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# ENVIRONMENTAL ETHICS, ANIMAL WELFARISM, AND THE PROBLEM OF PREDATION

## A BAMBI LOVER'S RESPECT FOR NATURE

JENNIFER EVERETT

### ABSTRACT

Many environmentalists criticize as unecological the emphasis that animal liberationists and animal rights theorists place on preventing animal suffering. The strong form of their objection holds that both theories absurdly entail a duty to intervene in wild predation. The weak form holds that animal welfarists must at least regard predation as bad, and that this stance reflects an arrogance toward nature that true environmentalists should reject. This paper disputes both versions of the predation critique. Animal welfarists are not committed to protecting the rabbit from the fox, nor do their principles implicitly deprecate nature.

The rift between environmental ethicists and animal rights or animal liberation theorists (both referred to hereafter as “animal welfarists”<sup>1</sup>) has narrowed considerably with the publication of several papers highlight-

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ing areas of convergence between the two camps (e.g., Callicott 1988; Jamieson 1998; Johnson 1981; Moriarty and Woods 1997; Varner 1995; Warren 1992). However, a 1994 article by Ned Hettinger focused needed scrutiny on one of the remaining tensions between “bambi lovers” and “tree huggers”: whether and how to value wild predation. Because of its emphasis on the prevention of animal suffering, some environmental philosophers criticize animal welfarism as, at best, falling short of the appreciation of predation that any adequate environmental ethic must exhibit. At worst, it is claimed to entail an obligation on the part of moral agents to intervene in predation in order to prevent animal suffering. With this paper, I wish to add my voice to a growing chorus of “bambi lovers” who also hug trees by disputing both of these charges.

### INTRODUCTION

Animal welfarism, as I use the term here, is a view or family of views about the scope of moral considerability; it sets forth a particular view of the sorts of entities that moral agents can have duties to and not merely regarding (i.e., it distinguishes direct from indirect objects of moral concern). Animal welfarists may disagree about the best way to characterize the criteria for moral considerability, but they all agree that some nonhuman animals are included (usually this includes at least most mammals; many animal welfarists also include birds, reptiles, and fish), and that all nonanimals (plants, mountains, rivers, ecosystems, species, etc.) are excluded. For this reason, despite the differences among them, animal welfarist positions as a group are usefully contrasted with biocentric or ecocentric theories, which hold that one or more of these latter types of entities should also be recognized as morally considerable. On my usage, deontological and consequentialist versions of animal welfarism share the view that all members of some class of animals are properly treated as direct objects of moral concern, but differ as theories about the rightness or wrongness of actions affecting the members of that class.

Whatever ethical theory is endorsed to guide our specific actions involving nonhuman animals, it is clear that simply including them as direct objects of moral concern has extensive practical implications. Eating animals, experimenting on them, confining them in zoos, and “farming” them for their furs or hides are some of the most obvious practices that would likely be condemned by most animal welfarists, but so might many envi-

ronmentally destructive practices which affect animals only indirectly—destroying or impairing their habitat to make way for a shopping mall, for instance. According to many animal welfarists, then, not only does extending the boundaries of moral considerability to nonhuman animals give us a more humane ethic for our direct dealings with animals, it also gives us an environmental ethic (cf. Jamieson 1998; Moriarty and Woods 1997; Rollin 1998; Varner 1995).

Other environmental philosophers, however, maintain that merely extending the boundaries of moral considerability to some subset of the animal kingdom is not going far enough.<sup>2</sup> Their doubts about animal welfarism are twofold. First, they argue, much (and probably most) of the natural world that should be protected is nonsentient and so falls outside the animal welfarists' criteria for moral considerability. Thus, if it is wrong to clear-cut old growth forests, for animal welfarists this could only be true because humans and nonhuman animals depend on such forests—because the forest is instrumentally valuable to them—and not because the forest itself deserves consideration.<sup>3</sup> These critics suspect that an ethic that does not accord direct moral concern to nonsentient nature will count as permissible too many environmentally destructive acts. Such an ethic would not be capable of generating strong enough obligations to protect nature.

But it is not just that animal welfarism is not environmental enough. According to those who raise a second qualm, the so-called “predation critique,” animal welfarism is indeed anti-environmental. Animal welfarists are concerned, first and foremost, with the well-being of animals. But since animals suffer tremendously in nature when other animals prey upon them, to be consistent the animal welfarists must surely oppose this pain and suffering as well as that which is caused by humans. If the chickens we eat should be included in the moral domain, what of the rabbit eaten by the fox? If our treatment of a laboratory mouse matters morally, why not the hawk's treatment of a field mouse? When the well-being of wild as well as domestic animals is taken into account, animal welfarism seems to imply that we have an obligation to intervene on behalf of animals preyed upon by other animals, and that, environmentalists conclude, is plainly absurd.<sup>4</sup> Let us call this the “strong form” of the predation critique, to distinguish it from the following “weak form.”

Even if they are not committed to an obligation to intervene in wild predation, still, some environmental philosophers object, animal welfarists must admit to finding the bloody violence of predation, the terror and

agony it brings about, at the very least morally disturbing. They must regard wild predation as quite an unfortunate aspect of nature, one the world would be better off without if only that were possible. But some critics of animal welfarism consider even this seemingly modest position to be anti-environmental. It falls short of a proper attitude towards nature, for it fails to appreciate natural processes on their own terms; it seeks to “transcend” nature’s ways. Because animal welfarism falls prey to either the weak or the strong form of the predation critique (or both), many critics conclude that the bounds of moral considerability must be cast more widely to include nonsentient animals, plants, perhaps even nondiscrete natural entities such as rivers and mountains, and abstract collectives such as species and ecosystems (e.g., Callicott 1980; Rolston 1988; Taylor 1986; Wenz 1988). Others take the criticism further and conclude that extending the concept of moral considerability is itself too conservative an approach; what environmental ethics calls for is a more radical rethinking of the foundations of moral philosophy.<sup>5</sup>

It is not my aim in this essay to defend animal welfarism against critiques on all of these fronts. In particular, I will not attempt to argue that the obligations to protect nonsentient nature that could be generated indirectly from an animal welfarist ethic are as strong or comprehensive as similar duties arising more directly out of biocentric or ecocentric environmental ethics. I will argue, however, that the both the strong and the weak form of the predation critique fail to establish that animal welfarism is anti-environmental. Neither a consequentialist nor a deontological version of animal welfarism entails that moral agents have a duty to intervene in wild predation, nor must the animal welfarists’ preoccupation with pain and suffering betray either a “hatred of nature” (Hettinger 1994, 3) or a “world-denying . . . life-loathing philosophy” (Callicott 1980, 31) implicit in their position. I begin by considering, and then rejecting, the strong form of the predation critique against consequentialist versions of animal welfarism. I follow by addressing this same objection as applied to Tom Regan’s theory of animal rights and counter that, although Regan’s own response to the predation critique is unsatisfactory, a rights theorist could accept the central features of his view without being committed to a duty to intervene in predation. I then turn to a reconstruction of the weak form of the predation critique—the argument that an attitude of contempt or disdain toward nature is implicit in the views of those who regard the suffering and death occasioned by predation regrettable. Against Ned

Hettinger and other proponents of this argument, I maintain that the animal welfarist's sensitivity to suffering does not constitute disparaging or devaluing nature. In fact, I argue that it may involve a humbler, more appropriate view of the place of humans in nature than the perspective of the critics themselves.

#### CONSEQUENTIALIST ANIMAL WELFARISM AND DUTIES TO INTERVENE IN WILD PREDATION

Consequentialist animal welfarists maintain that the wrongness of hunting, eating, and experimenting on animals derives from the consequences of those activities, particularly the suffering they impose on sentient beings. Environmental philosophers have been eager to point out, however, that suffering is quite prevalent in wild nature, and if it is always to be considered a morally significant disvalue, then we must have implausibly extensive responsibilities for the well-being of other animals. Since consequences are the only factor determining the rightness or wrongness of an act, if two different acts have the same consequences then they must also have the same moral value, and we must have the same obligations with respect to them (Hettinger 1994; Sagoff 1984). Recreational hunting,<sup>6</sup> which is generally considered impermissible by consequentialist animal welfarists, causes no more—indeed, often a great deal less—suffering than that which occurs as a result of wild predation. Whereas a skilled hunter's bullet kills the deer quickly and with minimal suffering, the wildebeest chased down by a pack of hyenas is literally torn and eaten to death. If recreational hunting by humans is prohibited on the grounds of its consequences, certainly the consequences of wild predation should also be prevented. But this conclusion is absurd. If we accept that there is no duty to prevent the tremendous suffering that nonhuman predators cause to other animals, then, say the proponents of the predation critique, we must either reject the consequentialist animal welfarist principles that entail this duty or deny that they entail the wrongness of hunting.

There are two serious flaws in this deceptively straightforward argument. First, animal welfarists need not be restricted to such a simplistic evaluation of the consequences of recreational human hunting and predation by nonhumans. For, even if the consequences for the prey are comparable whether the predator is human or nonhuman, this does not mean that the consequences all things considered are the same. Proponents of the predation critique stress the comparison of the harms occasioned by

predation on the one hand and by hunting on the other, but frequently fail to acknowledge the vast disparity of the benefits in the two cases. Hettinger, for instance, defends hunting by arguing that “[a]s long as one eats what one kills (even if doing so is not one’s purpose in hunting), the value one sustains (a human life) is then greater than the value lost (an animal life), and nonloss of value is achieved” (Hettinger 1997, 10). But it is disingenuous to suggest that the value of a human life is at stake in a case of recreational hunting. While it is true that a human life is “sustained” when the hunter eats his kill—in the sense that a human body is nourished—it is not true that the value of a human life is gained in this exchange that then offsets the value of the animal life lost (even granting for argument’s sake that human life is more valuable than animal life). If the recreational hunter does not kill, he will not starve; he will not likely even go hungry. The value gained when the hunter eats his kill, then, is more accurately expressed as the difference between the value of the meals provided by the animal killed and the value of the meals that would otherwise have been eaten. By the law of diminishing marginal utility, this benefit is far less significant to the recreational hunter (who, by definition, has alternative means of sustenance) than a comparable benefit would be to a wild predator (who generally does not).

This is by no means to deny that recreational hunting can indeed contribute to human flourishing. Despite the obvious incongruity many animal welfarists find in the strategy of respecting nature by killing parts of it, it seems reasonable to grant that some hunters do cultivate genuine awe and respect for natural processes by participating directly in the hunting and killing of the animals they eat. Such experiences may indeed in some cases constitute or give rise to values that cannot be nonarbitrarily excluded from the consequentialist calculus. Nevertheless, it is hard to see how these rather esoteric values—which are, after all, far from essential for a well-lived human life—could seriously compare with the vital interests of the nonhuman predator in the comparison case, particularly if the hunter could realize those values through other, less harmful means (cf. Luke 1997; Moriarty and Woods 1997).

If this is correct, then the flourishing enabled by wild predation may outweigh the suffering it causes, whereas nontherapeutic, nonsubsistence hunting achieves only relatively insignificant value as compared to the harm it does. Thus, the magnitude of the suffering caused by the nonhuman predator as compared to that caused by the human hunter cannot be used

to generate the *reductio* (a duty to intervene in predation), since the benefits in the predation but not the hunting case may suffice to offset the harm in question.

Consequentialist animal welfarists may further bolster their argument that the overall outcome of predation is preferable to the overall outcome of recreational hunting (and thereby avoid the purported obligation to intervene) by emphasizing the indirect, instrumental benefits of predation to aggregate animal welfare. To oversimplify the point, if propagation of the “fittest” genes contributes to the integrity of both predator and prey species, which is good for the predator/prey balance in the ecosystem, which in turn is good for the organisms living in it, and so on, then the very ecological relationships that holistic environmentalists regard as intrinsically valuable will be valued by animal welfarists because they conduce ultimately, albeit indirectly and via complex causal chains, to the well-being of individual animals. Alternatively, if consequentialist animal welfarists need not be committed to a strictly utilitarian value theory, these relationships may be judged good in themselves.<sup>7</sup>

Advocates of the predation critique hold that, if the outcome of recreational hunting has the same or higher value than the outcome of predation, and moral agents have a duty to prevent the outcome of recreational hunting, then moral agents have a duty to prevent the outcome of predation. I have argued that, by taking into account benefits as well as harms, indirect values as well as direct ones, and the value of states of affairs other than utility, consequentialist animal welfarists need not concede that the net value of the outcome of predation is always as bad as or worse than that of recreational hunting. Some readers, however, will perhaps regard this argument as strained. And since there is no way to rule out in principle the possibility that recreational hunting could achieve a better overall outcome than wild predation in some cases, critics of animal welfarism may press the point that if animal welfarism would prohibit hunting even in those cases, then predation with similar or worse overall consequences should also be prevented.

Ultimately, however, this objection suffers from a further, deeper flaw: it compares the wrong sets of consequences. The relevant comparison in a consequentialist calculus is not between two wholly different acts that lead to comparable consequences, but rather between the various consequences of the acts that are available to a given moral agent in a given situation. In other words, it does not matter whether hunting and wild predation have the same consequences, or even that the latter may have much worse con-



sequences. What does matter in assessing the actions of the hunter is whether hunting or some other course of action available to the hunter has the better consequences. And what matters in determining whether we have an obligation to intervene in predation is whether intervening or some other course of action available to the would-be intervenor has the better consequences. It is no excuse for the human hunter to claim, “what I am doing to this animal is no worse than what would probably be done to it eventually by some other animal.” The relevant question is whether what he or she is doing is worse than what he or she otherwise could do.<sup>8</sup>

Because we are not evaluating the conduct of the nonhuman predator, we need not discover whether she has a less harmful course of action available to her (or try to determine whether instinct prevents her from pursuing such a course of action). At the behest of those who advance the predation critique, we are instead interested in whether we moral agents should intervene to prevent the predictably gruesome outcome of the predator’s actions. If it is claimed that consequentialist animal welfarism implies that humans should intervene to protect prey from predator, then it is surely relevant to ask what the consequences of this course of action would be. Very little needs to be said on this point beyond what the proponents of the predation critique have themselves said. Predation intervention would surely cause frustration and suffering for predators in the short term and in the long-run would very likely require human hunting of prey species whose populations grew beyond the carrying capacity of their habitat (both of which are of obvious concern to animal welfarists). It is reasonable to conclude that the state of affairs in which predation occurs in nature without regular interference from humans is better than that in which we attempt to prevent it. Since consequentialism cannot require us to bring about worse consequences, it follows that there can be no duty from a consequentialist version of animal welfarism to prevent wild animals from preying on one another.

#### DEONTOLOGICAL ANIMAL WELFARISM AND DUTIES TO INTERVENE IN WILD PREDATION

Tom Regan’s theory of animal rights, the prevailing deontological version of animal welfarism, rejects the consequentialist approach to the morality of human interactions with nonhuman animals; nevertheless, he too has been charged with requiring us to police nature. According to Regan, beings who are subjects-of-a-life possess equal inherent value and thus

may not be treated as mere means to our ends or as experience “receptacles.” Treating animals in these ways is an injustice—a violation of their rights—and our duty as moral agents is not only to refrain from such violations ourselves, but also to intervene on behalf of those who are victimized by others. Regan writes:

[J]ust as our negative duty not to interfere in the lives of others does not consist merely in minding our own business, so our duty regarding the respectful treatment of animals involves more than our taking care to treat them with respect. Since they have a valid claim to respectful treatment, we have a *prima facie* duty to assist them when others treat them in ways that violate their rights. (Regan 1983, 282–83)

It is this duty to assist victims of injustice that generates the predation critique against Regan. If we have positive duties of assistance to rights holders, doesn't this also entail an obligation on our part to protect the sheep from the wolf? Regan denies that it does. Because only moral agents can have duties, and because wolves and other predators are not moral agents, they

cannot themselves meaningfully be said to have duties to anyone, nor, therefore, the particular duty to respect the rights possessed by other animals. In claiming that we have a *prima facie* duty to assist those animals whose rights are violated, therefore, we are not claiming that we have a duty to assist the sheep against the attack of the wolf, since the wolf neither can nor does violate anyone's rights. (Regan 1983, 285)

Thus, according to Regan, the sheep is not a victim of injustice when it is attacked by the wolf, since the wolf is incapable of violating rights. If there is no rights violation, there can be no duty to intervene.

Regan is surely correct that their lack of moral agency precludes wild predators from acting unjustly when they harm their prey. They are not to be blamed for this behavior, nor are we to regard predation by animals in general as a wrong requiring redress. And if our positive duties to assist animals were exhausted by our duty to protect them against harms perpetrated by agents capable of understanding principles of justice, then that would be the end of the matter. But this attempt to sidestep the predation critique is unsatisfactory, for it restricts our duties of assistance too much. As both Dale Jamieson (1990) and J. Baird Callicott (1986) have shown, limiting our obligations of intervention exclusively to the protection of

rights holders from injustice would absolve us of duties to assist many innocent victims who have a legitimate moral claim to our protection. There would be no moral duty, for instance, to protect a puppy from abuse by a playful toddler, nor, for that matter, the child from the dog. Thus, even if the perpetration of injustice by a moral agent is a sufficient condition for potential rescuers to have prima facie duties of assistance to rights holders who are in harm's way, it seems implausible to regard it as a necessary condition.

Consider more carefully three representative scenarios that generate the predation quandary for a rights theorist:

- (A) A human hunter attacks a deer.<sup>9</sup>
- (B) A mountain lion attacks a deer.
- (C) A mountain lion attacks a human child.

On the animal rights view, the action of the hunter in (A) is morally impermissible, because the hunter deliberately acts in a way that violates the rights of the deer. The analogous act on the part of the mountain lion in (B), however, is of course not impermissible, because, although the deer has rights in both (A) and (B), only the human attacker in (A) is a moral agent, and therefore only the human is capable of doing wrong by violating the deer's rights. For the same reason, the mountain lion does not behave immorally in attacking the human child in (C).

The problem for Regan's view arises because, while the mountain lion is no more capable of violating rights in (C) than in (B), it seems clear that in (C) we do have a positive duty to intervene. It might seem, then, that duties to provide assistance arise wherever bystanders are in a position to prevent serious harms to rights holders. But if so, then we would have a prima facie duty to protect the deer in (B) as well as the child in (C) from the mountain lion. If, rejecting this implication, we return to Regan's claim that duties to assist arise only where there is wrongful behavior, then, as we have seen, we would have no duty to protect either victim.

What makes the critics' case seem so powerful in light of scenarios (A) through (C) is the presupposition that rights theorists are stuck with one or the other horn of this apparent dilemma. Fortunately, this is not the case. A rights theorist can avoid the predation critique by rejecting both (i) that it is necessary that an injustice occur, and (ii) that it is sufficient that harm threaten a rights holder, in order for third party moral agents to have prima facie duties of assistance. What is needed is a general account of duties of assistance that is faithful to the core notion of animal rights, that

avoids both horns of the purported dilemma, and that justifies the judgments that we are morally obligated to assist the deer in (A)<sup>10</sup> and the child in (C) but not the deer in (B). The remainder of this section offers what I think is a promising sketch of such an account.<sup>11</sup>

The core of animal rights theory, as I understand it, consists of two tenets. (1) All subjects-of-a-life have inherent value, that is, value independent of the felicity of their experiences and independent of their usefulness to others. (2) Creatures with inherent value have an unqualified right to be treated with respect by moral agents, and moral agents have a correlative duty to respect the inherent value of rights holders. This duty entails, minimally, not treating them as experience receptacles or as mere instruments for the purposes of others. More specifically, according to Regan, the duty of respectful treatment also implies that we may neither harm nor refuse assistance to a rights holder without good justification. But since these more specific rights not to be harmed and to be assisted against harm must be understood as *prima facie* rights, it does not follow simply from the claim that animals are rights holders that they have rights to assistance against any and all harms. In particular, it does not immediately follow that deer have all-things-considered rights against third party moral agents to be rescued from attacking mountain lions. The rights view entails that moral agents have *prima facie* duties to protect all rights holders from all sorts of harm only if such assistance follows from the right to respectful treatment. So in order for the environmentalist critics to show that deontological animal welfarists are committed to a duty to intervene in predation, they must show that failure to so intervene is incompatible with the categorical duty of respect stated in (2) above.

But it is far from obvious that the critics will be able to meet this burden. According to Regan, what the principle of respect strictly forbids is either (a) reducing an individual to the value of his or her experiences in utilitarian terms, or (b) treating the individual as a mere means to another's ends. Now, it is certainly possible to reach the conclusion not to intervene in predation on the basis of such utilitarian or instrumentalist considerations. For instance, we might decide not to protect the snowshoe hare from the lynx by reasoning that the hare's primary purpose is to serve as food for the lynx. Or we might reach this conclusion by determining that the hare's interest in being protected from predators is outweighed by the interests of lynx and of other sentient beings who have a stake in this predatory relationship. Both types of argument would be rejected by the

rights theorist as inconsistent with respect for the inherent value that snowshoe hares possess as subjects of lives of their own. But these are not the only available grounds for denying a duty to intervene in predation. After all, it is not unusual even in strictly human contexts to decide against assisting people who face serious harm for reasons that are fully consonant with respect for their inherent value as individuals. Such considerations might include, among other things, one's own rights, the autonomy or desert of the endangered party, the threatening party's conflicting and overriding rights of noninterference, or the prioritization of other competing deontological duties. The point here is not yet to identify considerations that justify nonintervention in the predation case. Rather, it is only to emphasize the limited logical point that we cannot validly infer that the prohibitions implied by the principle of respect have been violated merely from the fact that a moral agent chooses not to intervene when a rights holder is threatened by harm.

Plainly, though, this only underscores the need to determine what the duty of respect positively requires, as well as what it prohibits. Regan's suggestion that the principle of respect implies *prima facie* duties of nonharm and of assistance does little to settle the matter, for what is currently at issue is whether the *prima facie* duty of assistance applies to cases of predation, and if so, whether other considerations might override it.<sup>12</sup> In order to answer these questions, it seems, we will need to return to the principle of respect.

Further specification of the duty of respectful treatment, I suggest, must depend to some extent on more specific facts about the nature of the relevant rights holders. No doubt some will be wary of this suggestion, as it seems that Regan's view would not allow the duties that moral agents have toward animals (and, by implication, the rights the animals have) to be determined by specific differences among them. Indeed, a common objection to animal rights theory is that it implies that all animals, domestic and wild alike, should be treated in the same (tender) manner, as if the arguments against speciesism and for the equal inherent value of all subjects-of-a-life must make rights theorists oblivious to the importance of characteristic differences in determining what particular animals are due. But there is no necessary tension here. Taking seriously what all subjects-of-a-life have in common—for example, the possession of interests, having an experiential welfare, being bearers of inherent value—supports the view that all have the same basic rights to respectful treatment. But it need not obscure the

fact that the lives of which we are subjects differ according to our respective natures, and at a more specific level of analysis, these differences warrant different treatment from third party moral agents.

So although all subjects-of-a-life (both human and nonhuman, wild and domestic) are equally bearers of inherent value and equally deserving of respectful treatment, the principle of respect does not entail that all of the rights we possess are equivalent. Nor then does it impose on third parties identical duties to assist every type of beneficiary that happens to be threatened by a given sort of harm. Instead, it requires that each subject-of-a-life be treated in a manner that is respectful of that creature's nature, where this includes both characteristic facts about members of its kind and the traits it possesses as a unique individual. The response I propose to the predation critique against deontological animal welfarism, then, is this: When creatures with inherent value are threatened by serious harm that is neither unjust in itself nor the result of injustice, moral agents have *prima facie* duties to assist them only insofar as such assistance is necessary as a matter of course for those creatures to flourish according to their nature.

With respect to the various predation scenarios introduced above, respect for the parties involved does not merely permit, it requires acknowledging relevant differences between the child in (C) and the deer in (B). Doing so supports the judgments that our duty is to rescue the child, but not the deer, from the mountain lion. After all, the inherent value of the child is not exhausted by the value she possesses *qua* subject-of-a-life. As a member of a human community that recognizes expectations of cooperation and support for its vulnerable members, she is also owed treatment befitting her membership in that community. And because we could not flourish *qua* humans if we could not, in general, count on assistance from others against all sorts of threats, refusing to rescue the child from an attacking animal (or a rockslide, flood, etc.) constitutes failing to respect her inherent value as the sort of being she is.

The same considerations speak against intervention on behalf of the deer in (B). Its nature is no more reducible to the bare set of characteristics shared by all subjects-of-a-life than is the child's. Here, however, in order to determine what sort of treatment is respectful, what we need to acknowledge is that the deer is a wild animal and, as such, the sort of creature whose flourishing is generally thought incompatible with widespread human intervention.<sup>13</sup> Deer, that is, do flourish *qua* deer without human protection from nonhuman predators. Indeed, if such assistance was con-

sistently forthcoming, it is questionable whether they could flourish according to their natures. This is why animal rights theory does not commit us to saving the deer from the mountain lion's attack.

The rough but not implausible principle that duties of assistance exist only insofar as potential beneficiaries require assistance in order to flourish according to their nature avoids the pitfalls of Regan's overly narrow criterion for duties of assistance (viz., only in cases of injustice) and generates no duty to intervene in predation as would be entailed by an overly broad criterion for such duties (viz., any time harm threatens). Moreover, this principle is consistent with the key tenets of animal rights theory, and it captures our considered intuitions about cases (A) through (C) in the set of scenarios introduced above. It also appears to explain why we have stronger positive duties with respect to domestic animals than wild animals. The more domestic an animal is, the more she depends on us to provide the conditions in which she can flourish, rather than simply to be let alone.<sup>14</sup> If I am right about this, then animal rights theorists, no less than consequentialist animal welfarists, can oppose harmful human practices involving animals without thereby being committed to an obligation to protect members of wild species from their predators.

#### REGRETTING SUFFERING AND RESPECT FOR NATURE

Even if animal welfarists are not logically committed to an obligation to intervene in predation, it might still be argued that they are committed (by the commonalities between wild predation and human hunting, which they oppose) to considering predation an unfortunate defect in nature.<sup>15</sup> In his article, "Bambi Lovers vs. Tree Huggers," Ned Hettinger joins Holmes Rolston in arguing that, since predation plays such a critical role in evolution, anything less than a thoroughgoing affirmation of it (either by humans or by animals) constitutes a failure to take the appropriate attitude toward the natural world. To be an environmentalist is to embrace nature's products and processes as valuable and worthy of our protection, perhaps even our emulation. Regretting the painful and seemingly cruel fact of predation is characterized as aspiring to transcend nature, as if being human entitled us to a superior position from which to find fault with the very foundations of our existence. In this last section I wish to argue that animal welfarism, even if it does entail a negative evaluation of the suffering occasioned by predation, does not commit the environmental sin of repudiating nature.

On Hettinger's view, human hunting and meat-eating are justified if and only if "some legitimate goal of meat eaters is not attainable by eating a vegetarian diet and . . . hunters have some legitimate goals that are not achievable through wildlife photography" or other less harmful means (Hettinger 1994, 11). He claims that there is such a goal, namely, "participating in the logic and biology of one's ecosystem" (Rolston 1988, cited in Hettinger 1994, 13). Hunters and meat eaters, unlike vegetarian wildlife photographers "[affirm] human nature by participating in a process that made us what we are." Hettinger continues:

Viewed in this way, the behavior of meat eaters and hunters can affirm dimensions of value in nature that it is difficult for animal activists to appreciate. If carnivorous predation in nature is good—and not merely an unpleasant fact that we must learn to live with—then human carnivorous predation can be seen as an affirmation of this valuable natural process. Respecting nature means respecting the ways in which nature trades values, and such respect includes painful killings for the purpose of life support. (Hettinger 1994, 13–14)

Notice, however, that "participating in the logic and biology of one's ecosystem" by endorsing the killing of other animals even when this is unnecessary for sustenance is, on Hettinger's view, not merely a means sufficient for embracing the natural world, one that might be accepted or rejected according to one's preferences. A positive affirmation of predation by both humans and nonhumans (if not actual participation in it) is, apparently, necessary in order to embrace nature on its own terms, as all good environmentalists must. "[N]o true lover of the wild," Hettinger says, can support the view that "a world without predation would be a better world, other things being equal" (Hettinger 1997, 15).

Animal welfarism, unsurprisingly, is characterized as incapable of accepting nature on its own terms, as the following passage from Albert Schweitzer is supposed to illustrate:

The world is indeed the grisly drama of will-to-live at variance with itself. One existence survives at the expense of another of which it yet knows nothing . . . I have been cast by my reverence for life into a state of unrest foreign to the world . . . I choose as my activity the removal of the self-contradiction of the will-to-live, as far as the influence of my own existence extends. (Cited in Hettinger 1994, 17)

According to Hettinger's interpretation of this passage, "Schweitzer is tormented by the natural fact of predation. He feels 'foreign' to the world and



desires to transcend nature's ways. In a very real sense, Schweitzer opposes and rejects nature" (Hettinger 1994, 18). If correct, this interpretation is quite damaging, for at least in the above passage, Schweitzer's words express the animal welfarist's sensibility eloquently and accurately. Perhaps nature does not care about the suffering of sentient beings, the welfarist might say, but I do. Animal welfarists resolutely decline to treat the indifference to suffering characteristic of nonhuman predators as a model to be emulated by moral agents, a refusal that critics like Hettinger take to be expressing either a desire to transcend nature or a judgment that the natural world falls below human ideals.

The relevant portion of Hettinger's argument, I believe, may be fairly reconstructed as follows:<sup>16</sup>

1. Affirming the value of what was crucial to our evolutionary history is necessary for a properly environmental appreciation of nature.
2. Since predation was crucial to our evolutionary history, one cannot have a properly environmental appreciation of nature unless one affirms the value of predation.
3. Finding the suffering occasioned by predation regrettable constitutes failing to affirm the value of predation.
4. Animal welfarists are committed by their principles to regretting the suffering occasioned by predation.
- C. Therefore, animal welfarist principles rule out a properly environmental appreciation of nature.

Three observations can be made by way of preliminary evaluation. First, the form of the argument is valid. Second, premise (2) asserts simply a specific instantiation of premise (1). And third, animal welfarists must surely concede premise (4). Premises (1) and (3), however, require closer scrutiny.<sup>17</sup>

The primary support for premise (1) comes in the form of declarations to the effect that it is illegitimate to separate a product from the process by which it was produced. For instance, the following argument, approvingly credited to Rolston, is invoked by Hettinger to bolster the connection asserted in premise (1):

To reject our predatory history and still try to value the human being isolates a product from its essential historical genesis . . . [W]hen the process that produces a product is essential to the understanding of what that product is, one cannot consistently affirm the value of the product while denying the value of the process that created it. One

might as well try to value the culture of Native American plains tribes while rejecting their tradition of killing buffalo for food, clothing, and shelter. (Hettinger 1994, 14)

The point here seems to be that, because predation was a necessary part of human evolution (in the sense that humans would not now exist if our ancestors had not hunted—although similar creatures might), predation is a constitutive aspect of what humans now are (or at least is essential to understanding what we now are). Moreover, valuing what it is to be human requires valuing what is constitutive of being human (or, again, what is essential to understanding humans), just as valuing the Plains Indians' culture requires valuing their use of the buffalo. So in order to value what it is to be human, we need to value predation, and as premise (3) goes on to suggest, valuing predation (as opposed to merely tolerating it) requires a sort of affirmation that animal welfarists are not (and hunters and meat eaters are) in a position to offer.

Now, it seems to me that even if “isolating” a product from its “essential historical genesis” were metaphysically and/or epistemologically untenable (and these are of course highly contentious claims), I see no reason why it should be axiologically untenable, Hettinger's and Rolston's insistence to the contrary notwithstanding. At the very least, the principle on which Hettinger is relying needs to be qualified: If X is an essential part of the process by which Y comes to be what it is, then in order to value Y, we need to value X insofar as it contributes to Y's being what it is. But it does not follow that we need to value X wholesale, or in every respect. Valuing what it is to be human simply does not require affirming blindly and without qualification the value of every necessary step in our becoming what we are. Nor does valuing nature require unqualified affirmation of each of its constituent parts, processes, or properties. Bernard Rollin has forcefully made this point by analogy with the state of Israel: Israel would not exist if not for the Holocaust. Perhaps too we could not properly understand the state of Israel without understanding the Holocaust. But we should not conclude from either proposition that in order to value the state of Israel we must value the Holocaust, full stop (Rollin 1993, 37). The same goes for valuing a child who was the product of rape. If I love this person, I may be both grateful in one sense and yet in another sense horrified that her mother was raped. Drawing such distinctions between the senses in which we value the process by which something valuable comes to be is neither extraordinary, nor confused, nor illegitimate. Indeed, it is essential

that such distinctions be drawn with respect the various steps along the path of human evolution. Surely we can be thankful that certain traits or behaviors were selectively advantageous for our ancestors (e.g., physical aggressiveness, sexual dominance, etc.) to the extent that this was necessary for our species to have evolved as it did. In this limited sense, animal welfarists too can endorse the value of our evolutionary past. Nevertheless, we would be seriously mistaken to conclude that such behaviors as physical aggressiveness and sexual dominance should be indiscriminately valued or emulated by morally sensitive persons today.

Once premise (1) is suitably qualified, however, premise (3) will clearly be seen to be false, as it apparently rests on a similar refusal to draw any distinction between (the value of) a whole and (the value of) its aspects or parts. It is simply not true that regretting the suffering occasioned by predation constitutes failing to affirm the value of predation in the sense that is necessary in order to have an appropriate environmental appreciation of nature—that is, insofar as it contributes to evolution or produces other values. Predation in this world involves, as a matter of physiological necessity, pain. There is no plausible reason why we cannot consistently judge the pain bad (insofar as it is painful) and the predation good (insofar as it generates other values). In addition to the role of predation in natural selection, the values it achieves in particular ecosystems may simply outweigh the disvalue of the pain it causes. One creature suffers and dies; another flourishes, perhaps nourishes others, perhaps reproduces, perhaps serves an instrumental role in the integrity of its biotic community. If, without predation, these and/or other values would be lost to our world, then predation adds to the value of our world rather than diminishes it, even though predation involves pain, and pain is, other things being equal, bad. An animal welfarist can consistently hold that suffering (taken in itself) is not valuable, but that nature, which contains suffering, is valuable, because the values in nature (taken as a whole) outweigh or overshadow the disvalues. Nature, then, let us say, is good. It is very good; indeed, it is truly, magnificently, splendidly good.

But isn't admitting that nature contains disvalues tantamount to saying that nature could have been better? Does this not commit us to repudiating or desiring to transcend nature? The answers are, yes, to the first question; no, to the second. As valuable as nature is, it is not as good as it could possibly have been. There is neither logical nor metaphysical contradiction in imagining a world identical to this one except that it lacks our

latest hurricane. Or one without the HIV virus. Or one in which the world powers devoted their resources to ending hunger and misery rather than building nuclear arsenals. These worlds, I submit, with absolutely no disrespect intended toward this one, would be better than the world we in fact inhabit. Likewise, a world that was in other respects identical to this one but for containing less human and nonhuman pain would be a better world. And, yes, a world in which evolution could proceed without predation, or in which predation could occur without animals suffering, would be better in those respects, other things being equal, than this one (although possibly worse in other respects). Alas, nature would not have it be so. If judging other conceivable but (so far as we know) nonexistent worlds to be more valuable than the actual one constitutes repudiating nature, then the only view that does not repudiate nature is Leibniz's: We just happen to live in the best of all possible worlds. To put the matter mildly, this seems an implausible requirement for an appropriate environmental appreciation of nature.

To recap briefly, Hettinger thinks that, because our species would not now exist had our ancestors not hunted, there is insufficient appreciation of evolution, and thus a repudiation of nature, in animal welfarists' refusal to endorse current human participation in even recreational hunting. I have argued, to the contrary, that animal welfarists can value the role of predation in evolution and in producing other values even while deploring the suffering it causes and, in addition, that to require more than this is to make unreasonable demands of would-be environmentalists. Moreover, and perhaps more fundamentally, I would contend that the principle that "we should value whatever traits or behaviors were critical in our species' evolutionary past" is little more than a variation on the principle that "whatever is natural is permissible," and subject to the same objections. In short, the empirical facts about which traits or behaviors were selectively advantageous to our early ancestors entail no obvious ethical conclusions for contemporary moral agents.

To emphasize this very point, I would close by turning the tables. Hettinger argues that those who condemn hunting fail to affirm that which was essential to the evolutionary history of humans and other animals. If, contrary to my arguments above, the rejection of any trait, behavior, or characteristic that was ever essential to the evolution of our species constitutes a rejection of nature, then it would seem that those who dismiss the animal welfarists' sympathies for suffering creatures may themselves be

charged with trying to transcend “nature’s ways” (cf. Fisher 1987). The capacity to recognize that suffering in another is *prima facie* bad for the sufferer, just as it is bad for oneself, seems likely to have been evolutionarily advantageous if, as also seems likely, this capacity is conducive to a motivation to care for one’s wounded or ailing kin. If so, then our sympathetic affective response to the suffering of others may have been, no less than our predatory skill, essential to our evolutionary history. In any event, the capacities to comprehend and lament another’s terror and agony do not set us wholly apart from natural processes—and certainly not above them.<sup>18</sup> Animal welfarists experience regret and anguish in the face of the suffering of other beings, and although this anguish distinguishes us to a certain degree from wild predators, it too is part of nature (cf. Callicott 1989, 96–97). To acknowledge this, rather than dismissing it as a product of hyper-cultural sentimentality, is to be fully connected with the kind of beings we are, which is not at all the same as desiring to transcend nature. The environmentalist who dismisses the animal welfarist’s concern for the pain and suffering of individual animals because nature has no such concern may yet be faced with the charge of repudiating that which comes naturally to human beings.

Hettinger’s reading of Schweitzer, then, is mistaken. Schweitzer feels “foreign to the world” because animal suffering gives rise to a “state of unrest” in him that is not, to our knowledge, shared with other animals. Schweitzer is not a wild predator who knows nothing of the other at whose expense he might survive. His human ability to anticipate, understand, and evaluate the trauma he could inflict on sentient beings by engaging in predation is a capacity that may be alien to wild nature, alien that is, to nature apart from human beings, but not to nature taken as a whole. Endorsing a sensitivity to suffering that is (or may be) distinctive of our species would not express a repudiation of nature or a desire to transcend it unless we already presuppose that we are not natural beings, not part of the natural order. Once we give up this presupposition—once we recognize our moral capacities as natural, evolved capacities that are as much a part of nature’s bounty as the wolf’s distinctive howl—it should be clear that celebrating such qualities (even apparently distinctive ones) is quite consistent with having a deep and genuine respect for nature.

The predation critique launched by some environmentalists poses a serious quandary for animal welfarists: How can we consistently condemn recreational human hunting without taking issue with predation by other

animals? As I have shown, however, the critics do not successfully establish that animal welfarists must hold humans responsible for protecting prey from predator. Nor do they establish that regretting the violence and suffering entailed by predation is incompatible with respect for nature. Bambi lovers can be, at once, committed animal welfarists and bona fide tree huggers.

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#### NOTES

1. It is regrettable that we still lack a convenient label for animal-centered ethics. In an article to which this paper is largely a response, Hettinger (1994) uses "animal activists." Despite its inelegance and misleading utilitarian connotations, I prefer the term "animal welfarists."
2. This is not true of all environmental philosophers; nevertheless, in this paper the terms "environmentalist" and "environmental philosopher" are used to refer to those who have raised this objection to animal welfarism. (See, e.g., Callicott 1980, 1986; Hettinger 1994; Rolston 1988; Sagoff 1984; Wenz 1988.)
3. This claim appears to presuppose that animal welfarists cannot consistently deny that the forest is morally considerable and yet still regard it as intrinsically valuable. Though I will not argue the point here, I think this presupposition is false. In my view, nonsentient natural objects can be intrinsically valuable (i.e., rightly valued because of what they are and not just because of the ends they serve) even if they are not morally considerable (i.e., not the sort of thing we can have duties to). This view is strongly informed by and closely related to the value theory defended in Jamieson (1998). The distinction between moral considerability and intrinsic value does have some bearing on the issues discussed in this paper. See note 7.
4. I join most philosophers in assuming that this implication, if it in fact is entailed by animal welfarism, constitutes a serious *reductio* against that view. At least one philosopher, however (Sapontzis 1984, 1987), has discussed the predation critique in detail and concluded that there is some reason to think we do in fact have limited duties to rescue sentient prey animals from nonhuman attackers, denying that such a conclusion constitutes a *reductio*, against animal welfarism. Sapontzis argues that the predation critique cannot operate as a *reductio*, because the conclusion that humans are obligated to intervene in

- predation is neither logically, factually, contextually, theoretically, naturally, nor practically absurd. Although Sapontzis may be correct that an obligation to intervene in predation is not strictly speaking absurd, and that there might be particular instances in which intervention would be morally right, it would be, I believe, seriously misguided to endorse this obligation in a general form.
5. Many philosophers would object to framing the discourse of environmental ethics in terms of a dispute over the proper scope of the concept of moral considerability. Indeed, it may be that the very framework of traditional Western moral theory is incapable of adequately recognizing and incorporating the insights of ecology, feminism, and other bodies of scholarship on multiple and interlocking forms of social domination, and that this is so for reasons much deeper than the narrow conception of moral considerability traditionally embedded in that framework. It is of course beyond the scope of the present essay to take up with these considerations. However, it is worth noting that, despite the terms in which my argument is couched, I do not take my limited defense of animal welfarism to stand at cross-purposes with those who seek a more radical change in the way we do moral theory in general or environmental ethics in particular. I seek simply to refute one quite specific family of arguments against animal welfarist views, not to positively argue that those views are in every way adequate. I would like to thank Karen Warren for bringing this concern to my attention both in discussion and in generous comments on an earlier draft of the present essay.
  6. The comparison is restricted to recreational hunting in developed countries because this is the only case that is likely to be consistently deemed impermissible on consequentialist grounds. If circumstances require hunting for subsistence, obviously, or if hunting is necessary to prevent even more dire outcomes for the animals themselves, then it would most likely be permissible on consequentialist grounds, and the *reductio* would not be generated.
  7. Consequentialism, of course, does not entail a utilitarian value theory; nor, in my view, does an animal welfarist stance on the question of moral considerability. On my understanding, animal welfarism is a view about what sorts of entities moral agents have duties to, not a view about what sorts of things have intrinsic value. If something can be intrinsically valuable without being the recipient of a duty, then consequentialist animal welfarists could consistently be pluralists about intrinsic value. See note 3.
  8. I must acknowledge that Hettinger explicitly rejects this way of construing consequentialism. To require an agent to choose among the actions available in a given situation the one with the least harmful consequences would require that the agent's choice of "goals" be alterable according to consequentialist analysis, a demand he thinks is excessive. In contrast, he maintains, "[i]n our dealings with nature, it seems sufficient to choose goals that conserve value [regardless of whether alternative goals conserve more value] and then to carry out these goals in such a way that our actions minimize the destruction of

value” (Hettinger 1994, 12). (This allows Hettinger to go on to argue that hunters may have a unique value-conserving [but not value-maximizing] goal that cannot be achieved through any less harmful means than by actually killing an animal. I discuss the moral status of this goal in the final section of this paper.) The demandingness objection certainly deserves more attention than I can give it here. Suffice it to say that further support is needed both for the claim that the interpretation of consequentialism outlined herein “would require as duty acts generally accepted as supererogatory” (Hettinger 1994, n20) and for the conclusion that this claim, if true, would discredit consequentialism so interpreted. Just how demanding an ethical theory must be before it is rightly regarded as excessive is a matter of considerable dispute.

9. Again, restricting the example, for present purposes, to a paradigm case of recreational hunting.
10. Although Regan nowhere explicitly claims that we are morally obligated to assist animals whose rights are violated by human hunters, his conclusions regarding case (A) presumably run parallel to those regarding animal experimentation:

[I]f, for example, animals are used in scientific research in ways that violate their right to respectful treatment, and assuming that I myself am not engaged in such research, it does not follow that I have thereby done all that morality requires of me. There is also my *prima facie* duty to assist those who are the victims of injustice . . . (Regan 1983, 284).

In both animal experimentation and recreational hunting, humans deprive animals of their rights, and justice requires not only that we refrain from engaging in such acts ourselves, but also that we do something positive to help. Regan doesn't specify the precise nature of our positive duties of assistance—whether we are to rescue this laboratory rat or to demonstrate and lobby against the general practice of animal experimentation. Similarly, it is unclear whether the duty to assist hunted animals would require that we put ourselves between hunters' guns and their targets or just that we campaign for progressively stronger hunting restrictions. What Regan is clearly concerned to rule out is a “clean-hands” complacency about what respecting animal rights requires of us.

11. Ferré (1986) has suggested that Regan would not be subject to the predation critique were he to relinquish his insistence on equal inherent worth for all beings who are subjects-of-a-life, although this would mean that vegetarianism could not be obligatory. Wenz (1988) makes a similar move. My solution is parallel to theirs insofar as it acknowledges that moral agents do not have identical duties with respect to all animals. However, I think this conclusion can be reached without abandoning Regan's thesis of equal inherent value.
12. Two further details of Regan's view suggest that the *prima facie* duty of assistance either does not apply to predation cases or, if it does, it is generally over-



ridden. The first is that Regan explicitly acknowledges that the duties of nonharm and of assistance may be overridden by other valid moral principles, and he leaves open the possibility that these may include principles of environmental ethics that are independent of animal rights principles. (Paul Taylor's [1986] theory of respect for nature comes readily to mind in this regard, since his view is strongly deontological and prioritizes noninterference with wild creatures.) Second, Regan insists that diminishing suffering is not the highest priority of the rights view and explicitly connects this point with the predation critique:

[T]he goal of wildlife management should be to defend wild animals in the possession of their rights, providing them with the opportunity to live their own life, by their own lights, as best they can, spared that human predation that goes by the name of 'sport.' We owe this to wild animals, not out of kindness, nor because we are against cruelty, but out of respect for their rights. If, in reply, we are told that respecting the rights of animals in the wild in the way the rights view requires does not guarantee that we will minimize the total amount of suffering wild animals will suffer over time, our reply should be that this cannot be the overarching goal of wildlife management, once we take the rights of animals seriously. The total amount of suffering animals cause one another in the wild is not the concern of morally enlightened wildlife management. (Regan 1983, 357)

13. Environmentalists have long criticized animal rights views for lacking the theoretical resources to distinguish between wild and domestic animals, but I believe this criticism is ill-founded. On my view this distinction is incorporated through the notion of flourishing according to one's nature. The fact that wild animals have different instincts than domestic animals, and thus different interests, is obviously crucial to determining what sort of treatment is respectful of them and is no more mysterious to animal welfarists than it is to environmentalists. Wild animals are of such a nature that treating them respectfully is consistent with leaving them unassisted in the face of mortal risks. Gary Comstock (1988) has expressed this point well:

Even a philosopher could observe, given a little experience, that the interests, drives, needs, purposes, wants, and desires of animals differ according to their genetic makeup and social conditioning . . . . As a little observation would show, starving deer in the woods have great interest in finding food, but little interest in being adopted as pets. Birds that now kill earthworms have great desire to find a rainy lawn, but none in being fed textured soybean protein that looks and smells like worms. Brutes have a significant stake in finding a proper place for hibernation, but none in being provided a space heater. Unlike their domesticated cousins, wild animals are wholly unsuited to farm or zoo life. . . . (Comstock 1988, 178)

In principle, of course, wild animals can “flourish” in artificially tamed conditions such as zoos in the sense that they can be spared gratuitous physical suffering and live relatively long lives. However, animal welfarists recognize that there is something objectionable about this sort of life for a wild animal, and I think Comstock is right that it is capable of being cashed out in terms of the actual interests of the animals in question (e.g., roaming instincts, social needs, etc.). Freedom from the frustration of natural instincts is key to my conception of ‘flourishing according to one’s nature’.

14. See note 13.
15. One line of defense against this objection, which I will not pursue here, is to deny that nonsubsistence hunting has enough in common with wild predation to sustain the analogy. In other words, because the factors that make hunting objectionable, over and above the pain it causes, are not present in wild predation, there is no reason to infer from animal welfarists’ opposition to these factors that they would also negatively evaluate wild predation (cf. Moriarty and Woods, 1997). Because many hunters want to regard their activities as participation in natural predatory processes, however, it seems to me wise to engage with this objection on its own terms.
16. A distinct and more general (but closely related) argument is also offered in support of the consequent of premise (2) (viz., that one cannot have a properly environmental appreciation of nature unless one affirms the value of predation), to wit: Because evolution is a natural process par excellence, it is hard to see how we could respect nature without respecting evolution. And since predation is a key evolutionary engine, we couldn’t really respect evolution without valuing predation. Hence, we cannot really respect nature without valuing predation. I think my response to the main argument discussed in the text will also suffice as a response to this argument.
17. My thinking in this section has been substantially clarified through conversations with Rich Cameron.
18. For one thing, common accounts of apparently altruistic behavior in members of many nonhuman species might well discount the notion that such sensitivity is distinctively human. Cf. Sapontzis (1980).

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