

**A Case for Decision-Maker Responsibility Based Justification of
Environmental Policy**

by

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ABSTRACT

A CASE FOR DECISION-MAKER RESPONSIBILITY BASED JUSTIFICATION OF ENVIRONMENTAL POLICY

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The environment is seen by different people as being valuable for different reasons. A pervasive debate in Environmental Philosophy revolves around which values should hold sway in the case of conflicts between the various kinds of value associated with the environment. This debate is relevant to, and fuelled by, debates how human communities should make decisions about the environment. By exploring the methods for balancing the various forms of environmental value proposed by Bryan G. Norton, Mark Sagoff, and David Pearce, I will argue that, as of yet, there has been little progress towards constructing a morally satisfactory basis for giving particular environmental values more weight than others. I will argue that to the extent that decision-maker obligations constitute moral obligations to the community, they can act as a basis for justifying giving some environmental values precedence over others in the decision-making context.

TABLE OF CONTENTS

CHAPTER ONE: THE CONFLICT OVER ENVIRONMENTAL VALUES	1
1: Introduction	1
2: The Conflict Over Environmental Values	2
2.1 <i>Moralists</i>	5
2.1.1 <i>Objections to the Moralist Position</i>	6
2.2 <i>Aggregators</i>	7
2.2.1 <i>Objections to the Aggregator Position</i>	9
3: Norton's Attempt at Reconciliation	10
3.1: <i>Objections to Norton</i>	12
3.1.1 <i>Environmental Activists May Benefit From Being Concerned with Consistency</i>	13
3.1.2 <i>Downplaying Justification Has Limited Applicability</i>	14
4: What's At Stake?	14
4.1: <i>Other Attempts to Construct Policy Models that Accommodate the Conflict</i>	14
4.2 <i>Impact on Environmental Decision-Making Methods</i>	15
4.3 <i>Determining What Constitutes a Good Decision</i>	15
4.4 <i>Implications for Our Example</i>	17
5: Looking Ahead	18
CHAPTER TWO: DAVID PEARCE	20
1: Introduction	20
2: Pearce's Decision-Making Method	20
2.1 <i>How Does this Apply to Our Example?</i>	26
3: Pearce's Moral Account	27
3.1 <i>Utilitarianism/Welfarism</i>	28
3.2 <i>Democracy and Freedom</i>	30
3.3 <i>Equity</i>	32
4: Balancing Intrinsic and Instrumental Value	33
4.1 <i>Balancing Anthropocentric Values</i>	34
4.1.1 <i>Balancing Freedom, Welfare, and Equity</i>	34
4.1.2 <i>Balancing Other Anthropocentric Moral Principles</i>	36

4.2 <i>Balancing Non-Anthropocentric Values</i>	37
4.2.1 <i>Why Not Intrinsic Value?</i>	37
4.2.2 <i>Redundancy of Intrinsic Value Positions</i>	38
4.3 <i>How This Applies to Our Example</i>	42
5: <i>Objections to Pearce</i>	44
 CHAPTER THREE: MARK SAGOFF	 48
1: <i>Introduction</i>	48
2: <i>Sagoff's Decision Making Method</i>	48
2.1: <i>General overview of the decision procedure</i>	48
3: <i>Sagoff's Moral Account</i>	53
3.1: <i>Sagoff's version of anthropocentrism</i>	53
3.2: <i>Sources of value in the environment</i>	55
3.2.1 <i>Aesthetics</i>	55
3.2.2 <i>Legal rights of community members</i>	57
3.2.3 <i>Sagoff's view on the moral relevance of individual and community goods and harms</i>	58
4: <i>Sagoff's Account of How to Balance Intrinsic and Instrumental Value</i>	61
4.1 <i>Sagoff's Approach to Balancing Economic and Moral Value</i>	61
4.1.1 <i>The Balancing Method</i>	62
4.2 <i>How This Applies to Our Example</i>	64
5: <i>Objections to Sagoff</i>	68
5.1: <i>Objections to Sagoff's Emphasis on Procedure</i>	68
5.1.1 <i>Obligations to the Environment from Historical Relationships</i>	69
5.1.2 <i>Problems with Heavily Context Dependent Values</i>	72
6: <i>Consequences of the Weaknesses in Sagoff's View</i>	75
 CHAPTER FOUR: CONTEXTUAL RESOLUTION OF THE RELATIVE MORAL IMPORTANCE PROBLEM IN THE DECISION-MAKING SETTING	 77
1: <i>Review of the Problem of Relative Moral Importance in Environmental Decision-Making</i>	77
2: <i>A Role for Decision-Maker Obligations?</i>	78
2.1: <i>Thinking about Agency Duties Constrains Relative Importance Problems</i>	79

2.2 <i>The Importance of Decision-Makers' Duties</i>	81
2.3 <i>Prospective Benefits of Considering Agency Duties in Environmental Decision-Making</i>	84
2.3.1 <i>Moral Benefits of Restricting Environmental Values with Agency Obligations</i>	85
2.3.2 <i>Practical Benefits of Restricting Environmental Values with Agency Obligations</i>	86
2.4 <i>Rounding-Out the Model</i>	86
2.4.1 <i>Decision-Making Context Requirements</i>	86
3: <i>Examples of Use of Existing Decision-Maker Obligations to Justify Environmental Policy</i>	88
4: <i>What Would This Look Like In the Nature Reserve Example?</i>	90
5: <i>Objections</i>	91
5.1 <i>Does this Approach Needlessly Entrench the Status Quo?</i>	92
5.2 <i>The Success of This Approach Depends on Having Decision-Making Bodies that are Receptive to Public Opinion and Public Good</i>	94
5.3 <i>Does this View Perpetuate the Kind of Relativism that I have objected to in Sagoff?</i>	95
5.4 <i>Sagoff's argument Against Pre-Establishing the Role of Government</i>	96
5.5 <i>Isn't there a Universal Obligation to Promote Moral Goods?</i>	100
5.6 <i>This Approach Requires Very Idealized Conditions to Work</i>	101
CHAPTER 5: CONCLUSION	103

CHAPTER ONE: THE CONFLICT OVER ENVIRONMENTAL VALUES

1: Introduction

Let's say, for the moment, that you and I have been charged to decide, on behalf of the campus community, whether the University of Guelph should continue to maintain the Arboretum Nature Reserve. The Nature Reserve is a 40-hectare mature hemlock/beechn forest that is closed to the general public (University of Guelph, 2011). It has been rated as a Class I wetland by the Ontario Ministry of Natural Resources. This rating indicates that it is deemed to be a biologically, and/or socially and hydrologically important system (OMNR, 2007). It is primarily used as a facility for University research projects (University of Guelph, 2011). In order to make a decision about the future of the forest we need arrive at some understanding about how the 'should' in our mandate is intended. We need to know what to consider when making the decision and what kinds of reasoning we can or should use to justify our decision. We need what I am going to call a "decision-making model" (DMM). For our purposes a "decision-making model" refers to a position presented as a means for guiding the process of making decisions on the public or group level. DMMs posit a set of values or objectives that direct decision-making and justify the outcomes of the decision process. Many disciplines and institutional perspectives provide DMMs. The DMM provides the basis for people who are part of the institution or belong to a particular discipline to determine what they should and should *not* do based on some discipline specific ideal. So, some economists would tell us that we 'should' conserve the arboretum if it will maximize profit, because some economists are primarily concerned with profit maximization. Alternately, an ecologist might tell us that we 'should' preserve the nature reserve if it is necessary for the protection of species, biological diversity, and the ability of the landscape to sustain life. This is because these are the concerns or points of value for ecologists.

In order to make our decision about the arboretum we will need to adopt a DMM. The DMM will tell us what our objective is and indicate the relevant sources of value in the nature reserve. Ideally, this account of value would act not only as justification for

our decision, but also serve as a tool to help us make that decision¹. However, it is not clear, generally speaking, what the principal concerns of people making decisions about the environment are, or what their priorities should be.

It should take only a little reflection to recognize that the decision-making process would be complicated if it were the case that the nature reserve was found to be valuable, or not, under multiple, or even conflicting, accounts of value. If the nature reserve is valuable for multiple reasons, or worse for different reasons to different people, then which DMM is correct or appropriate becomes a matter of debate. Because there are a range of values that people claim are at stake in environmental decision-making and because there is no satisfactory account available of what kinds of environmental decisions are justified, environmental decisions that do not reflect the importance of particular values are often regarded by particular interest groups as failures. Without a DMM that speaks to the relationships between the contested values, decision-makers are always going to be open to criticism for not considering the right values, or not giving them the correct degree of relative importance. The desire to make sound decisions about the environment has led a number of philosophers to enquire into the nature of the value conflict in environmental decision-making and propose methods for its resolution. The *soundness* of decisions, in the case of environmental decision-making, seems to be generally considered to have moral features, if it is not understood to be determined by the moral goodness of the decision outright. As such, much of the environmental decision-making literature gives extensive consideration to the moral values represented in the decisions, though there are other kinds of value that are relevant.

2: The Conflict Over Environmental Values

Two views about what kind of value the environment has, and what kinds of obligations we have to the environment, have come to shape much of the discussion in environmental ethics. One view sees the value of the environment as based in its

¹ Accounts of value that are relevant to, and therefore eligible for authority over, decision-making at the community level need to account for a plurality of values within the community and about the objects of community decisions.

importance to humans, the other sees the value of the environment as based in its intrinsic moral worth. Philosopher Bryan G. Norton reflected on the source and ramifications of the division in his book, Towards Unity Among Environmentalists (Norton, 1991). Norton coins pet names for the two views being considered. He calls those who deem environmental value to be based on its human (primarily economic) value “Aggregators” (Norton, 1991, p.9)². Those who think environmental value rests on its independent moral value are called “Moralists” (Norton, 1991, p.9).

After tracing the history and development of the two positions Norton offers his own interpretation of how the conflict should be perceived in order to, as his title suggests, produce more cohesion within the environmentalist community, and resolve the problem of having multiple sources of value ascribed to the environment. A preliminary problem that is worth noting regarding Norton’s account is that he never quite defines who “environmentalists” are or the role they play in society. This is an important omission because it is somewhat difficult to evaluate his claims and understand what is at stake when one accepts them, if we are unable to be clear about the identities of environmentalists or to know what kinds of powers they have. Norton hints that environmentalists are proponents of environmental stewardship (Norton, 1991, p. ix), and while involved or concerned with policy making (Norton, 1991, p.86), are not policy experts or agency personnel (Norton, 1991, p. xi). Norton’s description of environmentalist action is perhaps the best guide to discovering who environmentalists are. For example, he describes the stages of taking action against environmentally-unfriendly activities or plans through political channels: identifying a grievance, developing a plan of action, identifying constituents, justifying action to constituents to obtain their support, and finally, taking action (Norton, 1991, p. 95). This suggests strongly that Norton is referring to activists and possibly environmental researchers, and not members of government or decision-making agencies. But, on Norton’s account, the extent of environmentalists’ power and influence remains unclear. Sometimes they are policy-makers, sometimes they are protestors, at others they are advisors of the

² Important to note that human and economic value have been more or less teased apart in other works on the subject.

government. The credibility of Norton's claims about how to reconcile the two views depends on what exactly we take environmentalists as *doing* (or able to do).

Furthermore, it strikes me that environmentalists are not the only people who are involved in making decisions about the environment, and so, the way in which the conflict over environmental value is resolved will need to apply to these others as well. I will discuss the importance of the identity of Norton's environmental agents to the plausibility his reconciliatory account in section 2.4.1 and 2.4.2. Here, I will argue that not all environmentalists, and certainly not all people engaged in making decision about the environment can afford to approach environmental action in the way Norton advocates.

Norton's account of the Moralistic-Aggregator debate is well constructed and is a great introduction to the conflict of values that is at play when we want to make decisions about the environment, or parts thereof. To begin, we will examine the Moralistic and Aggregator positions as Norton has defined them.

Norton traces the differences among environmentalists to a historical divergence in views about the proper aspirations of environmental protection. According to Norton, different approaches to environmental protection have led to the development of the two factions within the environmental movement. These factions, the Moralists and Aggregators, have each developed worldviews as reactions against, or responses to, what they see as dominant social trends (Norton, 1991, p.77). Norton posits that both Moralists and Aggregators were reacting to "exploitationism" and privatization in the American west (Norton, 1991, p.77). By proposing and defending their worldviews, each faction established a critique of these policies. Both groups thought that government toleration of exploitative land uses by private interests "would leave the nation denuded, eroded, and aesthetically degraded in pursuit of individual profit" (Norton, 1991, p. 77-78).

2.1 Moralists

The Moralists, Norton argues, are descended ideologically from early preservationists. Preservationism is a form of environmentalism dedicated to protecting large tracts of land from development (Norton, 1991, p.7). While preservationists acknowledge that nature is valuable because it is useful to humans, they argue that nature is not *only* valuable for this reason (Norton, 1991, p.79). This group takes nature to be valuable for two additional reasons. The first additional source of natural value is spiritual; the second source is intrinsic (Norton, 1991, p.80). The Moralists, according to Norton, believe that humans “have moral obligations to protect the health of land systems” for all of these reasons, and not because it preserves resources for the future. Norton’s Moralist, then, is characterized by embracing a variety of values that do not rely on the importance of the environment for human uses or from a human perspective. We will call these values “non-anthropocentric intrinsic” values³, and for the moralists they take the form of rights and other forms of moral standing for *all* of nature (Norton, 1991, p.9). Conversely, they object to assuming the primacy of anthropocentric (human-centred) values for nature and any attempts at valuing nature through the economy (Norton, 1991, p.9).

In the nature reserve example, Moralist would argue that the nature reserve has intrinsic moral value, and that this value ought to be respected in the decision process. For them, this would mean that acts that affect the environment ought not to degrade the environment in any way. They would advocate leaving the nature reserve intact, and would permit activities there that would have little to no impact on the quality of the area. If we, as decision-makers, were to attempt to use the Moralists’ claims about the value of the environment as our moral principle to be followed in our decision-making process, we would be severely restricted in the kinds of uses we could approve for the nature

³Often I will use the term “intrinsic value view” synonymously with “non-anthropocentric intrinsic value view”. I do this as a convenient truncation of the phrase, but recognize that there is (at least an implicit kind of) anthropocentric intrinsic value at play in the views that promote anthropocentric values.

reserve site. As we will see, this would force us to ignore other important moral and amoral considerations regarding the use of the site.

2.1.1 Objections to the Moralistic Position

While Norton is generally in favour of the Moralistic take on environmental value, he does discuss the weaknesses of the view during his discussion of the history of environmentalism.

“Muir [the original preservationist] clearly recognized that we must exploit to live, and at first he praised Pinchot’s [ultimately his rival] wise-use management... But, in the end he chose a moral rhetoric... That rhetoric left no room for integrating legitimate uses of nature, since it implied that humans harm nature in all their manipulations and exploitations”.

Norton, 1991, p.81

This quote indicates that Norton thought that the Moralistic view has the potential to lead to conclusions that would be morally counter-intuitive if it were to serve as our guide for directing our collective actions towards the environment. If the Moralistic position were to be used in policy-making, for example, he expects that human needs would necessarily be excluded from our assessment of the factors to be weighed in the decision process. This is because by definition human use of nature, under the Moralistic view, is contrary to the well-being of nature. Other authors have argued that it is unusual for a moral theory, none-the-less a political directive, to be unconcerned with human welfare in some form (Adler and Posner, 2006, p.61). The pure Moralistic view is flawed not only practically -- because it would be politically unpopular--' according to Norton (1991, p.84), but more importantly morally, because it fails to recognize moral goods that we rightly believe bear directly on moral questions related to environmental use. Some environmentalists might be willing to ignore concerns about human welfare and to make

great personal sacrifices for nature. But, it is more difficult to defend the position that human interests can reasonably be ignored in what is ultimately a form of political discourse.

2.2 Aggregators

Aggregators, Norton claims, are the ideological descendants of conservationists. He describes the conservationists as pursuing environmental goals for the purpose of safeguarding natural resources for human use, rather than because of, for instance, non-anthropocentric moral ideals (Norton, 1991, p.78). They seek to estimate the value that humans assign the environment and to represent that value in monetary terms (Norton, 1991, p.142).

Norton depicts Aggregators as being in favour of establishing a monetary value for the environment to inform decision making. They think it is important to “balance clean air against jobs and economic growth” (Norton, 1991, p.10), between environmental purity and human welfare. Here, welfare is defined as material well-being (Norton, 1991, p.25). Norton’s Aggregators tend to believe that there are no moral concerns constraining human use of nature (Norton, 1991, p.190). Some would even describe Aggregators as holding the belief that environmental scarcities will be corrected or avoided through technological innovation (Sagoff, 2004, p.90). This would allow humans to be unconcerned with the extent to which we use the environment because we would replace what we had exhausted with substitutes.

Aggregators are expected to endorse a particular economic view that we will call the “conventional economic view”. This view is worth outlining here, as it will be an important point of contrast and comparison in subsequent chapters. The conventional economic view is characterized as being in favour of (1) free-markets (Turner et al., 1994, p.16) and (2) relying on technocentrist (Turner and Pearce, 1992, p.4) views about the nature of the economy. Proponents of free-markets are depicted as believing that if trading is allowed to take place between buyers and sellers without any external

interference the market will become optimally efficient. Optimal economic efficiency here means the maximization of profit through a balance between supply and demand (Turner et al., 1994, p.66-71), and maximization of profit is viewed as leading (somehow) to the maximization of utility (Sagoff, 2008, p.83)⁴. Technocentrism is a view that holds that economic growth is, in effect, limitless and without constraint because “the economy’s need for raw material inputs will continue to be met via an expanding range of sources and the invention of new combinations of new resources”(Turner and Pearce, 1992, p.4). The technocentrist sees the real limit on economic growth as embodied in our capacity to innovate rather than on any material limit. The conventional economic view is further described as employing economic models that make the following assumptions:

- i) There is no government
- ii) All incomes are spent, not saved.
- iii) There is no international trade
- iv) Economies are closed, self-contained systems.

Turner et al., 1994, p.16

The Aggregators, in the nature reserve example, would only be concerned with the contribution that the site was making to the material wealth, or prosperity (Sagoff, 2008, p.83), of the University. If the site was actually costing the University more to maintain than it contributed (perhaps through being the site of grant-funded research), then the Aggregators would call for an examination of alternative uses it could be put to in order to pursue the most profitable use of the land. If this meant clearing the Nature Reserve for some other purpose, they would do so without hesitation. Any helpful natural processes would simply have to be replaced with technology. For example, if it were more profitable to convert the site to student residences, then ability of the natural site to slow the flow of water off the landscape would simply have to be replaced by storm drains and storm-water holding tanks. Aggregators would be content with any decision that maximized the wealth generated from the site. But, making a decision

⁴ Possibly through the mechanism of Adam Smith’s ‘Invisible Hand’.

based on the priorities of Aggregators also tends to ignore other sources of value and this is problematic.

2.2.1 Objections to the Aggregator Position

It is not necessary to appeal to non-anthropocentric values in order to argue against the Aggregator position. Norton advances two problems with the Aggregators' view that point to the incompleteness of the Aggregators' concept of environmental value. The first is that when Aggregators measure preference satisfaction (and increased satisfaction with ones available resources) as an index for changes in welfare they do not account for the possibility that people are simply wrong about what constitutes and contributes to welfare, and that if they were fully informed, they would have different preferences (Norton, 1991, p.142). As such, the tools used by Aggregators do not provide a fool-proof guide to welfare.

The second argument Norton raises against Aggregators is that by only considering the value for parts of nature as commodities, Aggregators miss the value of natural objects as parts of larger networks of parts. This "piecemeal" (Norton, 1991, p.142) approach has two consequences. First, it fails to see the contribution that functional systems make to human welfare, and that these systems are put at risk by extracting individual parts. This results in an underestimation of the proper price for environmental goods. Second, because it fails to see value in anything that cannot be traded, it will not attach appropriate values to things that have no commercial value, but that play important roles in systems.

While an aggregator who espouses the conventional economic view might argue against the very first objection by claiming that a subjective sense of improved welfare (or merely having more stuff or liking your stuff more) is sufficient to constitute welfare improvement, it is dubious that this attitude is sustainable over the long-term. If people and economies are dependent on particular environmental features to be intact, and at some level of resource extraction these features are put at risk, then there is a point at

which objective human needs could be put at risk by permitting subjective senses of welfare to rule the day.

3: Norton's Attempt at Reconciliation

While Norton thinks that the dichotomy between preservationists and conservationists, or Moralists and Aggregators, is useful for examining the history and development of the environmental movement, he doesn't think that these ideas are accurate reflections of the worldviews that guide active environmentalists (Norton, 1991, p.68). Rather it is his position that the two poles have become entrenched through philosophical discourse that has been directed at providing the justifications for beliefs and actions and are not descriptively useful. Even if there are important value questions that have been raised by philosophers, "they do not bear very directly on the concerns of environmental activists" (Norton, 1991, p.vii). Norton sees environmentalists as more interested in results and in convincing people to support a particular result (Norton, 1991, p. x), than the reasons underlying that support. As such, according to Norton, philosophical treatments of value questions are best used as a template for evaluating rationales for policy, instead of describing the state of the field (Norton, 1991, p.68).

The dispute between those who would use economic valuation and those who would use non-anthropocentric intrinsic theories of value to justify their positions about the environment, according to Norton, is a dispute about how environmentalists justify and explain their policies, rather than what those policies actually call for (Norton, 1991, p.5). That is, that largely the difference lies in what kind of language is used to explain and describe the trespass in question (Norton, 1991, p.6), and the kinds of evidence that are accepted as relevant or convincing. For Norton, though the various approaches to environmental problems will differ in their language of description and means of justification, the competing principles suggest similar objectives "more often than not" (Norton, 1991, p.89). And this, for Norton, is the crux of the matter; so long as we are able to see the various arguments and positions within environmentalism as complementary routes to the same conclusion, then we are able to see the environmental movement as a coherent movement (Norton, 1991, p.97).

To Norton, the Moralistic and Aggregator positions really represent languages and conceptual frameworks we can use to express our concerns about the environment. Each language used for expressing environmental concerns and making normative claims about the environment only discloses part of the picture underlying our concern, and even where the languages of these discourses overlap, may show something a bit different in the overlapping section (Norton, 1991, p.74). Norton does not see the discrepancies in the way our concern for nature is revealed by different fields as problematic, but is rather only product of the disparate world views held by environmentalists (Norton, 1991, p.74). These different world views might be supported by different people at the same time or, the same people at different times or in different contexts (Norton, 1991, p.83). But, Norton says, this does not “doom [environmentalists] to incoherence and self-contradiction” (1991, p.83). Norton gives two reasons for this. First, he sees the worldviews espoused by particular environmentalists as incomplete and therefore potentially compatible with one or more other theories about the value of the environment (Norton, 1991, p.68). One theory of environmental value should not, according to Norton, be taken as necessarily ruling out the others. As such, environmentalists can endorse multiple theories of value at the same time. Second, Norton speculates that the theories of value in question will (and do) agree on particular acts towards the environment because the theories of value respond similarly to particular features of environmental questions (Norton, 1991, p.92).

For Norton then, Aggregator and the Moralistic are really just idealized arguers. He wants us to start to see the environmental movement and individual environmentalists as really always being able to access and employ whatever language for conservation is most convenient or more appropriate for the audience. Moralistic and Aggregators are the products of arguing in particular contexts in which a particular language is most appropriate (Norton, 1991, p.9). The speaker does this in order to give the most convincing account possible from that perspective. The defence of the environment from that perspective cannot be taken as reflecting the beliefs of the environmentalist in

Norton's view. The argument presented may or may not be a reflection of the views the environmentalist holds exclusively, or at all, for that matter.

Norton does not seem to think that there is a problem with switching back and forth between world views because usually environmentalists agree about their objectives. He expects they will agree about the policies that should be pursued or the projects that should be rallied against (Norton, 1991, p.12). However, different groups may disagree about smaller scale issues like how large a parking lot should be (Norton, 1991, p.12). Norton notes that most philosophers who write about environmental ethics do so while assuming that either Moralism or Aggregationism must be, ultimately correct (1991, p.91). And, though they proceed to write at length in an effort determine which should prevail (Norton, 1991, 12-13), there is no reason to assume that they are mutually exclusive. For Norton, it is more important to see the possibility of pluralistic integration of the two worldviews, or at least that either can be called upon to advocate for environmentalist ends (1991, p.13).

3.1: Objections to Norton

Norton has probably produced a relatively accurate reflection of the reality among environmentalists. There are indeed many languages in which the bases for environmental concern can be expressed, and given a particular audience, it may well be effective to employ one mode of expression over another. Selecting the appropriate mode of expression for a particular audience is important because it will ensure that your position is expressed as effectively as possible; it will help ensure that your audience understands, connects to, and is moved by what they are told. But, being persuasive in this way is not always the same as arguing for a position that is well justified. What Norton seems to be suggesting is that environmentalists are not concerned with creating coherent justifications for their beliefs, and need not be. But this is hard to believe. While it may well be the case that very few people who are involved in environmental discussions are strong proponents of the Moralism and Aggregators views as they are described above, this does not mean that they do not have commitments about which

approaches to environmental values are right and which are wrong. Furthermore, depending on what we take the social role of environmentalists to be, we may find that we do not want to simply accept that they are or ought to be indifferent to concerns about justification. Lastly, environmentalism is not the only sphere of environmental action, and there are arenas in which justifications for positions about environmental use demand justification.

3.1.1 Environmental Activists May Benefit From Being Concerned with Consistency

Whether or not environmentalists are actually willing to embrace a variety of incomplete attitudes towards environmental value, and employ an even greater number to convince particular interest groups to buy into the environmentalist agenda, is an empirical question. But, Norton may be selling environmentalists short by depicting them as somewhat unprincipled and unreflective. By not demanding consistency and theoretical completeness Norton is permitting low standards of (what we might call) epistemic hygiene. He is asserting that it is alright for people to fervently pursue goals with far-reaching consequences based on partially informed, and potentially under-examined, beliefs. While this may be an accurate depiction of some pro-environment agents, I don't know that it is a norm that one should promote. On the level of the individual environmentalist it does not require people to believe that protecting the environment is the right thing for well-developed, rational reasons. On the level of the movement as a whole, without well developed theories to address the nature of environmental values, and the relationships between them the movement is not going to appear very credible. Environmentalists, especially ones in professional positions like researchers, are objects of public scrutiny. So is the movement as a whole. If individual environmentalists are seen to be advocating environmental protection for reasons that are deeply logically flawed, or even contradictory the movement is going to be viewed as either irrational or disingenuous. So, there are good reasons why environmental activists should be concerned with theories of value.

3.1.2 Downplaying Justification Has Limited Applicability

Even if we were to let the epistemic standards slide for “lay” environmentalists, it is not the case that justification of beliefs about environmental value and use can be as easily overlooked in other areas of discourse. For example, in the setting we are discussing, policy making, it would be very strange to not be concerned with what values are being represented during the decision process and why they are being prioritized in particular ways. It is strange for two reasons. First, decision-makers have to ‘sell’ their policies to their constituents (at least somewhat) if they want their policy to be regarded favourably. This requires setting-out some set of values that are being upheld, and some reason why that set of values and not some other was the object of focus in this case. Second, if decision-making is going to be fair and transparent, then there needs to be some set of guidelines established indicating what values the decision-makers recognize, and how they choose between them. In circumstances like these, I am suspicious that concerns about justification are not nearly as removed from practice as Norton suggests.

4: What’s At Stake?

The persistent conflict over what kind of value the environment has and what kind of value environmental decision-makers should act in accordance with has, to some degree, shaped proposals for dealing with moral value in the philosophical discussion of environmental decision-making. First, writers considering the place of moral value in environmental decision-making are taking great care to explain how the two kinds of value might fit into the decision-making process. Second, a lot of consideration is being given to how the incorporation of moral value into the environmental decision process helps to justify the decisions.

4.1: Other Attempts to Construct Policy Models that Accommodate the Conflict

The position taken by Norton was an early, but not sole attempt to bring some kind of cohesion between the Moralistic and Aggregator accounts of environmental value.

Two alternative attempts to address the conflict were subsequently produced by Mark Sagoff and David Pearce respectively. Sagoff and Pearce are important figures in discussions about environmental decision making. Both attempted to construct decision-making models that take both sources of moral value into account in hopes of (1) creating a robust DMM that takes multiple kinds of environmental value into account, and (2) hopefully satisfy both Moralistic and Aggregator intuitions about environmental value. These authors recognize instrumental and non-anthropocentric value as needing to be accounted for in environmental decision making, but do not share Norton's belief that these values lead to the same conclusions. Indeed, while the models proposed by Sagoff and Pearce are directed at reconciling the Moralistic and Aggregator positions to some degree, each viewed the other's work as being in opposition to their own. Sagoff and Pearce's accounts of how moral environmental values should be treated will be the subject of chapters two and three.

4.2 Impact on Environmental Decision-Making Methods

It seems to be the case that questions about environmental use are presently seen as inherently moral. Furthermore, people working in this field, like Sagoff and Pearce, are trying to work-out exactly what moral concerns with respect to environmental use are appropriate for environmental decision-making, and how these concerns are or ought to be represented in decision-making models. For example, they have both acknowledged that there needs to be some balance of values produced as an outcome of environmental decisions. Anthropocentric value and, at least, the attribution of intrinsic value are considered to be relevant in the decision-making process by both Pearce and Sagoff. Their emphasis on the moral implications of environmental decision-making has acted as a supplement to proposed non-moral decision-making methods.

4.3 Determining What Constitutes a Good Decision

Deciding which environmental decisions are morally justified and why is a closely related second problem faced in the discussion of the value of the environment.

People can find the environment or actions towards the environment to be valuable for a variety of reasons. The environment can be valuable for economic reasons, for moral reasons, for aesthetic reasons. And, there can be a range of different views or perspectives about what makes the environment good from each perspective. That is, there are different positions about environmental value even from within each of the bases of value listed. Actions towards the environment can be good from the perspective of any of these sources of value. What Pearce and Sagoff have done, each in their own way, is attempt to create connections between the various bases of value by recognizing the variety of values that people ascribe to the environment and explaining them in terms of each other. Merely acknowledging multiple kinds of value is not sufficient to forming a satisfactory account of the interplay of values in environmental decision-making. While it is possible that the relevant values might point to the same decision in some cases, we are still faced with the question of what to do when different values support disparate or even opposed decisions. What is required then is a means of deciding between the values represented in a given environmental decision-making context that is itself morally justified. Moral justification of the method for ascribing greater or lesser degrees of moral importance in the context of environmental decision-making is necessary because it will provide morally good reasons for choosing some values and not others which should help environmental policy be seen as morally satisfactory.

Resolutions on these points will hopefully help us approach environmental decision-making in a way that is conscious of the consequences of our actions. Further, a well constructed account of the role of moral values in environmental decision-making will ideally establish a robust moral foundation for decision-making and help differentiate good environmental decisions from poor ones. Without the kind of moral foundation gained from a framework for assessing the relative importance of environmental values, and the means by which these relations are determined, decision-makers are left with two problems. The first problem is that they are potentially going to be left with a large number of competing claims about moral value and no way to adjudicate between them. The risk is that without a rigorous account of how moral values are supposed to be decided between, environmental decision-making would be essentially morally arbitrary.

This would lead to the second problem: wide-spread criticism of environmental decisions. There is certainly no problem with the criticism itself, but, the lack of a justificatory account leaves decision-makers open to constant criticism without any means of demonstrating that their decision was made using appropriate and sufficient consideration of the relevant moral values. Through the following chapters to demonstrate that existing DMMs do not provide decision-makers with sufficient justification for their decisions, and I will propose a method for resolving the issue in chapter four.

4.4 Implications for Our Example

We can frame these problems in terms of the Nature Reserve example described at the beginning of the chapter. The people on the decision-making committee might approach the question about the future of the Nature Reserve with different moral priorities. I might think that the decision made with respect to the Nature Reserve should reflect the obligation of the University to ensure it has sufficient resources to provide quality programs and facilities to the University community. You, on the other hand, might think that the most relevant moral obligation is to honour the intrinsic value you deem to be embodied in the lives of the organisms living in the Nature Reserves. If the question was opened to the University community as a whole we would encounter an even wider variety of moral values and obligations that people would claim should take precedence in our decision. Without a clear sense of what moral values are open for consideration, which are more morally relevant in this case, and why they are morally more urgent, we would be at a loss to negotiate between the values and to express the *right* values in our decision. Try as we might to consider a wide range of values and devise some way of balancing them against each other we are very likely to face moral objections to our decision from those who think we have not considered the right values, or have ranked the values we did consider incorrectly.

The kind of objections we would encounter would all rest on the assumption that there are better and worse (if not good and bad) environmental decisions, and methods for

making them. What I hope to demonstrate in the chapters that follow is that as of yet there has been no account given that helps us identify what these better or good decisions are, and that can help justify our decision relative to the standards that determine goodness and badness. This inability to make justified decisions between environmental values is a big problem both ethically and practically. If Pearce and Sagoff are correct in believing that environmental decision-making requires trade-offs between values, then a good justificatory framework for deciding between these values is necessary. From an ethical standpoint, not having a well justified framework for deciding between competing values in environmental decision-making is a problem because without it we cannot tell whether any of the values are more morally significant than others. Any decisions about which moral values to observe would not be morally justified, if not simply arbitrary. On a practical level, as things stand, environmental decision-makers are without recourse to the objections posed against them; they have no way of demonstrating that their decisions are morally justified or even dismissing the value claims that are made against them. What I intend to develop is an account of how decision makers might justify acting on some value claims and not others. I will argue that in some decision-making contexts, the obligations of the decision-makers help create moral justification for giving priority to some sub-set of environmental values.

5: Looking Ahead

The next two chapters will outline the environmental decision-making models proposed by Sagoff and Pearce, and will give detailed analyses of the accompanying moral accounts. In these two chapters I will argue that neither Pearce nor Sagoff succeed in providing the kind of moral justification I have proposed was necessary for justifying environmental decision-making. The position I will develop in the final chapter of this work will defend the position that, in the absence of a means for deciding between conflicting values in ethical theory, we may find it helpful to turn to contextual considerations in order to justify ranking these values. I will argue that Pearce and Sagoff have paid insufficient attention to the context in which their decision-making models are to be applied, and that the decision-making context can play a constructive

role in establishing a moral justification for which moral values should have priority in the decision process. I will argue that the moral obligations that obtain between decision-makers and those-they-decide-for give the responsibilities of decision-makers moral weight. And, under the correct conditions, which I will outline in section 2.4 of Chapter 4, decision-maker responsibilities can constitute morally good and morally salient considerations in the process of deciding between various environmental values. As such, decision-maker obligations can constitute the factor that leads to morally justified environmental decisions. This, paired with a mechanism for changing decision-maker responsibilities, leads us to be able to justify environmental decisions in the present, while allowing decision-maker responsibilities to evolve to account for changes in the moral attitudes held by the communities for which they decide.

CHAPTER TWO: DAVID PEARCE

1: Introduction

David Pearce was a professor in the Department of Economics at University College London. He worked both as an academic and as a public policy advisor. He has been described as “a pioneer in the economic valuation of biodiversity” (Simpson, 2007). He was the author of many books, articles, and policy papers that aimed at placing “economics at the core of ‘practical environmentalism’ in order to make a difference in the real world” (Turner, 2005, p.1). The following chapter will first outline the environmental decision-making method that Pearce advocated and the moral values he thought were represented by this approach to environmental value. After I have laid out the major features of Pearce’s approach to environmental decision-making, I will argue that his decision-method is not sufficiently detailed to be used to decide between the kinds of moral values attributed to the environment. As such it is not a complete decision-making method and would need to be supplemented with additional theoretical developments before it could be used as a guide to making morally satisfactory environmental decisions.

2: Pearce’s Decision-Making Method

Pearce advocates assessing environmental value using economic tools. While economic valuation is central to Pearce’s decision method, he contends that this does not entail a commitment to the other views we generally associate with economic or business interests. For example, Pearce and other welfare economists do not generally support the ideals of free market economics, mainstream (conventional) economic views about value, nor do they deny the existence and importance of other kinds of value (Pearce and Moran, 1994a, p.1). These differences between Pearce’s worldview and that of conventional economic and business interests are what distinguish Pearce from Norton’s Aggregator discussed in the first chapter. As will become evident below, Pearce is

willing to expand both the definition of economic value and of welfare from the definition they are given in the conventional economic view. The monetary values he aims to derive for non-market goods using economic tools are neither claims about the only kind of value possessed (Turner et al., 1994, p. vii) by such goods, nor are they literally the price of those objects. Rather, imputing economic value to parts of the environment is intended to provide insights into people's preferences regarding the state of the environment (Pearce, 1993, p.14) and the amount of risk in their lives (Pearce, 1993, p.13). This in turn is supposed to act as an indication of people's welfare. For the welfare economist, economic efficiency means maximizing the welfare produced as a result of some policy or project. In the view Pearce espouses, how well-off someone is depends on the content of the bundle of resources they have at their disposal⁵. While it is perhaps difficult to judge how happy someone considers themselves to be based on the size of their bundle (some people could be happy with very little, and after a certain point increases in wealth make no difference in happiness), changes in their welfare are thought to be correlated to changes to the size and content of resource bundles. If someone gets more or better resources then they will be better off, if someone has resources taken away they will be worse-off.

Policy decisions often require a person to give-up part of their resource bundle. Usually some other resource is offered in exchange. On the economic account, a person who prefers a policy indicates implicitly that she thinks that the alternative resources are worth more than the set of resources that the policy forces her to give-up. For the environmental economist, the economic value that is attributed to environmental goods represents the contribution environmental goods make to the economy and to individual welfare. Monetary values are viewed as only a convenient standard unit of comparison for development and environmental values (Pearce, 1993, p.13).

Pearce saw his work as having three objectives. The first objective was to demonstrate the economic value of environmental resources in the cases where that value

⁵ These resources might be physical (a house), natural (good air quality), or human (knowledge/skills) (Turner, 2005, p.3).

is not reflected in the market price. He thought we need to assign or impute values for environmental goods because traditional perspectives on the environment and economics prevented us from seeing the full economic value of the environment. His aim in assessing these traditionally uncaptured values of the environment was to help the world take environmental questions seriously while adding transparency and accountability to the decision process (Kelman, 2002, p.483).

Pearce's second major aim was to explain why, despite an ability to demonstrate the economic value of the environment, it is still threatened (Pearce and Moran, 1994a, p.15). According to many in the environmental field, widespread "concern about the loss of habitats and species and depletion of natural resources" (Pearce, 1998b, p.23) and the development of good moral arguments for conservation have not acted as significant stimuli for conservation activities and policies. Pearce was suspicious that the disappointing results of environmental programs are the product of the environmental decision-making playing field being slanted in favour of development (Pearce, 1993, p.3). He held that geopolitical economic disparities, market failure, and other economic distortions act as obstacles to recognizing and acting on the economic value of the environment.

Finally, he aimed to find ways to capture environmental economic value (Pearce and Moran, 1994a, p.9). In order to remedy market arrangements so that they are more conducive to capturing environmental value, Pearce thought that markets for services that have not had markets in the past needed to be created and that markets should be modified so that environmental goods have explicit market prices that are integrated into the cost of making products or offering services (Turner et al., 1994, pp.143-144).

In order to achieve the goals listed above environmental economists developed methods for calculating total environmental value (TEV). TEV is calculated using a series of economic values that environmental economists have identified in their efforts to capture a more complete estimate of the economic value of the environment. Broadly, these values are classified as use and non-use values (Pearce and Moran, 1994a, p. 19).

Use values are generated from the actual use of parts of the environment. Use values can be further divided into direct and indirect use values. Direct use values (DUV) result from actually using the environment as a resource in activities such as logging, fishing, mining, etc... Indirect uses values (IUV) are derived from the economic benefits furnished by “ecosystem functions such as a forest’s function in protecting the watershed” (Pearce and Moran, 1994a, p.19). A further member of the indirect use values consists of option values (OV), which is the value people are willing to pay to safeguard the resource for future use. Non-use values, on the other hand, generally fall into two categories: bequest values and passive use values. Bequest values (BV) arise from the knowledge that others will be able to use the resource in the future. Passive use (XV) values derive from the mere existence of an environmental asset (Pearce and Moran, 1994a, p. 20).

TEV is an estimate of the economic benefits of conservation from both direct uses of the environment and from preferences for conservation that did not result from direct use (non-use values). The equation is as follows:

$$TEV = UV + NUV = (DUV + IUV + OV) + (XV + BV)$$

For commodities, TEV could be measured in a way that is similar to conventional economics; the value will remain the same so long as market price reflects the actual benefits or costs associated with the good.

However, because Pearce was broadening the range of environmental goods and services that were considered economically valuable he encountered some obstacles to economic valuation. When the market price did not accurately reflect the benefits or costs of the good, perhaps because of a subsidy that distorted the price, then the economic value of the good had to be reassessed to include the costs or benefits ignored by traditional economics (Pearce and Moran, 1994a, p.77). Also, he needed to measure the value of environmental goods that conventional economics was not constructed to account for in contexts where the basic institutional arrangements required for traditional

economics did not exist (Pearce and Moran, 1994a, p.47). In order to measure environmental values in these new contexts Pearce and other environmental economists proposed a variety of economic tools.

Some techniques involve direct valuation of the environmental good. In these methods researchers conduct experiments or surveys to establish the preferences of participants (Pearce and Moran, 1994a, p.49). Test subjects are asked to either rank policy choices, or are asked to explicitly express what amount they would be willing to pay in order to prevent an environmental change (Pearce and Moran, 1994a, p.50). This method produces information about the strength of preferences among the participants of the questionnaires in a monetary value that can easily be included in a cost-benefit analysis (Pearce and Moran, 1994a, p.50).

A second set of techniques involve indirect approaches to assessing the economic value of the environment. They attempt to elicit this information from actual market behaviour (Pearce and Moran, 1994a, p.64). These methods make inferences from the kinds of expenditures that people make and their relationships to environmental quality. Researchers might identify expenditures on private goods that act as substitutes for the environmental goods (Pearce and Moran, 1994a, p.65) under examination. Or, in cases where the relationships between environmental conditions and the health or quality of private goods formed in the environment (Pearce and Moran 1994a, p.77) are well known, researchers might monitor the change in the price of goods with changes in environmental conditions. The expense that is incurred replacing the environmental good, or the change in the value of goods that depend on environmental quality stand in for the value of the environmental good being replaced or changing condition.

Pearce was interested in calculating TEV so that it could be included in Cost-Benefit Analysis. Cost-Benefit Analysis (CBA) is an economic tool in which the cost of a program is weighed against its benefits in order to select the best policy. Under CBA a policy candidate must be demonstrated to have benefits that outweigh the costs (Turner

and Pearce, 1992, p.6), and the net benefit of conservation must exceed the net benefit of development (Pearce and Moran, 1994a, p.23).

As part of Cost-Benefit Analysis (CBA) the TEV of conservation is compared to its total costs, so that a net benefit of conservation can be calculated. These costs include both the direct and indirect costs of conserving the area. Direct costs include costs incurred as part of conservation practice and might include things like policing/enforcement, administration, restoration, etc. The indirect costs are the costs incurred from not developing (e.g.: the foregone profits from development). All of the costs and benefits would be represented as a monetary figure. Only policies for which the CBA yields a positive number would be considered acceptable from an economic perspective. And, in the case where multiple policies are being compared, the policy with the largest positive value would be considered the best policy.

Pearce made an addition to the usual CBA process by requiring that the costs and benefits of the decision must be considered over the long term to be considered appropriate for his decision-making model. For him, long-term, sustainable development is part of good environmental decision-making because it helps take the risks of the proposed project into account (Turner and Pearce, 1992, p.8). Specifically, Pearce subscribes to the strong sustainability paradigm (Turner and Pearce, 1992, p.10) which holds that it is necessary to maintain the overall quantity and quality of resources (including human, environmental, and physical) at the same level over the long term (the constant capital rule⁶) (Turner et al. 1994, p.54) as well as requiring that a country (in order to be sustainable) “must save as much as the sum of the depreciation on the value of man-made and natural capital” (Turner et al., 1994, p.57) and protect stocks of irreplaceable resources like life support services (Turner et al., 1994, p. 56). Pearce’s “interest in the constant capital rule” is founded on “its role as a means of securing non-utilitarian values, including intergenerational equity, concern for the disadvantaged in

⁶ Pearce espouses the constant capital rule as a way of reflecting “a moral imperative to care for the next generation” (Turner and Pearce, 1992, p.10). This is not an uncontroversial position, but I will not be pursuing questions relating to supposed obligations to future generations in this work.

current society, sentient non-humans, and non-sentient things” (Turner and Pearce, 1992, p.18).

2.1 How Does this Apply to Our Example?

If we were to apply Pearce’s DMM to our example of deciding whether or not to develop the Nature Reserve, we would find ourselves conducting two major tasks. First, we would have to collect data about the economic value of the nature reserve. This would entail asking number of questions about the economic value of the Nature Reserve, and about the way the Nature Reserve contributes to the welfare of the campus community, as well as the surrounding community. We would use traditional economic valuations of the Nature Reserve to establish the conventional economic value of the nature reserve and the costs that might be incurred through preserving it. This might include data like the current value of the land, the prospective land value, and the revenue generating capacity it has in both an undeveloped state and in a developed state. In addition, we would apply Pearce’s alternative valuation methods to assess the non-conventional economic value of the Nature Reserve. Data would be gathered by conducting surveys or other kinds of economic analyses to determine whether people preferred that the Nature Reserve existed, or whether they anticipated that the outcomes from development would be more beneficial to them. We would then enter the data gathered through these valuations into Cost-Benefit analysis so that we could assess net economic costs or benefit of conserving or developing the Nature Reserve.

From the perspective of CBA and environmental economics, conservation would only be justified if the net economic benefits of conserving the Nature Reserve outweighed the net economic benefits of development. At this point however, it is really not clear how economic considerations extend into moral considerations on Pearce’s account. The relationship that Pearce sees between moral value and economic valuation will be pursued in more detail in the next section.

3: Pearce's Moral Account

Pearce has provided a method for assessing the economic value of a broad range of environmental goods that he hopes to use in order to influence policy making. What we need to consider next is why we would want to use this new method, what advantage it provides over conventional ways of considering the environment in policy. To begin, Pearce sees himself as addressing some of the practical problems in conventional environmental decision-making. It is his position that through his model he is “integrating economic efficiency, intergenerational equity, and the precautionary principle” (Turner and Pearce, 1992, p.10). He thinks that this model will advance the dual purposes of protecting the people's ability to survive and protecting the environment while advancing particular moral goals in policy making.

Pearce depicts his view as resting on two central positions. The first position is weak anthropocentrism. This view holds that “every instance of value originates in a contribution to human values and that all elements of nature can, at most, have value instrumental to the satisfaction of human interests” (Norton, 1984), these interests must be considered, they must form part of an entire world view (Norton, 1984). As such, the value of nature is based on preferences that humans possess, but these are not just whims, rather they are the values we hold as part of our larger reasoned positions about the world and the nature of a good life (Norton, 1984). Pearce sees economic valuation as representing the will of the people, which for him embodies freedom and democracy. Pearce holds freedom and democracy to be important moral values.

The second position that serves as part of the basis for Pearce's view is his concern with sustainability. Taking risk into consideration, in Pearce's view is important to achieving his desired consideration of costs and benefits over the long-term. Our current use of natural resource stocks to create wealth in the present can only be justified, for Pearce, if it results in a net gain in resources in the future (in some form of capital)(Turner and Pearce, 1992, p.5). Converting natural resources into economic benefits in the present must therefore be approached as entailing a certain degree of

uncertainty or risk (Turner et al. 1994, p.57), as we are not sure how a trade-off will affect future generations. As we will see, this interest in long-term thinking about benefits and risks will be used to support Pearce's interest in inter- and intra-generational equity.

The subsections that follow will outline the central moral objectives that Pearce is trying to advance, as introduced above: welfare, freedom, and equity.

3.1 Utilitarianism/Welfarism

Pearce has speculated that much of the aversion people feel towards the use of economic tools is a result of their assumption that the environmental economist seeks to supplant the moral value of the environment stemming from rights or intrinsic value with the monetary values established by economic assessment (Pearce, 1998a, p.96 and Pearce and Moran, 1994b, p.17). Pearce notes that people think that "the use of a money metric 'debases' the environment, making it appear as if it as saleable as a supermarket good" (Pearce, 1998a, p.96) and that the use of economic tools and monetary metrics are not appropriate in the face of moral questions. But the possible failure of environmental economics to reflect this kind of value should not lead us to conclude that the environmental economist's project is amoral. Indeed, it is not.

Pearce was deeply interested in the moral questions surrounding environmental decision making and approached these questions from what he claimed was utilitarian perspective (Goulder and Kennedy, 1997, p.24). And, his view does have the hallmarks of a utilitarian view: it is consequentialist, welfarist, and maximizing. The point of contact between morality and economic tools, for Pearce comes from the inclusion of human wellbeing as an economic effect, which is characteristic of welfare economics (Turner et al. 1994, p.vii).

Welfare economics holds as its central premise that the aim of economic activity is to improve the welfare of people who *currently* live in society (Freeman, 1993, p.6)⁷. So, economic value is produced when a person feels themselves to be better-off as a result of the satisfaction of their preferences (Turner et al. 1994, p.38). The monetary features of their tools are of secondary importance to concerns for human well-being (Turner et al. 1994, p.vii). One might expect that focusing on human well-being as the moral object of behaviour would warrant, or even require the destruction of natural systems in order to fulfill human desires. Equally, one could be suspicious that honouring anthropocentric intrinsic value is directed solely at the satisfaction of self-interested preferences and motivations. However, according environmental economists, focusing on preference satisfaction among humans does not entail “ruthless exploitation of nature” (Goulder and Kennedy, 1997, p.24). It is also, they claim, perfectly consistent with making what might be regarded as substantial sacrifices in order to protect the environment. This is because “preferences may have all kinds of motives, including concern for others, for future generations, for non-human species” (Pearce, 1998a, p.96), etc...

Reductions in resource bundle size that appear uncompensated are the result of people preferring the outcome of a policy project to the amount of resources lost from their resource bundle (Goulder and Kennedy, 1997, p.24) by securing it. Non-welfare values, like concern for others, can be expressed as seemingly uncompensated resource losses. These values, for Pearce, indicate a preference which can be ranked as more valuable than some amount of resources. Furthermore, because the range of preferences Pearce’s version of economic valuation is capturing through identifying preferences is so broad, he claims valuation might reflect some of people’s ascriptions of intrinsic value to the environment.

While economic valuation procedures are, as mentioned above, not intended to directly measure any value in the environment itself, valuation may be able to partly capture intrinsic value through the way it affects human welfare. Through measuring non-

⁷ Interestingly, we will presently see that Pearce deviates from this view somewhat.

use preferences for environmental conservation it is possible to pick-up on the extent to which people ascribe intrinsic value to nature. According to Pearce, this might be as close as we can get to detecting this kind of value (Pearce, 1993, p.93) through a measurement tool that is designed to detect the value of preferences of people for or against environmental change (Pearce, 1993, p. 14). For Pearce, there is no reason to reject the idea that nature might have intrinsic value, however, it simply cannot be directly measured using economic tools (Pearce, 1993, p.14).

3.2 Democracy and Freedom

A second reason Pearce seeks to focus on welfare is that he thinks that people's preferences should play a role in determining how resources are allocated. He construes the importance of welfare as an economic appeal in favour of democracy (Pearce, 1998b). Basically, his position is that people should have the freedom to choose whether the environment is protected, to what extent, and in what way (Pearce, 2005, p.386). In Pearce's mind human freedom was more important than human survival. This is probably a point upon which many environmental rights-centred thinkers would disagree with Pearce, particularly because human extinction would likely be preceded by the extinction of a host of other organisms if we followed this view to its extreme. But, in his paper remembering Pearce's work, R. David Simpson (2007) suggests that Pearce did not intend for his view to be taken so far. Instead, he claims Pearce meant his position to be understood from within in its social context. Environmentalists generate political pressure in favour of sustainable environmental protection of particular environments and this protection will be a burden carried by some peoples (Simpson, 2007, p.99). Pearce believed that the people affected need to be involved in choosing the path to sustainable use, and be compensated if their avenues for development or supporting themselves are restricted by forces beyond their control (Simpson, 2007, p.99). Pearce thought that both economic and moral arguments about environmental use tended towards the restriction of what options local people had with respect to the use of their environment.

Pearce claimed that a world in which the full economic value of the environment is ignored would deny people a choice about how to use their resources. He expected that under conventional economic views conservation would never be considered a viable option because the benefit of conservation would be consistently underestimated. His aim in expanding the concept of economic environmental value was to make conservation defensible from the perspective of economic valuation. This, in turn, would remove the bias he felt existed against conservation in the existing decision-making context.

For the people who are directly affected by environmental protection measures, options for self preservation are equally restricted when some moral principle that other people in other places can afford to hold comes to rule the way they are allowed to use their environment. Artificially limiting choices about how people can support themselves, by restricting the choices to conventional economic or environmentalist paradigms tends to give foreigners an unfair amount of power over people who are often not wealthy enough to sway international discussions about environmental conservation. To avoid giving away the power of local peoples, what these people think is important has to matter, and has to be able to over-rule whatever rights the environment is claimed to have in some instances.

Pearce wanted to use economic tools in order to maximize welfare through environmental decision-making. Protecting the environment and moving towards sustainable use of the environment is morally good because it allows for the maximization of welfare over the long-term. However, for Pearce, the moral rightness of an environmental decision was directly proportional to the extent that it maximizes the welfare of the individuals who must carry the burden of the environmental decision, those who live near or on the lands affected by the decision. Decisions that protect the freedom and autonomy of the local people are morally superior to those that are blindly guided by abstract moral principle. Pearce links economic tools to the protection of the environment and the protection of individual autonomy by connecting sustainability to costs and benefits. (Strong) sustainability is an interpretation of sustainability that allows

for the diminishment of some resources in order to build others so long as the total amount of resources remains constant and resources that are difficult to substitute are protected (Turner et al., 1994, p.56-57). This permits the use of the natural environment by local peoples in claiming that, so long as total resources stocks remain constant or are increased, human use of natural resources is permissible. It also emphasises a multigenerational concern for resource availability, and in this way can be employed in making resource use decisions that take the long-term effects of development or conservation projects into account (presumably resulting in an often stronger case for conservation). Sustainability is also important for Pearce's view on equity considerations in CBA.

3.3 Equity

Pearce is concerned with equity for two reasons. The first reason is that poverty is the leading cause of biodiversity loss (Turner et al. 1994, p.309), and Pearce is interested in developing a decision-model that targets the main causes of biodiversity loss (Pearce and Moran, 1994b, 10). The second reason for his concern for equity is a non-utilitarian concern about fairness between people. While the fairness question, Pearce admits, might be construed as the inclusion of the costs of a project to some distant population (in either space or time), which would make the project less attractive, Pearce thinks that our obligations to others are not "readily interpreted in terms of utilitarian gains and losses" (Turner and Pearce, 1992, p.10). As such, he applies the question of fairness as a constraint on cost-benefit analysis rather than wholly a part of it. He claims that cost-benefit analysis needs to be applied in the context of a paradigm that ensures that future generations inherit sufficient amounts of resources to allow them to generate an equal amount of welfare as current generations (Turner and Pearce, 1992, p.16). The concern about future resource levels is motivated by concerns about sustainability and risk in the ways we choose to use the environment (Turner and Pearce, 1992, p.9). The combination of the moral imperative of fairness and the risks associated with environmental use are what lead Pearce to apply sustainability (and therefore intergenerational equity) as a constraint to CBA. The concern for equity between the rich

and the poor in the present is drawn from the same concern for fairness as well as from a concern for “moral consistency” (Turner and Pearce, 1992, p. 17). According to Pearce, if we are concerned about the resources available to future generations, and the largest threat currently to natural resources is poverty, then we have to be concerned about improving the living conditions of the least well-off now, and in this way improve the likelihood that resources will be available in the future (Turner and Pearce, 1992, p.16).

4: Balancing Intrinsic and Instrumental Value

At last we turn to the main feature for discussion with respect to the moral account in which Pearce frames his decision-making model. The issue is how he addresses the plurality of moral values that are in play in environmental decision-making (Pearce and Moran, 1994b, p.17). To Pearce’s credit, he acknowledges, and even makes some attempt to construct a partial account of how to balance the multitude of moral imperatives that appear to be at stake in environmental decision-making. We have just seen that Pearce’s principal moral concerns are human-centred: welfare, freedom, and equity. It is worth examining what relationships exist within this group of moral principles, as well as how they are to be weighed against other anthropocentric and non-anthropocentric values.

In this section I will provide further elaboration on Pearce’s position regarding the process of weighing moral values. In the first sub-section I will focus on the relationships between anthropocentric values. I will begin by discussing how Pearce arrived at the moral principles he was going to include in his moral account. Then, I will proceed to discuss what, if any, direction Pearce provided for weighing these principles against other anthropocentric values. In the second subsection I will explain Pearce’s justification for largely excluding claims regarding intrinsic value in his decision-making model. Though Pearce largely excluded intrinsic value from consideration in his decision-making model, he claimed that the result of his environmental decision-making process would “generate many of the benefits alleged to accrue from the concern for intrinsic value” (Turner and Pearce, 1992, p.19). In the final portion of this section, I

will explore what Pearce might have meant by this claim and whether proponents of intrinsic value-based environmental decision-making would agree.

4.1 Balancing Anthropocentric Values

Of the possible moral concerns that have been discussed above, Pearce was most concerned with defending anthropocentric values. His primary concerns, we have seen, were freedom, welfare, and equity. But, this is not an exhaustive list of the anthropocentric values that people claim are at stake in environmental decision-making. First I will outline how Pearce proposed to strike a balance between the moral values he claimed CBA was capable of tracking. Subsequently I will examine the reasons Pearce gave for not including other kinds of anthropocentric value in CBA.

4.1.1 Balancing Freedom, Welfare, and Equity

As discussed in the paragraphs above, considerations of welfare and personal freedom are, Pearce argues, imbedded in the kind of cost-benefit analysis that he would like to see applied in environmental decision-making. For Pearce, there must be a kind of consistency between the imperative of ensuring that people's interests are satisfied and that they are free. In theory, these two imperatives could conflict; a person could have a preference that is harmful to her. Presumably, satisfying the preference is not conducive to her welfare. Equally, refusing to satisfy the preference would constrain her freedoms. The discussion of Pearce's thoughts about these values, in the literature, demonstrates pretty clearly that within admittedly undefined limits Pearce favoured freedom over welfare, in that he thought it was more important for people to be free than for people to always satisfy preferences that were objectively⁸ welfare enhancing. It is not entirely clear what limits Pearce would have wanted to impose on the supremacy of freedom over preferences. Simpson indicates that he would probably not advocate the satisfaction of human preferences with the effect of extinction, but Turner indicates otherwise "[h]is

⁸ However that might be established.

view was that human freedom is more important than human survival” (Turner, 2005, p.1).

To further complicate things, it at times appears that Pearce is interested in promoting higher order (considered, objective) preferences in CBA (Turner and Pearce, 1992, p.18), whereas he is reported (again by Turner) to have been wary that “if some hierarchy of wants, needs etc. exists it may be imposed to the detriment of self-determination and personal freedom” (2005, p.1). So it is not clear whether, for example, he would have wanted to say that freedom ceases to outweigh welfare when fundamental needs are put at risk by continued respect for freedom, or whether he would deny that that was the case. If the former was the case, Pearce certainly did not express it explicitly. If the latter, this would be a significant problem in his account given that the basis he provides for our desire to preserve the environment is that it is somehow in our self-interest. It certainly sounds like he is making claims about some kind of objective needs or preferences when discussing things like ecosystem services; they are valuable because if we knew what was good for us we would value them. But, overall the textual evidence is somewhat inconclusive on this point.

Pearce’s concern for fairness, on the other hand, was more of a constraint on the conventional form of cost-benefit analysis than something that he thought was defended through cost-benefit analysis. It is important to mention that for Pearce CBA is thought to be best applied within a framework of values and only as a partial indicator of the moral values associated with environmental decision-making. Because of factual and moral incompleteness of TEV and CBA, Pearce added a concern for sustainable development to his decision-process in order to ensure that decision-making reflects a concern for future resource levels. For Pearce, this is the economic equivalent of a concern for intergenerational and rich-poor (intra-generational) equity (Turner et al., 1994, p.106). This does not mean that every project has to satisfy the standards of sustainable development, instead it means that a given decision-making portfolio ought, overall, to ensure that natural resources retain their abundance (Turner et al., 1994, p.106). As such concern for intergenerational equity does not constrain *every*

environmental decision, but it should guide decision-making such that the net effect is to preserve resources for the future.

4.1.2 Balancing Other Anthropocentric Moral Principles

Pearce's model is useful in that it provides a systematic method for tracking the expression of welfare, freedom, and equity through environmental decisions. If we accept Pearce's moral account of which moral values are represented by his qualified form of CBA, then we are willing to accept that the use of CBA promotes the moral values of freedom, welfare, and equity. However, Pearce acknowledges that there are other kinds of moral value, and other important considerations outside of the moral principles CBA is designed to consider (Pearce, 1998a, p.97 and Pearce and Moran, 1994b, p.13) that ought to be included in environmental decision-making. This is why he suggests that CBA be used to "inform" (Pearce, 1998a, p.97) decision-making rather than replace it. What is entirely unclear, however, is how other anthropocentric moral values, like the relationship between the environment and the moral or spiritual development of human beings, ought to be weighed against the findings of CBA, which supposedly represents the morally superior decision from the perspective of freedom, welfare, and equity. When Pearce discusses these other kinds of value he often claims that they are both (1) not measurable (Pearce and Moran, 1994b, p.3 and Turner and Pearce, 1992, p.13) and (2) possibly contained in the value people attribute to environmental goods that they do not use (non-use values)(Turner and Pearce, 1992, p.13 and Pearce, 1993, p.15). Pearce's perspective as an economist led him not to pursue more detailed accounts of non-use value. If other anthropocentric values were indeed not directly measurable, then it was beyond the scope of his project to pursue them. Furthermore, because only welfare is (on his account) measurable, his only interest in non-use values was their effect on welfare. His valuation model assesses these effects through certain kinds of WTP surveys, so from his perspective his model does all that it can to take non-use values into account.

While the account may be satisfactory from Pearce's own disciplinary perspective, the lack of consideration for how to balance values that are and are not captured by CBA is really quite a failing from both a philosophical perspective, as well as from the perspective of the decision-maker who is asked to employ CBA in her decision process. The account is very detailed and methodologically rigorous up until, what I take to be, the crucial question: how do we determine the relative importance of moral values from disparate moral theories that are presented for consideration in the environmental decision-making process? I will pursue an examination of the effects of the weakness on the usefulness of Pearce's decision-making program in the next section. Before proceeding in the critical analysis of Pearce's view, I will first turn to the claims that Pearce makes about the role of intrinsic value in environmental decision-making.

4.2 Balancing Non-Anthropocentric Values

The content in section 4.1.2 (above) is just as applicable to non-anthropocentric values as anthropocentric values. An account of the relative moral importance of non-anthropocentric values is missing from Pearce's decision-making model. He provided no guide to help determine whether the set of moral values he promotes through CBA is more or less morally important than intrinsic environmental values. This, of course will count against him in the next section where I discuss the weaknesses of his balancing method. There are still some interesting features of his account of intrinsic values that are worth looking at before we move into a critique of his view. The first question we will examine is why Pearce emphasised economics so strongly. The second takes up an assertion that I attributed Pearce earlier on, that is, that intrinsic value arguments in environmental decision-making were, essentially, redundant.

4.2.1 Why Not Intrinsic Value?

Ultimately, in Pearce's account, intrinsic value loses-out to anthropocentric considerations for pragmatic reasons. Pearce is of the opinion that regardless of the moral standpoint taken towards the environment, any case for environmental protection

would reasonably be expected to support targeting the key causes of environmental degradation (Pearce and Moran, 1994b, p.18). If some of the central causes of environmental degradation are driven by economic factors, as established by the Brundtland report, then presumably an action plan based on any moral system would call for the correction of those factors (Pearce and Moran, 1994b, p.18). As such, the “practical agenda for conservation” (Pearce and Moran, 1994b, p.18), according to Pearce, should start with rectifying the economic conditions contributing to degradation. This means, among other things, demonstrating that there is demand, and therefore some kind of economic value, for protecting natural spaces. Pearce’s model focuses on providing economic incentives to help re-direct self interest and resolve conflicts between self-interested positions (Turner, 2005). Pearce thought that his decision-making model was superior to other DMMs because it was likely to be more effective “from the standpoint of getting things done” (Pearce and Moran, 1994b, p. 17). Unlike non-anthropocentric intrinsic value approaches to environmental ethics, it attempts to address the causes of the problem as identified through scientific research. And given that it seems to be the case that the need for action with regard to environmental problems is quite urgent, Pearce thinks this is reason enough to adopt his program.

4.2.2 Redundancy of Intrinsic Value Positions

The final topic I would like to discuss before turning to a few of the problems in Pearce’s account relating to his effectiveness in constructing a plausible mechanism for striking a balance between intrinsic and instrumental value, is the claim that intrinsic value views are redundant. While Pearce does not say much on this subject, he does claim that:

“...the bioethical [intrinsic value] standpoint... is redundant in that the modified sustainability [Pearce’s] approach generates many of the benefits alleged to accrue from the concern for intrinsic values.”

Pearce and Turner, 1992, p.18

What is unclear about this claim is *how* exactly Pearce thinks that his view generates the same benefits as concern for intrinsic values. Two possibilities present themselves to me. On one interpretation of this claim Pearce could be saying that despite their ideological differences, employing the moral values Pearce thinks are important produces the same effects as those desired by people concerned about intrinsic value. Pearce takes these to include the selection of policies that are respectful of “the ‘rights’ of other species, the rights of indigenous peoples and other minorities, and ...our moral obligations to future generations” (Pearce and Moran, 1994b, p.17). For example, proponents of the intrinsic value view are depicted as being opposed to the fragmentation of habitat as a result of development (Turner, 1991, p.221). The emphasis placed on the conservation of biodiversity in Pearce’s view would entail the conservation of habitats, and so the prevention of habitat fragmentation (Turner, 1991, p.221). The two approaches would have the same effect, though they would use very different methods of achieving it. Alternately, Pearce might mean that concerns for intrinsic value are at least partly embodied in CBA (Pearce and Moran, 1994b, p.13) through the concept of non-use values. I will proceed by first arguing that, to a certain extent, Pearce seems to have endorsed both interpretations. Subsequently, I will argue that neither interpretation would really be satisfactory to proponents of intrinsic value based decision-making.

I think there is ample room to believe that Pearce endorsed the first interpretation of the quote provided above: that the redundancy between CBA and intrinsic value is based on the effects of the decision-making models. If Pearce is right to think that the principal concerns of proponents of intrinsic value approaches are the rights of minorities, obligations to future generations, and the rights of other species, then he probably saw his decision-making model as establishing protections for the first two concerns, if not all three⁹. Regarding the first two, I think that Pearce would have thought that he had gone a long way to protect the rights of minorities and future generations through imposing a sustainability framework on CBA. As discussed previously, the sustainability framework forces decision-makers to consider economic efficiency over the long-term, which has the effect of bringing the needs of future generations and the poor living in resource rich

⁹ See next paragraph for a discussion of how I think the rights of other species fits in.

countries¹⁰ into the equation. Pearce's focus on protecting the welfare of these two groups would lead him to think that these ends were shared between the two decision-making models.

It is less obvious why Pearce would claim that the rights of other species were also defended through his decision method. However, I believe that his ability to reflect the rights of species is linked closely to the second interpretation of his redundancy claim. If the kind of redundancy that Pearce is talking about is a redundancy in the kinds of values that are considered, then this claim is most significant in the context of considering intrinsic values and the rights of the environment; these are the major points of contention between the two views. As we have already seen, Pearce thought that it was possible that some of society's concern for the rights of the environment is captured by measurements of non-use values. This would be the mechanism by which the rights of other species would be included in CBA. However, it is worth indicating that Pearce was not convinced that this was a robust reflection of intrinsic value, as non-use values might be motivated by any number of factors that remain unidentifiable in CBA (Pearce and Moran, 1994b, p.13 and Pearce, 1993, p.93).

In summary, I believe that Pearce endorsed both interpretations of the redundancy quote. Of the two, I think that his commitment was stronger to the first, that the effects are the same. However, I think that he probably endorsed the second view because it was required in order to be able to claim that the decision models were really redundant. Without including non-use values it would have been very hard indeed for Pearce to claim that his view had effects consistent with taking the rights of other species into account. This is because non-use values contribute to the economic value ascribed to things left in a natural condition and not used by humans. This part of Pearce's model is the only part that considers values generated from non-use, and as we have seen use values are usually viewed as encroaching on the rights of other species. So, even though the ability to gage the welfare effects of people's preferences for the rights of other species under CBA is tenuous, and therefore a less strong commitment on Pearce's part,

¹⁰ I see this category as overlapping with the term 'minorities', above.

it still contributes to the claim that Pearce is making about ends. The question of whether it is conceivable that any proponent of an intrinsic value approach would take consolation in Pearce's claims, however, is another matter entirely.

The short answer to the question of whether proponents of intrinsic value would be persuaded by Pearce's redundancy claim, I will argue, is that neither interpretation of the redundancy claim would appeal to proponents of intrinsic value approaches. I think that they would have two reasons to be suspicious of the first claim: that the effects of the approaches are the same. The first problem is that it is unclear that this claim holds in specific cases, even if it holds for the general values that the approaches want to promote. That is, that it is possible that even if both views are mindful of the rights of minorities, future generations, and other species, it is not necessarily true that they would select the same policy decisions. Second, proponents of intrinsic value methods could also fail to be swayed by Pearce's claim for ideological reasons. If we follow Pearce's characterization of the proponents of intrinsic value, then we will conceive of them as believing that non-human nature is inherently valuable, and has moral standing that ought to be considered in decision-making (Turner et al. 1994, p.37). These individuals would want to see the environment as being considered valuable in its own right. Even if the rights of other species (for example) are being taken into account through the inclusion of non-use values in TEV, they are being taken into account as means to an end (human welfare), rather than as ends in themselves. As such, supporters of the intrinsic value view would still feel that the economic approach was lacking. R. Kerry Turner, one of Pearce's regular co-authors, expresses as much in his chapter on ethics in a volume edited by Pearce. He expresses it thus:

“[Proponents of intrinsic value] will find this stance unacceptable, since the moral ground, in their view, rests with those who intend to behave morally, not with those who happen to secure moral outcomes because they pursue other rules of behaviour.”

Turner, 1991, p.221

I think this line of argument would probably be particularly directed at the second interpretation: intrinsic value is considered in the form of non-use values¹¹. Proponents of intrinsic value based decision-making would likely object both to the fact that what was being measured was the impact of preserving intrinsic value on human welfare, and that this was being done using a monetary metric, neither of which they see as reflecting the moral importance of the environment *in its own right*.

The persistence of the conflict between environmental economists and intrinsic value proponents is not a problem in itself. But, in this case it does illustrate that Pearce is likely over-stating the moral considerations that are consistent with his DMM. The resistance that I predict Pearce will face from intrinsic value proponents with respect to his redundancy claim suggests that even if environmental economics is able to reflect the interests of intrinsic value proponents a substantial difference in their approaches to environmental values remain. And, insofar as the incorporation of non-use values into TEV is supposed to constitute somewhat of an effort to balance intrinsic value with the other values reflected in CBA, it would be deemed a dissatisfactory attempt by those who are the most invested in protecting the intrinsic value of the environment. Without additional structures to help define what it means for different values to be appropriately balanced in a decision, we do not have a way to determine whether we should be concerned with the objections posed by the intrinsic value proponents concerning whether Pearce's DMM provides a satisfactory balance between intrinsic and instrumental values.

4.3 How This Applies to Our Example

On Pearce's view the moral outcome of measuring people's preferences about different policy projects is defending personal freedom, welfare, and equity. When approaching the question of whether to develop or to continue to conserve the nature reserve we would be protecting individual freedom only if we made the decision based on the aggregated preferences of the people affected by the decision. Our concern about

¹¹ Which, on Pearce's view, are still essentially human preferences.

preferences would be a way of improving welfare through the decision. And, taking a long-term perspective on what the consequences of the decision would be would help ensure equity not only between generations, but within this generation. If we were to only use CBA in order to guide the decision then the outcome for the nature reserve would be whatever these three moral concerns advocated. This is because Pearce thinks that there are limits to the kind of moral value that CBA can be reasonably claimed to represent. But, Pearce recognizes the existence of other moral values and does not insist that the decision be made based on the results of CBA alone. Instead he proposed that we would need to take the results of CBA into account along with other moral values that CBA is simply not able to capture. We would have to do additional moral deliberations beyond just the CBA calculation. This is where Pearce's decision-making method encounters a major difficulty: he provides no means by which we can justify the relative moral importance we assign to the moral values embodied in CBA and the moral values that fall outside of CBA.

In the case of the Nature Reserve, it could be that much of the wildlife that roams through the farms and neighbourhoods in the vicinity depend on the existence of the Nature Reserve, and would not be able to survive in the area otherwise. If the people in the area learned to appreciate nature or moral lessons because of the intrusion of these animals on their otherwise suburban properties then there would be some anthropocentric value attached to the Nature Reserve. But, the value created cannot really be captured reliably with CBA, and even then only as perhaps a slight increase in willingness-to-pay, which does not do justice to the value the Nature Reserve has to the local residents. Likewise, some might argue that there is something morally wrong with disrupting the function of the ecosystem as the home and means of living for a variety of species. They might argue that there is something morally important or morally good in the lives of the organisms, and the continuity of the natural system on which they are dependent, that ought to be protected. As we have seen, Pearce indicates that there is not direct way for CBA to measure this kind of value, except as it is expressed as a change in the welfare in those who value it. And we will recall that CBA will only provide an indirect and incomplete assessment of this kind of value. But, Pearce does not deny the existence of

the values not captured by CBA or their eligibility for consideration in the decision-making process. Without an account of how these values compare to the values represented by CBA, or what they add to the case for conservation, our decision about how to include them in our consideration of the value of the Nature Reserve becomes somewhat arbitrary and any decision that is made does not have much support against scrutiny. This problem will be taken-up in the next section.

5: Objections to Pearce

Before I begin in my own criticisms of Pearce's view, I would like to acknowledge the substantial literature discussing the practical, ethical, and metaphysical/ontological problems in CBA. While there is a wealth of philosophical work on these issues, I will not be discussing them here because I am primarily concerned with the issue of assigning and weighing relative moral value in decision-making, which is a slightly different vein of inquiry than is pursued in the rest of the literature. The major issue with Pearce's account on the relative moral value front, as I have already indicated, is incompleteness. As explained in the introductory chapter, it is my contention that many of the DMMs proposed for use in environmental decision-making do not present sufficiently robust accounts of value to resolve the conflict between the claims made by intrinsic and instrumental values. Pearce presents a model to promote particular moral values through environmental decisions, but no real case is presented for using these values exclusively in the decision process. In fact, Pearce acknowledges the relevance of other values, and proposes that his approach only partially reflects the values that should be taken into consideration. If his account is supposed to provide a full set of decision-making criteria to decision makers, none-the-less provide some account of the relative priority of different moral imperatives in the decision-making context, then it falls far short of these objectives. Granted the latter was not Pearce's objective, but it is a necessary step in order to come to some sort of idea of what it would mean for public decision-makers¹² to make morally satisfactory environmental policy.

¹² By which I mean people charged with making decisions on behalf of a community.

These are essentially the two major problems in Pearce's view (1) there is still no advice for policy makers when it comes to the task of assessing the relative importance of various moral claims, (2) it provides no resolution to the philosophical problem of ascribing different levels of importance to the members of a set of moral values. While it is unfortunate that Pearce has nothing to say with respect to the second count this is a strictly philosophical debate, and thus perhaps outside of the scope of his project. As a resolution on this point is not really within his realm of expertise, the lack of discussion in this matter is not really damning.

The failure of Pearce's arguments with respect to the first point is much more serious. We have seen that Pearce has tried to demonstrate both that (1) his version of CBA defends and promotes three moral principles: welfare, freedom, and equity, and (2) that the principles valued by proponents of intrinsic value approaches are given consideration in CBA. Even if we accept the former at face value, we are still left with considerable problems. First, welfare, freedom, and equity are not the only anthropocentric values that might be considered in environmental decision-making. There may be other anthropocentric values that could warrant consideration. These include the ability of contact with nature to "transform" or change our preferences (Pearce and Turner, 1992, p.13) and the contribution encounters with the natural environment make to our moral and spiritual development. I have argued that Pearce does not give an account of how to systematically (or transparently) integrate these other anthropocentric values into decision-making.

Second, I have argued that defenders of intrinsic environmental value are probably not going to be terribly sympathetic to his claim that intrinsic value is given consideration in CBA. As a result, his account does not provide decision-makers with any method of justifying their decisions to the main critics of his view or provide any explanation as to why anthropocentric values should take precedence to claims about intrinsic value, except that he thinks this order of priority will be the most effective means of promoting conservation.

We discussed earlier that Pearce thought his version of CBA would be the most effective method for preventing decisions that resulted in environmental degradation because it addressed the immediate cause of biodiversity loss, poverty. The absence of an account to describe the relative importance of results of CBA to other moral values puts Pearce's effectiveness claim at risk in two ways. First, without an account of how to weigh the various moral values in contention, the effectiveness of Pearce's model is reduced in that it becomes unworkable, or at least not rigorously workable. There are no directions for the decision-maker to follow after the CBA stage if she is interested in making a morally good decision under Pearce's account. This is because what constitutes a morally good weighing of values is not defined. She'll do her best to be fair and thorough, but her resolution will not be prescribed by the account, or justified from the perspective of the account.

Effectiveness might be put at risk in a second, more direct way as well. In Pearce's model, poverty is being dealt with by (1) attempting to capture the economic value of conservation after it has been shown to be more substantial than the economic value of development, and (2) allowing for development when it outweighs the economic value of conservation. This is supposed to give poor people in resource rich countries a legitimate choice between development and conservation that conventional economics does not provide. Presumably, the result of CBA represents what is economically most advantageous for the community. However, depending on who is making the decision about land use, the economically advantageous option might not be the one selected because it is over-ruled by some other moral value in the post-CBA weighing process. Without an account of the extent or degree of swaying power possessed by these other moral concerns it is quite possible that they could over-rule CBA. This is particularly problematic in cases where CBA selects development. If development is the most economically advantageous option for the community, but the decision-makers decide that the other moral values should be given precedence, then that wealth will be withheld from the community for the sake of conservation. In this case poverty would not be alleviated; the decision model would not have been effective. Furthermore, without the wealth from the proposed development project, the members of the community are likely

to turn to environmentally unsound land uses anyway in order to generate wealth. Except in this case the environmental use will be unmonitored, unsupervised, and uncoordinated. Under these circumstances poverty would not be diminished and the environment would not really be protected. The incompleteness of Pearce's account is a real limitation to the effectiveness of his proposal in practice. As such, he does not even really achieve the ends that he is aspiring to.

CHAPTER THREE: MARK SAGOFF

1: Introduction

Mark Sagoff is the director of the Institute for Philosophy and Public Policy which, as of this writing, has recently relocated to George Mason University. Sagoff is a former Pew Scholar and is a member several scholarly fellowships (George Mason University, 2011). He has published widely in journals in the areas of law, philosophy, the environment, as well as publishing several books (George Mason University, 2011). This chapter will discuss Sagoff's view of moral environmental value and the method by which he proposes to include it in environmental decision-making. It will proceed in much the same way as the previous chapter. I will first discuss the environmental decision-making method Sagoff proposes for use in environmental decision-making and how moral value is considered in this decision making method. After we have examined Sagoff's account of environmental decision-making, I will pose some objections to the moral implications thereof. I will argue that the mechanisms for deciding between environmental values that Sagoff proposes to include and arbitrate between environmental values does not really allows us to resolve the problem of conflicting values, and that as such his decision-making method is equally in need of further theoretical development or supplementation to act as a sufficient guide and justification in the decision-making setting.

2: Sagoff's Decision Making Method

2.1: General overview of the decision procedure

Sagoff posits a decision-making model that relies on public discussion to provide direction in environmental matters. The 'public' involved in these discussions should be the people who stand to be affected by the outcome of the environmental decision. Sagoff thinks this is the case because "local responses, uses, and decisions about the use of the environment do better justice to the valuable parts of nature than centralized plans

and uses” (Sagoff, 2004, p.30). Public discussion is the means by which communities are supposed to identify and assess their goals (Sagoff, 2008, p.27). The process of public discussion is the route society must take in order to “find its conscience in matters of social policy” (Sagoff, 2008, p.74). For Sagoff good decision-making from the standpoint of public deliberation involves considering whether proposed goals (policies) are reasonable, reflect appropriate values, and warrant the sacrifices that would be necessary to achieve them (Sagoff, 2008, p.63). Sagoff describes the process of community deliberation as follows,

“The idea behind political deliberation and negotiation is that the process can be educational and transform confrontation into collaboration. In the context of political deliberation, in other words, positions are not construed as exogenous variables but are endogenous to the decision-making process. Participants, therefore, may redefine a problem or consider alternatives that permit an unexpected resolution. Because people must argue their views on the {their?} merits and from a public or inter-subjective point of view in order to persuade each other, they may refine or even change their positions to make them plausible representations of the public interest or the general good. Legitimacy depends on the extent to which an outcome represents a policy ALL can approve after deliberation...”

2008, p.38

The major features of this account then are:

1) *The possibility of aligning views through discourse:*

The end that Sagoff identifies for the result of the deliberative process is that it will provide an educational opportunity for the members of society, and help them overcome confrontation in order to support collaboration (Sagoff, 2008, p.38). All policy proposals will be subjected to the standards of rational argument, and some will be found to be

more reasonable than others (Sagoff, 2008, p.40). He thinks that once we have outlined the reasoning behind reasonable policy options, community values will be identified, and that these can lead to the alignment of views on the issue, so that the community can adopt collective goals allowing it to act as a unit. Sagoff recognizes, however, that where disagreement is irascible, compromise will be essential (Sagoff, 2008, p.65).

2) *The difference between endogenous and exogenous variables:*

For Sagoff, it is very important that the deliberative process care very much about the content of the positions that people hold. For him, public deliberation means debating “social policies on the basis of their moral qualities and objective merits” (Sagoff, 2008, p.27). As such, what determines whether a policy is deemed to be acceptable is not just that a particular individual supports it, but rather whether their view is defensible. The defensibility of the view will depend on whether their support of that policy rests on values that the community shares. In other words, the content of the deliberative process Sagoff supports is an integral part of the deliberative process: endogenous. Sagoff is presumably using endogenous in contrast to the method employed by economists, which he deems to be only concerned with what policies people support, and not why they support them. Because the reasons behind expressed preferences fall outside the purview of economic assessment, I take Sagoff to be referring to them as ‘exogenous’.

3) *The act of redefining the problem*

What I take Sagoff to be referring to when he talks about redefining the problem is that through discussion people will come to be more informed about the resource use problem that is being discussed. I expect that Sagoff means that increased information will cause the individual to alter his description of the problem to reflect the shared information. I also expect that he means that a community might well progress through several iterations of the nature of the problem they are actually dealing with before they produce an explanation of the situation that they will develop policy around.

4) Arguing from an inter-subjective point of view

Through deliberation as a community the values the community holds are derived and rendered “inter-subjective”, the community as a whole becomes the possessor of the values. This sharing of values by members of a community such that the values can be said to be held by the community give the values legitimacy (Sagoff, 2008, p.38). Because the values that have traction (or legitimacy) for Sagoff are the ones that the community shares and that represent the interests of the community, he thinks that the only appropriate participants in these kinds of discussions are members of the communities involved. As such, he demonstrates antipathy towards experts and trained academics because they do not represent the views or values of the community (Sagoff, 2008, p.55).

5) Degree of community assent

Sagoff is not entirely consistent about exactly what percentage of the community members must agree in order for a principle to be designated as one that is held communally. In some places, like the passage above, he insinuates that the commitments must be in some sense universally held (perhaps in the sense everyone would have to accept one of several mutually consistent moral justifications for the policy, but would not have to agree with all of them). This would be consistent with other statements that only require a broad moral consensus over the values deemed to be held by the community (Sagoff, 2008, p.27). However, the same quote that claimed that community acceptance was a broad consensus over values makes the same claim about goals. If the goals of the community are the objectives of the policies that they adopt, then there seems to be some contradiction, or at least inconsistency in Sagoff’s account. In the interpretation of the kind of ‘unanimous agreement’ Sagoff could be taken to mean in order to be interpreted as consistent, given above, it is assumed that the justifications for a policy are not universally embraced but the policies are. However, if policy (goals) are also only a matter of ‘broad consensus’ then it is difficult to see how exactly the community is to be expected to produce a unanimous decision. The standard is made less

clear by Sagoff's claim that the deliberation should be reflective of the practices "associated with representative democracy" (Sagoff, 2008, p.27). In a democracy, the majority rules, and this majority can be relatively narrow, and so the results of community deliberation could easily fall short of being a broad consensus, and shorter still of being an outcome all could endorse.

This difficulty in Sagoff's account could be eliminated if it is the process and the qualities of the process that make the deliberation legitimate. That is, there is reason to believe that Sagoff is not terribly interested in some sort of universal moral truths about the right thing for the environment to emerge or be represented in environmental policy making. This, to me is why he places such emphasis on community decision-making; he seems to think that what is right with respect to the environment largely involves what is right for a particular community and their relationship to the environment. But the source of legitimacy could equally be removed from the actual content of the debate, and instead legitimacy could come from the form of the decision-making processes, and the values and standards upheld through that process. So, for example, Sagoff could have held that what is important is that everyone has an equal say, and that as long as a majority of the population supported a particular project, the project would be the morally correct one to pursue because the process of choosing it was fair, rather than because of what the project actually is. This interpretation is supported by Sagoff's position that "institutions, political arrangements, and processes of public conversation become central" (Sagoff, 2008, p.29) in the deliberative process. As does his claim that "the deliberative approach respects the constitutional rights that make it possible for people to contribute as equals to the political process, but it asserts no a priori theory about the purposes of public policy"¹³ (Sagoff, 2008, p.63). However, this interpretation seems to me to be in tension with the commitment to debating positions on their merits (it now seems that merits matter less than procedure). It also strikes me as reproducing the kind of emphasis on procedure that Sagoff objects to in the use of economic tools.

¹³ This particular assertion also contradicts his claim that "the goal of environmental policy making is to get the most protection at the least cost" (Sagoff, 2004, p.199). It is strange that he supports this as the aim of environmental policy making while simultaneously defending a decision-making process that will not commit to it.

Sagoff's system depends on people coming together in some form of government to choose and legitimize their collective values (Sagoff, 2008, p.26). It is very important to him that citizens have the ability "to participate in the discussions that affect their lives" (Sagoff, 2008, p.43). He is therefore very interested in having the members of the affected community, the stakeholders, be the central figures in the deliberative process. The debate centers around what commitments constitute the community's values, and what the rights and duties belong to the members of that community (Sagoff, 2008, p.26). The goals and values that are "settle[d] on through deliberation represent not what goods we choose, but values we recognize—not what we want but who we are" (Sagoff, 2008, p.27).

3: Sagoff's Moral Account

3.1: Sagoff's version of anthropocentrism

Conservation, in Sagoff's opinion, is good because it encourages moral, spiritual, and cultural progress (Sagoff, 2008, p.134). Conservation does this in two ways: by recognizing what he calls "the intrinsic value of nature", and by respecting the personal and property rights of people in the community. For Sagoff, the source of environmental value is this reconceived form of intrinsic value. Whereas commonly intrinsic value is a kind of value that creates duties because the valuable thing is an end in itself, it is inherently good and should be preserved for its own sake (Sagoff, 2008, p.12), Sagoff claims that particular properties of nature (beauty, integrity, history, and diversity (Sagoff, 2008, p.15)) appeal to our moral intuitions and aesthetic judgements, and it is through our moral and aesthetic faculties that our duties towards nature are formed (Sagoff, 2008, p.2). As such, this kind moral value is contingent on our judgment (Sagoff, 2008, p.74).

For Sagoff, the assessment of the moral value of the environment can only be anthropocentric because valuing is a thing that humans do, is part of human cognitive

processes. But, this does not mean, in Sagoff's view, that the only things that are valuable are those things that are valuable to humans in the sense of being directly associated to their well-being or immediate priorities. Rather he means 'things are valuable to humans' in the sense that humans are the ones who recognize the value, but they correspond to what people believe "to be good or right for the community" (Sagoff, 2008, p.28) and not the prospect of use or consumption. For Sagoff, there is no moral value that exists entirely independently of humans (Sagoff, 2008, p.28) and in that way he denies the existence of 'intrinsic value' as a kind of value that resides in nature itself, separate from human valuation. The kind of moral value Sagoff thinks nature has is instead a value to people because of the way it shapes them and contributes to a sense of identity and morality, and he intends this as a contrast to a view of the basis for the moral value of the environment being dependent on its effect on human welfare (Sagoff, 2008, p.166).

According to Sagoff, when people judge values they judge not just for themselves, but also as a community member (Sagoff, 2008, p40). He claims we act on value based on a set of non-consequentialist commitments that are founded on our "beliefs about what is good in general or appropriate in the circumstances" (Sagoff, 2008, p.72). By distinguishing between consequentialist and principled conceptions of environmental value Sagoff hopes his view will "drive the wedge" between key pairs of ideas in the environmental economists' position. The first pair of ideas is that Sagoff takes issue with is a relationship he sees environmental economists drawing between choice and welfare improvement. He sees the environmental economist as claiming that the mere fact that a policy is chosen by a particular person means that it is automatically welfare increasing. He thinks this is misguided because he holds that even if an individual can judge rightly with respect to his or her own preferences, those preferences, and choices based on them are not necessarily good for the community (Sagoff, 2008, p.71). Because, for Sagoff, only actions that are based on the perspective of the community have moral value, moral choices do not always reflect personal benefit. The second pair of ideas Sagoff sees as a problem is purpose and value. He claims that environmental economists are implying that only things that have a purpose have value. He thinks this is wrongheaded because

he thinks that humans can “recognize normative properties in objects that do not depend on or imply any purpose (human or divine) in the sense of a goal or end” (Sagoff, 2008, p. 152). Therefore, things can have value and not purpose contrary to what he takes the environmental economist to be saying. So, he wants to demonstrate that neither (1) the relationship environmental economists posit between welfare improvement and choice, nor (2) the relationship between purpose and value posited by environmental economists actually holds. He aspires to undermine the credibility of the conjunction of these ideas by demonstrating that they are not actually related. The ability to act on moral commitments that are not concerned with outcomes is claimed to drive the former wedge (Sagoff, 2008, p.72), aesthetics the latter.

3.2: Sources of value in the environment

3.2.1 Aesthetics

Sagoff acknowledges that some might be surprised to see aesthetic judgement as a way of assessing the moral value of the environment (Sagoff, 2004, p.17). He proposes a conception of aesthetics that holds that:

“...aesthetic perception, even if it occasions a slight and subtle pleasure, is disinterested... in other words, is independent of any benefit one may seek...”

Sagoff, 2004, p.17

For him, the pleasure we experience as a result of contact with nature is the means by which we perceive aesthetic value therein (Sagoff, 2004, p.18). But, not just any pleasure qualifies as an indication of aesthetic value. Rather, the appropriate pleasure stems from a judgement based on understanding and perceiving the moral value in the object, and pleasure is an appropriate response that stems from the identification or appreciation of a thing with moral value (Sagoff, 2004, p.18-19). Because the source of

the moral value here is not in pleasure itself, but rather the qualities of the object, aesthetic value is “inter-subjective”^{14,15} (Sagoff, 2004, p.18) and non-instrumental (Sagoff, 2004, p.18). Sagoff sees aesthetic appeal as inter-subjective because, for him, aesthetic appreciation is a judgement rather than a bodily response. As such, we can educate people so that their capacity for “feeling” (Sagoff, 2004, p.18) allows them to discern moral qualities in beautiful things, and thereby make aesthetic judgement a matter of deliberation and discussion that is not merely subjective. This allows us to subject the aesthetic judgements of others to our own faculties of assessment, and vice versa. According to Sagoff, in discussing aesthetic judgements “you may expect me to agree or, if not, show you how or why you are wrong” (Sagoff, 2004, p.18). That is, people can judge each others’ moral responses to natural objects. The quality, or correctness, of an aesthetic response is based on how appropriate it is to the thing being responded to (Sagoff, 2008, p.152). So, it is only when we are correctly identifying moral value in a natural entity that a response to it in the form of pleasure is warranted.

Sagoff gives the example of the re-discovery of the ivory-billed woodpecker. The species was considered extinct and had no economic value. Yet, when a member of this species was located the response was one of joy and excitement (Sagoff, 2008, p.153). In the way Sagoff depicts the economic approach to value assignment, there was no reason to receive news of this event with pleasure. That is, the re-discovered species had no instrumental value, and therefore no value whatsoever. Under such a view, we would have had no reason to be pleased (or displeased) with the return of the species. According to Sagoff, if our response (pleasure) to the ivory-billed woodpecker is warranted then it must be a response to features of the organism. It must be a response to the moral and aesthetic value of the organism that we judge to be associated with it. I read Sagoff as saying that in this case either we have to accept that people generally have poor aesthetic/moral faculties for detecting value, or we have to accept that the bird has non-instrumental moral value.

¹⁴ See definition of inter-subjective, above.

¹⁵ What Sagoff means here is that there are objectively better or worse judgements about aesthetic experiences, and aesthetic disagreements can be justified and defended in a way that mere enjoyment cannot. In this way aesthetic values are shared between valuers. This is what he calls “inter-subjective”.

As such, the first set of reasons, according to Sagoff, to protect the environment includes ethical, aesthetic, and spiritual (Sagoff, 2008, p.12) responses to the inherent qualities of nature. His position is that “we recognize that the preservation of the beauty, complexity, and integrity of the natural world represents an aesthetic opportunity, a spiritual duty, and a moral obligation” (Sagoff, 2008, p.108). I take him to mean that the appeal of the properties of nature to our moral, aesthetic, and spiritual capacities produces obligations to preserve the value through the act of recognizing them. In recognizing the value of nature we automatically have an obligation to protect and preserve that value (Sagoff, 2008, p.108). The obligations that stem from these values are matters of principle (Sagoff, 2008, p.151) and are grounded in the recognition that nature has cultural meaning that furthers social ends (Sagoff, 2008, p.64). Sagoff means that the inherent features of nature that serve social ends are what make nature valuable. These include preserving a sense of local identity (Sagoff, 2008, p.159) and connecting people to the land (Sagoff, 2008, p.161). For Sagoff, a natural environment is one in which the people who dwell therein remember and respond to the natural history of an area. These people “recognize the role that nature and geography play in determining the character of a place” (Sagoff, 2008, p.172). So, a natural area is not one in which there are no humans, but rather one into which humans are “visibly and sensibly integrated” (Sagoff, 2008, p.172). Transforming nature, converting it for economic purposes and replacing it with technology, is undesirable in the position Sagoff posits because it displaces people from “our own natural history” (Sagoff, 2004, p.17).

3.2.2 Legal rights of community members

The second pillar forming the basis of Sagoff’s account of environmental value is concern for “protecting the rights of persons and property against harms and intrusion” (Sagoff, 2008, p.12). For Sagoff, natural goods, such as ecosystem services:

“...should often be analogized not to economic goods to which prices may be attached but to the conditions—like liberty, property rights, the enforcement of contract, and so on—that make production possible.”

Sagoff, 2008, p.89

Sagoff holds that ecosystem services should be protected, but not priced because the environment is morally valuable in the same sense that these other intangible moral values are valuable. According to Sagoff, “no one suggests that liberty should be priced” (Sagoff, 2008, p.89) , and the environment should not be priced for similar reasons. Sagoff proposes that the correct way to deal with environmental problems is to treat them like trespasses against a person or group’s liberty, rights, or contract. According to Sagoff, “Public law regulates pollution, in other words, not as an “externality”, to be controlled to the extent that the benefits outweigh the costs but as an invasion, trespass, or tort” (Sagoff, 2004, p.36).

I understand Sagoff to mean that ecosystem services are something like an institution or legal right, such that people have some sort of claim to the quality of natural goods, whether they are divisible or not, and can make legal claims against those who diminish the environmental quality they experience.

3.2.3 Sagoff’s view on the moral relevance of individual and community goods and harms

It is important to note that Sagoff takes an approach to pollution that is probably logically necessary given that he holds the moral value of nature to be somehow related to the way human history is interwoven with the environment. Because, for Sagoff, the moral value of the environment is bound-up with human activities and historical relationships to the land, it is not inviolable. In Sagoff’s view, it is sometimes morally right to use the environment for the benefit of the economy, just as economic efficiency can be over-ruled by moral factors. While humans are obligated to protect the

environment, it need not be kept pristine because human activity is part of the historical relationship between humans and the environment. The moral upper limit on consumption (which can probably be read as ‘resource use’), for Sagoff, is reached “when market relationships displace the bonds of community, compassion, culture, and place” (Sagoff, 2008, p.136). The environment, according to Sagoff, is entangled in or party to all of these kinds of bonds¹⁶ (Sagoff, 2008, see pages below). Sagoff is saying that we can know that we are over-consuming or committing acts that are environmentally unfriendly when we are willing to break our bonds with the environment for personal gain. From a moral perspective on Sagoff’s account, humans are entitled to some unspecified degree of use of nature that reflects our historical relationship with it. Part of what makes conservation good is that it is conducive to reinforcing the sense of culture and belonging experienced by humans as part of their bond with the earth, and therefore we must allow for the material elements of that culture to be produced.

Sagoff also has pragmatic reasons for wanting to deny that nature must be kept pristine. He recognizes that demanding the environment be kept in pristine condition would bring the economy to a “screeching halt” (Sagoff, 2004, p.116). He claims that while prohibiting all environmental degradation would appeal to our moral intuitions, it could never be seen as a reasonable approach to environmental questions (Sagoff, 2004, p.116). As such, he acknowledges that there must be some extent to which society is “willing to tolerate pollution” (Sagoff, 2004, p.116). If the purpose of “democratic political institutions [is to] allow citizens to deliberate together to choose common goals” (Sagoff, 2008, p.9), then we can see why full protection for the environment would be unacceptable. It is doubtful that any community would set economic collapse as one of its collective goals. So, Sagoff admits, there is some extent to which the costs conservation imposes on the community must be balanced against the need of the community to pollute (Sagoff, 2008, p.10). We must therefore, according to Sagoff, “chasten our goals by adjusting them to economic, legal, scientific, and political realities” (Sagoff, 2008, p.65). For Sagoff, a good life is not one devoted to acquiring material

¹⁶ Fellowship/community (Sagoff, 2008, p.134), culture/spirit (Sagoff, 2008, p.135), place (Sagoff, 2008, p.135), compassion (Sagoff, 2008, p.136).

possessions (Sagoff, 2004, p.111). He thinks that we ought to satisfy our basic needs, and then focus on fulfilling our commitments to our friends, families, and communities (Sagoff, 2004, p.111). It appears that Sagoff intends that this sentiment should act as a model for how we should relate to nature.

A noteworthy feature of Sagoff's account of the permissible levels of environmental consumption is that its central focus is on the inner conflict we experience within and amongst ourselves between each person's roles as consumer and citizen. For Sagoff, the needs or wants of the consumer contradict our beliefs as citizens (Sagoff, 2008, p.60). So the ethical question is always whether it is morally right to override our beliefs as citizens, and never whether it is morally right to override our preferences as consumers. There is no moral dimension to the preferences of individuals for Sagoff. He thinks that we consider both our private conceptions of what is good, as well as conceptions of what is good in itself (Sagoff, 2004, p.2). Sagoff recognizes that personal motivations form part of our political lives, but focuses his attention primarily on community values when discussing political activity. As such, there is little evidence that he is terribly committed to individual well-being as a moral concern unless that well-being happens to be mirrored by the community's well-being. As far as I can tell, the smallest unit of moral agency and consideration is the community. Sagoff claims that "individuals remain the ultimate source of policy" (Sagoff, 2008, p.41), because they are the ones who debate the merits of principles advanced as having bearing on the decision itself. However, I would argue that insofar as citizens argue and act in a way that reflects community interest, it is not terribly accurate to say that the interests of individuals are being considered (or given voice). Nor is it entirely accurate to say that individuals' values are the ultimate source of their actions. Additionally, an economic hardship or inequality faced by a community is a morally repugnant state of affairs. However, there is little evidence that Sagoff recognizes a moral problem in cases where individuals face these challenges. For example, he is concerned about improving the standard of living for "those who are now poor" (Sagoff, 2008, p.112). But, it is not clear of what we should make of this statement. Either he is suggesting that individuals can be the objects of moral concern, or 'those' was intended strictly in the collective sense.

4: Sagoff's Account of How to Balance Intrinsic and Instrumental Value

In this section I will discuss the main components of Sagoff's view on balancing intrinsic and instrumental value. First, I will outline Sagoff's view of what kind of conflict exists between different kinds of value ascriptions, and how this conflict ought to be treated. Second, I will apply his moral position, decision method, and balancing prescriptions to the example of developing the Nature Reserve. This will serve as an illustration of how his view operates and will help motivate our assessment of his view. Lastly, I will raise some objections or problems with how his view deals with the balance problem.

4.1 Sagoff's Approach to Balancing Economic and Moral Value

As we have seen, Sagoff takes up the distinction between morally motivated prescriptions for the treatment of the environment and those that are economically motivated. For him, the conflict does not just reside between groups of people who hold different ideologies, but instead exists within each individual. He draws a distinction between peoples' roles as consumers and citizens in order to reduce the emphasis placed on ideology and portray the tension as a psychological fact¹⁷. The consumer/citizen divide plays an important role in Sagoff's model; it provides the foundation of his view about the relationship between morality and economy. He holds that economic activity is amoral, and that the consumer is morally blameless in pursuing their own ends in economic transactions. A possible intention of this move is to dampen the sense of interpersonal conflict that is attached to the moralist/aggregator debate. By making the debate inherent to human dispositions towards the environment he makes the act of balancing these two priorities more a matter of course (something everyone is always doing) rather than permitting us to really see people as essentially on one side of the debate or the other. This consumer/citizen dichotomy also helps establish Sagoff's

¹⁷ Whether or not this is actually a psychological fact is dubious. This view has been accused of painting a 'schizophrenic' picture of human psychology.

position against environmental economists. If economic activity does not have moral dimensions, then moral information cannot be derived from economic activity. The environmental economists' value assessments, for Sagoff, commit a category mistake (Sagoff, 2008, p.51).

One of Sagoff's explicit objectives is to develop a model of environmental decision-making that would allow us "to come to a compromise between principled and pragmatic valuations" (Sagoff, 2008, p.6) without collapsing one form of value into the other (Sagoff, 2008, p.8). This compromise is also supposed to be reached without placing economic and moral valuations within "the same normative and conceptual framework" (Sagoff, 2008, p.3). The preceding explanation of Sagoff's model shows that Sagoff thinks that both economic and moral concepts and tools have important roles to play in environmental decision-making. But, these roles are clearly delineated and operate from different accounts of value. For Sagoff, it is important that "the views that citizens present about what they believe society ought to do should be considered in a different context from the goods people purchase to benefit themselves" (Sagoff, 2008, p.29). I take it that Sagoff intends that the strict division between the role of morality and economics, both in the decision-making process and in practice, to ensure that decisions makers are never directly caused to choose between economic motives and moral motives in their acts towards the environment. That is, to reinforce the contextual separation of the two.

4.1.1 The Balancing Method

The way that Sagoff proposes to balance economic and moral valuations of the environment, as indicated earlier, is to first set environmental goals through the consideration of moral values by the community. This is the first step because Sagoff believes that "our laws, institutions, and habits of mind depend on the belief that a moral difference between right and wrong exists and that human beings are able and obliged to act on this difference" (Sagoff, 2008, p.155). His reason for arguing that the decision-making debate should focus initially on moral values is because the decision-making

debate provides the foundation for the creation of laws, and so should, in light of the previous quote be motivated by moral principles. But, what exactly these principles are, or how they are derived is not explicitly laid-out in Sagoff's work. It seems that a wide variety of concerns can constitute principles. Some principles identified by Sagoff include:

- Commercialism (Sagoff, 2004, p.31)
- Consumer Sovereignty (Sagoff, 2004, p.31)
- Efficiency (Sagoff, 2008,p.55)
- Equality (Sagoff, 2008,p.55)
- Freedom from Coercion (Sagoff, 2008, p.11)
- Social Progress (Sagoff, 2008, p.11)
- Welfare (Sagoff, 2008, p.11)

The sources of these principles also seem to be widely divergent. Some come from citizens' experiences or interests, from what citizens deem to be in the best interest of the community, from what the anticipated consequences of particular policy options, and from considering the means that will be required in order to effect a particular policy option (Sagoff, 2008, p.27). It is important to remember that while any number of potential principles might be proposed, not all will be endorsed by the community.

The community debate, according to Sagoff, is the arena in which the moral values held by the community are established and, when in contradiction, subjected to critical examination by the community to determine which are most reasonable (Sagoff, 2008, p.40). This helps construct what Sagoff calls the 'objectivity' of the policy being generated; it will have been selected by the group on the basis of its rational appeal (Sagoff, 2008, p.41). Critical examination of the moral values in contention should cause some of the values to be eliminated leaving only a few mutually consistent moral commitments in play. According to Sagoff, in cases where it is not possible to resolve the conflict between remaining values, "the way of finding the will of the community

may require a vote, the vote addresses a logical contradiction between beliefs¹⁸, not necessarily conflicts of interest among individual groups” (Sagoff, 2008, p.51). So, it is important to note that in Sagoff’s view, moral imperatives *can* conflict and that the way to decide between two conflicting values is a vote. I have argued earlier that what makes the vote right, for Sagoff, is not whether or not it reflects some pre-existing notion of what act is morally good, but rather that it reflects an appropriate (morally good) procedure for resolving these conflicts. The moral authority or legitimacy (Sagoff, 2008, p.38) of policy established through Sagoff’s decision process is, as far as I can tell, grounded in the degree to which it is a representation of community values and principles and derived from rational, egalitarian discourse (Sagoff, 2008, p.63).

4.2 How This Applies to Our Example

So far, the discussion I’ve provided regarding Sagoff’s decision-making procedure and his attempt to manage the relationship between different accounts of environmental value has been pretty abstract. Let’s try to work-out the ramifications of Sagoff’s account using the example we started with: whether we should develop the Arboretum Nature Reserve into student residences. The first stage, according to Sagoff, would consist of determining whether any legal provisions would be violated as a result of development. This is the first step because it allows us to determine whether this question can actually be decided by the campus community. As we have seen, Sagoff advocates for the centralized administration (government enforcement) of the legal aspects of environmental questions (Sagoff, 2004, p.213). So, if developing the nature reserve committed some kind of legal wrong, then we’d have to defer our judgement to the courts, or at least wait for some kind of resolution on the legal matter before we could approach the development issue as a community. The classification of the wetland in the Nature Reserve will produce the first major obstacle in that site alternation is prohibited in provincially significant wetlands (Ontario Nature, 2004). And, in reality, Sagoff’s community analysis would end here. The community does not have the authority to decide the matter under the current conservation regulations in Ontario. Additional legal

¹⁸ I take him to mean *moral* beliefs in this context.

problems might arise with respect to parts of the environment that are not, and cannot, be under private ownership: the pollution of a stream or the air. Sagoff contends that pollution is primarily a moral failure (2008, p.10) that should be punished as a legal offense; for him it is a violation of the rights of others (Sagoff, 2008, p. 6). For the sake of illustration we will continue with the example, despite that fact that, for Sagoff, the matter would already be settled. In circumstances where the legal and regulatory framework permitted community action in this matter, once we had given due consideration to the impact changing the use of the Nature Reserve and found that we could do so without encroaching on the rights of other individuals, we could move on to community deliberation.

The community deliberation in this case is not going to involve just a few people assigned the responsibility of deciding. The University of Guelph would presumably have a number of interest groups who would present conflicting positions on the matter, and Sagoff requires rational deliberation regarding these different views. Sagoff calls for community members, or their representatives, to gather in order to establish community values and arbitrate conflicts between them. The central process here is the process of making values inter-subjective. I take this process to entail moving beyond individual assessments of good and bad and right and wrong to appeals to principles that the University community assents to. It also means coming to a collective understanding of what problem is posed in the particular decision-making setting.

There may be an individual present representing research faculty. While her argument might start-off as an account of how developing the nature reserve would influence *her* research, she would ultimately have to argue for preserving the environment from the perspective of an inter-subjective (community) principle and an inter-subjective understanding of the problem. For example, she might propose that the University has a commitment to research excellence and demonstrate how the nature reserve contributes to promoting that principle.

Any number of campus groups might be represented expressing any number of community principles. The principles presented will either be consistent with development or conservation, or consistent with the means to achieving one of the two. Sagoff claims that part of endorsing a community goal is endorsing the means by which it is to be achieved (Sagoff, 2008, p.27). This means first, that the means of achieving a goal must be consistent with the principle from which the goal stems. It also means that if the method for achieving a goal contradicts a principle, one has to be willing to over-rule the principle being contravened. For example, if through community deliberation we determined that the University community's core values (principles) were academic excellence, fiscal responsibility, and intellectual freedom, and we decided that these principles led to the conclusion that the Nature Reserve should be preserved, then the means of preserving the Nature Reserve could not contradict one of the principles, unless we were willing to abandon the principle.

So, if the method for ensuring that the Nature Reserve was left untouched was to build a giant fence, the financial burden involved in constructing the fence could not be so great as to endanger the principle of fiscal responsibility. If the cost of the fence would result in the contradiction of the principle of fiscal responsibility, then we would have to either (1) concede that the principle of fiscal responsibility was not actually a core community value (which would be unlikely), or (2) we would have to find some less costly way to preserve the Nature Reserve, or (3) if building the fence was the only means of achieving the goal, then we would have to resolve that preserving the Nature Reserve was not actually consistent with our community values. In (1), the goal, preserving the Nature Reserve, required particular means (cost of fence) to achieve. If we were willing to accept the means at the expense of the principle, then we would be over-ruling the principle. In (2), we would not accept the means because we would uphold the contradictory principle, and we would seek a new means. As we see in (3), finding a new means is not always possible. If there is only one means of achieving the goal then in selecting the goal we are endorsing the means to achieve it. The goal, and the means of achieving the goal, must be consistent with the principle(s) from which the goal stems.

Significantly, while the community principle regarding the contribution the site makes to community identity and aesthetic value of the area is likely to be represented, I take Sagoff as saying that there is no guarantee that the community identity/aesthetic-value-of-nature principle will survive the deliberative process. It is quite possible that neither the community identity/aesthetic-value-of-nature principle, nor any principle that it is consistent with it, is the principle (or in the set of principles) that informs the direction taken regarding the nature reserve. I interpret Sagoff as thinking this as an appropriate result. His problem with the approach taken by environmental economists is not that the moral/aesthetic value of nature could be over-ruled, but instead that it can be over-ruled by economic considerations. Over-ruling a principle with a principle appears to be acceptable to Sagoff.

The community decision, in our case whether or not the nature reserve will be developed, will be selected on the basis of what follows from the principle(s) that survive deliberation and voting. These goals would be tempered by “economic, legal, scientific, and political realities” (Sagoff, 2008, p.65). Sagoff recognizes that there are bound to be obstacles that obstruct a community’s ability to smoothly bring the goal they have set into reality.

We’ll notice that some of the obstacles Sagoff points to are things I have claimed would already have been dealt with. First, Sagoff indicates that there might be legal obstacles to bringing about community objectives. This sounds a bit strange once we recall that legal concerns should have been considered before the community began the decision process. This was done to ensure that the community choice was permissible under the law. Sagoff must mean something different here. While Sagoff is not terribly specific about what he means it is likely that he is referring to legal constraints that have to do with enacting the particular goal. For example, if the campus community chose to develop the Nature Reserve there might be laws that govern how development takes place. This might include things like zoning laws, permits, but more significantly regulations for environmental protection during the development process and safety

regulations. This last item relates back to how Sagoff views pollution—as, primarily, a legal infraction. So, pollution prevention is a legal obligation. Second, the community decision process was supposed to be political, so it is easy to imagine that Sagoff is contradicting himself again here. In the spirit of charity I will take Sagoff to mean political factors at levels beyond the community, perhaps regional or national. Lastly, many of the economic considerations would have been imported into the deliberation process in the form of principles that are put at risk by choosing a particular course of action. It is not clear what other economic considerations Sagoff could mean.

5: Objections to Sagoff

Sagoff is attempting to resolve the conflicting value problem in two ways. First, he puts economics into a purely advisory role. Economic analyses can be used to inform the deliberative process, but do not indicate which course of action should be selected. Second, he allows principled responses to economic considerations to be included in the deliberative process, allowing us to track the economic (and other) costs or benefits of putting community values into action. While Sagoff's DMM does provide an account of how it might be possible to decide between the intrinsic and instrumental value of the environment, it also is heavily dependent on our willingness to accept the moral goodness of community deliberation and its ability to achieve the ends he claims it can. In the sections below I will argue that we should not approve of Sagoff's version of community deliberation, and that without this feature, his account provides no satisfactory means for deciding among the values identified as being relevant to the environmental decision at hand.

5.1: Objections to Sagoff's Emphasis on Procedure

As a reminder, earlier in this chapter I described Sagoff's decision-making method as relying on a procedure, community deliberation, which assumes that the method of decision-making is what makes a decision morally right. A decision regarding the environment, in his view, is correct *because* it was chosen by the community through

a particular deliberative structure, and not because it reflects some external standards for morality with respect to the environment. For the purposes of this discussion, I will take for granted Sagoff's claim that public deliberation is an efficient and effective method for determining community goals and that the deliberators will indeed be motivated by the ideals he thinks citizens have. But, I will argue, even if we make these concessions, procedure based methods approaches to environmental decision-making are not attractive.

I will argue that there are two reasons why we should be wary of approaching environmental decisions from the perspective Sagoff advocates. First, the motives that Sagoff holds to be proper in order to understand our obligations to the environment are poorly founded. Historical relationships to the land mean little in a world of changing populations and landscapes. Second, moral value and moral goodness are highly context dependent on this account. This is potentially problematic from both theoretical and practical perspectives. If my objections are successful, then we will see Sagoff's community deliberation as producing a jumbled collection of principles, but providing no consistent and non-arbitrary way of deciding between them. And that, as such, his approach is mired in a larger metaethical problem concerning how to negotiate between conflicting values.

5.1.1 Obligations to the Environment from Historical Relationships

My first objection to Sagoff's procedure is that the values that the community is supposed to rely on in order to make good decisions about the environment, the basis for the community's obligations towards the environment, are founded on the absence of change. This makes it unlikely that these values (1) actually exist and (2) are actually appropriate principles upon which to base decisions about the environment.

The first charge is a response to Sagoff's claim that, our obligations to the environment are derived from our role in constituting what is natural—"an area is natural insofar as the people who live there remember and respond to its natural history" (Sagoff,

2008, p.172). For Sagoff, cultural memory of and sensible integration into the natural history of a place are what give the environment value and what we are to aim to preserve when we consider potential uses of the environment. We ought to, he argues, make decisions that reflect and preserve this relationship with the environment. However, I firstly find the claim that North Americans (for example) have ever been sensibly integrated with the environment implausible, and second doubt that much of that cultural memory actually exists, at least first hand.

Sagoff acknowledges at least the latter when he claims that “our environment erodes because we do not set roots in it” (Sagoff, 2008, p.160) and bemoans the way industry and technology have severed the connection between production and place (Sagoff, 2008, p.171). Humans are mobile and adaptable, moving or changing their mode of living in response to changes in social conditions. This is a necessary part of human survival. It also results in changes in communities both with respect to their composition and lifestyles. As a result many members of many communities will not have the kind of relationship with the landscape and the history of the landscape that Sagoff claims forms the basis for valuing the environment and having obligations to it. This might cause us to draw one of the following conclusions: either people who do not have the correct relationship to the environment are not competent to make decisions about it, or it is possible to value nature without being particularly connected with any given landscape. While Sagoff might be willing to claim the former, I am more inclined to believe the latter. But even if we, for the sake of argument, accept that people who do not have the right kind of relationship to the land are unable to sense its value, this still leaves us in a position where large portions of the population of a community, or even whole communities, are not qualified to engage in environmental decision making. This might cause us to question whether Sagoff’s community based model is really broadly applicable, or whether it is only applicable to particular communities that are directly dependent on natural resources and environmental quality.

Were we to accept Sagoff’s claim that historical connections to the land are the foundation of environmental value and that people really do have this connection to the

land, there would still be a problem. Landscapes also change, whether or not through human intervention. Eventually, as a result of this change the historical understanding that the people have of their region may not be an appropriate basis for action. Alterations to the landscape may require much different actions than the kind undertaken in the past, and to persist in reacting to the environment as it has been historically might result in poor management decisions. The time scale upon which this change might happen may be of greater or lesser duration, spanning decades or centuries. The slower the environmental change the more chance there is that a community will adapt successfully to the new conditions. The shorter the duration over which the change takes place, the less likely that a community will be able to cope with the alterations (Ford et al., 2008, p.46).

For example, the Inuit and other arctic communities are generally seen as having the kinds of relationships to their environment that Sagoff would require—long, sustainable historical relationships with the land. However, in the face of climate change¹⁹ they are expected to experience serious challenges (Ford et al. 2008, p.46). These challenges include mass die-offs of the species that the Inuit hunt for food, like seals and caribou, sudden temperature variations, increases in rain in winter and spring, and changes in ice-formation and break-up (Ford et al. 2008, p. 59). Where the changes are only prolongations of conditions that have been experienced in the past (like unseasonably warm weather) adaptation should be relatively successful because it will only require adopting strategies employed for other reasons to approach the new conditions (Ford et al., 2008, p.59). Novel conditions and challenges will pose the greatest challenge to the community. The combination of familiar and novel challenges will increase the riskiness of traditional land-use practices. The Inuit are expected to fare relatively well because their resource use patterns are adapted to “the unpredictable and variable Arctic climate” (Ford et al., 2008, p.54) and because their traditional knowledge base is constantly subject to revision on the basis of observation and experience (Ford et al., 2008, p.53). In a community where the resource base is more fixed/narrow, where

¹⁹ Just because one community has a sustainable relationship with the environment does not mean that it cannot be adversely affected by the actions of other communities.

ideas about resource use are dogmatic, or where the socio-cultural costs are deemed to be too high to adapt (as in some cases among the Inuit (Ford et al., 2008, p.54)), the implications of environmental change would be too much for traditional knowledge to handle. We might question whether traditional relationships with the environment in areas where the conditions are less variable would generate sufficient flexibility to allow people to adapt.

5.1.2 Problems with Heavily Context Dependent Values

I have two concerns about Sagoff's account of community deliberation that lead me to conclude that his deliberative model produces a lot of problems when it comes to generating and discussing values.

To begin, it is not totally clear what Sagoff means by a 'community'; and what he means by community may produce problems for arriving at consensus in environmental decision-making. It appears that a community, for Sagoff, has to be both geographically and (relatively) ideologically homogeneous. That is, a shared relationship to the land results in a shared understanding of environmental value. Sustainable communities, communities that will survive changing social conditions, for Sagoff, are ones in which family and community ties are strong, where shared memories and commitments root citizens to places (2008, p.165). So, while Sagoff praises diversity (2008, p.165), it seems that there is also a requirement of substantial sharing of values and cultural memory in his communities. There are three problems with this view of community: (1) not all communities are sufficiently homogenous to result in a shared understanding of environmental value, (2) different communities will come to different conclusions about environmental value²⁰, (3) the social units that Sagoff points to as the appropriate decision-makers regarding the environment, communities, might not capture all the individuals who have a stake in environmental decisions.

²⁰ Sagoff would think this is an acceptable outcome, but it creates philosophical and practical difficulties, as we will see.

While shared beliefs about the value of the environment resulting from shared relationships with the land might exist in more insular communities, it is certainly not true of open communities with migration or even differences in occupation. The more heterogeneous a community the more different ways there are in which particular facts about the surrounding environment can be interpreted. Sagoff, for example, suggests that the source of much of our valuation of the environment has historically relied on religious factors (Sagoff, 2008, p.191). In a place where there is no shared religion, or other set of moderating principles for our assessment of environmental value, different ideological groups could have their assessment of environmental value not only derive from very different origins, but also result in different ways of approaching the environment that result in variability in what is considered to be right or wrong action towards the environment. In such circumstances not everyone in the geographical area would enter into the deliberative process with the same underlying values, and so it would be more difficult to reach a decision. This is especially true if what it meant to reach a decision was to agree on the principles that are relevant, and deduce the correct action from them. As Norton indicated, it is easier to reach an agreement about *what* should be done than *why* it should be done. If Sagoff allowed for heterogeneous values to inform decision, then a diversity of value systems would not be a problem—but this is not what he advocates for. He argues for principled agreement. If we were to follow Sagoff’s theory in this case we might have to divide the population into ideological communities and then somehow determine which community should be the deciders. But that seems divisive and prone excluding people unnecessarily.

A second problem with the way Sagoff employs the concept of community is that even if we grant that communities are geographically and ideologically homogeneous, this still would not mean that environmental decision-making conducted by a community would result in environmental policies that actually achieve their objectives. Environmental use affects neighbouring systems as well as having potentially far-spread implications. Local communities maybe relatively homogeneous with respect to assessments of environmental value, but it is much less certain that neighbouring groups, or particularly groups separated by considerable distance will agree about the source of

environmental value or the importance of environmental value relative to other kinds of value. Neighbouring towns could easily arrive at different conclusions about whether to pollute a shared body of water or develop a forest (or to what degree) providing there are no concerns over legal rights. And, the environmental use activities of the one group could affect or nullify the conservation efforts of the other, rendering the conservation policy ineffective. This is even more likely over great distances.

For example, the monarch butterfly spends its summers in Canada, and migrates to Mexico during the winter. If it were found that a pesticide damaged monarch butterflies one country might be able to justify banning the pesticide, while the other could not. This might have to do with the relative cost of the chemical, its availability, the means by which it is used and transported, etc., and how that related to the way it was being employed in each country. If one country enforced a ban while the other did not, the efforts of the country enforcing the ban would be rendered less effective or perhaps even pointless. Each community could have used Sagoff's environmental decision-making method. They would both feel completely justified in their decision and yet they would not have agreed on what the appropriate treatment of the environment is, nor had any responsibility to coordinate their decisions with other communities. This kind of inconsistency puts conservation efforts at risk and does not bode well for any kind of unified environmental ethic.

The previous example not only indicates that community based decision-making can be ineffective, but also indicates that maybe the community is not the best level on which environmental decisions should be made. Environmental decision-making literature suggests that the most appropriate way to make environmental decisions, if the public is going to be involved, is to have representatives from all the different interest groups involved (Sagoff, 2004, p.194). This is going to involve including a wide range of people from a variety of backgrounds. It would be unwise to presume that the environment is valued for the same reasons by all the participants, or that the environment is equally important to all of them. Sagoff's account, however, does not describe how to handle situations in which there are multiple parties involved, except

through compromise or negotiation (Sagoff, 2004, p.195). In either case, in order to arrive at a consensus through a deliberative process that cannot rely on shared values, compromises will need to be made between the values presented. Sagoff's account does not really provide a way to do that beyond relying on common values and shared experience, or holding a vote. We have seen already that these conditions are not to be relied on, and so Sagoff's account leaves us with a lot of principles, but no way to decide between them.

6: Consequences of the Weaknesses in Sagoff's View

I see two major problems with Sagoff's view that I have pointed to more generally in the discussion above, but that merit a bit of further explanation. The first problem is that Sagoff's view does not provide a good basis for understanding what people, in the form of a government or decision-making body, ought to do or not do generally with respect to the environment. On the one hand, this is probably because environmental decisions should be somewhat context dependent in order to be appropriate to local conditions. However, Sagoff goes further, suggesting that the very basis of value itself depends on the particular features of the land and our relationship to it. This position leaves open the possibility of accepting that environmental value, and the "right" thing with respect to the environment is completely left to the discretion of the local community. But, I think that environmentalists are trying to establish a much stronger position about the value of the environment, and I think that they *should* be doing so. If problems in environmental ethics could be resolved by simply appealing to the authority of local communities, then much less discussion on the topic would have been required. That is, if what was right in environmental ethics were determined by local culture then there would be no need to engage in debates about the values that should form the basis for ethical action towards the environment. This is because it would be hard to justify approval or disapprobation of other communities' choices because the correct moral values would be determined within the community. However, it rather seems that environmentalists and environmental ethicists are trying to establish that nature really is valuable (morally or otherwise) in ways that are able to be recognized

by different people at different times and places. Furthermore, if we are able to identify values of the environment that are able to be shared across cultures, this will help cultivate productive discussions about the environment in a wide variety of contexts. Sagoff's view does not do much to promote or develop conceptions of environmental value that are in anyway unified.

The second major problem, and the one I will address in the final chapter, is that once we no longer have reason to believe in commonly held values underlying the deliberative process, the principles that a community generates are not easily able to be ranked or otherwise decided between. The shared cultural background was what was acting as the mechanism for allowing people to choose between principles. I have argued this is a tenuous assumption. If I am correct, the Sagoff ends-up in not much better a position than he started. While he has provided a way to balance economic imperatives with moral imperatives, he has also imported the anthropocentric/economic values into the deliberative system in the form of principles. As such, Sagoff still will need a way to treat the metaethical problem that I think has been at the foundation of this whole debate all along—the problem of deciding between different moral principles that all seem to be legitimate concerns and of no greater and no less importance than the others.

CHAPTER FOUR: CONTEXTUAL RESOLUTION OF THE RELATIVE MORAL IMPORTANCE PROBLEM IN THE DECISION-MAKING SETTING

1: Review of the Problem of Relative Moral Importance in Environmental Decision-Making

Throughout my analysis of the DMMs developed by Pearce and Sagoff in the previous chapters, I have argued that while their models attempt to resolve the intrinsic-anthropocentric value problem in environmental ethics, the overall result of their efforts is simply to push the problem into more abstract levels of discussion. On the one hand, this is unfortunate because their attempts at resolving the tension between intrinsic and instrumental value do not *really* do what we might hope they would; they do not settle the question of how to handle apparent conflicts between different conceptions of environmental value. On the other hand, their accounts are useful because they help to reveal the intrinsic-anthropocentric value debate for what it is—a conflict over the relative moral importance of different kinds of moral value.

In Sagoff's case, he acknowledges that there are a wide variety of values that are relevant in environmental decision-making. I have argued, however, that Sagoff's method for deciding between these values is, at best, only applicable in a small number of cases that are less than completely likely to materialize, and will become less likely in the future (as societies become more diverse and interconnected).

Pearce also recognized that there are multiple values people assign to the environment, but constructs his model to assess only one, though his model purports to represent at least three sources of environmental value. The systematic nature of Pearce's method is appealing, but by taking only a narrow range of values into account it remains incomplete.

In both cases we still lack a convincing account concerning how the values are to be weighed against one another. The problem is that there is an absence of a moral theory or account that mediates and arbitrates between moral theories or sources of moral values. There is no way to decide whether one set of moral values generated from one set of moral principles can take precedence over other values generated from other principles, or when/ why this might happen.

Because the DMMs are meant to be applied, or are at least candidates for application, they neither have the luxury of only privileging one moral value and failing to acknowledge the rest, nor of suspending judgement about the relationships different moral theories have to each other. This is because they are no longer the objects of abstraction, but meant to take real values and negotiate between them in order to produce morally good (satisfactory) policy. As such, we need to either (1) find some theoretical means by which to decide the relative moral importance of different moral values or (2) identify some point that can serve as a difference-maker in applied ethics, allowing us to make decisions about the unresolved issues in theoretical ethics in real-world situations. Without some ability to decide between moral values in a justified way we end-up with models for political decision-making that do not allow us to respond to the criticism that environmental policy making, on the whole, is not morally satisfactory because it fails to recognize the full spectrum of moral positions in question.

2: A Role for Decision-Maker Obligations?

If the goal among those who propose DMMs is, at least in part, to respond to the criticisms of decision-makers' policies and policy-making about the environment, then neither the DMM proposed by Sagoff nor that proposed by Pearce is satisfactory. The belief that decision-makers should be considering all possible moral values relating to the environment during the decision process remains intact, and the decision-making model they have proposed cannot justify how they choose between these values. The decision-making models are therefore still lacking. Above, I have suggested that there are two ways to solve the justification problem exposed by critics of government action. Either

we have to resolve the meta-ethical problem of relative importance of values, or we have to establish that there is some contextual basis for giving some values more influence than others in the decision process.

I propose that a means of resolving the questions raised by value conflicts could come from giving closer consideration to the nature of decision-makers and their responsibilities. Pearce and Sagoff give at most fragmentary or implicit accounts of the kinds of decision-making contexts that their DMMs are supposed to be integrated into. This, I think, is an oversight because it makes it hard to identify what kinds of contextual factors could serve to select which values are appropriate for decision-makers to be acting on. In the following sub-sections, I will argue that paying attention to the duties of both existing and imagined decision-making contexts will help us ask important questions of DMMs that will help put constraints on the problem of relative importance and can help justify DMM proposals.

2.1: Thinking About Agency Duties Constrains Relative Importance Problems

The problem of the relative importance of moral values in environmental decision-making can be approached constructively from a perspective that keeps the goals and role of the decision-making body in mind. In systems of governance where the objective of decision-makers is to enact the public will and defend the public good, the decision-making bodies have moral obligations to fulfill these commitments. As a result, the moral purview of decision-making agencies (that are concerned with moral considerations) puts restrictions on the kinds of values that can be justifiably brought into policy and the way that these inclusions are made. The environment might be morally valuable for any number of reasons. However, this does not mean that decision-making agencies have a responsibility to concern themselves with all of these reasons. In fact, it may well be the case that acts that express values that are not part of an agency's obligations will result in neglect of their actual responsibilities. For example, if it is the case that an agency's primary concern is for the welfare of the citizens, then welfare (and perhaps distributive and other justice) values would be given priority in decision-making.

Some of the other moral values attributed to the environment, like intrinsic value or rights of the environment, would be rightly ignored by decision-makers because it is not their responsibility to take these things into consideration except insofar as they affect welfare. Indeed, if they were to decide to give priority to the intrinsic value of nature, by making all resource extraction illegal for instance, then they would likely fail in their responsibilities to their citizens, as citizen welfare is going to be dependent on at least some level of resource extraction which is prohibited on an intrinsic value view. I pointed out earlier that both Pearce and Sagoff have decided not to pursue intrinsic environmental value as part of public decision-making. This is in stark contrast to the way environmentalism is characterized by other philosophers; environmental philosophers are generally depicted proponents of biocentrism, or at the very least see “moral belief[s] about the superiority of humans in the world” as misguided (Light and DeShalit, 2003, p.4).

However, it seems to me that it is not necessary to give priority to intrinsic value in order to be interested in preserving or conserving the environment. It also does not seem that intrinsic value *should* be taken as a given when making environmental policy decisions. The reason for this is that decision makers, if nothing else, have a substantial number of sources of value to consider seriously, and because their decisions have wide ranging effects on both people and the environment²¹. It is not obvious to me that decision-makers with the aim of maximizing welfare among their citizens (for example) could be justified in accepting the intrinsic value of the environment as it has been presented by its proponents. This is because governments represent a diverse population, and individuals in the population possess a variety of needs and interests that must be taken into account. Acting on the basis of intrinsic environmental value, for example, could result in substantial omissions with respect to the other sources of value for which a government is responsible in cases where human interests conflict with the rights of the environment. This kind of situation would inevitably emerge under conditions where: (1) it is deemed to be the case that any resource degradation or cultivation automatically

²¹ If favouring one kind of value systematically disadvantages humans then a government is probably not justified in using it, assuming a welfare enhancing government.

contravenes the intrinsic value of nature²²(Pearce, 1993, p.15) and (2) at least some level of resource use is necessary²³ for sustaining or improving welfare. Holding these two beliefs simultaneously leads all degrees and kinds of resource use to be seen as contrary to what is good for the environment. But, this does not mean human welfare is always in conflict with what people take to be the rights of the environment. Depending on the degree and kind of resource use, it may well be conservation, and not resource use that is welfare enhancing. So, sometimes welfare improvement requires resource use and sometimes conservation.

In the case of decision-makers responsible for the welfare of others, and in which resource use creates the most welfare, a decision to make policy based on the intrinsic value of nature will automatically a neglect of their responsibility for welfare. It will deny the community the resources they need to maintain their level of welfare. My claim is that it is more morally pressing or important that decision-makers should live-up to their explicit responsibilities and reasonable extensions of their mandate in light of the broader decision-making context, than to be moved by claims regarding obligations that are in conflict with or completely unrelated to their mandate. It is worthwhile to stop and think about why this might be the case.

2.2 The Importance of Decision-Makers' Duties

The question that we need to consider is perhaps, ultimately about what it means for a decision-maker to act in a manner that is morally correct. There are perhaps two general options here. The first possible response is that what it means for a decision-making body to act well (morally) is that it obeys some sort of imperative that is morally good, and/or deemed to be morally good by the people it decides for. The other is that it obeys its mandate, and therefore fulfills its obligations as defined by the role it has been given by society. If we accept the former, then we accept that it is possible for decision-makers to change their obligations any time the people in those positions change their

²³ I don't mean logically necessary. Perhaps this is best understood within the context of current best practices and technologies.

ideology, or at the lightest political pressure. That is, they will be able to advance any policy that can be justified from *a* moral perspective.

It is my contention that it might be difficult to retain checks and balances in the political process if decision-making bodies are allowed to select their own moral course. That is, once we give the decision-making body absolute authority over its moral conduct without moral restrictions we give it the ability to circumvent the measures we have put in place to restrict or direct its powers. There are possibly some sinister situations that might result from this moral freedom among decision-makers, but there are also some important implications for policy-making. For example, the recent nuclear disaster in Fukushima, Japan following an earthquake of unprecedented size led many countries to re-examine their attitudes towards nuclear power. The response in Germany was the most pronounced. Shortly after the disaster, Chancellor Angela Merkel announced that Germany would reverse its course on nuclear energy and head for a phase out on domestic nuclear power by 2022 (Harrel, 2011). Now, it may well have been that Germany was already considering cancelling their nuclear program, but to me, as an external observer, it seemed like this was a knee-jerk reaction to an isolated incident. While the accident was horrible, and it is likely that at the time the sentiments of the German people favoured abandoning the nuclear program, it is hard to believe that decision-makers in Germany were able to take stock of the full costs of abandoning nuclear power in such a short time. It is also probable that, without further incident, public sentiment against nuclear power will wane over time, that the decision was based on a period of heightened sensitivity to the issue, and that it might be regretted in the future. Fuller consideration of the implications of the Fukushima disaster and what obligations it entailed towards the public may have resulted in a different decision. Decision-making based on the obligations of decision-makers will give a clearer picture about whether a change in policy is really warranted, and what alternative is called for, and thereby allow policies to weather temporary (or perhaps poorly founded) public outcries.

In the case of decision-making, where the role of decision-makers is maximizing the welfare of the citizens, welfare values, and related values would take priority over other moral values. In this example, and one in which the needs of people are quite obviously in contravention to the act in favour of intrinsic environmental value. There may be other cases in which welfare is maximized by taking a course of action that is in alignment with intrinsic value, but the consequences for intrinsic value are rightly seen as a happy accident rather than as an instance where decision-makers decided in favour of intrinsic value. It is my position that, we should not deem public decisions that do not reflect the whole range of environmental values as deficient, though we may disagree with the outcomes. Decision-makers have particular duties and it is morally good for them to satisfy those duties. As provisions for environmental quality are introduced into government charters and objectives it is increasingly important that we come to some conclusions about what it would mean to integrate concern for environmental value into governance in a way that is morally satisfactory.

At least in the interim, however, arguments for environmental protection can and should be made within the confines of decision-makers' responsibility in the decision-making context. In this way the burden to demonstrate that conservation falls within the existing framework of decision-makers' responsibility falls on those who support environmental conservation. It is right for a government to only conserve when it is at least permissible within the framework of its other duties, if not done as a product of its duties. As such, the responsibilities of decision-makers serve to give us some traction on the question of environmental value within the public decision-making process. In the face of actual restrictions on what decision-makers' responsibilities are, the DMM employed should take all the values that they are responsible for into account, and make transparent attempts to balance them based on knowable criteria.

2.3 Prospective Benefits of Considering Agency Duties in Environmental Decision-Making

I expect that approaching the question from this direction will be helpful on two fronts. First, with respect to moral concerns, it provides a good moral justification for restricting the number of environmental values that need to be considered in a morally satisfactory decision-making process. Second, on the practical front this approach gives decision-makers a point of reference for adjudicating between different values. I will explain these outcomes at length in the subsections below.

2.3.1 Moral Benefits of Restricting Environmental Values with Agency Obligations

As I have already discussed, a resolution to the problem of the relative importance of moral values is not showing any signs of emerging as a result of traditional ethical discourse. However, a lack of agreement on the subject does not entail that there are no cases in which some moral values and obligations are more pressing than others. I am suggesting that we might attempt to determine the relevance of particular moral values and obligations through a reference to the role of the decision-making body, and the importance of that role in promoting (morally) good governance.

It is the moral importance of good governance that provides the justification for the ranking. If, as I have argued, there is a moral relationship between decision-makers and the community they decide for that is based on, or defined by, a particular set of values, then upholding these values constitutes a moral obligation on the part of the decision-maker to the community. The obligations frame the role of the decision-makers and (ideally) reflect the best judgement of the community and would be the product of substantial consideration. Granted, there needs to be a mechanism for change in decision-makers' obligations in accordance with changes or developments in a community's understanding of what is morally good, acceptable, etc... But, on the whole, decision-maker obligations are based on the considered values of the community. The

moral importance of decision-maker obligations is twofold. First, they represent the mutually agreed upon relationship between decision-makers to the community. Second, they represent the community's best attempt at describing morally good social arrangements. Both of these moral goods are upheld when decision makers make decisions based on their obligations to the community.

My approach allows for a number of relevant values in environmental decision-making to be recognized while respecting the moral role of the decision-maker. By applying agency objectives as a filter for environmental values in decision-making it also creates a mechanism by which we can accept agency decisions as morally satisfactory while not pressing these decision-making bodies to either break their commitments to the people to whom they are responsible or include moral values that their mandates simply cannot justify.

2.3.2 Practical Benefits of Restricting Environmental Values with Agency Obligations

On the practical side, using agency obligations as a filter for moral values in environmental decision-making gives decision-makers at least the beginnings of an account of how to justify constraining the concerns that they need to take into account when making decisions about the environment. I have already claimed that part of the task for people who want to advance environmental protection is to demonstrate that conservation falls under the mandate of the decision-making agency, as either direct or indirect consequences of its explicit obligations and aims. So, the benefits of this proposal are two-fold. The proposal is one way in which we can provide a means for deciding between environmental values, which is lacking in other DMMs. Also, it allows decision-makers to make decisions in accordance with their mandate without being accused of making a poor or morally wrong decision. It may well be the case that the mandate itself would come under scrutiny, but while perfectly acceptable, that is a slightly different conversation or objection.

2.4 Rounding out the Model

This separate, second conversation about the ideal role of decision-makers with regard to environmental questions is a crucial one. My model could not be considered complete without fully including the need for the discussion about what environmental values should be integrated into decision-maker obligations, and how. I am not assuming that the current state of decision-makers' responsibility is correct. Rather, I am demanding that activists, and decision-makers, promote changes in the obligations that decision-makers have and the institutions they possess to act on these obligations. The first part of my approach relieves decision-makers of the burden of considering values that are outside of its jurisdiction in the present, but there also needs to be a part of the approach that aims to develop more morally satisfactory DMMs and inspire the change in the decision-making context that would allow this DMM to be adopted in a way that is consistent with other government obligations. This gives environmental activists more time and space to prepare decision-makers to take-on a more holistic, but still internally consistent, moral approach to environmental use. I foresee improved moral approaches being implemented differently in different systems of decision-making, but the objective would be a similar balance of values, perhaps the best activists can do to convert activist values into policy. In this way, the ultimate objective in my view is to move beyond relativism, beyond the current political situation, in order to achieve a workable integration of environmental value into decision-maker obligations.

2.4.1 Decision-Making Context Requirements

I have already accused Sagoff and Pearce of failing to be very specific about the contexts in which their DMMs can reasonably be expected to achieve the results they have argued that their decision-methods can produce. But, it seems to be the case that certain political preconditions are required for both Pearce and Sagoff. Pearce admits, for example, that "well-functioning property goods and labour markets" are necessary for economic valuation to be credible (Pearce, 1993, p.62). Sagoff's view would require that the results of community-based resolutions on environmental issues be recognized as

authoritative by the broader institutional (government) framework. Likewise, the moral and practical implications of my proposal will only materialize under a particular, relatively idealized, decision-making context, which deserves to be made explicit.

Firstly, the moral importance of decision-makers' mandate is dependent on there being some sort of moral, contractual, or other, obligations that exist between the decision-makers and those-who-are-being-decided-for (let's call them "community members" for the sake of brevity). It must be the case that decision-makers are bound to promote the will or interests of the other party through the terms of this arrangement. That is, it is this moral relationship between the two parties, and obligations on the part of the decision-makers to reflect the will and/or best interests of community members that makes the mandate of the decision-makers morally important. In a situation in which the decision-makers are not beholden to the members of the community, the mandate of the decision-makers, or whatever the decision-makers take their purpose to be, does not have the same moral implications. In these circumstances, decision-maker responsibilities would no longer serve as a moral justification for over-looking particular values in the decision-making process. It is worth pointing out that it is probable that decision-makers who are not responsible to community members are probably not going to be interested in reflecting any of the moral value of the environment in their decisions whatsoever. A totalitarian government, for example, would probably not be at all interested in the moral value of the environment. It would, instead, likely have much more pragmatic, self-serving interests in mind.

Second, the values of the decision-making body, and the larger system of governance in which it might reside, would need to be internally consistent and relatively specific in the way that they phrase the mandates they take themselves to have. This would be necessary for the resolution of the ranking problem because without internal consistency a decision-making body could be responsible for upholding two contradictory values, and they might not be resolved through some appeal to the responsibilities of the overarching system of governance. Precision is required because with overly broad or ambiguous mandates it might not be possible to tell what the

intention of the mandate is or to use it to decide between proposed values. Without these features, decision-maker obligations would remain unable to provide a means of arbitrating between values. This would result in the need for some other contextual basis for justifying the ranking of values.

The third, and perhaps least realistic requirement is that the decision-makers would have to be committed to upholding their obligations; their obligations, rather than personal interests, would have to be the factors that directed their decisions. This would rule-out decisions that were based on political ideology and expediency, and would also require conditions in which corruption or pandering to interest groups was not a major determinant of decision-making outcomes. These conditions are necessary for the success of my proposed means of justifying giving priority to particular environmental values because they ensure that it is actually the will and interests of the public that is represented in environmental decisions. And, the obligations of decision-makers to the public are what make selecting some moral values and not others morally justified.

3: Examples of Use of Existing Decision-Maker Obligations to Justify Environmental Policy

Justifying environmental protection from the perspective of decision-maker obligations and existing decision-context features is not unheard of. Some thinkers in the governmental decision-making setting have already conceived of adapting existing government tools or policies to further the cause of environmental protection. Arguably David Pearce's project falls under this heading, as does an approach proposed by William B. Griffith for conserving America's natural resources. Both writers, I contend, are developing the case for adapting existing policies or policy making-tools in order to demonstrate that environmental protection is consistent with the activities already undertaken by governing bodies.

In Pearce's case, the aim is to expand the scope of a decision-making tool, CBA, in order to represent what he takes to be a more complete picture of the economic impacts

of environmental use. In so doing he is attempting to demonstrate that environmental protection is, at least sometimes (and certainly more frequently than conventional economics would indicate) called for under the auspices of economic efficiency²⁴. By attempting to expand the reach of Cost-Benefit analysis, he provided a DMM that was not much of a change from existing government practices, but that also provided a much stronger basis for supporting conservation in public decision-making than the benevolence of policy makers. CBA was used already in government decision-making in many countries for many kinds of decisions, not just environmental cases (indeed, it is *mandated* in some countries). What Pearce aspired to do was to make CBA a more accurate representation of project costs and benefits than he thought was achieved under the conventional economic model.

A further example of similar efforts to employ existing government programs and institutions in defence of environmental conservation is presented by William B. Griffith (2003). Griffith argues that the legal framework provided by the American Public Trust Doctrine, which protects some coastal tidelands against private appropriation (Griffith, 2003, p.132), could be usefully expanded to promote conservation by reinterpreting publicly owned lands as being held in public trust (Griffith, 2003, p.150). He expects that “a statutory declaration by Congress to the effect that the public lands would henceforth be held in public trust for the enjoyment of both present and future generations” (Griffith, 2003, p.147) would be legally acceptable and would give the U.S. government more power to protect these lands against damages from neighbouring land uses. This change would slightly alter the explicit mandate of public land managers, the wording of the purpose of the public trust (“for enjoyment of both present and future generations” (Griffith, 2003, p.147, see above) would require that the mandate of public land managers be changed to reflect the focus on existing *and future* generations, and that research and oversight bodies were put in place to administer the trust (Griffith, 2003, pp.147-148), yet remains consistent with other programs regarding the environment. According to Griffith the consistency with the overall policy making context is not guaranteed, and so

²⁴ Where efficiency means welfare maximization.

it is still worthwhile to give consideration to whether the new usage is consistent with the government's mandate and how it fits with the rest of the policy-making mechanisms.

What I take these examples to illustrate is that, at least to the extent to which policy making bodies (like governments) have policies and practices that are internally consistent, there are opportunities for justifying or creating stronger cases for conservation without pointing to values or duties that fall outside of decision-makers' responsibilities or without contravening them. My argument is that environmental decisions that are made from within the existing decision-making context are morally justified insofar as they reflect the responsibilities of the decision-makers to community members. Certainly, pre-existing government obligations will not be able to make what people view as the correct decision in all cases, but this is where there needs to be more dialogue; there needs to be more discussion about what the responsibilities of decision-makers ought to be with respect to environmental questions and their obligations should be redefined accordingly. But, while that discussion is taking place, the values represented in the system of governance, which are presumably representative of the considered values held by the community, are a source of moral obligations between decision-makers and the community, and can form the basis of a morally good response to environmental questions.

4: What Would This Look Like In the Nature Reserve Example?

In our example, we, as members of some committee formed by the administration at the University of Guelph, are supposed to make a decision about whether or not to develop the Nature Reserve. And, as I have proposed above, looking at our mandate as decision-makers might help us make and justify prioritizing particular environmental values over others. First, we would have to establish that the University of Guelph fits the conditions that would allow this kind of justification to be employed. The central requirement is that obligations need to exist between the decision-makers (the University administration) and the University community. The first evidence that these obligations hold is that, as a publicly funded organization, the University is open to public scrutiny to

“the people of Ontario, to whom it is accountable” (University of Guelph, 1995, p.5). Second, it has a responsibility to students to uphold the values described in its mission statement because they pay tuition. However, as to the more idealized requirements proposed above, I can only claim that the University conforms to them as much as any other *actual* public institution.

As a committee then, we would have an obligation to at least consider the values of the University community and other Ontarians when we approach the question of whether to develop the Nature Reserve. We might hold a public consultation, we might conduct a cost-benefit analysis, we might even do both. In the end, however, I have argued that the methods proposed by Sagoff and Pearce would leave us without any way of justifying a decision to give some of these values priority over others. My proposal is that decision-makers can then turn to the statement of purpose for their particular committee or group, and/or to the wider values laid-out by the University in its strategic plan. Assuming that the objectives advanced in these documents are internally consistent and relatively precise, decision-makers would be justified in prioritizing values based on them. The resulting ranking of priorities and the project that is selected as a result would be morally justified because it conforms to the obligations that University agents have to the students and to the people of Ontario.

5: Objections

I will be discussing six objections. The first questions whether the approach to deciding relative moral value of different environmental values in the decision-making context tends to reinforce the status quo. The second is that my view is only appropriate for particular kinds of decision-making contexts. The third objection that I would like to address regards claims that my approach perpetuates the relativism I have criticised in both Norton and Sagoff. I will argue that while political relativism with respect to the appropriate values taken into consideration during decision-making is present in my view, it is not something that is a good feature of the account, but rather a necessary exception that permits environmental decision-making to be justifiable and defensible

from an existing decision-making context while another process might make changes to the decision-making context itself. The fourth is based on a view presented by Sagoff: that it is wrong to assume that the correct way to go about making policy or determining policy objectives is by first establishing the role of the state. I will argue that I am not predicating the success of my approach on working-out fully formed political theories in order to formulate DMMs, and that asking questions about how government should relate to environmental value and the other values it has duties to uphold is important. Fifth, I will argue that it is not the case that the decision-makers have an obligation to honour moral values simply because they are moral values. This is because the structure and arrangement of their powers and duties place limitations on the kinds of moral values it is possible for governments to recognize. Lastly, I will defend my proposal from the claim that its dependence on rather idealized conditions in order to achieve what it promises makes it inapplicable or irrelevant in real-world decision-making.

5.1 Does this Approach Needlessly Entrench the Status Quo?

One objection to using agency obligations as a filter for the moral values to be represented in environmental decision-making is that it might appear that this approach reinforces the current status of public policy with respect to environmental decision-making, and allowing for only small relatively conservative changes to it. I will make two responses to this claim. First, I would like to indicate that it would be wrong to envision my approach to filtering moral values in the decision-making context as the whole of the environmental protection movement. As I have already mentioned, I think that there are other parts of environmentalism that help address problems in the status quo. Second, this objection assumes that I think that decision-makers are presently fulfilling their duties to their constituents. I believe that there is some reason to doubt this.

With respect to my first point, just because an agency currently *has* particular restrictions on the kinds of values its policies should reflect, doesn't mean we have to be satisfied by its form or stated aims. We can know what the explicit responsibilities of the

agency are and still seek to alter these responsibilities to account for omissions. People might even propose environmental decision-making models that ought to be enforced under a different decision-making context. For example, what we can glean about the political arrangements required to enact Sagoff's DMM are quite different than the political arrangements that actually exist. He talks about government as the place where citizens talk and make decisions about values (Sagoff, 2008, p.26). To him, a good government is decentralized (Sagoff, 2008, p.83) and provides opportunities for citizens to be involved in decision-making about matters that affect their lives (Sagoff, 2008, p.43). For Sagoff, the government is responsible for setting pollution limits to establish the point at which torts have occurred/levels of safety (Sagoff, 2004, p.117), however, it is not government's role to tell corporations how to meet the standards the government sets because of the government's lack of specialized knowledge about the field (Sagoff, 2004, p.110). Sagoff is also very particular that the governments should not be involved in the market (he advocates free markets) with the exception that they are permitted to create market incentives to encourage corporations to cooperate in achieving social goals (Sagoff, 2004, p.124). Sometimes Sagoff's claims about government are descriptive, and sometimes they are normative, but they are often not reflective of the existing decision-making conditions with respect to the environment.

DMMs like Sagoff's, that posit alternative kinds of institutional arrangements are making arguments about the kinds of institutional arrangements that better reflect what the government's relationship to the environment *should* be. The agency structures and obligations that are posited in these kinds of DMMs can be used to fuel public discussion around the relationship between decision-makers' existing responsibilities and the environment. Particular positions with respect to these questions might be taken-up by activists and public interest groups and pursued with the intention of (1) realigning the priorities of government as necessary to create a space for seriously including environmental value into decision-making processes, and (2) making government more receptive to the moral claims made by the people. But this other set of questions can be under discussion while my method is employed while this process is in progress.

Turning to my second response, my method is only a continuation of the status quo if we believe that a particular decision-making body is upholding its duties to those it decides for regarding the environment. In some places this might be the case, and in some places it might not. We'll recall that this is all quite context dependent. It's hard to discuss whether a particular decision-making body is or is not fulfilling its duties regarding environmental questions, but we might look for particular cases as evidence of whether this is the case. So, for example in Canada we seem to be experiencing government restrictions on the dissemination of information about the condition of the environment (Munro, 2011). While this is not evidence that the government is not doing its duty about the environment *per se*, it does indicate a level of censorship that might be considered a contravention of its duties towards citizens and society. The Canadian Charter of Rights and Freedoms guarantees freedom of expression and freedom of the press (C-11, 1982). The barriers to access of information would have to be removed before the government could be seen as fulfilling its obligations. If this kind of behaviour affects government decisions (perhaps by concealing information from stakeholder groups such that stakeholder consultation does not reflect the information that would be otherwise available) then the decision can probably be seen as failing to fulfill the obligations that would allow it to be justified. So, I certainly would not claim the *status quo* can be assumed to be reflective of the conditions for justification that I have named above.

5.2 The Success of This Approach Depends on Having Decision-Making Bodies that are Receptive to Public Opinion and Public Good

A follow-up objection to the preceding point would be to raise concerns that this approach to what constitutes moral goodness in environmental policy making depends on the government's receptivity to the needs and ideals of the citizens. This certainly rules out approaching environmental decision-making from this direction in policy making contexts where there is no relationship between the decision-makers and those who are subject to the policies. I think that this is true, and that this approach should not be accepted as descriptively accurate in contexts where there are no obligations on the part

of decision-makers towards those who are subject to their policies. Environmental decisions in an autocratic setting, for example, cannot be justified through the obligations to the people. The appropriate relationships do not exist (though perhaps they should). In these cases presumably the forces for change are directed towards the structure of government, towards establishing receptiveness to the public will which serves as precursor to agency roles being moral obligations.

5.3 Does this View Perpetuate the Kind of Relativism that I have Objected to in Sagoff?

A second objection that some might raise in response to the model I have proposed is that it appears to create political relativism by making it morally acceptable for decision-making bodies to decide only using the values that are in their mandate, and so moral standards and values will vary between decision-making bodies and none will be found morally culpable. Not only is this potentially a substantial flaw in my theory, but it is also somewhat hypocritical given that I have criticised both Norton and Sagoff for supporting their own varieties of cultural or political relativism.

In response, I would like to reiterate that I do not claim that my view describes the entirety of environmental action. I see the environmentalist program as having at least two dimensions. The first dimension stems from questions about what the role of decision-makers *is*. My claim is that if we are going to use a particular DMM to resolve environmental issues in the present, the DMM will have to be consistent with the existing role and jurisdiction of decision-makers. This means that the values given priority the decision process must be ones for which decision-makers are actually responsible. Otherwise, we could end-up forcing them to give priority to values that contradict the values it is mandated to advance, or forcing them to take account of values that they are not equipped to make judgements about. My position is that environmental decisions made using these kinds of DMMs are not morally wrong or neglectful because they don't account for *all* the relevant moral values they are interested in upholding the existing decision-making responsibilities. Where this results in a kind of relativism in that what is

morally acceptable in environmental decision-making varies depending on the mandate of the institution making the decision, the story in my view does not end here. It is not my position that we have to accept the existing role of decision-makers as a satisfactory reflection of our values with respect to environmental use. This is where the second dimension of my view comes into play.

5.4 Sagoff's Argument Against Pre-Establishing the Role of Government

Sagoff argues that approaches that attempt to identify the “principal guideline” (Sagoff, 2008, p.54), the factor or ideal that should direct social policy, are misdirected because they give too much importance to theoretical constructs and ignore the role of context in setting public goals. He claims that we would be wrong to assume:

“...that academic experts, notably economists and philosophers, by practicing deep thinking, will discover the fundamental truths about Man, Civil Society, and the State from which the goals of social regulation may be derived...”

Sagoff, 2008, p.55

It is not entirely clear whether Sagoff intends this to mean that there are no fundamental truths about man, civil society, and the state, or that if discovered the goals of social regulation could not be derived from them. But, he follows his claim by an explaining that “the goals of social regulation are based in historically contingent public values that influence legislation, court decisions, and the actions of many local boards and panels” (Sagoff, 2008, p.55) and that policy making panels are representative of society’s views on policy if they are composed of citizens, not if they are composed of experts. I take his explanation, therefore, to be a rejection of the derivability of social regulation from fundamental truths about the state. His focus on the role of social values indicates that he does not think that the theories of experts are used to inform the goals of public policy, and that if one wanted to make goals representative of community values “it might be better to get a focus group together of citizens...selected at random” (Sagoff,

2008, p.55). That is, academic theories *do* not and *should* not provide the basis for setting community goals. Instead, community values play this role. If we extrapolate from this view, we are bound to conclude that Sagoff would not approve of using the role of decision-makers to provide a basis for constraining the number of values that need to be taken into account during environmental decision-making. The reasons I think Sagoff would object are because it smacks of relying on abstract theorizing to generate the basis for deriving public goals. As such, it is conceivable that he would object to my approach because it threatens to exclude community members from the process of defining community values and goals.

There are a couple of responses that I will make to the objections that I have foreseen Sagoff making. My first response would address his concern that thinking carefully about the role of government would ignore community values. To begin, I have already enumerated several objections in response to the idea that community values are good determinants of social goals. I have questioned (1) whether they exist, (2) whether they tend towards consensus, (3) whether they are always sufficiently detailed to respond to novel situations. In all cases I have found in the negative. I have argued, instead, that Sagoff's account leaves us with a jumble of principles, but no way to decide between them. Even if we concede to Sagoff that social goals are set by community values, it is not automatically the case that they *should* be set by community values, or at least not exclusively. Sagoff will argue that this normative claim is justified, but the weaknesses I have found in the community value concept cause me to conclude otherwise. It is my position that, while community values are important, they do not warrant absolute authority in public decision-making. There need to be mechanisms that allow for critical reflection on community values and their relationships to institutional arrangements²⁵. Because I have rejected shared community values as a way to decide between moral principles in environmental decision-making, I have argued that an alternative mode for deciding which moral principles, at least in the interim, would be to look carefully at the relationships between values and political institutions. A community

²⁵ Experts might prove valuable here by providing exposure to alternative positions, larger amounts of information, and a more global perspective.

might have a set of values about what kind of decision-making structure they want, and another set of values that they think are important to environmental decision-making. If decision-makers are responsible for making environmental decisions, then when the values-about-decision-makers conflict with values-about-environmental-uses, then either one or the other set of values has to yield. I am claiming that giving precedence to the values-about-decision-makers provides a justification for omitting some values-about-environmental-uses from the decision process.

There are a number of reasons why I think we should think that values-about-decision-makers should be given precedence. First, they are the considered will of the community, as such, they are presumably the product of considerable deliberation about the role of decision-makers in the community, and reflect the community's resolution about the most appropriate moral values to be represented by decision-makers. This is in contrast to some environmental values, which have not been given the same kind of consideration. Second, as a result of this deliberation, decision-makers have a number of obligations to the community. These obligations are not only morally important because they define the relationship between decision-makers and the community, but also because they are a further reflection of this deliberation. Before environmental values can be taken up as moral imperatives by decision-makers, they need to undergo the same level of scrutiny as have other decision-maker obligations, and they need to be adopted in a way that is consistent with the other values that the community holds. As I discussed earlier, acting on unscrutinized environmental values could even constitute a dereliction of duty on the part of decision-makers. As such, environmental action based on environmental values that have not yet been incorporated into the larger structure of social values can represent a contravention of community values, decision-maker obligations, or both. If we were to give environmental values precedence over the values about decision-makers we would be risking both of these moral lapses.

For instance, in our continuing example, the University administration would be the stand-in for a large scale public decision-making context, (like a federal government). Imagine the charter of the University made the administration responsible for monetary

concerns and for promoting the acquisition and retention of research facilities and equipment. In this case our committee, as a representative of the administration, would not be wrong to only account for these factors in our decision-making process. Protection of the nature reserve would have to be justified as a result of considering these values. It would be particularly wrong to include other values at the expense of those that are part of our mandate. So, even if representatives in the university community were to espouse values in addition to fiscal well-being and research facility and equipment quality, our decision could only responsibly reflect those values if they were consistent with or had no bearing on our stated obligations. If the campus community wanted to convince our decision-making committee to conserve the nature reserve they would need to help us build a case that demonstrated that conservation was part of our mandate. They might also consider whether our mandate was broad enough and take action to ensure that the administration's mandate could account for all the values that they thought were relevant. However, the method for increasing the scope of the mandate would only be successful if the mandate remained internally consistent after being altered.

Either response to the situation requires that the university community not only have values, but also that they think about how those values relate to the role of the administration as it exists, or as it might exist. So, contrary to Sagoff's claim that abstraction about the role of the state is wrong headed, we can see that it might actually be really useful.

I also disagree with Sagoff's claim that this kind of abstract thought will supplant community values and exclude the community from the decision-making process. I don't know that it will necessarily result in either of those two outcomes. The community can still be involved in discussions about their values regarding the environment and their values regarding government structure. We would simply need to address a wider range of questions.

5.5 Isn't there a Universal Obligation to Promote Moral Goods?

An additional major point of concern readers might face when reading my approach is it gives explicit permission for decision-makers to ignore some kinds of moral value. But, critics might say, all kinds of moral value creates obligations all the time, and that we are no less subject to those obligations because of our particular role. The objection might be constructed in terms of the standard thought experiment where one has an appointment to meet a friend, but passes a child drowning in a lake en route to the appointment. The questions for analysis are (1) whether you have an obligation to save the drowning child and whether this obligation over-rides your obligation to your friend. Pre-theoretical intuitions would answer that the child takes priority, and different moral views will try to explain why. But, there is a conflict of values here that is present, and both bear on you though you are not responsible for the child in any official capacity. Isn't this the same with decision-making responsibilities towards particular kinds of environmental value (let's say intrinsic value)?

The first consideration to make in order to attempt a response is to try to determine what obligation in the thought experiment represents environmental value. It is in no way clear which obligation is which. An easy response would be to claim that the obligation to one's friend is equivalent to obligations produced by environmental value that do not fall within a reasonable interpretation of the decision-makers' responsibilities, and that moral values that are part of the decision-maker mandate are the child. In which case, our moral intuitions would lead to the same conclusion that I have drawn throughout the last few pages. However, I expect that many environmentalists would not be satisfied that environmental concerns are not, in fact, as urgent as the drowning child. Environmentalists would want to describe the case in a way that reflects the urgency they see present in environmental issues, and I think that they are justified in demanding a response that takes their concerns seriously.

My response to the environmentalist would be to add a further dimension to our thought experiment. The approach I have offered sees decision-makers as incapable of

giving consideration to all possible environmental obligations because they do not have any means of integrating them into their existing priorities, and may well have contravening obligations. Decision-makers, our moral agents in the thought experiment, might be likened to non-swimmers. If the agent walking by the pond cannot swim, then the obligation to save the child is dissolved; he has no duty to sacrifice himself for something that he does not have the know-how to prevent. Decision-makers attempting to act based on intrinsic value would do just the same things that the agent would do in saving the child; he would flail about for a bit, be generally ineffective, disappoint his friend (the citizens?), and ultimately fail while sustaining a greater or lesser degree of injury.

My approach advocates that decision-makers may use what means they have to recognize other moral values within the confines of their obligations and their actual capacities as justification of their decisions until a framework that explicates how intrinsic value relates to the other values decision-makers are responsible for, and that provides decision-makers the resources to integrate values like intrinsic value in a way that is internally consistent and effective has been established. This includes, notably, examining existing approaches to the environment and other issues to see if they can and should be expanded to justify conservation.

5.6 This Approach Requires Very Idealized Conditions to Work

As I set out above, there are some requirements that would have to be met if this approach to justifying environmental decisions was going to be employed. Many of them are not reflections of actual current conditions in many decision-making bodies. It could be argued that this dependence on idealized conditions distances my approach too far from reality to actually be employed, or at least to be successful or yield satisfactory results if employed.

Firstly, I will acknowledge that objection is well founded. The conditions required for the success of my approach are not very like the ones that appear to exist

currently in decision-making bodies. However, I am certainly not alone in relying on some pretty ideal conditions in order for my approach to make any sense. Sagoff's account relies on the existence of a society where people are sensibly integrated with the land, in which communities are able to agree on their values, and in which environmental conditions do not change in ways that would make previous land use strategies harmful or ineffective. I have already laid-out my objections to his worldview, and will not repeat them here. I mention it only to remind the reader that I am not alone in relying on particularly idealized conditions. Even Pearce, whose decision-making method is actually being applied, relies on dubious assumptions about the nature and measurability of preferences, for example.

In addition, however, I also don't know that this objection means that my thoughts on this subject are without merit or use. I think that part of the continuing community discussion about how to incorporate concern for the environment needs to be about what kinds of concern public offices are justified in having about the environment. Incorporating environmental concern into the mandate of public decision-makers does not just mean adding to their existing mandates, but rather revising the mandates to include and account for these new obligations. Again, the idealized aim would be consistency and compatibility between the various directives that compose the mandate. But, a more likely configuration would be a hierarchy of mandate directives or some other means of negotiating potential conflicts between mandate directives. The process of reconciling environmental and anthropocentric values will require us to take a critical look at the proposed sources of environmental value and how they relate to other values that we think are important in public decision-making.

CHAPTER 5: CONCLUSION

We began our discussion by recognizing that there are multiple kinds of value, both moral and amoral, that have bearing on environmental decisions. We have seen that in environmental ethics this has led to the formation of camps in support of representing two kinds of values in environmental decision-making: anthropocentric (human-centred) and non-anthropocentric. It is generally thought to be the case that decision-making on anthropocentric grounds ignores some of the values that are important to supporters of non-anthropocentric value. In particular, people who support making environmental decisions based on anthropocentric value generally refuse to recognize the natural world as having intrinsic value. They might acknowledge that some people ascribe such value to the environment, but see this as still the product of human valuation, and as such not really a robust form of value. Proponents of intrinsic value believe that natural objects deserve moral consideration, often on the basis of rights or claims about nature possessing intrinsic value, in ways that are not dependent on human valuation (non-anthropocentric). It is their position that when we make decisions about the environment the moral value of natural objects that is independent of human values needs to be taken into account. Including environmental non-anthropocentric moral value into decision-making about the environment is opposed by the anthropocentric value camp because it implies that any decision to use or extract natural resources is automatically an immoral decision. They suggest making these decisions based on other moral values that stem from the importance of the environment to people. There are, therefore, both practical and ideological conflicts that arise between proponents of intrinsic value and proponents of anthropocentric value. It is usually assumed that in some cases these two camps are bound to disagree about which actions are appropriate towards the environment. And, even when they do agree, their justifications for their positions stem from such different basic moral principles that they are likely to continue disagreeing about the justification of acts towards the environment if nothing else.

When people in our communities are asked to make environmental decisions on behalf of the community they are often confronted by a wide range of values that they, or

their constituents, think should be included in the decision-making process. A number of writers in the field of environmental decision-making have written accounts of how to strike a balance or decide between the conflicting value claims faced by decision-makers. We examined the decision-making models constructed by David Pearce and Mark Sagoff. While both of these writers fell into the anthropocentric value camp we learned that the manner in which they proposed decision-makers approach and balance values in environmental decision-making were quite different. However, through my analysis of their respective positions, I argued that ultimately Sagoff and Pearce's accounts continued to leave decision-makers without a plausible mechanism for deciding between values. The reason for this was that neither Sagoff nor Pearce provided a convincing account of how to balance all the values at stake in environmental decision-making, or even provided a means for justifying their decisions about which values they were and were not going to consider and the relative importance of those values. Without these features the position of the decision-maker was largely unchanged after the implementation of either Sagoff or Pearce's decision-making model. They were still being asked to make decisions between values more or less arbitrarily, and had no way of justifying their decisions about values to those who would criticise their decisions.

I proposed that in the absence of a decision-making model that could arbitrate between environmental values or justify rankings given to them we were obligated to turn either to ethical theory or to contextual elements of the decision-making setting in order to discover a means of setting moral priorities in environmental decision-making in the public sphere. The disagreement between different theories of morality remains a persistent feature of ethical discourse. So, a resolution on the subject for our purposes did not seem to be forthcoming. In turning to the question of a contextual resolution to the problem I indicated that, in particular decision-making conditions, there is a further moral consideration to be made in the decision-making process. This further consideration is the moral relationship between the decision-makers and those for whom they decide. In some decision-making contexts there are clear obligations on the part of the decision-makers to uphold the will and interests of community members. Insofar as the mandates of particular decision-making bodies reflect the (at least past) will of the people with

respect to a particular subject it is important that decision-makers follow through on the obligations set-out in their mandates or that are consistent with the general set of obligations that the decision-making institutions are subject to within that community. After illustrating what makes these obligations important, I proposed that they could be used to set priorities between competing moral values in environmental decision-making and justifying those priorities.

In looking to Sagoff and Pearce's accounts of the decision-making contexts in which their models were supposed to be put into action, it became apparent that neither thinker provided very much information regarding the context that was intended to surround their decision-makers. This made it difficult to apply my proposed approach to either of their decision-making models. So, I argued that they would need to expand on the decision-making context their decision-models required in order to establish what kinds of obligations their decision-makers might have to their constituents. I argued that an account of each decision-making context would be a helpful addition to the decision-making models in order to employ the obligations of the decision-makers as a contextual means of justifying giving priority to particular values. While this might limit the scope of the applicability of their decision-making models, it would produce a more rigorous account because it would ensure that the ideals supported by their decision models are relevant and morally compelling, without assuming that they are in every decision-making scenario.

Lastly, in recognizing that existing arrangements in a particular decision-making context might not be ideally suited to reflecting the views of the community regarding environmental decisions, and that the decision-making context might not be poised to address emerging environmental issues, I argued that my proposal for using the existing obligations of decision-makers to justify environmental decisions should be paired with a mechanism for change. This would be a separate community discussion about what the role of decision-makers should be and what values they should reflect. This process would allow for changes in decision-maker obligations to reflect evolving social attitudes towards the environment, with the hope of allowing for more morally satisfactory

decision-making as public attitudes about how concern for the environment should be incorporated into public decisions.

This second discussion, I think, is the primary problem that we, as a society, need to come to some resolution about. What it means to sensibly integrate concerns about the environment into our deliberations about policy directions, and into the role of our decision-makers, needs to be established. It may not make sense to simply tack environmentalism on to our traditional public concerns, as it is often the case that what are taken to be our usual concerns in decision-making (welfare, equality, justice, etc...) may conflict with environmentalist priorities. This is especially the case so long as it is deemed to be inherently bad to make use of nature for our own ends and to admit to justifying concerns about conservation on those grounds. However, in the mean time I think it is unfair, and unwarranted to assume that any environmental decision made from within the confines of the existing decision-making context is necessarily morally negligent. In order to see how this is the case we needed to consider what was morally important about the existing decision-making framework.

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