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Environmental Egalitarianism and ‘Who do you Save?’ Dilemmas

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ABSTRACT: Some critics have understood environmental egalitarianism to imply that human and animal lives are generally equal in value, so that killing a human is no more objectionable than killing a dog. This charge should be troubling for anyone with egalitarian sympathies. I argue that one can distinguish two distinct versions of equality, one based on the idea of equal treatment, the other on the idea of equally valuable lives. I look at a lifeboat case where one must choose between saving a human and saving a dog, and using the work of Peter Singer and Tom Regan, I show why equality understood as equal treatment does not entail that lifeboat cases are moral toss-ups. But the view that all lives are equally valuable does entail this, and so egalitarians should reject this alternative account of equality. The upshot is that egalitarians need to be more careful about distinguishing between these two versions of equality. The failure to insist on this distinction has led many to believe that egalitarianism generally has counter-intuitive implications when in fact only one version of egalitarianism has this problem.

KEYWORDS: egalitarianism, dilemma, value, consideration, treatment

Many environmentalists endorse the slogan that all living things are equal, although some would question the scope of this claim. Tom Regan for example limits it to those animals that are subjects of a life, whereas Peter Singer expands it to include all animals that are conscious and can suffer. Others such as Paul Taylor and Arne Naess have staked out the more radical position that equality ranges over the entire spectrum of living things.¹ But environmental egalitarianism faces a significant problem no matter what its scope is taken to be, for critics have understood it to imply that a human life has no more value than a dog's and that consequently killing a human is no more objectionable than killing a dog. This implication should be troubling for anyone with egalitarian sympathies, since it is extremely counter-intuitive and could supply the basis for a *reductio* of the thesis.²

But does egalitarianism entail this? It is impossible to give a precise answer on the basis of the slogan that all living things are equal. Egalitarianism needs to be fleshed out, and this can be done in two distinct ways. The first identifies equality with what might be thought of as either equal consideration or equal treatment. The phrase 'equal treatment' may have some misleading connotations and so I will follow Singer and refer to this variation of egalitarianism as the equal consideration interpretation. The central claim of the second interpretation is that all lives are equally valuable. The problem is that environmental egalitarians have not taken sufficient care to lay out and insist on this distinction, and this has produced confusion about whether considerations such as the one mentioned above undermine egalitarianism.³ The basic insight of the equal consideration interpretation is that species membership is not a relevant reason for treating nonhumans differently from humans. Peter Singer's principle of equal consideration of interests and Tom Regan's principle of equal inherent value are attempts to capture this insight. Neither of these principles requires us to accept the view that killing a human and killing a dog are morally equivalent, since both recognise that lives can be unequal in ways that are morally relevant. Hence equality construed as equal consideration is an initially plausible thesis. But environmentalists must reject the second and stronger interpretation of equality which holds that the capacities and abilities available to different sorts of lives are irrelevant to the value of those lives, so that while lives are unequal in many sorts of ways, they are equal in every way that matters morally.⁴ I want to show here that egalitarianism about the value of lives does imply that killing a human is no more objectionable than killing a dog, and that is a sufficient reason to reject this stronger version of environmental egalitarianism.

In order to bring into focus the commitments of the two interpretations of equality, I want to look at a familiar ethical dilemma. Lifeboat dilemmas are sometimes used to test the coherence of moral theories and principles. The dilemma is usually described so that one is in a position to determine which of two people gets the last spot on a lifeboat, and the question is whether this is a moral toss-up, or whether instead there is an obligation to save one person rather than the other. We then ask whether our considered judgement is consistent with the answer entailed by the moral theory or principle under investigation. The feature that I want to alter here is that rather than deciding between two people, we are to imagine that the decision must be made between a human and some living thing that one's egalitarian theory purports to be equal to the human. So that we have a concrete example before us I will suppose that the other being is a dog, since dogs will fall within the range of beings that are equal to humans in just about every version of egalitarianism.

The first point to note is that it is probably incorrect to call this a dilemma, since there will be little disagreement over how it should be resolved. People would opt for the human and would claim that someone acted very wrongly if he were to save the dog rather than the human. This judgement will be made both where the circumstances force us to make an instant, on the spot decision, and

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where there is time to deliberate and produce a considered judgement. This is not to say that there could not be special cases in which both our immediate responses and our considered judgements would be very tentative and uncertain, and we can probably even think of extraordinary cases in which we would think that we ought to save the dog – for example, if the person were known to be a ruthless and murderous dictator. But if the decision pits a normal human against a normal dog, there will be practically universal assent that the human should be saved.

A second point to note in passing is that the judgement that the human should be saved need not rest on any unique value that humans alone purportedly have. Suppose for some reason we had to make a lifeboat-type decision between saving a chimp and saving an earthworm. All other things being equal, again there would not be much debate about what should be done in such cases; we would think that the chimp should be saved. So the issue that is highlighted by lifeboat cases is not whether humans alone have some privileged or superior status with respect to the rest of nature but rather whether and in what sense egalitarianism is plausible when applied across species of all sorts as opposed to within any particular species.

What stance will egalitarians take towards the considered judgement that we are obligated to save the human in the lifeboat case? If that judgement was thought to be inconsistent with egalitarian principles, then they would have to reject the considered judgement and chalk up its widespread acceptance to a misplaced moral conservatism. But egalitarians generally have not pursued this strategy; they agree that the human should be saved, and this is an additional reason to think that the considered judgement is a well founded moral datum. Instead egalitarians have tried to show that egalitarianism is consistent with this considered judgement, and that it does not entail that the situation is a moral toss-up. But if some form of equality holds among humans and members of other species, then on what grounds can egalitarians justify the claim that our duty is to save the human?

One place to look for an answer is in Peter Singer's work, since he believes that showing a preference for humans in lifeboat cases is not necessarily a manifestation of speciesism. Singer claims that the notion of equality is captured by his principle of equal consideration of interests. This principle holds that 'where interests are equal, they must be given equal weight. So where human and nonhuman animals share an interest – as in the case of the interest in avoiding physical pain – we must give as much weight to violations of the interest of the nonhumans as we do to similar violations of the human's interest' (Singer 1979b: 196). According to this principle, whatever value the satisfaction of an interest has is unrelated to what kind of sentient being has the interest. We may not assign greater weight to an interest simply because it happens to belong to a member of either our own species or of some species to which we are partial.

In most morally complex situations more than one interest will be at stake. Singer is a consequentialist, so in these situations our obligation is determined by the quantity of interests that will be affected by the various available actions,

and by the degree to which they will be affected. What interests are at stake in the lifeboat dilemma? A quick argument seems to show that the interests are equal, so that on Singer's account the lifeboat situation should be a moral toss-up. The apparent interest at stake here is the interest in not being killed. This interest does not admit of degrees (since either something is killed, thereby violating this interest, or it is not), so there appears to be no good reason to prefer either life. Anyone who claims that we are obligated to save the human seems to be attaching greater significance to the human's interest in not being killed simply because it is a human's interest, and is thereby violating the equal consideration of interests principle.

But Singer does not accept the preceding argument. He counters it by noting that more interests will be detrimentally effected, and those to a greater degree, if we save the dog and allow the human to die. He offers the following reasons for this claim, '[the human] with his greater awareness of what is going to happen, will suffer more before he dies; we may also take into account the likelihood that it is the family and friends of the human who will suffer more; and finally it would be the human who had the greater potential for future happiness' (Singer 1979b: 196). Later he adds 'other animals will not be made to fear for their own lives, as humans would, by the knowledge that others of their species have been killed. There is also the fact that normal humans are beings with foresight and plans for the future, and to cut these plans off in midstream seems a greater wrong than that which is done in killing a being without capacity for reflection on the future' (Singer 1979b: 199). And elsewhere he says, 'we could still hold that, for instance, it is worse to kill a normal adult human, with a capacity for self-awareness, and the ability to plan for the future and have meaningful relations with others, than it is to kill a mouse, which presumably does not share all of these characteristics; or we might appeal to the close family and other personal ties which humans have but mice do not have to the same degree' (Singer 1975: 20).

Singer's argument here turns on the claim that since some sentient beings have desires and plans for the future, they have an interest not only in avoiding pain, but also in seeing their plans come to fruition and having their desires satisfied. Consequently, pleasure and satisfied desires generally are both intrinsically valuable, and lives that contain these generally are good or valuable lives. When a person is killed, desires that otherwise would have been satisfied are thwarted, and his life fails to have whatever value it otherwise would have had. This is a direct consequence of killing someone, and it explains why killing a human painlessly and by surprise nevertheless directly wrongs the victim. It also enables Singer to explain why we are obligated to save the human in lifeboat cases without having to appeal to the pain the human would experience or to whatever indirect effects the human's death would have on others. Self-conscious beings such as humans have desires for continued existence and plans for their lives; they may want to travel or write a book or to learn to cook gourmet

food. These wants and desires are frustrated when a self-conscious being is killed. On the other hand, non self-conscious beings such as dogs are incapable of forming desires like these, and so there are no desires of this type to be frustrated when a dog is killed. Therefore, saving the dog rather than the human would fail to maximise value or goodness, since the human's life presumably will be the locus of more satisfied desires and fulfilled plans. On the basis of these considerations about thwarted desires and plans Singer can say, 'Preference utilitarians count the killing of a being with a preference for continued life as worse than the killing of a being without any such preference' (Singer 1979a: 152). In a slightly different context Singer says, 'My position is not speciesist, because it does not permit the killing of non-human beings on the ground that they are not members of our species, but on the ground that they lack the capacity to desire to go on living' (Singer 1979a: 153).

Singer is untroubled by an obvious corollary of his account, namely the claim that not all lives are equally valuable. He says, 'I conclude, then, that a rejection of speciesism does not imply that all lives are of equal worth' (Singer 1975: 21). There is no inconsistency here, inasmuch as Singer's principle forbids giving one interest more weight than another simply because it happens to belong to a member of our species. But it does not follow that lives cannot or do not differ in value. Singer's resolution of the lifeboat case rests on the claim that our obligation is to perform the action that will avoid thwarting the most desires, thereby maximising the good. It just so happens that where death is the issue, as in the lifeboat case, saving the human typically will result in fewer thwarted desires overall. The justification for saving the human nowhere invokes species membership, but rather is based on the claim that the human's life, because of its greater psychological and particularly volitional capacities, will be the locus of more satisfied desires, and hence have greater value. In addition, Singer's view is not speciesist because he is prepared to say that in special cases where the human lacks the requisite psychological capacities, the decision might have to be made to allow the human to die.⁵

The claim that it is the sheer quantity of satisfied desires that makes a typical human life more valuable than a dog's may be found implausible.⁶ Others will object to the entire 'desire satisfaction' account of intrinsic value to which Singer is committed, which may be thought overly subjective and susceptible to a number of criticisms on that score.⁷ In place of Singer's theory we might substitute a more objective account which holds that the exercise of one's capacities or the development of certain potentials adds intrinsic value to a life, regardless of whether or not one wants or desires to develop those capacities and potentials.⁸ I have examined Singer's account because it is one of the best known attempts to elucidate an egalitarian environmental principle within a consequentialist framework. But I want to emphasise that the argument offered here will apply to any account of the intrinsic value of a life, regardless of the details. That is, whether Singer is right about *why* human lives generally have

greater value is irrelevant to the proposed reconciliation of egalitarianism with our considered judgement in lifeboat cases. However it is accounted for, human lives generally *must* have greater value, otherwise the reconciliation is doomed to failure. When the issue is which of two lives to save and one begins with consequentialist assumptions, and if one does not want to rely on contingent and indirect consequences such as how the life or death of the human will affect others, then the only justification for saving the human life must introduce the claim that the human life will be the locus of greater value. If our moral obligation is always to maximise the good, and if we are in agreement that our obligation is to save the human, then saving the human must somehow maximise the good. And saving the human can only maximise the good where the human's life is projected to be better or to have greater value than the animal's. The consequentialist believes that lives are, in Singer's apt metaphor, receptacles of value. If killing a normal human is generally worse than killing an animal and therefore wrong, it must be because in killing a normal human something that can reasonably be projected to contain more value will be lost and destroyed. This argument is perfectly general and will work no matter how we fill in the notion of intrinsic value. Given a consequentialist starting point, if saving the human is the right thing to do, that can only be because the human life has greater value.⁹

Environmental egalitarians, however, may balk at understanding the egalitarian thesis along the lines suggested here. The account of equality as equal consideration will be perceived as overly impoverished, inasmuch as equal consideration is consistent with the claim that not all lives are equally valuable. Egalitarians may demand a more robust account of equality which can ground the view that lives are equally valuable in every way that is morally significant. But any more robust account of equality will run headlong into the problem of how to justify saving the human in lifeboat situations. If the lives at stake are thought to have equal value, the consequences of saving one living thing rather than another would be identical in terms of the amount of value preserved, if we bracket out the indirect effects on others. And that would drive us to the conclusion that lifeboat situations are moral toss-ups. So any more robust notion of equality involving equally valuable lives will have implications that run counter to our considered judgements about lifeboat cases.

Perhaps the real obstacle to bringing our considered judgements about lifeboat cases into line with the principle that lives are equally valuable in all morally relevant respects is the attempt to wed this stronger principle of equality to a consequentialist moral outlook. This suggests that a deontological approach might enable us to adopt egalitarianism with respect to the value of lives while not simultaneously requiring that we buy into counter-intuitive views about lifeboat cases. Tom Regan's environmental theory is both egalitarian and deontological, and since he examines the implications of such a theory for lifeboat cases, we should look at his proposal. The most significant difference

between Regan's and Singer's accounts of equality is that Regan distinguishes two different kinds of value that lives can have, namely intrinsic value and inherent value. The intrinsic value of a life is understood in much the same way as it is in Singer's theory, namely as the degree to which a life is characterised by pleasant experiences and fulfilled desires. Regan picks up on Singer's receptacle metaphor to highlight two aspects of intrinsic value. First, although lives *have or contain* intrinsic value, they are not themselves intrinsically valuable. Pleasure and satisfied desires *are* intrinsically valuable, and lives are only derivatively valuable, insofar as they contain intrinsic value. Second, since lives contain different amounts of pleasure and satisfied desires, they are unequal in terms of how much intrinsic value they have.

Now a consequentialist will hold that intrinsic value is the sole ground of moral obligation – our duty is always to maximise the intrinsically good. But sometimes this dictates that an individual be harmed simply because doing so will maximise the good. But the same kind of problem cannot arise, Regan argues, if we think of lives themselves as valuable in a way that is not reducible to whatever intrinsic value the lives contain. He calls this inherent value, and suggests both that it is distributed equally across lives and that it, rather than intrinsic value, is the ground of our moral obligations. Whatever has inherent value is owed respectful treatment, and so our fundamental moral obligation is to treat all inherently valuable beings in ways that respect their value. One consequence of this is that the principle of equal consideration is placed on a more secure footing, since our moral obligations are grounded in a feature of lives which they all have equally.

What will these differences between intrinsic and inherent value mean for the lifeboat dilemma? Singer and Regan must offer distinct accounts of *why* we have an obligation to save the human. For Singer, and any consequentialist, the answer is relatively straightforward. Our fundamental duty is always to maximise the intrinsically good. So if we are obligated to save the human, that must be because doing so will be an instance of maximising the good. For Regan on the other hand, our fundamental obligation is to treat inherently valuable lives with respect. The duty not to harm others can be derived from this ultimate duty, since harming others fails to respect them. But the dilemma posed by lifeboat cases is more acute for Regan than for Singer, since by Regan's lights we will be harming something with inherent value no matter what we decide to do. Singer only needs to determine which life has greater intrinsic value to determine who should be saved. This solution is not available to Regan, since the amount of intrinsic value that a life has is unrelated to its inherent value, and it is this latter notion that grounds our duties. Of course if lives differed in terms of their inherent value, Regan could argue that we ought to save the life with greater inherent value. But Regan is committed to the view that lives are equal with respect to inherent value. So if we assume that there are no other relevant duties, an assumption which I

will address subsequently, then the only relevant factor which could turn one of the two conflicting *prima facie* duties (the duty not to harm the human, the duty not to harm the dog) into our absolute duty will be the magnitude of the harm. Thus if Regan is to justify the judgement that we should save the human, he must show that the failure to save the human harms him to a greater or more significant extent than the failure to save the dog will harm it. And this is just what Regan says.

But how can Regan justify this judgement, since the harms appear to be equal (the harm done in both cases is bringing about death)? Speaking specifically of who should be saved in lifeboat situations Regan says, ‘the harm that death is, is a function of the opportunities for satisfaction it forecloses, and no reasonable person would deny that the death of any of the four humans would be a greater *prima facie* loss, and thus a greater *prima facie* harm, than would be true in the case of the dog’ (Regan 1983: 324). He also says ‘Two harms are comparable when they detract equally from an individual’s welfare, or from the welfare of two or more individuals.... death is a comparable harm if the loss of opportunities it marks are equal in any two cases’ (Regan 1983: 304).

The key to this argument is the claim that the welfare the human could have achieved (his lost opportunities for welfare) had he not died was somehow greater or more significant than that which the dog could have achieved. This explains why the loss to the human is greater, and it is exactly the explanation we would expect. But if the loss to the human is greater, isn’t that because the sort of life that a typical human achieves, when it is not cut short by death, is an intrinsically better or more valuable one than that which a dog can normally achieve? Of course death forecloses on any future possibility of flourishing or welfare for both beings. But the claim that this is a greater loss for the human only makes sense on the assumption that what the human would have achieved has greater intrinsic value overall. So it appears that although the human’s and dog’s life have equal inherent value, the greater intrinsic value of the human’s life justifies the belief that the human should be saved. But then Regan must hold that there is at least one morally relevant way in which lives are unequal, namely in terms of their intrinsic value.

It might be thought that this cannot be a correct account of Regan’s position, since it seems to attribute to him the view that we ought to save the human simply because his life has greater intrinsic value. And that would amount to an appeal to the very sort of consequentialist considerations which Regan rejects. There is, however no inconsistency here – Regan’s view that we ought to save the human because of the greater intrinsic value his life has does not rest on any alleged duty to maximise the good. Rather, Regan’s view is based on the claim that we ought not to harm beings because they have inherent value and so are to be treated with respect. When our actions will necessarily harm one of two beings, the very process of according them equal respect in light of their equal inherent value requires that we perform the act that will cause the least amount of harm. Regan’s

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view that intrinsic value is not the ground of duty is perfectly compatible with the claims that when we have to harm one of two beings we should opt for the action that will cause the least harm, and that where death is involved, the least harm is determined by the intrinsic value of the life that is lost. The difference that the intrinsic value of a life makes in lifeboat cases is not to be traced to any obligation to maximise intrinsic value, according to Regan, but rather to our duty to treat all inherently valuable things with equal respect. So this account of Regan's does not have him surreptitiously reverting to consequentialism. But it does entail that, for Regan to justify the judgement that we ought to save the human, while maintaining at the same time that the dog and human have equal inherent value, he must hold that the death of some things is a greater loss than others. And the only way Regan can make out this latter claim is to hold that some lives have greater value than others.

Just as with the consequentialist account, the argument here is perfectly general and independent of the details of Regan's theory. That is, a deontologist will understand the lifeboat dilemma to be a case where *prima facie* obligations conflict. The only relevant factor in determining which of these obligations should predominate is the magnitude of the harm that is inflicted. The problem then is to propose some metric to determine how harmful any given death is. The suggestion is that the harmfulness of death is a function of the significance or value of the opportunities that are lost as a result of death. So if we think that our absolute duty is to save the human, that can be the case only if the human stands to lose more when he dies, and the human can only lose more where the opportunities that are lost are opportunities to achieve a life that would have greater value. What would it mean to say that the human's loss is greater, but not because what he loses has greater value? If the loss is not somehow understood as a loss of what is valuable, why would the loss have any moral significance? Again, we are not saving the human on consequentialist grounds or because that act maximises intrinsic value. Rather, we are respecting the equal inherent value of both beings by performing the act that will cause the least harm. It is just that where death is concerned, the least harm is a function of the intrinsic value of the lives.

Regan and Singer offer different accounts of what equal consideration comes to, since one but not the other thinks we must never aggregate intrinsic value across lives to ascertain our moral obligations. Nevertheless, Regan's claim that all subjects of a life have equal inherent value is invoked to justify claims about equal consideration, and so I think it is fair to say that the fundamental concept of equality in Regan as well as in Singer is that of equal consideration. This is confirmed when we note that both Regan and Singer hold that lives differ in terms of their intrinsic value, and that this difference can and will have implications for what we ought to do in life and death situations. This view stands in contrast to that held by the value of a life egalitarian. For in holding that all lives are equal in every way that matters morally, he must hold that differential

treatment of living things cannot be justified even in life and death situations. What I have argued up to this point is that whether we start from consequentialist or deontological assumptions, we must hold that lives differ in terms of intrinsic value, and that this difference is morally relevant, if we are successfully to resolve lifeboat cases.

Might there not be some alternative deontological account that would enable us to justify saving the human without committing us to the view that human lives generally have greater intrinsic value than other lives? I am sceptical that any theory holds out hope for a more robust egalitarianism, but it will be worthwhile to see why. There are three strategies that the value of a life egalitarian could pursue within the framework of a deontological theory. First, he might try to locate some other relevant duty in the lifeboat situation which would be more stringent than either of the competing duties not to harm others. In that case, the obligation to save the human would rest upon this newly discovered duty, and then the issues of who would suffer a greater harm and which life had greater value would be beside the point. Second, even if the only relevant duty in lifeboat cases is the duty not to harm others, there might be considerations other than the magnitude of the harm that could account for our decision to save the human. If there were such considerations, then we could maintain that the lives are equally valuable, since these other considerations and not the magnitude of the harm would provide the justification for saving the human. Finally, perhaps there is some way to measure the harmfulness of death other than in terms of the value of the life that is lost. I will look at each of these in turn.

The claim that there is some other relevant duty which in the circumstances might carry more weight can be dismissed quickly. There are no obvious candidates for this additional duty in lifeboat cases. Of course there might be special situations in which the drowning person is someone to whom I owe a debt of gratitude or someone I have promised to care for. Here the egalitarian might argue that the justification for saving the human will rest on the absolute obligatoriness of these other duties, so that we need not assume that the human's life has greater intrinsic value. But how are we to justify saving the human in all those other possible cases in which no obligation exists other than the duty not to harm others, except by supposing that the human's life is more valuable? It is this generality of our considered judgements, that the human should be saved in almost all lifeboat cases no matter how the details of the story are filled in, that makes this strategy unpromising. An additional problem is that any competing obligation, such as promise keeping, will supersede the duty not to harm others only when the harm is insignificant. So even if we were to find an additional duty in lifeboat cases, this would have a bearing only if the degree of harm at stake were relatively trivial. But death obviously is not a trivial harm. Given the seriousness of the harm that is involved in lifeboat cases, it is implausible to think that any other duties, were they to be found, could carry more weight and be the determinants of our absolute duty.

Even if there are no other relevant duties, we might pause here to consider a challenge to the terms in which the dilemma has been conceived and which might hold out hope for a resolution. Singer's and Regan's theories, as well as my own general approach, all rely on a very universalistic and abstract understanding of ethics. But many writers have urged recently that there is an additional aspect of moral theorising which is not captured by talk of obligations and duties. So perhaps we should abandon the search for some additional, universal and abstract duty to solve the problem, and we should instead try to locate some particular, context-dependent aspect of the dilemma which would enable us to maintain the claim that all lives are equally valuable, while at the same time opting for saving the human. For example, the foregoing analysis has overlooked the fact that certain relationships such as friendship, as well as certain virtues based on these relationships such as compassion, sympathy, and maybe even human solidarity, have moral significance, and might be relevant to lifeboat dilemmas. Can't we hold that all animals are equal and yet decide to save the human simply because we care more about members of our own species when they are facing death, and that insofar as the decision is a manifestation of important virtues, namely caring and compassion, it is a morally acceptable decision? Or might it not be possible to manifest our concern for all parties by discussing the situation with them and taking their concerns seriously in order to come up with a solution acceptable to all?

The problem with this sort of approach is that it seems to recommend a theory which might be characterised as benevolent speciesism. We noted earlier that one of the interesting features of lifeboat dilemmas is that, in almost all possible circumstances, our duty is to save the human. For example, we should save the human whether or not he is a member of our family, or a friend, or a fellow citizen. Thus the only relationship that might be relevant here is whatever relationship one human has to another, in virtue of the fact that they are both human. And let us suppose that it is a psychological fact that humans do generally care more about those with whom they have some relation, no matter how distant, than they do about others to whom they are not as closely related. Then if caring about another provides a morally overriding reason to make decisions that favour that person when dilemmas arise, we have an argument for the view that we ought to save humans in almost all lifeboat dilemmas. But doesn't this view ultimately rest on a kind of speciesism? What is the difference between saving humans on the basis of the claim that humans simply count for more morally because they are humans, and saving humans simply because we care more about humans, perhaps because we are related to other humans by species membership? The former is clearly speciesist; it is difficult to see how the latter avoids speciesism. Furthermore, no one would object to the claim that, when faced with a dilemma characterised by conflicting duties owed to distinct beings, we should try to discover some solution which is acceptable to all and which allows us to escape the dilemma. The problem is that in some situations, including the one under

consideration, there is no possible resolution through compromise and discussion because, necessarily, one of the parties will suffer a significant and irreparable loss.

Of course none of this entails that context-dependent characteristics of a specific moral dilemma are never morally relevant. No sophisticated version of either a consequentialist or deontological theory, with the possible exception of Kantianism, will fail to be context sensitive. The only requirement that either of these theories places on the appeal to some context-dependent aspect of a situation to help resolve a particular moral dilemma is that the aspect must then be morally relevant, although not necessarily morally overriding, in all contexts in which it appears. This is simply one aspect of the principle that moral judgements must be universalisable. The act utilitarian, for example, will look at each particular situation and try to determine how much goodness will come about from all possible courses of action, always factoring in the particulars of the situation that are relevant to its goodness. Ross goes out of his way to point out that whenever we are faced with a conflict of duties, we must try to discover the morally relevant details of the possible actions available and make a judgement concerning which duty is our absolute duty in light of those details.¹⁰

This discussion has served as a useful reminder that the particular details that occur in the context of a moral dilemma may turn out to be morally relevant. So a second strategy that an egalitarian might pursue is to argue that the basis for the decision to save the human need not rely solely on claims about the magnitude of the harm, but on these other details. Why not suppose that the lives are equally valuable so that the harm is identical no matter who dies, but that there are considerations in addition to the magnitude of the harm that can justify showing a preference for the human's life? For example, a person may use deadly force against another who he reasonably believes is trying to kill him, when no alternatives are available. Let us suppose that the victim's and the assailant's lives have equal value, so that the magnitude of the harm caused is the same, regardless of who dies. We nevertheless think that it is morally permissible for the victim to prefer his own life, and consequently to kill the assailant. The fact that the person is the innocent victim of an unprovoked attack is the additional consideration that makes self-defence morally justified. So we need to ask whether there might not be some factor in lifeboat cases that justifies giving priority to the human's life even where we assume that both lives have equal value.

James Sterba suggests a factor that might be relevant, and although he doesn't apply it to lifeboat cases we might try to adapt it to them. Sterba's concern is whether egalitarians may justifiably permit humans to show partiality when they must kill something to meet one of their basic needs. The principle of self preservation permits humans to kill when the only alternative is starvation. But if there are two potential food sources, a chicken and another human, we think it would be morally mandatory to choose the chicken. But how can an egalitarian

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defend this partiality towards members of our own species? Why is it more justifiable to kill a member of some other species, thereby violating its basic interest, rather than a member of our own species? Sterba's answer is that the moral rule which requires us to kill chickens rather than people,

does express a degree of preference for the members of the human species in cases where their basic needs are at stake. Happily this degree of preference for our own species is still compatible with the equality of all species because favoring the members of one's own species to this extent is characteristic of the members of all species with which we act and is thereby legitimated. The reason it is legitimated is that we would be required to sacrifice the basic needs of members of the human species only if the members of other species were making similar sacrifices for the sake of members of the human species. (Sterba 1994: 232)

Although the cases are not exactly parallel, we can still see how this might be applied to lifeboat cases. Although *my* basic need is not at stake (I am safely on the lifeboat), I must decide whether a human or a nonhuman is to die. I may justifiably choose to save the human and let the nonhuman die because that is how other species would behave. They show a preference for members of their own species when their basic needs are at stake, and thus we are justified in acting in the same way.

There are at least two problems with this justification for preferring members of our own species in lifeboat cases. First, it fails to explain our judgements in those cases where we must decide between members of two species other than our own. It fails to explain why someone did wrong if he saved an earthworm rather than a chimp, for example. There may be alternative ways to explain this judgement, or perhaps this is not a very deeply rooted intuition. Some people may feel that one does no wrong if one saves the earthworm, so I will not press this point.

Second, Sterba is correct to note that when a basic interest is at stake and its satisfaction requires that something be killed, animals will usually satisfy the interest by killing a member of some other species rather than one of their own. But surely animals do not choose to act this way. It is commonplace to suppose that although animals are moral patients, they are not moral agents. So it is unclear why facts about the actual behaviour of animals, who clearly are not moral agents, could be thought relevant to the question of how moral agents such as humans should behave when faced with choices about how to meet their basic needs. There is a related problem here. It is unclear why the behaviour exhibited by members of nonhuman species towards other species should be thought to justify our acting towards other species in similar ways. Why wouldn't this show instead that animals tend to act in a speciesist manner, just as humans do, and that insofar as anyone, human or animal, acts in a speciesist manner, they are acting immorally. Some additional premises are needed to derive this 'ought' from a claim about actual animal behaviour.

I have no knock-down argument for the view that there is no possible consideration other than the magnitude of the harm that can determine which of the conflicting duties has greater weight. But I think it is plausible to suppose that no such consideration will be found, for the following reason. As we have already noted, there are all sorts of alternative descriptions of lifeboat cases, yet almost invariably we will offer the considered judgement that we should save the human. It is only in highly unusual circumstances that we think that we ought to save the dog. So we can tell the story and alter its details in all sorts of ways, and the judgement will still be that the human should be saved. The current suggestion is that in all these cases, in spite of the wide variety of circumstances, there is some common additional factor which makes us think that the weight of the duty to the human is greater, and that this has nothing to do with supposing that one harm is greater than another. One would think that such a common factor would be obvious, and yet it is not. This suggests that the factor that makes the difference is nothing other than the magnitude of the harm. Sterba's account has the virtue of seeing that this additional factor must be present in almost all cases. But I have argued that the feature he specifies, namely how other species would behave in that kind of situation, is not morally relevant to the decision to save the human. So the burden remains on the value of a life egalitarian to locate and demonstrate the relevance of this additional factor.

Finally, suppose we agree that in lifeboat cases our absolute duty must be to act on one of the two competing duties not to harm others, and that the only consideration which can make one of these our absolute duty is the magnitude of the harm. Could we nevertheless determine how harmful any death is without appealing to the intrinsic value of that life? This would enable the value of a life egalitarian to hold that the failure to save the human would be a greater harm than the failure to save the dog and so would be wrong, without having to rely on the claim that the human's life had greater value. The problem with this suggestion is that it is difficult to know what feature other than the value of the life could serve as the metric for determining the harmfulness of any particular death. Clearly, we do think that death in most circumstances is a harm. We also make meaningful comparisons about the harmfulness of various deaths. And in some cases, where a person is elderly, wracked with interminable pain, and has no hope of recovery, for example, we think that death is a benefit rather than a harm. How are we to explain all this? The simplest explanation appears to be that the harmfulness of death is a function of the value of the life that is lost.

Of course we can appeal to all kinds of intermediate reasons to explain why death is harmful; it adversely affects one's interests and welfare, it permanently frustrates one's plans and desires, it prevents a person from flourishing and achieving his potential. But these sorts of things are harmful *because* they adversely affect the value of one's life. Being in a flourishing state, or in a state where one's potential is achieved and one's desires are satisfied, just are the sorts

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of states that contribute to and determine the value of a life. There is an intimate connection between the notions of value and harm which the current proposal overlooks. It would be extremely odd to claim that an action was harmful, but not because of any effect on the value of whatever was harmed. It will be difficult to explain what makes such an action harmful rather than beneficial, and even more difficult to explain why these purportedly harmful actions are wrong. Death involves a loss of opportunities, of welfare, and all sorts of things; but it is only a harm on the assumption that what is lost has value. I conclude that the most plausible way to explain why death is a harm and to compare the harmfulness of two deaths is by invoking the notion of the value of lives.

At this point it may be urged that the value of a life egalitarian should abandon the assumption that the issue is to be understood as a conflict between two competing obligations and instead should recast it as an issue of rights. For example, the egalitarian could hold that both the human and dog have a right to life, but that the human's right overrides the dog's. But the same sorts of problems that have already been encountered will re-emerge in this new context since, as Regan notes, rights are generally correlated with obligations.¹¹ That is, moral rights and obligations are usually just two aspects of a single moral principle or ideal. For example, Smith has an obligation not to harm Jones, and Jones has a right not to be harmed by Smith (among others). So any considerations which showed that one right could justifiably override another would be paralleled by similar considerations within the context of obligations. But we found only one determinant of the stringency of conflicting duties in lifeboat cases, and that was the magnitude of the harm. We should then expect to get exactly the same result if we were to approach the question from the side of rights rather than obligations. So casting lifeboat cases as a conflict of rights does not represent a significant advance over thinking about them as a conflict of obligations. Of course if the human has a right to life and the dog does not, then there is no conflict of rights and we would have a good reason to save the human. But it hardly needs to be pointed out that this view would be unattractive for an egalitarian who wants to maintain that humans and animals are equal in all morally relevant respects. Any theory which claims that some beings have rights, but not others, would have to concede that lives are unequal at least in that particular, morally relevant sense.

Egalitarians may be tempted to reconsider the validity of the procedure which has brought them to this point. Is it really necessary to bring egalitarianism into line with our considered judgements in lifeboat cases, given that they are so unlikely to occur? These cases fail to mirror the moral decisions which people have to make on a daily basis, and asking what should be done in admittedly artificial situations only contributes to the supposed detachment from reality with which ethical theorising is sometimes charged. But it would be a mistake to think that these considerations impugn the method used here. It may be true

that some ethical dilemmas are nothing more than speculative exercises, and these need not be taken as challenges to a well developed ethical theory. But whether a case is real or hypothetical, it will serve an important function in ethical theory if, as in the lifeboat case, there is virtual unanimity among considered judgements about what ought to be done. Cases like these enable us to test moral theories against our pre-theoretical, clear and considered moral judgements. Where there fails to be a match between the considered judgement and the theory, we must either adjust the theory or rethink the pre-theoretical judgement. So cases like the lifeboat example serve as touchstones for the coherence of our ethical theories, regardless of whether the case itself is actual or hypothetical.

My project here has been largely eliminative. I have tried to show that the most plausible way to account for our considered judgements about lifeboat cases requires environmental egalitarians to jettison the view that lives are equally valuable in every way that matters morally. This allows environmental egalitarians to give what would generally be taken as the correct answers to questions about what to do in a variety of contexts in which human lives are pitted against those of other animals. We may justifiably save humans in lifeboat cases; we may consistently ban cannibalism and nevertheless allow the killing of other living things for food when there are no alternatives; we may kill animals that carry diseases which threaten human life; we may justifiably feed a starving child before a starving dog.¹² Thus there are significant advantages to taking up this suggestion.

But won't rejecting the principle of the equality of lives have costs as well as benefits? It might be argued that the principle of equal consideration has been watered down to the point that it is disingenuous to call it a principle of equality at all. Part of the problem here is that, as just noted, my project here has been eliminative rather than positive. I have not tried to defend any specific account of equal consideration, and consequently some scepticism about whether equal consideration will be egalitarian in any meaningful sense is understandable. Here I can only point to theories such as Singer's or Regan's which, I think, show that equal consideration can provide the basis of an environmental ethic that is recognisably egalitarian, although it will admittedly be a more impoverished form of egalitarianism than would be a theory that tried to incorporate the equal value of lives principle.¹³ Perhaps it will be sufficient to note that while in cases in which two lives are at stake the decision will almost always be made in favour of the human, humans will not always be favoured when there is a moral dilemma. Singer for one insists on this. For example he says, 'But there must be some kind of blow – I don't know exactly what it would be, but perhaps a blow with a heavy stick – that would cause the horse as much pain as we cause a baby by slapping it with our hand. That is what I mean by 'the same amount of pain' and if we consider it wrong to inflict that much pain on a baby for no good reason then we must, unless we are speciesists, consider it equally wrong to inflict the same amount of pain on a horse for no good reason' (Singer 1975: 16). He goes

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on to admit that very often the psychological powers possessed by humans will tip the scales in their direction; but he notes,

Yet these differences [in mental capabilities] do not all point to greater suffering on the part of the human being. Sometimes an animal may suffer more because of his more limited understanding. If for instance, we are taking prisoners in wartime we can explain to them that while they must submit to capture, search, and confinement they will not be otherwise harmed and will be set free at the conclusion of hostilities. If we capture a wild animal, however, we cannot explain that we are not threatening its life. A wild animal cannot distinguish an attempt to overpower and confine from an attempt to kill; the one causes as much terror as the other.' (Singer 1975: 17)

Speciesism affirms that human pain is, *qua* pain, more significant than animal pain. Inasmuch as the principle of equal consideration requires us to reject that view and treat all pain, regardless of who is experiencing it, as equally bad, I think it fair to say that the concept of equality that is embedded in the principle of equal consideration will have some teeth to it and go well beyond a notion of formal equality.

Still, doesn't the principle of equal consideration, in conjunction with the view that not all lives are equal, sanction harming nonhumans when they obstruct worthwhile human projects? Maybe. The answer cannot be determined in advance, but will depend on whether and to what extent the project is truly worthwhile, and on exactly how the principle of equal consideration is explicated. At most, only truly important and worthwhile projects will justify overriding the basic interests of nonhumans.¹⁴ Furthermore, proponents of radically egalitarian theories such as Paul Taylor and Arne Naess are willing to allow important but nonbasic human interests to override basic nonhuman interests in certain circumstances.¹⁵ So I can find no reason to think that the admission that there are at least some morally relevant ways in which lives are unequal will preclude the development of an environmental ethic that is sufficiently egalitarian.

NOTES

¹ For a complete account of these views, see Regan 1983, ch. 7, sec. 5; Singer 1979c, ch. 3; Taylor 1986, ch. 3; and Naess 1973.

² The counterintuitive conclusions can be drawn out in various ways. See, for example, Steinbock 1978, p. 251; Blackstone 1980, pp. 303-4; Wenz 1988, ch. 13, esp. pp. 284-87; and French 1995.

³ For example, French 1995 offers telling criticisms of equality construed as equally valuable lives. But most of these criticisms would miss the mark if they were to be directed against equality understood as equal treatment. French's article is valuable since it demonstrates that the failure of critics to sort out the two interpretations of egalitarianism is not due to any wilful misreading on their part, but rather to the equivocal nature of

statements made by egalitarians, many of which are cited in French's article.

⁴ James Sterba, for example, attributes this view to nonanthropocentric environmental ethics. He says, 'Of course the nonanthropocentric perspective recognizes that humans have distinctive traits which the members of other species lack, like rationality and moral agency ... there would appear to be no nonquestion-begging perspective from which to judge that distinctively human traits are more valuable than the distinctive traits possessed by other species. Judged from a nonquestion-begging perspective, we would seemingly have to regard the members of all species as equals' (Sterba 1994: 230).

⁵ Singer says, 'In a different situation – say if the human were grossly mentally defective and without family or anyone else who would grieve for it – the balance of interests might favour the nonhuman' (Singer 1979b: 196).

⁶ It is unclear whether this view should be attributed to Singer. Some of the passages I have already quoted would indicate that he thinks that only the number of satisfied preferences is relevant. But elsewhere he claims that we can make judgements about the value of a life by asking people in a neutral position to choose which sort of life they would want, and he concludes, 'In general it does seem that the more highly developed the conscious life of the being, the greater the degree of self awareness and rationality, the more one would prefer that kind of life if one were choosing between it and a being at a lower level of awareness' (Singer 1979c: 90). The allusion to rationality may mean that some sorts of satisfied preferences are more valuable than others. Fortunately, whether or not this latter view is consistent with preference utilitarianism is an issue that need not be answered here.

⁷ For a very useful discussion of theories of value and a number of criticisms of subjective theories of intrinsic value see Brink 1991, pp. 217-36.

⁸ For example, see Attfield 1991, chs. 8 and 9.

⁹ All these claims must be relativised to time. That is, the consequentialist is comparing how valuable the lives will be in the future, not how valuable they are at the time he is making the decision. But that will generally have no effect on the claims presented here.

¹⁰ See for example Ross's discussion of judgements concerning the rightness of some particular act and how these compare with judgements concerning the beauty of some particular object, as well as his more general discussion of how we know whether particular acts are right or wrong, in Ross 1965, pp. 30-34.

¹¹ See Regan 1983, pp. 270-73.

¹² This issue is raised in Steinbock 1978, p. 251.

¹³ Sterba 1994, pp. 235-41 makes a similar point.

¹⁴ For example see Attfield 1991, ch. 9, or VanDeVeer 1979.

¹⁵ See Taylor 1986, pp. 269-303, and Naess 1984. Naess says, 'Rather, what engages the supporters of the deep ecological movement is the question 'under *what* circumstances' [may human needs and goals override nonhuman animals' needs and goals?] This question is not capable of any precise, general answer. A short formula runs as follows: 'A vital need of the nonhuman living being A overrides a peripheral interest of the human being B' (Naess 1984: 267). The implication seems to be that when the human interest is non-peripheral it may override the nonhuman's vital need.

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