

## THE CONCEPTUAL /NORMATIVE DISTINCTION IN ENVIRONMENTAL ETHICS

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### 1. THE CONCEPTUAL /NORMATIVE DISTINCTION

K. Goodpaster's distinction between moral considerability and moral significance<sup>1</sup> enjoyed a successful career in environmental ethics. Following J. Feinberg,<sup>2</sup> Goodpaster remarked that it is possible to separate questions like:

(1) What sorts of things can logically be said to deserve moral consideration?  
from questions like:

(2) What sorts of beings do, as a matter of 'ethical fact', deserve moral consideration?

An answer to a question like (1) is a conceptual claim. An answer to a question like (2) is a substantive, normative claim. While of course the claim that, e.g., plants or species deserve moral consideration entails that it makes sense to say that they deserve it, the converse does not hold. One can hold that it is not absurd to say that plants or species deserve moral consideration and also deny that we can treat them in ways that are either right or wrong. With an affirmative answer to a question of the former kind, one has not yet the answer to a corresponding question of the latter kind.

However, while recognizing this distinction, some authors thought that it is not very useful. Thus, P. Taylor argued that 'a life-centered theory of environmental ethics holds both that the conceptual and the normative claims are correct. Not only it is intelligible to speak of owing duties to animals and plants, but it is the case that we humans who are moral agents do have such duties, just as we have duties to our fellow humans'.<sup>3</sup> According to Taylor, if one can meaningfully say that an entity deserves moral consideration, then she can validly infer that it indeed deserves this consideration. In the same vein, P. Singer writes:

<sup>1</sup> K.E. Goodpaster, *On being Morally Considerable*, in *The Journal of Philosophy*, 1978, pp. 308-25.

<sup>2</sup> J. Feinberg, *The Rights of Animals and Unborn Generations*, in Blackstone, *Philosophy and Environmental Crisis*, University of Georgia, 1974.

<sup>3</sup> P. Taylor, *Respect for Nature*, Princeton University Press, Princeton, 1986, p.20

"A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare." And he concludes: "If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account."<sup>4</sup> That way the distinction collapses: an entity deserves moral considerability if and only if it can be said that it does.

It seems to me that one of the reasons that led many ethicists to hold this view is their increasing conviction that metaethics and normative theorizing could hardly be kept separated. For, indeed, questions like (1) concern issues of conceptual analysis and are therefore metaethical in character. If it is further supposed that metaethical considerations are independent of any normative ones, then it might be possible to hold that some entities are not morally relevant as a matter of principle, and that no normative argument can count against such a claim. However, as a matter of fact many such 'conceptual truths' proved illusory. Whatever reasons some times and societies brought about to hold that, under a logical analysis, entities like (at least) women, fetuses or higher animals cannot be conceived of as moral subjects, they are clearly deniable. The moral that Goodpaster himself acknowledged is that metaethics is (as W. Frankena put it) a partially normative discipline. But then to hold that some entities can be said to deserve moral consideration, in spite of the fact that, on the preferred ethical theory, they actually do not deserve it, looks to be a difficult option.

The argument can be made explicit on the following lines. An answer to a question like

(3) What sorts of entities can be said to have property X?

would not count as satisfactory if given in the form: "Beings of the sorts  $S_1, \dots, S_n$  have X." The reason is that (3) is implicitly a why question: it demands for a reason why those beings can be said to have X. Hence (3) should be understood as

(3') What sorts of beings can be, and why can they be said to have property X? Now, (3') clearly shows that the answer it requires must involve a **because** clause. It must at least specify that beings of the sorts  $S_1, \dots, S_n$  can be said to have X, because A. To be complete, an answer to (3') should also specify a **contrast class**: the collection of alternatives Y. Beings of sorts  $S_1, \dots, S_n$  are members of Y and can be said to have X in contrast to the rest of the members of Y. Hence, an adequate answer to questions as (3') would look like:

(R) Beings of sorts  $S_1, \dots, S_n$  can be said to have property X in contrast to (the rest of) Y because A.<sup>5</sup>

<sup>4</sup> P. Singer, *Animal Liberation*, New York, Avon Books, 1977, p.8.

<sup>5</sup> Actually, the issues are more complicated. For example, (R) must express a proposition. However, the proposition it expresses depends on the context in which the question (3') was asked. That context also determines the range of A's, and the members of the contrast class Y. I shall not discuss those issues here. For an account of them (on which my view is based, though not necessarily committed to empiricism), see B. van Fraassen's discussion of explanation in Chapter 5 of his book *The Scientific Image*, Clarendon Press, Oxford, 1980; the condition corresponding to (R) is on p.143.

It is crucial to observe that **A** must be understood independently of **X**, and that the very possibility that we can say of a being that it has **X** comes after our agreement on **A**. For example, we can say of beings of sort **S** that they have property **X**, because they possess a property **Z**, in contrast to some other beings that do not possess **Z**. But then having **Z** is presupposed in the decision if those beings can be said to have **X**.

Let us return to our initial question (1). A proper answer to it must then have the form :

( $R_M$ ) Beings of sorts  $S_1, \dots S_n$  can be said to deserve moral consideration, in contrast to (the rest of) **Y**, because **A**.

A similar reasoning, when applied to question (2), would eventually end with the requirement that a satisfactory answer to it be like:

( $R_N$ ) Beings of sorts  $S_1, \dots S_n$  do, as a matter of 'ethical fact', deserve moral consideration, in contrast to (the rest of) **Y**, because **B**.

In both ( $R_M$ ) and ( $R_N$ ) the core component of the because-clause is a property  $Z_M$  or  $Z_N$ ; it is because of that property that beings of the sorts  $S_1, \dots S_n$  distinguish from the rest of **Y**. In the case of ( $R_N$ ), various candidates have advanced, among them being rational or autonomous, having interests, being the subject-of-a-life, or having a-good-of-its-own.<sup>6</sup> Simplifying a bit, an answer to question (2) is, *e.g.*.

( $R_N'$ ) This tree deserves moral consideration because it, in contrast to this rock, has a good of its own.<sup>7</sup>

Suppose, for the sake of the argument, that ( $R_N'$ ) is correct. The corresponding answer to question (1) would be:

( $R_M'$ ) This tree can be said to deserve moral consideration because it, in contrast to this rock, has property **Z**.

If we take **Z** to be exactly the property of having a good of its own, then of course the distinction between the conceptual and the normative claim vanishes : a being can be said to deserve moral consideration if and only if (according to the preferred ethical theory) it actually deserves it. But suppose that we still want to keep them distinct. Then the core properties in answers ( $R_M$ ) and ( $R_N$ ) – and consequently in ( $R_M'$ ) and ( $R_N'$ ) – must be different.

Now, two properties can differ in more than one way. Being triangular and being trilateral, although extensionally equivalent, convey different information about the objects that have them. But being a-subject-of-a-life and being a-living-organism differ in a stronger manner: they actually do not even apply to the same collections of entities. Now, if **Z** is extensionally equivalent<sup>8</sup> to having a good of its own, then from ( $R_M'$ ) and ( $R_N'$ ) it follows that one that can say of an entity **x** that it is morally considerable if and only if (according to the preferred ethical theory) **x** actually is so. (The conceptual and the normative claims are only conceptually

<sup>6</sup> Proponents of these views would be I. Kant, P. Singer, T. Regan or P. Taylor, respectively.

<sup>7</sup> ( $R_N'$ ) is not a **direct** answer to (2), for it does not convey all information required by it.

<sup>8</sup> But necessarily intensionally equivalent.

distinguishable). The feeling that one needs to specify two different properties in her attempt to answer questions (1) and (2) looks then to be quite unreasonable. It amounts just to an unnecessary multiplication of entities (and of theoretical effort). Of course, this is not a compelling argument against the search for a core property in  $(R_M)$ , different from the one provided in  $(R_N)$ . The argument is formal and appeals to rather aesthetic motives: it only proves that a theory which identifies  $Z$  with the property chosen in  $(R_N)$  is simpler, easier to handle, etc., and that its 'empirical consequences' do not differ from those of a theory allowing only that the two properties are intensionally different.

But a more specific manoeuvre is available. It is sometimes argued – correctly, I think – that moral categories have not the same range of application. Having a duty to... arguably applies to all morally considerable beings; but this does not entail that having a right applies to exactly the same beings. Thus, for P. Taylor having a good of its own is a sufficient condition for moral considerability. However, he claims that "neither animals nor plants can logically be conceived as bearers of rights."<sup>9</sup> Thus, the distinction between questions of intelligibility and normative questions is recuperated within ethical theory. Indeed, what can be conceived as morally considerable delineates the range of applicability of the ethical theory. But, inside this range, moral concepts can have different domains: the concept of duty, e.g., meaningfully applies to a larger collection of entities than the concept of right. Such a view largely diverges from the one sketched above, not just in the sense that it allows that moral concepts have different domains of applicability, but in the stronger one that the existence of such differences is a matter of intelligibility: some entities, of which one can meaningfully say that they are morally considerable, are such that some moral concepts could not conceivably apply to them. Taylor takes thus the distinction between what can be said to matter morally and what actually matters as internal, dependent upon, rather than external or prior to ethical theorizing. When we define the domain of application of the theory, the distinction collapses; but it is revived when moral concepts like duty, obligation, right, etc. are applied to entities in that domain. Previous to this operation, nothing moral is involved: when one agrees that a certain entity can meaningfully be said to deserve moral consideration, she is not yet supposed to show any moral attitude to it. P. Taylor carefully puts this distinction in terms of ways in which we can treat animals and plants as opposed to ways in which we ought to treat them.<sup>10</sup> 'Can' has no moral force; moral appraisal only comes with 'ought', when moral concepts are used.<sup>11</sup>

<sup>9</sup> P. Taylor, *Respect for Nature*, p. 245.

<sup>10</sup> P. Taylor, *Respect for Nature*, pp. 19-20.

<sup>11</sup> In fact, two main positions on this subject are possible either to argue (with T. Regan) that deserving moral considerability is a property extensionally equivalent with the property of having rights, or to allow that they are extensionally different. But in this latter case two positions are again available: to consider that the concept of right does not conceivably apply to some morally considerable entities (this is P. Taylor's view), or to hold that an appeal to the rights of natural items,

I think that the manoeuvre consisting in admitting a place for the conceptual / normative distinction only inside an ethical theory fails, for at least two reasons. First, it neglects the role of the contrast class **Y** in answers to questions like (1) and (2). Second, it transforms environmental ethicists in never losing players; if the choice of the domain of a theory is just an internal affair of that theory, then no 'extra case' could count against it; *e.g.*, since the domain of application of Taylor's environmental ethic is internally defined so that the species and ecosystems are not included, then no argument that they deserve (or that they 'could' be said to deserve) moral consideration actually affects it. The theory is immune to any such suggestion. These points will be elaborated in the next section.

## 2. MORAL SUGGESTIVENESS

Let us assume that the answers to questions (1) and (2) appeal to the same core property **Z**. Then being **x** of sort **S** can be said to deserve moral consideration if and only if the (preferred) ethical theory entails that **x** deserves it. K. Goodpaster takes **Z** to be the property of being a living being. Hence, he reads ( $R_N$ ) as:

( $R_{NG}$ ) Beings of sorts  $S_1, \dots, S_n$  deserve moral consideration, in contrast to (the rest of) **Y**, because they are living organisms.

For example, this tree deserves moral consideration because, in contrast to this rock, it is a living organism. One might be tempted to infer from this that the rock does not deserve moral consideration just because it is not a living organism. Thus, the property in the core of the because-clause seems to provide necessary and sufficient conditions for the (normative) claim that some being deserves moral consideration. Goodpaster's inclination is to see things this way. He explicitly asserts that being a living organism is to be taken as a both necessary and sufficient condition for moral considerability.<sup>12</sup>

We should note, however, an ambiguity in the claim that the because-clause provides necessary and sufficient conditions. One could interpret it as: if something is alive, then it deserves moral consideration; and if a being deserves moral consideration, then it is alive. This interpretation is difficult to hold. Even if we restrict to the former conditional,<sup>13</sup> it is subject to the usual objection that a value is

although not conceptually meaningless, is not preferable for theoretical reasons. Thus H. Rolston, III, argues that it is better 'to dispense with the noun **rights**' (when applied to natural items, that in such cases '[I]t is really more "natural" to say that animals have goods', that in fact talk about these rights is 'not theoretically important'. (See Holmes Rolston, III, *Conserving Natural Value*. Columbia University press, New York, 1994, pp. 108–109). Rolston's position does not imply rights cannot be meaningfully applied to, *e.g.*, animals: his argument is rather that rights are not the best tools to deal with in environmental ethic.

<sup>12</sup> K.E. Goodpaster, *On Being Morally Considerable*, p. 313.

<sup>13</sup> And hence are not yet committed to the view that the core property in the because-clause is also a necessary condition for being morally considerable.

inferred from facts. As far as the fact/value distinction is accepted, I think that the objection is correct. But there is another interpretation of the claim that the because-clause provides (sufficient) conditions for something's deserving moral consideration, and this is not subject to the above objection: according to it, something deserves moral consideration **because** it is alive. One could **explain** why this tree deserves moral consideration by pointing to the fact that it is alive: the tree's deserving moral consideration is not simply inferred from its being alive; rather being alive serves as the explanation of the 'ethical fact'. The properties of being alive and of deserving moral consideration are not on the same par: the former is known to be attributable to an entity, prior to the attempt to attribute the latter to it, and the former gives the reason for attributing the latter. As T. Regan once remarked, the role of a core-property in a because-clause is not to 'derive' the moral considerability of certain beings; rather, 'its role is to specify a relevant similarity among those individuals'<sup>14</sup> which are to be viewed as morally considerable. For example, being a living organism could be held to specify the relevant property an entity must have in order to deserve moral consideration. But, even if it has this property, one is not simply entitled to infer that it deserves moral consideration. The because-clause is not the mark of an inference, but first, of the fact that an entity's having the core-property is presupposed when moral considerability is attributed to it, and hence is known prior and independently of it; and second, of the fact that the two properties are connected in a **theoretical** context. The core-property explains why an entity deserves moral consideration. The claim that some entity is morally considerable is a theoretical statement,<sup>15</sup> an essential ingredient of ethical theory, and its relations with claims involving the core-property are to be studied only from within that theory. This leaves us, however, with the problem of specifying in a precise way the different roles of the two properties in an ethical theory. I shall argue below that their roles can indeed be sharply separated, and that this illuminates some points concerning the logical structure of answers like (R<sub>N</sub>).

Besides the because-clause, two other components of (R<sub>NG</sub>) need inspection. First, the very notion of moral considerability. Goodpaster suggests that it should be 'construed broadly to include the most basic forms of practical respect (and thus it is not restricted to "possession of rights" by [x])'.<sup>16</sup> So, it is not true that a being *x* of sort *S* is morally considerable exactly when every moral concept applies to it; it can, e.g., be morally considerable although it has no rights<sup>17</sup>. Of course, some moral concepts are clearly related. Thus, the following argument is seldom advanced: if *x* has some right, then we have certain duties to *x*; the domain of

<sup>14</sup> T. Regan, *The Case for Animal Rights*, University of California Press, Berkeley, Los Angeles, 1983, p. 248.

<sup>15</sup> A similar observation is made by T. Regan, *The Case for Animal Rights*, p. 247.

<sup>16</sup> *On Being Morally Considerable*, p. 309.

<sup>17</sup> However, this does not entail that rights are not **applied** to it, i.e. that it lacks rights, as a matter of conceivability.

application of the concept of duty includes the domain of the concept of right. Now, there is no compulsory reason to assume *a priori* that, among moral concepts, one has a largest range of application, and hence that the ranges of all others are included in it. If trust, benevolence, care, etc. are added to rights, obligations and duties as basic moral categories, this suggestion gets further support: *x* is not then morally considerable just because it has some rights, or because we have certain duties or obligations to it. Moral considerability is different from any of these concepts. But, as Goodpaster intended it, moral considerability is not a new moral concept. Rather it is definable in terms of all other moral concepts. Roughly, the idea is to take: 'entity *x* of sort *S* is morally considerable (with respect to some ethical theory *T*)' as short for: '*T* is such that there is some moral concept *C* in it so that *C* applies to entities *x* of sort *S*'. Thus, with respect to a theory *T* (of environmental ethic) *x* is morally considerable if, according to *T*, it has rights, or we have some duties to it, or we show an attitude of care for it, etc. Moral considerability of *x* rests on the fact that some (basic)<sup>18</sup> moral concepts apply to it.

Second, the significance of the contrast class *Y* in answers to questions like (1) or (2) has been largely neglected. I believe that many authors failed to recognize here an essential difference between traditional ethical accounts and environmental ethics. On the former ones, an adequate answer to (2) need not specify the contrast class *Y*: since beings of a single sort (the humans<sup>19</sup>) were picked up as morally considerable, all other 'mere things', of any sort, were contrasted to them. The contrast class *Y* was conceived to be so indiscriminately large that its explicit mentioning looked superfluous. If everything was contrasted to humans, then there was nothing to explicitly specify. However, for animal liberation and animal rights approaches, as well as for environmental ethics, this strategy is defective. Thus, T. Regan found himself in need to argue that some animals meet the subject to a life criterion, in contrast to beings like trees that did not meet it. For Taylor and Goodpaster, living organisms also had to be contrasted to other entities, like species or ecosystems; and land ethics or even Earth ethics<sup>20</sup> require an explicit mentioning and characterization of a contrast class *Y*.

Our traditional world view assumed an all-encompassing dichotomy between humans and the rest of things. Humans were regarded as different from animals or plants both from a moral perspective and from many others ones: by dichotomies similar to the *Naturwissenschaft/Geisteswissenschaft* one covered all fields of comparing humans with non-humans. But if moral boundaries are extended, another sort of situation emerges: the limit conditions of moral sphere do not exactly match well grounded non-moral distinctions. If higher animals (one year or

<sup>18</sup> This restriction is meant to prevent the possibility that moral considerability be a trivial property. For example, the restriction excludes the possibility to say that *x* is morally considerable because the trivial moral concept: not having rights or being subject of someone's duties, applies to *x*.

<sup>19</sup> Sometimes a non-natural sort is selected: God is also taken as morally considerable.

<sup>20</sup> See Holmes Rolston, III, *Conserving Natural Value*, Chapter 7.

more old) are to count morally, as T. Regan suggested, then naturally they have to be put apart from other beings in ways we do not do on non-moral, though good, grounds; or, if we agree with a moral contrast between individual organisms, on the one hand, and species and ecosystems, on the other hand, then the demand raises to argue why the essential role of the latter sorts of things in biological theory has no ethical counterpart. If, on the other hand, we assume that moral considerability perfectly matches some non-moral distinction, we still face the problem of explaining why this happens. For if living organisms, as well as species or ecosystems, and anything whatsoever that happens to be relevant from a biological or ecological point of view are to have a moral standing, the feeling is that a further or deeper ground is required. For why is it a fact that  $x$  matters morally if and only if it somehow matters from a biological or ecological point of view?

If this is true, then the dichotomic moral image of the world, as consisting in two separate realms – the realm of morally considerable beings as opposed to the rest of ‘mere things’ – is no more valid. For, indeed, the ‘rest’ has to be split itself into two categories: 1) beings that, in contrast to the morally considerable ones, do not share their status; and 2) the rest of the (natural) world. Hence, one can, *e.g.*, divide what there is in a trichotomic way, on the following lines: (i) sentient beings; (ii) living but non-sentient beings; (iii) other beings. Or, alternatively, she might have: (i) subject-of-a-life beings; (ii) other living beings; (iii) all other beings. Once the original simplicity was lost, and the dichotomic view is no longer attractive, the reference to the contrast class  $Y$  is unavoidable. This unavoidability seems then an expression of the very more to extending ethical boundaries, and hence is not peculiar to environmental ethics.<sup>21</sup>

Now, let a being  $x$  of sort  $S$  deserve moral consideration. As we have seen, this means that the preferred ethical theory  $T$  contains a moral concept that truly applies to  $x$ . An adequate answer to (1) is supposed to give us a reason why this is the case:  $x$  deserves moral consideration because, like the other  $S$ 's,  $x$  has a property  $Z$ . Consequently, it is inconsistent to state that  $x$  deserves moral consideration **because**  $x$  has  $Z$ , while at the same time deny that  $x$ 's having  $Z$  is accepted before and independently of the decision on its moral status. For one needs first know how  $x$  and  $Z$  are related, and only subsequently inquiry about the possibility to explain in these terms the place of  $x$ , if any, in the moral realm. But take also an entity  $y$  of a non-designated sort  $S'$ : since it is not among the beings of sorts  $S_1, \dots, S_n$ , it has not  $Z$ , and the fact that  $y$  has not  $Z$  must also be accepted previously and independently of any inquiry about its moral status.

<sup>21</sup> However, environmental ethics provides an additional reason for concentrating on the contrast class  $Y$ . For if **genuine** at all, environmental ethics should give an account of what precludes natural items from being morally neutral. Usually, the answer is expressed in terms of these items' intrinsic value. I think that this path is correct. However, I shall not be concerned in this paper with articulating the place of the concept of intrinsic value in theories of environmental ethics.

This position is at odds, however, with holding that conceptual and substantive issues perfectly overlap. Indeed, if on that view *y* does not deserve moral consideration if and only if one cannot meaningfully say that it deserves moral consideration, then how is it possible to maintain that the relation between *y* and *Z* is previous to the conceptual claims? One way to accommodate the tension is this: not only that *y* has not *Z*, but it lacks that property as a matter of conceptual analysis. Not only that this rock has not a good of its own, but it does not even make sense to say that it has a good of its own. Then, *y* cannot be said to deserve moral consideration just because it cannot be said to have *Z*.

The argument is not correct, however. If *y* cannot be said to have *Z*, nothing follows about the conceptibility of applying moral concepts to *y*. One can consistently hold that: (i) *y* deserves moral consideration if and only if *y* has *Z*; (ii) it is not meaningful to say that *y* has *Z*; hence, (iii) *y* has not *Z*, and by (i), *y* does not deserve moral consideration; and yet: (iv) it makes sense to say that *y* deserves moral consideration. Indeed, if *y* can not be said to deserve moral consideration then there is no need to explain it, in terms of the fact that *y* has not *Z*. For example, it would be theoretically useless to say that this rock has moral consideration because it has a good of its own. But this runs counter the preferred strategy of environmental ethicists: they appealed to a property like having a good of its own because they wanted to explain in this way the moral status of *y*: while now such property adds nothing. Consider an analogy<sup>22</sup>: according to atomic physics, each chemical element has a characteristic atomic structure and a characteristic spectrum (of light emitted upon excitation). But the explanation goes in only one way: the chemical element has its spectrum because it has a certain atomic structure. *E.g.*, gold in contrast with iron, has this spectrum because it has a certain atomic structure. Now, in atomic physics the question why gold has this and not another atomic structure does not arise<sup>23</sup>; it makes no sense to say that gold might have an atomic structure different from the one it actually has, and hence it is not only false but meaningless to say that iron has atomic structure gold has. But the claim that iron has the spectrum gold has, though false, is not meaningless. To see this, consider the question: Why has not iron this spectrum? The question is meaningful, and it has a definite answer: because it has not the atomic structure of gold. If it were meaningless to say that iron has not this spectrum (which in fact is gold's), the question would not arise and we could not properly say that the spectrum of a chemical element is to be explained in terms of its atomic structure.

This ends my argument that the conceptual and the normative questions are not on the same par. That a being can meaningfully be said to deserve moral consideration, and that it actually deserves it do not stand or fail together. The answer to the conceptual question does not depend upon a previous choice of an

<sup>22</sup> See B. van Fraassen, *The Scientific Image*, p. 112.

<sup>23</sup> Except (as van Fraassen notices) in the trivial case when the questioner may need to have the items explained to her.

ethical theory, while the answer to the normative one makes sense only if such a theory is picked up. To say that an entity actually deserves moral consideration is short for saying that it deserves it according to the preferred ethical theory. Thus, insofar as the conceptual issue is not decidable with reference to a specified ethical theory, it is metaethical in character. But this diagnosis is not very informative; as I have already mentioned, the hypothesis that metaethical inquiry has no connections with the normative one is not very comfortable. Then questions about what can be said to deserve moral consideration are not normative, in the sense that a satisfactory answer to them does not depend upon one's preferred theory, for the understanding of the because-clause and of the contrast-class must be independent and prior to attempts to frame a certain ethical theory. On the other hand, conceptual claims are not absolute: we cannot say that, all things considered, moral concepts are not attributable, as a conceptual matter, to some item; such claims are rather relative to some choice of a range of what is for something to be acknowledged as a because-clause or as a contrast-class.

Our small dilemma can easily be dissolved. The conceptual-normative distinction involves two different sorts of 'theoretical' inquiry. On the one hand, philosophers try to produce genuine ethical theories of the environment. Given its theoretical mechanisms (general principles, priority principles, operationalization rules or procedures<sup>24</sup>), each theory selects some collection of 'ethical facts'; for example, the fact that this entity  $x$  deserves moral consideration, and that this entity  $y$  does not deserve it. Ethical theories are supposed to fix only the boundaries of what **in fact** they claim to have moral standing, and to determine ways to solve conflictual situations involving morally considerable entities. On the other hand, however, we seldom say of some item  $x$  that it cannot conceivably fall under a moral concept, *i.e.* that it cannot be said to deserve moral consideration. In such a case, we do not rely on certain ethical theories. Rather we try to answer a 'metaethical' question:

(4) What sorts of ethical theories can be said to assign moral considerability to beings of sorts  $S_1, \dots, S_n$  ?

Whenever we consider that **no** ethical theory would assign moral considerability to such beings, then surely it is meaningless to say that some  $x$  of a sort  $S_1$  deserves moral consideration. But things are not so very simple. In question (4) the first occurrence of the term 'sorts' is also essential: it points to the fact that a proper answer to it should at least mention a contrast class (of ethical theories)  $\mathfrak{S}$ :

(R<sub>4</sub>) Ethical theories of sorts  $\Sigma_1, \dots, \Sigma_m$ , in contrast to theories in (the rest of)  $\mathfrak{S}$ , can be said to assign moral considerability to beings of sorts  $S_1, \dots, S_n$ .

When we restrict attention to theories of environmental ethic, *i.e.* to a set  $\Sigma_e$ , the rest of  $\mathfrak{S}$  is usually taken to consist in traditional, human-centered ethical

<sup>24</sup> Such rules or procedures are developed in H. Rolston, III, *Conserving Natural Value*; see, *e.g.*, p. 94.

theories. An answer like  $(R_4)$  helps select not individual theories, but clusters of ethical theories. It selects and configures ethical disciplines rather than specific theories in those disciplines. Hence, a claim like:

$(R_4')$  Theories of sort  $\sum_e$ , *i.e.*, of environmental ethic, in contrast to human-centered ethical theories, can be said to assign moral considerability to species does not involve anything about any specific environmental ethics theory. Indeed, the 'can be said' clause means that:

1) questions of conceptibility are not absolute, but relative to some sorts of ethical theories or to disciplines of ethics ; and

2) some theory that can be regarded as belonging to that sort of discipline allows that species deserve moral consideration.

On this account, the conceptibility issues are trans-theoretical, and disciplinary. Their significance is twofold. First, the subject of the 'can be said' questions is the investigation of the range of possible applications of the ethical theories. Does it make sense to include in the moral sphere plants, species, ecosystems or the Earth? An affirmative answer gives way to possible theories according to which, as a matter of 'ethical fact', some (maybe all) entities of these sorts deserve moral consideration. The importance of such an inquiry should not be underestimated. In an initial stage, when the affirmative answer to the conceptual question is largely disputable, a theory's success in dealing with a new application does not necessarily matter as one of its virtues. For we might have strong reasons, derived from well-established and attractive ethical theories, to hold that a certain application is not genuinely ethical. But, with new, more powerful conceptual arguments and their support to the development of alternative theories, the situation might change. Suppose that the time comes when theorists arrive at a large agreement that beings of a sort  $S$  can meaningfully be said to deserve moral consideration. Then cases in which such beings are involved get a new force and understanding. They become 'paradigmatic' applications of theories in that ethical discipline, *e.g.*, in environmental ethics  $\sum_e$ . Now ethical theories in that discipline cannot afford to ignore them, except at the expense of being regarded as unsatisfactory. Then if a theory provides methods and certain concrete solutions in treating those new cases, while another is silent about them or fails in treating them, a fair, impartial observer would be entitled to state that the former theory won that round.

Assume, however, that a proponent of the latter theory claims that this conclusion is not correct: for her theory does not even aim to deal with those cases; they fall completely outside the scope of the theory, and consequently the theory cannot be blamed for what it is not supposed to do. This reply is not tenable, I think. Indeed, if the cases under consideration are acknowledged as paradigmatic applications of theories in that discipline, the reply would amount to no more than trying to make the theory immune to any external criticism of failed application. The trouble with this defense is apparent: no theory can be its own judge. In our

case, it can only establish what as a matter of fact deserves moral consideration, *i.e.* what beings have a moral status. But to establish that a case paradigmatically needs a moral assessment is the business of a conceptual, trans-theoretical and disciplinary account. As we saw, P. Taylor might point to another reply: he would argue that the argument mistakenly assumed that the answer to the conceptual question is (extensionally at least) distinct from the answer to the normative one; and, since this is not the case, nothing follows from the fact that, *e.g.*, some environmental ethic theory takes the use of concepts like species or ecosystem to make a difference. The bad news for Taylor is that his very argument that the conceptual and the normative issues go hand in hand is not sound. Moreover, if he still wants to rely on it, then the impression that this manoeuvre is but an *ad hoc* immunization procedure of his theory is hard to avoid.

Second, defining the 'can be said' clause at the disciplinary level allows for comparison of theories. I can meaningfully say that the range of application of theory T is larger than the range of application of theory T'. I can also start with a concrete case which I meaningfully take to be a possible application of environmental ethic theories and try to assess what a cluster of such theories entails about it. It might happen, of course, that some theory had nothing to say about that case; its concepts might even be inapplicable to it. Suppose, indeed, that according to some theory T all answers of form  $(R_N)$  are false when the core property is 'being a species' (or: 'being an endangered species'). It is then tempting to think that this situation counts in favour of those theories which successfully deal with cases like this, and that the other theories lost important positions. But we should be cautious: success is seldom like a Janus bifrons: one cannot win with both faces of the coin. For the same principles that led to successfully dealing with cases involving endangered species might result in less pertinent answers in cases when individual pain is terrible. A common reply of the non-holists is that the emphasis on species or ecosystems might result in an unacceptable neglect or rejection of the intrinsic value of individuals. I do not intend, of course, to enter these debates. From my point of view, it suffices to acknowledge that such debates are not internal affairs of environmental ethical theories, but are located at inter-theoretical, disciplinary level. If we assume that the conceptual issues loom here, controversies and agreements among environmental philosophers are rendered meaningful.

On my reconstruction of the conceptual issues concerning moral considerability as trans-theoretical, disciplinary it is hence possible to distinguish between: (1) the fact that entities of sorts  $S_1, \dots, S_n$  deserve moral consideration according to a certain specified theory T of environmental ethics  $\Sigma_e$ ; and (2) the fact that for **some** (actual or merely conceivable) theories of environmental ethics beings of sorts  $S_1, \dots, S_n$  deserve moral consideration. The clause (2) is, I believe, a reconstruction of the 'can be said' issue which has two major advantages: (i) avoids its collapse to a mere internal aspect of one's preferred environmental ethics theory; and (ii) is not conceived of as absolute, true in God's eyes. If a label is

needed, let me say that a being deserves **moral suggestiveness** if condition (2) applies to it. Of course, being morally considerable entails being morally suggestive; the converse, though, does not hold.

One might object that the notion of moral suggestiveness is basically but a reformulation of a claim, repeatedly set forth by many authors, that the condition expressed by the **Z** core property in the because-clause is not bound to provide both necessary and sufficient conditions for an entity's having intrinsic value (and, in some cases, for its being morally considerable). **Z** should be better viewed as providing only sufficient, not also necessary conditions.<sup>25</sup> Then nothing prevents a being's having intrinsic value (and this deserving moral consideration) even if **Z** does not apply to it. There might be many other choices of a core-property **Z** which would render a large range of beings endowed with intrinsic value. Maybe such entities which lack moral considerability according to the preferred theory, can be said to have something like 'moral suggestiveness'. But this argument misrepresents my intentions. Indeed, it necessarily assumes a certain choice of a core property, and is thus theoretically, not disciplinarily laden.

Second, I argued that core property **Z** is **not** a moral notion. Hence the argument leaves unanswered the question: Why (any) **other** choice of **Z** would have consequences concerning the moral status of some beings? The question is legitimate, for no theory can prove more that (at most) a **certain** choice of the core property **Z** has theoretical, *i.e.* moral significance.

<sup>25</sup> A classic argument in this sense is developed in T. Regan, *The Case for Animal Rights*, Chapter 7.