

Foundations of Environmental Ethics (1989, Englewood Cliffs, New Jersey: Prentice Hall.)

By E C Hargrove.

Reviewed by Lee Godden*

Introduction

Attitudes toward the environment have come under scrutiny in recent years with the controversy surrounding competing claims to the use of the environment. Such discussion has also brought into prominence questions of environmental rights and the ethical basis for ascribing value to the environment. The extent to which claims are to be legitimised by the legal system, and indeed the role of the legal system in maintaining particular entitlements to the use of the environment, also needs to be explored.

Within Australia, the recognition of native title to land in *Mabo v Queensland*¹ and the subsequent concern of pastoralist and mining interests that their claims to land be validated by legislation² represents one very prominent facet of this controversy; a controversy that focuses attention on the ideas held by Western civilisation in relation to land use and environment.

The ramifications of the decision in *Mabo* are still being debated and the debate raises fundamental legal issues. However, it is suggested that the decision should not be regarded so much as a watershed in attitudes toward the environment but rather a catalyst for a re-examination of traditional perceptions of the use of the land and hence the environment. One needs only to refer to the decision in *Commonwealth v Tasmania*³ (the Tasmanian Dams case) or the litigation surrounding Fraser Island⁴ to recognise an ongoing conflict within Australia over the use or misuse of the environment. Given that such issues have long been contentious,⁵ the

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1 (1992) 66 ALJR 408.

2 Horton, M, 'Big Bank blames delay on Mabo', *The Courier Mail*, July 20 1993, 1.

3 (1983) 158 CLR 1.

4 An example is *Murphyores Inc Pty Ltd v Commonwealth* (1976) 136 CLR 1.

5 Fisher, DE, *Natural Resources Law in Australia*, Sydney, Law Book Co, 1987, 6.

attitudes within Australian society toward the land use and the environment need to be examined in the context of an evolution of views that are part of a long philosophical tradition in Western culture.

It is this exploration of the philosophical tradition of western civilisation that is the focus of Hargrove's work entitled *Foundations of Environmental Ethics*. Hargrove examines major trends in Western thought in their application to the environment in his search for a philosophical justification for an environment ethic. Evidence to support his views is largely drawn from the American context.

He contends that much of the mainstream traditional Western thinking has restricted the development of concern for the environment.⁶ Indeed some strands of this thought have even regarded as problematic the existence of a world external to human thought.⁷ However Hargrove argues that while the major direction of Western thinking has mitigated against full recognition of environmental issues there have been some currents of thought that have provided a foundation for an ethic of environmental concern. This foundation is largely derived from the aesthetic appreciation of nature that crystallised in the nineteenth century, and from the development of natural history/sciences such as geology and biology, and more recently, ecology. Further, Hargrove suggests that this basis in aesthetics confers on the environment a value that is intrinsic even if still anthropocentric in orientation.⁸ It provides an argument for the independent right to existence of the natural world. Ultimately he provides a moral justification for an environmental ethic that stands in opposition to instrumental, utilitarian and economic theories that divorce the environment from the value framework of human existence.⁹

Much of the work is devoted to the tension between the instrumental value of the environment where the environment is only seen as valuable in terms of its use to people and the intrinsic value which exists independently of such use. While such discussion may seem purely abstract it has direct relevance to the Australian context.

Much of the 'environmental debate' and the competing land use claims are based upon either instrumental or intrinsic arguments of environmental worth. Further, various forms of instrumental argument

6 At 11.

7 At 4.

8 At 104.

9 At 208.

are put forward to support the validity of certain land uses, with mining being a prominent example.¹⁰

Thus Hargrove provides a philosophical platform for critically evaluating the arguments advanced by participants in the environmental debate, even though much of the support for his thesis is drawn from the American situation. It also allows a perspective from which the values incorporated into our existing legal system can also be examined.

Hargrove's Thesis

The development of the thesis over the work is somewhat disjointed as it appears that some chapters were written as separate articles. However the overall direction of the argument is clear. Initially, Hargrove examines the historical antecedents of traditional Western philosophy as he contends that resolution of the environmental question is ultimately of a philosophical nature; that it requires changing people's attitudes.¹¹

He suggests that early Greek philosophy, which contemplated the natural world as only an expression of a more fundamental substance, began a tradition of thinking about the environment which had profound effects by restricting the concern that could be justified for the natural world. One of the central tenets of this philosophy was to show nature as the shadow which was a reflection of a more permanent, indestructible and unchanging matter. Thus Plato, one of the most prominent of these philosophers, postulated nature as a shadow participating in a form that existed at a fundamental level. Hargrove suggests that this approach prevented the development of an ecological perspective, discouraged the aesthetic appreciation of nature and made the idea of preservation of nature difficult at a conceptual level.¹² If nature only existed as a momentary expression of some unchangeable, universal matter then changes or even deterioration of that nature were irrelevant as they would not affect the underlying substance, the amount of matter would remain constant.

The obsession of early Greek philosophy with 'higher' forms of inquiry emphasising rationality and abstract principles, rather than observation of the external world also mitigated against a concern for the natural

10 Brown, J, 'Prayers of Sense and Reason: Mining, Environmental Risk Assessment and the Politics of Objectivity', (1992) 9 *Environment and Planning Law Journal*, 387.

11 At 11.

12 At 21.

environment.¹³ Even Aristotle, whom Hargrove indicates did regard the world of experience as real, was unable to overcome the limitations imposed by his views of the world. If the world was a conglomeration of matter undergoing perpetual change through an infinite period, then no basis for concern for the present natural world could be established.

This is essentially an anthropocentric view as it concentrates upon the inner thoughts of man. Such a focus was extended by the rediscovery of early Greek philosophy in the early modern period in European and British philosophy. Primary among the early modern philosophers was Descartes who posed a central question of existence. His solution - I think therefore I am - meant that the proof of existence centred on the abstract, rational thought process of human beings rather than any evidence of existence to be experienced through sensation and observation of the natural world.¹⁴ The methodology of scepticism, the doubting of existence, adopted by later thinkers to refute Descartes also mitigated against concern for, and at times even an acknowledgment of the existence of an external, natural world.¹⁵

An influential later development with respect to recognition of the external environment was the primary/secondary distinction advanced by Hume. Universal principles which could be known through thoughts are primary and objective whereas the sensations of objects in the external world, their shape, smell and sound are secondary and necessarily subjective as they derive from observation.¹⁶

This distinction was an important determinant of the direction of scientific inquiry where 'pure' sciences based on abstract, universal principles such as chemistry and physics dominated inquiry based on observations - the natural histories which served as the foundation for geology, biology and later ecology.

Indeed Hargrove contends that it was only when these natural histories became accepted as sciences was there any fundamental recognition in Western culture, given to the external, natural world.¹⁷ Even with such acknowledgment, much of Western thinking remained largely unfitted to deal with environmental problems. The prominence given to more abstract scientific thought and the development of a logical positivist

13 At 23.

14 At 36.

15 At 37.

16 At 41.

17 At 78.

framework to inquiry about the natural world largely precluded a view which emphasised human interaction with the environment and the interrelationships within the natural world.

Hargrove also suggests that even in ecology, the science which does recognise such interdependency, there are difficulties due to its theoretical underpinning. This theoretical basis rationalises value choices about the environment in terms of the limits set by technology.¹⁸

Hargrove, while indicating that the recognition of natural history and later ecology marks some reorientation in Western thought identifies the genesis of such recognition with aesthetic appreciation of the natural world rather than developments in traditional mainstream scientific thought.

This contention is developed at length in chapter three. It is suggested that a blend of aesthetic appreciation of the natural world through landscape painting and romantic nature poetry together with inquiry into geology and observation of the natural world, formed the foundation for the recent advocacy of a 'land ethic'. He provides many examples of such a union of appreciation and inquiry from the early explorers of the western lands of the USA. Such explorers began a ground swell of interest in the preservation of animals and the conservation of natural resources that culminated in the declaration of the Yosemite and Yellowstone National Parks.

However Hargrove is careful to indicate that any value accorded to the preservation of wildlife traditionally does not derive from the intrinsic value of the individual animal. Rather, in line with mainstream western tradition the individual animal is regarded as a representative of the species, as an individual that partakes in the form, and as such is consistent with the views of the natural world that can be traced back to Plato.¹⁹ Arguments for species diversity and thus for preservation of individual animals should be based upon aesthetic appreciation is the view advanced by Hargrove. It is maintained that traditional arguments for the preservation of wildlife and their habitat represent an instrumental view of the environment.

Thus even where the environment is recognised and ascribed a value within western thought, the value is determined by reference to prevailing

18 At 160.

19 At 132.

paradigms which limit the scope of the concern and the manner in which the environment is viewed. The characteristics of these limitations is demonstrated in chapter five where Hargrove contends that modern inquiry is based on a version of logical positivism. The assumptions of this philosophical position are that the only form of legitimate research is that of scientific inquiry where hypotheses can be validated. Any research into religion, ethics and other types of knowledge is meaningless as it cannot be verified by the testing of hypotheses.

Much recent advocacy of environmental rights and aesthetic appreciation of the natural world rests on this 'other' form of knowledge.²⁰ Therefore, as Hargrove suggests, they are inconsistent with precepts of logical positivism and to this extent can be denied validity by reference to the prevailing paradigm. This also illustrates the difficulty in justifying an intrinsic value to the environment within this positivist paradigm.

The Environment - Instrumental or Intrinsic Value?

The clash of values and the extent to which the instrumental perception of environment has predominated, is most fully explored in the second chapter dealing with land use. It is this chapter which is of direct relevance to the Australian context although again the formulation of Hargrove's views derives from evidence in the American situation.

The forum for such a clash of attitudes toward land use and thus to the environment, is the arena of property rights. The apogee of the instrumental view of the environment is the landowner who proclaims that - I work the land and this gives me the right to the land. Such instrumental views have a long history according to Hargrove.²¹

Central to this view is the idea that matter in itself does not have value: it is only when human labour is expended upon matter (land) that it has any worth. This concept was developed at length by Locke who insisted that property rights predate the state and that the rights derive from the labour which an individual expends upon the land. The individual derives his land by enclosure from the common. The corollary of Locke's views is the right to exclude others from the use of the land.

Hargrove demonstrates that such views together with an understanding of Saxon land law promoted by Thomas Jefferson, were the philosophical basis for the settlement of much of the USA, in particular the western

20 At 145.

21 At 52.

lands.²² There, legislation in the form of various Homestead Acts gave recognition to the idea of enclosure from the common and the right to that land by the 'improvements' that the settlers through their labour had made to those lands. It is suggested that a similar ideology may have formed part of the impetus for the passage of the Selection Acts, in mid-nineteenth century Australia.

Hargrove concedes the powerful influence that such views of the land have had upon traditional western attitudes toward the environment. The challenge that Hargrove poses in the final chapter is to determine if a philosophical justification for an environment ethic can be identified which is not based on a purely instrumental, or a rational economic argument. He contends that most recent arguments to deny an intrinsic right of existence to the environment are couched in economic terms.²³

Thus in the final chapters he develops an ontological argument, advocating an intrinsic value to environment. Most ontological argument is directed to proving the existence of God in that it is argued that the essence of the concept of God is that of existence. Hargrove adopts a variant of this traditional argument to assert the need for preservation of nature.

It is not intended to prove that nature exists which is taken as a given, but to show that humans have a duty to act so as to ensure the continuation of nature in its appropriate natural form.²⁴

The basis for the argument is an aesthetic position that straight forwardly parallels our [human] treatment of art objects. Most importantly he seeks to justify an independent right to existence for the environment; a right not to exist only because it is useful to humanity.

The argument in chapter six can be summarised as follows;

1. humans have a duty to promote and preserve the existence of good in the world,
2. beauty both artistic and natural is part of that good
3. natural beauty is as valuable as artistic beauty and therefore worthy of preservation,

22 At 72.

23 At 213.

24 At 192.

4. because the creation of natural beauty is fundamentally contingent upon physical existence there is an essential need to ensure the preservation of the natural world.

This argument has echoes in many of the arguments that were advanced by conservation groups in Australia for the preservation of wilderness areas such as the Franklin River, the Daintree Forest and the LEMONTHYME Forest areas. Such arguments emphasised the beauty and uniqueness of these areas as a justification in itself for their preservation. It is also suggested that the criteria for recognition of areas suitable for World Heritage Listing²⁵ could also be consistent with elements of the position advanced by Hargrove.

This argument for an independent, intrinsic environmental ethic suggests that a duty to preserve good and thus beauty should be unrelated to any instrumental view. Hargrove does concede²⁶ that it can be argued that people may 'appreciate' nature solely as an experience to be consumed and enjoyed much the same as, for example, eating icecream. The dangers of such a consumption based view to the preservation of nature are apparent. Further, one could suggest that many people conceive of beauty in terms of the pleasure that viewing a beautiful object, be it natural or artistic, can provide. Thus it is possible that this argument can be seen as instrumental where the projection of beauty is useful to human beings in the context of an expanded conception of use of the environment.

Another concern results from Hargrove's analogy between art and nature. While it is conceded that art may not be economically useful, although art investors may disagree, it is possible that artistic beauty is not valued intrinsically but is a variant of the instrumental or even utilitarian philosophical positions, in that it increases the 'pleasure' of a majority of the people.

Such arguments are predicated upon an expanded notion of use. Traditionally, use of the environment has been regarded generally as a direct exploitation of the physical elements of the environment. This is the basis for the use of the natural world for agriculture, pastoralism and mining. One could argue that more recently with the trend toward many people living in non-rural areas, that acceptable and recognised uses of the environment have come to include a less directly exploitative view.

25 *World Heritage Properties Conservation Act 1983* (Cth).

26 At 190.

Thus the passive enjoyment of the beauty of a national park may fall within this extended category of use of the environment within Western culture.

Thus it is suggested that the philosophical foundation for an environmental ethic identified by Hargrove may not be completely independent of instrumental conceptions of the environment if the extended notion of land use is accepted.

Nonetheless Hargrove's exploration of the philosophical foundations of attitudes toward the environment, many aspects of which are incorporated into the legal framework of common law and legislation,²⁷ demonstrates that the issues surrounding the environment are not mere sidelines to the more important issues of legal debate. By understanding the confines which traditional Western thinking places upon attitudes to the environment it may be conceivable to transcend those limits to further concern for the environment whether such concern be advanced on the basis of instrumental or intrinsic values.

At the very least it provides a standpoint for evaluating the arguments that are advanced in the environmental debate. A debate which this work illustrates derives from fundamental ideas, and indeed ways of thinking, that are central to the very notion of western civilisation. It also has ramifications for the legal system which provides rules for the determination of environmental and land use conflict.

27 For an examination of this framework see Fowler, R, 'Environmental Law and Its Administration in Australia', (1984) 1 *Environmental and Planning Law Journal*, 10.