MORAL CONSIDERABILITY
DEONTOLOGICAL, NOT METAPHYSICAL

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This article attempts to redirect inquiry into the question of moral considerability. It argues that moral considerability should be understood narrowly and centrally as an agent-relative deontological question, inquiring into the presuppositions of reason in order to determine what obligations rational agents have to non-human others. It proposes that moral considerability is better understood as a question about a moral agent's duty than about a moral patient's status. Rather than focusing on the properties, attributes, or capacities of other beings that qualify them as moral patients, it instead suggests that the focus of the question is more comprehensible if understood as pertaining exclusively to agents, as establishing the obligations of rational agents to consider others. Approaching the problem of moral considerability deontologically offers a fresh solution to a problem that has plagued environmental ethicists for years. Namely, it circumvents the need to find special criteria to establish moral relevance. Further, following Kenneth Goodpaster, this article proposes that the narrow question of moral considerability should not be confused with the wider question of moral status. Instead, it stipulates a distinction between moral considerability, moral relevance, and moral significance, suggesting that the three terms can together answer the question of moral status. Whether we are to consider another entity is a question separate both from which are the relevant considerations and from how much weight we must give to those relevant considerations.

Ever since Kenneth Goodpaster published his article "On Being Mor-

ally Considerable," environmental ethicists have been engaged in a debate over whether animals, plants, and other natural objects matter morally (Goodpaster 1978). Many, if not most, theorists have treated the problem of moral considerability as a problem of status, arguing that earlier ethical positions have unjustifiably given privileged status to one group of beings over others. They have then proceeded in one of two ways. Either they have appealed to intrinsic value and absolute ends, suggesting that there are somehow non-anthropocentric, objective values "out there," outside of human considerations; or they have appealed to subjective or aesthetic values, suggesting that there are somehow anthropocentric, subjective values "for us," according to our own hedonic approximations.[1] This presumption about the question of moral considerability has the undesired effect of leaving theorists to reinstate another set of attributes or characteristics as the new standard. In my estimation, this project of identifying relevant attributes or characteristics rests on a mistake, and one set in motion by understanding the question of moral considerability in the wrong way.

In this article I argue for a different approach to the question of moral considerability. I argue that moral considerability should also be understood as a deontological question, inquiring into the presuppositions of practical reason in order to determine what obligations rational agents have to non-human others. I propose that, rather than focusing exclusively on the attributes or capacities of other beings as qualifiers for moral patienthood, the question is more comprehensible as uniquely limited to whether and why an agent has responsibility to assess a narrower or wider set of considerations regarding entities in the world. Approaching the problem of moral considerability in the agent-relative, deontological manner I suggest obviates the problem of identifying specific attributes in patients by limiting the question of moral considerability to agents.[2]

My position is reasonably straightforward, though readers may have concerns that it treads too closely to moral metaphysics, which I take pains to avoid. I propose that the question of moral considerability should not be confused with the question of moral status. Instead, I stipulate a distinction between moral considerability, moral relevance, and moral significance, suggesting that the three terms can together answer the question of moral status, but that whether we are to consider the interests of another entity ought to be kept separate from *how much* consideration we

must give to that entity. To approach this problem, I first discuss past formulations of the considerability problem and make some generalizations about uses of the term. I then turn to Kenneth Goodpaster's use of the term in his foundational article. Taking my lead from Goodpaster, who dedicates most of his article to slicing the considerability question into its constituent parts, I propose the above-mentioned, tripartite deontological approach. I then elaborate on the comparative advantages of my position over the conventional view. Finally, I respond to possible objections of reframing the question in this way.

Though I do not think that substantive conclusions about the scope of moral considerability are necessary to my argument, my strong intuition is that all moral agents have a duty to consider the reasons for their actions and the implications of their actions, which I think implies that we must consider everything, but not that all entities in the world are morally considerable (in the conventional sense). An immediate and abiding concern may be that if considerability is carved up in the way that I suggest, and if it implies that we must consider everything, but not that all entities are morally considerable, then this conception of moral considerability is ultimately frivolous and unhelpful. It gets us nowhere. Near the end of the paper, I will address why the question of moral considerability, thus conceived, is not frivolous. To do so, I will stipulate two of the most extreme assumptions about moral considerability: first, that almost every entity in the world, including single-celled organisms, streams, species, and ecosystems, is morally considerable; and second, that no entity in the world has moral status, which seems to me to be a contrary, but nevertheless plausible implication of this thesis. Though I believe that the former is likely more true than the latter, I want to clarify that neither universal considerability (conventionally construed) nor universal status are central to my argument. My conclusion is that everything must be considered—all factors unique to a given situation must be considered—not that every object or entity in the world is morally considerable. Even adopting the definitional convention I suggest here, there are a variety of plausible views on moral considerability, none of which I have space to address.[3] Rather, I aim to limit my discussion here to the narrow metaethical concern about the nature of the *question* of moral considerability, about what we ask when we ask about moral considerability. I intend only to reset the default assumption regarding moral considerability.

PAST FORMULATIONS OF THE CONSIDERABILITY PROBLEM

The term 'moral considerability' entered the philosophical lexicon sometime around the early 1970's with G.J. Warnock's writings on morality (Warnock 1971). Kenneth Goodpaster appropriated the term in his article "On Being Morally Considerable," and within a rather small cadre of environmental philosophers and animal ethicists, it has stuck (Goodpaster 1978).[4] The question of moral considerability, of course, preceded the coining of the term, and has been with ethicists since at least as long as Plato. In recent years, the question has taken on a more relevant and perplexing urgency, as human societies have moved from elementary discussions about which humans belong to a circle of moral relevance (aristocrats or chattel slaves) to sufficiently more complex discussions of which non-human others might also belong inside this circle. In almost all cases, however, the default assumption is the same: that there is some attribute, some characteristic so special and unique, that the class of beings possessing it ought to be given special moral consideration. This essay is the first step in an attempt to *reset the default question*, to reframe the question such that it is no longer incumbent upon members of the rest of the world to manifest evidence as to why they are so special that they deserve moral consideration; but instead so that it is incumbent upon *humans* to demonstrate why their actions are so special that they can neglect to consider others.

The question, ultimately, is a question of standing, of how humans, animals, plants, mountains—things other than us—are deemed to be worthy of our moral attention. The basic idea behind the question of moral considerability can be difficult to get one's mind around. Some, like Mylan Engel Jr., note that the question is actually two questions in one: the first about what sorts of animals should have moral standing, and the other about how much standing they should have (Engel Jr. 2001). This is a very broad definition of moral considerability. Goodpaster and many others, however, disagree with this characterization. They choose to carve the question more narrowly, isolating moral considerability as a distinct question apart from the question of how much standing an animal should have. But there remains great confusion about what and how this term should be used, and often there is a tendency to revert to attribute-theories to make sense of the position. Mark H. Bernstein, for instance, explains moral considerability as "the capacity to absorb moral consideration"

(Bernstein 1998). However, it is hard to see what he means by "capacity" when referring to whether something is considerable.[5] Definitions that attempt to locate the question of moral considerability within the context of moral theory, instead, seem better suited to give us a sense of what we mean by considerability.

REVISITING GOODPASTER

There are good reasons to return to Goodpaster for clues on how to understand "moral considerability." Among these is the observation that "considerability" is a ridiculous and vague word that could relate either to the ability of something to be considered or, as seems to be the norm, to the capacity of some entity to "absorb consideration" (Bernstein 1998). Depending on how the gavel falls with regard to moral considerability, the default assumption will either place the burden of proof on the agent or on the patient. Since efforts to identify a satisfactory capacity in ostensible patients have more-or-less fallen to the conceptual indignities of philosophical scrutiny, it seems far more reasonable to parse moral considerability narrowly, as a deontological question about the duties that others have—most likely, reflective considerers—to consider another being. Do agents have an obligation to consider others or not?

Thus, I argue here that moral considerability should be understood more as a question *for* the agent than as a *trait* of the other. It is the question of what matters morally, and not a question about what attributes qualify certain beings as moral. The difference is minor, but the fallout from such an approach is enormous. Those, like Mark Bernstein, who have a tendency to speak of entities as "having" moral considerability, or of moral considerability as the "capacity to absorb moral consideration" (Bernstein 1998), use the term 'moral considerability' synonymously with 'moral status.' To my estimation, this misconstrues the problem and masks the deontological underpinnings of the question. Moral considerability cannot be something that entities can "have," any more than beings can "have" comprehensibility, ineffability or respectability. If we ask whether something is comprehensible, for instance, it would be odd to say that it "has" comprehensibility. We ask *ourselves* the question—can *we* comprehend it?—and do not seek to locate this comprehensibility in any of its constituent parts.

In a way, the confusion is understandable, since the term 'consider-

ability' inspires thoughts of an entity's capability. But this is to disregard important nuances that accompany the '+ability' suffix. Sometimes '+ability' words pertain to the capabilities or capacities of the entity in question, and sometimes they do not. For instance, the meanings of terms like 'comprehensibility,' 'ineffability', 'readability', 'provability', and 'respectability' differ in critical ways from the meanings of terms describing other abilities, like 'mutability', 'malleability', and 'dissolvability.'[6]

In these latter cases, the question we are asking is whether something is capable of changing, capable of shifting shape, or capable of dissolving. Here we *are* talking about the capacities of certain objects. Of course, we can say legitimately that beings "have" capabilities, and we can identify which capabilities they have and which ones they do not have. When we suggest that something is comprehensible, however, we ask about its comprehensibility, and we suggest that it is or is not comprehensible *for us*. When we ask this, we are not asking whether an entity is *capable of being comprehended*, since this would involve a very strange relationship between the entity and the agent. Many things—like this paper, say—do not have capabilities of any sort, and yet we understand them as comprehensible. The same ought to be true of considerability. When we ask whether something is morally considerable, we ask not whether it has the capacity of considerability, but whether we should consider it.

Again, Goodpaster can help us make better sense of the meaningful difference. In his foundational article, he lays out at least four related scope considerations that are often conflated with the term 'moral considerability'. These distinctions have been largely ignored in recent work. It is worth quickly revisiting his distinctions. He distinguishes between (1) moral rights and moral considerability, (2) criteria of moral considerability and criteria of moral significance, (3) questions of intelligibility and questions of moral substance, and (4) framework questions and questions of application (pertaining to moral thresholds, and whether we can actually consider all of the things in question). Unfortunately, there is little space to reflect on these elements of Goodpaster's article. What is important, rather, is that his analysis offers insight into the various intercalated notions that are caught up in the question of moral considerability; and this, in turn, allows us to unpack the suppositions that are steering so much of the debate on moral status.

THE METAPHYSICAL ORDER OF THINGS: PART OF THE PROBLEM

As I mention in the introduction, I think we should approach moral considerability deontologically, and specifically from a neo-Kantian perspective, even though Kant has typically been thought to be hostile to expansive views of moral status. In recent work, Christine Korsgaard challenges this presumption about Kant (Korsgaard 2004). She notes that the Kantian project is the project of getting us humans—rational agents and reflective endorsers—to respect our own reasons for acting. It is distinctly not the project of isolating or elevating rational beings from non-rational nature (Korsgaard 1996). Allen Wood has argued a similar point about Kant's moral philosophy. "Kant's view that human beings are the ultimate end of nature is, however, emphatically *not* a view of nature which sees it merely as a tool or raw material for human beings to do with as they please. It is instead another way of looking at the dignity of rational nature, regarded as something we have a duty to live up to. […] Far from putting nonrational nature at our arbitrary disposal, this orientation toward nature imposes on us the responsibility both of making sense of nature as a purposive system and then of acting as preservers and guarantors of that system" (Wood 1998; Hayward 1994). On this picture, valuing is *doing* something, it is not *describing* something.

If instead we conceive of moral considerability not as a question about the *rights* of the animal or entity, but rather as a question about how one should go about *considering* the rest of the world, then we can avoid some of the apparent conflicts between the many ethical positions. Think of it this way. When asking questions of moral status, we can ask ourselves three questions:

1. What or which entities must we *consider*?
2. If we must consider them, then what must we consider *about* them?
3. Given the relevant considerations, how *much* must we consider each consideration or, differently put, how much *weight* must we give to these considerations?

The first question relates to the question of moral consideration: what or which entities must we consider? The following two questions relate to the question of moral relevance and moral significance, respectively. The

question of moral status as traditionally conceived attempts to answer all three questions at once, telling us which entities we must consider by virtue of which attributes and according to the degrees to which those attributes are relevant.

For instance, if moral considerability is construed deontologically, then all agents have an obligation to consider their reasons for acting. This is an answer to the first question, the question of moral considerability, and it could cut either way. It could be the case, in other words, that animals like dogs offer clear and discernable reasons to agents, and so perhaps may thereby be morally considerable by these agents. On the other hand, one might instead argue that animals like dogs do not offer up reasons to moral agents, as this is not what we mean by 'reason,' and so dogs and other non-rational animals are not morally considerable. A more traditional reader of Kant might hold this position. We simply need not be concerned about these factors to determine whether any given entity is morally considerable, as the moral considerability question rests on the source of an obligation of agents to consider other factors, reasons, entities, or some such. As I mention above, my tendency is think that all entities in our environment, including abstract entities like species and ecosystems, do offer up morally considerable reasons, but it is important to see that an answer to the moral considerability question could cut either way. Maybe agents do have an obligation to consider all entities, however construed; maybe they do not. If we have an answer to this question, then we can move on to our question about relevance.

If one is satisfied with an answer to the first question, then one might further specify which factors should count as relevant: maybe we must be concerned over welfare, interests, rights, and so on. When one suggests this, one is answering the second question, about moral relevance. In this case, the claim relates to certain aspects or features of entities that are relevant to the consideration of them. There are a number of ways in which this question can be answered, but we must leave the answer to this question up to the cognitive scientists, ethologists, and normative ethicists.

And then one might ask the third question, which is more a question about moral significance than a question about consideration. That is, how much weight must we place on those peculiarities of the entity that we have deemed relevant enough to consider? Since, in the case of dogs, it seems plausible that we must look out for a dog's interests—conceived broadly to be feelings, emotions, nutritional needs, and so on—a natu-

ral line of reasoning is to suggest that since humans are effectively the stewards of these animals, we should give great attention to their nutritional needs, and perhaps some attention to their emotional needs, while we do not need to give the same attention to wild coyotes. Answers to these questions of relevance and significance start to look quite a bit more like the discussion that has otherwise dominated the discussion of moral considerability.

So here, then, we can break down the question of moral status into three related questions, all of which are reflexively related to the agent. By adopting this convention, we circumvent many of the problems that have plagued earlier theories of moral considerability. We no longer need to rely on the attributes of the entity to determine whether it is morally considerable, because moral consideration is an obligation of the agent. Above all, we are obligated to consider as much as is practically feasible. What properties or attributes must we consider? All of them. That a creature is living is just as much a consideration as that a creature is sentient. That a creature is hairy; that a creature is one of many or one of few; that a creature leans to the right when it walks—these are all considerations, though of varying degrees of relevance. In order to determine the relevance of particular considerations, we move from gathering properties and attributes to evaluating them. Leaning to the right is less relevant than that a creature is sentient. Finally, we can then begin the process of evaluating actions based on the relevance and significance of particular considerations. Approaching the question this way means that we can factor in many of the concerns of earlier environmental theorists that are commonly thought to conflict.

The pivotal assumption here is that the trappings of agency come with a heavy price-tag: that being moral agents, being morally responsible, means adhering to certain rules of behavior—moral rules. These rules, I have argued elsewhere, are derivable first from our communicative interactions with other rational agents, and then from our own reflections on the principles that underwrite these interactions (Hale 2004, 2006, 2008). Discourse theory asserts such a thesis and has demonstrated how we can clarify and make sense of our obligations by engaging in extensive, honest, and repeated discourse with others, much in the spirit of Dewey. While the substance of moral rules may be derivable from the flesh and blood interactions between rational agents, the moral bindingness of the formal obligation to consider other agents comes from the relation

between the two communicative interactants, and not from the actual discussions themselves. These sorts of interactions carry over into relations with non-human others, such that asymmetrical formal obligations to consider these others fall squarely on the shoulders of the rational and autonomous participants to the interaction. The burden is on us—human animals with voices and minds, in other words—to approximate the morally binding rules and principles that are already in play in human-nonhuman relations.

THE COMPARATIVE ADVANTAGES OF THE DEONTOLOGICAL APPROACH

The more nuanced deontological view I discuss above offers benefits over traditional conceptions of moral status. In part, this is due to the nature of what I believe is accurately understood as the "moral considerability question," but it is also due to the ease with which it attends to concerns that otherwise burden views resulting from assumptions specific to the moral considerability question. Consider that moral theory can be sliced into a number of questions about application, relevance, significance, appraisability, culpability, considerability, and so on. Onora O'Neill, for instance, subdivides meta-ethical questions into at least four categories, suggesting that there are questions of ethical *focus,* of ethical *scope*, of ethical *structure*, and of ethical *content* (O'Neill 1996). While these subdivisions are more or less arbitrary, they provide at least a good starting point for understanding confusions associated with moral considerability, and perhaps a second access point for the position I advance above. Questions of *focus* refer to approaches to ethical questions: whether such questions are to be approached by focusing on the ends, on the aims, on the form, on the content, and so on. Questions of *scope* refer to questions about inclusion or exclusion. Questions of *structure* refer to the ways in which ethical theories attempt to arrive at practical principles, while questions of *content* quite clearly pertain to the substantive principles that emerge from having answered questions of focus, scope and structure. 'Moral considerability' plainly relates to the second of these subdivisions: scope.

Given that this is how considerability fits into moral theory, there is then also the important question of what the term is meant to carve out, which I find helpful to distinguish as the "moral considerability ques-

tion." The moral considerability question therefore asks what the scope of moral theory is. Answers to this question have varied as well. Barring the relatively common answers to the moral considerability question, which range from straight Aristotelian chauvinism to biocentric deep ecology, some creative approaches to expanding the scope of moral considerability have emerged over the past thirty years. Here are at least five approaches: (1) One might take the straightforwardly negative approach and simply debunk old value systems, leaving readers to infer that the moral circle must expand since earlier views are too narrow. (2) One might seek specific biological or ecological value that would qualify given entities for moral consideration.[7] (3) One might deny that any *specific* characteristic or attribute could qualify a being as morally considerable, and instead seek considerability criteria in more complex conceptualizations of these properties, like "having a welfare" or "capacity to reason." (4) One might, like S.F. Sapontzis and Christopher Stone, seek to circumvent the problematic assumptions of intrinsic value theories altogether and instead focus on the *intrinsic capacity for relations* between entities, such as the capacity of those entities to represent their own interests (Sapontzis 1992; Stone 1996). (5) One might also, failing this latter option, seek to avoid any discussion of intrinsic capacity at all and instead focused strictly on *the relations* between entities, finding value, say, in endangeredness or uniqueness.

If there is one thing that can be said about almost all of these approaches to the moral considerability question it is that they continue to rely on attributes of the other being to establish the status of that being or patient. Even the last, non-capacity-orientated "relations" approach, isolates value in relations that are, while not intrinsic, still attributes. "Attribute-based" theories of moral considerability have dominated the scene for decades now. As Thomas Birch nicely explains in his 1993 article, "when it comes to moral considerability, there *are* and *ought* to be, insiders and outsiders, citizens and non-citizens (for example, slaves, barbarians, and women), "members of the club" of *consideranda* versus the rest" (Birch 1993). Following suit, Matthew Calarco recommends assuming a stance of "universal consideration," much like the position I mention above (Calarco 2009).

One of the implications of assuming an attribute as a qualifying attribute is that those beings that do not exhibit this important attribute

can be left out of the moral figuration. So, examine how this works. If the capacity to reason acts as the qualifying attribute for establishing moral considerability, then one need not ask further questions about beings that cannot reason. If "having a welfare" acts as the qualifying attribute, then one need not ask further questions about beings without a welfare, like those beings that may have "interests." If "having interests" acts as the qualifying attribute, then one need not ask further questions about, say, ecosystemic dependent relations. Yet if one expands it further—if, say, having ecosystemic dependent relations acts as the qualifying attribute— then one can either forget all entities that exist in isolation *or* one is forced into a position in which special dispensation must be given to entities maintaining attributes that might seem more important than ecosystemic dependent relations, like capacity to reason, for instance.

The problem is that any time one attribute rises to the surface as considerable, other attributes sink to the bottom as inconsiderable, leaving philosophers in a state of practical contradiction: both denying consideration to inconsiderable attributes but considering them in the process of denying them consideration. In practical terms, this generates the paradoxical effect of suggesting that anything falling outside the designated circle is completely and entirely worthless, utterly inconsiderable…and yet, all agents must repeatedly question this conclusion, since entities that are said to be inconsiderable are plainly considerable in some respect.

All told, there are a great many approaches to the question of moral considerability, each of which has its merits and its drawbacks. To my knowledge, however, no theorist has yet to treat the question of moral considerability as a narrowly deontological question. If they have given it a deontological spin, they have generally done so by seeking the "capacity to reason" in non-human creatures. This approach is subject to many of the same criticisms that I have mentioned above.

IMPLICATIONS OF THE RECONCEPTUALIZATION: CONSIDERING THE WORLD

As I have explained, I think there are practical and conceptual upsides to returning to the question of moral considerability for a second look. I hope to have done as much above, to have suggested that moral theory may well have gotten off on the wrong foot by presupposing that the question of moral considerability is equivalent with the broader question

of moral status. I have proposed above that we can make far finer conceptual distinctions about moral status, and that doing so offers a plausible philosophical question congruent with current work in moral theory. Nevertheless, there may be lingering concern over the philosophical utility of these distinctions. I would like to address such concerns below.

To start, one might be inclined to ask what this thesis contributes to the discussion if it leads only back to a position in which we must once again identify relevant considerations and clarify their significance. Is it not the case that someone who takes morality seriously would already have taken into account every consideration? The answer to this question is both political and sociological. Many people do not, in fact, presume that their core obligation is to consider the needs and interests of other entities. Moral consideration of disenfranchised parties (whether women, blacks, chattel slaves, animals, trees, or mountains) has never been taken for granted. What has been taken for granted is that there is a straightforward question about their moral significance: whether they are deserving of our moral attention. But this approach overlooks many of the complicated ethical conundrums that are wrapped up in this question. It is important for ethicists to clearly lay out the scope of moral theory before addressing this question of moral significance. Even still, there are other more serious objections to the thesis. I address these briefly below.

On the objection that it is a truism. Some may object that the thesis is necessarily true, that if we are to make any sense of reasons at all, then we must make sense of all facts about the universe as considerable. But this, I think, overlooks the strength of the assertion. It is not at all obvious that every fact is considerable; or that every fact could be a reason. For one thing, there is a significant body of literature surrounding the nature of reasons and what qualifies some fact as a reason. For another, that we face a fact about the world—say, that Pedro Almodovar has six million hair follicles on his head—does not at all clearly imply that that fact should qualify as a consideration. Many would argue that the number of hairs on Almodovar's head is not a consideration at all. It is neither explanatory nor justificatory, and so bears no relation to any subjective motivational set, no set of interests, and arguably, no important relation even to Pedro Almodovar's public image. It appears just to be an irrelevant fact about the world. But the point here is not that it is not a *relevant* considera-

tion—although that's probably true too—but rather that it is not clear that it is *necessarily* a consideration at all. One could easily argue that all facts only qualify as considerations insofar as they relate to a set of problems. On the other hand, it would be wrong to understand considerations *as* facts, since there could plainly be facts about the universe to which we have no cognitive access; or which we might be wrong about. Suppose Almodovar has not hair follicles on his head, but dental flossicles. We would have no way of knowing this without a significant inquiry, and we have good reason to avoid such an inquiry. It would be equivalently wrong to understand considerations *as* reasons, since there can plainly be considerations that are not reasons. Instead, considerations must be understood as *potential* reasons.

On the objection that it is too demanding. Some may object that the thesis is too demanding because it requires of us that we must consider everything. But one might make such a demandingness claim about many theories. Just because a theory is demanding does not mean that one should reject it. Further, it is less demanding than it might first appear. Some questions about significance and relevance can be answered rather handily. We cannot float across the floor, for instance, and so it does not make sense for us to consider for very long the numbers of dust mites that we might be crushing as we shuffle across the ground. Consideration of their interests, in this respect, can be brushed aside as irrelevant. Further, some questions regarding considerations can be ruled out as "double counting." Questions pertaining to the moral significance of tools, for instance, may be answered handily, insofar as their creators have already considered their component parts. (Damage caused from the mining of iron, for instance, may be a consideration when iron is originally in the mountain, but not also once it is reappropriated for use as a jackhammer. I have argued elsewhere, on these grounds, that technological artifacts are not morally considerable [Hale 2008].) These questions can mostly be answered in general terms, so that we can get to the more important business of answering claims about how we may be negating the interests of other entities in much more serious cases, which range from animal experimentation to mineral extraction. Whatever the case, to reframe the question of moral considerability deontologically only demands that we are obligated to consider the full spectrum of features of our actions before we act.

Moreover, this position is not necessarily demanding at all. It permits,

for instance, full-blown ethical egoism, allowing that no entities have moral status. Supposing that one can categorically rule out sets or clusters of considerations as irrelevant—perhaps pain or welfare or beauty are irrelevant—should alleviate concerns related to demandingness.

On the objection that it is unrealistic. Some may be inclined to respond that if the thesis is accepted then we are bound to consider the world in a way incompatible with what we can know. But suggesting that we are obligated to isolate, identify and consider the implications of our actions no more requires that we have a firm grasp on each of our actions than does suggesting that we consider all humans or animals or plants. We cannot know every aspect of a person's life any more than we can know what we need to know to consider the all of the entities that are affected by our actions. We are cognitively limited in both respects; and in both respects, the boundaries of what we should probably know to make fully formed decisions and what we in fact know are widely separate. Our consideration is also limited by the boundaries and limits of our own reason, limited to what we can understand and gather at one time. The late economist Herbert Simon coined the term "bounded rationality" to refer to the limits of human comprehension when making decisions. I think the term is applicable here.

On the objection that it results in quietism. Some may object that this approach does not prove at all practicable because, in requiring the consideration of everything but securing the status of nothing, it thrusts rational actors into palsied indecision where they cannot act at all. But there's nothing quietistic about this. Quite the opposite. Because it only specifies that actors must take into consideration the implications of their actions, particularly as they impact entities in the natural environment, it does not prohibit the finding that some entities may be determined to have minimal significance; or that some entities, say from the artificial environment, may even be inconsiderable. All that it really does, in effect, is switch the default assumption. It insists on the priority of entities over resources. This thesis therefore does not suggest that after the requisite moral consideration that we cannot determine that some entities can be used as resources. We may well decide that some entities are better used for human or environmental benefit than left to rot or decay. We may decide that some entities simply *must* be our resources, lest we face grave

threats to important aspects of our lives. The point is that we cannot ignore the entities that make up our world anymore than we can ignore other persons when they tell us not to ignore them.

On the objection that it rests on a false concretism. Some may object that if consideration requires considering almost everything, but allows that there may be some things which are morally insignificant, then we have effectively shown the meaninglessness of the distinction between moral considerability and moral significance. In arguing that something is morally insignificant, we are effectively arguing also that it is morally inconsiderable, or at least that once we have considered it, it becomes inconsiderable. Conversely, if we are arguing only that everything must be considered, but that we can eventually come to exclude some things from moral significance, then we are arguing both that everything is considerable but that some things are inconsiderable. There appears to be a contradiction. But this is not so clearly the case either. Considering some *thing* means considering it according to its particularized predicament. Its moral significance may well be relative to the predicament in which it is situated, as with the case of endangered species.

More importantly, arguing that everything must be considered, but not that all things are morally considerable, shifts the starting point of moral deliberation. When we face a reason that proposes how we *ought* to act with regard to other creatures, we are obligated to take these reasons seriously. This is a real and important issue. In the eyes of many, plants generally do not have *any* moral standing. For instance, the only reason that we might not want to harm a plant is because it is valuable to someone who can value it.

On the objection that it begs the question. Some may object that if consideration only requires that we consider the interests or needs of everything but does not specify how we should consider them, then it demonstrates nothing more than that facts should count as facts and reasons should count as reasons. If someone does not already believe that reasons count as reasons, then they are probably not going to be convinced by reasoning. If someone already does find all reasons compelling, then they should not need to learn again how it is that reasons can provide normative obligations. But the argument for the moral considerability of the

environment does much more than simply argue that facts should count as facts and reasons should count as reasons. It provides the first step towards a theory of normative content and specifies the grounds on which we come to normative commitments in the first place. In effect, it lays the groundwork for pain to count as a reason, as well as for being the subject-of-a-life to count as a reason. It also explains, however, why acting for no reason is nowhere near as morally compelling as acting for a good reason; and it proposes that when we make our decisions about how we are going to act with regard to entities in the natural world, then we ought to have a morally compelling reason. Of course, because it does not specify what counts as a morally compelling reason, but leaves this up to the determinations of a communicative network of informed evaluators, decisions that seem morally justified at one point in time may seem morally unjustified at another point in time, given another historical context.

The implication of this thesis, then, is that we cannot look the other way when we encounter a claim about how we should treat the environment or how we should treat entities that inhabit the environment. When we say that something is morally considerable, we mean by this that we must consider the knowable facts about its predicament—its interests, needs, or requirements, should it have interests, needs, or requirements. In deciding the principles by which to live, we cannot blindly assume that the environment is *just* a resource of ours, because *assuming* that it is just a resource means that we have not considered it. *Doing so nullifies or negates our consideration of it.* This does not mean that we cannot *decide* that entities can be used, in certain instances, as resources; it just means that we cannot *assume* them to be resources. Unless it can be shown that the environment is just a resource of ours, we cannot turn the other way when we determine what to do. This is because entities that inhabit our environment, whether they be humans, snails or arborvitae, make demands upon us by virtue of their existence, much like other persons make demands upon us. But there is, of course, a major difference.

Persons are morally considerable in part because they implore us to attend to them, to pay attention to their interests, needs, and desires. They tell us, "Hey, don't step on my toe," or "Hey, you owe me five dollars," and we listen to them because we cannot ignore their claims about our conduct and our actions. They make appeals to institutions, to agreements, to reason, and to logic; appeals that we can understand in our role as

communicatively adept and socially functioning agents. Plants and rocks, unfortunately, cannot make these claims to us, so we must resort to a lower level of comprehensive assessment in order to make sense of what to do with them. In other papers, I have argued that there is an analogous relationship between rational agents and non-human others, such that sometimes understanding what is in the interest of non-communicative entities means examining them using the principles of empirical research and reasoned approximation (Hale 2004, 2006, 2008). Such a suggestion does not propose that the world communicates its needs to us, but rather that, as reasonable agents, we can make approximations—sometimes false, sometimes closer to the truth—about what the appropriate course of action is.

If we conceive of the question of moral considerability in the narrow terms that I am suggesting, the world is not morally ignorable. It is instead morally considerable, for many of the same reasons that humans are morally considerable. From our perspective as rational agents, the problem with non-human others is that we just do not know what sorts of interests, needs, or requirements these others might have without expending significant energy in an attempt to understand them. In short, we have to guess. We can therefore make great traction in ethics by separating the question of moral status into the component parts of moral considerability, moral relevance, and moral significance. When we do this, we emphasize our own educated approximation and consideration of the entity, and not the entity's internal thoughts or psychological sentiments.

CONCLUDING REMARKS: ALL ANIMALS ARE NOT EQUAL

The claim that everything in the world is morally considerable ought not to be conflated with the claim that every existing entity has equivalent moral status. Rather, it should suggest that entities in the world deserve at least honest and deliberate consideration, and consideration of the significance of their existence, before they can be harmed, damaged, violated, trespassed upon, and so on; and these entities deserve this by virtue of what we are, not by virtue of what they are. Sometimes this consideration may involve investigating the integrity of certain entities, as is the case when we argue how much energy and how many resources we need to expend to protect a stream. Other times this may involve investigating the deep cognitive dispositions of an individual's psyche, as is the case when

we argue what sorts of resources we need to expend in order to keep an Alzheimer's patient healthy. In either case, we are beset with three tasks: that of asking ourselves whether we need to be bothered by the other's ailments, troubles, and burdens; determining which ailments, troubles, and burdens to be bothered with; and then actually bothering ourselves with their ailments, troubles and burdens. The first asks the question of moral considerability (Must I consider it?), the second asks the question of moral relevance (What must I consider about it?) and the third asks the question of moral significance (*How* much must I consider it?) Granting the claim that almost all entities are morally considerable—a claim that I contest, but that I think it may behoove us to assume—means that we can move promptly on to the second and third questions. If it makes sense to speak of the interests, needs, and requirements for particular entities, then it makes sense to consider them, and such consideration is incumbent upon us as rational agents.

Of course, *how* we consider these entities, or *how* we determine their moral significance, is a question left up to us, after the fact, after we have begun moral deliberations. To answer *these* questions, we will have to depend upon our best information, knowledge, and intuitions, which is why we must ask the question of moral relevance. However, the action of *considering* an entity can yield clues as to how we might go about answering the relevance and significance questions. What are some relevant considerations? If some organism is capable of feeling pain, for instance, then we cannot argue that some a pain-inducing action that we might endorse is morally inconsiderable. Pain is relevantly considerable to those beings that are capable of feeling pain. Why? Because we as rational agents must consider all beings of the world; and pain-feelers are morally considerable. If we seek to avoid such considerations, we would need to do so by arguing that these particular beings do not feel pain. This might excuse us from having to consider pain-causing actions with regard to such entities, but it would not excuse us of our responsibilities to attend to other considerations. Thus pain-causing actions are problematic and considerable with regard to all pain-aware, or sentient, beings.

Unlike some moral theories that propose that pain may be the only consideration, conceiving of moral considerability as a deontological question would suggest that pain could be but one moral consideration, the relevance and significance of which is yet to be determined. On the picture

that I am proposing, questions about pain, life, rationality, integrity and so on are moral *considerations*, or reasons, that adhere to beings and entities that are morally considerable and that are considered by we the considerers. That a subject is alive is yet another consideration. Clearly there are some entities that are alive but that do not feel pain, like plants and fungi. We do not need to consider the pain of plants, because pain is not an issue when it comes to plants. On the other hand, we *do* need to attend to the life of the plant. In the case of plants, life is a moral consideration that may influence the way in which we treat it, whereas in the case of animals, life *and* pain are moral considerations that may influence the way in which we treat them. Again, we cannot know *how* we should treat these entities until we know *that* we must treat them.

The thesis that I support therefore has both a strong and a weak side. The strong thesis that I defend is strong by virtue of what it demands of us. It demands that we consider the implications of our actions on other entities should we adopt a norm. The weak thesis that I defend is weak by virtue of what it does not guarantee. It does not, for instance, guarantee that everything that we consider will have moral significance. It does not guarantee, once we have considered something, that we must treat it in a way equivalent to the way we might be required to treat a rational agent. Neither does it establish that all things that are considerable have the same amount of significance. It does not demonstrate that all animals are equal, as Peter Singer likes to provoke. (Singer means that all animals are equally sentient, not that they are equally morally worthy.) These are questions of significance, and while they have bearing on the question of moral considerability, the question of moral considerability is limited only to asking *which* entities should be considered. The strong thesis for moral considerability is therefore *that* we have obligations to consider the world around us. This means that when devising our norms of actions, as rational agents we must consider the implications of the norms on the creatures and objects that will be affected. This differs from but is related to the weak thesis, which proposes that we must only *consider* norms as they relate to these entities, but not *necessarily* alter the norm in any way.

Accepting this revised, slimmed-down, notion of moral considerability will thus result in real alterations to the fabric of deontological justification. If animals, plants and inanimate objects are morally considerable by virtue of our rational interpretations of their irrational reactions to us,

then the sorts of questions that we ask ethically must be radically revised. No longer could we sit idly comparing the relationships between Jones and Smith, but instead we must consider relationships between Jones and Smith and Spot. No longer could we wonder whether Margaret must fulfill her promise Cynthia, but we must wonder whether Margaret must fulfill her promise to Forsythia as well.

This reconceptualization of moral considerability *shifts the burden of proof* away from those theorists who have previously been arguing that we must respect animals, plants, and other such entities, onto those theorists who have otherwise been ignoring the question and have been acting without environmentally relevant moral considerations. It would *shift the starting point* of moral theory from a world in which moral status is granted to other beings by virtue of some achievement or capacity of theirs, to a world in which actions must be taken for a morally good reason. In this sense, it is deeply conservative. It does not allow us to act until we have made extensive preventive considerations. If the thesis is correct, it suggests that not attending to the concerns of the others is a deep moral error. It suggests that the logic that enables such inattention rests on a misinterpretation of the principles upon which normative claims are based, and also in a miscalculation with regard to the presuppositions of our own reason.

The question of moral considerability—"Must we be morally concerned about other entities?"—must be asked and answered before the questions of moral relevance and moral significance—"What about other entities is morally relevant?" "How relevant are those features or attributes of others?" If these questions are not answered in this order—if the question of significance is given priority, for instance—it necessitates a specific response to the question of moral consideration. If entities are given value first, then there is no question as to the considerations that can be made. The deck is stacked against them. If, on the other hand, they are considered first, meaning that their interests, needs and desires are considered by we rational agents, *and then* the questions of relevance and significance are asked, we will both have a fuller conception of the true significance of these beings and we will be able to say that we have not unnecessarily cut them out of the picture.

NOTES

1 Peter Singer and Tom Regan may be the most well-known advocates for the non-anthropocentric approach, though many in environmental ethics depend on this position. Murray Bookchin, Barry Commoner and many in the environmental economics field depend upon the anthropocentric position to support their arguments(Singer 1989; Regan 2004; Bookchin 1982; Commoner 1971).

2 For helpful commentary on this concept, see: Nagel 1970, 1986, Korsgaard 1996, and Ridge 2005.

3 For instance, one may argue, as I have argued elsewhere, that all entities, excluding technological artifacts, are morally considerable (Hale 2006, 2008). My reasoning there was that consideration of technological artifacts amounts to "double counting" since considerations regarding the artifact are presumably taken into account as the artifact is created (excluding here emergent properties of the artifact). One could also plausibly argue, as some like Gary Varner and John O'Neill have argued, that consideration of abstract conceptual entities like thunderstorms and constellations is too vague to permit their inclusion as morally considerable entities. Utilizing the conceptual distinction I argue for here—a distinction between moral considerability, moral relevance, and moral significance—there is still substantial space for variation in views. Such views will turn on what counts or what does not count as a consideration or a reason (Varner 1998; O'Neill 1993).

4 Goodpaster's article, as a matter of fact, is almost always included in compendia of foundational environmental ethics articles and introductory textbooks.

5 In a brief passage, Bernstein clarifies by distinguishing between "capacity" and "capability." He suggests that there is a parallel between the terms "soluble" and "solvent." "Solubles have the capacity to dissolve in solvents and solvents have the capability to dissolve solubles; there cannot be a capacity to be acted upon without a capability to act upon and conversely" (10–11). I find this distinction both unnecessary and confusing, as well as Bernstein's general use of the term "capacity" to refer to moral considerability. If 'moral considerability' refers to anything, it strikes me that it cannot refer to a capacity. Bernstein uses the term 'capacity' to refer to a list of possible characteristics or attributes of a certain thing, as solubles have capacities that enable them to be dissolved in solvents. But to call "dissolvability in solvents" a capacity is to muddle the meaning of the term, as the capacity to be dissolved can be much more clearly articulated as the "attribute" of being dissolvable. Bernstein argues this way to support his position on moral considerability, and much of his argument hangs on this definition of the term. If we think of moral considerability like chemical dissolvability, however, we can see the parallels, but we can also see why his position over-substantializes the thing in question to suggest that considerability or dissolvability is a capacity of the thing. More on this in the section titled "Revisiting Goodpaster."

6   For an extensive morphological analysis of +ability words, see: (Akmajian et al. 2001, 46–50).

7   Perhaps the most familiar and positive approaches to questions of moral considerability associate moral considerability with a specific, somehow "special," attribute of the other. This can be identified across a veritable gallimaufry of environmental and animal welfare theorists. Mary Anne Warren, in her *Moral Status* (2000), outlines these positions in great detail, while potentially providing an alternative positive approach—the "multi-criterial approach"—to the question. She spends the first few chapters of her book, however, discussing some historically influential perspectives on moral status, none of which I will cover in detail here. Her classifications can help clarify what are generally considered to be the "classic" approaches to moral status. She distinguishes "intrinsic property theorists," who seek to identify specific intrinsic properties in other entities and thereby to delineate one group from another group, and "relational theorists," who seek to specify a particular relation between entities as being morally relevant. Intrinsic theorists tend to focus on one of three characteristics: life, sentience or personhood. Albert Schweitzer and Paul Taylor, for instance, emphasize life as a critical determining attribute for moral relevance. Peter Singer and Jeremy Bentham, on the other hand, emphasize sentience as the baseline trait. Immanuel Kant and Tom Regan, finally, focus on personhood or being the "subject-of-a-life" to establish which entities are in and which are out. These familiar theories suffer from a familiar problem: that they are sometimes overzealous in their exclusion of entities that many consider to be intrinsically valuable. Approaches such as these resonate strongly with our general intuitions about ethics, but they come with a plethora of complications (Schweitzer 1936; Taylor 1986; Kant 1996; Singer 1989; Regan 2004; Bentham 1970, 1992, 1996).

Warren's own modified approach can be fruitful for understanding considerability in a way that avoids many of these problems, though her use of the term 'moral status' differs slightly from that which I am calling 'considerability' in this paper. She explains moral status as "a means of specifying those entities towards which we believe ourselves to have moral obligations, as well as something of what we take those obligations to be." In this way, she conceptualizes moral status both as a formal and as a substantive concept, one which outlines the ways in which we are to consider others and one that concomitantly specifies which obligations we have to which entities. Throughout her book, she speaks of "full moral status" in contrast to "some moral status" and "no moral status." While such language offers a compelling resolution to the problem of border cases, it demonstrates the complex and ambiguous terminology that one must adopt if one does not take care to distinguish moral considerability from moral significance. Thus, her definition simply relies on a conception of moral considerability, since she must

first make a determination about what entities are to be considered in order to determine which obligations pertain to them.

Where Warren is concerned to understand moral status as it inheres in other beings, I think we should be concerned to answer the question of considerability, as it pertains to human agents. That is, the considerability question should be understood as an agent-relative, deontological re-articulation of the status question. Those who are interested in the moral status of other entities seek attributes or capacities that those entities have, while those who are interested in moral considerability ask not what others can do to impress us, but instead what they must consider about others. As I conceive of it, moral considerability is thus not a characteristic that another *has*; rather, it is a question about the scope of moral inquiry. See: (Warren 2000).

REFERENCES

Akmajian, Adrian, Richard A. Demers, Ann K Farmer, and Robert M. Harnish. 2001. *Linguistics: An Introduction to Language and Communication*. Boston, MA: MIT Press.

Bentham, Jeremy, ed. 1970, 1992, 1996. *Introduction to the Principles of Morals and Legislation*. Edited by J. H. Burns and H. L. A. Hart. New York, NY: Oxford University Press.

Bernstein, Mark H. 1998. *On Moral Considerability*. New York: Oxford University Press, 1998.

Birch, Thomas H. 1993 "Moral Considerability and Universal Consideration." *Environmental Ethics* 15: 313–32).

Bookchin, Murray. 1982. *The Ecology of Freedom: The Emergence and Dissolution of Hierarchy*: Writers Publishing Cooperative.

Calarco, Matthew. 2009. "Toward an Agnostic Animal Ethics." In *The Death of the Animal*, edited by Paola Cavalieri, 73–84. New York: Columbia University Press.

Commoner, Barry. 1971. *The Closing Circle: Nature, Man, and Technology*. New York: Knopf.

Engel Jr., Mylan. 2001."The Mere Considerability of Animals." *Acta Analytica* 16: 89–107.

Goodpaster, Kenneth. 1978. "On Being Morally Considerable." *Journal of Philosophy* 75: 308–25.

Hayward, Tim.1994. "Kant and the Moral Considerability of Non-Rational Beings." In *Philosophy and the Natural Environment*, edited by Robin Attfield and Andrew Belsey.129–42. Cambridge, UK: Cambridge University Press.

Hale, Benjamin. 2004. "The Roots of Moral Considerability: Ecological Responsibility in Deontological Ethics." Doctoral Dissertation, Stony Brook University, 2004. UMI#: AAT 3161048.

———. 2006."The Moral Considerability of Invasive, Transgenic Animals." *Journal of Agricultural and Environmental Ethics* 19: 337–66.

———. 2008. "Technology, the Environment, and the Moral Considerability of Artifacts." In *New Waves in Philosophy of Technology*, edited by Evan Selinger, Jan Kyre Berg Olson and Søren Riis, 216–40. London, UK: Ashgate.

Hale, Benjamin, and William Grundy. 2009. "Remediation and Respect: Do Remediation Technologies Alter Our Responsibilities?" *Environmental Values* 18: 397–415.

Kant, Immanuel. 1996. Critique of Practical Reason (1788). In *Practical Philosophy: The Cambridge Edition of the Works of Immanuel Kant*, edited by M.J. Gregor, 133–272. Cambridge, UK: Cambridge University Press.

Korsgaard, Christine. 1996. *The Sources of Normativity*. Cambridge, UK: Cambridge University Press.

———. 1996. "The Reasons We Can Share: An Attack on the Distinction between Agent-Relative and Agent-Neutral Values." In *Creating the Kingdom of Ends*, 275–310. New York: Cambridge University Press.

———. 2004. *Fellow Creatures: Kantian Ethics and Our Duties to Animals*. Edited by Grethe B. Peterson. Vol. 25/26, Tanner Lectures on Human Values. Salt Lake City: University of Utah Press.

Nagel, Thomas. 1970. *The Possibility of Altruism*. Oxford: Clarendon Press.

———. 1986. *The View from Nowhere*. New York: Oxford University Press.

O'Neill, John. 1993. *Ecology, policy, and politics*. New York: Routledge.

O'Neill, Onora. 1996. *Towards Justice and Virtue*. Cambridge: Cambridge University Press.

Regan, Tom. 2004. *The case for animal rights*. Berkeley: University of California Press.

Ridge, Michael. 2005. "Agent-Neutral Vs. Agent-Relative Reasons." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Accessed: August 29, 2011. http://plato.stanford.edu/entries/reasons-agent/.

Sapontzis, Steve F. 1992. *Morals, Reason, and Animals*. Philadelphia: Temple University Press.

Schweitzer, Albert. 1936. The ethics of reverence for life. *Christiandom* 1: 225–39.

Singer, Peter. 1989. All animals are equal. In *Animal Rights and Human Obligations*, edited by Tom Regan and Peter Singer, 148–62. New Jersey: Prentice Hall.

Stone, Christopher. 1996. *Should Trees Have Standing? And Other Essays on Law, Morals and the Environment*. Oxford, UK: Oxford University Press.

Taylor, Paul W. 1986. *Respect for nature*. Princeton: Princeton University Press.

Varner, Gary. 1998. *In nature's interests? Interests, animal rights, and environmental ethics*. Oxford, UK: Oxford University Press.

Warnock, G.J. 1971. *The Object of Morality*. New York: Routledge.

Warren, Mary Anne. 2000. *Moral Status: Obligations to Persons and Other Living Things*. Oxford: Oxford University Press.

Wood, Allen W. 1998. "Kant on Duties Regarding Nonrational Nature." *Proceedings of the Aristotelian Society* LXXII: 189–228.