Which Morals Matter? Freeing Moral Reasoning from Ideology

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INTRODUCTION

Perhaps it will be useful if I begin my remarks where Christopher Stone left off, by providing an analysis and a hypothesis that may explain his findings. Stone stated three tentative conclusions and made a proposal for action. His conclusions were:

1. Acknowledgement of the relevance of moral philosophy (of any sort) to the working of government is infrequent.

2. Environmental Ethics (EE) exercises less influence than other fields of ethics.

3. [A] small percentage of the lead specialized journal, Environmental Ethics, addressed policy issues at a level of resolution useful for public bodies; hence, even were the courts and Congress to peruse the literature, it is not clear what guidance would be available.¹

Given the lack of results and Stone’s analysis that concentration on foundational issues apparently explains his third conclusion, Stone’s proposal is surprising: “If EE is to increase its influence, it has further work to do on the foundational questions, with even more attention to bedrock meta-ethical issues.”² This sounds like the intellectual analogue to what we would all agree to be bad economic advice. “Nobody will buy the widgets our company produces.” “Then you should make more widgets.” Assuming Stone’s preliminary results hold up to further research, would it not make more sense to reconsider the current strategy?

To carry forward Stone’s examination, I offer an explanation of his results, an account of the situation that explains his first two conclusions by citing the third. Philosophers have not affected policy or court decisions because they have not addressed relevant questions. As they have concentrated on ontological and metaphysical questions instead of addressing the real choices that face environmental managers, environmental ethicists have been mostly irrelevant to the public discourse of environmental deliberation. If this explanatory hypothesis is true, it would seem to make Stone’s proposal ineffectual.

Part I of this Article describes the current situation in environmental


² Id at 50.
ethics and environmental discourse, arguing that debates about conserving and protecting the environment are — and have been for over a century — ideological in nature. Part II attempts to explain how Stone and I can recommend very different actions to correct the situation, even though we accept apparently identical accounts of the current ineffectuality of environmental ethics. Part III suggests a way to avoid ideological formulations of environmental problems and instead develop an approach that encourages negotiation and compromise among members of competing, pluralistic viewpoints and values.

I. THE AGE OF IDEOLOGY

When historians of the future look back on the first 150 years or so of American environmentalism, assuming we are living out the last few decades of this “period,” I believe they will describe it as “The Age of Ideology in American Environmentalism.” By “ideology,” I mean commitments made independent of experiential evidence. By an “Age of Ideology,” I refer to a period in which advocates on all sides of environmental questions engage in rhetoric, not negotiation or compromise. Too many are guided by pre-experiential, ideological commitments rather than by experience and an experimental spirit.

From the days when John Muir referred to all development as serving mammon while Gifford Pinchot applied a grossly simplified, materialistic and economistic conception of utilitarianism, to the present, when environmentalists are dismissed as tree-huggers, this period has been unyieldingly ideological. Pinchot’s doctrinaire, economistic utilitarians are today represented by the Republicans, who pay obeisance only to “free markets” and treat the environment as a set of commodities to be distributed to the highest private bidder. However, today’s “free-marketeers” have lost Pinchot’s progressivism and his robust concern for efficiency in the development of resources not just “for the greatest good” and “for the greatest number” but also “for the longest period of time.” Muir’s non-anthropocentric followers continue to set themselves in direct opposition to economic analysis by rejecting its foundational, anthropocentric commitment. Far from abating, the ideological battle thus rages on, the divide growing wider and deeper by the day.

In squaring off against economics and insisting that environmental ethics stand in opposition to economic efficiency, environmental ethicists

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4 For more information on the ideas of Gifford Pinchot, see, for example, Rule 1.2(d), CHAR MILLER, GIFFORD PINCHOT AND THE MAKING OF MODERN ENVIRONMENTALISM (2001).
have missed a chance to develop a more integrative analysis of environmental problems and the values that inform them. The decision to introduce a piece of abstract theory — the claim that nature "has" intrinsic value, as if it were garlic to ward off the evil spirits of economic development — is merely the best thing secularists can find to replace Muir's references to God's destiny. This argument, directed at the foundational level, does not engage particular actions or policies but only attempts to rule out certain motivations as unacceptable. The problem with intrinsic value theory is that the terms it introduces bear no clear relationship to the contextualized observations from which we get our daily information about environmental management. As non-empirical abstractions, references to intrinsic value in nature do not connect to the specific circumstances surrounding each environmental question. They do not direct our intelligence to problematic situations that result from the impacts of our proposed and possible actions. Intrinsic value is based on an ideological commitment unconnected to experience.

While this may seem a harsh evaluation of environmental ethics, it is most certainly not an endorsement of the equally ideological commitments of the free-marketeers. Rather, I am arguing for a middle way, a way without foundations and without the all-or-nothing rhetoric of moralisms and ideologies. This alternative is environmental pragmatism, understood in the sense that pragmatism is a democratic philosophy and in the sense of communication and cooperative action. Favoring a pluralistic approach to values and motivations, environmental pragmatism rejects monistic systems of value, which claim that all moral questions must be resolved according to a unitary theory or principle of environmental value.

Pragmatism thus seeks different roles for philosophers within a committed, activist process like adaptive management. Within such a process, philosophers can serve to clarify confusions and act as interpreters of mission-oriented science for engaged participants and stakeholders. If environmental ethicists could develop a comprehensive evaluative framework by embracing economics as one value among

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many rather than by setting themselves in opposition to ideology with more ideology, new possibilities for affecting policy would open up in the broader, interdisciplinary deliberations that would result. Environmental value theory embodies and perpetuates the mindset that created the Age of Ideology by assuming that it must ultimately achieve a unified, monism of economism or intrinsic value. The roles assumed by environmental economists and environmental ethicists today simply represent, in modern terminologies, the two historically opposed ideologies.

We should hope for an end to the Age of Ideology because the effects of ideological environmentalism are disastrous in many ways. Academically, ideological commitments (sometimes masquerading as methodological commitments) have polarized discourse about environmental values, setting ethicists and economists on a rhetorical collision course. Environmental ethicists, under the guise of claiming the moral high ground against the economic Philistines, have reduced the role of public philosopher to that of blatant propagandist. Concentration on foundational issues by environmental ethicists has created a polarized discourse about environmental values, a discourse in which practitioners of the two most relevant disciplines for the discussion of environmental values—environmental ethics and environmental economics—speak past each other, characterizing their differences in non-negotiable and incommensurable terminology. Continued emphasis on foundational issues by environmental ethicists simply exacerbates the ideological ferment and blocks reasonable deliberation about what to do.

Politically, ideological environmentalism has led to "policy whiplash," where every change of parties and administrations results in efforts by

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7 See, e.g., J. Baird Callicott's blatant appeal to rhetoric over reason as he argues that citing "intrinsic value of nature" can be effective in undermining the plans of "developers" even as he admits that such claims are based on nothing more than a "trivial" introduction of new language describing nature as intrinsically valuable. J. Baird Callicot, The Pragmatic Power and Promise of Theoretical Environmental Ethics: Forging a New Discourse, 11 ENVTL. VALUES 15 (2002). Callicott assesses intrinsic value as creating a fundamental shift in "the onus of justification from the person who wants to protect the nonhuman world to the person who wants to interfere with it." Id. This "fundamental shift" does nothing to help distinguish between "good" and "bad" development. Imagine, for example, that the "interference" involved is the restoration of a badly damaged ecosystem. Does attributing intrinsic value to the ecosystem tell us to leave the system alone or to "interfere" with it? Callicott sells his appeal to intrinsic value not as a means to improve policy and make better decisions but rather as a shibboleth that can be appealed to rhetorically to stop all development. Intrinsic value is not even advanced as a policy tool. It is simply a rhetorical device to help environmentalists get their way.
the incoming party to undo the accomplishments of the previous administration. Because of the polarized rhetoric, each side in the controversy characterizes any gain by their opponents as the advance of evil, needing to be stamped out at any cost. Every problem is posed as a zero-sum game despite overwhelming evidence that environmental improvements are almost always also good for the economy. Worse, by expressing their views ideologically, discussants are locked into polarized viewpoints, from which they have stooped to name calling, rhetoric and dismissal of others as representatives of the forces of evil, rather than engaging in rational deliberation. The current concentration on foundational issues — which Stone wishes to extend — effectively prohibits communication among participants in the public discourse about environmental values and goals, blocking the search for win-win solutions or acceptable compromises. In the process, experimentation and social learning have become impossible and citizens are ignorant about the extent to which policy changes dissipate the public values associated with an integral environment.

II. MORE IDEOLOGY?

I accept Stone's data, which shows that environmental ethicists have had little impact on policymaking, and his analysis, which concludes that concentration on foundational issues makes the work of environmental ethicists irrelevant to policymakers. However, I am unwilling to accept his counsel that ethicists continue down the same failed ideological path. How can Stone and I agree on so much yet offer such contradictory advice on making the future of environmental ethics relevant to environmental law? The explanation I offer is that Stone misses alternatives to the currently failed strategy of environmental ethicists because he has not been sufficiently critical of the rhetorical barriers imposed by ideology. He does not see any alternatives to foundational conflict because ideology has infected the definitions of key terms that he uses in his analysis. Stone's use of these ideologically skewed definitions has the effect of posing ethical questions such that a position counts as "ethical" only if it is based on a "foundation" that stands in opposition to the foundations of economic theory. In Stone's critique, environmental ethicists can contribute to the policy conversation only by rejecting all economic inputs.

The definitions of "morals" and "ethics" that Stone uses are set in opposition to "utilitarianism." His criterion for a line of reasoning being
"moral" is for it to be unsupportable on the basis of human welfare. It is ironic that Stone, who taught me and others to be wary of the foundationalists' commitment to monism, seems here to see only the possibility of monistic anthropocentrism (economic utilitarianism) and its denial, monistic intrinsic value theory. If one is not an ecocentrist, a position that apparently would fall within his label of the "exotic" philosophies, one is an anthropocentric utilitarian. There are no alternatives and there is no middle ground.

Besides embodying the polarized definitions of the Age of Ideology, this formulation of the problem is conceptually confusing. Stone gives economic utilitarians the fullest possible scope, allowing them to claim anything on which they can pin a "willingness-to-pay" price tag. This includes "existence value," which can only be measured by contingent valuation studies. Such studies survey consumers' willingness to pay for non-market goods, such as environmental protection. Even if one accepts economists' claim that contingent value studies can accurately measure existence values, it does not follow that existence values are economic values. Consumers willingness to pay can also be understood as a measure of the intensity of their moral commitment to protecting the environment. In his acceptance of the "morals" vs. "mammon" contrast, imposed by our inability to escape the original, ideological formulation of environmental questions, Stone may inadvertently be ascribing any human-centered reasoning to economics while limiting the scope of environmental ethics and philosophy to non-anthropocentric approaches.

For example, he seems to deny that a reference to Leopold as "above all an ethic of responsibility to the future" is a moral stance at all because it does not go beyond Stone's definition of "utilitarian." Stone's definition treats questions of responsibility to future generations as purely "utilitarian" and thus not a matter of concern for environmental ethicists. In the absence of the monistic and polarized ideologies offered

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8 See Stone, supra note 1, at 19 (mentioning possibility that most benefits of wetlands can be given "shadow prices," taking this to show that such benefits can be comprehended in system of economic utilitarianism, concluding: "There is, at this point, still no need to make a utility-transcendent appeal to any exotic 'environmental ethics.'").

9 STONE, supra note 6.

10 Stone, supra note 1, at 19. Professor Stone's actual words are "exotic 'environmental ethics,'" which I take, in context, to refer to nonanthropocentric, or ecocentric ethics.

11 As has been argued by Talbot Page, Environmental Existentialism, in ECOSYSTEM HEALTH: NEW GOALS FOR ENVIRONMENTAL MANAGEMENT (Robert Costanza, et al. eds., 1992).

12 Stone, supra note 1, at 32.
us by Muir and Pinchot, however, environmental ethicists might no longer cede to the economists all policy-making questions related to balancing current consumption against holding options open for the future by protecting resources. It hardly requires saying that economists' treatment of inter-temporal relations—discounting future impacts at some percentage approximating the real rate of interest—is itself morally suspect. The philosopher Ramsey described the practice of discounting as "theft from the future" so it seems perfectly reasonable for philosophers to take a stand on the anthropocentric yet moral principle of not stealing from future generations. This shift of moral concern would also simultaneously eliminate the need for environmental ethics to be "exotic," reduce the presence of ideology and the use of rhetoric, and focus attention on achieving sustainability—on what we owe to the future.

Philosophers can and have discussed the obligation to the future as a moral issue. There is a considerable literature on this, including applications to biodiversity, energy, and other areas. Not to discuss the morality of possible bequests to the future is to apply the monistic, polarizing assumptions of ideological environmental thought. One way ethicists do this is by noting that economists claim to have a way, the morally suspect practice of discounting, of giving bequest values a price in current-day dollars. Stone's narrow definition of environmental ethics, as essentially nonhuman ethics, unfortunately has precedent among environmental ethicists in the form of a tendentious definition of environmental ethics as a field.

This definition was first proposed by Tom Regan and has been endorsed at least twice by Baird Callicott. Regan argued that any consideration of human interests within environmental ethics would make it merely an "ethic for the environment," which does not make it a "true" environmental ethic. If this definition is to stand, environmental ethicists are forbidden (on pain of excommunication?) from discussing problems of inter-generational obligations, including political problems related to the nature of environmental decision making and problems related to the nature of environmental decision making and problems

with the maldistribution of access to the world's resources. But by what stretch of language could such questions be considered anything other than moral and "ethical"?

I have complained about this confusing and limiting usurpation of the term "ethics" before. The non-anthropocentrists, however, remain adamant. Only they can claim to be true "environmental ethicists." To give anthropocentric yet moral reasons for protecting the environment is not to be a moralist but merely an anthropocentric utilitarian. Even when arguments are presented in terms of moral responsibility and obligation, environmental ethicists cannot see them as anthropocentric moral considerations because anthropocentric considerations are by definition "economic" or "utilitarian." Accordingly, they can only count on the "wrong side" of the ideologically defined gulf between humans and nonhumans. Important moral issues are thus excluded from the field in favor of the moral purity of ideological categories.

Environmental ethicists could address any number of more relevant problems than the "foundational" issues of anthropocentrism and non-anthropocentrism. Instead, they accept without question polarized, ideological concepts of what counts as ethics and actively exclude important philosophical and normative considerations from the field. There is a lot that can be done using philosophical skills and abilities to clarify concepts and propose alternative frameworks for multi-generational questions. Take as an example the problem of the "fact-value" dichotomy. Ethicists and political scientists have provided excellent arguments that this distinction is bogus and inapplicable in any useful way within public policy. But environmental ethicists have hardly discussed this issue and its application to environmental decision making and have sidestepped the central question of how we can act rationally on the basis of value-laden science.¹⁶

Stone's tendentious definitions keep us from shifting the question to how environmental philosophy is to have an impact on policy. Foundations are out of style in philosophy today and Callicott's blithe endorsement of them seems incredibly naïve and confusing given the epistemological discourse of the last few decades.¹⁷ When Callicott


¹⁷ Bryan Norton, Democracy and Environmentalism: Foundations and Justifications in
introduces the term "intrinsic value" and defines it "trivially" as "noninstrumental value," he claims he has changed the policy landscape.\(^{18}\)

To change the policy landscape we need to change practices. The language of intrinsic value has no clear connection to specific experiences or practices but exists as a pre-experiential commitment. What we need is a language that is normative, integrative, and capable of encouraging communication in the service of cooperative action. What we need is an experimental spirit in dealing with uncertainty and the development of locally useful models. We need to improve communication, identify areas of agreement, and engage in experimental management as a strategy. The rhetoric of ideology — of intrinsic value and free markets — leaves no room for compromise or win-win solutions. From Muir to Callicott, the non-anthropocentric moralists have been more interested in stopping human development than in reforming it.

We do not need more foundational studies in the service of conflicting ideologies. What we need is more attention on the poverty of currently available languages and models for relating environmental values and goals to the physical dynamics that will determine the ecological character of the world we leave to subsequent generations. We need language and interpretive models that are sufficiently nuanced and context-sensitive — to scale and local place — to allow reasonable discussion and deliberation of goals. Such a process is essential if we are to engage in experiments and social learning that can impact and improve policy.

III. AVOIDING IDEOLOGY IN ENVIRONMENTAL ETHICS AND POLICY

As a first step in avoiding ideological formulations of environmental problems and serious misunderstanding of the role of ethicists in the policy process, I re-introduce a distinction originally posed by Rudolf Carnap. Carnap was a German-American philosopher who began his career as a dyed-in-the-wool logical positivist but gradually modified his views toward pragmatism. Writing in 1949, near the end of his career, Carnap suggested that we may avoid confusion if we distinguish between questions posed within a "linguistic framework" and those that

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\(^{18}\) Callicott, supra note 7, at 16.
are posed outside such a framework.\textsuperscript{18}

Questions posed within linguistic frameworks are defined by a set of syntactical, semantic, and pragmatic rules for the use of that framework; they are "internal" questions. Questions posed outside such a framework, including questions about how the framework rules should be written, are "external" questions.\textsuperscript{19} Carnap was a "conventionalist" about language in that he believed language structures our world. So an "external" question, once answered, will structure the world we encounter — and also the problems we address. Answering an external question, Carnap argued, is making a decision as to how to structure our world and analyze our observations. Internal questions, on the other hand, involve using a framework — accepting a worldview and its language — and making assertions within that language and worldview. For example, if someone were to fully accept the neo-classical paradigm of economics as operationalized by environmental economists, and if that person were to use that framework to analyze a decision — resulting in a calculation of a cost-benefit ratio describing the "value" of various choices — we would refer to that person as answering an "internal" question from within a given framework of analysis.

While Carnap introduced his distinction to better understand the role of language in scientific study, we can apply it here to environmental ethics. Various schools of thought about the foundations of environmental values — utilitarian, anthropocentrist, non-anthropocentrist — can embody their ethical commitments in a framework by defining the terms and rules of inference that represent their favored "system" for evaluating environmental changes and policies.

Non-anthropocentrists such as Callicott address only the external question: they propose a new framework for the evaluation of policies and expected changes. Their proposals should be considered as "new" frameworks because traditional frameworks, while adopting a variety of approaches to evaluate goods and bads, have historically limited consideration to goods and bads affecting human beings. Notice that for those who wish not to follow the non-anthropocentrists in their

\textsuperscript{18} RUDOLF CARNAP, MEANING AND NECESSITY: A STUDY IN SEMANTICS AND MORAL LOGIC (1947); see also Herbert Fiegel, Validation and Vindication: An Analysis of the Nature and Limits of Ethical Arguments, in READINGS IN ETHICAL THEORY (Wilfrid. Sellars & John. Hospers eds., 1952) (applying similar distinction to moral discourse using different terminology).

\textsuperscript{19} RUDOLF CARNAP, MEANING AND NECESSITY: A STUDY IN SEMANTICS AND MORAL LOGIC (1947).
proposal, two options exist: accept and use the specialized language of economics (as an alternative framework on an “external” basis) or break out of the misleading characterization of the problem as one of choosing (externally) between the moralisms of the anthropocentrist and the simplistic utilitarian framework of the economists. Neither provides an adequate replacement for the current pluralistic discourse of environmental policy advocacy. Why not reject both horns of the ideological dilemma and embrace pluralism, as a fact of life and a starting point for developing a more useful discourse. In this way, ethicists could propose frameworks of analysis distinct from either economism or intrinsic value theory.  

Given this distinction between internal and external questions, environmental ethicists can be sorted into two groups: the “mainstreamers,” ethicists who seek solutions on the foundational level, and the “sidestreamers,” who seek solutions through pragmatism and pluralism in recognition of the facts of real situations. The mainstream group devotes its efforts to external, foundational questions by: (a) attacking the economistic framework as unacceptable and (b) proposing an alternative, non-anthropocentric framework as a preferable basis for evaluating policy proposals. The sidestream group recognizes that even if over a period of time, perhaps generations but at least decades, the non-anthropocentrists win on the “external” questions, huge and irreversible losses to environmental resources and damage to ecological systems will likely occur in the interim.

The sidestream group proposes that we “start where we are,” recognizing that there is no single, monistic framework that is widely enough accepted to provide a “foundation” for policies unified by serving a single principle or theory of value. The sidestreamers accept that our society embodies multiple ways of valuing nature, multiple theories for explaining such value, and even very different ways of identifying aspects of natural systems as valuable. The sidestreamers set as their goal the crafting of policies consistent with as many of these diverse values as possible and the development of coalitions to take advantage of win-win situations and encourage negotiation when conflict is intractable.

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At this point, it is possible to suggest a rapprochement between the pragmatists and the non-anthropocentrists: a division of environmental philosophy into “external” and “internal” questioning, the “external” addressing proposals for major changes in our society’s worldviews and value positions and the “internal” for day-to-day negotiations within communities attempting to improve the lot of current and future people based upon values advocated today. These tasks are clearly philosophical. The one unfolds on the multi-generational scale while the other responds to the current situation, encouraging productive dialogue, clarification of concepts, and improved cooperation. The non-anthropocentrists and the pragmatists address different philosophical tasks and need not be viewed as competitive.

While this rapprochement may alleviate some of the disagreements between the foundationalists and the pragmatists, it also suggests that the exclusivism of Regan and Callicott, who dismiss all human-centered arguments as falling outside of environmental ethics, is unacceptable. Once it is admitted that the external questions are unlikely to be resolved in our generation, there are surely reasonable questions to be asked about how we should behave and what we should do in the short and medium term. If the goal of environmental policy discourse is cooperation in actual situations despite uncertainty about physical models and in the face of a broad diversity of opinion about value systems, then the sidestreamers are right to question the usefulness of the “foundational” arguments that occupy most environmental ethicists.

The sidestreamers are right to recommend that we pose a somewhat different question about environmental values. Can we propose approaches to discussing and understanding environmental values that lead to cooperation even with scientific uncertainty and in the face of value diversity? This question must, given the urgency of real environmental problems, be asked “internally” — it must be addressed while accepting the current situation of value diversity. Can we accept the fact that humans value nature in diverse ways and nevertheless build normative decision models that will lead to cooperative behavior? The sidestreamers should, in the face of diversity, work to create a forum of open deliberation, introduce concepts that will improve communication among diverse interests, and generally improve the possibility of collective action.

The sidestream in environmental ethics can address less abstract questions and thus shed light on key ethical and conceptual issues as contributors to the public policy dialogue and deliberative process. The sidestream can do so by appealing to real values that are currently
expressed by people of diverse interests, worldviews, and perceptions. The trick is to direct policy discourse toward identifying trends to monitor ("indicators") and objectives to set. Value discourse will then take its rightful place, not as the current foundational battles that always trump local deliberations and democratically supported proposals but as a wellspring of reasons for supporting or opposing one proposed policy over another. Since many environmental policy proposals — such as minimizing impervious surfaces during development — can be supported by people who live by many values, the political whole can be far more than the sum of the ethical parts expressed.

CONCLUSION

If environmentalists can pass through the Age of Ideology and enter an Age of Pluralism and Adaptive Social Learning, there will be hope of building the kind of coalitions that will find a middle ground. The way out of the Age of Ideology and polarization, gridlock, and whiplash in environmental policy is a linguistic route. We will escape the Age of Ideology only when we learn to put the old dichotomies and polarizations behind us and talk in ways that frame policy questions in terms that encourage negotiation and cooperative action.