the annular picture they are not. (Even if they were and a hierarchy resulted, that need not be problematic. Not all hierarchies are damaging, e.g. merely classificatory ones, such as biological divisions may be. It is only when hierarchies serve to distribute, or become a means to, power or privilege or favour, that they warrant the criticism hierarchies have encountered. That criticism would have deservedly been directed at certain power hierarchies; but not all hierarchies are of this sort.)

Worries about installing a moral power hierarchy or pecking order and accompanying moral elites are one reason why some philosophers (most go quietly along with elites) operate with an impoverished ethical typology. For instance, a misplaced egalitarianism appears both in deep ecology, in bio-conativism and in rights views such as Regan's, where both inherent value and the equal basic rights it supports behave in an all-or-nothing fashion.

5. Similar funny business is going on in Frey, who equates moral standing with value-in-itself (p.45), and proceeds to bound it below, not biocentrically as in Goodpaster, but by sentience. This happens as part of a more widespread humanistic utilitarian collapse of major ethical distinctions, with rights as a further casualty.
6. Possibility and probability forms of noninterference principles are basic to the main arguments to the immorality of present nuclear arrangements: see

7. But Fox has made a sustained - though now apparently partially repealed - attempt to do so, in his criticism of axiology. Such an attempt is bound to fail. Values are basic and inescapable (they enter even into truth claims). Thus, for instance, a criticism of morality as in general a bad institution, which has a poor cost/benefit record and, has wrought much damage, is thoroughly enmeshed in value concerns. Anti-moralism depends on axiology; it does not sustain and anti-axiology.
8. Universalizability is used in the text because it is familiar. But what are really important are intersubstitutivity and replacement principles, which underlie generalizability and other features.
9. Some of opposition and standard objections to rights talk result from misguided ontological assumptions. For example, it is alleged that rights are very curious sorts of entities, universals that science casts no light upon and does not need. Accordingly, by a principle of parsimony, such as Occum's razor, such entities should be discarded. Object-theory shortcircuits such objections (as well as providing a pasting of such crude instruments as Occum's razor: consult JB, index). Creatures have rights; rights have properties, such as being derivative from certain obligations; but rights do not exist, somewhere, or at all. Rights are logically well-enough behaved nonexistent objects.
10. The notion of right[s], though a comparatively modern one, is a very complex one, some of the complexity being reflected in the 20 senses of the substantive 'right' listed in the OED. An attempt to bring some order and system to this complexity is made in SM.

Although the analysis takes off from one main OED sense, the elaboration will lead by or through other connected senses, such as '1.3 that which is concerned with equity or ... which is morally just or due' (as in "right-doing"). But there will be no heavy involvement in main issues concerning opportunity (as in rights to work) or liberty (as in rights not to participate in state-imposed activities); these are primarily issues for moral actors.

11. Regan repeatedly makes a move which amounts to that from societies or communities to capable or relevant individuals within them, i.e. he regularly resorts to individualizing strategies.
12. The exact status of iterated deontic principles involved in such arguments can be left open, e.g. whether OOC is entailed by OC or is a further substantive principle which can be asserted when OC is.
13. Not all these substitutes are incompatible, fortunately for Frey, who leaps to the conclusion that sentience, 'the fact that human beings and the "higher" animals have experiences or mental states ... is the ultimate and fundamental basis of the claim that they are possessors of moral rights' (p.43). No argument at all (other than an appeal to authority) is to be found for this claim, a surprising omission in an author who is fond of lambasting others for failure to supply arguments (e.g. p.7) - especially in the light of his earlier remarks that 'merely citing' sentience as a

criterion for the possession of moral rights neither shows that it is one nor even creates the presumption that it is, ... until some arguments in these respects are provided ... As we shall see in subsequent chapters, such arguments are scarce on the ground' (p.33).

14. Tooley's analysis can be upgraded, and brought into line with standard account of "right to" (adopted in EE, p.176), by substituting for 'desires', 'chooses or would chose'. Even so it would mark out only an important consequential feature of a subclass of rights, roughly exercisable rights (a similar criticism tells against EE).
15. An important example is the argument to equal value, PP p.38, which is broken by conceding that not all humans, seriously genetically defective and well-endowed contractually-capable, need have equal connate value, and thus removing the premiss.
16. According to the Concise English Dictionary (Omega, London, 1982). But the matter is not quite so simple, not a reputation of vegetarianism on the basis of the availability of dead animals so decisive. A more careful definition, which would however render some hunter-gathers (and even some cannibals) vegetarians, is the OED account, 'one who lives wholly or principally upon vegetable foods; a person who on principle abstains from any form of animal food, or at least such as is obtained by the direct destruction of life'.
17. Utilitarianism does not decisively support vegetarianism, even that involving improved commercial farming and slaughter of animals, so Regan correctly contends (p.350 sums up his extensive argument). And in fact the flawed utilitarian case for vegetarianism is effectively abandoned in the recent work of one of its leading proponents, Singer (see DC, p.36).
18. While some such distinction is important, the choice of terminology is singularly unfortunate given the non-obsolete senses of the noun 'patient'. Most animals are not patients.
19. For example, in a range of, admittedly difficult, conflict cases, such as lifeboat situations (p.324, p.351), and more important, as regards interspecies relations (p.357 ff.), and rabid foxes and threats to humans (e.g. p.353). Despite his disclaimers, Regan's egalitarian principles ring hollow when it comes to the crunch; for then humans always outrank animals. (So much for the 'strict moral restrictions, grounded in ... inherent value', the same for all subjects-of-a-life, on the strength of which even careful and respectful farmyard practices can be condemned, p.342). A defective greater value assumption is smuggled into the rights view, seriously detracting from its environmental depth (see DE, §1).
20. On bioconativism see Callicott; leading ideas go back to Jainism.
21. Predation by large carnivores can be usefully, and favourably, compared with human travel and sporting accidents. While the number of killings annually are of a similar order of magnitude, animal predation (no accident of course) appears to involve rather less suffering and pain. And though it may involve some reduction in value in the removal of on-going lives, it also offers some very considerable compensating ecosystemic benefits.

REFERENCES

- J.B. Callicott, 'On the intrinsic values of nonhuman species' in The Preservation of Species (e.d. B.G.Morton) Princeton University Press, 1986; pp.138-172.
- R. Dworkins, Taking Rights Seriously, Duckworth, London, 1977.
- J. Feinberg, 'The rights of animals and unborn generations, in Philosophy and Environmental Crisis (e.d. W.J. Blackstone) University of Georgia Press; Athens, 1974, pp.43-68.
- W. Fox, 'A postscript on deep ecology and intrinsic value', The Trumpeter 2(4) (1985) 17-23.
- B. Freedman, 'The entity-restriction of rights: Notes on a fashion in ethics' Metaphilosophy 12(1981) 159-168.
- R.G. Frey, Interests and Rights. The Case Against Animals, Clarendon, Oxford, 1980.
- K.E. Goodpaster, 'On being morally considerable', Journal of Philosophy 75(1978) 308-325.
- I. Hinckfuss, The Moral Society: Its Structure and Effects, revised version, University of Queensland, 1986.
- J. Leslie, Value and Existence, Oxford, 1979.
- H.J. McCloskey, 'Respect for humans moral rights versus maximizing good' in Utility and Rights (e.d. R.G. Frey), Blackwell, Oxford, 1985 pp.121-136.
- C. Pigden, Nihilism: a Defence, Ph.D Thesis, LaTrobe University, 1985.
- E.B. Pluhar, 'The justification for environmental ethic', Environmental Ethics 5(1983)47-61.
- T. Regan, The Case for Animal Rights, Routledge & Kegan Paul, London, 1983; referred to as AR.
- T. Regan, 'On the nature and possibility of an environmental ethics', Environmental Ethics 3(1981) 19-34; referred to as NP.
- J. Rodman, 'Theory and practice in the environmental movement: notes towards an ecology of experience', in The Search for Absolute Values in a Changing World, International Cultural Foundation, New York 1978, pp.45-56.
- J. Rodman, 'Ecology sensibility', in Ethics and the Environment (ed. D. Scherer and T. Attig), Prentice Hill, NJ, 1983, pp.88-92; reprinted in VanDeVeer and Pierce, pp.165-8.
- R. Routley, 'Alleged problems in attributing beliefs and intensionality to animals', Inquiry 24 (1981) 387-417; referred to as PR.
- R. Routley, 'In defence of cannibalism. I. Types of admissible and inadmissible

cannibalism', Green Series, RSSH. ANU; referred to as DC.

R. Routley, Exploring Meinong's Jungle and Beyond, RSSH, Australian National University, 1979; referred to as JB.

R. Routley, 'War and Peace I' On the ethics of large-scale nuclear war and nuclear-deference and the political fall-out', Green Series, RSSH, ANU 1984; referred to as WP.

R. and V. Routley, 'Human chauvinism and environmental ethics', in Environmental Philosophy (e.d. D. Mannison and others) RSSH, Australian National University, 1980, pp.96-189; referred to as EE.

T. Ryan, 'The case for animal rights' in VanDeVeer and Pierce, pp.32-39.

C.D. Stone, Should Trees have Standing? Towards Legal Rights for Natural Objects Kaufmann, Los Altos, 1974.

R. Sylvan, 'A critique of deep ecology', Radical philosophy 40(1985) and 41(1985); referred to as DE.

R. Sylvan, 'Supplanting maximization, and other utilitarian assumptions, in Western ethical ideology', this collection; also to appear in; Topoi, 1986; referred to as SM.

D. VanDeVeer and C. Pierce (e.ds), People, Penguins, and Plastic Trees, Wadsworth, California, 1986; referred to as PP.

