

What Does the Recognition of Intrinsic Value Entail?

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Warwick Fox

What are we committing ourselves to when we accept a particular criterion of intrinsic value and, hence, moral consideration? Many people seem to jump to the conclusion that if an entity is recognized as being intrinsically valuable then it is inviolable; that there is something more or less sacred about it such that it cannot be interfered with under any circumstances. Clearly this understanding would make any sort of life-based ethic - one that recognized the intrinsic value of trees and plants as well as animals - unworkable. What would those who accepted such a view eat? However, fortunately for those who accept such a view - and unfortunately for those who would prefer to keep their ethics simple - this understanding is quite incorrect. Even in the human case, we readily accept that it is justifiable to harm - even kill - another person if, for example, we are acting in self-defence. Thus, the question of whether it is wrong to harm or interfere with entities that are intrinsically valuable actually turns on the question of whether we have sufficient justification for our actions.

At this point, however, one might say, "Well how far has the attempt to extend the recognition of intrinsic value got us? People are going to argue just as much over what constitutes a sufficient justification for harming, say, a tree or a plant as they had argued over the question of intrinsic value in the first place." But what this objection misses is that the recognition of intrinsic value (and, hence, moral consideration) changes the context of discussions concerning the question of sufficient justification in a crucial way, namely, it reverses the onus of justification.

If the nonhuman world is only considered to be instrumentally valuable then people are permitted to use and otherwise interfere with any aspect of it for whatever reasons they wish (i.e., no justification for interference is required). If anyone objects to such interference then, within this framework of reference, the onus is clearly on the person who objects to justify why it is more useful to humans to leave that aspect of the nonhuman world alone. If, however, the nonhuman world is considered to be intrinsically valuable then the onus shifts to the person who wants to interfere with it to justify why they should be allowed to do so; anyone who wants to interfere with any entity that is intrinsically valuable is morally obliged to be able to offer a sufficient justification for their actions. Thus, recognizing the intrinsic value of the nonhuman world shifts the onus of justification from the person who wants to protect the nonhuman world to the person who wants to interfere with it - and that, in itself, represents a fundamental shift in the terms of environmental debate and decision-making.

Often, of course, environmentalists and developers talk at cross-purposes because environmentalists recognize that the nonhuman world (or at least certain aspects of it) is

intrinsically valuable whereas developers either explicitly or effectively deny this. Each side therefore thinks that the onus of justification lies with the other side. The beauty of recognizing intrinsic values in legislation, as New Zealand has done for example (Environment Act 1986, Conservation Act 1987), is that it helps, as least in theory, to define the situation for the participants. I say "at least in theory" because it is important that the notion of intrinsic value be a fairly precise one if it is to clarify rather than further complicate the situation. That is, one needs to know what kind of argument for intrinsic value and, hence, what criterion of intrinsic value lies behind the legislation (e.g., does the legislation adopt, either explicitly or implicitly, a sentience-based approach, a lifebased approach, an autopoietic approach, or some other kind of approach?).

Yet however clear or murky any particular piece of intrinsic value legislation may be, one thing is clear; if the intrinsic value of nonhuman entities or natural systems is recognized by law then the question of the onus of justification is no longer a matter of debate. Those who wish to interfere with the integrity of these entities or systems are clearly the ones who are called upon, at least in the first instance, to provide sufficient justification for their actions. This amounts to a revolution in our treatment of the nonhuman world that is comparable to the difference for humans between a legal system that operates on a presumption of guilt until innocence is proved beyond reasonable doubt and one that operates on a presumption of innocence until guilt is proved beyond reasonable doubt. The question of just where the onus of justification lies can be highly significant for the parties concerned!

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