ABSTRACT

Title of dissertation: ENVIRONMENTAL HUMAN RIGHTS, NATURAL LAW THEORY, AND NATURE'S AESTHETIC VALUE

Christopher W. Stevens, Doctor of Philosophy, 2011

Dissertation directed by: Jerrold Levinson, Distinguished University Professor
Department of Philosophy

I argue that nature ought to be preserved because its existence is required for a particularly significant constituent of human well-being, a constituent so significant that the means to it—provision of and ready access to indigenous and ecologically sound nature—are worthy of being secured by legal right. The constituent is a complex cognitively-grounded and perceptually-induced emotive experience best characterized as an aesthetic one. In the current policy and social climate this characterization will to most policymakers and concerned citizens hardly convey its significance for either well-being or the preservationist cause. Hence the need for its presentation and defense. This view of the justification of environmental preservation is different from those common in the environmental ethics literature and in environmental policy. It includes neither an appeal to nature's purported intrinsic value nor an appeal to provisioning, regulating, or supporting ecosystem services such as clean air and water, climate control, and biomass production, though these are secured secondarily if indigenous and ecologically sound nature is primarily secured as a means to the experience.

The dissertation consists of eight self-contained but interrelated chapters in which I argue for the following: interest/instrumental theory of rights; neo-sentimentalist buck-passing account of nature's value; merging of the scientific-cognitivist conception of the

appropriate aesthetic experience of nature with a wonder-based account; the consistency of Mill's harm principle with the principle of utility in the context of Mill's qualitative hedonism; expansion of the philosophical aesthetician's self-understanding of his task to include the public policy-relevant aspects of his discipline in terms of the contribution that appropriate, merited aesthetic experience can make to well-being; neo-sentimentalist buck-passing account of aesthetic experience and aesthetic value.

ENVIRONMENTAL HUMAN RIGHTS, NATURAL LAW THEORY, AND NATURE'S AESTHETIC VALUE

by

Christopher W. Stevens

Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, College Park in partial fulfillment
Of the requirements for the degree of
Doctor of Philosophy
2011

Advisory Committee:

Professor Jerrold Levinson, Chair
Professor Christopher W. Morris
Professor Dan Moller
Professor Mark Sagoff, George Mason University Institute for Philosophy and Public Policy

Professor Karol Soltan, Dean's Representative

ACKNOWLEDGEMENTS

Special thanks to Jerrold Levinson for help and encouragement so graciously given along the way. Thanks to Christopher Morris, whose comments on a first draft helped me to better formulate my expression of the dissertation's overall plan as it now appears in the Introduction. To my wife Jae-Eun Jeong I owe a debt of gratitude not easily repaid. It is difficult to fathom such a degree of magnanimity. How she has managed to tolerate me during the process of writing this dissertation I simply do not know. I would like to thank the Fulbright Foundation for a year-long fellowship at the Oslo University Centre for Development and the Environment in 2010-11; the Helsinki University Centre for Environment for two years of support in 2008 and 2010; the Maj and Tor Nessling Foundation for Environmental Protection for a year-long stipend in 2009; and the American Scandinavian Foundation for the year-long fellowship that originally brought me to the Nordic countries as researcher at the University of Helsinki in 2007-08.

TABLE OF CONTENTS

INTRODUCTION

1. The Main Claim and Its Defense

1.1 The Main Claim

I argue that nature ought to be preserved because its existence is required for a particularly significant constituent of human well-being, a constituent so significant that some of the means to it—provision of and ready access to indigenous and ecologically sound nature—are worthy of being secured by legal right.

The main claim consists of three sub-claims, two explicit and one implicit: (i) the constituent is a particularly significant part of human well-being; (ii) indigenous and ecologically sound natural environments are required for the constituent; and (iii) the means are amenable to being fittingly thought the object of a legal right.

The main claim is defended by defending the three sub-claims.

1.2 Sub-claim (iii)

I conceive of moral claims to the establishment of such a legal right as justified via appeal to the idea that the legal right would be founded upon a moral right so basic or general as to reasonably be thought a human right, and via appeal to the idea that the fitting duty-bearer of such a human right, and in particular one having to do with the environment, is the state. By 'human right', I mean a right that would further interests so significant for human well-being that anyone, simply in virtue of his being human, has a legitimate claim, provided the existence of a duty-bearer, that reasonable efforts be made

to meet the duty appearing in the right's description. So the 'human' in 'human right' refers to part of what justifies such a claim, viz., some deep features of all humans that correlate to objective interests strongly connected with human well-being, with the connection so strong that it renders those interests worthy of protection or, more precisely, worthy of being furthered via the provision, by the duty-bearer, of those means within the duty-bearer's purview that would typically be required in order to yield that well-being.

I have said '*part* of what justifies the claim', I have mentioned *furthering* interests, and I have referred to claim (iii) as *implicit*. I say 'part of what justifies the claim' because a rights claim is a legitimate one, as far as I can see, only if there exists a duty-bearer. Rights claims floating free of a duty-bearer are, on my view, the stuff of fantasy. The duty-bearer seems to me to unequivocally be the state, because part of what justifies state authority is surely the institutions of the state ensuring those basic or particularly significant components of its citizens' welfare requiring public goods, and because the duty-bearer for rights having to do with such public goods as pristine natural environments and access to them must, anyway, be the state, as it is unclear who else the duty-bearer for such an expensive good or the provision of public access could be. If, for instance, one instead conceives of the duty bearers for such a right to be members of the public, then one might think conservation easements a possibility, but as far as I am aware, conservation easements do not typically include public access, and in fact, one reason a private citizen might pursue the easement route is precisely to garner funds for the maintenance of a natural environment while maintaining the private property rights to it which allow him to restrict access.

I have mentioned *furthering* interests. The reason for my adoption of 'further' in place of the more usual 'protect' is that the notion of furthering interests includes protecting present interests while leaving room also for promoting (objective) interests not presently had, while 'protect' suggests a restriction to presently-had interests, in that the protection of something requires that thing's existence. My reluctance to use 'protect' is related to my referring to claim (iii) as implicit. Claim (iii) is implied by the claim that provision of natural environments and access to them are worthy objects of a legal right in that worthy objects of a right, given that they are indeed worthy, must also be amenable to being fittingly thought the objects of a right, since something cannot be a worthy object of a right if it is not also the type of thing that can indeed be the object of a right. The focus of chapter I, "Perfectionist Liberalism, Natural Law Moral Theory, and the Philosophical Foundation of Environmental Human Rights," is the formulation of a philosophical foundation for rights that would render such positive rights as this one candidates for legitimacy in the face of the widespread acceptance of the notion that rights are best conceived as primarily negative.

The idea that rights are primarily negative, that they protect the individual by preventing incursions upon his autonomy, is at odds with the moral and political perfectionist idea that autonomy is only as valuable as are the objects of autonomously-made choice themselves valuable. The crux of the difference between the two broad conceptions of rights can be understood roughly in terms of theories of welfare, despite a needed caveat: one conception effects protection of present preference in the name of autonomy and so aligns with the present-desire satisfaction theory of welfare, while the other emphasizes the furthering of those interests whose objects are rendered valuable

counterfactually in terms of the satisfaction of preferences we ought to have but may not have and so aligns with the objective-list theory of welfare. The caveat is that those embracing the former idea are often non-consequentialists who, being non-consequentialists, do not typically conceive of their views in terms of welfare. But the need for the caveat is due to no confusion and is part of the point of chapter I; the conception of rights as primarily negative, whether or not the conception is based in a non-consequentialist normative-ethical view, is a means, and probably in many cases an unwitting one, for protecting existing preferences, among which are those whose satisfaction is partly the cause of the environmental crisis.

1.21 Theories of Rights, the Paradox of Rights, and the Concept of Intrinsic Value

Chapter I, "Perfectionist Liberalism, Natural Law Moral Theory, and the Philosophical Foundations of Environmental Human Rights," is the dissertation's longest and most complex chapter, and so is deserving of special attention both to prepare the reader for its content and to forestall potential misunderstandings.

My main aim in chapter I is the making of a case for an unorthodox way of formulating the philosophical foundation of rights so as to give credence to the very idea of positive human rights of the sort I have mentioned. Being a discussion of theories of rights and not of some particular right, the discussion proceeds at a relatively high level of abstraction. Though I do not defend a particular right in the chapter, near its end I give a sketch of one that would be well-supported by the rights foundation I argue for, viz., the right to the provision of and access to ecologically sound natural environments. I show, that is, that if the theory of rights I favor is convincing on its own merits, as a theory of

rights in general, then the means to the constituent of well-being appearing in sub-claims (i) and (ii) are, as per claim (iii), amenable to being fittingly thought the object of a legal right.

Half the chapter is devoted to the matter of how we ought best construe what rights are. I argue for a version of the *interest theory*, the theory based on the idea that rights' function is best understood in terms of human interests. And I argue against the *will theory*, the theory based on the idea that rights' function is best understood in terms of the protection of choice, with choice understood, in turn, as an expression of agent autonomy. The other half is devoted to the related matter of rights justification. I argue for a perfectionist natural law version of the *instrumental theory*, the theory according to which rights are justified via reference to something else to which they are a means. On the perfectionist natural law version of the theory as I conceive of it, rights are justified via reference to well-being understood objectively in terms of the central human capacities. And I argue against the *status theory*, the theory according to which rights are best thought justified with central reference to the value of autonomy.

It might obviously seem a bad thing to be arguing against a view having autonomy at its core, as it might seem that by arguing against the view one is therefore arguing also in some way against autonomy. There are two things to be said about this. One I have already alluded to above, viz., that the obviousness of the coherence of the claim that autonomy per se is valuable is, when examined more closely than is usual, dubious. One reason for this is that agents can, and often do, autonomously make bad choices, i.e., choices that do not further their well-being. The other is more complicated,

and has to do with a problem faced by status theorists which one of the most well-known of all status theorists, Thomas Nagel, refers to as the 'paradox of rights'.

The paradox consists of the logical difficulty of non-instrumentally-justified rights, being of course not amenable to being made sense of in terms of good outcomes, being also incapable of being made sense of even in terms of the value of what they protect, for if they were made sense of in that way, it would then appear consistent with the status view, for all or nearly all cases, to override the rights of some in the service of recognition of the rights of others, if more of the protected good were to result from doing so. The point is that acceptance of justificationism in an effort to avoid the paradox, if even at merely this single stage of one's theory of rights, opens one up to what is from the status theorist's perspective an unacceptable weakening of rights, in that the normative force of rights is then held hostage by what in so many cases they are thought by the status theorist to be protections against, viz., the purported value of some good that is not part of the right-holder's presently-had set of interests. That is, justificationism threatens the anti-perfectionist's notion of autonomy.

Reluctance to cash out the notion of autonomy in terms of its instrumental value may often stem, I think, from lack of sympathy with objective list theories of welfare, since only if one conceives of interests as subjective is the normative force of rights weakened by justificationism in the way I have described. But present-preference conceptions of welfare are of course not the only available option. Particularly interesting in connection with this line of thought is the idea will theorists seem to rely on as a tacit justification of the value of rights conceived of in terms of autonomy—the idea that the neutrality about the good which anti-perfectionist autonomy has to do with is itself

somehow valuable. Perhaps will theorists conceive of it as morally valuable in much the same way one conceives of fairness as equity valuable. But neutrality on this matter cannot of itself be valuable, as what renders autonomy valuable is the value of the choices one autonomously makes. Rather, neutrality on this matter, if it is to be valuable, is valuable only contingently, in virtue of present interests being themselves welfare-conducive. The upshot is that in embracing neutrality, will theorists tacitly promote present interest, and promotion implies that a normative stance is being taken. That is, neutrality is not a non-normative stance, and so its value cannot derive from something analogous to the moral value of fairness as equity.

Given the attention Nagel pays to presenting and attempting to resolve the paradox of rights, it is clear that he believes it to be one of the most serious threats, if not the most serious threat, to the integrity of the status theory. I offer a detailed analysis and criticism of his response to the paradox in order to show it unsatisfactory. If the response is unsatisfactory, then, as per Nagel's own view of the seriousness of the threat, the integrity of the status theory remains in doubt. The structure of the core of my case for the instrumental theory (and, indirectly, for the interest and instrumental theory combination) is, then, a disjunctive argument: there are two alternatives for a theory of rights, the instrumental/interest theory combination and the status/will combination; the former has a number of positive features and no serious drawbacks, but the latter has a serious drawback; therefore we ought to be instrumental/interest rights theorists. A potential worry is the truth value of the first premise; there may be (and indeed there are) other theories than these, in which case the argument is unsound. This is a common drawback of disjunctive arguments. They are only as good as is the disjunctive sentence

exhaustive of possibilities. But the latter is true only to the extent that one intends his conclusion to apply to all possibilities. I do not intend that. I intend to show only that of the two most commonly-held views, the less commonly-held one has more going for it than is usually thought, while the more commonly-held one has less. Given this intent, the effort I put into arguing against the status and will theories is well spent.

At the core of Nagel's attempt to defuse the paradox so as to rescue the status theory is the concept of intrinsic value. This may be thought by those who embrace the status/will combination to be a strange approach, given both that status theorists are non-consequentialists and that the invocation of intrinsic value is typically thought the province of consequentialists, who use the concept to refer to the mode of value of the good which their theory requires as part of a definition of the right. As for my attributing use of the concept to Nagel, it appears in the essay of his from which I extensively quote not only in the guise of "the value of inviolability itself," but also and still more explicitly in his phrase "the intrinsic value of inviolability."[1] At the core of my criticism of his attempted defusion is a criticism of the integrity of the concept of intrinsic value itself. I present a response-dependent theory of value which I argue is preferable to competing accounts of value and which obviates the very concept of intrinsic value. The theory has sufficient explanatory power to capture much of what Nagel seems to believe any rights theorist ought to be able to say about some features of the paradox of rights. And most importantly, if we accept the theory, then the paradox remains unresolved because the concept of intrinsic value, in being obviated, is rendered unavailable for the status theorist's use as a means for defusing the paradox.

[1] See Thomas Nagel, "Personal Rights and Public Space," *Philosophy and Public Affairs*, Vol. 24 (1995), p. 92.

A potential worry is that Nagel and I may, so to speak, be talking past each other, if he and I do not share a common understanding of the concept of intrinsic value. This matter is tricky and important. If one means by 'share an understanding of the concept' something like 'share a characterization of the concept's intension', then the answer to the question whether we share an understanding of the concept is 'yes' insofar as his use of the concept suggests that he would characterize it as non-instrumental, non-relational value, in which case it is necessarily a value (purported to be) had, by whatever has it, in virtue of a thing's intrinsic, non-relational features alone. If, however, one means by 'share an understanding of the concept' something like 'share an understanding of the concept's extension', then the answer is 'no'. For both our sakes that is a good thing, since if Nagel did share my understanding of the concept's extension, then I would not have a criticism of his view and, as far as I understand matters, he almost surely could not be a deontologist. I say the answer is 'no' because, given his use of the concept, it is clear that he believes the term 'intrinsic value' successfully refers, while I believe that it does not. Given that my view of value is that value is a relational property, I believe that valuableness cannot be an intrinsic property and that the concept of intrinsic value therefore has no extension. Another way to put the point is to say that I believe value understood in terms of the concept of 'good' is best understood via the idea of 'good for' rather than 'good simpliciter'.

I mentioned that this matter of the concept of intrinsic value is important. Another way in which it is important has to do with my comment that were Nagel to share my understanding of the extension of the concept of intrinsic value he almost surely could not be a deontologist. The idea behind the comment is that contrary to the commonly-

held notion that consequentialism requires a conception of intrinsic value while deontology does not, the situation is actually the reverse. I am a consequentialist but reject the notion of intrinsic value; the good need not be conceived as a species of intrinsic value. The concept of autonomy, though, which is central to deontology, entails the concept of intrinsic value, since the value of autonomy cannot be accounted for instrumentally by a non-consequentialist. The inability of the non-consequentialist to do this is the core of the paradox of rights.

My final point of discussion in the way of introduction to chapter I is a potential worry about the way I have chosen to characterize rights theories. A theory of rights includes a theory of rights' function and a theory of rights justification. Since there are two main contenders for each, there are, then, four possible combinations: will/status; will/instrumental; interest/status; interest/instrumental. But my discussion in chapter I is restricted to the first and last. There is good reason for the restriction.

I omit the interest/status combination because the combination is, I believe, inconsistent; and because, as circumstantial evidence of the inconsistency, the most obvious counterexample to the claim that the will and status theories go hand in hand is the existence of Catholic natural law theorists, whom one might be inclined to categorize as interest/status theorists, but the most well-known of them, John Finnis, embraces the interest/instrumental combination. I believe the combination inconsistent because the interest theory entails the instrumental theory: if rights are protectors (or what might be called 'furtherers') of interests, then a right is justified to the extent that it is an effective means to furthering those interests, and the notion of means is clearly an instrumental one. Broadly speaking, the status theory is deontological while the instrumental theory is

consequentialist or welfarist (though not necessarily utilitarian, as the good might be thought a non-utilitarian one). The deontological construal of rights involves thinking of them as primarily negative. A right is justified, on such a construal, to the extent that it protects the person conceived of as an autonomous rational agent, with autonomy understood as the freedom to pursue the good as the agent conceives it. The central part of a definition of agent status is this autonomy, and so, crucially, the status theory of rights justification is inconsistent with the objective list theory of well-being, which is an essential part of the interest theory as conceived by natural law thinkers.

What I believe to be confusion as to the possibility of the interest/status combination being a viable option would stem, I think, from two sources. One source is there being two very different possible uses of 'status'. Kantian rights theorists, e.g., are clearly status theorists (as all agree), but natural law theorists, who justify their objective lists of interests with reference to human nature, are not status theorists, if the status theory includes an ineliminable notion of autonomy as I've described it above. And the status theory is indeed typically discussed as a deontological one complete with autonomy, conceived of that way, as what rights principally protect. Confusion arises when reference to human nature is thought of as reference to a kind of status rather than to part of a specification of the interests which, on a counterfactual understanding of welfare as satisfied objective preference or interest, instrumentally justify the rights that conduce to that satisfaction.

A second source is the ease with which one might conceive of moral perfectionists as status theorists, rather than as instrumental theorists, in virtue of the notion of perfectionism as having to do not with the satisfaction of objective interests but

with the production of intrinsically valuable states of affairs not necessarily related to agent satisfaction. Thomas Hurka, a well-known moral perfectionist, pushes such a conception of perfectionism.[2] I think he is fundamentally misguided; the human good conceived of without agent satisfaction strikes me as absurd, just as it must strike Richard Arneson, who refers to such views, including Hurka's, as "perverse."[3]

I omit the will/instrumental combination because will theorists tend to conceive of rights in terms of protection rather than justification, and what they take rights as being protections of is autonomy or something the value of which is had via its relation to autonomy, with autonomy understood in its anti-perfectionist sense. This rules out the possibility of justifying rights with reference to objective interests. My choice of 'tend' in 'tend to conceive' is no exaggeration, since as George Rainbolt notes in his comprehensive book on rights, no will theorist of whom he is aware is an instrumental theorist.[4]

1.3 Sub-claims (i) and (ii)

The constituent of well-being mentioned in (i) and (ii) is a complex cognitively-grounded and perceptually-induced emotive experience best characterized as an aesthetic one, though in the current policy and social climate this characterization will to most

[2] Hurka claims, e.g., that "Knowledge and achievement…make a person's life better regardless of how much she enjoys or wants them…." Thomas Hurka, *Virtue, Vice, and Value* (New York: Oxford U.P., 2001), p. 7.

[3] See Richard J. Arneson, "Perfectionism and Politics," *Ethics*, Vol. 111 (2000), p. 54.

[4] Speaking of the combination of the will and interest theories, which he refers to as the 'justification version of the choice theory', Rainbolt notes that "…no one I know of has defended the justification version of the choice theory." George Rainbolt, *The Concept of Rights* (Dordrecht, The Netherlands: Springer, 2006), p. 87.

policymakers and concerned citizens hardly convey its significance for either well-being or the preservationist cause. This is, however, to be expected, if a large part of the explanation of the cause of our environmental problems is, as I believe it to be, the widespread absence of the experience and so also of the moral motivation for preservation it yields, and of both the knowledge and perceptual sensitivity required for having it.

In the conclusion of Chapter I, as part of a sketch of the sort of positive right that would be well-supported by the rights foundation I argue for, there appears a brief discussion of this aesthetic experience of nature together with an explanation of the way in which the experience is, as per sub-claim (i), a particularly significant part of human welfare. While the explanation renders the significance of the experience for well-being clear, the claim of significance is ultimately only as convincing as is the aesthetic experience understood. At the center of that brief discussion of the experience is an account of value known in the literature as the 'buck-passing account of value'. I immediately take up the thread of that discussion of the aesthetic experience of nature in Chapter II, "Reasons, Values, and Environment: A Neo-Sentimentalist, Buck-Passing Account of Nature's Value." There I present in detail a conception of the metaphysics of nature's value I merely hint at in Chapter I, and place that conception within the context of the ongoing debate about how best to conceive of nature's value appearing in the environmental ethics literature. Presentation of the conception is part of a broader account that includes discussion of the semantics of claims of nature's being valuable, of the problem of moral motivation to preserve nature, and of the prudential reasons which I

argue form the justificatory ground for what are more typically thought to be purely moral claims, based in purely moral reasons, for nature's preservation.

In Chapter II, then, the discussion of the aesthetic experience of nature figures in a wider-reaching discussion, whose home is environmental ethics, and the point of which is to determine how best to formulate claims of nature's value. Chapters III and IV, however, deal with the aesthetic experience directly and in terms of its fit with well-known models of nature appreciation appearing in the environmental aesthetics literature. In Chapter III, "Making Sense of Nature as Mystery: Godlovitch's 'Icebreakers: Environmentalism and Natural Aesthetics'," I argue for re-conceiving the most well-known wonder-based account of the aesthetic experience of nature. I do this not only to make still better sense of our response of wonder at nature than does Godlovitch, but also to render a version of the wonder-based view consistent with scientific realism, which is presupposed by the most well-known non-wonder-based account, in order to make plausible the further argument that the two be combined to make for a savory comprehensive view.

In Chapter IV, "Formalism and Anti-Formalism about Childlike Wonder and Natural Environments," I discuss the aesthetic experience or experience of aesthetic pleasure as requiring as its intentional object an environment that, as per claim (ii), is indigenous and ecologically-sound. Also in the chapter I tackle from a different point of view and with a different argumentative strategy nearly the same problem dealt with in Chapter III, the problem of uniting the two seemingly opposed wonder and non-wonder-based accounts, though here I do so in the context of a debate the examination of which provides insight into some reasons for the union's having so far gone unchampioned.

2. Format

The dissertation consists of eight self-contained or freestanding but mutually interrelated chapters organized into three parts. Though the chapters are each capable of standing alone, and some have indeed been published as freestanding essays, they are mutually supporting, as I have described in detail in section 1 above with respect to Chapters I through IV.

Part One, 'Environmental Preservation in Natural Law Terms', consists of Chapter I, which, being the longest and most complex of the dissertation's chapters, I have thought it best to provide the most thorough introduction to here. Part Two, 'Environmental Ethics and Environmental Aesthetics', consists of Chapters II through IV. Part Three, 'Aesthetics, Ethics, and Public Policy', consists of Chapters V through VIII. The essays in Part Three are supporting chapters, in that they explore facets of matters discussed in Parts One and Two. They do so from the point of view of the aesthetician and with recognition of the aesthetician's primary interest in the philosophy of art, though they deal with aesthetics-related matters in the context of the idea that there are strong links between aesthetics, ethics, and politics.

In Chapter V or "Who's Afraid of Roger Scruton: Paleo-Conservatism and Millian Perfectionist Liberalism," for example, I develop in greater detail and, again, from the point of view of those working in the field of aesthetics, a thread of Chapter I dealing with the hedonist moral perfectionism that undergirds the preservationist view I discuss there. The focus is showing Mill's harm principle consistent with the principle of utility in the context of Mill's qualitative hedonism. I develop in greater detail a consideration appearing in Chapter I of the perfectionist liberalism that would render any

perfectionist view, including the environmental preservationist view I discuss there, consistent with at least one kind of liberal stance. And I discuss what I believe to be the most pressing issue in political philosophy and why I believe it to be so, viz., the problem, which so much concerned Alexis de Tocqueville, of liberal democracies conducing over time to cultural mediocrity. The path to cultural mediocrity involves the loss of objectively valuable aspects of culture, including perhaps the knowledge and sensitivity required for having particularly valuable aesthetic experiences of nature of the kind I argue for.

Chapters V through VIII serve the same two purposes. One is to explore and promote an idea at the heart of the preservationist view I develop in Parts One and Two—the idea that there are strongly public policy-relevant connections between ethics and aesthetics. The other is to actively contribute to the advancement of a welfarist, aesthetic experience-based aspect of practical ethics by urging aestheticians to play a role in bringing that connection to light by their doing work at the intersection of public policy-related philosophy and their own philosophical field. I argue, in other words, for a reformation of the agenda of the discipline of aesthetics to include what might be referred to as 'practical aesthetics'. One way to understand the connection between Part Three on the one hand and Parts One and Two on the other is to recognize that to the extent which the preservationist view I develop in Parts One and Two is aesthetics-centered, it too is a good candidate for taking a place in the would-be field of practical aesthetics.

My desire to advance this reform of the field of aesthetics has led me to where the seeds of reformation are arguably best sown, i.e., to where we meet one another face to face and so can most forcibly evoke responses better than a mere shrug and turn of the

page. At conferences we can evoke a wince or, if we are lucky, a smile. Three of the essays of Part Three were originally written for conferences and another was written for an edited volume whose editors welcomed a polemical tone. All four, though particularly V, VII and VIII, are intended as polemical affronts to orthodoxy and should be read that way. Though the conference papers have been extended and fully-referenced, I have chosen neither to alter their polemical flavor nor rewrite or remove the few paragraphs they share. So a minor caveat is in order: as they ostensibly deal in different ways with, or with different aspects of, the same issues, there is some overlap in content and even a few shared paragraphs in the initial presentation of the issues beginning each essay. That is no oversight: if I have found a particularly economical paragraph or provocative sentence to quickly or evocatively frame the issues so as to move readily on to the essay's arguments after having grabbed my audience, then I have in some cases retained that paragraph or sentence in the setup of more than one of these freestanding essays.

Chapter VI, "Embracing Scruton's Cultural Conservatism," was in its much shorter initial version presented at a conference, sponsored by the Mind Association, on Roger Scruton's work in aesthetics. Scruton is more widely known for his work on paleo-conservative political philosophy than he is for his work in aesthetics, and his work on the value of aesthetic experience, having to do both with the arts and with everyday lived life, is heavily influenced by his views on ethics and politics. Predictably, of presentations given over a full two day conference, only a handful of presentations, mine included, involved reference to ethics or politics. The occasion therefore presented a welcome opportunity to make plain the oversight, discuss some of its likely causes, and argue for the value of dealing with issues in aesthetics against the background of ready

acknowledgement of, and a healthy interest in, connections between aesthetic experience, state responsibility, and the good life. Though the essay deals explicitly with aesthetic experience in terms of art objects, much of what I argue for there can be extended to include other objects of aesthetic experience in general and natural environments in particular. The heart of the essay—a presentation of one way of making sense of connections between right action, often-made claims about the intrinsic value of life, and what Scruton refers to as 'emotional knowledge' and 'right feeling'—sits well with chapters in Parts One and Two as a different, helpful, and virtue ethics-oriented fleshing out of the hedonist perfectionism at the core of the preservationist view developed there.

In Chapter VII, "Revising Aesthetics' Place Amongst the Disciplines: Aesthetic Values, Moral Obligation, and Everyday Aesthetics," I argue in favor of a practical aesthetics via the posing of a challenge to one of the most well-respected advocates of that part of the discipline of aesthetics closest in spirit to it, viz., what has come to be called 'everyday aesthetics'. The advocate is Thomas Leddy, who in fact was my commentator at the annual conference of the American Society for Aesthetics where the essay was presented. The challenge is to formulate a conception of aesthetic experience that both allows everyday non-art objects to fall under the concept as appropriate objects of aesthetic appreciation and does justice to our intuitions about the objectivity of claims about the relative degrees of their aesthetic value. In the dual-titled Chapter VIII, "Aesthetic Perfectionism: Liberalism, Paternalism, and the Normative Upshot of Everyday Aesthetics; *or* A Neo-Sentimentalist, Buck-Passing Account of Aesthetic Experience," I offer an original account of, and offer a strictly-formulated definition of, the concept of aesthetic experience. In its offering that account, Chapter VIII is a sister

essay of and complement to Chapter VII. The account is well-suited to clarify the public policy-relevant connection between ethics and aesthetics, and it offers a closer look at the workings of the concept as it figures, explicitly and implicitly, in nearly all preceding chapters.

3. Methodology: Applied versus Theoretical Philosophy

To avoid potential misunderstandings, it is worth saying something about the way in which I have chosen to go about doing environmental ethics and politics, both of which are typically conceived of as falling under the rubric of applied philosophy.

Most but not all applied philosophers tend toward pluralistic analyses and so practice a style of philosophy aptly termed 'descriptivist'. Descriptivists seek an account of our everyday practices, including our commonsense ways of thinking about them, and so work within the constraint that those practices and ways of thinking should be taken as much as possible at face value; a corollary to the approach is the desideratum that analyses that would encourage revision of those practices are flawed ones. Most but not all of those working in theoretical philosophy tend toward monistic analyses and so practice a style of philosophy aptly termed 'revisionist'. Revisionists wish to impart order to the chaos of our practices and ways of thinking about them, even if significant revision of those practices and ways of thinking is necessary to do this. For the revisionist, to the extent that an analysis of some practice is pluralist, it is to that same extent an analysis providing a poor explanation of the practice, for, from his point of view, it is the very nature of explanation that it unifies surface diversity via appeal to similarities at some deeper level. Revisionists therefore tend toward reductionistic and so monistic analyses,

and these of course do damage to our commonsense ways of thinking about our practices insofar as we typically conceive of our practices in a diversity of ways. For obvious reasons, descriptivists, in contrast, tend toward pluralism.

I am by character a theoretical philosopher and so am a revisionist seeking monistic analyses. My initial analyses of the state of play in environmental ethics, environmental politics, and parts of aesthetics brought me to the conclusion that at the center of various important debates in all three was a lack of clarity about the concept of value itself. One of the tasks I set myself in writing the dissertation was, therefore, to scour the literature on the concept of value, come to a conclusion about which account of value was most convincing, and then apply that concept to deal with some of those debates. This is neither a bottom-up nor a top-down approach to practical philosophy, insofar as those approaches are typically understood. It is not a bottom-up approach, since such approaches privilege cases and the ability to capture our strongest intuitions about them at the expense of the unity that emphasis on principles can bring. It is not a top-down approach, since such approaches privilege normative moral or first-order ethical principles. It is, however, bottom-up, in the sense that *foundational* theoretical principles are privileged. And it is, in a sense, top-down, insofar as approaches that privilege principle over the ability to capture our intuitions about cases renders an approach a top-down one. However one labels the approach, it is not widely-shared.[5]

The buck-passing account of value appearing in Chapters I, II, VI, and VIII is the concept of value I have found most convincing. Its appearing in these four chapters, each

[5] In taking this approach, I share an affinity with Stephen Darwall, who believes that normative ethics is best done alongside and not independent of meta-ethics. See his *Philosophical Ethics* (Oxford: Westview Press, 1998).

of which belongs to a different Part of the dissertation, is another mark of the dissertation's unity, as is the revisionist approach I have in general taken to the various philosophical problems I aim to solve.

4. Normative Ethics

My normative-ethical view appearing in various parts of the dissertation is unorthodox and so is worthy of a few remarks so as to avoid potential misunderstanding. The unorthodox nature of the view, and of the political views it supports, is most easily recognized in my conjunction of natural law moral theory and Mill's qualitative hedonistic consequentialism. Given that natural law moral theory and hedonistic utilitarianism are typically thought inescapably at odds, misunderstandings are easy to come by. That is, one might ask 'Why not discard natural law and instead rely only on Mill, especially given your emphasis on his hedonism?' The short answer, and one that may confound one's understanding of Mill, is that because Mill uses the core idea of natural law moral theory in his conception of qualitative hedonism, and because his hedonism is central to both his moral philosophy and his political philosophy, it is not possible with consistency to drop invocation of natural law while discussing his views in a way that is faithful to them. By 'the core idea of natural law moral theory' I mean the idea that the good is a function mainly of what makes us human, i.e., our human nature or central capacities. I discuss this aspect of Mill's views most fully in Chapter V.

The long answer has two parts. First, given what Mill has to say about his qualitative hedonism with respect to objects worthy of (what philosophers used to refer to as) the higher faculties, his hedonism is most faithfully thought of as attitudinal hedonism

rather than the mental state variety, since attitudinal hedonism allows propositional content as part of what constitutes pleasure, and inclusion of propositional content allows inclusion of reference to properties giving their objects differing degrees of merit for appreciation. I discuss attitudinal hedonism in Chapters I, V, VI, and VIII, and to some extent in Chapter II. Second, given what Mill has to say about competent judges in the context of discussion about worthy objects of the higher faculties, it is clear that degree of competence is proportional to refinement of sensibility (i.e., refinement of human capacities with a view to their exercise in differing contexts distinguished per the intentional object of an event of pleasure-taking). On Mill's view, then, realization of the good as pleasure requires not only the agent's choosing to pursue objects worthy of his central capacities but also those capacities' refinement sufficient for the appreciation of such objects. I discuss this matter in Chapter V.

The crux is that reference to the human capacities is central for making sense of Mill, and making the related reference to natural law moral theory is, I believe, one potentially effective way of showing the central role the human capacities play in Mill's views.

5. Conclusion

Altogether, the essays constituting the chapters of this dissertation are the product of some of the work I have done during time spent in the US and the Nordic countries over the past five years. Many have helped and encouraged me along the way, and here I want to include those with whom I have sometimes even bitterly disagreed. Issues in value theory generally, and especially issues in applied ethics like those having to do with our

treatment of the natural environment, can as easily invoke hostile feelings between those with fundamentally differing intuitions as it can feelings of warm camaraderie between those sharing a similar outlook. My hope that a discipline inherently involving a great deal of abstraction might contribute to resolving what ultimately are, in a real-world sense, matters of public policy can easily be deflated by too much rumination on failures to convince even merely my own colleagues about some stance on one or another foundational issue. When experiencing such a loss of hope in philosophy, I do my best to remind myself of what we philosophers and academics share—a commitment to honestly presenting our views, to thinking things through with fair consideration of contrary opinion, and to putting forth an effort to learn from others. What we share, in other words, is a tacit pledge to magnanimity. I am proud to play my small part in such a community.

(This essay appears in a slightly modified form as "Perfectionist Liberalism, Natural Law Jurisprudence, and the Philosophical Foundations of Environmental Law," in Wojchiech Gasparski and Olli Loukola (eds.), *Environmental Political Philosophy* (New Brunswick, NJ: Transaction Publishers, forthcoming 2011).

I

Perfectionist Liberalism, Natural Law Moral Theory, and the Philosophical Foundation of Environmental Human Rights

1. Introduction

The philosophical foundations of environmental law as they are typically conceived, or as they would appear by inference from the forms the law typically takes, support a body of human rights-based legislation that is, I believe, unsuited to serving the function for which some and probably many policymakers intend it. These foundations are the will theory of the function of rights, the status theory of the justification of rights, and the value pluralism at the heart of the type of liberal democratic vision from which those theories partly spring. These foundations support, and in that sense have also partly motivated the formulation of, a type of legal right which, though serving an ostensible good, serves also to delimit a realm of putatively morally-permissible free choice so broad as to allow serious environmental infelicities to go unnoticed or undealt with.

The environmental infelicities I speak of are those due to the choices we make, as consumers and citizens, that collectively threaten the environment by shrinkage and threaten the ecological integrity of its surviving bits.[1] The ostensible good I speak of is

[1] For two of the many available discussions of the environmental dangers consumerism poses, see Herman E. Daly, "Consumption: Value Added, Physical Transformation, and Welfare," in David A. Crocker and Toby Linden (eds.), *Ethics of Consumption* (Lanham, MD: Rowman and Littlefield, 1998); and Mark Sagoff, "Consumption," in Dale Jamieson (ed.), *A Companion to Environmental Philosophy* (Malden, MA: Blackwell, 2001), pp. 473-485.

one served by these legal rights securing environmental means for some basic human needs' satisfaction, and this satisfaction is in turn required for the exercise of the capacities definitive of it, viz., the rational and volitional capacities definitive of the good that is autonomous agency. Though seemingly a good outright, it is in the context of the growing environmental crisis paradoxically a merely ostensible one insofar as the particular conception of autonomous agency which such rights help realize is itself what delimits that overly broad, environmentally-threatening realm of putatively morally-permissible free choice. But there exist alternative foundations for rights, and these foundations have as much a recognized lineage as do those which support environmental human rights as most now conceive of them.

Debates about details of some features of the rights theories I discuss are complex and ongoing.[2] Rather than attempt to fairly deal with those details by, e.g., citing extensively from the voluminous relevant literature, I instead present those features in a more translucent manner, unhampered by exegesis of numerous others' views, so as to present a relatively accessible introduction to one instance of a more general and, so far as I am aware, unexamined option for the formulation of environmental human rights.[3] The option offers, I believe, a more satisfactory basis for environmental law.

In section two, I discuss what type of right an environmental human right (EHR) is according to the well-recognized Hohfeldian analytical scheme for rights analysis; present an unrecognized distinction between EHRs and most other rights falling under

[2] See, e.g., Matthew H. Kramer, N. E. Simmonds, and Hillel Steiner, *A Debate Over Rights* (New York: Oxford U.P., 1998).

[3] Options on offer include those appearing in the following: Tim Hayward, *Constitutional Environmental Rights* (New York: Oxford U.P., 2005); Richard P. Hiskes, *The Human Right to a Green Future* (New York: Cambridge, 2009); Alan Boyle and Michael Anderson (eds.), *Human Rights Approaches to Environmental Protection* (New York: Oxford U.P., 1996).

their Hohfeldian type; and show both that the distinction matters for evaluating EHRs and that, in the light of the distinction, EHRs as typically conceived are deficient with respect to their efficacy for realization of the widely-held environmental aims they are intended to help meet. In section three, I begin working to overcome that deficiency. This involves discussion of the two main theories of rights' function and their concomitant theories of rights justification, the place of one of the pairs in the mainstream conception of an environmental human right, and the unacknowledged potential of the other, less popular pair for serving to found a very different, novel environmental human rights conception.

I argue for the superiority of that less popular pair—the interest theory of rights' function and the instrumental theory of rights justification—in sections four and five, where I present and assess the most daunting common objection the instrumental theory and its rival—the status theory—each face, present a new objection against the status theory, and discuss at length Thomas Nagel's version of what is probably the *prima facie* most promising response the status theorist has to offer to that daunting common objection his theory faces. The discussion in section five turns on the concept of intrinsic value, a key component in Nagel's response, and on an account of the metaphysics of value which obviates that concept. I argue in favor of that account as part of an argument against Nagel's defense of the status theory in an effort to show the instrumental theory superior. I offer, in effect, a novel conception of the instrumental theory of rights justification, one that looks to both natural law ethical theory and a sophisticated attitudinal hedonism for making sense of what rights do for us and, in turn, for making sense of how best to conceive of their justification. These sections, sections four and five, are the argumentative heart of the essay.

In the concluding section, section six, I discuss one possible cause, arising from within rights theory, of this novel instrumentalist conception of rights justification being so far unformulated despite what it has to offer rights theory. Because that cause has also partly to do with the widespread misunderstanding of perfectionist liberalism as a hopelessly inconsistent theory of politics, I discuss the misunderstanding so as to go some way toward remedying it in an effort to gain the novel conception a fair hearing. That effort involves, in turn, a brief discussion of natural law theory in ethics, as part of the cause of the misunderstanding of perfectionist liberalism is the mistaken notion that appeal to natural law and to the moral and political perfectionism doing so can involve is antithetical to any form of political dispensation reasonably referred to by the term 'liberal'.

The short response to those who hold the mistaken notion is that not all forms of liberalism include (i) 'an irreducible pluralism about the good', despite the inclusion, within all forms of liberalism, of (ii) 'a desideratum about freedom along the lines of J. S. Mill's Liberty Principle', which limits legitimate coercive force, applied by authorities or mere members of the society and against the individual citizen, to cases in which doing so is necessary to avoid that citizen's doing harm to another.[4] Embracement of (ii) does not require for the avoidance of a practical inconsistency the embracement of (i).[5] The relevance of that fact to both environmentalism and the movement for the widespread state adoption of environmental human rights is that conceptions of the good more substantive than pluralist liberalism allows, and which include environmentally-had

[4] For Mill's presentation of the principle, see any of the numerous reprintings of his *On Liberty*.

[5] For one of the most well-informed and accessible discussions of this point as it applies in particular to Mill's political views, see John Skorupski, *Why Read Mill Today?* (New York: Routledge, 2006).

human goods more complex than those among common lists of basic human needs, can constitute part of a liberal democratic theory while also securing environmental preservationist ends of the strong sort which interest the many policymakers for whom the basic needs EHR approach is recognized as a stopgap measure on the way toward stronger means to environmental preservation. Those means would limit environmental harms, incurred via preferences running against environmental preservation, whose satisfaction is permissible in the broad realm of morally-permissible free choice promoted by the pluralist liberalism from which the standard, basic needs view of EHRs partly springs.

I conclude with a brief sketch of one complex environmentally-had human good of the sort mentioned above so as to offer a glimpse of one way forward in filling out the conceptual space won in earlier sections against the standard view. I emphasize that the instance is just that, an instance. There are no doubt others.

2. What Type of Right is an Environmental Human Right?

EHRs are typically conceived as entitlements to the provision of basic needs such as clean air and water.[6] On that conception, EHRs are what in the widely-accepted Hohfeldian analytical scheme are referred to as 'positive claim-rights'.[7] They are claim-rights in that they involve a duty owed to the right-holder, such that there could be made a claim, by him, calling for the duty-bearer's fulfillment of whatever obligation is

[6] See, e.g., James W. Nickel and Eduardo Viola, "Integrating Environmentalism and Human Rights," in Andrew Light and Holmes Rolston III (eds.), *Environmental Ethics* (New York: Blackwell, 2003), pp. 472-77; James W. Nickel, "The Human Right to a Safe Environment: Philosophical Perspectives on Its Scope and Justification," *Yale Journal of International Law* Vol. 18 (1993), pp. 281-95; Richard P. Hiskes, op. cit.

[7] He presents the scheme in Wesley Hohfeld, *Fundamental Legal Conceptions* (New Haven, CT: Yale U.P., 1923).

specified by the duty's description. They are positive rights, rather than negative ones, in that they involve an entitlement not to non-interference but to provision.

Behind the normalcy of that result of the application of the Hohfeldian scheme to EHRs, though, hides an interesting fact about them, a fact that I have not found discussed elsewhere with the care it deserves: unlike with most positive claim-rights, fulfillment of the duties of provision that standard EHRs involve principally requires the protection of an extant good rather than the creation of a good. That is, the duty-bearer's meeting the obligation of the EHR principally requires his protecting a healthy environment from harms that would taint its capacity for provision of the basic goods to which EHRs pertain. In this way, EHRs are different from, e.g., the purported positive social and economic rights that some argue exist, for some claimants, for such goods as sustenance, housing, healthcare, or employment. Those goods cannot typically be secured, for the claimant, by merely the duty-bearer's prevention of harm coming to an extant resource. Rather, prior to provision those resources must be created, even if they are created by some third party and then secured by the duty-bearer via purchase or the further provision of regulation safeguarding a right-holder's privileged access to them.

We have, then, a distinction between *created provisions* and *merely-protected provisions*. There are significant further differences between the two. Owing to the long-term cost-lowering benefits a high-quality good offers its provider, a created provision's overall quality is likely to be given significant consideration, and because even its consideration alone leads to a higher probability of that quality being imparted, there is a higher probability of its being so. With regard to a merely-protected provision, authorities are less likely to be concerned with considerations for the overall quality of the source of

the good. Why? Because given the relatively *ad hoc* nature of the claims generating the call for the duty's being fulfilled, duties of this sort are more easily thought sufficiently dealt with—even with regard to considerations of long-term cost benefit, if these indeed arise at all—by equally *ad hoc* solutions. And *ad hoc* solutions, by their very nature, do not give rise to extraneous considerations. Claims made, e.g., by persons suffering harms due to groundwater-tainting toxic effluents from a local plant are likely to be dealt with, and thought sufficiently so, via a combination of financial reparations, application of state or federal legal code specifying allowable levels of the offending chemical constituents of the plant's effluents, and scientific survey ensuring compliance with code. Notice that unlike instances of non-environmental provision, such environmental ones do not involve to the same degree, if they involve them at all, concerns for doing what may be necessary to ensure long-term integrity of the good's source. They instead involve but minor repair of what may, overall, be in decline.

One way to put the main point here is to say that fulfillment of such duties, whether or not it occurs as per the example above via recognition of violation of existing code, does not typically result in concerns for the baseline measure of integrity of the source of the provision. There are at least three reasons for this. First, and obviously, for instances in which those duties are fulfilled as a matter of course, attention to the long-term integrity of the resource does not come into play, since they can be fulfilled by simply the avoidance of doing the resource harm of the egregious sort, nearly the only sort with the potential for triggering response from the diffuse monitoring efforts resulting from economic realities. Second, in legal cases reparations may quell such claims, robbing them of the force they might otherwise have for helping foster

environmental concerns of a longer-range and so ultimately more significant sort. Third, and more importantly, legal rulings in favor of claimants in such cases require a mere return of the good's quality to the baseline measure, so that subtle and long-term, slow-changing decreases in source quality go unaffected. They go unaffected by claims of this sort because the way to reduce costs of fulfilling the duty is to do merely what the law requires and no more. Another and more pithy way to put the main idea here is this: the created provision's source is the creator, while the merely-protected provision's source is not.

The problem is that this basic needs approach to EHRs allows long-term, serious damage to environmental integrity via gradual, incremental human-induced degradation of measures too small to register the sorts of concern that trigger EHR claims. This problem matters not only because an ecosystem service quality baseline level might very well imperceptibly shift for the worse and so degrade human welfare over generations, but even moreso because this degradation is inconsistent with what many who support the EHR approach to resolving the problem of achieving long-term sustainable growth understand as a necessary part of the ultimate though perhaps grand aim of the sustainability movement, viz., environmental preservation, whereby 'environmental preservation' is meant 'preservation of (and restoration leading to) an ecologically sound natural environment of reasonable size proportionate to the size of the human population', or something roughly semantically equivalent. To avoid confusion and misunderstanding about the claim I have just made linking EHRs and environmental preservation, comments are in order.

First, though most environmental ethicists will balk at the claim that an EHR approach could ever reasonably be thought a hopeful part of an ultimately successful preservationist strategy, the sincerity of the preservationist hopes of EHR advocates should not be doubted on the sort of grounds environmental ethicists invoke. Understanding this requires some background information. Because environmental ethicists typically believe that treating nature as an instrumental rather than a final end is, in one or more of its various manifestations, the main cause of the environmental crisis, they also then believe dubious and misguided those preservationist strategies which offer a solution to the crisis in terms of some novel, supposedly preservation-securing formulation of the instrumental treatment of nature. An EHR approach to preservation falls into that category. Instead, environmental ethicists invoke reasons for preservation which are variations of the view that living nature is owed respect or special treatment in virtue of value or a moral status they claim nature has due to some of its intrinsic features alone. [8] The sincerity of the preservationist hopes of EHR advocates should not be doubted on the sort of grounds environmental ethicists invoke, because environmental ethicists' reasons are no more effective or satisfactory politically than are basic needs EHR advocates' reasons effective or satisfactory from a less practical, more straightforwardly moral-theoretical point of view. That is, while in principle not strong enough to yield preservation of the degree wanted from the outset by environmental ethicists, the reasons for environmental protection invoked by basic needs EHR advocates

[8] Classic accounts of these views include Paul W. Taylor, *Respect for Nature: A Theory of Environmental Ethics* (Princeton: Princeton U.P., 1986); and Holmes Rolston III, *Environmental Ethics: Duties to and Values in the Natural World* (Philadelphia: Temple U.P., 1988). For what is probably the most careful, thorough, and convincing criticism of such views, see John Nolt, "The Move from *Good* to *Ought* in Environmental Ethics," *Environmental Ethics*, Vol. 28 (2006), pp. 355-74.

do, unlike environmental ethicists' reasons, have a pedigree which earns them serious consideration in policy debates. Because practical considerations have a weight environmental ethicists typically fail to acknowledge, one can indeed reasonably be for EHRs as an important part of a preservationist strategy despite environmental ethicists' balking.

Second, consider the following approach for bringing that central environmental ethical idea—i.e., the idea of owing nature treatment as a final end in virtue of its purported intrinsic value or moral status—into line with requirements for policymakers taking notice: claim that living nature itself ought to be thought to have negative rights of non-interference owing to that value or moral status.[9] The promise of this approach, if indeed it has promise, depends upon the likelihood of successfully making the case for the reasonableness of categorizing nature as an instance of the sort of thing capable of being legitimately given legal standing. The approach has been with us now for some time, but has yielded little fruit.[10] This is no doubt due to the mockery which giving legal standing to things devoid of the capacity for consciousness would be seen by most as making of rights talk in general, not to speak of the contortions in reasoning that would need to be made, and somehow made from without the borders of philosophy proper, in order to show nature as having features construable as necessary and sufficient for legal

---

[9] See Christopher W. Stone, "Should Trees Have Standing?" *University of Southern California Law Review*, Vol. 45 (1972), pp. 450-501.

[10] See Sam Kalen, "Standing on its Last Legs: *Bennett V. Spear* and the Past and Future of Standing in Environmental Cases," *Journal of Land Use and Environmental Law*, Vol. 13 (1997), pp. 1-68. Kalen canvases numerous relevant cases, nearly all of which involve the question of standing with respect not to the environment directly but to those who claim harms to themselves due to the occurrence of environmental damage. And Stone himself (see footnote 8), after receiving compelling criticism, in effect much weakened his view that nature is best thought a legitimate bearer of rights; see his "Should Trees Have Standing Revisited: How Far Will Law and Morals Reach? A Pluralist Perspective," *Southern California Law Review*, Vol. 59 (1985), pp. 1-154.

standing. The approach, beyond its interestingness for die-hard environmentalists concerned with rights issues in the philosophy of law, is notable, despite its failure, for being an attempt to bring concerns central for environmental ethics into line with real-world policymaking strictures. The lesson to be learned from the failure is that in the search for practical and so legal means to preservationist ends one had best look elsewhere.

Third, recall that a basic needs EHR approach to environmental preservation is deficient for the following reason: the environmental protections it provides are in principle too weak to prevent harms that some human activities do to natural environments and that work against long-term preservationist goals, but which do not immediately affect its capacity to satisfy basic needs referred to in descriptions of the duties required for meeting claims made by holders of basic needs EHRs. But, in fact, the bad effects of the deficiency's cause—the deficiency being, again, EHRs' limited preservationist force—are much worse than merely the lack of preservationist force in which the deficiency itself consists. The deficiency's cause is a limitation, on the type of positive right typically thought justifiable in a liberal democracy, that restricts the realm of rights to those required for agents functioning autonomously, as rational choosers and pursuers of the good as they themselves understand it. The bad effects of that cause are all it allows for, and what it may even insidiously promote, in the way of the pursuit of agent-chosen ends that run against not only preservationist goals but which, I believe, run also against the realization of nature-related components of a defensible conception of the common good which requires that those goals be met.[11]

[11] More of which I discuss briefly in section six, after paving the way for doing so by the further discussion of rights here and in sections four and five.

Contrary to communitarian environmental thought, however, it is not the atomistic agent individualism at the heart of pluralist liberalism which, due e.g. to the lack of fellow-feeling and so lack of coordinated behavior it allows, so problematically threatens the environment. This is because the individuals whose views form the consensus in a community can, too, choose to pursue ends they believe to be of value but which are needlessly inconsistent with sustainability aims. I say 'needlessly' in the sense that there may be other ends which are of equal or greater value than those of that majority but which run against neither sustainability aims nor a reasonable, defensible conception of the common good, which could, then, include the nature-related components I alluded to above.

The problem, rather, is that the subjectivity or incommensurability about the value of ends which is at the heart of pluralist liberal theory and is a principal motivation for limiting positive rights to those required for agent autonomy—autonomy, that is, as conceived in accord with that theory—is inconsistent with a preservationist agenda. It is inconsistent with that agenda because the claim that 'nature ought to be preserved, for more than merely its provision of some of the basic needs' is in effect to assert that whatever reasons justify that *ought* trump the reasons agents give themselves for some or all of the ends which run against preservation but which in accord with pluralist liberal theory are typically thought sacrosanct.[12]

The lesson those three considerations teach is troubling: the EHR approach to preservation as it is now practiced—i.e., as founded in basic needs—is fundamentally

[12] These ends are thought sacrosanct in the sense that their pursuit is conceived of as part of a more general pursuit of something much more significant—one or another way of life, self-chosen, infringing on no one else's claim to do likewise, and deemed available, to citizens of a pluralistic liberal democratic state, as something that freedom demands.

flawed and yet, at the same time, a rights approach, because of the prevalence and power the language of rights has come to have in the policy world, is probably the only viable mechanism for making significant environmental policy change, despite the fact that appeals for giving nature itself rights were probably best thought hopeless from the start. The good news is that there is less need to despair of this situation than one might at first believe there to be, since there exists a theory of rights arguably more suitable to the environmental cause than the one working behind the scenes of much of what I have so far discussed. Rather than unquestioningly accepting the *will* theory of rights, which undergirds the basic needs approach, we may do better to embrace the *interest* theory.

3. Theories of Rights' Function and the Foundation of EHRs

The Will Theory. According to the *will theory* of rights' function, the function they serve or, in other words, what rights do for the right-holder, is bestow upon him a power over another's duty.[13] E.g., if another has a duty of non-interference with respect to certain of my actions (as is typically taken to be the case, so long as those actions do not infringe upon the liberties of others to perform analogously non-infringing actions), then according to this theory my right to non-interference is best understood as my having a power to waive or otherwise alter the other's duty. I might waive it conditionally, were I, e.g., to deem her intervention in some way helpful given what I so far know of her intentions, or I might annul it, were I more confident of the predictive reliability of that knowledge. Key to the theory is the idea that rights allow the right-holder's determination

[13] I am indebted to Leif Wenar for his lucid work on the issue of the justification of rights and, in particular, for his handling of the justification issue in the context of the issue of rights' function. See, e.g., his "The Value of Rights," in Joseph Keim Campbell, Michael O'Rourke, and David Shier (eds.), *Law and Social Justice* (Cambridge: MIT Press, 2005), pp. 179-209.

of privileges afforded others with respect to treatment of him. And in that sense, advocates of the will theory are concerned foremost with negative rights, i.e., rights conceived of as protections against a range of kinds of harm to person.

The Interest Theory. According to the *interest theory* of rights' function, they serve, rather, to further the right-holder's interests. E.g., a right to personal property is not thought on this theory to be principally a power over another's duty of non-interference with right-holder acquisitions, but is instead thought principally a legal mechanism for ensuring something his welfare requires. Considering the distinction as I have just made it, one might come to think there may be little substantive difference between the two theories. And that thought would in one sense be correct. The will and interest theories are outcome equivalent with respect to the capacity each has to account for what rights in one particular domain do for us, viz., the domain of potential harms due to action, rather than to inaction or failure to provide something, by another. E.g., we can say, in line with the interest theory, that the following is in my interest: to have control over what others *may* do or not do to me, since it is in my interest that harms to me be prevented. The domain might be called the 'domain of permissions', since it centrally involves the right-holder giving permission to another with respect to the other's treatment of him. The domain of permissions is in this sense a domain of negative rights, as these are rights of non-interference.

But with respect to positive rights—i.e., rights to provision of something—the theories are partially but not entirely outcome equivalent. This is because the domain of permissions is only partially overlapping with what might be termed the 'domain of reasonably-required provisions'.

To understand this, note first that, by way of example, one need not think complete the analysis of basic needs EHRs' type as I presented it in section two. One might, instead, categorize them as negative protection rights rather than positive rights to provision, in that they protect agents from harms caused by interference with a good's quality, the access to the unadulterated form of which might best be thought had by default. In terms of this re-categorization or re-conceptualization of a positive right as, instead, a negative one, the domain of permissions can be helpfully thought of as including at least some rights more typically thought of as positive ones. This is helpful, because it allows a tidy reckoning of the status theorist's concern as one with a single domain of rights—the domain of permissions.

I have written 'need not think complete' rather than 'need not think correct' with regard to the original analysis because the alternate categorization includes, though in an opaque way, the notion of provision, as these are negative rights against non-interference with access to something. So even if one prefers the alternative categorization, one's preferring it should not lead one to decry the original analysis. Likewise, the notion of harm plays a part, though an even less conspicuous one, in the original categorization of basic needs EHRs I offered earlier, and it does so for much the same reason, viz., that lack of provision causes harm. The significance of the difference between the two categorizations does not amount, however, to a mere matter of emphasis. The difference is significant to what might be termed the 'scope of rights', as will become clear.

Second, note that the will theorist construes the rights had by a right-holder as had by him irrespective of their furthering his interests, even though they might help to do so. A being's metaphysical status as a moral agent, i.e. a being with the capacity to form a

unique life plan and make choices which further his realization of that plan, is sufficient, on the will theorist's view, for the *justification* of protections safeguarding his ability to exercise that capacity, should he so choose, and to do so to whatever extent he wishes, provided compatibility with the like exercise of others. This notion of rights justification is known as the *status theory*, since the justification is made via reference to the moral status of the agent.

Another way to make this same point is to say that rights are justified with respect to the value of their function. If the function of rights is to give the right-holder control over another's duty with respect to the other's obligation of non-interference with right-holder action, then the justification of rights conceived of that way will include reference to the value of the agent sovereignty which such rights serve to protect. The sphere of unhampered action secured via rights construed in that way is, in a manner of speaking, the will's sphere, and rights construed that way are typically justified via reference to the value of the autonomous, freely acting agent, i.e., the agent understood as defined in part by his volitional capacity. The idea is that the moral status of agents is due to their having the rational and volitional capacity to act autonomously. Hence, the will theory of the function of rights and the status theory of the justification of rights go hand in hand, and it is no coincidence we find that will theorists are also status theorists.

These differences in strategy for the justification of rights yields a practical difference of import. The interest theorist's construal of rights as being had by the right-holder with a normative force proportional to the extent which the fulfillment of the corresponding duties furthers his interests yields access to a conceptual apparatus not readily available to the will theorist: if we conceive of 'furthering the agent's interests' in

an objective rather than subjective sense, so that the realization of some agent-perceived interests or the satisfaction of some agent preferences might not further his interest, with 'interest' conceived as 'what is in his best interest objectively speaking', then unlike with the will theory, we can conceive of a range of rights, from strongly non-overridable to merely weakly non-overridable, with the strength of non-overridability depending upon the extent to which observance of the corresponding duty fulfills that function (of furthering what is, from an objective point of view, in his best interest). Another way to express this conception is to say that rights are justified via reference to the degree of value of the outcome which their observance yields. This kind of theory of rights justification, i.e. one having to do with outcomes, is known as the *instrumental theory*.

Third, last, and most importantly, note the following: because will/status theorists justify rights via reference to the moral status of the autonomous agent, the scope of provision-rights is, on their theory, limited to goods required for avoiding harms to agent autonomy.[14] These goods are, in part, the basic needs goods, some of which are environmental. Hence, for the will/status theorist, EHRs are the basic needs EHRs. The upshot here is this: the philosophical foundation of the basic needs EHR view is the will/status theory of rights.

In case this upshot need be made clearer, note that environmental provision beyond the basic needs reduces agent autonomy, as the will/status theorist conceives of it, in that such provision reduces possibilities for the agent to exercise his will in actions that

[14] The formulation 'avoiding harms to agent autonomy', though awkward in the sense that harms are typically said to be done to persons rather than to something else, is in another sense less awkward and so more fitting in this context, since it is more in accord with the negative rights tenor of the will theory than would the following, more typical formulation: because will/status theorists justify rights via reference to the moral status of the autonomous agent, the scope of provision-rights is, on their theory, limited to goods required for enabling autonomy. There is, though, no substantive difference.

use nature in ways not reducing its capacity for yielding the environmentally-had basic needs. With that upshot of the third point behind us, we are now prepared for another and related upshot which brings those three points together in terms of the claim which brought their discussion about, viz., that though the will and interest theories are outcome equivalent with respect to the capacity each has to account for what rights do for us in the domain of permissions, they are only partially outcome equivalent with respect to what I termed the 'domain of reasonably-required provisions'. This is easiest to understand via three further but thankfully much less involved steps.

First recall the third point from above: because will/status theorists justify rights via reference to the moral status of the autonomous agent, the scope of provision-rights is, on their theory, limited to goods required for avoiding harms to agent autonomy. It is in this sense, i.e. in terms of this limitation that, second, the domain of permissions is only partially overlapping with the domain of reasonably-required provisions. This is because there might be defensible arguments in favor of eschewing the limitation, as would be the case if it were reasonable to believe that, for meeting threshold levels of some very significant component of human well-being, there were required provision of goods other than merely those the will/status theorist allows for. Given one of any number of instances of an objective theory of well-being of the sort I mentioned earlier in connection with my presentation of the instrumental theory, that case might not be difficult to make, and I will in fact sketch one way of attempting to make it in section six. Third, and also in terms of that limitation, because the domain of permissions is in this way only partially overlapping with the domain of reasonably-required provisions, and because the domain of permissions exhausts the will/status theory but not the interest

theory, the two theories of rights' function are not outcome equivalent with respect to the capacity each has to account for what rights might do for us in every domain. Another way to put this point is to say that there may be a larger domain of rights than merely the domain of permissions.

To conclude section three, it is worth mentioning that I suggested in passing that the importance of the point about the philosophical foundation of the basic needs EHR view being the will/status theory is related to the two theories of rights' function not being outcome equivalent with respect to the domain of provisions. If that relation is not yet obvious given what has come before, it can be made so by bringing to the fore the background against which the discussion of them has so far taken place: because the basic needs view of EHRs provides insufficiently strong protectionist reasons for environmental preservation and because the rights mechanism is the only policy-practical one for the reaching of preservationist aims (those constitute the background), then because the basic needs view of EHRs is founded on the will/status theory and the interest theory offers an expanded domain of rights, we had best look to the interest theory in search of a rights-based mechanism for environmental preservation.

4. A Better Foundation for Environmental Human Rights

Any convincing reason for favoring the interest/instrumental theory of rights as a foundation for EHRs must not compromise the reasons one might give in favor of the theory's being superior as a theory of rights.[15] In the strongest case, reasons of the latter

[15] One such unconvincing reason is this: favoring the interest/instrumental theory as a foundation for EHRs for the reason that granting legal standing to the environment, in virtue of living nature's purportedly moral status *as living*, is in the human interest because doing so helps to overcome environmental coordination problems that may be the undoing of future generations. That reason undercuts the interest theory because

sort would, in addition, function as reasons also of the former kind. I believe that case can be made. Common objections against the status and instrumental theories of rights justification are that the former is too strong and the latter too weak. Thinking through these and some related objections can offer, I think, good reason for believing the instrumental theory superior not only as a theory of rights in general but superior also as a foundation upon which to build a theory of environmental human rights.

The status theory can be thought too strong in that if status alone justifies rights, then since status, unlike instrumentalist outcomes, is not amenable to gradation, then for any status right—say, e.g., a very broadly defined right to life—that is claimable by two or more agents in a situation for which action arguably requires, per a very strong moral intuition, the recognition of the rights of some but not all, the theory gives us no practical reasons for action. This is an unwelcome ramification of the status theory because real-world situations sometimes call for such action. E.g., status theorists will typically agree that, despite their theoretical commitment to rights' non-overridability, in some such situations and at some sufficiently high ratio of agent-right-recognized to agent-right-overridden, the status-grounded right of the fewer should be overridden in favor of the recognition of the rights of the many. And the making of a decision on that basis is not merely a failure to recognize the rights of some. It is also an acknowledgment of the place of instrumental reasons in the realm of rights. We can characterize in the following way the force of this way of construing the objection that rights as conceived by the status theorist are too strong: general acknowledgement of the place of instrumental reasons in the realm of rights, by those who conceive of rights as justified non-

---

it requires a status theory, which is invoked for reasons analogous to those for which a status theorist would invoke a status theory on behalf of human agents.

instrumentally, is good evidence that their conception is either to some extent misguided or, as least in the guise in which I have so far presented it, somehow incomplete.

Theoretical cases have to do, e.g., with the torture and possible death of one for the increased probability of saving many threatened lives (as in terrorist bomber cases), or the letting die of one to save at least some (as in deserted island dearth of water or lack of food/cannibal cases). It is true that the distinction between 'letting die' and 'killing' arises with good reason in discussion of these kinds of case, as it enables the status theorist to avoid the objection by providing him a means for offering a reason for action, rather than none: if letting die is not a failure to recognize right to life then those many lives can be left unsaved in the first case, or the many can be saved in the second, without one's having to conceive of oneself as having done, per the status theory, a moral wrong.[16] With respect to the first case, embracement of the distinction allows the status theorist to remain consistent, and so uphold the result of the application of the status view, by rejecting the instrumentalist intuition that letting the many die is morally wrong. With respect to the second, the distinction's embracement allows the status theorist to again remain consistent in that he need not recognize an instrumental reason, this time by aligning the status theory's result with the instrumentalist's intuition rather than by rejecting it.

Admittedly, I have in the above taken the point of view of the interest/instrumental theorist when referring to some 'rights', in that what might be referred to as the 'right' of the many in the terrorist bomber case and of the sick/injured

[16] See, e.g., Alastair Norcross, "Killing and Letting Die," in R. G. Frey and Christopher Heath Wellman (eds.), *A Companion to Applied Ethics* (Malden, MA: Blackwell, 2007), pp. 451-63. The distinction can be understood as an instance of the more general one between doing and allowing, though Norcross is keen to discuss cases which contravene the universal applicability of that understanding.

in the deserted island case is not a negative right having to do with non-interference but is, instead, a right, if it is a right, to the provision of something—to the provision of aid potentially sufficient for saving lives in the former case, and to the provision of aid sufficient for sustaining life in the latter one. The distinction between killing and letting die falls out of the predilection of status theorists for limiting rights to the realm of permissions in its more restricted sense (i.e., not in the expanded sense I discussed in section two), and since these 'rights' lie outside that realm, they need not be thought by the status theorist as being rights at all.

Nevertheless, for the sake of a consistency that will help limit confusion, I will continue throughout to refer to the moral basis of claims to such provisions in cases like these using the term *rights*, no matter whether the reference occurs in the context of a discussion of the instrumental or the status theory. And, anyway, it is unclear whether those who limit legitimate rights to negative ones will able to do so with consistency. The reason for this is interesting and worthy of a brief aside, especially since, as far as I am aware, it has not been discussed elsewhere.

Despite the negative rights emphasis and the distinction that falls out of it providing means for the status theorist's avoiding the difficulty of being unable to offer reasons for action in such cases rather than none, it should be noted that a tension exists between that emphasis on the one hand and, on the other, the allowance of a place for positive rights within the rights sphere that is implicit in the widespread concern for the institutionalization of rights. That is, there would seem to be many who conceive of the place of third parties, in helping to establish institutionalized human rights in states where serious rights abuses are rife, as itself based in such a strong humanitarian obligation that

this obligation might best be understood as a duty corresponding to a claim-right. That claim-right, if it is one, is a positive right to aid in the establishment of a set of rights most of which are, however, negative rights of non-interference. Those rights being negative should not blind us to the positive nature of that second-order right, that right to aid in the establishment of rights. This is a problem for those who limit rights to negative ones, in that the more strongly they conceive of the nature of the injustices done in the failure of the recognition of those negative rights, the stronger would appear the positive right to aid in their establishment.

Be that as it may, another way of expressing the connection between the status theorist's limitation of rights to negative ones and the killing/letting die distinction is to say that the right to life, though a bona fide right on the status view, is typically conceived of as one that is so only with express respect to the duty each of us, individually, owes to other individuals, such that we are each individually obligated to not kill another. The notion undergirding this conception is that moral reasons are agent-relative: the agent whose life is in a particular circumstance threatened has a claim-right to life not against members of society in general, in which case moral reasons would be in that sense agent-neutral, but against the one who would in that circumstance kill him.[17] The duty to fulfill the claim falls on the agent who would perform the offending act, and the moral reason grounding that duty is in that sense agent-relative. On this view, I am not obligated, e.g., to do what might be required for preventing some other individual

[17] The distinction between agent-relative and agent-neutral reasons has been much discussed. One of the earliest discussions, with the terms going by other names, appears in Thomas Nagel, *The Possibility of Altruism* (Princeton: Princeton U.P., 1970). A particularly well-known discussion appears in Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984).

from killing, even if I am in a position enabling me to significantly and positively alter the outcome.

That strikes me as a strange view to take, though as far as I am aware the strangeness I recognize is of a different sort than that noted by others of an instrumentalist mindset. Typically noted is the difficulty, for the advocate of agent-relative reasons, of his somehow justifying the overriding of agents' rights—rights grounded in agent-relative reasons—for cases in which the advocate himself concedes that those rights should be overridden. This is the sense in which rights as per the status theory are typically thought too strong. That is, the killing/letting die distinction may be criticized not only in terms of its unsuitability for making sense of what seem to some to be good and binding reasons for giving aid, but also in terms of its being something the status theorist must in all cases embrace due to his inability to offer such justification. I will criticize the distinction in passing but will not question the status theorist's ability to formulate that justification.

Instead, I will question the capacity of the status theory for offering resources to make sense of the moral phenomenology the justified overriding of rights involves. My assessment will be negative, and it is the view's inability to offer such resources that I find odd; we want a theory of rights to be able to account for the moral badness that even the justified overriding of rights involves, so as to enable our making sense of the feeling of having done some wrong in having overridden them.

But that inability is not the only or even the most interesting oddity I will discuss. Another is the contradiction I have found by chance to exist between the claim describing the result of that assessment—the status theory's being incapable of accounting for that

moral phenomenology—and the upshot of a well-known response to a second but seemingly unrelated common objection to the status theory having to do with the distinction between agent-relative and agent-neutral reasons. This second objection is that the status justification of rights is really no more than mere stipulation, and one upshot of the well-known response is that, instead—and this yields the contradiction—the status theory is indeed capable of accounting for the moral phenomenology the justified overriding of rights involves. The oddness lies in two such seemingly unrelated matters—the incapability I have discussed and the status theorist's response to the common objection—being so related.

As to what the deep cause of their being related is, I admit I remain unsure. But the relation itself is what matters here, for it has spurred my investigation into whether the reasoning backing the response to that second objection is sound, and my negative assessment crowns the discussion forming this portion of the essay. The discussion proceeds in two parts in the remainder of this section and spills over into section give. The two parts are labeled 'Part One' and Part Two'. Those prepare the ground for the assessment, to which section five is devoted.

Part One. Rule consequentialists, who might conceive of rights as rules justified instrumentally in terms of their observance producing good outcomes, can, unlike the status theorist who embraces the killing/letting die distinction, admit that such rights as the right to life are indeed such a strong expression of inviolability that, in a sense, all of us, including those who in a particular situation would not kill but would merely let die, have an obligation to do what we can to uphold them. I have written 'in a sense', because not all of us bear the same measure of the burden of obligation; i.e., this is not the

unreasonably strong obligation it might be thought to be, since the obligation can be conceived of as one whose strength varies proportionally to the ease with which one can help uphold the right. The key idea here is that, on this rule consequentialist view, instrumental reasons for overriding a right leave the right recognized though overridden. And that is because the consequentialist decision procedure has the capacity to include, via its accounting of good and bad outcomes, reference not only to the good produced by overriding a right but also to the badness the overriding of that right yields. The badness is part of the calculation, even if deliberation tells ultimately for a decision in favor of some good whose production requires the production of that badness. On this view, we do wrong when overriding a right, but we do less wrong by overriding it than not, because of the numbers of persons whose right we thereby recognize. That assessment of the making of such a decision for such cases as those mentioned above aligns well with their moral phenomenology. Letting die feels wrong.

The first oddity I recognize in the status view, to the extent which the status theorist is wedded to the killing/letting die distinction, is that the distinction robs its advocates of resources to account for that moral phenomenology. The status theorist may, though, simply deny the aptness of that phenomenology by holding fast to the distinction; if letting die is not strictly speaking a failure to recognize a right, then perhaps we ought not give into a feeling which, conceived of as based on such a failure, is in that way misconceived. But as mentioned earlier, status theorists will typically concede that at some sufficiently high ratio of agent-right-recognized to agent-right-overridden, the status-grounded right of the fewer should be overridden, and it is in that sense justifiably overridden, in favor of the recognition of the rights of the many. So the status theorist

does not in all cases hold to the distinction. What of his ability to account for the moral phenomenology of these cases?

He is here, as I understand matters, in just as grave a spot: he cannot claim that the feeling of having done wrong to the fewer is due to a right having been overridden. This is because a right is, on his view, a kind of inviolability or non-overridable protection, so that for cases in which an agent's inviolability has been justifiably transgressed, or more pointedly there has been what might be called a 'justified infraction' of that inviolability, then because the inviolability, as so breached, thereby justiably no longer exists as a property of the agent, then the right can no longer be legitimately said to exist as something that protects him in a strictly non-overridable way, in which case we have not a right remaining in force yet overridden but, for that agent, the non-existence of, or inapplicability of, a right. A right conceived of as non-overridable might be unjustifiably overridden, or violated, in which case the right's force remains in play despite the violation, but to justifiably override a right, if rights are construed as non-overridable protections, is to effectively annul it. Another way to put the gist of this point is to say that (z) 'the status theorist is unable to account for the badness of the overriding of the rights of those whose rights are overridden in cases for which he concedes that instrumental reasons for overriding those rights should be acknowledged'.

Since rights are, as per the status view, not rules that can in some circumstances be overridden, but are instead conceived of as non-overridable, and also partly because of the status theorist's penchant for limiting rights to those of non-interference and the related widespread embracement among status theorists of the doing/allowing or

killing/letting die distinction, the status theorist is left with few resources to make sense of the moral phenomenology of the sorts of situation discussed above, which can be characterized as follows: a moral failure to act in accord with the reasons for upholding the right(s) of some, due to the existence of stronger reasons for some action upholding others' rights that is inconsistent with action having the potential for preventing the failure. Yet another way to put the point is to say that the status theory, being without and being even antithetical to the incorporation of more sophisticated instrumentalist resources for making sense of the workings of their own concession to instrumental reasons, is incapable of providing resources necessary for its advocates' making sense of the moral phenomenology such situations involve.

Part Two. The second oddity is that some status theorists deal with another, different, and standard objection in a way that yields the negation of (z), i.e., the negation of my earlier objection that 'status theorists are unable to account for the badness of the overriding of the rights of those whose rights are overridden in cases for which they concede that instrumental reasons for overriding those rights should be acknowledged'. That might be thought a good thing for the status theorist. But insofar as the status view would, as I have discussed, seem in principle to preclude the status theorist's dealing successfully with that first objection, soundness of the reasoning leading to the response to the second is open to doubt and so the response is worth investigating.

The second objection is that, unlike with the instrumental theory—on which rights are justified via reference to things whose fittingness for being highly valued is relatively uncontroversial, like human happiness—the justification of rights via reference to agent moral status can appear little more than mere stipulation, and stipulation

provides little if any leeway for argument in favor of the stipulated.[18] Thomas Nagel describes the problem exposed by this objection in terms of the status theorist's needing to find a dissolution to what he refers to as "the "paradox" of rights."[19] This is the logical difficulty of non-instrumentally-justified rights, being of course not amenable to being made sense of in terms of good outcomes, being also incapable of being made sense of even in terms of the value of what they protect, for if they were made sense of in that way, it would then appear consistent with the status view, for all or nearly all cases, to override the rights of some in the service of recognition of the rights of others, if more of the protected good were to result from doing so. The paradox is this: to the extent that rights are understood as an expression of unconditional inviolability—i.e., understood as the status theorist suggests—they can to that same extent not be understood in terms of the value of the inviolable thing they protect, and to that same extent they are or appear to be ungrounded or merely stipulative. The attempt to ground rights on the unconditional inviolability of the agent would appear to yield a grounding of the weakest possible sort.

One of the *prima facie* most promising responses to this second objection is the following: inviolability is valuable in an understandable but non-instrumental way—it is intrinsically valuable.[20] I say this is *prima facie* promising because it would seem to be the only way to avoid the paradox, since it is the only way to account for something's

---

[18] An objection in the same spirit as this one was most famously put by Jeremy Bentham in *Anarchical Fallacies*, which is available in numerous reprintings. To describe natural rights he uses the epithet "nonsense upon stilts." More helpful is this, in which Bentham, writing of the notion of natural rights, claims that it "…is from beginning to end so much flat assertion…. it lays down as a fundamental and inviolable principle whatever is in dispute…." See Jeremy Waldron, *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London: Methuen, 1987), pp. 53, 74.

[19] Thomas Nagel, "Personal Rights and Public Space," *Philosophy and Public Affairs* Vol. 24 (1995), p. 90.

[20] I mean by 'intrinsic value' what most mean, i.e., the purported value a thing has solely in virtue of (some of) its intrinsic, non-relational properties.

purported value without referring to instrumental or relational value. But what matters for the success of the strategy is of course the unpacking of the notion of intrinsic value in the particular guise in which it appears in this context. Consider the following, from Nagel: "To be inviolable does not mean that one *will not be violated*. It is a moral *status*. It means that one *may not* be violated…."[21] The point here is that what is being claimed to be intrinsically valuable is not the property of being inviolable—since given the status theorist's concession to the place of instrumental reason in moral deliberation, agents are not, on his view, inviolable—but is, rather, the *status* of being inviolable.

To clarify this distinction between what I will term 'agent-inviolability' and 'agent-status-inviolability', Nagel claims that "[i]f he has it [agent-status-inviolability], he does not lose it when his rights are violated [i.e., when there is an infraction of agent-inviolability]—rather, such treatment counts as a violation of his rights precisely because he has it."[22] Note that if this distinction is viable then, contrary to my earlier claim that status theorists cannot make sense of the notion of a right justifiably overridden and so cannot make sense of the moral phenomenology of cases involving what would seem to be justifiably overridden rights, the status theorist will indeed be able to make sense of it, in that he can, via the distinction, accommodate within his theory the notion of a right the force of which is retained despite the right's having been overridden. On the view that rights are an expression of agent-status-inviolability, the overriding of a right, no matter whether justified or unjustified, leaves the right in an important sense unaltered, because what is infringed is not agent-status-inviolability but merely agent-inviolability.

[21] ibid., p. 89 (italics in original).

[22] ibid., p. 90.

In the above presentation of the distinction, it has been made understandable in terms of its use for overcoming the objection, but clearly more will have to be said about it to render it more than merely an *ad hoc* response. In what does this status of being inviolable consist—or, what function does it serve—if not in its being an effective preventative to having one's rights violated? That is, in precisely what does the distinction between agent-status-inviolability and agent-inviolability consist? This is the pertinent question to ask in the context of a discussion of the benefits and drawbacks of the status and instrumental theories because, without an answer to it, claims of the following sort, which turn on the distinction and which Nagel offers in defense of the status theory, can appear empty:

> So even if we suppose, for the sake of argument, that in a moral world in which such rights exist [agent-status-inviolability] and are moreover recognized and respected by most people, the chances of being killed would be higher than in a world in which there are no such rights…still, this would not be the only difference between the two worlds. In the world with no rights and fewer killings, *no one* would be inviolable in a way in which, in the world with more rights and more killings, *everyone* would be….[23]

It sounds a bad thing for agents to not be inviolable, but none of the badness we find in it should be residual badness bleeding over from associations having to do with the more standard usage of the term 'inviolable', by which is typically meant agent-inviolability. If

[23] ibid., p. 90.

the badness seems to one obvious and yet one is without a clear understanding of the distinction, then it is safe to say that one has allowed such bleed over. If the perceived force of the claim relies on such bleed over, then it can also safely be said that, unless the distinction matters, this claim that agents are not inviolable may be hyperbole.

Or consider the following claim, which includes implicit reference to agent-status-inviolability or intrinsically valuable moral status while also being an instance of the standard criticism of instrumental rights as being too weak:

> …[E]ven if there is a general right not to be tortured or murdered, perhaps there are evils great enough so that one would be justified in murdering or torturing an innocent person to prevent them. But this would not change the basic character of the right [agent-status-inviolability], since the threshold will be high enough so that the impermissibility of torture or murder to prevent evils below it cannot be explained in terms of the agent-neutral badness of torture or murder alone. Even if it is permissible to torture one person to save a thousand others from being tortured, this leaves unexplained why one may not torture one to save two.[24]

That is an argument, in favor of the status theory, via the recognition of a purported drawback of the instrumental theory: advocates of the instrumental theory, unlike advocates of the status theory—who have at their disposal the notion of a agent-status-inviolability—are purportedly unable to explain the widely-accepted intuition that, as Nagel puts it, 'one may not torture one to save two'. That, however, is an underestimation

[24] ibid., pp. 88-89.

of the instrumentalist's resources; contrary to Nagel's claim, the intuition can indeed be explained, as follows, in terms of only agent-neutral badness, i.e., in terms of only the badness that results for everyone and not merely in terms of the moral wrongness instantiated by the agent who kills and the moral badness of the deaths of those killed. The measure of agent-neutral badness is inversely proportional to the measure of the ratio of *number saved*, S, to *number killed in order to save S*, K. As S/K rises, the agent-neutral badness decreases, since with the rise, there is a fall of the measure of concern amongst individual agents that they might be so murdered. Saving two by killing one produces so much anxiety-badness or badness in terms of the well-being of all, that the measure of anxiety badness is greater than the measure of good that results from having saved two by killing one.

That is an instance of a standard consequentialist response to objections like Nagel's, but it is a response worth having made in this context. This is especially so, since Nagel pushes his point about the instrumentalist's purported inability to give such an explanation, as he does again when claiming that "…in the absence of such a right [agent-status-inviolability], no one is inviolable: Anyone may be killed if that would serve to minimize the number of killings."[25] Notice that, contrary to Nagel's claim, and in the light of the standard response, it is false that minimization of killings alone is sufficient on the instrumentalist's view for any single agent's being killed. One cause of his mistake of failing to mention the standard response and to instead persist in pushing his point may be the status theorist's predilection for unwittingly conceiving of agent-neutral badness along the lines of agent-relative badness. For the status theorist, who is

[25] ibid., p. 90.

concerned mainly with agent-relative badness, the badness or goodness of killing can too easily be thought as having to do with only agents being alive or dead, since deaths suffered, killings done, and lives saved are the direct or agent-relative results of killing or not killing in such cases. But for the instrumentalist, who embraces agent-neutral badness and goodness, goodness can more naturally be thought to have to do not only with lives saved but with the quality of lives lived. The notion of something like anxiety badness may simply not have come to Nagel's mind.

With respect to the considerations above, we have, then, what may be an overstatement of the favorability of the status theory and an underestimation of the favorability of the instrumental theory. If Nagel's claim about the intrinsic value of inviolability is credible, then the two theories are on a par with regard to these standard objections. If it is not credible, then we have good reason to believe that the instrumental theory is, at least with respect to those objections, superior. I have written 'at least with respect to those objections', but those objections are arguably the most daunting the two theories face. So an investigation into the credibility of the claim will, I think, be telling, no matter what the result. What, then, of the claim of the intrinsic value of the status of inviolability?

Here are the beginnings of Nagel's argument for that intrinsic value:

> …this explanation of rights in terms of the value of the status they confer might be thought instrumental…. For what is the value of this status, if not the value for the people who have it of being *recognized* as not subject to certain kinds of treatment, which gives them a sense of their own worth? It seems difficult to

> distinguish this argument from an instrumental argument for the institutional establishment of rights as a means to improving people's well-being. The answer to this objection is that we cannot understand the well-being in question apart from the value of inviolability itself.[26]

By 'the value of inviolability itself', Nagel intends to mean what most might refer to as 'the intrinsic value of inviolability'. The idea behind his invocation of intrinsic value in the passage above and in those appearing below is this: without his having to renounce the instrumental value of that inviolability and so without having to disagree with the instrumentalist's intuition that inviolability status is instrumentally valuable, Nagel retains the status theorist's view that rights are best conceived of as, in a strong sense, non-overridable, by founding the instrumental value of inviolability status on inviolability status' intrinsic value. Here is another key passage, this one making even more explicit the connection between inviolability's instrumental and purported intrinsic value: "What is good about the public recognition of such a status is that it gives people the sense that their inviolability is appropriately recognized. Naturally they are gratified by this, but the gratification is due to recognition of the value of the status, rather than the opposite—i.e., the status does not get its value from the gratification it produces."[27] Or most emphatically: "It may be that we get the full value of inviolability only if we are

[26] ibid., pp. 92-93 (italics in original).

[27] ibid., p. 93.

aware of it and it is recognized by others, but the awareness and the recognition must be of something real."[28]

In that last and most emphatic passage, as it appears in the context of the other quoted passages, Nagel has equated the metaphysical realness of value with its being intrinsic. And his doing so is important with respect to his response to what I have referred to as the 'second objection' because, as he claims, "[t]he answer to this objection is that we cannot understand the well-being in question apart from the value of inviolability itself [i.e., from the intrinsic value of inviolability]."[29] There are, as I understand matters, two flaws in Nagel's line of reasoning, and they are related. One is his having equated the metaphysical realness of value with its being intrinsic. On the contrary, if there is any sort of putative value that is a likely candidate for being unreal, it is, I believe, the sort referred to as 'intrinsic value'. The other is that, contrary to Nagel's response to that objection, and in virtue of what I believe to be an account of value more worthy of accepting than any that countenances the notion of 'intrinsic value', we can indeed understand the well-being in question apart from the value of inviolability itself.

5. Inviolability and Doubts about the Concept of Intrinsic Value

5.1

So I am a doubter about the concept of intrinsic value. But I have, I think, good reason to be, and so should others think themselves to have. This is not only because the concept of

[28] ibid., p. 93.

[29] ibid., p. 93.

intrinsic value is a concept of a mysterious property—the value a thing has in virtue of only its intrinsic properties—but also because it is sometimes invoked at just the point in responses to objections where there seem to be few resources remaining for successfully dealing with them.[30] The invocation of the concept of intrinsic value is in such instances too convenient to be thought an innocent one. I do not have access to Nagel's view about the metaphysics of value, if only because, to my knowledge, he, as so many others who invoke the concept, has never offered one.[31] So I am unable to argue against his view, whatever it may be. But what I can do is offer a description of a concept of value rendering the metaphysics of value and talk about value in general less mysterious. If we accept the concept, and if it can be reasonably thought to offer an elucidating interpretation of Nagel's description of agents' well-being-related responses to the public recognition of what he conceives of as agent-status-inviolability, then we can, without a loss in our ability to explain a very real phenomenon, jettison the notion of intrinsic value from Nagel's claims while retaining the explanatory power they seem at first to offer.

Here is the concept of value I suggest be adopted: value is the second-order property of a thing's having first-order non-evaluative properties which, if and only if referred to by the agent in reasons, justify the taking, toward the object, of a particular pro-attitude.[32] Value is on this view a relational property, since its existence requires

---

[30] For skepticism about the integrity of the concept of intrinsic value, see "Doubts About the Concept of Intrinsic Value," Part II of Toni Rønnow-Rasmussen and Michael J. Zimmerman (eds.), *Recent Work on Intrinsic Value* (Dordrecht: Springer, 2005), pp. 61-168.

[31] Nagel does mention the concept repeatedly in "The Fragmentation of Value," chapter nine of his *Mortal Questions* (Cambridge: Cambridge U.P., 2000, originally published 1979), though without the explanation for which one concerned with the metaphysics of value would hope.

[32] This sort of account of value is now typically referred to in the literature as the 'fitting attitudes account'. It is also referred to as the 'buck passing account' owing to Thomas Scanlon, one of the first to present it. See Scanlon's *What We Owe to Each Other* (Cambridge: Harvard U.P., 1998), pp. 95-100. A useful

one's awareness of, or one's being able to provide, reasons which justify the taking of a particular pro-attitude toward the thing. On this view, neither is the truth of value claims subjective nor is value something mysterious. The truth of value claims is not subjective, despite some of the valuer's mental states being involved in constituting the value to which those claims refer, because only some and not all of the thing's properties can serve as justifiers for, if indeed they do justify, the taking of some particular attitude toward it. And value is not on this view something mysterious, floating apart from valuers, as though it were somehow something like a physical property. Instead, the existence of value requires the existence of valuers.

One such pro or positive attitude is, e.g., pleasure, if pleasure is understood, as I believe it ought to be, as a propositional attitude, i.e., an attitude complete with propositional content.[33] It should be understood like this partly because to capture some of the more significant of the many ways we typically use the term 'pleasure', the concept underpinning its meaning is best understood as an intentional one: our pleasures have objects. The objects of our pleasures are what we might refer to generally as 'states of affairs'.[34] One might, e.g., be pleased that he is off from work, or be pleased that his daughter has been accepted to a good college. Pleasure is often in this way straightforwardly taken in something's being the case, and is in that sense an attitude

---

presentation of the history of buck passing views appears in Jonathan Dancy, "Should We Pass the Buck?," in Rønnow-Rasmussen and Zimmerman, op. cit.

[33] Pleasure's being properly conceived as an intentional state is defended in Fred Feldman, *Pleasure and the Good Life: Concerning the Nature, Varieties, and Plausibility of Hedonism* (New York: Oxford U.P., 2004).

[34] The taking of pleasure in such things as the taste of a food or the feel of the sun on one's face, though seemingly involving little cognitive content, can be understood on this model via appeal to dispositional belief.

fundamentally grounded in propositional content, rather than, as some conceive of it, primarily a sense-induced bodily 'feel', each instance of which involves merely whatever mental states were causally necessary for its production. Propositional content's being part of one's taking of such pleasures is significant because it allows instances of the taking of pleasure to be subject to assessment. If, e.g., pleasure is taken in something's being so-and-so, but the thing is not so-and-so, then the pleasure is inappropriately taken. It is an unjustified pleasure. This, in turn, is significant because instances of pleasure-taking include the presumption, on the part of the pleasure taker, that the state of affairs which is the object of his pleasure does indeed obtain.

With the discussion of the concept of pleasure behind us, we can return to the discussion of the credibility of conceiving of inviolability as intrinsically valuable. Here is the way in which the statement 'the status is valuable' and Nagel's two claims—"[w]hat is good about the public recognition of such a status is that it gives people the sense that their inviolability is appropriately recognized" and "[n]aturally they are gratified by this"—can be captured or analyzed in terms of the concept of value introduced above: 'the status is valuable' means 'the status has the first-order non-evaluative property of 'providing agents, via a public recognition of that status, with a felt sense that they are recognized as inviolable', such that, when referred to in reasons, the property justifies the agent's taking toward that status the pro-attitude of pleasure'.

One reason for my having discussed attitudinal pleasure is that the right side of this definition of 'the status is valuable' includes reference to the concept of attitudinal pleasure, along with reference to properties of the object of pleasure that might justify instances of taking pleasure in it. If the appearance of 'pleasure' seems out of place here,

note that it functions as Nagel's 'gratification'. There may be other pro-attitudes one might take toward that status, but this is the one Nagel has mentioned, and, anyway, his mentioning it in this context does nothing in particular to endanger the integrity of his claims explaining the value of the status, even when interpreted in accord with my favored concept of value. I say, in virtue of the following line of reasoning, that it does no such harm. The key question provoked by the analysis is this: 'Is the attitude of pleasure a fitting one to take toward something which has that property?' That is, does that property, if referred to in reasons intended to justify the taking of the pro-attitude, indeed justify one's taking it?[35] The answer to that question is, *prima facie*, a resounding 'yes', for whom amongst us would not be pleased to be recognized as inviolable? In being so pleased, one is or ought then to be naturally pleased, too, in one's having the inviolability status the recognition requires.

But it of course does not follow from one's being pleased with something that one ought to be pleased with it. If there are reasons for being pleased to be recognized as inviolable, then insofar as those are good reasons, the property of being so recognized does justify one's taking the pro-attitude of pleasure in having inviolability status. And there are indeed good reasons—reasons which also explain the unanimity with which agents are pleased at their being thought inviolable.

One reason for this unanimity of pro-attitude toward being thought inviolable is that an agent's awareness of his being thought so yields for him an awareness, too, of there being in place at least a *pro tanto* assurance against a multitude of infringements of

[35] The relevant instantiated form of that general question is this: Does the property of 'providing the agent, via a public recognition of his inviolability status, with a felt sense that he is recognized as inviolable' justify the agent's taking toward his having that status the pro-attitude of pleasure?

a lesser kind, infringements the disvalue of which can be conceived of as their power to preclude his taking of other pleasures. Infringements of his inviolability are greater ones in the sense that, if they are not assaults on his very person, they are then assaults on liberties whose exercise is fundamental to his sense of well-being in that his being denied any one of them amounts to a debilitating denial of access to a whole sphere of activity, while an infringement against freedoms to pursue any particular type of activity within any of these spheres is by the very nature of its lesser reach a lesser infringement, though it is nevertheless a significant one in that it may preclude his pursuit of some activity which he is interested in pursuing and so believes worthy of pursuit and so believes valuable, in which case it is, on one version of this account of what it is for something to be valuable, a candidate for his fittingly taking pleasure in.[36] Recognition of inviolability protects the possibility of such pleasures being taken in that it protects the possibility of the pursuit of such activities, and it does the latter insofar as it renders difficult the institutionalization of lesser infringements, since those lesser infringements are, at least *prima facie*, inconsistent with the protection against greater infringements that is embodied in the notion of inviolability.

A second good reason for that unanimity of pro-attitude is that one's being thought of as inviolable is, presumably, at the expense of no one else, and so produces no displeasure in others, and so has no capacity for producing a particular displeasure for the one thought inviolable—the particular displeasure that is a constituent in the conception of that expense as a disvalue, i.e., a disvalue in terms of one's fittingly taking toward the

[36] Consider, e.g., the freedoms of speech and assembly guaranteed in the First Amendment to the US Constitution. The "one version of this account" I refer to here is the version according to which all pro-attitudes are reducible to the pro-attitude of pleasure. That version is therefore a form of hedonism, though a sophisticated one.

state of affairs instantiating the expense the propositional attitude of displeasure. In other words, the pleasure one takes in being so recognized need not be lessened or entirely offset by displeasure one takes in others' being displeased in their having as a result been unrecognized as inviolable. One need not do so because, as per the presumption, one's recognition need not be the cause of others going unrecognized.

5.2

In criticism of the line of thinking the second reason just mentioned involves, one might point to the existence of those who would take pleasure in others' displeasure. Consideration of their existence suggests the thought of there being two possible worlds, both of which have the same amount of pleasure generated either directly or indirectly by the recognition of inviolability, but with *world one* having all agents recognized as inviolable, and *world two* with merely some being so recognized. This could be the case if the recognition of those in *world two* were for some reason at the expense of others being so recognized, with the difference in measure of pleasure between the two worlds which that generates being made up for in *world two* via the pleasure those recognized might take in the failure of the recognition of the inviolability of others. This is the beginnings of an argument to the effect that pleasure is a feeble ground for value.

It might be thought, in revolt against this analysis of the value of something so fundamental to the strongest of rights as is inviolability, that pleasure is not only a feeble ground for value in general, but that it is in particular not the sort of thing capable of grounding rights' value. The thought is mistaken on three counts. A first response is that, if the truth of the proposition the thought expresses is taken by its proponent as obvious,

then he should note that his taking it to be so, if not backed by argument against the analysis or by the suggestion of an alternative grounding, amounts to his merely begging the question. Nagel suggests and argues for what is, in effect, an alternative grounding, and it is Nagel's argument I am here in the midst of offering a refutation of.

A second response is that pleasure alone is not the ground; non-evaluative properties of the status also ground the value. That is a simple point, but it is also one whose significance for making sense of value naturalistically, i.e. for making sense of the way value claims connect with facts in the world, can too easily and unwittingly be overlooked or underestimated precisely because of that simplicity. The point's simplicity belies its significance.

A third response is an answer to a question that for someone willing to concede to the initial plausibility of the analysis might nevertheless trouble him and lead him in the direction of its rejection: why is *this* pleasure—i.e., the pleasure one takes in being provided a felt sense that one is recognized as inviolable—a pleasure of such measure that it marks the value it partly grounds as one towering above others, as would befit the value we figure that inviolability, something so fundamental to our conception of the strongest of rights, must have? The answer can be stated in two different but related ways: recognition of inviolability is a fitting object of a higher pleasure; or, pleasure taken in being recognized as inviolable is a pleasure that compared to most other pleasures involves a far greater degree of exercise of the human affective, rational, and volitional capacities.

These two ways of answering are related in that the second cashes out part of the notion of a higher pleasure, a notion appearing explicitly in the first: higher pleasures are

those pleasures which more fully than most other pleasures exercise the human affective, rational, and volitional capacities. Note, though, that if pleasure is conceived of as a propositional attitude, then because higher pleasures involve a sufficiently high measure of the exercise of those human capacities, then a pleasure's being a higher pleasure depends upon the capacity of the pleasure's object for effecting such exercise. And indeed the first way of answering—i.e., that recognition of inviolability is a fitting object of a higher pleasure—for that reason emphasizes properties of the object. Only those objects having the capacity to effect such exercise are ones fitting for a higher pleasure being taken in them.

The second way of answering—i.e., that pleasure taken in one's being recognized as inviolable more fully than most other pleasures exercises those human capacities—emphasizes properties not of the object but of the subject or pleasure-taker. The point here is that just as some objects of pleasure are more apt than others for taking pleasure in—viz., those objects befitting the higher pleasures—likewise some pleasures are more apt for taking than others—viz., the higher pleasures. That point can be difficult to grasp despite its simplicity.

Here it is in the remainder of 5.2, stated with greater precision. One can take pleasure in having taken particular kinds of pleasure. The former is a second-order pleasure and the latter are first-order pleasures. One might take pleasure, as far as is practicable given the different sorts of activity that make for a life, in having taken on the whole a preponderance of higher rather than lower first-order pleasures. Properties of the subject are emphasized here, then, in that the object of the second-order pleasure is an event of pleasure-taking—and so this object, in comparison with the object of a first-

order pleasure, includes the subject as a constituent—and it is not only a pleasure but is a higher pleasure, so that not only is the subject a conspicuous constituent, but so also are the subject's relevant human capacities, in that their exercise is definitive of the higher pleasures.

Particular kinds of thing are more apt than others in exercising our cognitive, affective, and conative capacities. Reading a novel, e.g., has the capacity for exercising them moreso than does cleaning the manure from a stable, despite one's perhaps choosing, if given a choice between but the two following alternatives, to clean the stable rather than read a vapid novel. Though one may while shoveling think hard about the nature of the digestive tract, suffer from nausea due to the stench, and have a strong urge to physically escape the task, the reading of a novel in comparison can, conditional on its quality, involve or stimulate complex thought processes about the ideas its story is expressive of, can evoke or give rise to rumination about complex emotions, and might even plant the seeds for one's willing a change in one's own general outlook, life plans, or ways of interacting with others.

Just as particular kinds of thing are in that way more apt than others in exercising those capacities, so too some instances of a kind of thing are more apt than others in exercising the capacities in ways characteristic of all instances of the kind. These are the instances that are the more excellent ones of their kind.

It may typically not be useful to conceive of pleasures in orders higher than second, as these can turn out to be artificial in that they may lack robust descriptive content and so can be reduced to lower-order pleasures without loss of explanatory power. But there is at least one third-order pleasure not like that. Just as one might look

back on his life thus far and take a second-order pleasure in having taken on the whole a preponderance of higher rather than lower first-order pleasures, so too might he consider his life not in comparison with only what it might given the circumstances otherwise have been, but in comparison with a life's ideal. He might take pleasure in having with diligence pursued and to some threshold level of success lived the sort of life that is the best kind of life for a human being to live, i.e., a life that warrants his taking that second-order pleasure in having taken on the whole a preponderance of higher rather than lower first-order pleasures. If he does this, he is taking pleasure in having lived a life of excellence. And he is also taking a third-order pleasure: since a life of excellence is one that warrants the taking of that second-order pleasure, then taking pleasure in having lived a life of excellence is taking pleasure in having been able to justifiably take that second-order pleasure, in which case it is a third-order pleasure.

Consideration of that third-order pleasure helps make sense of one reason that recognition of inviolability is a fitting object of a higher pleasure, a pleasure of such measure that, as I suggested above, it marks the value it partly grounds as one befitting the value we figure that inviolability, something so fundamental to our conception of the strongest of rights, must have. There are two steps in making sense of the reason. The first is a description of the way in which that pleasure-taking can involve the rational, affective, and volitional capacities. Prior to consideration of the second step, these may appear too pedestrian to be a mark of a higher pleasure.

Step One. To take pleasure in recognition of inviolability—to take pleasure in it actively—is to take pleasure in doing activities in those spheres of activity the status protects. As mentioned near the close of section three, liberties to pursue activity in these

spheres are liberties whose exercise is fundamental to one's sense of well-being, since the liberties include, e.g., self-expression and association. Such pleasures surely often involve an affective component, as do others. Likewise they involve a rational component, as per the conception of pleasure as a propositional attitude. Another way to express the idea underlying this line of thought as described so far is to say that pleasure is an affect-laden judgment or evaluation having the power to motivate the pleasure-taker to action. It is with further consideration of the rational or cognitive component of pleasure taken in recognition of inviolability, though, that its fittingness for higher pleasure becomes apparent.

Step Two. Note the way J.S. Mill conceives of the justification of basic rights: for Mill, as I understand him, rights are justified instrumentally in terms of their protecting spheres of activity necessary for the existence of a kind of culture that most effectively promotes the production and appreciation of objects of the higher pleasures. In that sense, rights are instrumental for the realization of the greatest or highest kind of good for the greatest number. The culture is one in which individuality and entrepreneurship thrive, and the open and frank discussion of contrary views is not only tolerated but promoted. Those three features are necessary for a culture's promoting the originality in thought and deed, experimentation, and maintenance of love for and healthy informed criticism of tradition so important not only for the coming into being of those rare objects, events, and ways of life worthy of the higher pleasures, but also of the conservation of such things, since only by extending the tradition via informed innovation do those things come to take their acknowledged place in the story we tell ourselves, as members of such a culture, about the history of our greatest accomplishments, a history that helps us

understand not only who we are but who we have aspired to be. Maintenance of an awareness of this history is maintenance of an awareness of collective excellence.

Next, recall the third-order pleasure that is taking pleasure in having lived a life of excellence. Recall also the active, affect-laden pleasure-taking in inviolability recognition discussed in step one. If an agent does that active pleasure-taking with an eye toward living a life of excellence, a life which also then may contribute if even in some small way to that history of collective excellence, then the cognitive component of his taking that pleasure in being recognized as inviolable is, in a sense, as fully exercised in terms of significance of content as it could possibly be. This is because he takes those pleasures against the background of an awareness of the philosophical underpinnings of a conception of what it is to be an excellent human being. He takes those pleasures, that is, against the background of an awareness of what for beings with such capacities constitutes their proper final end. Recognition of inviolability is a fitting object of a higher pleasure, then, because it exercises the human affective, volitional, and cognitive capacities in this very significant way.

5.3

As I mentioned near the close of sub-section 5.1, Nagel's invocation of pleasure in his discussion of the value of inviolability status does nothing in particular to endanger the integrity of some of his claims explaining this value, even when interpreted in accord with my favored value conception. It does not do so because, as discussed in sub-sections 5.1 and 5.2, the property of 'providing the agent, via a public recognition of his inviolability status, with a felt sense that he is recognized as inviolable' does indeed

justify the agent's taking toward his having that status the pro-attitude of pleasure. And this is because public recognition of inviolability status, which presupposes his having been given that status, is itself a fitting object of a higher pleasure.

But Nagel's invocation of pleasure does, in a more general sense, do his view harm. Because understanding why this is so requires recollection of some of the ground we have already covered, and because the discussion has covered much ground, it is best at this point that I mention where we left off with the comparative evaluations of the status and instrumental theories of rights justification begun in section three, including the assessment of Nagel's claims against the instrumental theory and in favor of the status theory of rights discussed there, and where we left off with the discussion of his response to what is probably the most serious objection against the status theory, viz., the objection that the status theory's purported grounding is merely stipulative or, what amounts to much the same thing, that the status theory falls afoul of the paradox of rights.

With respect to Nagel's initial claim in favor of the status theory, the result of the assessment was that Nagel overstates its favorability in that his claim in its favor, relying as it does upon the integrity of the notion of agent-status-inviolability, relies also then implicitly upon the notion of the intrinsic value of inviolability status, a notion the credibility of which remained at that point open to question. I suggested that the force of his claim should be understood, that is, to be weaker than it might appear, since the claim's appeal relies upon an unfounded and controversial notion. With respect to Nagel's claim against the instrumental theory, the result of the assessment was that, in contrast to the overstatement of the favorability of his own theory, he underestimates the resources of its competitor for dealing with what is one of the most serious objections the

instrumental theory faces. With respect to the paradox of rights and the standard objection that the status theory's grounding is merely stipulative, Nagel's response turns, as we have seen, on that very same notion of the intrinsic value of inviolability status, as does a possible response to the oddity I noted about the status theorist's difficulty in accounting for the moral phenomenology the justifiable overriding of rights involves, a difficulty not shared by the instrumental theory.

The upshot of the comparative evaluation, then, was this: if Nagel's argument for believing inviolability status intrinsically valuable is a convincing one, then the two theories are on a par with regard the standard objections, in that both are met, and both are then on a par, too, with regard that issue of moral phenomenology. If it is not convincing, then we have good reason to believe that the instrumental theory is, at least with respect to those objections and the oddity, superior. But, again, those objections are reasonably thought the most daunting the two theories face, Nagel's response to the one against the status theory may be representative of the best type of response available, and an ability to account for that moral phenomenology is, as I hope I have made clear, an important feature for any theory of rights.

With that retrospective behind us, it is now possible to more easily understand the way Nagel's invocation of pleasure does, in a more general sense, do his view harm. It does harm because it allows, via the pleasure-based account I have offered of the meaning of 'inviolability status is valuable', for a negative assessment of Nagel's three key claims intended to show inviolability status intrinsically valuable. The first of these key claims, once more, is that with regard to the instrumental value of inviolability status or, in other words, with regard to the well-being the status promotes, "…we cannot

understand the well-being in question apart from the value of inviolability itself," whereby 'the value of inviolability itself', Nagel means 'the intrinsic value of inviolability'.[37] On the contrary, I have in sections 5.1 and 5.2 shown that we can indeed understand this well-being while decrying the concept of intrinsic value. And I have not invoked the concept anywhere in my account of the value of inviolability status.

Nagel's second key claim is a variation of his first. On the account I have offered of the meaning of 'inviolability status is valuable', this second key claim in favor of the status theory, his claim that "…the gratification is due to recognition of the value of the status, rather than the opposite—i.e., the status does not get its value from the gratification it produces[,]" is false.[38] Why? Because on the account I have offered, the gratification is *partly constitutive* of the value of the status. That is, the value is not intrinsic, and so contrary to Nagel's claim, the instrumental value of the status need not be thought parasitic upon its purported intrinsic value.

Nagel's third key claim in the context of his discussion of this purported intrinsic value, though of lesser importance to an assessment of the successfulness of his argument for the intrinsic value of inviolability status than the first two, is nevertheless telling because it is suggestive of an intuition that may serve as a deep motivation for Nagel's insistence that the value of inviolability status is intrinsic. Nagel's claiming, in the context of his argument for this intrinsic value, that "[i]t may be that we get the full value of inviolability only if we are aware of it and it is recognized by others, but the awareness and the recognition must be of something real" suggests that he may

[37] Nagel, "Personal Rights and Public Space," p. 93.

[38] ibid., p. 93.

intuitively, and in general, take the metaphysical realness of value to require its being intrinsic.[39] I say this because he has here equated the value of inviolability, as something metaphysically real, with the intrinsic value of inviolability.

As I hope is abundantly clear from my discussion of value in earlier sections, there is no need to hang on to the intuition, if indeed one has the intuition, that to make sense of objective value claims requires the invocation of the concept of intrinsic value. On my account of the value of the status of inviolability, inviolability status is not intrinsically valuable, for on the account nothing is. Nevertheless, something that is wanted by those making the claim 'inviolability status is intrinsically valuable', and wanted by them in their making of that claim, can be had via the account of value I have offered. Something they want is something that can be inferred from claims to the effect that a thing is intrinsically valuable, viz., second-order claims to the effect that a first-order statement describing the thing as valuable is not subjectively true. Such a statement would not be subjectively true, were it true, because intrinsic value is conceived of as the value a thing has in virtue of its intrinsic properties alone, and that conception rules out a dependence, for such statements' truth value, upon extrinsic or relational properties.

As I have taken pains to show, my favored account of value, the one I have used in defending the instrumental theory of rights, secures the objectivity of the truth value of value claims via the assessability of the truth value of the propositional content of the affect-laden propositional attitudes partly constitutive of the value any such claim refers

[39] ibid., p. 93. One might think upon reading Nagel's statement, as I have presented it here in isolation from its original context, that he is claiming not that the object of recognition which must be real is the *value of the status*, but that the object of recognition which must be real is merely the status alone. The context, however, makes Nagel's intending meaning clear: in the sentence immediately preceding the one quoted, he speaks of the "recognition of the *value of the status*" (italics are mine).

to. The propositional content is, on this view, to be understood as a means for justifying the taking of whatever pro-attitude is partly constitutive of the value the claim refers to. Assessability is significant not only because it offers this objectivity. It is significant also because the objectivity it allows for, in combination with the account's reduction of value claims to ones that are straightforwardly naturalistic, in turn allows the account to render value real in the sense of its being constituted by natural properties while retaining the objectivity of value claims wanted by many who invoke the concept of intrinsic value, a concept not obviously rendering value real in any straightforward sense.

The point here is that since Nagel considers the construal of value as something real a plus for any theory of rights justification, and if he is correct in doing so, as he undoubtedly is, then it is not the status theory that comes out ahead. The instrumental theory, at least as I have interpreted it, is on this count the winner. And as I have shown, it is the winner not only on this count, but it is so with regard to the overall evaluation of the two theories that I have offered in this and the preceding section, section four. Recall that near the close of that section, at the midway point of the evaluation just prior to introducing Nagel's argument for the intrinsic value of inviolability status, I stated the following: if Nagel's argument for believing inviolability status intrinsically valuable is a convincing one, then the two theories are on a par with regard the standard objections, in that both are met, and both are then on a par, too, with regard the significant issue of accounting for the moral phenomenology of rights justifiably overridden, but if it is not convincing, then we have good reason to believe that the instrumental theory is, with respect to those objections and that issue, superior. Nagel's argument has turned out to be unconvincing. So the instrumental theory is superior.

Three matters remain to be discussed. One is the lack of appearance in the literature of any such defense of the instrumental theory as I have offered here. If it is, as I believe it to be, such a hopeful defense of the instrumental theory, then what has kept it from being formulated and offered? As it turns out, there is indeed a likely explanation for this. Another matter is perfectionist liberalism and a reminder of its place in the overall account of rights I have offered. The third remaining matter to be discussed is some example of an environmental human right, founded on the interest/instrumental theory of rights and their justification, that offers greater potential than does the will/status theory's basic needs approach for meeting the stronger environmental preservationist ends which concern many who understand the rights-based approach to preservation as offering one of the only real world, policy-based means to reaching those ends. In the final and concluding section, I briefly discuss all three.

6. Conclusion

One likely reason that no such defense of the interest/instrumental theory as I have offered appears in the literature on rights is that the defense is built on commonly misunderstood or underappreciated theories of ethics and politics.[40] The ethical theory is

[40] Those familiar with the political philosophy of Joseph Raz may be interested to know in what ways my conception of the combination of the interest and instrumental theories is similar to his view of the philosophical foundations of rights and in what ways it differs. We both embrace perfectionist liberalism for mainly the same reason, viz., the belief that talk of agent autonomy is nearly vacuous without talk of valuable options the autonomous choice of which renders autonomy valuable. That belief brings one who espouses the harm principle as a principle of political morality to the following belief: if effective enforcement of the harm principle is part of what legitimates state authority, then because the legitimation involves the notion that autonomy is a good then, further, legitimation also requires effective preservation and in some cases promotion of what renders autonomy a good, viz., valuable options from which one might autonomously choose. So both Raz and I eschew the principle of state neutrality. But because Raz believes that valuable options, or goods, are incommensurable, he rejects consequentialism. I am a utilitarian. But he and I are not at as large an ideological remove as one might take that to suggest. This is because I am a qualitative hedonist who embraces attitudinal hedonism, and attitudinal hedonism can account for what appears to be a plurality of incommensurable goods via the conception of pleasure as

a nonstandard form of hedonistic utilitarianism. It is nonstandard in that it includes a perfectionist component. And the theory of politics that would support an environmental human right of the sort that might be built on the version of the instrumental theory I have offered is a nonstandard form not only of liberalism—viz., perfectionist liberalism—but this perfectionist liberalism is itself of a nonstandard sort.[41] The latter is nonstandard in that it includes among its list of perfectionist ends, and includes it, furthermore, as an overarching perfectionist end, pleasure.

Hedonistic consequentialism is, roughly, the view that what ought to be done is whatever will bring about the best consequences, with the notion of the best consequences understood in terms of some conception of pleasure. J.S. Mill is the most well-known exponent of this view. His hedonism, however, has been much maligned. And the significance of its place in his ethical and political views has been nearly universally misunderstood.[42] Hedonistic consequentialism is misunderstood, I think, mainly because pleasure is unreflectively thought necessarily a subjective concept in the sense that one's experience of taking pleasure in something is thought conceptually tied to the satisfaction of desire, and desires are themselves thought subjective in the sense that they are thought not susceptible to critique. But Mill, as I understand him, conceives

---

propositional rather than as a non-propositional mental state. Particular events of pleasure-taking are all pleasures, despite their being pleasures taken in different intentional objects. Why does hedonism matter? That is a complicated topic. But I can say here at least that it matters because it offers, I believe, more convincing accounts of well-being, moral motivation, and a felt sense of one's living a meaningful life than do its rivals. See Joseph Raz, *The Morality of Freedom* (New York: Oxford U.P., 1986).

[41] Perfectionist liberalism is, however, beginning to be taken more seriously, due to a small number of recent book-length treatments of it. See George Sher, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge U.P., 1997); and Steven Wall, *Liberalism, Perfectionism and Restraint* (New York: Cambridge U.P., 1998).

[42] For an antidote to some of the misunderstanding, see John Skorupski, "Quality of Well-Being: Quality of Being," in his *Ethical Explorations* (New York: Oxford U.P., 1999), pp. 107-130; and "Liberal Elitism," ibid., pp. 193-212.

of pleasure in a perfectionist vein: a pleasure is objectively better for someone as a being with the particular capacities pleasure-taking involves, proportional to the degree that the pleasure is the satisfaction of an informed preference. By 'informed preference' I mean, roughly, a preference grounded in knowledge of the pleasure-relevant properties of the object the pleasure is taken in; grounded in judgments, about the pleasure-worthiness of objects, rendered reliable via development of the sensitivity required for the discernment of those properties, including the affective sensibilities or capacities for affective response; and grounded not only in that knowledge, those judgments, and that sensitivity, but also in the development of a capacity for emotive response to the object's perceptual properties had against background knowledge marking out the object of pleasure as a better or worse member of its kind.

That is admittedly a complex and under-described notion of informed preference as it relates to the taking of pleasure, but this essay is not the place to elaborate upon it. All of this should be familiar enough, anyway, from my discussion of value and pleasure appearing in the sections above dealing with the defense of the instrumental theory. I have, in effect, simply channeled Mill, or at least my version of Mill. The crux here is that the reason Mill has in this way been nearly universally misunderstood, if I am pushed to conjecture, is that most have the intuition that hedonism and ethical perfectionism are antithetical, and so the perfectionist part of Mill's hedonistic utilitarianism—those parts dealing with a conception of pleasure rendering it an objective one via reference to the perfection of human capacities—is simply dropped, by most who read Mill, as incoherent.[43]

[43] A famous example of an interpretation of Mill in which this occurs is Isaiah Berlin's; see his "John Stuart Mill and the Ends of Life," in John Gray and G. W. Smith (eds.), *J.S. Mill On Liberty in Focus* (New York:

Recognition of the coherence, though, of Mill's view as I have laid it out in my own way in earlier sections may make one wonder why anyone could have the intuition that hedonism and perfectionism are inescapably inconsistent.[44] The only explanation of this widespread intuition I have so far come up with, and it is not much of an explanation I admit, since I do not share the intuition, is that pleasure, when conceived of against consideration of one's own experience of it, is quite naturally conceived of as dependent upon present preference; one cannot derive pleasure from the satisfaction of preferences one does not presently have. While that is of course true, it does not render false the claim that 'were one to have some preferences other and inconsistent with those he now has, and were they satisfied, he would be better off in that the pleasure-taking related to them would be of a more worthy kind'. It is the line of thinking behind this sort of claim that is central to a perfectionist account of pleasure and to the sort of welfarist normative ethic having such an account of pleasure at its core.

And there is to be had further evidence of the prevalence of the intuition that hedonism and perfectionism are inescapably inconsistent. Aristotle's ethics is standardly understood as perfectionist. Excellences of various kinds are central to his account of the character of virtuous persons. What is not a central part of the standard understanding of his virtue ethics, however, is recognition of the very significant place he gives to pleasure

---

Routledge, 1991), pp. 131-61. For a discussion of some of the ways in which Berlin goes wrong, see Richard Wollheim, "John Stuart Mill and Isaiah Berlin: The Ends of Life and the Preliminaries of Morality," ibid., pp. 260-77.

[44] Something that has not helped the matter is some having stipulated a definition of 'perfectionism' according to which excellences are valuable regardless of whether or not they contribute to well-being. Thomas Hurka does this in his *Perfectionism* (New York: Oxford U.P., 1993).

in his overall conception of both the virtuous person and the good life.[45] And the claim of the prevalence of that oversight is corroborated by pleasure having been quite simply dropped from most modern variants of his view, despite Aristotle's lengthy and repeated positive discussions of it.[46] Part of the reason for this is no doubt the decision on the part of most modern-day virtue ethicists to demote to a lesser place the notion of prudential reasons and the virtue of prudence, a master virtue on Aristotle's account, in favor of virtues and values of a kind more obviously connected to the concern for other-regardingness that characterizes modern moral philosophy.[47] But the intuition that pleasure and perfectionism are antithetical is surely also a significant factor both in pleasure having been dropped in the standard account of his virtue ethics and in its failure to make much if any an appearance in modern-day variants.

---

[45] For antidotes to the oversight, see the following: Johan Brännmark, " 'Like the Bloom on Youths': How Pleasure Completes our Lives," in Timothy Chappell (ed.), *Values and Virtues: Aristotelianism in Contemporary Ethics* (New York: Oxford U.P., 2006), pp. 226-238; Gabriel Richardson Lear, "Aristotle on Moral Virtue and the Fine," in Richard Kraut (ed.) *The Blackwell Guide to Aristotle's Nichomachean Ethics* (Malden, MA: Blackwell, 2006), pp. 116-36; Francis Sparshott, *Taking Life Seriously: A Study of the Argument of the Nicomachean Ethics* (Toronto: University of Toronto Press, 1996).

[46] Despite a lengthy discussion of the benefit the virtues offer the agent, Rosalind Hursthouse mentions pleasure or pleasure-related notions so little in her *On Virtue Ethics* (Oxford: Oxford U.P., 1999) that 'pleasure' does not even appear in the index. It seems to me that modern virtue ethicists have done their best to avoid using the concept of pleasure for cashing out the notion of flourishing understood as a kind of well-being, so as to avoid charges of hedonistic ethical egoism that have so often been brought against virtue ethics understood as including claims about the agent's final end being happiness as some form of pleasure. Such a strategy can be thought strange, given the commonsense understanding of happiness as irreducibly involving positive affect, Aristotle's frequent references to pleasure, and Aristotle's sustained discussions of pleasure in books seven and ten of the Nicomachean Ethics. And attempts to flesh out the concept of flourishing without reference to pleasure can—I would add 'predictably'—lead to the sort of theoretical vacuousness Copp and Sobel notice in some of Hursthouse's book: "…Hursthouse does not offer an explicit definition of the key concept of *eudaimonia*." [David Copp and David Sobel, "Morality and Virtue: An Assessment of Some Recent Work in Virtue Ethics," *Ethics*, Vol. 114 (2004), pp. 514-554, p. 526.] In fairness to Hursthouse, though, it should be noted that some virtue ethicists object from the start to the demand that the virtue ethicist give the sort of definition Copp and Sobel might be taken as asking for, viz., one that, in Julia Annas' words, "…is both substantive and makes no reference to the virtues … virtue ethics tells us that a life lived in accordance with the virtues is the best specification of what flourishing is." [Julia Annas, "Virtue Ethics," in David Copp (ed.), *The Oxford Handbook of Ethical Theory* (New York: Oxford U.P., 2006), p. 521.]

[47] See Christopher Miles Coope, "Modern Virtue Ethics," in Chappell, op. cit., pp. 20-52.

The view of Aristotle's that is most clearly connected with my discussion of value and pleasure is the view that the good life can be characterized as one justifying pleasure being taken in it, in that it is a kind of life that is an excellent one with respect to the development and exercise of the central human capacities.[48] Aristotle's ethics is typically understood as an ethical natural law theory, in the sense that a correct understanding of the good centrally involves an understanding of human nature—i.e. an understanding of the central human capacities definitive of beings like us—and in the sense that the good, once correctly understood, is what structures practical reason, giving us our proper final ends, the ends suited to us, as the sort of being we are. It may seem strange or a staggering oversight, though, that pleasure appears on so few of the lists of final ends or basic goods offered by modern-day natural law theorists of ethics, because a life without pleasure would so obviously be one hardly characterizable as one that is good from the point of view of the person whose life it is, and also because pleasure of the characteristically complex sort of which humans are capable would seem to be such a central distinguishing human feature.[49]

The bearing which this brief discussion of Mill's hedonistic consequentialism and Aristotle's ethical natural law theory has on the question of likely reasons for the failure of any such defense of the instrumental theory as the one I have offered appearing in the literature is this: the conception of the instrumental theory I have offered, by combining features of a natural law view with those of hedonistic consequentialism, yields an

---

[48] See Brännmark, op. cit.

[49] Of four of the most prominent natural law ethicists, only one—Timothy Chappell— include pleasure among the list of basic goods. See his *Understanding Human Goods* (Edinburgh: Edinburgh U.P., 1996); John Finnis, *Natural Law and Natural Rights* (New York: Oxford U.P., 1980); Germain Grisez, *The Way of the Lord Jesus, Volume I: Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983); Mark C. Murphy, *Natural Law and Practical Rationality* (New York: Cambridge U.P., 2001).

instrumental theory that in effect, and with the potential for causing undue confusion, borrows something from the theory to which the instrumental theory is opposed, viz., the status theory. What it borrows is a concern for the central human capacities (though not merely of the rational and volitional capacities definitive of the autonomous agent as conceived per the status theory), and that alone would render it an extremely unlikely product of the thought of a rights theorist.

What theory of politics would support a right built on such an interest/instrumental conception? The most likely candidate for this would be, as I mentioned in the essay's introduction, perfectionist liberalism. The classic account is, again, Mill's, though given the standard interpretation of the way Mill's moral and political views inform each other, one might not think that the case.[50] The key to understanding the view as it relates to a hedonist consequentialism of the form I have discussed in earlier sections is this: a strategy for the justification of liberties yielded via a sociopolitical dispensation ensuring the citizen the greatest measure of freedom consistent with the like freedom of others need not be a strategy involving principal reference to the value of that liberty conceived as a final end. Rather, those liberties, and so that dispensation, may be justified with principal reference to something further they bring about, and that is so with the justification the perfectionist liberal will offer. But it should be understood that this line of thought does not involve a denial of the value of agent autonomy. Rather, autonomy is conceived here as valuable in terms of the role it

[50] For an account that takes seriously their informing each other, see John Skorupski, "Liberal Elitism," op. cit. See also "The Ethical Content of Liberal Law," and "Liberty's Hollow Triumph," in his *Ethical Explorations* (New York: Oxford U.P., 1999), pp. 213-233, 234-254.

plays in one's choosing, for oneself, and pursuing with due independence, objects and activities worthy of the choice and pursuit.[51]

As I discussed at greater length in sub-section 5.2, the instrumental theorist of perfectionist and hedonist persuasion may justify rights in terms of their protecting spheres of activity necessary for the existence of a kind of culture that effectively promotes the production, conservation, and appreciation of objects and activities of the higher pleasures, with 'higher' conceived of along the lines of ethical natural law theory in the sense of there being involved a central reference to fundamental human capacities. It is important to note in the context of a discussion of such elitist sounding notions as the 'higher pleasures', though, that hedonist perfectionist liberalism is not a theory supportive of cultures that would aim to provide or conserve objects of the higher pleasures for the benefit of a chosen few. To see this, just recall the utilitarian slogan 'the greatest good for the greatest number'. If we construe 'the greatest good' as 'the highest good', as we ought to in an effort to take Mill's qualitative hedonism seriously, then we have 'the highest good for the greatest number'. Elitism, by definition, restricts the higher goods or higher pleasures to a chosen few rather than distributes it amongst the greatest number.

There is one final matter left to discuss. This is the nature of one such higher pleasure that might reasonably be thought the basis upon which to build an environmental human right in line with the perfectionist, hedonist conception of the interest/instrumental theory for which I have argued. Here, first, is the way in which a concern for the

[51] Joseph Raz is a prominent defender of this sort of conception of the value of autonomy. See his *The Morality of Freedom*, op. cit., and his "Liberty and Trust," in Robert P. George (ed.), *Natural Law, Liberalism, and Morality* (New York: Oxford U.P., 2002), pp. 113-129.

environment and the concern with rights reunite after so much discussion of rights alone. For the following reason, I believe, nature ought to be preserved: it is the sole means to such a significant constituent of human well-being that provision of and ready access to indigenous and ecologically sound nature are worthy of being secured by legal right. The constituent is a complex cognitively-grounded and perceptually-induced emotive experience.[52] The experience is best characterized as an aesthetic one, though in the current policy and social climate this characterization will to most policymakers and concerned citizens hardly convey its significance for either well-being or the preservationist cause. This is, however, to be expected, if a large part of the explanation of the cause of our environmental problems is, as I suspect it may be, the widespread absence of the experience and so also of the moral motivation for preservation it yields, and of both the knowledge and perceptual sensitivity required for having it. This essay is not the proper place for a detailed explanation of the experience, which would take us far afield into the aesthetics literature, though after discussing some more general features of the connection between the experience and environmental preservation below, I will have a bit more to say about the experience to begin to satisfy the curious.

This view of the justification of environmental preservation is different from those common in the environmental ethics literature and in environmental policy. It includes neither an appeal to nature's purported intrinsic value, which I decry on metaphysical grounds and count a philosopher's expedient for some of the same reasons I

[52] See, e.g., Allen Carlson, "Nature, Aesthetic Judgment, and Objectivity," and "Nature and Positive Aesthetics," in his *Aesthetics and the Environment* (New York: Routledge, 2002), pp. 54-71, 72-101; Ronald W. Hepburn, "Landscape and the Metaphysical Imagination," *Environmental Values*, Vol. 5 (1996), pp.191-204; and Kenneth Simonsen, "The Value of Wildness," *Environmental Ethics*, Vol. 3 (1981), pp. 259-263.

have done so with regard Nagel's defense of the status theory, nor an appeal to provisioning, regulating, or supporting ecosystem services such as clean air and water, climate control, and biomass production, though these are secured secondarily if indigenous and ecologically sound nature is primarily secured as a means to the experience. Another consideration of natural law theory is helpful at this point. There is a slot that most natural law theorists allot to particular kinds of aesthetic experience as necessary for a flourishing life, which for the purposes of my discussion and the concerns I have shown for hedonism can be conceived of as a life as full as is practicable with higher pleasures, including the second-order and third-order pleasures of the kind discussed earlier. The philosophy of law, and the notion of natural rights discussed in that literature, enter here much as they do for natural law theorists of ethics whose jurisprudence is based in moral theory. These philosophers understand positive law as legitimated, to the extent that it is so, via moral reasoning, so that law's proper function is conceived partly as the protection of the social and real capital that are, according to the natural law view in ethics, the means to human flourishing, with flourishing understood objectively as per human capacities, much as I have understood a proper account of pleasure.[53]

That explains the connection between rights and the good life. What, though, of that part of the good life having necessarily to do with a higher pleasure related in some way with the environment? That is, just what is the aesthetic experience of natural environments I mentioned above in connection with the formulation of an environmental human right requiring nature's preservation? To understand the answer to that question,

[53] See, e.g., John Finnis, *Natural Law and Natural Rights*, op. cit.

first recall that according to the account of value presented in sub-section 5.1, value is explained as follows: value is the second-order property of a thing's having first-order non-evaluative properties such that, when referred to in reasons, these properties justify claims to the effect that the thing is the fitting object of a particular pro-attitude. This has been referred to in the literature as the 'buck-passing account of value', because the buck is passed, with respect the ontology of value, from the object and its purported first order non-relational evaluative properties, to this second-order, relational, extrinsic property of there existing a merited relation between response and an object's non-evaluative features.

Here is one way of thinking about how the view works that is a bit different from its application earlier in assessing Nagel's argument and defending the instrumental theory: a thing might be thought valuable in virtue of its meriting the pro-attitude of awe, and if that thought is taken to be correct, then there must be good reason to believe the thing has natural, non-evaluative properties which are the mark of the awe-inspiring. Much could be said about the many ways we might isolate such a property, and they will differ with the particular pro-attitude in question, but here is one of many examples of such a way: biological facts learned from evolutionary theory provide us with the means to refer to phenotypic properties which, when considered against the background of further knowledge about natural selection, justify the response of awe, and wonder, at the vast array of phenotypes which have evolved through variation and natural selection to fit the multitude of niches living organisms have come to occupy. If those factors yielding the response are combined with attention paid to perceptual properties of one or more of these creatures and its habitat, then the response of awe becomes visceral, and the

experience, being of perceptual properties and grounded in propositional content referring to relevant properties of the object, is an aesthetic experience whose object merits the cognitively-grounded, emotive aesthetic response.

Naturalists, environmentalists, and environmental aestheticians have repeatedly suggested, and in some cases pleaded, for the uninitiated to come to appreciate, understand, and perceive natural environments in this way.[54] One reason for this has to do with the very great instrumental value provided by the aesthetic experience of wonder at our natural world: the experience, being visceral, provides strongly motivating reasons for preservationist action directed at safeguarding the object of the experience, and, more importantly, the experience offers insight into what is perhaps the most significant reason for preservation there is. This is the reason provided by the sense of emotively-felt meaningfulness the experience offers those who undergo it. There may be no greater constituent of well-being, no higher pleasure, no pleasure more fitting for the kind of being we are, than the pleasure had via cognitively-grounded and volition-activating aesthetic experience of the natural world, a world from which our species has sprung, and to which each of us will return upon death, mere dust, but dust that is one with the mountains, deserts, and floors of the deepest parts of the seas across which future individuals of our species may travel, contemplating, as did we, the beauty of this planet and the life upon it.[55]

---

[54] Among the more prominent such naturalists are Rachel Carson, Aldo Leopold, and John Muir. Among aestheticians are Allen Carlson, Glenn Parsons, and Marcia Muelder Eaton. All are environmentalists.

[55] Thanks go to the Fulbright Foundation for supporting a year-long visit as fellow at the University of Oslo's Centre for Development and the Environment, during which ideas for this essay developed.

II

Reasons, Values, and Environment: A Neo-Sentimentalist, Buck-Passing Account of Nature's Value

1. Introduction

In the 'Environmental Ethics' entry of the recent *Blackwell Companion to Applied Ethics*, Andrew Light argues that, given both the dire urgency of present-day environmental problems and the implicit commitment environmental philosophers have made to contributing to their solution, the time has come for a truly applied environmental ethics, i.e., a *public* environmental ethics which, being attuned to the gap that so often exists between ethical theory and real social transformation, admits of "…the need to take up the question of what would motivate humans to change their attitudes, behaviors, and policy preferences toward those more supportive of a long-term environmental sustainability."[1] Against the thirty-year trend of non-anthropocentrism in environmental ethics, then, and well aware of the three-way stalemate between agnostics, believers, and skeptics about nature's purported intrinsic value, Light urges us—non-anthropocentrists and anthropocentrists alike—to pursue human-oriented, applied environmentalism alongside the sometimes stultifying, sometimes edifying metaethical debates about intrinsic value.[2] Light's reasons, though, for urging us in this way—which have to do

---

[1] R. G. Frey and Christopher Heath Wellman (eds.), *A Companion to Applied Ethics* (Malden, MA: Blackwell, 2005), pp. 633-49. The quoted passage appears on p. 647.

[2] Mention of this trend of non-anthropocentrism appears in too many places in the literature to attempt a comprehensive accounting of them here, though its beginnings and later solidification are typically ascribed to at least the following three articles: Richard Routley (a.k.a. Richard Sylvan) "Is There a Need for a New, an Environmental, Ethic?" in Andrew Light and Holmes Rolston III (eds.), *Environmental Ethics* (Malden, MA: Blackwell, 2003), pp. 47-52, originally published in *Philosophy and Science: Morality and Culture: Technology and Man*, *Proceedings of the XVth World Congress of Philosophy* (Varna, Bulgaria: Sofia, 1973); Holmes Rolston III, "Is There an Ecological Ethic?" *Ethics*, Vol. 85 (1975), 93-109; Tom Regan,

with requirements of consilience between publicly-held environmental views, theoretical work, and real-world policy-making strictures—while to my mind good reasons, suggest, when viewed together with more recent work by John Nolt, Butler and Acott, and others, that he may have unwittingly neglected a fourth environmental-ethical position with respect to the concept of intrinsic value that is particularly significant for the sort of public policy ramifications he rightly emphasizes.[3]

This fourth position, because of its synthetic constitution, unclear heritage, and usually incipient formulations, is difficult to adequately name, but it can be characterized by pointing to its central moral-psychological feature, viz., the interestingly paradoxical claim that a deeply satisfying human-nature connection might best be construed as a species of psychological identification, akin to love or friendship, which is, however, simultaneously altruistic and self-regarding, such that nature is exceedingly instrumentally valuable, for the valuer, just in case it is intrinsically valued by him.[4]

"The Nature and Possibility of an Environmental Ethic," *Environmental Ethics*, Vol. 3 (1981), 19-34. For helpful overviews of the field, complete with attention paid to the trend's beginnings and evolution into full-blown, discipline-wide discussion of the place of the concept of intrinsic value in an environmental ethic, see the following: Clare Palmer, "An Overview of Environmental Ethics," in Light and Rolston, op. cit., pp. 15-37; Andrew Light, "Environmental Ethics," in Frey and Wellman, op. cit., pp. 633-49.

[3] John Nolt, "The Move from *Good* to *Ought* in Environmental Ethics," *Environmental Ethics*, Vol. 28, No. 4 (2006), pp. 355-374; W. F. Butler and T. G. Acott, "An Inquiry Concerning the Acceptance of Intrinsic Value Theories of Nature," *Environmental Values*, Vol. 16 (2007), pp. 149-68.

[4] The idea of preservationist obligations following from obligations to ourselves, though not worked out in the particular way I have offered here, makes a brief but crucial appearance in Nolt, op. cit, section (c), pp. 371-73, as a non-circular version of what he refers to as an 'Aristotelian approach'. (Interestingly, Nolt mentions that an early instance of the idea appears in Christopher Stone's "Should Trees Have Standing?—Toward Legal Rights for Natural Objects," *University of Southern California Law Review*, Vol. 45, No. 2 (1972), pp. 450-501; see Nolt's footnote 26, and the section of Stone's essay titled "The Psychic and Socio-Psychic Aspects.") The idea also appears in fragments in John O'Neill, *Ecology, Policy, and Politics: Human Well-Being and the Natural World* (New York: Routledge, 1993); see especially chs. 2, 5, and 9. It is also discussed, in a sometimes inadvertently misleading way, in Arne Naess' presentations and discussions of his own deep ecological position 'ecosophy-T'. See, e.g., "Self-Realization: an ecological approach to being in the world," which first appeared in *Thinking Like a Mountain: Towards a Council of All Beings*, by John Seed, Joanna Macy, Pat Fleming, and Arne Naess (Philadelphia: New Society Publishers, 1988), pp. 19-30. Ernest Partridge discusses the idea in terms of the relation between what he

One's beloved—whether human, or non-human and impersonal biological nature, or even radically other inanimate nature, as can be the case, e.g., for a nature-loving Muir, Carson, Thoreau, or Leopold—may be thought intrinsically valuable in the sense that, in accord with the standard accounts of love and friendship, she is treated altruistically, with her well-being thought a final end, and yet the beloved, in being taken as a final end, is, on this non-standard account, understood as also instrumentally valuable for the lover, in that she is a necessary part of a particular set of acts of intrinsic valuing that is itself an instrumental end toward the further final and self-interested end of the lover's living a meaningful life, i.e., a life filled with activity directed toward people, things, and events he in one or another way understands as worthy of being intrinsically valued, worthy of the status 'final end'.[5] On this view, or in line with one among a number of ways of understanding such a view, a legitimate application of the concept of intrinsic value can reduce to an application of the notion of a particular mode of valuing, and is not a reference to an evaluative property inhering in an object, so that what is meant by 'intrinsically valuable' is, contrary to the common usage, merely 'intrinsically valued' or 'treated as a final end'.[6] But equally important here in the context of a discussion of the

---

refers to as 'self-fulfillment' and 'self transcendence'; see his "Why Care About the Future?" in Ernest Partridge (ed.), *Responsibilities to Future Generations* (New York: Prometheus, 1981), pp. 203-20.

[5] The most well-articulated statement of this conception of loving, complete with emphasis on the paradoxical nature of the interplay of intrinsic and instrumental ends, appears in Harry Frankfurt's work in practical rationality. See his *The Reasons of Love* (Princeton, NJ: Princeton U.P., 2004) and *Necessity, Volition, and Love* (New York: Cambridge U.P., 1999).

[6] I am not alone in wanting to emphasize the importance, within the ongoing discussion of the place which the concept of intrinsic value ought be best thought to have in environmental ethics, of placing due weight on the notion of intrinsic valuing. See, e.g., Thomas Hill Jr., "Finding Value in Nature," *Environmental Values*, Vol. 15 (2006), pp. 331-41, and Katie McShane, "Why Environmental Ethics Shouldn't Give Up on Intrinsic Value," *Environmental Ethics*, Vol. 29, No. 1 (2007), pp. 43-61. Because McShane is, as far as I am aware, the only environmental philosopher other than me working out a neosentimentalist, fitting-attitudes approach to the central value question in environmental ethics, it is worth mentioning, and is worth discussing at fair length for a mere note, that while she acknowledges the unrecognized importance,

for environmental ethics, of the notion of intrinsic valuing, she is unable, in this article at least, to allow the concept of intrinsic valuing to wholly replace the concept of intrinsic value, as I suggest ought to be done. This is, as far as I can tell, because she is unable to get free of the admittedly common sense idea that the (psychological) act of valuing something as a final end must be justified, if it is justified, by the thing's being valuable prior to the act, or the concomitant notion that the agent's motivating reasons for valuing something as a final end must refer to evaluative properties of the valued object rather than refer, instead, to the benefit which the intrinsic valuing offers the agent. As McShane claims, "If we were to agree…that nothing could have intrinsic value, then none of these kinds of intrinsic valuation [i.e., intrinsic valuing] could be warranted in the sense that none of them could be merited by their objects…," and "[i]n order to have an adequate ethical theory, we need to be able to say something about when these ways of valuing are or are not appropriate. That is to say, we need to be able to distinguish between intrinsic and extrinsic value. If we were to give up the concept of intrinsic value, we would have no way to make such a distinction." [53, 56] But McShane's first claim is best thought false since, first, as I make clear in section 2 under the subheading 'Development 4', fitting or merited response, including pro-responses consistent with intrinsic valuing or the taking of something's welfare as a final end, can be understood, and indeed is understood per the most well-known account of the fitting-response view of the property we refer to as 'value', with reference not to evaluative properties such as intrinsic value, but to non-evaluative properties alone. Hill, unlike McShane, seems to well understand this, just as he seems to understand that it is important to maintain a distinction between the concept of a merited pro-attitude and the concept of intrinsic valuing. Contrary to what McShane's discussion of neosentimentalism suggests, the neosentimentalist need not (and it seems to me *should not*) conceive of nearly all merited pro-attitudes as modes of intrinsic valuing, but might instead conceive of them as, say, attitudinal hedonic states the having of which might itself be valued by the agent as a final end, which renders the object of response in that sense extrinsically valuable. Second, as I discuss in different ways in the second and third parts of this note, justifiably taking up an intrinsic valuing attitude need not be thought to involve reasons referring to purported value properties possessed by the valued object.

As for the second claim—viz., that distinguishing between intrinsic and extrinsic valuing requires application of the concept of intrinsic value—it is clear from examples that it is possible to value something as a final end, i.e., to value that thing intrinsically as a lover does a loved one when having wholehearted empathetic concern for a loved one's well-being, without attributing intrinsic value to that thing as what justifies the valuing attitude; morality need not command that everyone love what I love, as it would were the loved intrinsically valuable (plus a few more premises about value preservation, promotion, or maximization), though I may nevertheless be justified in doing so. Distinguishing between the concepts is possible without attribution of value inhering in the valued thing because the concept of valuing is a concept of a mode of (psychological) action, which can be specified via modes of (psychological) action alone, as I have just done above. The mistake in thinking the concept of intrinsic value necessary for distinguishing them stems, it seems to me, from a conflation between specification of a mode of valuing on the one hand and, on the other, modes of justification of the act of valuing. Intrinsic valuing need not be conceived of as, roughly, 'properly valuing the valuable', with 'valuable' understood as 'possessing the property 'value''; that conception mixes a description of the mode of valuing with a description of what justifies such a mode of valuing, and, in doing so, it excludes the possibility that the two things described be kept conceptually distinct, as they are in the case of one's intrinsically valuing something that one refers to as 'valuable', with 'valuable' being understood via a dispositional account of value, according to which value is itself a relational, extrinsic property. For a helpful and well-known discussion of the idea that justifyingly taking up an intrinsic valuing attitude toward something is only mistakenly conceived of as requiring that thing's independently-established worthiness, see Harry Frankfurt, "The Importance of What We Care About," the featured article in his book of the same name (New York: Cambridge U.P., 1988), pp. 80-94. As Frankfurt concludes there, after much detailed discussion, "The person does not care about the object because its worthiness commands that he do so. On the other hand, the worthiness of the activity of caring commands that he choose an object which he will be able to care about." [94]

With regard motivating reasons for intrinsic valuing, and the idea that, as I suggest at length in this essay, we ought to intrinsically value nature for the benefit which doing so offers us, McShane claims, against that idea, that "[i]t is one thing to say that you ought to be in awe of something because it is great in

preservationist potential such a view might offer the public policy-minded environmental ethicist is this: what is intrinsically valued is conceived of here as being instrumentally valuable, so that one's motivation for treating something as a final end can be as self-interested as the intrinsic valuing is effectively other-regarding.

This moral-psychological view about an issue in practical rationality is worth exploring as a basis for a full-blown environmental-ethical position for a number of reasons. First, it offers one arguably plausible and theoretically rich means for reconciliation of pro-intrinsic-value claims and instrumentalist claims of nature's merely anthropocentric value by requiring their syncretic interaction. Second and relatedly, Light offers, as a reason for his urging human-concerned environmental work, the results of surveys about the public's environmental views which suggest that concern for future generations—i.e., an anthropocentric concern—is foremost among reasons citizens offer for preservation, but because new survey materials suggest that nature's intrinsic value is also often a key reason offered, some theoretical position with power enough to adequately explain those seemingly divergent views is worth working out.[7] Third, the

---

some way that makes this response of yours appropriate…[b]ut it is another thing to say that you ought to be in awe of something because I will give you five dollars if you can do it … to say the second is to ask you to engage in an act of self-deception, or at least hypocrisy, though one that will make you better off. It says that you should adopt the attitude of awe toward something even though it clearly does not merit that awe." [60] As with claims in the first passage cited above from McShane's article, this one, too, involves a conflation: it conflates reasons which justify pro-attitudinal response on the one hand and, on the other, motivating reasons for taking up the attitude of valuing something as a final end. One can, e.g., consistently (i) respond fittingly with awe toward an object which displays the marks of the awe-inspiring, while (ii) valuing the awe-inspiring object as a final end in the sense that one cares wholeheartedly about or empathetically identifies with the thing in virtue, perhaps, of that awesomeness, while (iii) nevertheless being motivated to take up that attitude of intrinsically valuing the awesome in virtue of the meaningfulness which doing so offers a life. So there are a host of different reasons in play here, and unlike what McShane's claim suggests, the same reason need not function to justify both a pro-attitudinal response as a merited one and the taking up of that merited response: the first part of that three-tiered description has to do with reference to non-evaluative properties functioning in reasons justifying a pro-attitude, the second with reasons rendering something worthy of being cared about from the agent's point of view, and the third with reasons anyone at all might have for taking up that sort of caring attitude.

[7] See Butler and Acott, op. cit.

view offers new ways of thinking about how better, more convincing and theoretically-satisfying enlightened anthropocentric preservationist positions might be fashioned, so that the discipline of environmental ethics might retain the drive toward theoretical sophistication that is a mark of good philosophy, while nevertheless contributing toward the finding of environmental solutions with the power to address problems related to citizen preference change, to discrepancies between citizens' professed environmentalist predilections and continued high levels of consumer consumption, and to other more practical, motivationally-related problems which Light—and I hope all of us as philosophers and environmentalists—are learning in this pressing time of potentially devastating future climate change to see as part of our responsibility to squarely face.[8]

In section two, I discuss recent developments in the discipline of environmental ethics and in value theory which, when considered alongside the three motivating reasons about the requirements of a public environmental ethics mentioned above, provide still further motivation for the brand of environmental ethic I will be building, and help make clear the context or present state of the discipline out of which a need for such an ethic can be thought to arise.

In section three, I present the ethic as succinctly as possible by encapsulating it in the form of an argument. The argument includes reference to a very different conception of nature's value than we are accustomed to, includes reference to the paradox of loving

---

[8] From what I have called the 'fourth position' with respect to intrinsic value claims in environmental ethics, one can see connections between views on these topics which are discussed in, for instance, the following: Judith Lichtenberg, "Consuming Because Others Consume," *Social Theory and Practice*, Vol. 22 (1996), pp. 273-97; Guy Claxton, "Involuntary Simplicity: Changing Dysfunctional Habits of Consumption," *Environmental Values*, Vol. 3 (1994), pp. 71-78; Philip Cafaro, "Thoreau, Leopold, and Carson: Toward an Environmental Virtue Ethics," in Philip Cafaro and Ronald Sandler (eds.), *Environmental Virtue Ethics* (Lanham, MD: Rowman & Littlefield, 2005).

described above, explicitly mentions motivating reasons, and concludes with a strong claim about the demands which practical rationality can be thought to place on someone with respect to his adoption of a preservationist stance. I finish in section four by mentioning what may be the strongest objection against the environmental-ethical position I am advocating and make a few remarks suggestive of an adequate response.

2. Four Recent Developments

Development 1. John O'Neill's essay "The Varieties of Intrinsic Value" and John Nolt's "The Move from *Good* to *Ought* in Environmental Ethics" have together shown, incontrovertibly in my estimation, and through much more detailed scrutiny than has been brought to bear on the matter by anyone else of whom I am aware, that there are unnoticed mistakes in, and grave problems with, the sorts of intrinsic value argument thought since the inception of the discipline of environmental ethics to be necessary for strong preservationist claims.[9] While fully feeling the force with which O'Neill and Nolt dispel the pretensions of the most well-known intrinsic-value-based arguments for preservation requires mulling over the details of their texts, suffice it here to say that there are two main discoveries that work together to show the missteps behind the various instances of the argument to the effect that, because value inheres in nature or is what value theorists refer to as a 'good', and because values or goods of this sort for various reasons ought to be preserved—preserved for reasons that can be understood to be

[9] Nolt, op. cit. John O'Neill, "The Varieties of Intrinsic Value," *Monist*, Vol. 75 (1992), pp. 119-37; reprinted in revised form, with the same title, in Light and Rolston, op. cit., pp. 131-42. While I agree with Nolt and O'Neill that the notion of self-transcendent concern and its connection with agent well-being should be thought central to an enlightened anthropocentric environmental ethic, it is worth noting that, with regard the sort of neo-sentimentalist, secondary-qualities view of the metaphysics of value I offer in this essay, O'Neill cursorily but outrightly denies its promise; see "The Varieties of Intrinsic Value," in Light and Rolston, op. cit., pp. 135-37.

relatively straightforward ones if the nature of that value or that good is first properly understood—nature ought therefore to be protected.

The first discovery is that, after sifting through the multitude of occurrences of the term 'intrinsic value' as they appear in key articles that have shaped the field, after clearing away the dross of equivocations and non-sequiturs that result from failures to make clear which of the various different meanings of the term 'intrinsic value' one is using, failures to make clear how the different meanings relate to one another, and failures to address what they each imply in the way of metaphysical commitment and epistemological perspicacity, it is safe to say that the kind of value nature has, if one insists on putting the point that way in terms of 'having' or 'possession', is neither value simpliciter nor the good-in-itself, as has been thought by many, but is merely what is known in value theory as a 'good *for'.* That is, biological nature has a good that is good for nature, viz., its self maintenance. The second discovery is that those intrinsic-value-based preservationist arguments that quite rightly begin from nature's having a 'good *for*' itself, contrary to what nearly all had thought, do not straightforwardly entail a preservationist conclusion.[10] Instead, these arguments require, for such a preservationist conclusion to follow, a further premise, which has so far gone mostly unsupplied, and which somehow links nature's good to our own, since without the moral force of obligation had in part via the existence of a simpliciter value, bindingness of the preservationist conclusion is probably best thought to arise instead via a moral *ought*

[10] Nolt considers, as the best representatives of such arguments, those offered by well-respected environmental ethicists Holmes Rolston III, Paul Taylor, and Peter Singer, and chooses them from the following well-known works: Holmes Rolston III, *Environmental Ethics: Duties to and Values in the Natural World* (Philadelphia: Temple U.P., 1988); Paul Taylor, *Respect for Nature: A Theory of Environmental Ethics* (Princeton: Princeton U.P., 1986); Peter Singer, *Animal Liberation* (New York: Avon, 1990 revised edition).

deriving partly from the ethical importance of the satisfaction of the agent's own *informed* desires or enlightened interests, i.e., and according to my predilections for extending this line of thinking, interests which, given the more basic interests he already has, he ought also to have, if he is rational, in a full-blown sense of that word 'rational', including the integration of the rational capacity and the capacity for affective response, plus some viable conception of the good life toward which to aim.

The debt we environmental ethicists owe Nolt and O'Neill, for having checked the nonstop river of specious arguments that have held our attention and occupied our time, will begin to be repaid when we start to take seriously the endeavor their work bequeaths to those who choose to face the challenges and opportunities their discoveries create for environmentalism, the most important of which may be the moving of sophisticated conceptions of human flourishing, and by association, virtue ethics, to the center of our concern.

Development 2. Environmental Virtue Ethics has, quite separately from any impetus by Nolt and O'Neill's work, made a firm place for itself among the range of environmental-ethical views on offer.[11] What is mainly good about this is that, again—and in line with a recognition of the position O'Neill and Nolt's work leaves us in with respect the impotence of mere claims of nature's having a good of its own—human flourishing is emphasized as part of a set of reasons that might motivate preservation. What is decidedly unfortunate, however, about much current work in environmental virtue ethics are the following: (a) its retention of the notion that nature is intrinsically valuable, with 'intrinsic value' being understood as something stronger than a mere ease-

[11] See Ronald L. Sandler, *Character and Environment: A Virtue-Oriented Approach to Environmental Ethics* (New York: Columbia U.P., 2007); and Cafaro and Sandler, *Environmental Virtue Ethics*, op. cit.

of-use term which gets its meaning via a reduction to 'taken as a final end' or 'intrinsically valu*ed*', (b) its surrender to the immoralist, via its insistence that there is insufficient common moral ground between the virtuous and the immoral for offering reasons the immoralist might himself take as motive to be moral, and (c) its failure to adequately account for the connection between *eudaimonia* and the virtues.

It should be obvious, given what I have mentioned of O'Neill and Nolt's work, why retention of strong intrinsic-value talk should be condemned; such talk undercuts the most significant advantage of a virtue-based environmental ethic, viz., the way in which emphasis on sophisticated conceptions of human flourishing obviates reliance, for strong preservationist conclusions, on the purported requirement that they ensue from claims of value inhering in nature metaphysically, in virtue of, e.g., its intrinsic properties.

Surrender to the immoralist and failure to make coherent, convincing sense of the central role of *eudaimonia*, as the life that is good for the one whose life it is, within a conception of morality that has central also the notion of the agent's attitude toward the virtues as ends in themselves, are both severe difficulties which the advocates of nearly all virtue ethical theories face, whether those have directly to do with environmentalism or not.[12] But in the context of environmental ethics, failure to confront those difficulties

[12] Articles with helpful discussion of the difficulties involved in formulating a link between agent virtue and agent flourishing appear in the following: Ellen Frankel Paul, F. D. Miller, Jr., and J. Paul (eds.), *Virtue and Vice* (New York: Cambridge U.P., 1998); *Social Philosophy and Policy*, Vol. 14, No. 1 (1997), an issue devoted to the subject of self-interest; Paul Bloomfield (ed.), *Morality and Self-Interest* (New York: Oxford U.P., 2008); Timothy Chappell (ed.), *Values and Virtues: Aristotelianism in Contemporary Ethics* (New York: Oxford U.P., 2006). See, especially, L. W. Sumner, "Is Virtue Its Own Reward?" in Ellen Frankel Paul, et al., op.cit., pp. 18-36; Susan Wolf, "Happiness and Meaning: Two Aspects of the Good Life," *Social Philosophy and Policy*, Vol. 14, No. 1 (1997): 207-25; Julia Annas, "Virtue Ethics and the Charge of Egoism," in Bloomfield, op. cit., pp. 205-21; Johan Brännmark, " 'Like the Bloom on Youths': How Pleasure Completes our Lives," in Chappell, op. cit., pp. 226-238; Linda Zagzebski, "The Admirable Life and the Desirable Life," in Chappell, op. cit., pp. 54-55. The two most serious stumbling blocks to the development of a theory linking agent virtue with agent flourishing are, in my estimation, (i) modern virtue ethicists' predilection for emphasizing, at the expense of paying due attention to the key virtue of *phronesis* or practical wisdom, the other-regarding virtues which, though consonant with the modern notion of

may be unacceptable, since outright, announced surrender to those who would question the very worth of the project of preserving nature is in effect to give up being an environmentalist, and if, as I have strongly suggested, O'Neill and Nolt are right that environmental ethicists need face the psychological difficulties involved in separating themselves from their proclivities toward the concept of intrinsic value, and need face the hairy problem of fashioning much more sophisticated versions of environmentalist enlightened anthropocentrism than have yet been envisioned, then environmental virtue ethicists' failure to make convincing sense of the connection between flourishing and virtuous action renders their endeavor in crucial ways unacceptable from the outset. But as I will discuss briefly in section four, the environmental ethic I will be building here, in

---

morality as having fundamentally to do with other-regarding behavior, simply do not appear in Aristotle's work, and (ii) modern virtue ethicists' sidelining of the concept of pleasure. Those acquainted with virtue ethics via familiarity with its modern versions may find the claim that the other-regarding virtues do not figure significantly in Aristotle's conception hard to believe. In this regard, Christopher Miles Coope offers an enlightening discussion of the relation between ancient and modern virtue ethics in "Modern Virtue Ethics," where he notes, e.g., Michael Slote's complaint of "…the absence, in Aristotle, of any commitment to generalized humanitarianism." [Coope, "Modern Virtue Ethics," in Chappell, op. cit., pp. 20-52; the quoted phrase appears on p. 33, and the Slote article Coope cites is Slote's "Virtue Ethics," in LaFollette, Hugh (ed.), *The Blackwell Guide to Ethical Theory* (Oxford: Blackwell, 2000), p. 335.]

With regard my claim that virtue ethicists have sidelined the concept of pleasure, note, e.g., that Hursthouse's *On Virtue Ethics* (Oxford: Oxford U.P., 1999), despite a lengthy discussion of the benefit the virtues offer the agent, mentions pleasure or pleasure-related notions so little that 'pleasure' does not even appear in the index. It seems to me that modern virtue ethicists have done their best to avoid using the concept of pleasure for cashing out the notion of flourishing understood as a kind of well-being, so as to avoid charges of hedonistic ethical egoism that have so often been brought against virtue ethics understood as including claims about the agent's final end being happiness as some form of pleasure. Such a strategy can be thought strange, given the commonsense understanding of happiness as irreducibly involving positive affect, Aristotle's frequent references to pleasure, and Aristotle's sustained discussions of pleasure in books seven and ten of the Nicomachean Ethics. And attempts to flesh out the concept of flourishing without reference to pleasure can—I would add 'predictably'—lead to the sort of theoretical vacuousness Copp and Sobel notice in some of Hursthouse's book: "…Hursthouse does not offer an explicit definition of the key concept of *eudaimonia*." [David Copp and David Sobel, "Morality and Virtue: An Assessment of Some Recent Work in Virtue Ethics," *Ethics*, Vol. 114 (2004), pp. 514-54, at p. 526.] In fairness to Hursthouse, though, it should be noted that some virtue ethicists object from the start to the demand that the virtue ethicist give the sort of definition Copp and Sobel might be taken as asking for, viz., one that, in Julia Annas' words, "…is both substantive and makes no reference to the virtues … virtue ethics tells us that a life lived in accordance with the virtues is the best specification of what flourishing is." [Julia Annas, "Virtue Ethics," in David Copp (ed.), *The Oxford Handbook of Ethical Theory* (New York: Oxford U.P., 2006), p. 521.] I believe virtue ethicists should instead try to meet the demand rather than object to it.

that it bypasses these drawbacks and can itself be thought a virtue ethic, offers hope that virtue ethics might nevertheless still offer a promising way to proceed in the wake of Nolt and O'Neill's discoveries.

Development 3. Environmental pragmatism has offered a new way to think about environmental ethics.[13] It has helped us acknowledge at least some of the difficulties that beset the intrinsic-value-based preservationist strategy. It has offered the nearly always helpful reminder that some problems are best tackled on a case by case basis, on a smaller scale, and not by grandiose theorizing aimed at the enlightening generalization. And it has suggested that we focus on what some have called 'the motivation problem', which refers to the problem of there being an apparent conflict between much of the public's professed environmentalist sympathies on the one hand and, on the other, their lack of making real life changes of the sort needed for positive environmental effect, or refers, alternatively, to the difficulties involved in finding ways to change public preference, in a liberal democracy, toward the environmentalist cause, without an undue paternalism, so that policy might be driven, as it ideally is, by the force of public demand.

But the motivation problem might largely be solved via comprehensive environmental ethical views resulting partly from abstract arguments about intrinsic value. That would be the case if an environmental virtue ethic with a sufficiently sophisticated view about the nature of intrinsic value strongly connected environmentally virtuous activity with human flourishing. Just as important, we ought work through the available options the theory of value offers with respect to our claims about the purported

[13] One among a number of helpful resources on environmental pragmatism is Eric Katz and Andrew Light (eds.), *Environmental Pragmatism* (New York: Routledge, 1996).

value of nature before making any final judgment on the worth of the enterprise. And that, as I will discuss with regard development four, we have not done.

Development 4. A conception of value which in 1999 Thomas Scanlon dubbed the 'buck-passing account' is now a going concern in discussions within the formal theory of value, and while the view offers decided advantages and untold opportunities for environmental ethicists, it has, to date, received only few references in the environmental ethics literature.[14] According to the view, value is explained as follows: value is the second-order property of a thing's having first-order non-evaluative properties such that, when referred to in reasons, these properties justify claims to the effect that the thing is the fitting object of a particular pro-attitude.[15] The buck is passed, with respect the ontology of value, from the object and its purported first order non-relational evaluative

---

[14] T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard U.P., 1998), pp. 95-100. Katie McShane refers in the following to the neosentimentalist view about central issues in metaethics recently being developed by Justin D'arms and Daniel Jacobson, a view in some ways related to Scanlon's buck-passing account: McShane, Katie, "Why Environmental Ethics Shouldn't Give Up on Intrinsic Value," op. cit., and "Anthropocentrism vs. Nonanthropocentrism: Why Should We Care?" *Environmental Values*, Vol. 16 (2007), pp. 169-85. For reference to the relevant article by D'Arms and Jacobson, see note 15.

[15] Throughout this essay I restrict examples of the sorts of pro-attitude which appear in instances of the buck-passing conception to ones that can be understood as emotive. This renders my conception of the buck-passing view into a variety of neo-sentimentalism. Neosentimentalism is a recent emendation and extension of Hume's sentimentalist position about the metaphysics of value that centers on the problem of reconciling the notion that value is in part a product of the sentiments while evaluation nevertheless has significantly to do with rationality so that the legitimacy of any particular evaluation is constrained by reasons. Recent work on neosentimentalism includes Justin D'Arms and Daniel Jacobson's "Sentiment and Value," *Ethics*, Vol. 110 (2000), pp. 722-48; their "Sensibility Theory and Projectivism," in Copp, *The Oxford Handbook of Ethical Theory*, op. cit., pp. 186-218; and D'Arms' "Two Arguments for Sentimentalism," *Philosophical Issues*, Vol. 15 (2005), pp. 1-21. Though the importance of work explicitly dealing with neosentimentalism as I have described it above is only just starting to be acknowledged by philosophers working in value theory, the more general approach to axiology which subsumes neosentimentalism—the secondary-quality approach most familiar via the metaethical work of John McDowell and David Wiggins, and T.M. Scanlon's buck-passing account of value—has already drawn much interest: see Scanlon's *What We Owe to Each Other*, op. cit., pp. 95-100; Wlodek Rabinowicz and Toni Rønnow-Rasmussen, "The Strike of the Demon: On Fitting Pro-attitudes and Value," *Ethics*, Vol. 114 (2004), pp. 391-423; Jonas Olson, "Buck-Passing and the Wrong Kind of Reasons," *The Philosophical Quarterly*, Vol. 54 (April 2004), pp. 295-300; Jussi Suikkanen, "Reasons and Value—In Defence of the Buck-Passing Account," *Ethical Theory and Moral Practice*, Vol. 7 (2004), pp. 513-35; Jonathan Dancy, "Should We Pass the Buck?" in Toni Rønnow-Rasmussen and Michael J. Zimmerman (eds.), *Recent Work on Intrinsic Value* (Dordrecht, The Netherlands: Springer, 2005), pp. 33-44.

properties, to this second-order, relational, extrinsic property of there existing a merited relation between response and an object's non-evaluative features.

Here is one way of thinking about how the view works: a thing might be thought valuable in virtue of its meriting the pro-attitude of awe, and if that thought is taken to be correct, then there must be good reason to believe the thing has natural, non-evaluative properties which are the mark of the awe-inspiring. Much could be said about the many ways we might isolate such a property, and they will differ with the particular pro-attitude in question, but here is one of many examples of such a way: biological facts learned from evolutionary theory provide us with the means to refer to phenotypic properties which, when considered against the background of further knowledge about natural selection, justify the response of awe, and wonder, at the vast array of phenotypes which have evolved through natural selection to fit the multitude of niches living organisms have come to occupy, and naturalists, biologically-learned environmentalists, and environmental aestheticians have repeatedly pleaded for the uninitiated to come to appreciate, understand, and perceive natural environments in this way.[16]

And that last example of the buck-passing account in action is particularly pertinent in the context of a discussion of environmental ethics in tune with the post-Nolt and O'Neill push toward the exploration of new kinds of enlightened anthropocentrism:

---

[16] See the following, all collected in Allen Carlson and Arnold Berleant (eds.), *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004): Allen Carlson, "Appreciation of the Natural Environment", pp. 63-75; Marcia Muelder Eaton, "Fact and Fiction in the Aesthetic Appreciation of Nature," pp. 170-81; Holmes Rolston III, "The Aesthetic Experience of Forests," pp. 182-96. Of particular interest with regard the use of claims about nature's beauty in arguments for preservation, see the following, all collected in Allen Carlson and Sheila Lintott (eds.), *Nature, Aesthetics, and Environmentalism* (New York: Columbia U.P., 2008): Allen Carlson, "Nature and Positive Aesthetics," pp. 211-38; Glenn Parsons, "Nature Appreciation, Science, and Positive Aesthetics," pp. 302-17; Marcia Muelder Eaton, "The Beauty That Requires Health," pp. 339- 62; Joan Iverson Nassauer, "Cultural Sustainability: *Aligning Aesthetics and Ecology*," pp. 363- 79. Also of interest is Paul Gobster, "An Ecological Aesthetic for Forest Landscape Management," *Landscape Journal*, Vol. 18 (1999), pp. 54-64.

those who have advocated knowledge-based nature appreciation of the kind I have just described have done so for at least two interrelated reasons, viz., the importance of coming to appreciate nature for what is there, in nature, and, synchronously, the importance of coming to experience the pleasure which the having of such attitudes of appreciation affords. So while value, on the buck-passing account, is not a value separate from valuers, to which valuing agents' actions, in order to be right, must conform regardless of the agent's mental states, value, conceived by the buck-passer as a property which arises in the interaction between agent and object, nevertheless has normative force in at least the following two different ways: (i) only particular responses are constitutive of value, in that only particular responses are merited given an object's non-evaluative properties and, further, the normativity which the concept of merit effects, introduces objectivity into the account, in that one's response, if merited, is a response *to nature*, and not, e.g., to what one might merely imagine nature to be, and (ii) objects can be said, metaphorically, to *demand* the response their properties justify, if further claims are made about, first, obligations, to ourselves, to promote the overall value of one's own life and, second, interactions between the value right response is partly constitutive of and more general kinds of value, like the kind of value such right response adds to the overall value of a life, or the value which attitudinal pleasure taken toward one's having appropriately responded adds to a life, or the value which the felt, emotive pleasure partly constitutive of the aesthetic emotions like wonder and awe add to the value of a life.[17]

[17] The idea of the overall value of a life can be and often is understood, perhaps confusingly, as falling under the auspices of any of a number of different kinds of theory: the theory of well-being or welfare (including the present-desire theory favored by economists), the theory of the flourishing life (as per Aristotelianism or neo-Aristotelianism), or even those varieties of the deontologically-inspired, non-value-additive notion of the value of lives as immeasurable or beyond the reach of any kind of calculus, no matter how innocuous, because, on this latter view, a life's valuableness is conceived of as coextensive with the rationally-constrained autonomy that renders the agent a legitimate chooser of the good as what he

More interesting still are kinds of pro-attitude less overtly aesthetics-related. While some theorists, Scanlon included, suggest that pro-attitudes like aesthetic admiration imply more active responses like care and concern for the admired object, I doubt that that is the most profitable or the most phenomenologically correct way of accounting for the felt sense of care many of us experience toward nature, though nature is surely worthy of different kinds of admiration, including those based on attention paid its perceptual features like those we respond to with a quasi-religious aesthetic emotion of awe, as I have described. Instead, as I understand matters, care comes first and aesthetic response second, as I will explain at the end of the next section.

3. A Buck-Passers Account of Nature's Value

Consider the following seven-part argument:

> (1) If the paradoxical story of the simultaneously altruistic and other-regarding nature of loving described in the introduction is, despite its paradoxical air, a correct one, so that a lover's loving, though other-regarding, can at the same time

---

understands the good to be. On this third view, agent-chosen ends, being a product of that autonomy, are themselves not so much products to be assessed for their value as they are products whose pursuit is to be protected by moral proscription. Confusion about the place of the concept of well-being in moral theory is furthered by the belief, held by many moral philosophers, that morality is best conceived of as primarily about other-regardingness, and proscription or the other-regarding virtues, rather than about broader concerns having to do with answering the question of what sort of life one ought to live. It should be obvious that I do not sympathize with those who understand ethics in that more narrow way. For discussion of some of these matters, see the following: L. W. Sumner, *Welfare, Happiness, and Ethics* (New York: Oxford U.P., 1996); James Griffin, *Well-Being* (New York: Oxford U.P., 1986); Richard Kraut, *What is Good and Why* (Cambridge, MA: Harvard U.P., 2007); Thomas Hurka, *Perfectionism* (New York: Oxford U.P., 1993); Roger Crisp, *Reasons and the Good* (New York: Oxford U.P., 2006); Fred Feldman, *Pleasure and the Good Life: Concerning the Nature, Varieties, and Plausibility of Hedonism* (New York: Oxford, 2004). The view about what constitutes the good life that is closest to the view I would recommend, were I to more fully work out my intuitions about the matter, is, as far as I can tell, probably the one Johan Brännmark offers in " 'Like the Bloom on Youths': How Pleasure Completes our Lives," in Chappell, op. cit.

and nevertheless be motivated by self-interested concern aimed at securing the benefits of deeply meaningful activity which loving affords a lover, and (2) if there is good reason to believe that nature is a prime candidate for being the object of a species of love which is both fitting with respect to that object and is convincingly a bona fide kind of love, then (3) if there is good reason to promote self-benefit, then there is also good reason to love nature.

(4) Self-benefit, especially self-benefit that requires the strongest kind of other-regarding behavior, automatically provides pro-tanto reasons for its promotion and (5) there is good reason to believe nature is such a prime candidate as mentioned in (2).

Therefore, i.e., from (1) through (5), we have got the following, statement (6): 'assuming the paradoxical story about love true, there is good reason to love nature'.

But (7) Good reason to love nature simply *is* good reason to adopt the preservationist stance, since love of nature, in virtue of the maximal degree of other-regardingness which bona fide loving requires, itself implies the preservationist stance.

So, i.e. from (6) and (7), we have got the conclusion 'if the paradoxical story about love is true, then there is good reason to adopt the preservationist stance', the import of which can be expressed more helpfully here in the context of a discussion of environmentally-related practical reason by restatement in terms of motivation: 'Sufficient reason for believing true the paradoxical story of love, together with cognizance of the content of (2) through (7), provides

> sufficient reason for thinking doxastically secured the set of motivating reasons that practical rationality would demand of the person who, though motivated purely by self-interested reasons arising from within his own set of pre-existing desires alone, also and nevertheless then has reasons just as strong, from his own point of view, for his adoption of the preservationist stance toward natural environments'.

Another, less careful but simpler way to put the main part of that admittedly complicated restatement of the argument's conclusion is this: adoption of the preservationist stance, via doxastic reasons—i.e., reasons having to do with belief rather than some more complex conglomerate of beliefs and desires—is, if conceived as it has been above, also a securing of reasons which, unlike merely doxastic ones, are more straightforwardly connected with our motivational psychology, since they are connected to the fundamental desire for the satisfaction of a deep-seated kind of self-interest.

That seven-part argument is an instance of what I will call the 'key enlightened anthropocentric preservationist argument'. It is key in that it isolates the strand of enlightened anthropocentrism that is most viable post-Nolt and O'Neill, and it is key also in that it isolates those claims whose justification environmental ethicists sympathetic to this general approach ought most to be concerned with developing strategies for providing.

Now to one of the argument's main premises, and to what reliance on the buck-passing account of value can offer in connection with this key enlightened anthropocentric preservationist argument.

The Premise that Nature is a Prime Candidate for Other-Regarding Concern.

Nolt has in fact suggested that nature has features which render it a particularly fitting object of two species of pro-attitude, each of which can be characterized primarily by a property which I understand as essential to any sufficiently developed conception of the relation we refer to when we speak of 'love'.[18] And while Nolt does not understand these relations to nature in terms of love, I do so in part to be able to more easily make clear the telling connections that exist between Nolt's enlightened anthropocentric preservationist strategy, in which the two pro-attitudes figure centrally, the paradoxical story of self-interestedly motivated other-regarding behavior, and the buck-passing account of value.

One of these pro-attitudes Nolt dubs 'self-transcendence', but in an effort to make more evident the core of the idea, I prefer to refer to it as 'self-transcendent concern', which can be understood as the adoption, as a final end, of the well-being of another or, in other words, one's taking the well-being of another to be constitutive of a final end for oneself. The other pro-attitude Nolt refers to as 'identification' but, for reasons similar to my redubbing of the first attitude, I prefer to refer to it as 'psychological identification', which can be understood as a sustained and affect-laden psychological stance, toward another, and of such profound empathetic response, that an increase in the other's well-being is felt, in effect, as one's own betterment, and a decrease in the other's well-being is experienced as a decline in one's own.

Next, recall the buck-passing account of value: 'value is the second-order property of a thing's having first-order non-evaluative properties such that, when referred to in reasons, these properties justify claims to the effect that the thing is the fitting object

[18] Nolt, op. cit., pp. 371-73. Those of Nolt's ideas which I refer to in the ensuing discussion can be found among those three pages.

of a particular pro-attitude'. I have already described how the view handles value claims for which the pro-attitude partly constitutive of that value is perhaps best characterized as an aesthetic emotion. To recognize the buck-passing account's versatility with respect to different sorts of pro-attitude, note the following: it is not difficult to admit of a consilience between Nolt's claims of nature's being a fitting object of self-transcendent concern and psychological identification on the one hand, and the buck-passing account on the other, since the core of the buck-passing account quite simply is the notion of fittingness between pro-attitudes—like self-transcendent concern and psychological identification—and the non-evaluative features which justify one's taking that attitude with respect to the object, features like the sorts of property Nolt refers to when briefly sketching an argument in favor of believing nature a prime or particularly fitting candidate for self-transcendent concern and suggesting that the same might be said in favor of psychological identification.[19] So in one sense, I have not done anything special here; I have merely brought into relief a feature of Nolt's conception which, if considered alongside some of his more general conclusions about nature's evaluative properties, can be thought to be already there, as incipient features of the view waiting to be foregrounded.[20]

---

[19] Though I will not further discuss Nolt's sketch, it is probably worth mentioning for the sake of the curious reader that these properties, which satisfy what Nolt refers to as the "…joint demand for breadth of [self transcendent] concern and truth[,]" [372] are nature's vast scale and relatively untroubling metaphysical status as compared to what appears to be nature's likeliest contender for meeting the breadth condition—viz., God.

[20] I mean by 'Nolt's more general conclusions about nature's value' those conclusions emanating from his exploration and assessment of the standard intrinsic value-based preservationist arguments, like his claim that the concept of nature's value is best understood as the concept of a 'good for' as opposed a good-in-itself or value simpliciter, of the kind that one might think ought to be protected based on either rights derivative of such value or a maximizing consequentialist obligation recommending promotion of the existence of such value or the prevention of its loss.

But the richness the buck-passing account adds to Nolt's conception is, in contrast, exceedingly special. By reducing value to a relation between relata whose mode of existence is straightforward in comparison with the far more enigmatic, purported mode of existence value has been claimed by many to have, the buck-passing view as an account of the metaphysics of value does environmental ethicists a great service: it allows us to talk about value and feel more confident we know what we mean, so that, for perhaps the first time in the thirty-plus years since Richard Sylvan's inauguration of environmental ethics via his praise for the disciplinary necessity of pro-intrinsic value arguments, the degree of our confidence with respect the legitimacy of value-talk might helpfully match the degree of our environmentalist fervor.[21]

By reducing attributive value claims to ones about value-grounding non-evaluative properties and value-grounding merited response, the buck-passing view as an account of the semantics of attributive value statements, like the metaphysical reduction mentioned above, also does environmental ethicists a great service: if we embrace the view, then we need not any longer falter at the enigmatic locutions 'x *has* value' or 'x is *valuable*', since, according to the buck-passing view, objects do not have evaluative properties (i.e., the buck is passed, with respect the ontology of value, from the object and its purported first order evaluative properties, to another, second order property I have discussed), and so statements which, prima facie, suggest that objects do indeed have first order evaluative properties are semantically equivalent to more straightforward statements about value-grounding non-evaluative properties and right-response. On this view, one does not properly say 'x is valuable' but, instead, one thwarts the vagueness of

[21] Routley, op. cit.

such a statement by referring to the value-grounding pro-attitude, as one might, when asked the question, "But what do you mean, 'x is valuable'?", by offering an answer in the form 'I mean that x is y', with y filled in with such adjectives and adjectival phrases as the following: wondrous, awe-inspiring, majestic, in any of many different ways admirable as an instance of a type or—last and particularly striking in the context of the discussion about love of nature—lovable with a deeply empathetic stance of self-transcendent concern complete with concomitant quasi-religious affective attitude. Notice, though, that the subjective aspect of the buck-passing account that is brought to the fore in these examples of semantic reduction is far from being of a vitiative sort.

To see this, recall that, on the buck-passing view, value is subjective in one sense, but objective in another: it is subjective in the sense that value's existence requires a valuing subject or valuer, while it is objective in the sense that the truth value of claims about a thing's being valuable is not subjective, as it would be were it established with reference to mere preferences rather than responsive capacities that, with appropriate caveats, do not significantly vary from subject to subject, but is instead established with reference to both these shared fundamental capacities for affective response and the thing's natural, non-evaluative properties.[22] So if a thing is said to be valuable, in virtue

[22] See note 15 for references to instances of this sort of account, or to different components of the account, as they appears in various versions in the relevant literature. Also, it is interesting to note that, because my account of nature's value—or, less misleadingly, of our value attributions—so much emphasizes response to perceptual properties, the account's fuller elaboration will require discussion of problems familiar to those working in analytic aesthetics. One of these is the problem of specifying with some precision the notion of appropriate aesthetic response or what is referred to in the aesthetics literature as the objectivity of aesthetic judgments. The problem can also be described as one of specifying a procedure for demarcating fitting or object-merited aesthetic responses from unmerited ones. Initial treatment of the problem is usually attributed to Frank Sibley. See his "Objectivity and Aesthetics," *Proceedings of the Aristotelian Society*, Supplementary Vol. 42 (1968), pp. 31-54. A modern treatment of the problem, helpful in particular because it includes discussion of secondary-qualities strategies in metaethics of the kind referred to in note 15, is Elisabeth Schellekens, "Towards a Reasonable Objectivism for Aesthetic Judgements," *British Journal of Aesthetics*, Vol. 46, No. 2 (2006), pp. 163-77.

of its meriting the pro-attitude of, e.g., awe, and if that thought is taken to be correct, then there must be good reason to believe the thing has natural, non-evaluative properties which are the mark of the awe-inspiring. The mistaken intuition that the buck-passing account illegitimately infuses value claims with an ill-placed subjectivity stems most often, I believe, from the disorientation caused by unfamiliarity with the direction of explanation between the good and the right, or the evaluative and the deontic, which the buck-passing account involves. We are accustomed to conceiving of the right as explained by its conduciveness toward the good, so that the good explanatorily precedes, and grounds, the right. But the buck-passing account, for convincing reasons, I think, reverses that ordering, so that the good is explained in terms of the right, with right response, together with non-evaluative features of the object, grounding the good.[23]

And the account offers still another advantage which, given the acrimonious nature of the dispute in environmental ethics between anthropocentrists and non-anthropocentrists, may be the most important of all to consider in the context of a presentation and defense of what I have been so far referring to as an 'enlightened *anthropocentric* preservationism', i.e., a preservationist position which, in accord with the way the term 'anthropocentric' is typically conceived, would seem to involve both the notion that intrinsic value be located in humans as somehow uniquely morally considerable, and the concomitant notion that preservation is justified primarily via reference to that intrinsic value: because the buck-passing account, an account

[23] For a particularly clear discussion of this reversal of the typical understanding of the relation between the right and the good, though one yielding the conclusion that the reversal is not warranted, see Jonathan Dancy, "Should We Pass the Buck?", in Rønnow-Rasmussen and Zimmerman, op. cit.; also helpful, and more positive about the reversal, are Philip Stratton-Lake and Brad Hooker, "Scanlon versus Moore on Goodness," in Terry Horgan and Mark Timmons (eds.), *Metaethics after Moore* (New York: Oxford U.P., 2006), pp. 149-68.

characterizing value as a dispositional and extrinsic/relational property, involves the denial that value supervenes on merely the intrinsic properties of objects and so, then, involves also a denial of the legitimacy of the very concept of intrinsic value, an environmental ethic which relies on the buck-passing account for the conception of value it endorses involves neither a commitment to the location of intrinsic value in humans as uniquely morally considerable in virtue of, say, their rational agency or in virtue of the sophisticated makeup of the mental states partly constitutive of their welfare, nor a commitment to justifying preservation by way of the purported existence of such value.

Such an ethics is not committed to those familiar Kantian or consequentialist-inspired anthropocentric, ecosystem services views of the value of nature as instrumental for the maintenance of intrinsic human value because such an ethics does not locate intrinsic value in humans or, for that matter, in anything at all. One might ask, then, "Why, given the view's involving a denial of the very concept of intrinsic value, refer to it with the name 'enlightened anthropocentric preservationism'?" One reason for choosing the term 'anthropocentric', as part of the description of the type of view I have presented here, is that, given the options available from the set of terms widely recognized by those acquainted with the relevant literature, 'anthropocentric', despite its ill fit, seems the best of a set of poor alternatives to help situate discussion of the view in the context of the ongoing debate about preservationist positions in environmental ethics. Each of the available options is a poor fit because all are centrisms and so their embracement entails a commitment to the concept of intrinsic value, while 'anthropocentrism' is the least poor fit because, by emphasizing the human in a conception of nature's value, the term connotes at least a denial of the standard view that

value inheres in nature and, when paired with the term ‘enlightened’, also suggests that the view, while somehow involving a human aspect, is not obviously vitiated by doing so. In this regard, the description leaves room for explanation of just what renders the human aspect enlightened. And as I hope to have made clear so far, it is enlightened in a number of ways, the most important of which is captured by what I have referred to as the ‘paradox of loving’, according to which enlightened self-interest requires other-regarding concern.

Another way it is enlightened, a way that is particularly pertinent to the choice of ‘anthropocentric’, is this: the preservationism I am advocating is, in a manner different from how ‘anthropocentric’ is typically understood, nevertheless centered on humans, in that the reasons it provides for preservation are ones unavoidably connected with the agent’s foundational desire for her own flourishing, and that desire is connected, via informed self-interest, to the more specific desires she ought to have. This reasons-internalist picture of preservationist moral motivation is very different from the one offered by intrinsic value theorists, who rely, for the binding moral force of their preservationist claims, on reasons which are external to the agent in the sense that they refer to values existing apart from her, so that the reasons upon which obligation is based are thereby not unavoidably connected with agent desires, and in that sense the sources of moral motivation are unfortunately allowed to part ways with claims of preservationist obligation.

The crux of this discussion about the type of enlightened anthropocentrism that is at the heart of my preservationism is that objections against the environmental ethic I have presented here, to the extent they are based on the charge that my view is

anthropocentric, if that term is understood in the standard way, are misguided. That is, the view is not, strictly speaking, an anthropocentrism, despite the term 'anthropocentric' appearing, with a modified sense, in my description of it.[24]

Before moving to the next, brief, concluding section, I should mention that one who holds the sorts of other-regarding but self-interested pro-attitudes toward nature I have been discussing will be quite naturally disposed to learn more about the object of her love, and this knowledge about nature is the very same kind of science-based knowledge the naturalist possesses, while, as I discussed in section two, that is the knowledge which grounds deep aesthetic appreciation. This connection between overtly emotional, felt care toward nature and deep, sophisticated aesthetic response offers, I think, a convincing and, from the point of view of the history of environmental ethics, long overdue explanation of the frequency with which such care and aesthetic response manifests among those, like Carson and Leopold, whom we are proud to call the founders of environmentalism.

4. Conclusion: The Objection from Virtue Ethics

Perhaps the most serious philosophical threat to the integrity of what I have called the 'key enlightened anthropocentric preservationist argument' is a serious lack of believability some experience when confronted by another of the argument's main premises, one which I have not yet much discussed, viz., the premise which asserts the truth of the paradox of loving. The objection which results from that lack of believability

[24] I owe thanks to Bryan Norton for pushing me to address this issue of ostensible inconsistency between my use of 'enlightened anthropocentric preservationism' and my denial that, strictly speaking, my view is anthropocentric.

can also be understood to arise from consideration of a discussion, in virtue ethics, about how to conceive of the connection between *eudaimonia* or flourishing, the possession of a virtue, and the distinction between motivation for right action, on the one hand, and the justification of an action as right, on the other. The putative idea behind the objection is that a self-interested motivation for performing an otherwise other-regarding act undercuts the *eudaimonic* benefit which the doing of the other-regarding act would afford the agent, were the act not self-interestedly motivated.[25] Here, briefly, is one of a number of available reasons for thinking that idea misguided: The phenomenology of an agent's other-regarding behavior may include, and often includes, attitudinal pleasure taken by her in her performing or having performed actions appropriate to the circumstance when, as is often the case, the other-regarding action can be justifiably thought by her, or would be counterfactually claimed by her to be so, to be an appropriate response in the given situation; but since pleasure is motivating, if pleasure in fact results from or accompanies the act, then the resulting self-interested motivation for either seeking out occasions for attitudinal pleasure of a similar sort or for remaining engaged in the doing of the action cannot in such cases be dissociated phenomenologically, by the agent, from the remainder of the psychological state which otherwise motivates the behavior, so that, in

[25] For discussions of the relation between virtue and flourishing which include this objection as either an assumption unargued for or a subject worthy of more serious consideration, see the following: Julia Annas, "Virtue Ethics and the Charge of Egoism," in Bloomfield, op. cit.; Hursthouse, *On Virtue Ethics*, op. cit., 163-91, esp. p. 180; Brad Hooker, "Does Moral Virtue Constitute a Benefit to the Agent?" in Roger Crisp (ed.), *How Should One Live?* (New York: Oxford U.P., 2003 (originally printed 1996)), pp. 141-55, esp. p. 142 n.5; insofar as a virtue ethics might be considered to entail a form of egoism, Michael Stocker's "The Schizophrenia of Modern Moral Theories" is relevant and appears in Roger Crisp and Michael Slote (eds.), *Virtue Ethics* (Oxford: Oxford U.P., 1997), pp. 66-78; the articles referred to in note 12, being about the relation between virtue and flourishing, are also relevant here.

these cases, it is not possible that the agent perform the other-regarding behavior disinterestedly.[26]

I believe that attitudinal pleasure accompanies such a large number of cases of other-regarding behavior, and accompanies them all the more frequently as they increase in degree of benefit which the act can be understood by the agent to afford the one acted upon, that there is simply little good evidence we ought to think available for confirming the intuitions behind the unfortunately strongly-held and nearly ubiquitous notion that virtuous acts, to be virtuous, must not be self-interested. And if that is right, then we may have the beginnings of a solution to the problem of making sense of the connection between *eudaimonia* and environmental virtue, since, according to the sketch I have offered here of the sort of environmental ethic I am advocating, the love of nature which, via practical reason, secures a preservationist stance, is itself the sort of pro-attitude that, as I have discussed, in so many ways benefits the one who holds it. The preservationist view I have advocated might be thought to do such a good job of dealing with the environmental-ethical instance of that central virtue ethical problem, in fact, that some might feel inclined to consider it fittingly described as not simply an environmental ethic but an environmental virtue ethic. And I would be happy with that.

[26] For a presentation of an interpretation of Aristotle's views consistent with the view I present here, see Gabriel Richardson Lear, "Aristotle on Moral Virtue and the Fine," in Kraut, Richard (ed.), *The Blackwell Guide to Aristotle's Nichomachean Ethics* (Malden, MA: Blackwell, 2006), pp. 116-36.

(Stevens, Christopher, "Building a Culturally Unbiased Environmental Aesthetic," in Sonja Servomaa (ed.), *Humanity at the Turning Point: Rethinking Nature, Culture, and Freedom* (Helsinki: Helsinki University Press, 2006), pp. 440-56. Used with Permission. The Helsinki University Press essay is a shortened version of the following chapter.)

III

Making Sense of Nature as Mystery: Stan Godlovitch's 'Icebreakers: Environmentalism and Natural Aesthetics'

1. Introduction

During the past quarter century, philosophers have offered widely divergent models for the aesthetic appreciation of natural environments. These models suggest ways we might interact with natural environments to gain the most that nature might aesthetically afford us. There are five types of model—science-based or 'cognitive', sensory-based or 'engagement', imagination-based models, the simple emotion-based or 'arousal' model, and the 'nature as mystery' approach.[1] Though the Nature as Mystery approach has received the least attention and has been the least developed, it offers, *prima facie*, an advantage over the others—at its core is a conceptualization of nature that is, of the five, the most neutral or transparent in that it is the least impinged upon by potentially-tainting cultural bias. Some might go so far as to claim that, of the five, it is the only one

[1] The models appear in their canonical forms in the following sources: Allen Carlson, "Nature, Aesthetic Judgement, and Objectivity," and "Nature and Positive Aesthetics," both in Carlson's *Aesthetics and the Environment* (New York: Routledge, 2002); Arnold Berleant, *The Aesthetics of Environment* (Philadelphia: Temple U.P., 1992); Emily Brady, "Imagination and the Aesthetic Appreciation of Nature," in Arnold Berleant and Allen Carlson (eds.), *Special Issue: Environmental Aesthetics, Journal of Aesthetics and Art Criticism*, Vol. 56 (1998), pp. 139-47; Ronald Hepburn, "Landscape and the Metaphysical Imagination," *Environmental Values*, Vol. 5 (1996), pp. 191-204; "; Noël Carroll, "On Being Moved By Nature: Between Religion and Natural History," in S. Kemal and I. Gaskel (eds.), *Landscape, Natural Beauty and the Arts* (Cambridge: Cambridge U.P., 1993); Stan Godlovitch, "Icebreakers: Environmentalism and Natural Aesthetics," *Journal of Applied Philosophy*, Vol. 11, No. 1 (1994), pp. 15-30. The last four listed can be found conveniently assembled in the most recent important collection of articles in environmental aesthetics, Carlson and Berleant's *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004). All 'op. cit.' references to these four essays will take their paginations from the Carlson and Berleant collection.

according to which nature is considered as itself rather than as a culturally-produced quasi-artifact.[2] In "Icebreakers: Environmentalism and Natural Aesthetics," Stan Godlovitch refers to this most culturally–unbiased approach to the aesthetic appreciation of nature as 'acentrism'.[3] Acentrism is important because it provides the sort of universalizable aesthetic point of view required of any model of the aesthetic appreciation of nature able to serve as a basis for a global, non–culture–specific environmentalism.

Though the Nature as Mystery approach offers the decided advantage acentrism offers, it has suffered allegedly insurmountable criticism. First, the notion of 'aesthetic aloofness' central to the position has occasioned doubts about the content of the sort of barren, minimalist aesthetic experience the position seems to require. It is difficult, for instance, to intuit what if any experiential content the position allows, and if this intuition is correct, then it seems unlikely that Godlovitch has offered us a model of *aesthetic* appreciation, since aesthetic appreciation has inherently to do at least in part with sensuous experience.[4] Second, the position can be thought to trivialize our experience of nature by depriving it of whatever objectivity the cognitive, science-based approach provides and offering in its place a purely subjective experience.[5] Last, the Nature as Mystery position has seemed to some simply too vague to be of much practical use. As

---

[2] I am not one of these persons. As will become clear in the course of the essay, I am not one of them because, unlike those who would follow the Nature as Mystery position's founder Stan Godlovitch in believing science produces a significantly culturally-tainted or biased image of the physical world, I believe that science does not do so.

[3] Godlovitch, "Icebreakers:…".

[4] Allen Carlson has offered such a criticism in "Nature, Aesthetic Appreciation, and Knowledge," *Journal of Aesthetics and Art Criticism*, Vol. 53, No. 4 (1995), pp. 393-400.

[5] Objections of this sort can be traced to an influential essay that predates Godlovitch's "Icebreakers": Ronald Hepburn, "Trivial and Serious in Aesthetic Appreciation of Nature," in S. Kemal and I. Gaskell (eds.), *Landscape, Natural Beauty and the Arts* (Cambridge: Cambridge U.P., 1993), pp. 65-80.

Godlovitch admits in "Icebreakers," the description he offers of the Nature as Mystery approach is "…less intelligible and articulate…" than his descriptions of competing approaches. Of the paltry discussion he offers of his own position, he rues that it is but a "…scrap, sadly obscure…."[6]

I suggest that Godlovitch's description of the Nature as Mystery position is marred by a failure to carefully distinguish different senses of 'mystery' that have unwittingly been conflated. By separating epistemic, metaphysical, and semantic notions of mystery, the position gains plausibility because the most convincing notions can be retained to form a solid base for clarification and expansion of the position while those which are less convincing and more susceptible to criticism can be dropped.

My strategy for making sense of the Nature as Mystery position involves more than merely emending it by distinguishing differing senses of 'mystery' and defending the position against charges of emptiness and triviality. I doubt if that would be enough to draw to the position the attention it deserves. I go further by showing that the mystery position can be conceived of as a bridge connecting the seemingly incompatible cognitive and engagement approaches, which, of the five types of approach, have received the most attention and capture what are arguably the two most fundamental modes of nature appreciation.

Others have recognized the virtues of combining approaches but attempts to do so have, I think, failed either by including in the combination at least one seriously flawed model or by bridging the gap between correct models in a way that sadly disfigures at

[6] Godlovitch, "Icebreakers:…" p. 19, p. 26.

least one of them.[7] Combining the mystery, cognitive, and engagement approaches avoids those hazards but also produces something of particular importance for environmentalism, viz., an aesthetics of nature that is autonomous in the sense of its not being connected with any particular cultural aesthetic tradition.[8] The amalgam produced is an acentric nature aesthetics, which is just the kind of aesthetic model needed to underwrite a global, non-culture-specific environmentalism. Unprecedented levels of urban sprawl, overpopulation, and hazardous global warming effects in the 21st century bring environmental challenges so momentous that it is safe to say that only global, cross–cultural efforts will effect any significant change. The Nature as Mystery position in environmental aesthetics is one possible path of the few available to us offering starting points for such a global environmental effort.

2. Background: Contending Models

The most important model with respect to giving environmental aesthetics an acknowledged place within the broader discipline of aesthetics is Carlson's cognitivist,

[7] Carlson suggests a combined approach that includes Hepburn's imagination-based model and Carroll's arousal model, both of which I criticize in section 2. See, e.g., his *Aesthetics and the Environment* (op. cit.) p. 10-11. Cheryl Foster suggests a combined approach that connects Carlson's cognitive model with her ambient approach, but links them by reducing the science-based core of the cognitive approach to one story among others. This sort of relativism is incompatible with Carlson's cognitivism. See Cheryl Foster, "The Narrative and the Ambient in Environmental Aesthetics," in Carlson and Berleant, *The Aesthetics of Natural Environments*, op. cit., pp. 197-213.

[8] Any model of the aesthetic appreciation of nature will of course have a causal history, and any such history will likely include reference to ideas about aesthetics emanating from one or more cultures. So by 'autonomous' I do not intend to mean 'separate from any such causal history'. The idea is that the sources from which elements of the model are drawn do not contribute to a conceptualization, of the object of aesthetic experience, that is biased with respect to the truth. This idea is presented in detail in the course of the essay.

science-based 'Natural Environmental Model' or NEM for short.[9] The view has two main ideas. First, nature should be aesthetically appreciated for what it in fact is, so that we aesthetically appreciate nature *qua* nature and not as something else such as one's mistaken or merely subjective notion of what nature is. Natural environments are natural in that they are non-artifactual and are environments in that they are systems of interconnected parts. Second, nature should be appreciated in the light of knowledge provided by relevant scientific disciplines such as geology, biology, and ecology. The second idea follows from the first, since, if we are to appreciate nature for what it is, and science is an objective lens that tells us what nature is, then science is required for nature appreciation. Carlson's natural environmental model brought credibility to environmental aesthetics because it overcomes an obvious objection to environmental aesthetics in general. The objection is this: constraints for proper appreciation of an artifact seem to flow from members of an art culture through the artifact to the appreciator, but appreciation of nature, which is not an artifact, would appear to be unconstrained by any such principles. This would make nature appreciation a purely subjective activity in which any sort of appreciation is proper appreciation, in which case the formulation of a principled theory of nature appreciation is not possible. A problem with this model is that it may over-intellectualize our experience of nature. Though one kind of proper appreciation requires a backdrop of scientific knowledge about nature, there may be other kinds of appreciation that are just as proper but which do not require such knowledge.

[9] Some of the following account of recent theories of nature appreciation is loosely based on Carlson's account in *Aesthetics and the Environment* (op. cit.) and the account of Carlson and Berleant in *The Aesthetics of Natural Environments* (op. cit.).

Arnold Berleant's 'Engagement Model' emphasizes one's multi-sensory immersion in natural environments. As Berleant says,

> …we must identify that qualitative character of our experience, which becomes central on those occasions when aesthetic appreciation dominates. They are times of sensory acuteness, of a perceptual unity of nature and human, of a congruity of awareness, understanding, and involvement mixed with awe and humility, in which the focus is on the immediacy and directness of the occasion of experience. Perceiving environment from within, as it were, looking not *at* it but being *in* it, nature becomes something quite different.[10]

On this view, the thick cognitive overlay prescribed by the natural environmental model precludes what engagement requires, viz., the minimizing of psychical distance between appreciator and appreciated. We engage with the object of appreciation to the extent that we overcome whatever conceptual burdens help maintain a conceptual distance between appreciator and appreciated. To appreciate nature properly, then, we ought avoid objectification. It is easy to see why Carlson's science-based model and Berleant's model are considered in the literature to be at odds, since science is the ultimate objectifier.

Noël Carroll has offered the 'Arousal Model' of nature appreciation.[11] Carroll's contention against Carlson is that the mode of nature appreciation of the average person is bona fide appreciation but does not involve extensive scientific knowledge. We are, for

[10] Arnold Berleant, "The Aesthetics of Art and Nature," in Carlson and Berleant, *The Aesthetics of Natural Environments*, op. cit., p. 83.

[11] Carroll, op. cit., pp. 89-107.

instance, emotionally moved by the grandeur of a waterfall or the wide expanse of the plains on the high desert. Carroll's insight can be extended in the direction of Berleant too by noting that this more common mode of appreciation that Carroll stresses does not involve the sort of radical overcoming of psychical distance between appreciator and appreciated which Berleant emphasizes.

Carroll recommends that his model be understood as a needed supplement to Carlson's natural environmental model, while Carlson suggests that the arousal model, being based on everyday knowledge of nature but not more thoroughgoing scientific knowledge of nature, is not different in kind from the environmental model and so merely collapses into it. It seems reasonable to agree with Carlson here. If the arousal approach tracks the same sort of appreciation as does the natural environmental model, and if the difference in the appreciation each recommends is a difference only with respect to the depth of background knowledge from which they each pull, then we can see both models as opposite ends of a scale, one end marked 'trivial' and the other 'serious'. Since the knowledge which the arousal model pulls from is less deep, it lies more toward the scale's trivial end. If that is right, then I suggest it may be reasonable to consider the arousal model as mere pleading for a reprieve from the task of learning about the environment. I am certain that such a reprieve is not on Carroll's agenda, but it might very well be something unwanted that falls out of his view.

Another type of model emphasizes the role of the imagination in nature appreciation. Emily Brady has suggested that Carlson's cognitive model fails to leave room for this type of appreciation. For Brady, the idea is that appreciation of nature happens because appreciators imagine natural objects as having significance as symbols

that stand in some loose, non-literal referring relation to something beyond themselves. Consider, for instance, Brady's suggestion that

> In contemplating the bark of a locust tree…I see the deep clefts between the thick ridges of the bark. Images of mountains and valleys come to mind, and I think of the age of the tree given the thickness of the ridges and how they are spaced apart. I walk around the tree, feeling the wide circumference of the bark. The image of a seasoned old man comes to mind, with deep wrinkles from age. These imaginings lead to an aesthetic description of the tree as stalwart, and I respect it as I might a wise old sage.[12]

Surely a web of associations can be formed by giving imagination free rein in our appreciation of nature. What seems equally clear is that such appreciation is not appreciation of nature *qua* nature. Appreciating a tree as somehow like an old man seems not much different from treating the tree as a prop for imagining about an old man. On a more charitable understanding of what is going on here, we might say that the appreciator has found some common property that the tree and the old man share—they are both old and wrinkled. If that is proper appreciation, then why not appreciate a deep forest tree line at sunset as something that resembles the twilit Manhattan skyline as seen from my Queens window? I confess that I do not see what such simile-drawing has to do with nature appreciation. But Brady has more to say about imagining than merely its offering

[12] Brady, "Imagination and the Aesthetic Appreciation of Nature," op. cit., p. 162.

up the possibility of creating a web of similes via combining pairs of objects that share some feature. She suggests we might gain insight through imagining:

> When my alternative contemplation of the valley, glaciers and all, reveals the tremendous power of the earth to me, a kind of truth has emerged through a distinctively aesthetic experience….
>
> I want to distinguish an aesthetic truth from a non-aesthetic truth according to the manner in which it becomes known…. A quick glance at a lamb reveals little except an acknowledgement of its sweetness. But the fuller participation of perception and imagination can lead to a truth about innocence. Contemplating the fresh whiteness of a lamb and its small, fragile stature evokes images of purity and naivete. It is through dwelling aesthetically and imaginatively on such natural things that we achieve new insight.[13]

Such "insights" can lead, as Marcia Eaton has argued, to wrongheaded attitudes about practical problems of conservation. Discussing the sweet, non-violent image of deer depicted in *Bambi*—the 1923 book by Felix Salten adapted for film by Disney in 1942—Eaton says that such depiction "…is valuable if one wants to teach children not to be violent, but totally false if one wants to teach children about the actual effect of overpopulation of deer in the forest."[14] In many places overpopulation by deer has rendered them vermin horribly destructive of great swaths of trees and shrubs whose

[13] ibid., p. 163.

[14] Marcia Muelder Eaton, "Fact and Fiction in the Aesthetic Appreciation of Nature," in Arnold and Berleant, op. cit., p. 176.

health is necessary to the stability of the local ecosystem. In another example, Eaton discusses the cassowary bird, which is a keystone species, that is, a species that plays a central role in an ecosystem. The bird, which lives in progressively smaller numbers due to habitat shrinkage, is indigenous to Australia, is as tall as a person, and is able to rip out a person's entrails. The cassowary is also "believed to be the only seed dispenser for more than one hundred species of woody tropical rainforest plants."[15] Imagination poses a danger to ecosystem survival in this case because long-standing regional fiction may very well paint the cassowary a terrible, feared monster, in which case practical measures for saving the bird will prove difficult to implement.

If we heed Eaton's warnings, and I think we should, then we ought to reject Brady's model. Though Brady's model does not, at this stage of its development anyway, have much to recommend it, Hepburn's 'Metaphysical Imagination Model' might, if Carlson's positive evaluation of it is correct. As Carlson understands Hepburn's view,

> …our imagination interprets nature as revealing metaphysical insights: insights about the whole of experience, about the meaning of life, about the human condition, about humankind's place in the cosmos. Thus, [Hepburn's] model includes in appropriate aesthetic appreciation of nature those abstract meditations and speculations about the true nature of reality that our encounters with nature frequently engender in us.[16]

---

[15] ibid., p. 176. This is information Eaton borrows from Richard Forman, *Land Mosaics: The Ecology of Landscapes and Regions* (Cambridge: Cambridge U.P., 1995).

[16] Carlson, *Aesthetics and the Environment*, op. cit., p. 11.

In order to attend to Carlson's positive estimation of the metaphysical imagination model, it is best to give some content to the notion of "abstract meditations and speculations" that is central in the passage above. At the outset of his essay "Landscape and the Metaphysical Imagination," Hepburn offers what he takes to be two prime examples of such speculations, and to get clear on what he has in mind it is worth quoting them in full.

> We may experience a polar scene of ice and snow as revealing something fundamental (and no doubt grim) about how things really, or ultimately, are: something concealed from us in more familiar, temperate, farmed countryside. Or, in sharpest contrast, we may experience a nature whose poignant beauty on some occasion seem to speak of a transcendent Source for which we lack words and clear concepts.
>
> In these…instances, we have what I want to call "metaphysical imagination."[17]

I want to point out two things about this passage. One: its misfit with Carlson's interpretation of Hepburn's model as involving what, in the quote from Carlson, he takes the model to offer, viz., "speculations about the true nature of reality" or "[interpretations of] nature as revealing metaphysical insights…about humankind's place in the cosmos." Two: its misfit with the main reason Carlson gives for his positive evaluation of Hepburn's approach, viz., its constituting one member of a triumvirate of models that captures the whole range of our rich aesthetic experience of nature. Despite Hepburn's

[17] Hepburn, "Landscape and the Metaphysical Imagination," op. cit., p. 126.

good intentions, the great service he has done aestheticians in restoring nature its worthy place as a central aesthetic concern, and his contribution to showing wonder a significant type of aesthetic reaction, it is difficult not to conclude that his model has neither a rightful place in the triumvirate nor offers a path to significant insights, metaphysical or otherwise.[18] After discussing the lack of fit between Hepburn's model and Carlson's reasons for advocating it, I will suggest a model other than Hepburn's that much better fits Carlson's desiderata.

One. If ice and snow reveal something about the ultimate fate of the individual in death—as Hepburn suggests—or maybe reveal the ultimate fate of our universe in a thermodynamic winding down in which not a trace of heat remains, then ice and snow reveal these truths only because they too, like our bodies in death, are cold. This is hardly any kind of significant revelation, since similes can be drawn only when one is already aware of all the players concerned, that is, when one is already aware of the two things compared and the quality or property they share. What of Hepburn's second example? Is it a better instance of what Carlson calls a 'metaphysical insight'? Though beauty might on some occasion "seem to speak of a transcendent Source," as Hepburn suggests, the notion that there might be some creative source of the physical universe is a mundane one offered by nearly all cultures since the dawn of civilization and so does not easily qualify as what we might call an insight. An insight is an unusual and novel way of viewing some problem or situation. Though these are but two examples of the metaphysical imagination out of many that Hepburn offers, they strike me as representative of the

[18] See Ronald Hepburn, "Trivial and Serious in Aesthetic Appreciation of Nature," op. cit.; and Ronald Hepburn, "Wonder," in his *Wonder and Other Essays* (Edinburgh: Edinburgh U.P., 1984), pp. 131-54.

whole bunch. They are, after all, presented by Hepburn as *prime* examples. If they are unconvincing, as I believe they are, then so are the rest.

Two. So Carlson's suggestion that the metaphysical imagination model offers up metaphysical insights about the true nature of reality is unconvincing. Nevertheless, Carlson's positive evaluation of the model is not, I think, entirely off the mark. Carlson is accepting of Hepburn's approach in part because he believes it to be one of a triumvirate of models each of which emphasizes a universal aspect of nature appreciation. Two of these, according to Carlson,

> …concentrate on the most fundamental layers of the human overly, those constituting the very foundations of our experience and understanding of nature [NEM and Carroll's arousal model]. However, there may be other layers relevant to our understanding of nature that are equally universal, although they may constitute the spires [Hepburn's metaphysical imagination model] rather than the foundations of the human deposit. Such layers are the focus of the metaphysical imagination model of nature appreciation.[19]

Carlson's intuition that an amalgamated model is what we should shoot for is, I think, the right intuition to have, in which case his positive evaluation of the model, on this score anyway, seems correct. There is more to proper nature appreciation than merely what the cognitivist natural environmental model allows for, and part of what NEM does not capture might very well be described as the "spires" of our aesthetic experience of nature.

[19] Carlson, *Aesthetics and the Environment*, op. cit., p. 10.

If, however, the spires of experience which the metaphysical imagination model describes are had only by way of the sort of purported insights the model describes, then since the experiences the model describes fail to involve insights, the model does not offer a means to those spires.

There is, however, another model that more convincingly describes a type of aesthetic experience of nature that does offer, as Carlson puts it, "…metaphysical insights: insights about the whole of experience, about the meaning of life, about the human condition, about humankind's place in the cosmos."[20] This model is Stan Godlovitch's Nature as Mystery approach.

3. Nature as Mystery

Godlovitch refers to his approach as the "…objective-mystical, the view from which no viewer matters at all."[21] The central claim of the model is that, because "…Nature is, for us, fundamentally inaccessible and ultimately alien," nature is mysterious, and since the proper response to the mysterious is "appreciative incomprehension," so too is appreciative incomprehension the proper response to nature.[22]

A helpful strategy for coming to understand the Nature as Mystery position is to proceed through a chain of reasoning that leads to the denouement of the central claim, that is, that leads to the assertion that the proper aesthetic attitude to take toward nature is appreciative incomprehension. Here is the first link in the chain:

---

[20] ibid., pp. 10-11.

[21] Godlovitch, "Icebreakers:…" p. 19.

[22] ibid., p. 19.

> To regard Nature aesthetically as itself, as primordially non-artifactual, … calls for an acentric aesthetic, one typified not so much by its Object as by its Attitude.[23]

The idea here is that objectification is anthropocentric. To appreciate nature as *it* is, as opposed to how nature is *for us*, i.e., how it is after having been objectified—as object of scientific study or object of imaginative appreciation or object of emotional arousal—requires appreciating without objectifying. Appreciation without objectification requires a special kind of appreciative attitude, one having as little as possible to do with any function nature might serve for the appreciator. Godlovitch dubs this aesthetic stance 'aesthetic aloofness', which, importantly, is related to but different from the disinterestedness with which aestheticians are more familiar from aesthetic theories tracing back to Kant. Aesthetic aloofness can be conceived of as something like *radical* disinterestedness:

> There are infinitely many points of view from which we do not matter at all. To apprehend Nature acentrically is to adopt any such point of view and thus aesthetic aloofness…. This outlook is not associated with scientific impartiality because it has no ordained agenda nor any dictate to meet successfully conventions of intelligibility. Nor is aloofness the same as aesthetic disinterestedness, although the former requires the latter. Aloofness is more

[23] ibid., p. 18.

> detached, distant, than disinterestedness. It calls not only for the removal from experience of all functional and personal considerations of the object, but all limiting scalar…ones as well. To achieve aesthetic aloofness is to *disavow any preference* for customary surface perception in the aesthetic because it is precisely that avenue of apprehension which is manifestly a victim of scale, an emphatic expression of culture.[24]

Note that four different objectivizing trends are mentioned in the passage—scientific, customary surface-perceptual, personal, and scalar. We can take each of these, in the order of their appearance, as constituting a challenge to a competing model of nature appreciation—Carlson's cognitivist NEM, Carroll's arousal model, imagination-based models such as Hepburn's or Brady's, and more traditional quasi-religious approaches emphasizing the sublime. Godlovitch's claim is that each of these modes of objectivization distorts the object of our appreciation to produce nature as quasi-artifact. I will confess that I believe there are grave problems with that claim. I believe it is not defensible. Showing why it is not defensible, however, is an important step toward showing what is good and right in the nature as mystery position. I will first move through Godlovitch's reasons for the claim and only after having done that will I present criticism.

With regard to imagination-based models, it is clear from what has been said in section 1 that they use nature as a prop or vehicle for imaginings which have a basis in

[24] ibid., p. 28.

culture and interpersonal, human relationships. For instance, a tree is seen as a figure bearing a likeness to an old man. Such modes of appreciation, as Godlovitch reminds us,

> …cannot accommodate that toward which we have and can have no human or quasi-human relationship.[25]

The idea here is that nature qua nature is precisely that which does not have meaningfulness built into it. So to appreciate nature as a sign or symbol or somehow representative of something that is culturally meaningful is to fail to appreciate it for what it is, viz., something independent from us and from culture, something autonomous. To understand this point better, note that artifacts are inherently meaning-giving, since they are intentional objects. They are products with at least some intended function, if only a communicative function. In short, nature is not an artifact and so is not there to be interpreted. A communicative artifact requires, for the fulfillment of its intended function, an interpreter. Nature is not incomplete in this way. Nature is complete on its own. Nature does not need us to complete itself, and so what we bring to nature in our imaginative appreciation of it is extraneous. Godlovitch has this to say about imagination in nature appreciation:

> Nature, appreciated aesthetically, is precisely that which leaves nothing to the imagination. Why? In a nutshell, because creatures of the imagination are entirely human creations, creative psychological artifacts, which appropriately fill in,

[25] ibid., p. 26.

> round off, and extend the physical and literary artifacts we choose to apprehend aesthetically. To exercise the imagination is fully an aspect of artifact-making because the imagination issues in artifice. And artifice is basically the product of selection, abstraction, and idealization. Nature, as I understand it, is that which is all there entirely on its own, all that there really is. If meaning is gauged primarily in terms of possibility, nature is, all of it, simply actual. It asks for no filling in because there is nothing absent, certainly nothing *qua* natural the mind can complement out of its own resources.[26]

Recognizing that nature is, as a non-artifact, complete in itself is one way to understand some of Godlovitch's more enigmatic expressions such as the statement that affective approaches leave "…no room for a Nature for which we have, in principle, no significance."[27] We have no significance for nature or, in other words, we don't matter to nature such that nature might reach out to us, as is tacitly if weirdly implied by models that bestow meaningfulness or expressiveness onto nature. It is worth noting that we are so accustomed to enculturating nature that the enculturation typically goes unnoticed by us, so that, when it is pointed out to us, it appears weird and wrongheaded despite our collusion**.** For this reason, we may mistakenly locate weirdness in Godlovitch's statement, while the weirdness is actually in the imagination-based views that he is criticizing.

---

[26] Stan Godlovitch, "Valuing Nature and the Autonomy of Natural Aesthetics," *British Journal of Aesthetics*, Vol. 38 (1998), p. 181.

[27] Godlovitch, "Icebreakers:…" p. 26.

Carroll's arousal model emphasizes what Godlovitch is presumably referring to with the phrase "customary surface-perception." As Carroll makes plain about his own approach, he is concerned with "…certain very common appreciative responses to nature—responses of a less intellective, more visceral sort…."[28] The responses Carroll mentions are "very common" or *customary*, and when we respond viscerally we are responding directly, and with a minimum of interruptive discursive reasoning, to the outer *surfaces* or skins of things. Such an approach uses nature as a stimulus for emotional episodes which have some basis in culture, in human scalar comparison, or at least in some function a bit of nature might serve the appreciator.

Carroll writes that "…we may find ourselves standing under a thundering waterfall and be excited by its grandeur, or, standing barefooted amidst a silent arbor, softly carpeted with layers of decaying leaves, a sense of…homeyness may be aroused in us."[29] Recall Godlovitch's recipe for achieving aesthetic aloofness: one should "…disavow any preference for customary surface perception in the aesthetic because it is precisely that avenue of apprehension which is manifestly a victim of scale, an emphatic expression of culture." The waterfall example is "manifestly a victim of scale." With regard to the sort of awe implicit in feelings involving grandeur, Godlovitch states that

> Awe, in any case, is unavoidably self-centered. To appreciate nature acentrically, one must avoid being impressed or overwhelmed by it. Such states of awe

[28] Carroll, op. cit., p. 90.

[29] ibid., p. 90.

> presuppose that we bring a human self-image into the experience comparatively, thereby appointing ourselves benchmarks of the amazing.[30]

And as for Carroll's invocation of homeyness, this seems a straightforward expression of a cultural concept. If aesthetic aloofness is required for the appreciation of nature as nature, then the Arousal approach fails to deliver nature to us. Instead, it offers something more like the appreciation of nature as cultural quasi-artifact.

There is another, different way to understand the enculturation our appreciation of nature suffers at the hands of the arousal model. Carroll's Arousal approach is one having mainly to do with the emotive responses many typically have to nature. On what might be called the standard view of the emotions, emotive responses, or at least those emotive responses with which we are the most familiar, have built into them our goals and interests. Jenefer Robinson, a noted writer on the emotions, writes that "In an emotional episode we focus on those aspects of the environment which we deem relevant to our wants, goals, and interests, and we evaluate those aspects in terms of our wants, goals, and interests."[31] If that view is correct, and if the appreciation of nature as nature must not involve any function nature might serve the appreciator, then the arousal model is a mistaken approach.

There is a retort available to the charge that the arousal model fails to offer an appreciation of nature as nature: because appreciation requires an appreciator, any

---

[30] Godlovitch, "Icebreakers:…" p. 27.

[31] Jenefer Robinson, "The Emotions in Art," in Peter Kivy (ed.), *The Blackwell Guide to Aesthetics* (Malden, MA: Blackwell Publishing, 2004), p. 176.

approach to appreciation will be unavoidably human-centered. Godlovitch puts his detractor's point like this:

> Surely, our natural aesthetic is, naturally, as anthropocentric as we are human. The charge of arbitrariness is trivial because it infects any unavoidably anthropocentric perspective….[32]

Carlson recognizes the same point:

> …serious appreciation of nature means appreciating it as what it in fact is; and yet at the same time we must recognize that this also means appreciating nature as what it is *for us*…. Contra the purist [e.g., Godlovitch], nature is what it is for us, is what we have made of it.[33]

Someone will defend such a point as this, against Godlovitch's suggestion that appreciation of nature as nature be pure or acentric, only if he believes there to be no alternative. That is, the detractor believes there is no way to appreciate nature (or anything else) while at the same time avoiding biases such as those which the Arousal and imagination-based models involve. A detractor of the acentric approach will deny its very possibility and will claim that aesthetic aloofness, which is the core of the acentric

[32] Godlovitch, Icebreakers:…" p. 18.

[33] Carlson, *Aesthetics and the Environment*, op. cit., p. 10.

approach, is a fanciful mistake. He will deny the sense or possibility, and thus the worth, of Godlovitch's dramatic assertion that to achieve aesthetic aloofness,

> …one must apprehend the need for a freedom from perspective, sensorial and categorial. This involves appreciating the fundamentally parochial nature of experience, and the invidiously parochial, even incidental, nature of human experience.[34]

There is, of course, a method available for apprehending nature that is, on the traditional understanding of it, free from the biases of any particular human's perspective. This method is provided us by science, and as discussed in section 1, Carlson's natural environmental model takes full advantage of the objectivity science has to offer as a resource for and backdrop to nature appreciation. Godlovitch, however, does not intend the passages above to encourage a cognitivist approach. Far from it. He altogether denies science a place in nature appreciation:

> Scientific activity is not necessarily any less anthropocentric than any other human enterprise. If we look to science to give us those needed categories on which to hang our appreciation, we exchange but one form of human centred cognition for another.[35]

[34] Godlovitch, "Icebreakers:…" p. 26.

[35] ibid., p. 24.

Here in section 3 I have, per Godlovitch's strictures, rejected as centric the imagination-based models and the affectivist arousal model. If apprehending nature via the cognitive science-based model is also unavailable due to its tainting anthropocentricity, as Godlovitch believes, it may seem we have no mode of appreciation left available with which to apprehend nature. While foreclosing on the helpfulness of the cognitive approach, Godlovitch opens the door to mystery:

> If Nature as a whole eludes our science…, [then] the only fitting aesthetic regard for it is a sense of mystery. The relevant special sense of mystery is one which cannot have a solution…. We watch the mystery in a state of appreciative incomprehension….[36]

> It is that nature—the aloof, the distant, the unknowable…—which eludes the filters of cognitivist and affectivist attempts at contact. The impossibility of contact may be just what it takes to make an acentric natural aesthetic possible.[37]

Appreciative incomprehension is, according to Godlovitch, the proper appreciative state in which to be with respect to nature apprehended qua nature. To appreciate nature as spur to imaginings or prop for emotive arousal is to import culture and too much of ourselves into a relationship that ought to be rendered as pure as possible. But if science fails to deliver a pure, unbiased relationship, as Godlovitch claims, then just what does he

[36] ibid., p. 26.

[37] ibid., p. 26.

have in mind as the content of nature appreciation? We have returned here to what I referred to earlier as the point of view of the 'detractor', who believes bias-free appreciation an impossibility.

We should admit that the detractor has intuition and perhaps common sense on her side. If emotional arousal by nature, imagination via nature, and science-based understanding of nature are rejected as improper modes of appreciative access to nature qua nature, what mode remains? This question makes plain, I believe, just what it is that most find intuitively so confounding about the Nature as Mystery approach. Carlson puts the point like this:

> …with only mystery and aloofness, there is no grounding for appreciation of any kind. The mystery and aloofness of nature, which Godlovitch's view stresses, is a gulf, an emptiness, between us and nature; it is that by which we are outside of and separate from nature…[Godlovitch's view] provides no means by which we can attain *any* appreciation of nature *whatsoever*.[38]

There is another, perhaps even simpler way to put Carlson's point: contrary to Godlovitch's claim that "The impossibility of contact may be just what it takes to make an acentric natural aesthetic possible," we might say instead that 'the impossibility of contact may be just what makes an acentric natural aesthetic *im*possible'. What, for instance, might Godlovitch mean by the notion of 'appreciative incomprehension'? A key passage from "Icebreakers" offers a perspicuous way to get an idea of what Godlovitch

[38] Carlson, "Nature, Aesthetic Appreciation, and Knowledge," op. cit., p. 397.

has in mind here: "The relevant special sense of mystery is one which cannot have a solution…. We watch the mystery in a state of appreciative incomprehension, at best an acknowledgement of limits."[39] Central here is the notion of limits. Godlovitch believes there are limits to what we can know about nature. I have already mentioned one such alleged limit, viz., the one Godlovitch claims is imposed upon us by a human-centered bias inherent in the sciences, which are, of course, traditionally considered a bias-free, objective means to knowledge about the world. Godlovitch has this to say about science:

> (1a) "Scientific activity is not necessarily any less anthropocentric than any other human enterprise. If we look to science to give us those needed categories on which to hang our appreciation, we exchange but one form of human centred cognition for another."[40]

> (1b) "However controversial such challenges [the challenge of Antirealists, Internal Realists, and Relativists], they raise enough doubt about science as the high road to Reality to weaken any dependence upon science as necessarily revealing anything more deeply for the purposes of aesthetic apprehension than whatever the painter intuits."[41]

[39] Godlovitch, "Icebreakers:…" p. 26.

[40] ibid., p. 24.

[41] ibid., p. 22.

(2) "Surely it is just as much what we don't know and can never know about Nature that occasions aesthetic appreciation as anything we have already learned. Science's goal to discover, to reveal, and thus to de-mystify runs counter to the perspective of an acentric aesthetic which maintains a sense of intrinsic mystery, of marvels which no explanatory models can contain."[42]

With regard to (1a) and (1b), I believe Godlovitch is mistaken to level the epistemic difference between science and other modes of gathering knowledge about the world. I say this not only because I find scientific realism a plausible doctrine in some of the many guises it has taken over the past years in debates in the philosophy of science, but also because I think Godlovitch's Nature as Mystery position requires a strong objectivist reading of science to render it coherent and convincing.[43] Why the position needs an objectivist conception of science is explained in connection with (2) below.

With regard to (2), Godlovitch has, I believe, made a mistake. We can define something as being mysterious as follows: something S is mysterious if and only if S obtains and the obtaining of S is in principle not explainable or not conducive to explanation. On that definition, which I find intuitively convincing and can find no prima facie reason to deny, science cannot de-mystify by explaining, since anything that is explainable is not mysterious.

---

[42] ibid., p. 24.

[43] Strong arguments for scientific realism (and ones I have in part been convinced by) include, among others, those found in the following: Michael Devitt, *Realism and Truth*, 2nd ed. (Princeton: Princeton U.P., 1997); Jarrett Leplin, *A Novel Defense of Scientific Realism* (New York: Oxford U.P., 1997); Alan Musgrave, "Realism versus Constructive Empiricism," in P. M. Churchland and C. Hooker (eds.), *Images of Science* (Chicago: University of Chicago Press, 1985), pp. 197-221.

Science, then, contrary to Godlovitch's claim to the contrary, does not "run counter to the acentric perspective," since whatever about nature is mysterious is known to be mysterious only because it is not amenable to scientific explanation. In this sense, science acts as a framing device enabling our recognition of the mysterious. The framing, and thus science, is essential to determining what is mysterious. Note that, if this is correct, then (1a) and (1b) ought to be rejected, since the sort of relativist, anti-objectivist conception of science they espouse is incompatible with the science-based circumscribing of the mysterious which the Nature as Mystery position, as I suggest it best be formulated, requires.

In (2), Godlovitch describes mystery as a product of an inability to know, that is, as the product of an epistemic gap between would-be knower and object of knowledge. (1a) and (1b) point to one source of the gap, viz., the alleged hopelessness of an objective means to knowledge. We can call this an epistemological source. Godlovitch offers two more sources of the gap, an ontological source and a semantic source. I have rejected the relativism implicit in (1a) and have therefore rejected the epistemological source as a plausible locus of mystery. How do the other two sources fare? Godlovitch claims that

> Science, pursuing Nature's foundation, rejects the notion of a systematically incomplete account of Nature. The very search for 'fundamental' particles, for a final answer to the question 'What is the World Made of?' belies a faith in the meaningfulness of…ontic ultimacy. Contrast this with the image of worlds within worlds without end captured in Fractal Ontology where each level reveals as much detail and complexity as the level above…. Such unending depth is not

> fully consonant with the [scientific world-picture]. …it is not clear whether a committed scientist can accept that science reveals no more about the total picture no matter how deep it digs.[44]

Though the idea of an ontological bottomless pit has been with us in various guises probably for millennia, no one of whom I am aware—including Godlovitch—has provided a cogent argument for its truth. For non-physicists, such an idea is no more than intuition or the product of imagination. And though most physicists would reject the notion, as Godlovitch suggests above, even for those physicists who advocate the notion, it is for them apparently but an expression of hopeful fascination justified by nothing stronger than its not yet having been ruled out as a possibility. The well-known physicist Freeman Dyson has this to say:

> Fortunately, the recent successes of particle physics and of cosmology do not exclude the possibility that the world of physics is truly inexhaustible, …that Emil Wichert was right when he said: "The universe is infinite in all directions."[45]

A mere unjustified hope or hunch is not, of course, the stuff of which strong philosophical positions are made, so if our goal is to render the Nature as Mystery approach a viable and convincing alternative to competing models, we had best exclude this ontological source of mystery from our emended version of the position.

---

[44] Godlovitch, "Icebreakers:…" p. 24.

[45] Freeman Dyson, *Infinite in All Directions* (New York: Harper and Row, 1988), p. 53.

Godlovitch invokes what I have called the 'semantic source' of mystery when he states that

> …an acentric aesthetic…maintains a sense of intrinsic mystery, of marvel which no explanatory models can contain. Any natural aesthetic has to respect the inarticulable which is, after all, the spontaneous voice of wonder.[46]

Though Godlovitch does not expand on this notion of the inarticulable, Cheryl Foster does so at length in "The Narrative and the Ambient in Environmental Aesthetics."[47] As Foster makes plain, it is not only the cognitive-based modes of nature appreciation that enable our aesthetic encounters with nature, for

> …we also value the departure from the self-conscious, controlled, specificity-directed application of concepts to sense, and instead sometimes seek to encounter nature in a more…multisensuous way. A kind of reflectiveness persists in such an experience, where we refrain from giving frameworks *to*, or deriving them *from*, the environment, but instead allow more subtle impressions to dominate us. The textures of earth as we move over them, the sounds of the winds and the wildlife and trees, the moistness or dryness of the air, the nascent colors or seasonal mutations—all can melt into a synthesized backdrop for ambient contemplation of both the backdrop itself and the sensuous way we relate to it.[48]

[46] Godlovitch, "Icebreakers:…" p. 24.

[47] Foster, op. cit.

[48] ibid., p. 208.

This mode of appreciation Foster dubs the 'ambient dimension of nature appreciation'. Foster goes on to say that

> One of the problems with the ambient aesthetic is the difficulty in giving a succinct sense of it in words. Surely it connotes a feeling of being surrounded by, or infused with, an enveloping, engaging tactility, but the ambient in all its forms resists discursive formulation.[49]

What we cannot articulate is the ambient experience itself. That is, a description of the engagement experience, no matter how detailed, does not transmit the *feeling* of the experience to another. As Foster states, "Direct experience…does not always give itself fully to direct communication."[50] This is an obvious point but is one worth making when the type of experience in question is central to a full characterization of the aesthetic experience of nature.

Unlike the ontological (or metaphysical) source of mystery, the semantic source is one that the mystery position ought, I believe, to retain. I say this for a number of reasons. First, there is convincing evidence for the truth of the claim that there is indeed a semantic source of mystery. This evidence is simply the existence of the work of two authors, both prominent in the literature on environmental aesthetics, whose descriptions of the aesthetic experience as they understand it involves the sort of contact with nature

[49] ibid., p. 205.

[50] ibid., p. 208.

that Godlovitch emphasizes—experience unmediated by conscious cognitive processes and untainted by culture-based emotive responses or subjective imaginings. As can be gathered from the passage quoted above, what Foster calls the 'ambient dimension' seems to be very much like what Godlovitch has in mind as the content of the aesthetic experience had via the appreciative stance he calls 'aesthetic aloofness'. And from the passage below, we can see that Arnold Berleant's engagement approach offers a similar experience of nature as does Foster's and Godlovitch's:

> …we must identify that qualitative character of our experience, which becomes central on those occasions when aesthetic appreciation dominates. They are times of sensory acuteness, of a perceptual unity of nature and human, of a congruity of awareness, understanding, and involvement mixed with awe and humility, in which the focus is on the immediacy and directness of the occasion of experience. Perceiving environment from within, as it were, looking not *at* it but being *in* it, nature becomes something quite different.[51]

It is worth noting that, though Berleant mentions 'understanding', it is clear from the context and from his presentation of the engagement position that he does not intend 'understanding' in any strong sense, since the focus is, as he tells us, on "the immediacy and directness of the occasion of experience." Such details aside, the crux here is that Godlovitch is not alone in advocating a mode of appreciation that might at first blush appear eccentric or even impossible. Instead, he is one of three who suggest that the

[51] Berleant, "The Aesthetics of Art and Nature," op. cit., p. 83.

mode is not only possible, but ought to be considered an integral part of our appreciation of natural environments.

Second, if the semantic source can be retained, that would be good for the mystery position because the type of experience that produces the gap—whatever we call it, 'engagement', 'ambient' or simply 'immersion'—gives the appreciative mode the mystery position advocates the content it has been claimed not to have. Aesthetic aloofness is not a fanciful delusion that makes appreciation impossible, as Carlson suggests, but is merely another name for a mode of appreciation significant enough to have prompted extensive discussion by noted aestheticians of nature.

Though the similarity between Berleant's engagement approach and Foster's ambient dimension of the aesthetic experience of nature is clear, one might question the connection of the two with Godlovitch's notion of aesthetic aloofness, since central to aesthetic aloofness is a conception of nature as radically other from us. To put such doubts to rest, consider the following passage from Foster. Note also the reference to an '*enveloping* other', in which the notion of envelopment or immersion again makes clear the connection between Foster's approach and Berleant's engagement model.

> In the ambient dimension…any references to external bodies of knowledge or thought remain implicit, or in the background of consciousness…. …the environment as an index of conceptual frameworks recedes and we encounter nature as an enveloping other, a place where the experience of one's self drifts drastically away from the factual everyday…. The usual habit of cognitive

> separation into categories dissipates in the face of an open encounter with that which presents itself, at least on the surface, as radically other from us.[52]

Nature presents itself as "radically other from us." Godlovitch stresses this notion more than does Foster, as some of these more enigmatic passages from "Icebreakers" makes clear:

> Nature, the great Insensate, is beyond us….[53]

> We share the prejudices of sentience and so can at least understand the natural bias which separates us. This, though, draws us no closer to the silent void of waves and rock and fire. We are peculiarly ill-equipped to comprehend things without needs, things which cannot be hurt or degraded in the ways we immediately experience.[54]

> Our distance was won for our magnificent success in removing the onus of living with the raw immediacy and vulnerability that seem to typify life on the outside, life we cannot live and probably never did except in the nightmares of Hobbes.[55]

---

[52] Foster, op. cit., p. 206.

[53] Godlovitch, "Icebreakers:…" p. 26-27.

[54] ibid., p. 27.

[55] ibid., p. 27.

What Godlovitch here refers to as "raw immediacy" is, in a mitigated form, the core of the mode of apprehension which the immersion approaches recommend. And though our experience of nature when experiencing it with raw immediacy is still, of course, an experience, it is nevertheless an experience with as much cultural backdrop removed from it as possible. That it is an experience of the insensate qua insensate, however, is paradoxical, as Foster claims:

> Paradoxically, the realization of otherness in our encounter with nature occurs from our standpoint as subjective, particularly embodied individuals: the *feel* of the not-Self emerges in a form of awareness traditionally associated with the Self, an existential awareness. It inculcates a sensibility and promotes an attitude of wonder and humility with regard to the complex processes of the natural world, a world that simply cannot be exhausted in our attempts to define and confine it….[56]

I want to point out what I believe to be a mistake here that seems endemic to discussions of this sort of experience: discussions of the experience invariably include some notion of cognitive exhaustion, as referred to above by the phrase "a world that simply cannot be exhausted in our attempts to define and confine it." We have already visited the conception of cognitive exhaustion in Godlovitch's notion of mystery as based upon an ontological gap, and the critique of Godlovitch's conception discussed earlier applies to Foster's as well. Berleant, however, offers a different conception of cognitive exhaustion:

[56] Foster, op. cit., p. 210.

> Nature exceeds the human mind. This is not just because of the limitation of our present knowledge, and it is not only because of the essentially anthropomorphic character of that knowledge, which prevents us from ever going beyond the character and boundaries of our cognitive process. The ultimate limitlessness of nature comes from recognizing that the cognitive relation with things is not the exclusive relation or even the highest one we can achieve. The proper response to nature in this sense is awe…from the mystery that…is part of the essential poetry of the natural world.[57]

Note that many of the players we have already come across in discussion of Godlovitch and Foster reappear in Berleant's passage—awe, mystery, nature exceeding our cognitive abilities. But here the limitlessness of nature is conceived of as stemming somehow from "recognizing that the cognitive relation with things is not the exclusive relation or even the highest one we can achieve." It is clear that Berleant is alluding here to the engagement or immersion relation, which, as I have claimed, not only he and Foster but also Godlovitch advocate. But it is poignantly unclear how "the ultimate limitless of nature comes from," or follows from, "recognizing that the cognitive relation with things is not the exclusive relation." Why would recognition that the mode of appreciation the engagement model offers is possible lead to any claim about the limitlessness of nature? Less clear still, is what it might mean to say that a "relation with things" might be "the highest" such relation.

[57] Berleant, "The Aesthetics of Art and Nature," op. cit., p. 82.

The confusion in Foster and Godlovitch's case, it seems to me, is in the illegitimacy of the connection each implies exists between mystery and the in-principle impossibility of burrowing to the bottom of a bottomless ontological pit. The problem with the connection is that what is claimed to be mysterious about nature—the parts of it we have not yet accessed at some time *t*—cannot be an object of appreciation, since they are, after all, unaccessed. Another way to put the point is to say that Foster and Godlovitch have located the mystery of nature *in* nature, so that the existence of one bit of nature—the unaccessible part—renders the accessible part mysterious. Theirs is a weak argument, since we can pretty well understand the working of the accessible bit, and in that sense, it is not mysterious.

My main claim is that advocates of immersion-style approaches have mislocated the source of mystery. This is important because they intend the recognition of the mystery to motivate the immersion experience or to serve as a backdrop against which the immersion experience takes place.

My main idea is that it is not the object itself that is mysterious, but instead it is a property of the object that is mysterious. Locating mystery in a property of an object rather than in the object itself allows contact with the object—so that the paradox of appreciating something we cannot make contact with is overcome—and yet allows mystery into our mode of appreciation in that our awareness of the truly mysterious nature of some property of the object informs or guides proper appreciation of that object. It is important to note that this conception of appreciating nature as nature, that is, appreciating nature as what it really is, is in line with the desiderata of NEM. If nature is in some way truly mysterious, and if the mysteriousness can be ferreted out via science,

then the Nature as Mystery position as I have emended it here is not only compatible with NEM but is required by NEM as part of an amalgamated model which has NEM at its core.

I propose that we take the mystery of nature to be the utter strangeness of the cause of the physical universe's existence. Though the strangeness I will discuss applies to all that exists, that does not derail the proposal, since it is during our aesthetic experiences of natural environments—both in immersion experiences and in cognitive-based experiences of the kind advocated by Carlson—that the feeling of wonder induced by recognition of the mystery is most fully expressed or realized.

I view the problem of the existence of the physical universe as a trilemma. Either (i) the physical universe was never not existing, or (ii) it came out of nothing (as some quantum cosmologists claim), or (iii) the physical universe exists in virtue of some non-physical cause like an ethical principle (as John Leslie has suggested) or some special feature had by the universe (as Derek Parfit suggests) or God, or a partial explanation is that there are all possible universes and hence there is ours.[58]

Option (iii) strikes me as implausible, if only because I am a physicalist and don't much favor the invocation of nonphysical entities or unverified forces or nonphysical causes. And anyway, the invocation of such forces and causes goes against the grain of NEM, which is science-based and as such eschews both transcendent entities and such forces and causes.

---

[58] What I have called 'option (iii)' has been discussed by, among others, Derek Parfit in "The Puzzle of Reality," *Times Literary Supplement*, 1992, pp. 3-5; "Why Anything? Why This?" an expanded, unpublished version of "Why Is Reality as It Is?" which appears in Steven D. Hales (ed), *Metaphysics* (New York: Wadsworth Publishing Co., 1999), pp. 26-32; and "Why Anything? Why This?" *London Review of Books*, 1998, in two parts, (27 Jan) pp. 24-27, (5 Feb) pp. 22-25. John Leslie, *Infinite Minds* (Oxford: Clarendon Press, 2001); *Value and Existence* (Totowa, NJ: Rowman and Littlefield, 1979).

It seems to me that (i) is not a bona fide alternative, since it entails that infinite totalities of concrete things (time slices of the physical universe) or closed sets of infinite cardinality exist, which, despite Cantor's discoveries in abstract mathematics, probably cannot be made sense of when the objects in question are concrete and not merely abstract. I doubt that, when speaking of sets of concrete entities, there can be any kind of infinity other than the merely potential.

So we are left with option (ii), which due to the problems with (i) and (iii) seems the most plausible of the three options, despite its incompatibility with the principle of conservation of mass-energy.[59] Physicist Edward Tryon, however, has tried to show that this is not a problem since there is really not an incompatibility. The universe can appear out of nothing and yet not violate that central thermodynamic principle.[60]

Now the mystery I have located ought to be clear enough: if the universe came from nothing, then that is the granddaddy of all mysteries. As the granddaddy of all mysteries, and as the horn of the trilemma most convivial to the science-based core of NEM, the mystery of the physical universe's coming from nothing ought to be seen as infusing our conception of nature with a shot of mystery. Nature appreciation ought to be in part guided by recognition of this mystery. But to what end?

---

[59] The groundbreaking discussion of the notion of the universe coming from nothing is Edward Tryon's "Is the Universe a Vacuum Fluctuation?" Another is "Creation of Universes from Nothing" by Alexander Vilenkin. Of the various theories about this, there are two distinct lines of thought. Some theorize that the universe arose from a preexisting quantum mechanical vacuum, which contains energy fluctuations but not energy proper. That is probably enough like whatever nothing may be to consider it so; energy arises from and goes back to nothing. Others claim the universe arose from literally nothing. Vilenkin argued this in his early papers on the subject, and Hartle and Hawking have worked the idea out in detail. The distinction is explained and shown to have been overlooked by a number of leading authors in Quentin Smith, "The Wave Function of a Godless Universe," in W. L. Craig and Quentin Smith (eds.), *Theism, Atheism and Big Bang Cosmology* (Oxford: Clarendon Press, 1993), pp. 301-37; Vilenkin's "Creation of Universes from Nothing" can be found in *Physics Letters* 117B (1982), pp. 25-28.

[60] Edward Tryon, "Is the Universe a Vacuum Fluctuation?" *Nature*, Vol. 246, No. 5433 (1973), pp. 396-397.

Recognition of the mystery pushes us to apprehend nature considered in the light of the mystery, that is, pushes us to apprehend nature via whatever modes of appreciation are available to us that do not involve bypassing the mystery. We bypass the mystery, for instance, when using nature as a mere means to imaginings or everyday emotions, as with Hepburn and Brady's imagination-based models or Carroll's arousal approach. These models use nature as a prop that leads ultimately back to something either culture-based and culture-specific, or subjective and personal. They lead back to cognitive content that occupies the mind in such a way that immersion in what is mysterious—nature itself—does not take place. Two modes that avoid such bypassing are, I think, given us by NEM and the immersion models of Berleant, Foster, and of course Godlovitch, provided we interpret his "Icebreakers" as I have recommended.

I have linked two modes of nature appreciation to the mystery model. These are Carlson's science-base cognitive approach and Berleant's engagement approach. The Nature as Mystery position seems to be required by NEM, as I discussed earlier, while at the same time the mystery position seems to lead *from* recognition of mystery at the higher cosmological level *to* interest in solvable "mysteries" or conundrums at the lower levels as studied by biology, geology, and ecology. These are the sciences that form the backdrop for the mode of appreciation recommended by NEM. So there is a circle formed between Nature as Mystery and NEM.

The Engagement approach seems to be so strongly linked with mystery as to recommend itself as a mode of appreciation if nature is, as I hope I have shown, indeed mysterious. While the Engagement and cognitive approaches have been typically thought to be unrelated or unrelatable, I have shown that to be false. They are related in that they

fall from the same tree—the recognition of the mysterious aspect of nature which I have called 'the mystery of existence'.[61] There may be a problem, however, with the attempt to combine the engagement approach and NEM within a single combination model, as I am suggesting we do. The engagement approach might be thought incompatible with NEM since, as Carlson has claimed, the engagement approach may collapse into subjectivism about nature, and that, of course, is at odds with NEM:

> …in attempting to obliterate dichotomies such as that between subject and object, the engagement model may…lose the possibility of distinguishing between trivial, superficial appreciation and that which is serious and appropriate. This is because serious, appropriate appreciation revolves around the object of appreciation and its real nature, while superficial appreciation frequently involves only whatever the subject happens to bring to the experience. In short, without the subject/object distinction, aesthetic appreciation of nature is in danger of degenerating into little more than a subjective flight of fancy.[62]

I do not think that this criticism need be thought damaging to my proposal to combine the models. I say this for two reasons. First, there is no flight of fancy possible in the mode of appreciation advocated by the engagement approach as I understand it, since, despite the rejection of aesthetic distancing the position recommends, virtually no background

---

[61] I have borrowed the phrase from Milton Munitz, who, like me, finds the existence of the universe deserving of the modifier 'mysterious'. He comes upon this conclusion, however, by different means that emphasize a relativist, non-objective conception of science. See his *The Mystery of Existence* (New York: Meredith Publishing Co., 1965).

[62] Carlson, *Aesthetics and the Environment*, op. cit., p. 7.

knowledge of an sort, cultural or otherwise, is brought by the appreciator to the object of appreciation. Flights of fancy might be the stuff of the imagination and arousal models, but are precluded by the strictures of immersion models. In his descriptions of what is involved—or better, what is *not* involved—in the aesthetic aloofness immersion requires, Godlovitch has made this clearer than has Berleant or Foster, though his position seems to have suffered a particularly poor reception perhaps because of this.

Second, there is a construal of immersion approaches available that does seem threatened by the charge of subjectivism, but it is a *mis*construal. As we have seen, immersion models connect with notions of mysticism. Foster, Berleant, and of course Godlovitch all mention mysticism or mystery in connection with the appreciative experiences of nature which they advocate. This, again, is a mark of the similarity between the three positions that I have taken pains to emphasize. The problem is that mysticism is typically thought to involve irreducibly subjective experience. Worse still, mysticism is typically associated with things that are allegedly transcendent or beyond the sort of empirical experience upon which science is based. In this sense, mysticism is typically thought to involve a rejection of the naturalistic or physicalistic worldview that allows for the objectivity that is the core of NEM.

Mysticism, however, need not and I believe should not be thought of as antithetical to physicalism, the doctrine that all is there is is the mass-energy that is the stuff physicists study. On my view, mysticism, if connected to the Transcendent (whatever such a thing might be), is a misnomer, since the granddaddy of mysteries is the existence of the physical universe, and this granddaddy of mysteries is thwarted or mitigated by the positing of a source that would account for it. Mysticism as typically

understood, then, is incompatible with mysticism as I am suggesting it be understood. Mysticism on my view is an entirely naturalistic doctrine that involves the particular mode of appreciation of nature as captured in the Nature as Mystery position as I have construed it. Mysticism, far from being the esoteric doctrine it is typically made out to be, is there for the taking, available to virtually anyone willing to forego the temptations of culture-based imaginings and the arousal of everyday emotions in nature appreciation. Nature as Mystery may recommend a steep path to the summit, but the view from there is, I think, entirely worth the struggle.

Have I missed the mark? It is commonly thought that mysticism implies transcendence. Ronald Hepburn, for instance, has written of "the metaphysics of mysticism" as something a secular-minded person would not assent to.[63] If I am correct to locate the mystery par excellence in the mystery of existence, then the 'metaphysics of mysticism' is simply the metaphysics of the physicist. Though my conception of mysticism might appear idiosyncratic, Berleant considers a construal of mysticism along lines similar to mine:

> Perhaps the truth approached by transcendence lies in the quality of unity with nature that aesthetic engagement encourages. The perceived sense of continuity of our human being with the dynamic forms and processes of the natural world is a central factor in the aesthetic appreciation of nature, and it accounts for a touch of the sublime in the feeling of awe that accompanies the occasion. Transcendent no longer, the quality of numinousness persists in the sense of immanence we

[63] Hepburn, "Landscape and the Metaphysical Imagination," op. cit., pp. 127-140.

> sometimes obtain in nature…, and which is the fulfillment of aesthetic engagement.[64]

4. Conclusion

My main aim has been to render the Nature as Mystery position in environmental aesthetics as plausible and appealing as possible. To do this, I have made significant changes to the position as Godlovitch originally presented it in his "Icebreakers" essay. I have suggested a way of combining the Engagement and Cognitive approaches, which are typically thought to be at odds, but which recommend modes of appreciation that are probably the most fundamental to us. The approaches can be combined via the Nature as Mystery position so that each of the modes of appreciation falls out of a recognition of nature as mystery. Making plain the workings of this combinatorial process required that I make plain how science circumscribes the mysterious. I showed how this is done with the help of a trilemma of ways to answer the question, 'What is the cause of the existence of the physical universe?'

Acceptance of the least troublesome horn yields what I have referred to as an 'epistemological gap' between us, the knowers, and what is in effect the acausal coming of the physical universe from nothing. Though we may arrive at the considered conclusion that such a mysterious thing did happen, and given the dubiousness of the other two horns I suggest that we should embrace that conclusion, we cannot cognitively assimilate the happening, since to do so an explanation for it is required, and explanations of physical states of affairs involve the isolation of a cause. So though I suggest we reject

[64] Berleant, "The Aesthetics of Art and Nature," op. cit., p. 86.

the epistemological gap as Godlovitch construes it—that is, as a result of relativism about science—I suggest the mystery position retain, in addition to what I have dubbed the 'semantic source' of mystery, an epistemological source different from and incompatible with the one Godlovitch recommends.

Most significantly, by likening the mode of appreciation had via what Godlovitch dubs 'aesthetic aloofness' to more familiar modes described by Foster and Berleant, I show that the Mystery position is not susceptible to the charge of emptiness that has been leveled against it. Nature as Mystery offers a mode of appreciation of natural environments that is real appreciation. And by reconceiving of mysticism along naturalist or physicalist lines, I have shorn the Mystery position of whatever link it may have seemed to have to subjectivist modes of nature appreciation, making of it a truly acentric aesthetics of nature. I have conceived of mysticism as an aesthetic stance recommended by the Nature as Mystery position, and this connection with mysticism, even if mysticism here appears to be of an unfamiliar ilk, renders the stance a likely source of what Carlson calls the 'spires' of our aesthetic experience of nature.

There is, I believe, a particularly significant upshot of the emended Nature as Mystery position: mysticism, far from being the esoteric doctrine it is typically made out to be, is rather part of an aesthetics of nature that is there for the taking, available to virtually anyone willing to forego the temptations of culture-based imaginings and the arousal of everyday emotions in nature appreciation. This is important because, along with the many emendations I have suggested be made to the Nature as Mystery position, it helps build a case for the integrity of the Nature as Mystery position, which, as the only acentric, non-culture specific environmental aesthetics on offer, is the only position

available that provides the sort of universalizable aesthetic point of view required of any model of the aesthetic appreciation of nature able to serve as a basis for a global, non–culture–specific environmentalism.

IV

Formalism and Anti-Formalism about Childlike Wonder and Natural Environments

In a recent article by Glenn Parsons and Allen Carlson, the notion of childlike wonder as an appropriate appreciative attitude to natural environments has come under scrutiny. They reject the notion, while Nick Zangwill, whose formalist approach to nature appreciation they criticize, not only accepts the appropriateness of the attitude but suggests that it may be more central to our appreciation of natural environments than is the scientifically-informed, cognitivist stance Carlson and Parsons advocate. I argue that this exchange about wonder between formalists and anti-formalists is less helpful than it might otherwise be in that the participants' lines of reasoning suffer from two oversights: a failure to carefully distinguish wonder, conceived of as a type of response reasonably thought an aesthetic one, from something very different, viz., a type of intentional attitude which might reasonably be termed 'wondrous' and which may be part of what brings about that aesthetic response; and a failure to adequately specify connections between that type of response and whatever formalist or anti-formalist underpinnings might be required to bring instances of it about. Building on an essay by Kenneth Simonsen, I make suggestions to help clarify what those underpinnings might be and conclude that, with respect to natural environments, the attitude of wonder toward them and aesthetic response of wonder at them are partly products of relevant aspects of neither the formalist nor the anti-formalist approach alone but are, strangely and surprisingly, products of aspects of each of the seemingly inconsistent approaches working together.

1. Wonder, Formalism, and Anti-Formalism

In "New Formalism and the Aesthetic Appreciation of Nature," Glenn Parsons and Allen Carlson suggest that childlike wonder ought not be thought part of an appropriate appreciative attitude to natural environments.[1] "If we are to fully appreciate the aesthetic character of the natural environment," they claim, "what we need are precisely the "eyes of a connoisseur," of "one who knows.""[2] In contrast, Nick Zangwill, in *The Metaphysics of Beauty*, claims that "[a]nti-formalists want us to appreciate nature with the eyes of a connoisseur. But I think that childlike wonder is often more appropriate."[3]

Parsons and Carlson claim childlike wonder an inappropriate appreciative stance because it is a scientifically uninformed attitude, and in not involving science-based knowledge of the object of appreciation, it cannot but return a shallow aesthetic response. They believe this because, on their view,

> [the] complexity of aesthetic appreciation is [best] captured by a model on which the target of appreciation is not simply the set of the object's aesthetic properties, but rather what might be called the *aesthetic character* of the object. Although appreciating the aesthetic character of an object involves noting its aesthetic properties by making aesthetic judgements about it, it involves doing this in a

[1] Glenn Parsons and Allen Carlson, "New Formalism and the Aesthetic Appreciation of Nature," *Journal of Aesthetics and Art Criticism*, Vol. 62 (2004), pp. 363-76.

[2] Parsons and Carlson, op. cit., p. 374.

[3] Nick Zangwill, *The Metaphysics of Beauty* (Ithaca, NY: Cornell U.P., 2001), p. 125. His formalist position on the aesthetics of nature was first presented in "Formal Natural Beauty," *Proceedings of the Aristotelian Society*, Vol. 101 (2001). The essay is reprinted in *The Metaphysics of Beauty*, pp. 112-126. Pagination of further quoted passages refers to the book.

> particular sort of a way. In particular, an appreciation of an object's aesthetic character focuses on and makes central those aesthetic properties that are most characteristic of the object as the object that it is.[4]

Since the intended meaning of 'those aesthetic properties that are most characteristic of the object as the object that it is' may appear less than obvious, because so much with respect to the debate hinges on it, and because it is rarely specified in the relevant literature, the meaning is worth clarifying. As I construe matters, and limiting my example here to living nature, the idea is that a natural object's characteristic aesthetic properties are those having to do with its gross phenotypical features, so that proper aesthetic appreciation involves circumscription of those properties—both perceptual and not immediately perceptual—which are brought to bear on an understanding of the object as an instance of its biological kind, shaped by both its genotype and more contingent, proximal environmental factors. This circumscription is therefore best achieved, with respect not only to living nature but also analogously to inanimate nature, via the help of knowledge had from relevant sciences of biology, ecology, geology, and related scientific disciplines.

In contrast to this cognitivist, science-based conception of aesthetic appreciation as appreciation of aesthetic character, however, the formalist conception of nature appreciation emphasizes the entire array of formal, biologically-undifferentiated properties the surfaces of natural objects present to us. But of this formalist conception, Parsons and Carlson claim that

[4] Parsons and Carlson, op. cit., p. 372.

> …few individuals any longer take seriously the view that important or substantial aesthetic appreciation…can result from dwelling primarily on sensuous and formal
>
> properties. Yet…formalists wish to encourage our all too common tendency to concentrate our aesthetic appreciation on such properties, telling us to approach nature in a state of "childlike wonder," bringing "with us nothing from life, no knowledge of its ideas and affairs." We think, however, that to do this is to forgo precisely the deepest and most central aspects of the beauty of nature.[5]

So for Parsons and Carlson, knowledge-based appreciation is in, while appreciation characterized by innocent, childlike wonder is out. But Nick Zangwill, whose formalist approach to nature appreciation Parsons and Carlson criticize, not only accepts the appropriateness of the appreciative attitude of childlike wonder but claims that it may be more central to our aesthetic appreciation of natural environments than is the scientifically-informed, cognitivist stance Carlson and Parsons advocate. Zangwill claims this in part because be believes that "Beauty, ugliness, and other aesthetic qualities pertain to *appearances*. They are a matter of how things *look* or *sound*. They are not a matter of how things *are*, apart from appearances."[6] The 'not' in the passage's final sentence suggests that Zangwill's formalist account of aesthetic qualities is intended by him to be categorical in the sense that it would disallow any appeal whatever to

[5] Parson and Carlson, op. cit., p. 374.

[6] Nick Zangwill, "In Defence of Extreme Formalism about Inorganic Nature: Reply to Parsons," *British Journal of Aesthetics*, Vol. 45 (2005), p. 191 (emphasis in original).

properties, of the object of appreciation, that are not readily perceptible. But that is not so, as Zangwill claims also that "[i]t is true that beauty, ugliness, and other aesthetic qualities often pertain to appearances as those appearances are informed by our beliefs about the reality they are appearances of. But it is also true that they often pertain to *mere appearances*, which are not so informed."[7] There are two things to notice here.

First, the categoricalness of the earlier passage is hyperbole. As the later passage makes clear, Zangwill's formalism is of a tempered sort, as any probably must be to enable one's exclusive use of it in making sense of representative instances from the range of types of aesthetic experience that, from the point of view of both parties in the debate, is indeed something to be made sense of. Second, the later passage, appearing as it does in the context of a discussion of what scientific cognitivism gets wrong, makes it seem as though cognitivists believe the following: aesthetic qualities, to be bona fide ones, cannot, as he puts it, 'pertain' to mere appearances, or that, in other words, they cannot have to do with merely one's apprehension of perceptual properties, in that they necessarily have to do with that apprehension plus background knowledge about the object of appreciation, including knowledge about its non-perceptual properties and, say, its causal history, insofar as those are relevant to the apprehension. And, in fact, Zangwill suggests that he believes this is indeed what cognitivists take to be the case when he claims further, against their view as he construes it, that "[w]e need not judge nature *as* nature in order to ascribe aesthetic properties to it.… Nature has formal aesthetic properties as well as dependent aesthetic properties."[8]

---

[7] ibid., p. 191.

[8] Zangwill, "Formal Natural Beauty," p. 117.

I have belabored the discussion of Zangwill's remarks above because they involve a confusion that ought straightaway be dealt with. We must see nature as nature, according to Carlson and his supporters, *not* in order to (i) merely be thereby enabled rather than be unable to ascribe aesthetic properties to it, as Zangwill's passages above suggest, but, rather, we must slot the natural objects of our aesthetic appreciation into their natural kind categories in order to (ii) ascribe those aesthetic properties to it *which are the most significant*, least shallow appreciatively speaking, and most central to the appreciative act. That is, the cognitivist need not and does not deny the possibility of ascribing purely formal aesthetic properties to objects. Rather, the cognitivist claims that if we are to maximally deepen our aesthetic response, then we ought not attend to only formal aesthetic properties but, whenever possible, ought to attend to those aesthetic properties which, as Parsons and Carlson put it, "are most characteristic of the object as the object that it is."[9] Parsons and Carlson make this clear with the phrase 'pride of place' when they speak, for instance, of "…our argument for the insignificance of formal aesthetic judgements in the aesthetic appreciation of nature. Although formal aesthetic properties are often among the most prominent and noticeable aesthetic properties of things, this does not entitle them to pride of place in aesthetic appreciation."[10] Though Zangwill's allusion to cognitivists' denial of the existence of formal aesthetic properties is, then, best seen as mere hyperbole, he offers two further and more convincing criticisms.

[9] Parsons and Carlson, op. cit., p. 372.

[10] Parsons and Carlson, op. cit., p. 372.

One. The first criticism is that "[t]here is something important that Carlson and those who follow him have missed in the aesthetics of nature, which is simply that *nature is full of surprises*."[11] Zangwill's idea is that there are particular kinds of beauty that come as a surprise given what we *do not* know about the object of appreciation. He illustrates the idea with the example of one's appreciating "…the elegant and somewhat dainty beauty of a polar bear swimming underwater," which he claims is "…a surprise in the light of the limited amount that most of us know about these animals."[12] This beauty, Zangwill claims, "…has nothing to do with the natural categories into which [polar bears] fall…."[13]

There are at least three significant things to notice about this criticism. One is that this surprising beauty Zangwill emphasizes, being a function of a *lack of knowledge* about the object of appreciation, is not a function of the sort of categorization Parsons and Carlson advocate. On that score, Zangwill is correct. The second thing to notice is that it is unclear in what way suprisingness is supposed to be understood as adding to or modifying the formal beauty of the swimming polar bear. That is, it seems that the beauty would be there for us to see whether we were surprised by it or not. And even if our surprise at discovering this beauty could somehow be understood as partly constitutive of the beauty, it is not clear that aesthetic appreciation of the swimming polar bear would not be deeper were one aware of the function it serves the bear, which, unlike other bear species, spends a good deal of its life in the water chasing food to survive. I will,

[11] Zangwill, "Formal Natural Beauty," p. 118.

[12] ibid., p. 116, p. 117

[13] ibid., p. 118.

however, leave undiscussed the difficulty this second thing poses for the formalist, for there is a third thing to notice that is more pertinent: the surprising beauty, though not a function of scientific knowledge, *is* a function of the appreciative attitude of childlike wonder that Zangwill suggests is so important to nature appreciation. That is, by 'childlike wonder', Zangwill means the sort of appreciative attitude that is uninformed by scientific knowledge and is typical of the formalist, who conceives of beauty as a function primarily of pattern. This notion of childlike wonder is made more explicit in Zangwill's second criticism of cognitivism.

Two. Zangwill claims that "…the formal aspect of our aesthetic lives is more basic than the non-formal aspect…. The raw, naïve, uncultivated sensibility, which responds to what delights the eye or ear, without knowledge of the history or context of what it is that provokes delight, is the basis on which sophisticated category-dependent aesthetic understanding is built."[14] The first part of this criticism is unimportant, I think, since the notion of this sort of primacy of formal properties is innocuous without the additional claim, already discussed and dismissed above, that cognitivists in some way deny there are formal properties that are legitimately aesthetic ones, which they do not. The cognitivist's point, again, is that aesthetic appreciation of surface features is deepened by an understanding of their function with respect to those properties which most define the object as what it is—properties, i.e., which may or may not be part of the set of the object's surface features. The second part of the criticism, however, is more interesting, since there Zangwill makes the notion of childlike wonder more explicit by characterizing it as a "…raw, naïve, uncultivated sensibility, which responds to what

[14] ibid., p. 186.

delights the eye or ear, without knowledge of the history or context of what it is that provokes delight." This notion of a raw sensibility plays an important role in the discussion of wonder that follows.

2. Deficiencies in Rival Conceptions of Wonder

So we now have some idea of what Zangwill takes childlike wonder to be, and we have some idea of the role he takes it to play in aesthetic appreciation of natural environments. We also have an idea of Parsons' and Carlson's reasons for denying wonder a place in serious aesthetic appreciation. It is worth summing up these points before discussing the ways in which these conceptions of wonder fall short:

> (1) The scientific cognitivist denies the appreciative stance of wonder a place in serious aesthetic appreciation of nature because the stance requires disregard of just what it is that, according to them, makes nature appreciation deep, viz., scientific knowledge about the object of appreciation which reveals what he refers to as the object's *aesthetic character*.

> (2) The formalist believes the notion of the appreciative stance of wonder appropriate because (i) it characterizes the raw, naïve, uncultivated sensibility that is the fundamental appreciative aesthetic attitude, and (ii) it accounts for surprising beauty, and (iii) aesthetic appreciation is primarily about the surfaces of things.

I want to claim about (1) and (2) that, in different respects, they are each correct and incorrect. Each has something about it that hints at a truth about wonder and natural environments, and each makes a blunder or serious omission or oversight about wonder and the aesthetic appreciation of nature. I will begin with (2).

What (2) has correct is this: the raw, naïve, uncultivated sensibility is, if Cheryl Foster and Arnold Berleant are correct, probably a fundamental mode of nature appreciation that simply cannot be denied, even if it is difficult to make discursive sense of.[15] What (2) may very well have wrong, however, is the connection it suggests exists between the raw sensibility and formalism. As Yi-Fu Tuan points out,

> [n]ature yields delectable sensations to the child, with his openness of mind, carelessness of person, and lack of concern for the accepted canons of beauty. An adult must learn to be yielding and careless like a child if he were to enjoy nature polymorphously. He needs to slip into old clothes so that he could feel free to stretch out on the hay beside the brook and bathe in a meld of physical sensations: the smell of hay and of horse dung; the warmth of the ground, its hard and soft contours; the warmth of the sun tempered by breeze; the tickling of an ant making its way up the calf of his leg; the play of shifting leaf shadows on his face; the sound of water over the pebbles and boulders, the sound of cicadas and distant

[15] See Cheryl Foster, "The Narrative and the Ambient in Environmental Aesthetics," in Allen Carlson and Arnold Berleant (eds.), *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004), pp. 197-213; Arnold Berleant, *The Aesthetics of Environment* (Philadelphia: Temple U.P., 1992).

> traffic. Such an environment might break all the formal rules of euphony and aesthetics, substituting confusion for order, and yet be wholly satisfying.[16]

This sort of raw, untutored appreciation is less informed or less cognitively sophisticated than even Zangwill's position allows appreciation to be. This is not formalism about design properties but is immersion in as much of the whole of an environment as possible or practicable with the effect of yielding a satisfying chaos of sense experience overload. So that is something (2) has wrong: the raw sensibility Zangwill suggests is inherently connected with formalism can yield something very different from formalist appreciation. But (2) is correct in connecting this raw sensibility to the surfaces of things. That is, the immersion experience Tuan describes has little and perhaps even nearly nothing to do with categorization of the objects of appreciation. Such discursive antics could in fact inhibit immersion by increasing psychical distance between appreciator and appreciated. So two of the three components Zangwill discusses in connection with his formalist position need not and perhaps do not mesh. As for the third component, it is worth noting that the immersion experience will, for the adult, be in no way surprising, despite Zangwill's connection of surprisingness and the other two features of his view about wonder. It will not be surprising because, as Tuan makes clear in the passage above, an adult must work hard to overcome her tendency to categorize in order to gain the sort of appreciative immediacy that is the hallmark of aesthetic immersion. So (i), (ii) and (iii) are in some respects unhappy bedfellows.

---

[16] Yi-Fu Tuan, *Topophilia: A Study of Environmental Perception, Attitudes, and Values* (New York: Columbia U.P., 1974), p. 96.

Next, to further disentangle the parts of Zangwill's conception of the place of wonder in nature appreciation, note that in Zangwill's conception of wonder as it is encapsulated in (2), wonder serves as both an appreciative attitude toward the object of appreciation and as part of a response to the object: one attends to the object from a stance of childlike wonder and one is rewarded with a response of surprise or wonder at its beauty. In contrast to this aspect of Zangwill's conception of wonder, the conception of wonder the cognitivist disputes, as (1) makes clear, is merely the appreciative stance, and wonder conceived of as a response is not mentioned. Its not being mentioned or considered is odd, since wonder as a response to natural environments is the primary mode in which the concept of wonder has appeared in the literature.[17] There is, I think, one main reason for this cognitivist oversight: it has been commonly thought—by both anti-formalists and formalists, cognitivists and non-cognitivists—that (3) an innocent or what might be termed 'wondrous' appreciative attitude is necessary for an aesthetic response of wonder. Statement (3), however, seems to me to be blatantly false. And it is worth discussing why it is false, since the misconception (3) involves is likely one of the main sources of what seems to me to be confusion about the concept of wonder in environmental aesthetics.

I believe (3) is false because I believe two further things that, if true, would make it so: (i) the immersion experience is required to bring about the state of wonder if that state is conceived of as a properly *aesthetic* experience rather than as a mere thought *about* something wondrous; and (ii) complex deliberative acts are necessary to bring

[17] See, e.g., Stan Godlovitch, "Icebreakers: Environmentalism and Natural Aesthetics," *Journal of Applied Philosophy*, Vol. 11, No. 1 (1994), pp. 15-30; Berleant, op. cit.; and Ronald Hepburn, "Landscape and the Metaphysical Imagination," *Environmental Values*, Vol. 5 (1996), pp. 191-204.

about the immersion experience itself and to later make inferences from the experience's emotive effects to wholly non-emotive discursive thought, and this complexity in turn requires a mental sophistication prohibitive of an innocent, untutored, childlike wonder. In short, the immersion experience, if it is to bring about the response of wonder, cannot arise from an innocent appreciative attitude. That much seems clear. What is less clear, however, is the way in which the immersion experience can be understood to produce a response of wonder. I will first attend to the connection between immersion and wonder, and I will do that by discussing Kenneth Simonsen's "The Value of Wildness," in which he starts on a road toward making the connection explicit.[18] After that, we will be in a better position to finish the discussion about what the cognitivist position has right that can help clarify the concept of wonder and serve to better secure it an accepted place in environmental aesthetics.

3. Simonsen's "The Value of Wildness"

Kenneth Simonsen discusses the connection between the immersion experience and the response of wonder. There are five steps in his connective strategy. Simonsen first claims that "[e]verywhere in nature there are…formal patterns…which delight the senses[,]" but "[i]t would be simplistic to say…that mere form itself is the sole cause of our admiration. There is something more in this experience than the mere apprehension of form in the shapes of leaves or the reticulations of sunlight under water."[19] Simonsen's second, third and fourth steps are intended to justify that claim. In the second step he begins the

[18] Kenneth Simonsen, "The Value of Wildness," *Environmental Ethics*, Vol. 3 (1981), pp. 259-263.

[19] ibid., p. 261.

process of justification by offering an example of the sort of experience I have referred to in this essay as an 'immersion experience':

> I am seated on a lushly green grass beside a brook which meanders through the depths of a hardwood forest. I notice the design of the leaves about me, and also the formal patterns of light and shade formed by the sunlight breaking through the leaves. The murmur of the brook, the calls of hidden birds, the smell of the grass and flowers coalesce for me into an experience of total delight in nature.[20]

In the third step, Simonsen suggests we imagine we have been told that the object of our immersion experience is fake and human-made, about which he claims, and I think accurately, that the appreciator feels duped and cheated. It is arguable that this third step is motivated by a false intuition, and Zangwill argues that way, but I will put his misgivings aside.[21] In the penultimate step, Simonsen offers an inference to the best explanation that is intended to account for this feeling of having been cheated, viz., that "…[the appreciator's] sense of being cheated arises from the realization that the idea of wildness, of naturalness, is somehow connected with [her] enjoyment of the forest[,]" and wildness is connected to appreciation by "…the fact that our delight in natural forms arises in part from the awareness that these forms have appeared spontaneously, and are

[20] ibid., p. 261.

[21] Zangwill does not discuss Simonsen's essay but discusses examples having to do with fakeness of the sort Simonsen's involves. See "Formal Natural Beauty," op. cit., p. 115.

not the product of anyone's designs or labors. They are simply there. They have emerged on their own accord, indifferent to human desires or artifice."[22]

So in steps one through four, Simonsen has connected the very possibility of the immersion experience with a *non-occurrent belief* about the spontaneous creation of forms. Immersion is possible only against a background belief to the effect that the object of the immersion experience is the product of spontaneous creation, and this is because the negation of the proposition 'the object of my immersion experience is the product of spontaneous creation' is a defeator with the power to somehow rob the experience of the value we impute to it.

Pinpointing precisely what goes wrong when this defeator becomes a belief of someone who has undergone an immersion experience, however, is tricky, because the experience is non-discursive. The experience is one of a felt immediacy, the intensity of which is inversely proportional to the degree of discursive thought that happens to arise while undergoing the experience. Pinpointing what the defeator defeats is not, then, a straightforward matter because the experience, being non-discursive and in that sense uninformed or uncluttered by foreground reasoning, would seem incapable of being altered by the defeating belief.

What, then, is altered by the defeating belief? What is robbed of value? Here is my answer, and it is one that, to the detriment of the intelligibility of his view, Simonsen does not explicitly discuss: what is altered is what I will call 'the experience's discursive upshot', i.e., an *affect-laden rumination* on a complex mental object that consists of both the fact that the object of appreciation of some particular immersion experience exists as

[22] Simonsen, op. cit., p. 262.

a product of spontaneous creation and a recollection of the raw feel of the immersion experience. The nature of this rumination is easily misunderstood, and since it is central to my elaboration or clarification of what Simonsen seems to have in mind, it is worth making the notion clearer.

Though difficult to characterize, this rumination can be conceived of as a state of rapturous wonder at existence such that—crucially—the emotional intensity of one's wonder is a function of the intensity of one's raw, felt experience of the particular thing that is the object of that wonder.

It is important to recognize the complex nature of the object of rumination. I ruminate not merely on the proposition that the object of my immersion experience is a product of spontaneous creation, because the rumination is not merely cognitive but is affective too, and insomuch as that is the case, my affect may very well become an object of my rumination alongside that proposition. Though discussion of the emotions in any context is difficult and involved, suffice it to say for present purposes that we seem to have here a mechanism much like a feedback loop in which one's consideration of a proposition together with recollection of felt experience feed into each other to amplify the emotive content and in turn ratchet up the value one imputes to both the proposition or background belief and the experience that Simonsen has made clear requires it.

Simonsen points obliquely to what I have called above a 'rapturous wonder at existence' in step five, which is an insistence about recognition of the logical priority of wonder at mere existence to wonder at the existence of form in nature. As Simonsen puts the point, "[t]he presence of form emerging spontaneously in nature…adds an even greater sense of astonishment to the admiration we should [already] feel for the mere

existence of natural objects."[23] That is, if recognition of spontaneous creation is the source of our wonder and astonishment at the existence of form in nature, then our wonder at the sheer existence of the universe is logically prior to wonder at the existence of that universe's display of form and pattern. About sheer existence, Simonsen claims—and crucially with regard to our discussion of wonder—that the appreciator immersed in a natural environment

> …is confronted with a natural world which has come into existence on its own, and not in accordance with the design of an intelligent creature. He cannot enter into this world, as he can the world of human fabrication. There is, therefore, something astonishing in this world which has been brought into being by obscure if not blind forces. The wild spectacle…before him is truly full of wonder.[24]

With steps one through five, Simonsen has connected the immersion experience with wonder. Put compactly and in a way that is mine rather than Simonsen's, the main point here is this: the immersion experience of natural environments reveals, in a way that may very well be more emotionally intense than any other, the wondrous nature of what exists.

Next and last is the related comment which I mentioned earlier I would discuss: it might be thought odd to count what I have called 'the discursive upshot'—one's

---

[23] ibid., p. 262.

[24] ibid., p. 263. It is worth noting that with the phrase 'he cannot enter into this world', Simonsen is suggesting something closely connected with what Stan Godlovitch discusses in "Icebreakers: Environmentalism and Natural Aesthetics," op. cit.

ruminating on the fact of the wondrous nature of sheer existence—a proper part of an *aesthetic* experience, since rumination on a fact or proposition may seem unrelated to aesthetic appreciation, which has, of course, to do with *aesthetic* qualities, which are qualities seen, heard, or otherwise sensed. But recall that if cognitivists are right about nature appreciation, then facts about the object of appreciation are not unrelated to the deepest, most satisfying sort of aesthetic appreciation of that object but are, instead, integral to it. For this reason, the concept of wonder belongs properly to the cognitivist model of nature appreciation. But understanding how this is so is not as straightforward a matter as it might seem.

4. Conclusion: Wonder and Cognitivist Complexities

Though scientific cognitivists allow relevant knowledge into the process of nature appreciation—and so knowledge of nature's wondrousness in particular might thereby be let into that process—there is a complexity involved in taking the response of wonder to fall on the side of the cognitivist: the cognitivist's focus on aesthetic character is, as Carlson suggests, a focus on *why* or *how* the object of appreciation has its aesthetic properties, while—and this is the complexity—the response of wonder at sheer existence involves focusing on the simpler or prior fact *that* the object exists (or, perhaps problematically, involves focusing on the fact that the object of appreciation has the *property* of existence). As Carlson claims,

> [i]n the appreciation of [aesthetic] character, we do not focus on the mere fact *that* the object…has certain historical…properties, but go further in discriminating between properties on the basis of *why* or *how* [it] possess[es] those properties.[25]

And this problem is not a matter merely of our happening to not consider the *how* or *why* of sheer existence. Rather, the problem is deeper than that, since it is precisely the in-principle impossibility of determining *how* or *why* the physical universe exists that gives rise to wonder at its sheer existence as we come to ruminate on it via our immersion experiences.[26] The problematic nature of the complexity of the fit between cognitivism and the response of wonder is therefore acute because the seeming incongruity between the cognitivist emphasis on the *how* and *why* might very easily lead one to believe, incorrectly, that the response of wonder, with its in-principle preclusion of answering the *how* and *why* with respect to a key constituent of the concept of the object of appreciation, must fall on the side of the formalist, since it is the formalist who de-emphasizes their role in aesthetic appreciation.

Despite sheer existence being a matter of the universe's existing rather than not—i.e., a matter of the fact *that* the universe exists—this fact is probably best thought *not incidental* to the fundamental nature of the universe. Existence is, after all, a necessary feature of the universe and its parts. Existence can in that sense be considered, along the lines the cognitivist proposes, as component of what constitutes the fundamental nature of the physical universe and its parts. It might be questioned, though, whether existence

---

[25] Parsons and Carlson, op. cit., p. 372.

[26] For a detailed discussion of this point, see "Making Sense of Nature as Mystery: Stan Godlovitch's 'Icebreakers: Environmentalism and Natural Aesthetics'," Ch. III of this dissertation.

can legitimately be thought part of the aesthetic character of natural environments. But it can be reasonably argued, as I hope I have shown in this essay, that this feature—if we can legitimately consider existence a 'feature'—is properly part of the *aesthetic* character of natural environments because it is their existence that we wonder at, and this wonder is brought about by the immersion experience, which is considered virtually unanimously to be a significant mode of aesthetic appreciation.

(This essay appears as "Who's Afraid of Roger Scruton," in Nick Zangwill and Andy Hamilton (eds.), *Scruton's Aesthetics* (Hampshire: Palgrave Macmillan, forthcoming 2011).

V

Who's Afraid of Roger Scruton?: Paleo-Conservatism and Millian Perfectionist Liberalism

> It is my view that the high culture of our civilization contains knowledge which is far more significant than anything that can be absorbed from the channels of popular communication. This is a hard belief to justify, and a harder one to live with; indeed, it has nothing to recommend it apart from its truth.[1]
>
> Roger Scruton

Limiting our domain to those familiar with Scruton's work at the intersection of the discipline of aesthetics and conservative cultural criticism, the answer to the question the article's title poses is this: nearly everyone.[2]

1. Separation Anxiety

Scruton is feared because his view of the place of artworks within culture, and of the place within culture of the aesthetic interest generally, poses to those who uphold the

---

[1] Roger Scruton, *Modern Culture* (London: Continuum, 2000), p. 2.

[2] This work includes *Modern Culture*, op. cit; Roger Scruton, *Culture Counts: Faith and Feeling in a World Besieged* (New York: Encounter Books, 2007); "Religion and Enlightenment" and "Eliot and Conservatism" in Roger Scruton, *A Political Philosophy: Arguments for Conservatism* (New York: Continuum, 2006), pp. 118-145, 191-208; Roger Scruton, "The Aesthetic Endeavour Today," *Philosophy*, Vol. 71 (1996), pp. 331-350; Roger Scruton, "In Search of the Aesthetic," *British Journal of Aesthetics*, Vol. 47 (2007), pp. 232-250.

status quo in the discipline of aesthetics a cogent challenge of potentially great subversive power. The claim of fear is a strong one, but evidence for its truth, though circumstantial, is both available and convincing: Scruton has contributed conspicuously to debate on central topics in aesthetics and is esteemed by his colleagues for this, and unlike most working in the discipline he is a philosopher of widespread international reputation whose work, therefore, quite naturally admits of review, comment, and criticism; but the portion of his work manifestly forming its central strand—the portion devoted to reflections on the complex of high culture, aesthetics, politics, and the arts—is by them nearly universally ignored. That is a fact deserving of explanation. And at the center of what I take to be the best explanation is fear, fear of the power of his views on matters forming that central strand, and of the challenge they pose to most aestheticians' conception of their discipline.

This power is subversive: an earnest, forthright rejoinder to the challenge—were, alas, such rejoinders offered—would bring with it an awareness of something more unsettling than the possibility of partial or inevitable full agreement with Scruton and the resulting displacement from a comfortable academic home which alliance with the aestheticians' status quo provides. An earnest response to the challenge brings with it also an awareness of the more unsettling possibility that the wider cultural community to which the respondent may understand himself to belong, a community whose culture Scruton refers to as the 'culture of repudiation', is by its very nature unsuited to providing the feeling of meaningfulness, the feeling of pursuing aims that are in an ultimate sense worth having, which may have hitherto animated the respondent's actions, had justified not only his academic projects but projects of other kinds, and most significantly had

given him the succor we all so much desire, succor of the kind which only a position in a sufficiently broad-based membership of the like-minded can give.

There are two ways to think about the nature of the repudiation which membership in this community requires. One is more familiar and does not lead to analytic aestheticians' membership. The other is far less so but does.

On the more widespread understanding, membership requires one's readiness to assert that the value of Western high culture is no greater than the value of Western popular culture or of the cultures of pre-civilization. What is repudiated is not merely the claim that high culture and its artifacts, as products of a self-correcting and cumulative process of collective exploration and development, are by virtue of that process of presumptively greater value than cultures and the artifacts of cultures not a product of such processes. What is repudiated is the idea that any such claim's truth value is or could possibly be objective. This will be familiar to those on both sides of what have come to be known, interchangeably, as either the 'culture wars' or the 'science wars'.[3] Mention of them is relevant even though Scruton is concerned with high culture products other than scientific ones, since scientific realists and high culture conservatives share a principled hostility to the post modern theory that motivates and is often used to support cultural relativism and that is characteristic of much work produced in humanities departments in Western universities today.[4]

---

[3] See Paul Boghossian. *Fear of Knowledge: Against Relativism and Constructivism* (New York: Oxford U.P., 2006); Alan Sokal and Jean Bricmont, *Fashionable Nonsense: Postmodern Intellectuals' Abuse of Science* (New York: Picador, 1998). Scruton devotes a chapter to the culture wars in *Culture Counts*, op. cit., pp. 69-85.

[4] Scruton discusses the origins of the postmodernist outlook and its undesirable influences in the academy in chapters eleven and twelve, "Idle Hands" and "The Devil's Work," of *Modern Culture*, op. cit.

Mention of them is relevant for another reason, too, since there is an analogous war waiting to be fought: despite the widespread belief among analytic philosophers that their discipline has largely been immune from the effects of the relativist repudiatory outlook, a more subtle, sophisticated variant of the outlook exists in philosophy departments, whose faculty members, including their aestheticians, would outrightly deny a postmodern affinity. The core of this variant of the outlook is the mistaken belief that central tenets of liberal democracy are inconsistent with moral and political perfectionism. What is rejected on this less familiar understanding is not so much repudiated as silently but willfully nullified, namely, the idea that perfectionism in moral and political philosophy is worthy of serious discussion given a prior commitment to liberal democracy. I will explain below how we can reliably believe that most aestheticians belong to the community of repudiators via this less familiar species of membership to it. And I will explain why, given conceptual relations between liberal democracy and perfectionism, they should not so belong. To be gained by examining these matters is one way of circumventing the ironic circumstance of aestheticians failing to avail themselves of a powerful means for bringing aesthetics-related thought to bear, via moral thought, on a host of issues in social and political philosophy.

2. Perfectionist Liberalism and Cultural Conservatism

> In the perfect liberal suburb, the gardens are of equal size, even through decked out with the greatest possible variety of plastic gnomes.[5]

[5] Roger Scruton, "Philosophical Appendix: Liberalism versus Conservatism," in *The Meaning of Conservatism* (Indiana: Palgrave Macmillan, 1980), p. 182.

Consideration of the belief in an inconsistency between perfectionist accounts of ethics and politics on the one hand and tenets of liberal democracy on the other is significant given the conspicuous absence in the aesthetics literature of responses to Scruton's work on culture, and it is so for two related reasons. The first of them is this: Scruton's thoughts on the significance, for our collective future, of a vociferous recognition of the superiority of high culture to popular culture are based in a perfectionist ethical view about the good and the right.[6]

On such a view, the good is understood in natural law or virtue ethical terms, as a function of the exercise of the human cognitive, affective, and volitional capacities. High culture can be understood, via the workings of an invisible hand à la Adam Smith, as the product of the temporally cumulative collective activity of persons individually concerned to bring about excellence in their areas of expertise and in their local spheres of influence. Because of the filtering mechanism inherent in such cumulative social processes, the artifacts produced—construing 'artifacts' broadly to include such things as knowledge—have the capacity for exercising the central human capacities more fully than ones not produced by such processes. The right can then be cashed out partly in terms of duties we owe to ourselves in exercising those capacities. Scruton's thoughts are based also in political perfectionist views about the sort of dispensation of the state capable of realizing, promoting, and conserving aspects of the good, and capable of sustaining a culture in which the right is understood not merely negatively, in terms mainly of moral prohibitions against harmful acts or acts that would limit one's doing

[6] See Christopher Stevens, "Embracing Scruton's Cultural Conservatism," *British Journal of Aesthetics*, Vol. 49 (2009), pp. 371-88.

what one sees fit, but also positively. By this I mean that the right is understood also in terms of the agent's obligation to play his part, as an individual in his local sphere, in contributing to that realization or conservation by finding his place as player in the social mechanisms in which the processes that consume, conserve, or produce high culture are manifested.

The second and related reason that belief in the inconsistency of liberalism and perfectionism is significant here is this: the wider cultural community to which most aestheticians belong, the cultural community which gives them the succor I have mentioned and their membership in which might be threatened by their taking Scruton's views on issues at the intersection of aesthetics, ethics and politics seriously, is the community of politically liberal, broadly collectivist and non-judgmental cultural pluralists whose principal shared belief is some version of the idea that liberal democracy is inconsistent with perfectionist doctrines.

Why believe that aestheticians are in this category? I will answer the question by way of examples and a generalization from them. Nearly all analytic political philosophers are themselves anti-perfectionists, as evidenced by the anti-perfectionism of mainstream political philosophy since Rawls.[7] Most familiar with the relevant literature would seem to accede to Isaiah Berlin's assessment of positive liberty as a concept with little merit and some danger for democratic thinking.[8] The concept of rights as negative thereby prevails. What do I mean by 'negative right'? This is important, for it is a centerpiece of mainstream liberal democratic thinking. In accord with such a concept, we

[7] See George Sher, *Beyond Neutrality: Perfectionism and Politics* (New York: Cambridge U.P., 1997).

[8] Isaiah Berlin, "Two concepts of Liberty," in *Four Essays on Liberty* (London: Oxford U.P., 1969).

do not have a right to what is actually good in terms of a duty-bearer such as the state who would have to conserve that good so as to justify the power it exerts over us. Instead, its power is thought largely justified in terms of the protections it affords us in keeping others at bay so that we might satisfy our subjective preferences. And so even those institutions whose central purpose is presumably to conserve the good, such as public educational institutions, are impugned in the name of an egalitarian pluralism about the good if they are seen to be engaged in the attempt to advance some conceptions of it as more worthy of dissemination and conservation than others. For that would be to dictate values, which are in accord with the notion of rights as negative a sacrosanct prerogative of the individual. We therefore worship freedom of choice rather than the freedom to choose wisely.

Further, Edmund Burke, a figure as important to conservative thought as is J. S. Mill to liberal thought, is little discussed.[9] Mill's work is deformed by omission of parts of it he thought crucial to it. The parts omitted are those which can too easily be mistaken as inconsistent with the liberal democratic outlook, as I will show in more detail below. And to offer a final example, one need only have a look at the tenor of some responses to Martha Nussbaum's advocacy of the objective list theory of well-being in the understanding of the justification of state authority to notice how reviled the notion of objective conceptions of the good are among academics today, no matter the lengths to which one might go, as Nussbaum does, to characterize the view as based in a neo-Kantian, Rawlsian conception of the person as autonomous chooser of the good as he

[9] The classic work is Edmund Burke, *Reflections on the Revolution in France*, originally published 1790.

understands it.[10] The point of the examples in this and the preceding paragraph is to characterize the current mainstream political outlook, in mildly philosophical terms, so as to make clear what a deviation from it might amount to, and to make clear just how much perfectionism is indeed a deviation from it. The crux is that most aestheticians, like other philosophers not immersed in political philosophy, are less likely than today's political philosophers to work through the intricacies of the literature relevant to the intersection of perfectionism and liberal democracy, and so are less likely than is even the political philosopher to come to conclusions about perfectionism which deviate greatly from the norm and which most political philosophers have themselves not come to.[11] By virtue of this statistical fact, it is clear that nearly all aestheticians fall into the anti-perfectionist category.

Aestheticians should not, however, allow complaisance and the pull of orthodoxy in political philosophy deter them from investigating fruitful possibilities. To do so would be a shame, because aesthetics has as much to gain by consideration of connections between aesthetic experience and well-being as does moral and political philosophy. Scruton's work is, in fact, compelling support for the claim that there is a significant role for aesthetics to play in perfectionist ethics and politics. To show how this is so, it is best

---

[10] Nussbaum discusses her objective list view in Rawlsian terms in "The Good As Discipline, the Good As Freedom," in David A. Crocker and Toby Linden (eds.) *Ethics of Consumption* (New York: Rowman and Littlefield, 1998), pp. 312-41; "Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan," *Ethics*, Vol. 111 (2000), pp. 102-40; For a discussion of why she cannot, in the terms she has offered, have it both ways, see Richard J. Arneson, "Perfectionism and Politics," *Ethics*, Vol. 111 (2000), pp. 37-63.

[11] There are some notable exceptions among political philosophers. See Sher, op. cit.; Steven Wall, *Liberalism, Perfectionism and Restraint* (New York: Cambridge U.P., 1998); Thomas Hurka, *Perfectionism* (New York: Oxford U.P., 1993); Joseph Raz, *The Morality of Freedom* (New York: Oxford U.P., 1996). Further outside the mainstream of political philosophy are the natural law theorists, the most well-known of whom is John Finnis; see his *Natural Law and Natural Rights* (New York: Oxford U.P., 1980).

to begin at the beginning, with the notion of liberal democracy itself. What follows is my take on matters and not Scruton's, though my take is, as far as I understand his view, consistent with it. What I offer that is novel, and I think helpful, is a thinking of the relevant matters through from the point of view not of the political paleo-conservative but of the Millian perfectionist liberal. Paleo-conservatism, I should make clear for those unfamiliar with it, is as much a sociocultural as a political outlook, and it differs in this regard from the more familiar conservatism—neo-conservatism—which is a dominantly sociopolitical outlook in being rooted in views about economics rather than views about culture and its providing a foundation for pursuit of the good life.[12] The communicative advantage of this tact of beginning the discussion from Mill's philosophy is that, by setting out from the point of view of a central figure in liberal thought, the perfectionism at the heart of paleo-conservatism will almost certainly appear less off-putting to the self-described liberal.

By 'liberal democracy' I mean democracies with a codified or uncodified constitution, the rule of law, and legally protected rights and privileges. At the heart of the liberal democratic order is the Harm or Liberty Principle, made famous by Mill in *On Liberty*, according to which agents are accorded, via a negative right of non-interference, the privilege to do as they please, provided their doing so not infringe upon others' right to do likewise.[13] It is easy to mistakenly equate the liberty principle, which is an abstract principle of governance, with a substantive principle about final ends or appeals to

[12] For what is probably the best account of paleo-conservatism available, see Scruton, *The Meaning of Conservatism*, op. cit.

[13] J. S. Mill, *On Liberty*, originally published 1859, in John M. Robson (ed.) *Collected Works of John Stuart Mill* (London: Routledge, 1963-91), Vol. XVIII.

intrinsic value of the sort that can be used in the justification of such abstract principles. And in the formation of the mistaken belief that liberal democracy and perfectionism are inconsistent, it is just such a mistaken identification that is too often made.

The idea behind the identification is this: what justifies the liberty principle is the value of the free choice of ends—choice which, by definition, it protects. The principle, which is indeed a principle of the protection of choice, is thought on this view to be obviously justified by appeal to the value of choice itself rather than to the value of the particular choices it makes possible. That ought to strike one as strange, since it is easy to recognize that not all choices are equally welfare-enhancing or, in other words, do not to the same extent exercise the central human capacities. The supposed obviousness of the justification, though, can be explained by pointing to the fact that thinking the value of choice itself a ground for the justification of the principle renders the principle in a sense satisfyingly self-justifying, in that the justification does not involve appeal to something other than what appears in the principle's very definition, namely choice on the one hand, and the appeal to value inherent in the normative nature of the notion of protection on the other.

Mill, the principle's point source, one of its most eloquent spokesmen, and one of the prime sources of liberal democratic thought, did not himself conceive of it as justified by the value of choice alone. But neither did he justify it, as is commonly thought, in terms merely of Utility, if by 'Utility' is meant what too many take it to mean, namely, the greatest good for the greatest number, with 'good' being conceived along Benthamite lines as quantitative pleasure, or as conceived per the more modern notion of well-being as the satisfaction of present preference, no matter the preference. The former is a crude

hedonism to which nearly no one today subscribes. The latter is the neo-classical economic notion embraced also by those who take the value of choice alone as sufficient justification for the liberty principle.

Rather, Mill conceived of Utility, or what Hutcheson called 'the greatest happiness for the greatest number', in terms of the higher pleasures—that is, the '*greatest* happiness'—with this greater happiness or higher type of pleasure maximized quantitatively across the aggregate of moral agents: 'I regard utility as the ultimate appeal on all ethical questions: but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being.'[14] These 'permanent interests' are permanent in the sense of their not being a function of the vicissitudes of preference. It might seem odd to ascribe the feature of permanence to interests, which understood as preferences are things particular agents have, and further, are things we have impermanently in that particular preferences come and go or change as our outlooks change. But speaking of interests we *ought* to have is not odd: permanent interests are those interests we would have, were we to approach an ideal of rationality.

The idea can be cashed out in terms of two of Mill's passages, one often cited, the other not. The existence, says Mill, of an

> …ideal nobleness of character, or of a near approach to it, in any abundance, would go further than all things else towards making human life happy; both in the comparatively humble sense, of pleasure and freedom from pain, and in the higher meaning, of rendering life, not what it now is almost universally, puerile

[14] J. S. Mill, *On Liberty*, in Robson, op. cit., p. 224.

> and insignificant—but *such as human beings with highly developed faculties can care to have*.[15]
>
> Of two pleasures, if there be one to which all or almost all who have experience of
> both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater in amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account.[16]

These human beings with highly developed faculties are the genus of which a species are those 'competently acquainted' with the particular type of object in which, in the context of an instance of the hypothetical determination of quality set out in the passage above, pleasure is taken. These people are experts, but they are guides for us because we, too, being humans, have the capacity to approach to a practicable degree the levels of discernment and aesthetic sensitivity necessary for taking pleasure in objects that experts

[15] J. S. Mill, *A System of Logic Ratiocinative and Inductive*, Book VI, Chapter XII ('Of the Logic of Practice, Or Art; Including Morality and Policy'), originally published 1843, in Robson, op. cit., Vol. VIII, p. 952, emphasis mine.

[16] J. S. Mill, *Utilitarianism*, in Robson, op. cit., Vol. X. p. 211.

prefer, that is, objects that are excellent instances of their kind.[17] The appeal to human capacities in the context of a discussion of the good renders Mill's view a species of moral natural law theory. And his mention of 'noble character' aligns his view with one species of natural law theory, namely, virtue ethics.

In taking the liberty principle to be justified in terms of Utility, Mill believed that the principle is justified by its being an effective means to the good, with the good understood as I have explained it earlier, that is, the good conceived along natural law or virtue ethical lines, as a function of the exercise of the central human cognitive, affective, and volitional capacities. Such a view of the good clarifies what morality demands: that one maximize, as far as is practicable given constraints of ability and circumstance, the exercise of those capacities, and so strive to become what Aristotle might refer to as a 'fine person'.[18] Such a view clarifies the first-person motive or reason for living in accord with the principle of Utility, which is the prudential reason that living in accord with a regulative ideal of nobleness of character renders one's life a merited object of perhaps the most well-being enhancing higher pleasure there is, namely, pleasure taken in one's having lived well, with 'well' understood in terms of human excellence.

Such a view clarifies also the relative degrees of quality of cultural artifacts of the same kind, such as, say, dwellings, cities, musical or pictorial or literary works, etc. It does this because, first, cultural artifacts can be defined in terms of the human function

---

[17] The astute aesthetician will have noticed similarities between some of my account of the Millian higher pleasures and Hume's account of aesthetic judgment in his "Of the Standard of Taste."

[18] An argument for the claim that a person who is fine in this and related ways yields higher pleasures for himself in being so is offered in Gabriel Richardson Lear "Aristotle on Moral Virtue and the Fine," in Richard Kraut (ed.) *The Blackwell Guide to Aristotle's Nichomachean Ethics* (Malden: Blackwell, 2006), pp. 116-36.

they serve and, second, the better a functional kind serves its function the better or more excellent an instance of its kind it is.

On Mill's view, the free choice the liberty principle protects, and the heterogeneity of interests and proliferation of small group associations of the like-minded both free choice and this heterogeneity promote, may be the most effective means available for production of artifacts that are excellent instances of their kind. And because the existence of excellent artifacts promotes the realization of a greater degree of the exercise of our central human capacities, then the greater quantity of excellent instances of different kinds of artifact then, in turn, the greater too is the likelihood of the realization of quantitatively more good of high qualitative degree. The liberty principle in this way promotes the good understood as well-being conceived as a function of that exercise.

Reflection on my explanation of Mill's view should make obvious the connection between the idea of liberal democracy conceived as having the liberty principle at its center on the one hand and, on the other, the idea of high culture conceived as part of the justification of the liberal democratic state—conceived, that is, along the lines of the story of the state order's conducing to well-being via the mechanism of the liberty principle. It should also be obvious, then, that the moral and political perfectionism inherent in Scruton's plea for recognition of the significance and qualitative superiority of high culture and high culture artifacts is not inconsistent with liberal democracy; a sufficiently comprehensive conception of liberal democracy in fact requires such advocacy.

If this line of thinking seems strange, then one's finding it strange should not itself also seem so. I say this on the basis of reflection on a central idea of de Tocqueville, that perspicacious observer of the liberal democratic order, who entrusted us with the insight that one of the greatest dangers to this order and citizens living under its aegis is the gradual loss of excellence due to the leveling effects of the averaging mechanisms at the heart of democratic processes.[19] It is not true, though, that the loss of excellence is one of the greatest dangers—not, that is, at least the greatest of its kind—since there is one that is in a sense an extension or elaboration of it that is greater, namely the loss of the very idea of excellence, or what amounts to the same thing, the loss of the idea of excellence as a guiding principle. And this second, greater loss is in fact what we find: given an awareness of de Tocqueville's insight and its extension, we should not be surprised to discover that many will find strange, unacceptable, or even inconsistent the line of thinking that brings together liberal democracy and the moral and political perfectionism which an advocacy of cultural excellence or high culture involves.

3. The Task Before Us

> Our educational institutions are no longer the bearers of high culture and public life has been deliberately moronised.[20]

---

[19] Russell Kirk well expresses Tocqueville's worry: "..Tocqueville was always searching for ends. A political system which forgets ends and worships averages, a 'collectivist discipline', for Tocqueville was bondage worse than slavery of the old sort. Society ought to be designed to encourage the highest moral and intellectual qualities in man; the worst threat of the new democratic system is that mediocrity will not only be encouraged, but may be enforced"; Russell Kirk, *The Conservative Mind* (Wash, DC: Regnery, 2001), p. 206.

[20] Scruton, *Modern Culture*, op. cit., p. 156.

The practical upshot of what I have discussed so far is that without the idea of excellence to motivate our actions and guide our judgments, but still with the idea of the goodness of liberal democracy in our hearts, we become subjective pluralists about the good, including that part of the good of which the more significant cultural artifacts consists. In aesthetics, for instance, strong and disciplined evaluation of artworks is dropped from the background against which work in the field proceeds, as it has been with the turn from functional, evaluative definitions of 'art' to classificatory definitions.[21] Practitioners of the latter take as their starting point not the exploration of what artworks can do that is of great or singular value to us, in which case they would from the outset accept that some supposed artworks are not deserving of the name, but instead take as their starting point the collection of things which via the pluralist, non-judgmental, putatively liberal democratic outlook I have discussed and warned against are already taken legitimately to be artworks.[22] This phenomenon in aesthetics can be understood to flow from a mindset similar to the one that helps legitimize, as worthy subjects of serious study in the university alongside the classics, the fine arts, mathematics and the sciences, such popular art forms as rock music, comics, and such youth movements as the "tattoo culture."[23]

---

[21] The turn is comprehensively presented, though without discussion of its political dimension, in Stephen Davies, *Definitions of Art* (New York: Cornell U.P., 1991).

[22] I criticize this in "Embracing Scruton's Cultural Conservatism," op. cit., pp. 382-87.

[23] The value pluralism of modern-day liberalism does still worse to the study and appreciation of art than merely bloat the term's extension, robbing it of meaningfulness. Via a subjectivism about value that is at the root of this pluralism, central works of the canon are politicized far beyond reason or evidence partly in the name of interpretive freedom, to the detriment of an understanding of their aesthetic, artistic, and existential import. See Roger Kimball, *The Rape of the Masters: How Political Correctness Sabotages Art* (San Francisco: Encounter, 2005).

This is a sad state of affairs in many ways, but is so especially because in such a guise the university for many no longer serves to graduate mature adults from youth, via a transition through the process of studied reflection on the greatest achievements of Western civilization. That is a betrayal of the young. Also sad is the ironic fact that those who ignore Scruton's work on culture by reason of deference to the directives of non-judgmental, pluralist liberal democracy do justice neither to liberal democracy nor to Scruton nor even, ultimately, to themselves insofar as they wish to further the liberal democratic cause. To do the latter, they will have to embrace liberal democracy from the point of view of the paleo-conservative, if doing so is, as seems to be the case, implied by the conservatism inherent in the advocacy of high culture.

But that need be seen no bad thing from the point of view of the political liberal, since under the description of conservatism falling out of that idea Mill is himself a conservative of sorts. And I believe that he is and can be seen to be, if properly understood.[24] Consider, for example, the following passage. Though very rarely cited, it is from Mill's *On Liberty*, and it will shock self-described liberals as much as it will delight the conservative:

> No government by a democracy or a numerous aristocracy, either in its political acts or in the opinions, qualities, and tone of mind which it fosters, ever did or could rise above mediocrity, except in so far as the sovereign Many have let

[24] The best account available of the place of perfectionist thought in Mill's political philosophy is probably John Skorupski, "Liberal Elitism," in his *Ethical Explorations* (New York, Oxford U.P., 1999), pp. 193-212; see also in the same volume "The Ethical Content of Liberal Law," and "Liberty's Hollow Triumph," pp. 213-233, 234-254. Skorupski's thoughts on these matters are given a pithy presentation in *Why Read Mill Today?* (New York: Routledge, 2006).

> themselves be guided (which in their best times they always have done) by the counsels and influence of a more highly gifted and instructed One or Few. The initiation of all wise or noble things, comes and must come from individuals; generally at first from some one individual. The honour and glory of the average man is that he is capable of following that initiative; that he can respond internally to wise and noble things, and be led to them with his eyes open.
>
> …[W]hen the opinions of masses of merely average men are everywhere become or becoming the dominant power, the counterpoise and corrective to that tendency would be, the more and more pronounced individuality of those who stand on the higher eminences of thought.[25]

Mill's emphasis here on individuality and the emphasis he puts on innovativeness generally would appear to run counter to the conservative's emphasis on establishment.[26] But his central idea that the good can be cashed out in terms of the higher pleasures makes clear that the innovativeness he emphasizes is constrained by tradition, as the merited objects of the higher pleasures do not come to us from the void, nor does the sensibility to properly attend to them come to us by grace alone. Production of the one and attainment of the other must be worked at, and they are hard won. The 'pronounced individuality' of which Mill speaks is no slapdash thing. Nor is it the sort leading to wanton revolution in the name of winning freedom from an oppression of tradition and privilege. Such individuals 'stand on the higher eminences of thought', and attainment of

[25] J. S. Mill, *On Liberty*, in Robson, op. cit., Vol. XVIII, p. 269.

[26] For a discussion of the place of the idea of establishment in paleo-conservative political thought, see Roger Scruton, *The Meaning of Conservatism*, op. cit., pp. 148-73.

the ability for such thought requires wrestling with the great thinkers of the past, and that in turn implies respect for tradition and earns for such an individual a place of privilege.[27]

This understanding of Mill's moral and political philosophy renders it in significant respects akin to the philosophy of Burke, that most important founding father of conservative thought, who conceived of politics and the conservation of cultural capital against the background of the insight that effective conservation requires gradual reform—reform, that is, made in the light of an understanding of the value of tradition. An even more striking parallel exists, on this understanding, between Mill and T. S. Eliot, whose writings on modern art are founded on the idea that a meaningful artistic stylistic originality is not built on mere novelty, which is of little significance, but on studied reflection upon past accomplishment so as to continue the tradition, complete with its focus on life's most perplexing and fundamental questions, by extending it into the present.[28] By means of the vehicle of this complex sort of originality, the tradition is, in one sense, remade in the light of the present, enabling its message to be clearly understood by us, who share a sensibility different from those who went before. In another sense, the tradition is not remade via this originality, in that the tradition, being at each past moment a product of this mechanism of originality had via reflection upon the precedent of past achievement, is something essentially and continuously remade, so that

[27] This line of thought's taking off has been hampered by conservatives construing Mill as an enemy via construals of his philosophy that are uncharitable to say the least. Scruton unfortunately has contributed to this. Compare the following, e.g., with my account of Mill's notion of individuality: Mill's " 'free development of the individual' sometimes seems little different from individual anarchy—that is, from the submergence of the personality in whatever impulse might be ready to assume command of it" (Roger Scruton, *A Short History of Modern Philosophy* (London: Routledge, 1995), p. 229). Further misconstruals appear in the chapter from which that sentence comes, "Utilitarianism and After," especially concerning motive, or the purported lack of Mill's spelling it out, for the agent's living in accord with the principle of Utility, and the purported lack of a criterion for distinguishing the higher from the lower pleasures.

[28] See Eliot's "Tradition and the Individual Talent," originally published in 1919 and later appearing in *The Sacred Wood*.

remaking is not so much a refashioning as an acknowledgment of something fixed, something permanent. Likewise, for Eliot, with culture, of which the artistic enterprise is of course a part.

The key to understanding Mill's view of tradition is the place in his thought of the higher pleasures. The connection between the higher pleasures and tradition can be recognized by first noting that the higher pleasures can be conceived of as pleasures one takes in one's interaction with objects which exercise, much better than others of their kind, the relevant cognitive, affective, and volitional capacities; and by noting, second, that pleasures understood this way therefore have fitting objects; and by noting, third, that these fitting objects are the artifacts of high culture. By way of this analysis of Mill's views, he and Burke can be seen to shake hands across what is typically and mistakenly thought too great a divide.

This is all good news for the paleo-conservative. Armed with evidence that a figure typically considered by liberals themselves to be one of the founders of political liberalism is in significant respects a conservative, the paleo-conservative is already partway to successfully arguing his case against his most ardent detractor. If only liberals were to become more aware of the essential complexities of their own tradition of thought , they might then be willing and equipped to meet him halfway. The irony here—and it is a profound irony—is that the progressivism inherent in the strain of liberalism embraced by so many today throws a shadow on tradition, including the tradition of liberalism itself. By offering a reminder of the perfectionist basis of Mill's liberalism, I hope to have increased at least some liberals' awareness of their tradition and thereby

increased the likelihood that such meetings between paleo-conservatives and liberals take place.

That they do is important for two reasons. One is that probably only by perfectionist liberals and paleo-conservatives working together will what seems to me one of the most important unsolved problems of political philosophy and politics be solved. This is the problem of formulating and putting into practice a means by which the following dilemma might be resolved: on the one hand, establishment as conceived by the paleo-conservative maintains visibility of high culture objects at the requisite expense of making difficult a promotion of the individuality necessary for maintenance of the tradition via informed innovation; on the other, extensive agent freedom as conceived by the perfectionist liberal well promotes individuality, but it does so at the expense of rendering high culture objects less visible, in that they can too easily then become, as they now to many largely are, submerged under a populist sea. Freedom without clear view of a map of worthwhile destinations is freedom undirected or, since persons yearn for direction and often seek it where most readily had, is freedom misdirected. Likewise, undue reliance upon the directions a map provides can blind one to the potential of as yet undiscovered destinations. With regard to culture, the persuasive power of establishment can lead to calcification of the tradition, which, per the theory of culture as an organic thing à la Eliot, is a recipe for its decline and, potentially, its death.

Because each of this dilemma's horns invokes one seemingly necessary part of a recipe for high culture's maintenance, response to the dilemma will involve some manner of reconciliation of the two horns rather than a thoroughgoing acceptance of one at the expense of jettisoning the other. The only response I am able to see with clarity is this:

the reconciliation is not something to be achieved with any degree of finality, but is instead something that, due to its very nature, must itself be actively maintained. It is a balance so precarious that the most underwhelming of external forces can significantly disrupt it, unless watched carefully with an eye toward the requisite adjustment.

The watchmen most suited to this job are the paleo-conservative and the perfectionist liberal, working together toward their shared aim by each acknowledging the legitimacy and importance of the other's concern while nevertheless each holding fast to the necessary part of the recipe for maintaining high culture that he is prone to champion if pushed by circumstance to support merely one of them. By engaging with each other, in an ongoing dialogue, whose subject is the question of how best to deal with the problem of reconciliation given whatever political and socio-cultural climates happen to prevail at the time, they indirectly but effectively resolve the problem, in that the importance of the two components in need of balancing remains acknowledged, and in this acknowledgement the dangers of imbalance are thwarted. But for this to become reality, paleo-conservatives will have to put an end to Mill-bashing, and self-described Millians will have to learn what it is to truly be Millian.

The other reason it is important for us that meetings between perfectionist liberals and paleo-conservatives take place is this: saddest of all, and so sadder still than the betrayals of the young and of the liberal democratic cause mentioned earlier, is the diminishment of the human spirit that would result were high culture to continue fading from the awareness and concern of so many, fading eventually to mere remembrance of a time past, when aspirations were real and life was taken seriously. If that were to happen, we will have lost the sense of being at home on this earth, since approaching the living of

one's life with seriousness and a sense of purpose is to build that home.[29] This is ultimately why high culture matters, and this is why it matters that we recognize its import. As Scruton tells us in the passage I quoted at the essay's outset, high culture contains significant knowledge that cannot be had from popular culture. This knowledge, in a nutshell, is a kind of knowledge as evidence: high culture artifacts are evidence that people have lived with conviction, concern for excellence, and cognizance of their place in the unfolding drama of civilization. It is effectively accessed not merely cognitively but even moreso affectively, by means of first-hand experience of the great artworks of our tradition.[30] In this way, one might not only recognize the truth of the proposition that living with conviction is possible but might be stirred by feelings with the power to motivate him to act on that recognition. The evidence high culture artifacts offer of people's having lived with conviction shows that doing so is possible, despite widespread and deep-seated feelings of the futility of making the attempt. When the attempt seems utterly futile, we need this knowledge all the more.

[29] For a discussion of the way in which a loss of concern for high culture leads to lack of seriousness, see the concluding chapter of Scruton's *Modern Culture*, op. cit.

[30] See Roger Scruton, 'The Aesthetic Endeavour Today', op. cit.

(Stevens, Christopher, "Embracing Scruton's Cultural Conservatism," *British Journal of Aesthetics*, Vol. 49 (2009), pp. 371-88. Used with permission of Oxford University Press.)

VI

Embracing Scruton's Cultural Conservatism

1. Introduction

Aestheticians working in mainstream analytic aesthetics have shown little interest in bringing their discipline to bear on issues at the intersection of ethics, aesthetics, and politics.[1] It is unsurprising, then, that aestheticians who have discussed specific art, music, and architecture-related aspects of Roger Scruton's aesthetics have typically done so without concern for the cultural, moral, and political views which largely motivate his aesthetic preoccupations. It would be strange, though, to think lack of interest in such matters indicative of a lack of concern for them, since unconcern would belie an inescapable awareness of the following manifest fact: a tripartite connection exists, and exists demonstrably, between putative *aesthetic objects*, *culture* conceived as partly consisting of those objects and their production, fitting treatment, and social effects, and *those objects' perceivers* conceived as citizens of a state having the moral obligation to safeguard quality of life, a significant constituent of which is arguably what has come to be called 'cultural life'. The lack of interest suggested by the dearth of work at the

[1] See, e.g., Jerrold Levinson (ed.), *Aesthetics and Ethics: Essays at the Intersection* (New York: Cambridge U.P., 1998), which, characteristically with respect to the discipline, includes little discussion of the most politically-relevant intersection, viz., aesthetic issues arising in ethics. See also Lydia Goehr, "Art and Politics," and Richard Eldridge, "Aesthetics and Ethics," in Jerrold Levinson (ed.), *The Oxford Handbook of Aesthetics* (New York: Oxford U.P., 2003). The first of the latter two bypasses questions of the relationship between art, culture, human well-being, and the moral obligations of the state. The second, while handling such questions, discourages further exploration by its heavy-handed criticism of neo-Aristotelian and neo-Humean views of the aesthetics-ethics relation.

intersection of aesthetics, ethics, and politics may, then, be indicative not of unconcern, but of a paralyzing ambivalence toward admittedly significant issues whose degree of import is matched by the degree of their perceived recalcitrance. Questions arising from the interplay of subdisciplines at the intersection are avoided because they are unwieldy and therefore particularly demanding.

In a more convincing, more comprehensive way than perhaps any other philosopher, Scruton has met this demand. And unlike some others who have tried to tackle complex intersubdisciplinary issues at the intersection, he neither strays from the tenets of analysis and straightforward utterance forming the core of the analytic philosopher's craft, nor does he depart from a conception of the discipline of aesthetics that can be acceded to by those who, like himself, continue to work on recognized issues constituting aesthetics' mainstream. Though Scruton has met this demand, and as the dearth of work at the intersection attests, few, however, have followed his lead. This is due, I think, in large part to confusion about the meaning of, and lack of understanding of the moral and political ramifications of, a notion which lies at the center of Scruton's work in this area, viz., his notion of *cultural conservatism*.[2] Scruton is, of course, well-known for his political conservatism, and this has only added to the confusion about just what his *cultural* conservatism is. Yet even were the two conservatisms kept conceptually separated, as indeed they can be, there is potential for confusion about the central role aesthetics might play within any cultural conservatism. And there is a potential for uncertainty about what Scruton's cultural conservatism would be, were it worked out in greater philosophical detail. Plus there is a potential for doubts about the possibility of

[2] See Roger Scruton, "Eliot and Conservatism," in *A Political Philosophy: Arguments for Conservatism* (New York: Continuum, 2006), pp. 191-208.

fashioning a more fully detailed yet consistent and intellectually satisfying version of the view, which, as Scruton presents it, relies on such a wealth of diverse philosophical materials.

In sections three and four, I will present key components of Scruton's particular brand of cultural conservatism and explore one way of working out some of the details, in an attempt to offer up, by example, the possibility that the kinds of off-putting unwieldiness from which ambivalence toward issues at the intersection stems might be satisfactorily dealt with. Before embarking on that involved task, though, and to lend the task the more keenly felt sense of urgency it is deserving of, I will spend time with at least one example showing that aesthetics can and does indeed bear significantly on social and political issues. I do that in section two. I conclude by suggesting that, given Scruton's trenchant insights about the arts' deep social importance, and given the formative results his work offers the aesthetician interested in exploring connections between aesthetics, ethics, and politics, Scruton's work in this generally neglected area deserves not only the celebration it has not yet received amongst analytic aestheticians, but deserves also the kind of celebration that only emulation affords.

2. Aesthetics, Politics, And Cultural Conservatism

Mainstream analytic aesthetics has failed to absorb recent coincidental shifts of focus in subdisciplines neighboring aesthetics which open a door for bringing aesthetics to bear on public policy issues: debates in social and political philosophy have moved from the clash between libertarian and economic-egalitarian stances on distributive justice to perfectionist critiques of the value-neutrality principle at the heart of liberal theory,

debates in normative ethics have moved beyond disputes among consequentialists and deontologists to include considerations of virtue ethical theories and their substantive conceptions of the good life, and debates in metaethics have moved beyond contentions between projectivists and realists to include a third position, neosentimentalism, which may incorporate the most convincing and desirable features of each, while also linking the good with pro-attitudes, some of which coincide with archetypal aesthetic response.[3] If, as some value theorists have suggested, the good is helpfully equated with the valuable, and if, as neosentimentalism recommends, value is explained in terms of object-merited emotive-affective response, then on a conception of the state which takes as its social duty the promotion of the good—i.e., a perfectionist conception of the state—political concerns will include the conservation of objects capable of producing paradigmatic positive affective responses and will include the preservation and advancement of the culture that sustains their production and appreciation.

For its breadth alone, that is a potentially fruitful way of conceiving of one of perhaps many types of relationship between the aesthetic, the moral, and the political, but it is also an admittedly involved one, as nearly any probably would be. Working through the necessarily complex detail of views embracing aspects of all three disciplines, though,

[3] See, e.g., George Sher, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge U.P., 1997); Steven Wall, *Liberalism, Perfectionism and Restraint* (New York: Cambridge U.P., 1998); John Christman and Joel Anderson (eds.), *Autonomy and the Challenges to Liberalism: New Essays* (Cambridge: Cambridge U.P., 2005); Julia Annas, *The Morality of Happiness* (Oxford: Oxford U.P., 1993); Rosalind Hursthouse, *On Virtue Ethics* (New York: Oxford U.P., 1999). Related to John McDowell and David Wiggins' secondary-quality approaches in metaethics, and to T.M. Scanlon's buck-passing account of value, neosentimentalism is a recent emendation and extension of Hume's sentimentalist position about the metaphysics of value that centers on the problem of reconciling the notion that value is in part a product of the sentiments while evaluation nevertheless has significantly to do with rationality so that the legitimacy of any particular evaluation is constrained by reasons. See Justin D'Arms and Daniel Jacobson's "Sentiment and Value," *Ethics*, Vol. 110 (2000), pp. 722-748, and their "Sensibility Theory and Projectivism," in David Copp (ed.), *The Oxford Handbook of Ethical Theory* (Oxford: Oxford U.P., 2006), pp. 186-218.

is worth the effort, since serious consideration of cultural artifacts like the symphony, the novel, the great architectural work, and enlightened discussion about them and the culture of appreciation that sustains them is relevant to even some of the most fundamental unresolved problems in social and political philosophy. The finding of a single normative framework, for instance, which is applicable to the world's culturally diverse peoples, seems to be what is needed to peacefully and respectfully arrive at solutions to global political problems and to political problems within states consisting of culturally diverse populations but, surprisingly, that framework may have as much to do with the oft-discussed notions of natural right, law, and positive duty as it does with the slighted, much less discussed, and misleadingly elitist-sounding notion of the *conservation of worthy cultural artifacts*.

This surprising suggestion about an important political role for the consideration of cultural artifacts arises from two related and seemingly mundane truisms about social life. First, it is clear that cultural artifacts not only reflect but work to shape a culture, and culture, in turn, works to shape the sentiments constitutive of prevailing social attitudes. Second, those aspects of different cultures most often involved in causing intercultural political conflict are likewise a main source of intracultural societal conflict and are, unsurprisingly, those aspects of a culture most at odds with the values reflected in the visions of life preserved in its most revered cultural artifacts. For instance, a measure of the antipathy toward the West felt by some members of Islamic culture can be understood as a reaction to the moral vacuum that is part and parcel of acquisitive consumerist lifestyles, but the values reflective of acquisitive consumerism—e.g., acceptance of commodification of the means to self-realization, of consumption as an end in itself, of

packaged individuality, and of lack of freedom in debt—run in many ways contrary to the vision of life enshrined in so many of the cultural artifacts of the Western arts and humanities canon since the Enlightenment, according to which the robust individual, unfettered and self-determining, seeks one or another kind of reasoned balance between the needs of body, mind, and spirit. So despite differences between the Enlightenment conception of the autonomous individual and the Islamic emphasis on community, an affinity nevertheless exists between the sentiments of the anti-consumerist Muslim and the sentiments that emerge from what some will suggest is a preferred understanding of Western culture and its tradition.

And with regard intracultural conflict, it is becoming clear, for instance, that debates within Muslim communities about Islamic fundamentalism, political Islamism, and Islamic extremism are reflective not only of the existence of trends dangerous to global political stability but are also reflective of a deep rift in Islamic society, which threatens that culture from the inside, and which can be understood as being caused in part by state-sponsored progressive de-emphasis of the role that concern for Muslim high culture should play in the re-creation of the Islamic state amidst the modernizing influences of globalization. It is no coincidence that there is less friction between those immersed in the high cultures of the West and East than between those whose ways of life are less about the kind of reasoned balance and emotional sensitivity that high culture artifacts often reflect. Those balanced ways of life may be lived by means of culturally divergent practices whose core values are not as different as the manifest practices may lead one to believe them to be. And if that is correct, then it is unproductive to enter into irresolvable conflict about differences in practice when one can learn how to deepen the

core of one's own practice by seeing beneath those differences to the core values which inform any of the world's cultures' great answers to the perennial questions about how to live. To give just one example of such cross-cultural fertilization, it is no surprise that the literature, art, architecture, and serious music of the West has been increasingly informed by considerations of the arts of non-Western cultures as globalization has made access to information about them progressively easier.

There is reason to believe, then, that the incompatibility between sets of foundational moral values which characterize diverse societies has less to do with conflict between essential, irreplaceable components of those sets than with a misguided emphasis on conflict between the culturally-differing manifestations of more fundamental substantive value commitments of a kind that all such sets share. And—this is the crux—because these fundamental value commitments are reflected so poignantly in the great cultural artifacts which have come to be seen as defining features of gross cultural identities, the fashioning of a single normative framework for the world's diverse peoples might best be thought to involve pointed reference to a more widely shared concern for the preservation of those artifacts and, in turn, an indirect affirmation of the worth of preserving the modes of life those artifacts are reflective of.

It is important to recognize, though, that cultural conservatism of the kind which this framework involves, and the moral and political perfectionism that a model of lived excellence taken from high culture suggests, is not obviously or necessarily at odds with the liberal emphasis on the notion of the individual as an autonomous, rational pursuer of the good as she understands it; one who believes, as does the perfectionist, that the good for humans is, at some practicable level of abstraction at least, objective, and that agents

are morally obligated to try to realize any one of the innumerable lived variations of that good, need not be committed to views about social and political orderings that smack of an unsavory freedom-limiting paternalism. To see that that is so, note that autonomy itself can be conceived as a component of the well-lived life, as can, of course, the achievement of at least a threshold level of agent welfare, and since it is reasonable to think that not all life's alternatives are as welfare-enhancing as others, it is not unreasonable to think that autonomy is not a good in and of itself, but is good relative to the free choice it allows toward the realization of any number of roughly equally valuable, equally welfare-enhancing options.[4] It is possible to fruitfully conceive of the cultural conservatism at the root of the global normative framework I have proposed above as acting like a safeguard to ensure that one set of such options—a set privileged by the prominent place its members enjoy as products of a long history of culture-building experimentation—survives with strength sufficient to encourage us to live with welfare-enhancing excellences of various sorts in mind, and with strength sufficient to inform the projects of those capable of extending the traditions which that experimentation has built, and by extending them in altered form, to keep them alive.

Aestheticians need not worry, then, that, were they to embark on projects which imply, say, that modes of life are rendered objectively morally better or worse in virtue of significantly welfare-enhancing aesthetic satisfactions being had or not had, they would thereby commit themselves obviously to abhorrent political views. And that the sort of view I have discussed above, about such a key concern in political philosophy as the conceiving of a normative framework capable of being applied across the great, diverse

[4] See, e.g., Joseph Raz, *The Morality of Freedom* (Oxford: Oxford U.P., 1988).

cultures of the world, might be thought plausible due to some of the coincidental shifts in emphasis in neighboring value-theoretical disciplines mentioned at the outset bodes well for aesthetics. That a perfectionist view of the state is being taken seriously by theorists allying themselves with the cause and ends of democracy should be seen as a grand opportunity for those versed in making distinctions about the notions of object, experience, property, and value having to do with artifacts whose effects, in myriad ways, play, or have the capacity to play, such a large part in constituting the cultural identities and flourishing lives of democratic peoples.

3. Culture and Feeling

The belief that there is reserved a significant role, within bona fide thought about serious social and political matters, for the notion of the conservation of worthy cultural artifacts, is one for which Scruton is well known. And it is perhaps easiest to come to understand his particular brand of cultural conservatism by way of the main conceptual components making up the view, viz., the notions of culture, feeling, and the arts.

By 'culture', Scruton means "a source of knowledge: *emotional* knowledge, concerning what to do and what to feel," or "the repository of emotional knowledge, through which we can come to understand the meaning of life as an end in itself."[5] The second quoted bit makes clear what the first does not, viz., that what we ought to feel, according to Scruton, about the meaningfulness or lack of meaningfulness of our human lives is this: human life is an end in itself, is, in a word, intrinsically valuable.

[5] Roger Scruton, *Culture Counts*: *Faith and Feeling in a World Besieged* (New York: Encounter Books, 2007) pp. X, 41.

Now before proceeding further, two problems potentially jeopardizing even this little bit of Scruton's view are already upon us—(a) the contentiousness of the existence of intrinsic value for a whopping starter, and (b) the status of a potentially dubious kind of knowledge called 'emotional knowledge' and its relation to appropriate action.[6]

Intrinsic Value

The notion that human life be thought intrinsically valuable need not be a troubling one for those who doubt the autonomous existence of the intrinsic property 'value', whatever that might be (and in fact, I am one of those doubters). Instead, we need here only concede to a weak conception of intrinsic value as the extrinsic property of an object's being valued, by a subject, as a final end. On that conception, the intrinsicness misunderstandingly thought to be attributed to the value of a thing when one says, of the thing, that it is intrinsically valuable, is instead an attribution to the manner of valuing. The thing is intrinsically valuable, to the valuer, in that it is valued by him non-instrumentally, and the value conferred upon the thing by the valuer's valuing it in this way can reasonably be called 'intrinsic' in that the value the thing spills over onto those instrumentally valuable ends leading to it must, in not being itself instrumental, therefore be at least in some way justifiably termed 'intrinsic'.

To those who think that this line of argument conflates 'intrinsic' with 'final', or for those who understand 'intrinsic value' to mean only 'the value a thing has in virtue of its intrinsic properties', or for those who find it confused to construe the meaning of

[6] See "Doubts About the Concept of Intrinsic Value," Part II of Toni Rønnow-Rasmussen and Michael J. Zimmerman (eds.), *Recent Work on Intrinsic Value* (Dordrecht, The Netherlands: Springer, 2005), pp. 61-168.

'intrinsic value' in terms of an extrinsic relation, I can say that there is another component to this picture of intrinsic value, and the component may clear away some of the hesitation felt toward accepting it: the existence of the value a thing has, for a valuer, in virtue of his non-instrumentally valuing it, is best thought on this sort of view to be contingent on the fittingness between the object and the particular valuing attitude, so that an act of valuing, though it in one sense confers value, nevertheless confers it correctly or incorrectly, so that an object deserving of the attitude is deserving in virtue of its having particular non-evaluative properties which justify the attitude.[7] And it is in this way that value, though bestowed, is also earned. And in that it is earned in virtue of some of the object's non-evaluative properties, and since the earned conferral of value is a relation arising as much from those object-given properties as from the act of valuing, if value's existence does indeed require the act of valuing, as some believe, then the metaphysically most enduring kind of value may be a value no more enduring than this sort of objectively-justifiable final end, in which case we can mean nothing metaphysically stronger by 'intrinsic value' than this.

I have belabored this point about intrinsic value here in the context of a discussion of Scruton's cultural conservatism, though 'intrinsic value' is just one among a host of concepts his conservatism involves, to help make clear the massive difficulties involved in fleshing out, in full analytic detail, any single version of his overall view. Admittedly, the conception of value I have discussed above—what is known as the 'buck-passing

[7] The notion of fit between object and pro-attitude is at the core of a view which, due to T.M. Scanlon, has come to be called the 'buck-passing account' of value. See Scanlon's *What We Owe to Each Other* (Cambridge: Harvard U.P., 1998), pp. 95-100. A useful presentation of the history of buck-passing views appears in Jonathan Dancy, "Should We Pass the Buck?" in Rønnow-Rasmussen and Zimmerman, op. cit., pp. 33-44.

account'—is merely one among contenders, and so it need not be adopted by the would-be cultural conservative. Indeed, Scruton himself may decry it. But chief among these massive difficulties is the choosing of construals of the salient concepts of the overall view such that the various construals combine for a logically consistent and intellectually satisfying position, and since the buck-passing account offers the advantage of helping to deal also with the second problem mentioned at the outset of this section, I will stick with it for now, and treat it as a main supportive pillar for the structure of the version of Scruton's view I will be building, in an effort to show that these seemingly massive difficulties may, with the help of one or another more recently developed philosophical tool, be easier to deal with than might at first be thought.

Emotional Knowledge and Right Action

Given the hesitation with which most moral philosophers approach the conjecture that moral obligation has to do with the various feelings—or that, more generally, value has significantly to do with sentiment—it is not clear to many what feeling one or another way might have to do with the sort of impersonal knowledge that normative ethics is typically thought to be about. Of course there is moral psychology, but often what philosophers mean by 'moral psychology' is the study of the emotions as they relate to the demands of morality, while those demands are in no way determined by the emotions.

Scruton, though, as I understand him, believes that right feeling is the very ground of right action. As he puts the point, "Knowing what to do means being rightly motivated, and right motivation means right feeling."[8] Given this emphasis on right motivation, and

[8] Scruton, *Culture Counts*, p. 37.

setting aside for now the notion of right feeling, it is clear that Scruton's is a virtue-ethical conception of morality. But if his cultural conservatism involves that conception, it then inherits the conspicuous problems virtue ethics has been understood by many to suffer, including, e.g., making convincing sense of the central notion of *eudaimonia*, about which it has been claimed that none of the standardly offered understandings of the term—neither 'flourishing', 'happiness', nor 'well-being'—adequately captures the sorts of thing virtue ethicists say about the good life.[9] Just following the claim quoted above, though, Scruton has this to say about connections between right action, right feeling, and *eudaimonia*, and what he has to say here can, via the account of value I have begun to discuss above, help make convincing sense also of his potentially problematic excursion into virtue ethics:

> …right action springs from virtue, and…virtue is a habit in which a distinctive motive is embedded. That motive requires, in turn, a kind of order in one's emotions, an ability to feel rightly, towards the right object in the right degree.[10]

And relatedly,

> The virtuous person…does not merely know what to do and what to feel: his life and actions are imbued with the kind of success which is the reward of rational

[9] The modern debate about the nature of *eudaimonia* centers on two issues, the connection between virtue and the good life and, relatedly, the role that happiness, pleasure, or satisfaction is best thought to take in an ethics centered on the concept of virtue. See, e.g., Annas, *The Morality of Happiness*, op. cit., esp. Ch. 18 "Aristotle: An Unstable View," pp. 364-84; Hursthouse, *On Virtue Ethics*, op. cit., esp. Ch. 8 "The Virtues Benefit Their Possessor," pp. 169-91.

[10] Scruton, *Culture Counts*, p. 37.

beings, and which Aristotle described as *eudaimonia*, a term normally translated as happiness or fulfillment.[11]

Two notions are central to these passages, viz., right or appropriate feeling toward objects leading to right action, and *eudaimonia* as happiness or fulfillment.

Right Feeling, Right Action

A great deal of the virtue-ethical discussion about right action as virtuous action, i.e., action appropriate in a given circumstance, is thought by some to be particularly obscure.[12] Scruton's emphasis on right feeling is, I think, noteworthy by being a move away from that obscurity: instead of some such notion as, say, acute moral perception, whatever that might be, the virtue ethicist does well, I think, to emphasize right feeling or emotion.[13] And that picture of right action as grounded in right feeling fits particularly well with a neosentimentalist version of the buck-passing account of value mentioned earlier. It is now worth stating the view in more detail.

Here it is: value is the second-order property of there being first-order properties of a thing such that, when referred to in reasons, these properties justify the taking of a

[11] ibid., p. 37.

[12] Obscurity arises from (i) inconsistency between the claim that virtue ethics offers a view of what accounts for an action's being right and particularist claims—often associated with virtue ethics—that right action is uncodifiable; and (ii) the profound lack of consensus among virtue ethicists about what constitutes a virtue. Without a clear, convincing concept of virtue, and without action-guiding rules, a virtue ethic can too easily be thought in practice reducible, with respect to its epistemology, to a variety of moral intuitionism.

[13] Although emphasizing the sentiments in moral theorizing leads away from the moral intuitionism mentioned in note 12, it introduces problems of its own. A detailed discussion of these appears in D'Arms and Jacobson, "Sensibility Theory and Projectivism," op. cit. See Justin D'Arms and Daniel Jacobson, 'Sentiment and Value," op. cit.

particular emotive pro-attitude toward the thing. There is much, of course, to be said about such a formulation, but what is important here in the context of the discussion of Scruton's references to virtue ethics and its place in his cultural conservatism is this: if, as neosentimentalists believe, the pro-attitude is best construed as at least in part having to do significantly with emotion, as indicated by the term 'emotive pro-attitude' in the description of the buck-passing view I have just given, then the buck-passing account of value can, in consonance with Scruton's emphasis on feeling in the context of a virtue ethic, help make credible the obscure virtue-ethical notion of 'action appropriate to the circumstance'. It can do so by bringing feeling into the virtue-ethical conception without that being an ad hoc addition, as follows. First, if feeling is construed as a necessary part of value, as the neosentimentalist buck-passer suggests, and since appropriate response is response appropriate to a thing's particular quality and quantity of value-grounding properties, and since the properly justified pro-attitude tracks these properties, then we need only the very concept of value to ground part of the virtue-ethical story about right feeling, viz., the part which claims that right feeling is somehow crucial to morality conceived of as in part a kind of right seeing or correct perception, except that on this view what one perceives correctly are not moral properties, strictly speaking, but are value properties more basic than moral ones, in that they are properties partly constitutive not of moral value but of value-simpliciter. Second, since emotion is often action-motivating, and what might be called the 'moral vector' of an action is in the direction of what might be called the 'emotive vector' of the feeling, action guided by right feeling will be right action, action in accord with the value of the thing acted upon.

Eudaimonia

Next is the problem of finding a reason to believe that those whose actions are guided in this way by appropriate feeling will be persons whose lives are *eudaimon*, or are particularly happy lives, lives which are in some significant sense fulfilled, or are the lives of people who enjoy a particularly high level or profound kind of well-being. The main problem here, as I have come to understand it, though I have not seen it stated anywhere this way, is to (i) somehow account for a quality, in the psyche of the virtuous person, of positive feeling, which results in a significant degree from his virtuous activity, so that, in this way, the notion of flourishing is not merely reducible to the mysterious absorption, into the virtuous person's life, of the abstract goodness of his virtuous acts, but instead includes a component with the psychological force to make sense of a life that is better *for the person whose life it is*, but (ii) which nevertheless does not vitiate the centrality, within the virtue ethicist's conception of morality, of the notion of the intrinsic goodness of those virtuous acts which have a strong component of other-regardingness.

The aspect of the problem indicated by (ii) is particularly difficult to deal with, since, according to virtue ethicists, the kind of happiness or well-being that *eudaimonia* is—the fulfillment had from having lived a virtuous life, the life of having responded properly to situations and things—can be secured even if one's having on the whole responded in such a way did not create material or social circumstances that made one's life better, and, given what sense can straightforwardly be made from typical suggestions about how this can be, it is the intrinsic goodness of other-regarding virtuous acts that somehow accounts for it.[14] The crux of making sense of the matter in this way, I think, is

[14] For a discussion of the complex issue of adjudicating between the two best-contender final ends for a *eudaimon* life—the life of virtuous activity versus that life plus external goods—see Julia Annas,

that virtue ethics is not a kind of consequentialism, in that the virtuous act should not be thought a means, so that the welfare-enhancing consequence, since it is not part of what is necessary for the action's being a virtuous one, likewise should not be thought a significant causal factor in the *eudaimonia* resulting from the virtuous life. Scruton's virtue-ethical view of the *eudaimonic* rewards of a life of right action, grounded more squarely in emotion than many would claim for a virtue ethic by what I understand to be his emphasis on felt emotive feeling rather than a kind of quasi-intuitionistic moral perception, leads to a particularly poignant version of the problem that (i) and (ii) together express. It is possible, though, to begin to handle even this problem in a way consonant with some of the resources I have already brought to bear on the other difficulties discussed so far.

Here is a solution: conceive of *eudaimonia*, in accord with the above desideratum of its being built on the basis of positive feeling, as consisting of episodes of attitudinal pleasure taken in the obtaining of the states of affairs whose existence or past existence justify the claim that one is indeed a virtuous person.[15]

This solution allows into the virtue ethical view the concept of pleasure, but this pleasure is of a particular kind: it is pleasure taken in appropriate response, which, happily, is a kind of pleasure-taking that would seem itself to be a response appropriate to

---

"Aristotle: An Unstable View," in *Morality and Happiness*. Annas makes clear that, though Aristotle describes the virtuous person as doing the virtuous act for its own sake or because it is *kalon* (fine), he also claims that what is kalon is what is good and is pleasant because it is good, and that Aristotle is '…certain that, although virtue is chosen for its own sake, it is also chosen for the sake of happiness' (p. 372).

[15] Some remarks Julia Annas makes in *Morality and Happiness*, in the context of discussions of related but different matters, suggests this potential solution to me. The remarks are these: "the agent in developing the virtues comes more and more to love the self which is expressed in virtuous action" and "self- and other-concern have a common source' and '[w]e begin with self-love…and out of this we develop other-concern, taken to be self-love of a different, more elevated kind" (p. 261). One possible interpretation of the thoughts of Aristotle which Annas is discussing is this: self-love motivates action toward doing what can be the most valuable sources of attitudinal pleasure, viz., other-regarding acts.

its object, since appropriate response, and likewise, then, one's track record of having responded appropriately, is something one can justifiably take a pro-attitude toward; and there is no barring a pro-attitude from being at the same time a source of attitudinal pleasure, i.e., pleasure taken in a state of affairs obtaining.[16] Note that this solution allows into the virtue-ethical view something which, if the view is built on a buck-passing account of value as I have suggested be done, is really already part of the view, viz., the notion of appropriate response. So it is not a mere ad hoc addition.

But this way of accounting for the strangeness of fit between claims of virtuous acts' purported intrinsic goodness and a convincing account of *eudaimonia* mixes virtue ethics with attitudinal hedonism, and that might be thought an inconsistent mix, since the gaining of pleasure conceived as a necessary part of the virtue-ethical picture can too easily be thought to build a tension into that picture. To see this, note that one might ask and answer, 'But is this really a virtue ethics? Maybe not, since it seems we can pose the question whether what the view takes to be of ultimate value is appropriately-taken pleasure as the source of *eudaimonia* or is, alternatively, the intrinsic value of the virtuous act, and either way we answer would seem to put at too far a remove one or another key element of virtue ethics'. Scruton has already hinted, though, at a way of understanding the interaction between intrinsic and instrumental values that offers, I

[16] Pleasure's being properly conceived as an intentional state is defended in Fred Feldman, *Pleasure and the Good Life: Concerning the Nature, Varieties, and Plausibility of Hedonism* (New York: Oxford U.P., 2004).

think, a promising solution to this problem:

> To treat [someone] as a friend is to value her for her own sake, as the particular person she is. It is to value her…as an end in herself. … This does not mean that…friends will not be of instrumental value. But their instrumental value depends upon the refusal to pursue it. The use of friends is available only to those who do not seek it. … That argument suggests that intrinsic values may also be instrumental values, but only when not treated as such.[17]

The view that intrinsic values can be instrumental, and instrumental ones intrinsic, is most fully developed by Harry Frankfurt, as part of his efforts to show that other-regarding behavior provides benefits essential to a life well-lived.[18] Frankfurt's view is interesting and complex, but what is of particular importance here in the context of the discussion of the conception of *eudaimonia* I am suggesting might be adopted by the cultural conservative is Frankfurt's insistence that the most fundamental, the overall most important component of the flourishing life is the instrumental value which intrinsic valuing of what we take to be deserving of it offers that life. In other words, we thrive when caring deeply about something we find worthy of that care, and so while the thing cared about is treated as an end in itself, that very thing nevertheless functions also as a means. It is a means in that it is a necessary part of the particular act of intrinsic valuing

[17] Scruton, *Culture Counts*, p. 47.

[18] Harry Frankfurt, *Taking Ourselves Seriously & Getting It Right* (Stanford: Stanford U.P., 2006); *The Reasons of Love* (Princeton, NJ: Princeton U.P., 2004); *The Importance of What We Care About* (New York: Cambridge U.P., 1988). For Frankfurt, the object of one's other-regarding, caring activity need not be restricted to persons, but includes also projects of various kinds.

that is itself a means to one's flourishing. The crux here is that this Frankfurtian view of the relation between some intrinsic and instrumental values can be adopted so as to be able to then justifiably deny the seemingly straightforward logical demand of having to choose one of two alternative, overriding final values for adoption into our virtue ethic. We need not choose, because we can understand the intrinsic valuing of the virtuous act as instrumentally valuable for the valuer, in that, when valued in that way, the virtuous act is a means to the attitudinal pleasure constitutive of *eudaimonia*. So understanding *eudaimonia* as an agent's overriding final end, as might be thought suitable in a moral theory having *eudaimonia* center stage, does not count against but counts in favor of inclusion, within that theory, of the notion of the agent's intrinsic valuing of the virtuous act.

With regard to problem (b), then, i.e., with regard the status of the potentially dubious kind of knowledge called 'emotional knowledge' and its connection to right action, we can say that, if the view I have offered of what for want of a better term I will dub the 'neosentimentalist buck-passer's attitudinal hedonist Frankfurtian virtue ethics' is plausible, despite the tongue-twisting moniker, or, more cheerfully, if the view, in its offering a potentially successful way of dealing with a number of outstanding and connected philosophical problems, is thought promising, then charges made against a cultural conservatism of the sort I have begun to discuss, charges based in worry about the kinds of problem I have shown the view can address, may be thought misguided or confused. There may really be no problem.

4. The Arts

Having now discussed feeling and some of the complex issues which that involves, I have still to discuss the other main half of Scruton's conception of cultural conservatism—the arts. Scruton's understanding of the concept of art connects directly with his notion of culture. While culture is the repository of emotional knowledge, this knowledge is, claims Scruton, "transmit[ted]…through ideals and examples, through images, narratives, and symbols. We transmit it through the forms and rhythms of music, and through the orders and patterns of our built environment."[19] That is, the arts are a primary part of the repository of emotional knowledge that is culture. And since, as I hope to have made clear in section three, culture is understood by Scruton as serving a function—to teach us how to rightly feel and so rightly act and thereby flourish—then, on his view, if art is a repository of such emotional knowledge, it serves that function. Scruton's understanding of the concept 'art' is unashamedly functionalist.

Here we immediately run into yet another potential difficulty which, like the intersubdisciplinary unwieldiness dealt with in section three, works against aestheticians' willing exploration of Scruton's cultural conservatism: Scruton's understanding of the concept of art is functionalist and evaluative, but as work on definitions of 'art' in the past thirty-plus years indicates, functionalist definitions of art are thought by most to be outmoded and to have been happily superseded by classificatory definitions, which unlike functionalist ones, are *non*-evaluative. It is worth asking, at this point, a seldom-asked question: why would someone want to provide a classificatory definition of 'art'—i.e., one which is an attempt to account for the common, everyday use of the term, and is thought successful if it can capture a common thread in those multifarious applications,

[19] Scruton, *Culture Counts*, p. X.

no matter how semantically thin the result be—rather than a functional and evaluative one—i.e., one that conceives of the justifiability of a candidate artwork's claim to arthood status as proportional to the degree to which it fulfils a well-reasoned account of art's function?[20] A number of answers are typically given. Here is one: an evaluative definition, some claim, makes it impossible for us to justifiably call something 'bad art', since anything worthy of being called 'art' must, to be in accord with an evaluative definition, perform the function to at least some degree, yet much we call 'bad art' probably will not succeed in doing that, in which case bad art is counter-intuitively rendered non-art, to be lumped together with other non-art objects. That is a poor argument on two counts: there need not be such a lumping together, as the terms 'object intended to be art' or 'failed candidate artwork-object' and their many variants are readily available to us, and the appeal to common usage of language simply begs the question against the proponent of evaluative definitions, who would see a mistake in the common usage.

Another answer is that there are too many disparate kinds of function artworks perform, so disparate, in fact, that there is no single function performed by all artworks. That is also a poor argument, since it assumes the classificatory point of view in considering salient, for capture in the definition, existing functions rather than arguably correct or ideally preferred ones. Even what I will call a 'quasi-functionalist about the concept of art' like Robert Stecker is functionalist only insofar as he allows the functions

[20] Though the reasons justifying any satisfyingly-detailed answer to this question are complex, given the truth of Stephen Davies' claim that proponents of evaluative and non-evaluative definitions "miss each other…because neither side makes explicit why it holds that art must be defined the one way as opposed to the other…," my relatively brief, uncomplicated treatment can nevertheless be helpful, especially given the matter's importance to conceptions of cultural conservatism (Stephen Davies, *Definitions of Art* (New York: Cornell U.P., 1991), p. 46).

which do exist to take a place in his otherwise classificatory definition.[21] That is, his definition can be conceived as in part a disjunctive list of descriptions of existing functions art serves or has served. So though function is allowed into the definition, a function's place in the definition is justified by its existing as a function fulfilled, rather than one which, given some further argument, we are best to think *ought* to be fulfilled. Scruton's view about art's function, in contrast, is a strongly normative one—it is a view about the way we *should* understand art to function, so that we might reap the rewards of attending to art in ways that allow what will be claimed to be its most important functions to be fulfilled.

I will mention only one other response the classificationist sometimes offers, which is thought by many to be a knock-down response to those who would fault him, which in a sense it is: 'The project I am undertaking', he says, 'is the fashioning of a definition of the term *art* as the term is used today. I am showing how the objects commonly referred to by the term *art* fall into a single class'. That is a great response, since those who fault the self-proclaimed classificationist for not fashioning a non-classificatory definition must obviously be confused. Or must they be? I think they need not be thought to be, since in a sense much different from the one that paints this response as obviously a good one, it may be the weakest of them all.

Here is a claim explaining why that is so: first, in some cases, and here in this one, taking great pains to account for the meaning of a concept, as it is used, regardless of how it might better be used, is to the extent of the lengths of the difficulties gone to, to that same extent to condone that usage in a kind of roundabout glorification of it; and, second,

[21] Robert Stecker, *Artworks: Definition, Meaning, Value* (University Park, PA: Pennsylvania U.P., 1997), pp. 48-65.

if that glorification is deplorable, as I will suggest below that this one arguably is, then so is that condoning and so, therefore, is that supposedly innocuous accounting.

Despite the immediate sense of the first part of that claim's being a *non-sequitur*, in that classifying does not imply condoning, in the case of the functional concept of the term 'art', and with additional facts about that case, the implication can be true. That is because mere accounting can be rendered a quasi-condoning—i.e., a condoning in effect, despite the lack of intent—*if* the one doing the accounting exacerbates a particularly harmful tendency by failing to offer a caveat which would mitigate that tendency and which his privileged position would, arguably, oblige him to offer. What follows is the story rendering the antecedent of that conditional true.

Most aestheticians, I think, believe that while art objects, like so many non-art objects, provide a source of various kinds of information, of pleasure, of psychological-emotional and sensory gratification, they believe also that a great artwork is one that provides for some such combination of things better than most other artworks providing roughly that same combination. So a novel might offer information about the emotional life of peoples undergoing various of life's travails, or an abstract red monochrome painting might provide a particular kind of sense gratification while promoting psychological states conducive to meditation on the quasi-religious aspect of life, and some novels and paintings are better at doing these things than others, but this sort of information, sense gratification, and promotion of certain psychological-emotional states can all, it is admitted, be had by other means. One might live those travails or talk to someone who has. One might similarly gratify the senses with rapt attention paid to the side of a weathered barn, and that barn might, with yet a bit more rapt attention, bring one

to some quasi-ecstatic, meditative state. But what is special about the opportunity art offers, so the story goes, is that the artwork-source of such information, pleasure, or whatnot, leaches into that information so that the experience is one not merely of the information but is, instead, one also of the particular way in which the information is conveyed, the pleasure imparted, the psychological-emotional state induced. We relish the thing, and our experience of the thing, for its special, unique way of dealing with, offering, or imparting some less unique, more generally available idea, sensory experience, or psychological-emotional state. But I doubt the ultimate importance of that story, and so, I think, does Scruton.

Its ultimate importance is doubtable because, though a true description of much of our interaction with artworks, it is only part of the story of art's capacities, and in a certain sense it may be the lesser part: in addition to offering in a special way roughly what can be had elsewhere, art may be able to perform a kind of function that non-art objects simply cannot perform, and if that is so, then what the classificationists will admit to wanting to call 'great art' may be art not which offers a *non-unique* message in a unique package, but which instead performs this special art-specific function particularly well, and in doing that, offers a *unique* message. But what, one might ask, is that message, and how is it communicated via art?

The message, as discussed earlier in the section describing Scruton's conception of culture, is that human life can be lived, and indeed is best lived, against the backdrop of a deeply-felt awareness of its intrinsic value. But this message should not be understood to be one about a Kant-style moral prohibition against harm, as it might at first be thought, given the mention of the intrinsic value of life. Rather, and in line with

my earlier discussion of intrinsic value, the message can be thought to be about living a kind of life worthy of being intrinsically valued. The message is a prescription for living a flourishing life, in line with the somewhat non-standard virtue-ethical picture I have already painted. It is about a deep conviction with the power to motivate what might be thought of as in large part a series of obligations not to another, but to oneself. In a discussion of this sort of conviction as it appears in the context of what he sees as the artist's task and art's function, Scruton writes that

> [a]rt is the final test of sincerity: it is the one thing that cannot be faked. To create a true work of art you need deep convictions.… By deep convictions…I mean a vision of human life that enables us to live to the full, to accept our mortality, and to recognize in the intensity of our experience the value of being what we are. The question that the modernist artist has had to face, is whether you can obtain such a vision without religious commitment.[22]

There are at least two significant things to note here. First, with the mention of religious commitment in this passage about deep convictions, Scruton is equating the vision of human life such conviction supports—a vision about living to the full, accepting our mortality, and about the intensity of that full experience understood as an indicator of our

[22] Roger Scruton, "The Aesthetic Endeavour Today," *Philosophy*, Vol. 71 (1996), pp. 331-350 at p. 342.

intrinsic value—with what one might term 'the quasi-religious view of life as sacred'.[23] And Scruton in fact speaks of what he calls 'the spiritual impulse':

> What exactly do I mean by the spiritual impulse? …Western art—perhaps all art that rises to a permanent place in our affections—has been motivated by a religious end. … I mean that our art has drawn upon and amplified the experiences which form the bedrock of religion, and in doing so provided a secular vindication of a sacred view of human life.[24]

So the artist draws upon what I will call a 'quasi-religious experience of the world'—which is another way of referring to the experience of the world as it appears to one with convictions of the sort which concern Scruton—and then vindicates the view of human life which emerges from that experience—i.e., 'vindicates' in the sense that she communicates the realizability of living in accord with that experience.

But how might the artwork be thought to have the capacity to communicate such a message? That is half answered in the second thing to note about the passage, which is this: the conviction we all ought to have, in order to live flourishing lives, is, Scruton claims here, a kind of conviction the bona fide artist, in order to be a bona fide artist, *must* have. And the other half of the answer comes in the form of an explanation of what this conviction about life enables the bona fide artist to accomplish in the realm of art. In

[23] Scruton discusses the connection between organized religion, non-theistic religious feeling, and culture conceived in part as a source of quasi-religious feeling in *Modern Culture* (London: Continuum, 1998, 2000) and *Culture Counts*.

[24] Scruton, "The Aesthetic Endeavour Today," p. 338.

the context of a discussion of what he calls 'the untold history of the modern artist', Scruton mentions this accomplishment when writing of "the goal of the modern artist not as a break with tradition, but as a recapturing of tradition" in which "the forms and styles of art must be remade…not in order to repudiate the old tradition, but in order to restore it."[25] The idea, in the version I favor, and though Scruton does not put the point this way, is that the remaking of artistic styles which is the hallmark of the great artist—i.e., his creation of an original, unified, non-pastiche style from careful attention paid to the art of the past, including, and especially, the art of the generation immediately preceding his own, provided there are worthy examples there—not only preserves the art tradition by renewing it and therefore keeps it alive, and does that often against the grain of those who would think themselves preserving it via calcification, but also offers, in the creation of an original style connected with the past, an identifiable thing—a thing rendered art by its stylistic connection with past works—but a thing which, via the originality of that style, is nevertheless speckled with the awe and wonder-producing newness that is the prime mark of the quasi-religious, a prime mark of what, in a related context, Scruton refers to as a recognition of "the truths of *feeling*, truths about the *weight* of human life, and the reality of human sentiment."[26]

To conclude this section indicting those who are classificationists about definitions of art, which I have offered on Scruton's behalf and on behalf of anyone who might be considering advocating cultural conservatism, I have still to provide evidence

[25] ibid., p. 333.

[26] ibid., p. 340. See also Scruton, *Culture Counts*, p. 19: "Through "aesthetic education"—in other words, culture—we [can] reconnect to those *primordial experiences of wonder and awe* which show us the lasting meaning of our life on earth. That is why culture matters: it is a vessel in which intrinsic values are captured and handed on" (my italics).

for the final part of my accusation, which is that this most important of art's functions, a function art alone offers, is too easily forgotten because what it allows to be communicated is itself too easily forgotten, too easily vanished by our negligence and cynicism. Scruton does this eloquently:

> [I]ncreasingly we look to works of art as the icons of sincere belief, precisely because sincere belief eludes us. We are moved by the St Matthew Passion…not despite our doubts but because of them. We do not need to share Bach's religious convictions in order to appreciate the music that expresses them. On the contrary; the music works on the convictions, so as to transform them from a doctrine to an 'aesthetic idea'. Bach's convictions are thereby made available in sensory form, as they could not be made available, to an educated modern audience, by anything so futile as an intellectual argument. Nothing is more important to us in the art of the past, than its ability to acquaint us with the vanished forms of human conviction….[27]

I encourage advocates of classificatory definitions of 'art' to admit they have contributed to a collective forgetting of just what, on Scruton's account, art is so uniquely suited for reminding us of. I can hope that together, then, we will begin anew by trying to fashion novel sorts of definition which much better capture the kind of insights about connections between art, culture, and flourishing lives that Scruton is right to urge upon us.

[27] Scruton, "The Aesthetic Endeavour Today," pp. 341-342.

5. Conclusion

Commentators inadvertently shortchange both their fellow aestheticians and Roger Scruton when discussing specific art, music, and architecture-related aspects of Scruton's aesthetics without concern for, or mention of, the cultural, moral, and political views which largely motivate his aesthetic preoccupations.

Scruton is shortchanged not because such commentators are unfair—it is no intellectual crime, of course, to discuss discrete portions of a thinker's work on their own terms—but because they are most likely deterred by the stultifying complexities that such wide-ranging intersubdisciplinary work involves. And though, by offering a sketch of one of perhaps many paths through the morass, I hope to have dispelled the deep ambivalence some have probably felt toward the prospect of engaging Scruton with regard these morally and politically important aesthetics-related issues, it is also worth mentioning that encouragement alone will in many cases be insufficient to cut through what most dissuades aestheticians from that engagement. It is not only the unwieldiness of issues involving the interplay of aesthetics, ethics, and politics that explains the dearth of work done at their intersection: there may be a general myopia, amongst aestheticians, with respect the discipline of aesthetics' potential breadth, that militates against the adventurousness such work involves.[28]

Fellow aestheticians are shortchanged by the further deprivation such discussions cause via their contribution, as missed opportunities, to the pitiful dearth of informed treatments of aesthetic issues as those issues bear on other areas of philosophy. We

[28] See Sherri Irvin's claim that from 2001-2006, in the two major English-language aesthetics journals, the percentage of articles not dealing predominantly with art, foundational questions in aesthetic theory, or nature is merely two percent. "The Pervasiveness of the Aesthetic in Ordinary Experience," *British Journal of Aesthetics*, Vol. 48 (2008), pp. 485-500 at note 1.

should, instead, actively recognize those connections and be pleased to welcome opportunities to bring tools of the discipline of aesthetics to bear, in careful and sophisticated ways, on philosophical considerations of matters having aesthetic objects as part of their focus, rather than shy away from them. And because it is obvious we should do that, the rarity of such wide-ranging contributions to aesthetics as Scruton's deserves explanation, as does the shortage of aestheticians who have chosen to tangle with him about what he has to say on topics at the intersection of aesthetics, culture, and politics. I hope to have made at least some small contribution toward helping to remedy that shortage and account for that rarity.

VII

Revising Aesthetics' Place Amongst the Disciplines: Aesthetic Values, Moral Obligation, and Everyday Aesthetics

1. Introduction

In *Aesthetics and Ethics: Essays at the Intersection*, Jerrold Levinson suggests three main ways one might think about the connection between aesthetics and ethics.[1] One of the three—aesthetic issues in ethics—has been the least discussed.[2] That is strange, since the notion that philosophical aesthetics might play a significant role in theorizing about, critiquing, and establishing the likely best ends for individuals and society has existed since the very birth of aesthetics as a discipline, which most date to 1750, the year of publication of Baumgarten's *Aesthetica*.[3] Links between a serious concern with aesthetics and the notion of a life well-lived have failed to become a prominent theme in analytic aesthetics, despite some of the most well-respected and often-discussed philosophers having, in one way or another, featured such links in their work.[4] There are, I think, three

---

[1] Jerrold Levinson (ed.), *Aesthetics and Ethics: Essays at the Intersection* (New York: Cambridge U.P., 1998).

[2] The other two are (i) problems common to aesthetics and ethics, such as the metaphysical and epistemic status of moral or aesthetic properties, and the metaphysical and epistemic status of moral or aesthetic facts, if there are any, and (ii) ethical issues in aesthetics, such as the artistic or aesthetic value of works of art which have immoral content.

[3] Alexander Gottlieb Baumgarten, *Reflections on poetry: Meditationes philosophicae de nonnullis ad poema pertinentibus*, translated by Karl Aschenbrenner and William B. Holther (Berkeley: University of California Press, 1954). For an excellent discussion of Baumgarten's conception of the wide-ranging role of aesthetic thought, see Steffen W. Gross, "The Neglected Programme of Aesthetics," *British Journal of Aesthetics*, Vol. 42, No. 4 (2002), pp. 403-14.

[4] The one most obviously fitting the bill among these is John Dewey, though the most well-respected is probably Nelson Goodman. Some others are George Santayana and Iris Murdoch. See John Dewey, *Art as Experience* (Carbondale: Southern Illinois U.P., 1987; originally published by Putnam, 1934); Nelson Goodman, *Ways of Worldmaking* (Indianapolis: Hackett Publishing Company, 1978), and *Languages of Art: An Approach to a Theory of Symbols*, 2nd edition (Indianapolis: Hackett Publishing Company, 1976); George Santayana, *The Sense of Beauty: Being the Outline of Aesthetic Theory* (New York: Dover, 1955; originally published by Charles Scribner's Sons, 1896), and *Dominions and Powers: Reflections on*

main reasons for this failure, each having to do with resistance, from a different source, aimed at a single target, viz., the movement within philosophical aesthetics known as 'aesthetics of the everyday'.[5] Before making clear those different sources of resistance, however, it is worth noting, first, what the continued failure puts at risk and, second, why what is centrally involved here is, perhaps surprisingly, the slowly-emerging field of everyday aesthetics.

What is at stake, frankly, is the status of aesthetics among the subdisciplines of philosophy and, more importantly, the status of philosophy among the humanities. For better or worse, it seems likely that applied philosophy of one kind or another is the only mode of philosophy able to garner support for philosophy from without. Likewise, it is plausible that only extra-philosophical attention on aesthetics will raise it up in the eyes of those philosophers whose scorn has contributed to aesthetics having sunk to the lowest of the five rungs of the philosophical ladder. Applied ethics is on the rise, in large part because of the attention it has increasingly been shown by disciplines other than philosophy. If concerns central to moral philosophy can be convincingly revealed as rubbing shoulders with issues in aesthetics, then aesthetics too may soon be on the rise, both within and outside of philosophy departments. And that would be good, I think, not only for aesthetics, but for philosophy too, and perhaps even for those disciplines which

---

Liberty, Society, and Government (New York: Charles Scribner's Sons, 1951); Iris Murdoch, *Existentialists and Mystics*, edited by Peter Conradi and George Steiner (New York: Penguin Books, 1999). For a helpful discussion of Santayana's conception of connections between aesthetic concerns and the good life, see Willard E. Arnett, *Santayana and the Sense of Beauty* (New York: Indiana U.P., 1955).

[5] For an up to date sampling of work done in the field, see Andrew Light and Jonathan M. Smith (eds.), *The Aesthetics of Everyday Life* (New York: Columbia U.P., 2005). Classics in the field include the following: Dewey's *Art as Experience*, op. cit.; Arnold Berleant, *Art and Engagement* (Philadelphia: Temple U.P., 1991). For a useful overview of the field's history and aims, see Crispin Sartwell, "Aesthetics of the Everyday," in Jerrold Levinson (ed.), *The Oxford Handbook of Aesthetics* (New York: Oxford U.P., 2005).

have at their core normative notions, such as economics, political theory, environmental philosophy, and public policy research.

As mentioned above, however, aestheticians have not been keen to explore the sorts of aesthetic issue which arise in ethics. Nor, as far as I know, have reasons for that lack of eagerness been explicitly discussed in the more prominent aesthetics journals.[6] As mentioned at the outset, this lack of exploration and lack of discussion are due, I believe, to aestheticians' resistance to the subdiscipline known as everyday aesthetics. Everyday aesthetics is at issue here because one way—perhaps the most obvious or straightforward way—of conceiving of the role of aesthetics in ethics is to emphasize the potentially aesthetic character of various aspects of everyday, lived life, while in one or another way linking moral obligation with the optimization, refinement, or some other form of maximization of aesthetic fulfillment. Classic examples of this approach are Epicureanism and Millian qualitative Hedonic Utilitarianism, though virtue ethics of various sorts might also be thought to fit here, as long as *eudaimonia* is conceived as consisting of more than merely the sort of disembodied life of reason that Aristotle seems to have favored. Though each of these approaches to ethics has its drawbacks—in particular, qualitative hedonism has notoriously received a nearly universal negative response—they ought not be written off as mere second rate attempts to formulate a convincing theory of normative ethics. And my saying this is not due solely to the recent appearance of attempts to defend some of them, but is due also to the advantage each offers, as a normative theory, in having reserved a prominent place for what seems, from

[6] See *The Journal of Aesthetics and Art Criticism* and *The British Journal of Aesthetics*.

my point of view anyway, undeniably deserving of one, viz., the aesthetic component of a life well-lived.[7]

One reason, then, for the lack of discussion of aesthetic issues in ethics is the aversion to, or lack of popularity of, the normative ethical theories mentioned above. Even were there not such an aversion, though, there would most likely still be lack of discussion, since there are further reasons for that lack, and the source of those reasons is one or another kind of resistance, from aestheticians, to some aspect or implicit ramification of everyday aesthetics.

One such aspect is the failure of most everyday aestheticians to adequately anticipate and answer objections to the project of everyday aesthetics. Everyday aestheticians have been so preoccupied with attacking the hegemony which the philosophy of art holds within the discipline of aesthetics that they have apparently forgotten to answer even the commonest of objections to their key ideas, and that, of course, has won them few converts. In section two below, I discuss a number of ideas appearing in one of the few essays on everyday aesthetics that manages to broach what might reasonably be thought common objections against the enterprise—Tom Leddy's "The Nature of Everyday Aesthetics."[8]

Though the source of resistance to everyday aesthetics mentioned in connection with Leddy's essay might be a formidable one, the source I discuss in section three is probably moreso: this is the problem I suggest everyday aestheticians appear to have with

---

[7] A recent and particularly excellent defense of a Mill-style qualitative Hedonic Utilitarianism is Fred Feldman's *Pleasure and the Good Life* (New York: Oxford U.P., 2006). See also Rem B. Edwards, *Pleasures and Pains: A Theory of Qualitative Hedonism* (New York: Cornell U.P., 1979).

[8] Tom Leddy, "The Nature of Everyday Aesthetics," In Light and Smith, *The Aesthetics of Everyday Life*, op. cit., pp. 3-22.

regard to recognizing and assimilating the ethical ramifications of their own views. That is, despite a normative undercurrent in most work done in everyday aesthetics, aestheticians of the everyday have failed to make the normative component explicit. They don't make normative statements such as 'one ought to maximize one's aesthetic appreciation of the everyday'. They fail to make even hedged ones such as 'there may be good reason to believe that one ought to work to refine, maximize, or in some other way optimize one's aesthetic appreciation of the everyday'. And it is strange they don't do that, since, given the tone and content of so much of the work, it seems safe to say that the normative component has been a key motivating factor in work so far done in aesthetics of the everyday.

I conclude, in the last and final section, that, if aestheticians of the everyday are to ever have a likely chance of seeing the seeds of their work come to full fruition, they had best work harder to overcome these various sources of resistance.

2. Sources of Resistance to Everyday Aesthetics: Leddy's Three Problems

In "The Nature of Everyday Aesthetics," Tom Leddy claims that a legitimate place can be made, among the members of the set of things typically thought to merit our aesthetic interest, for objects typically not thought deserving of such a place.[9] Leddy justifies that claim mainly with two further ones, each of which appears in the passage from Leddy below, and each of which is controversial:

[9] ibid.

> …we can talk about everyday aesthetics in terms of the notion of everyday aesthetic properties. What…are aesthetic properties? Some philosophers tie the concept of them closely to the arts. However, there is another tradition that sees aesthetic properties simply as characteristics of objects and events that give us pleasure in the sensuous or imaginative apprehension of them. I accept the latter view, although I would insist that "property" not be understood in an objectivist way.[10]

The first claim is that, contrary to what might be thought the conception of 'aesthetic property' standard in analytic aesthetics, 'aesthetic property' need not be conceived in close connection with the sorts of property typically had by artworks. Another way to put this point is to say that the aesthetic properties of non-artwork artifacts, if they do indeed have such properties in any significant way, need not be conceived on the model of what might better be termed 'aesthetic-artistic property'. Still another way to put the point is to say that objects can have aesthetic properties that significantly matter to us, despite those properties not being a function of some rich art-historical context. The second claim is that aesthetic properties are best not conceived of as ones had, in one sense or another, objectively by the object.

It is not difficult to understand how Leddy's first claim makes possible the significant aesthetic appreciation of everyday objects, since the strategy underlying the claim is straightforward: if an object's having bona fide aesthetic properties need not be a function of things artistic or art-historical, but those properties are instead merely ones

[10] ibid., p. 7.

that produce some particular kind of pleasure, then non-art objects which produce such pleasure have bona fide aesthetic properties. What that strategy gains in straightforwardness, however, it probably loses in effectiveness: it can be seen too easily to beg the question against those who would continue to maintain that artworks (or good ones, anyway) are deserving of our attention to their aesthetic properties, while non-artworks in the main are not, precisely because artworks have properties deserving of our aesthetic attention while non-artworks in the main don't have such properties and, last, those properties are artistic or art-historical ones. That is, the strategy's convincingness requires an independent reason for believing it true that non-art objects are somehow a source of rich, significant aesthetic experience.

Leddy's second claim—i.e., that aesthetic properties are not ones had objectively by the object—is more difficult to understand as supportive of the legitimacy of everyday aesthetics. But something else Leddy claims has direct relevance here, and it is helpful in making sense of the relevance of that second claim to everyday aesthetics: as he understands the relationship between aesthetic properties or features, non-aesthetic features, and aesthetic judgments, such judgments are "…*never* supported by reference to nonaesthetic features."[11] As he puts the point at greater length,

> I disagree…that aesthetic features depend on nonaesthetic features and that we can see aesthetic qualities by having our attention drawn to non-aesthetic features…. This attack on the traditional distinction between aesthetic and nonaesthetic terms opens the field of aesthetics dramatically. For example,

[11] ibid., p. 13.

> although *radiance* already belongs to that field, *big* typically does not…. That field now includes a whole array of predicates once relegated to the nonaesthetic realm. The domain of everyday aesthetics is no longer limited by the traditionally conceived set of aesthetic terms.[12]

Leddy's strategy for opening up the realm of objects to which aesthetic predicates might be applied, then, has to do with a de-emphasis of the central, overriding importance, in aesthetic experience, of the lone object with its properties, and an emphasizing of the role of the subject as active constructor of the aesthetic experience. The idea, put crudely, is that non-art objects—which are typically thought as being without whatever non-aesthetic properties are aesthetically good-making features of artworks—might nevertheless be appreciated aesthetically, because aesthetic experience is better conceived as in a significant way a function of the subject doing the appreciating, than, as has come to be the standard view in analytic aesthetics, a function mainly of unobstructed attention paid to those aesthetically good-making non-aesthetic properties that adhere in the object objectively.

This sort of strategy will not probably be objected to by those who incline toward a broadly Kantian constructivist metaphysics, and in fact Leddy draws on Kantian aesthetics as a way of setting up the approach to everyday aesthetics which he takes in the essay. But such an approach will be thought a serious problem by those who would safeguard the realm of the aesthetic from charges of triviality by, first, basing aesthetic judgment in merit and, second, basing aesthetic experience in the experience of aesthetic

[12] ibid., p. 14.

properties that depend on correlative, objective, nonaesthetic ones. Most of us take such safeguards seriously. And we do so for good reason; it is not surprising, then, that three main problems faced by Leddy's strategy for the legitimization of everyday aesthetics have in common a supposedly bona fide aesthetic appreciation of some set of objects that even Leddy himself seems to think a dubious or at least a potentially problematic candidate.

Though Leddy does not refer to each one of the three sets by giving it a specific name, Jonathan M. Smith, in his editor's introduction, has gone some way toward doing just that. After offering a brief description of Leddy's overall approach to everyday aesthetics consonant with the more detailed one I have offered above, Smith notes that

> [t]here are, Leddy concedes, difficulties with this approach. Many subjects do, after all, find beauty in maudlin kitsch…. There is also a danger that this theory…might seem to lend intellectual support to the commercial aesthetization of everyday life that one finds in advertisements. Finally, it is unclear what should be done with the promiscuous aesthetic experiences of individuals who, due to a temporarily or permanently ecstatic state of mind, find beauty everywhere.[13]

The sets of suspicious objects, then, are these: some kitsch objects, modes of life spawned by advertising but of dubious non-commercial value, and the set of all objects or, in a word, everything.

[13] Light and Smith, op. cit., p. x.

It is not difficult to understand worries about a legitimization of a use of aesthetic predicates that might contribute to a leveling of differences in value between art objects and kitsch. Nor is it difficult to appreciate worries that a similar sort of legitimization might put aestheticians' theoretical work in the hands of advertising and commerce to unsavory, exploitative ends. And least difficult of all to accept, it may seem, is the level-headedness of the worry that if anything and everything might be an object of aesthetic appreciation, then the very concept denoted by the term *aesthetic* is so deflated as to be, for all effective purposes, devoid of significant meaning. Before continuing in section three below to discuss that third problem, it is necessary, in order to render the very real difficulties its handling involves, to make clear what I take to be the best solution to problems one and two, i.e., the problems of kitsch and commercial usurping of the aesthetic.

To more easily understand the solution I will offer, first note that, if we assume Leddy's conception of everyday aesthetics I have discussed above correct, a solution to Leddy's problems one and two can be conceived of as an answer to the following question: 'How might one rule certain experiences—which are unjustifiably and merely purportedly aesthetic ones—out of the realm of the aesthetic, while rejecting a hard distinction between everyday aesthetic experiences and the kind of experience had in the presence of art objects?' While there may be some way to answer that question despite Leddy's not doing so in his essay, I believe the effort is probably spent better elsewhere, since we need not accept Leddy's dissolution of the hard distinction between everyday aesthetic experiences and the kind of experience had in the presence of art objects. That is, there is a way to demarcate aesthetic experiences of the everyday from experiences of

art objects other than Leddy's rejection of the dependence of aesthetic properties on non-aesthetic properties, which, as I have discussed above, is key to his conception of everyday aesthetics.

Here is my suggestion for demarcation: retain the non-aesthetic-property-based objective sense of aesthetic property which Leddy suggests we jettison, while demarcating the aesthetic appreciation of everyday objects from the aesthetic appreciation of artworks not via that jettisoning but, instead, via our conceiving of the aesthetic appreciation of everyday objects as an aesthetic appreciation of what might be called their 'functional beauty'.

Admittedly, I owe Leddy, and anyone else whose views on everyday aesthetics run roughly consonant with his, a thorough working out of the notion of functional beauty.[14] Though that will have to wait for another time, given work already done on aesthetic properties that involve function, I believe attention paid to working out the notion of functional beauty as a way of grounding everyday aesthetics worth the effort. Suffice it to say here that the earliest origins of such work can be found probably in a well-known but under-read and underappreciated essay, Kendall Walton's "How Marvelous! Toward a Theory of Aesthetic Value," in which Walton outlines the beginnings of a satisfying picture of the notion of the aesthetic appreciation of, among other things, everyday items like a particularly well-functioning snow shovel.[15]

---

[14] A handful of aestheticians have moved work on beauty in the direction of an account with function at its core. See Stephen Davies, "Aesthetic Judgements, Artworks and Functional Beauty," *The Philosophical Quarterly*, Vol. 56 (2006), pp. 224-41; and Glenn Parsons and Allen Carlson, *Functional Beauty* (New York: Oxford U.P., 2008).

[15] Kendall Walton, "How Marvelous! Toward a Theory of Aesthetic Value," *The Journal of Aesthetics and Art Criticism*, Vol. 51, No. 3 (1993), pp. 499-510.

Among whatever other benefits such a fully worked out theory of functional beauty might have, it could also have the advantage of grounding everyday aesthetics in a conception of the aesthetic appreciation of everyday objects that, unlike Leddy's conception or others like it, does not suffer the sort of problems which Leddy himself concedes exists, and which, in an effort to retain the non-triviality of the concept of the aesthetic, aestheticians are forced, perhaps against their better selves, to become naysayers to the everyday aesthetics movement.

3. The Big Problem—Sacrosanct Preferences

What I have called 'problems one and two' discussed above in section two are not the most serious facing Leddy's conception. Ultimately more difficult to deal with is the third problem, that is, the problem of the set of all objects construed as consisting entirely of legitimate candidates for aesthetic appreciation. I said of this last worry above that it may 'seem' the easiest to accept, because, as I understand what is going on here, there are difficulties involved in the way Leddy has formulated the worry that belie a deeper, more serious problem his conception of everyday aesthetics may face than merely the deflationary consequences of extending the legitimate application of aesthetic terms to objects of dubious aesthetic value. Here is Leddy's formulation of the problem, which he calls 'the problem of the Zen Buddhist monk': one does not

> …wish to be forced into the position of saying that everything has equally high aesthetic value since everything can provide intense aesthetic gratification under some circumstances.

> It would seem that we need to make some sort of distinction between the aesthetics of everyday life ordinarily experienced and the aesthetics of everyday life extraordinarily experienced. However, any attempt to increase the aesthetic intensity of our ordinary everyday life-experiences will tend to push those experiences in the direction of the extraordinary.[16]

Another, more poignant way to put the point is to say that, if aesthetic experience is construed, as per Leddy's construal, as grounded mainly in the constructive cognitive capacities of the perceiver rather than in aesthetic properties conceived of as dependent upon objective, non-aesthetic-properties, then a strong conception of merit-based aesthetic judgments and an accompanying conception of the objectivity of aesthetic experiences is unavailable. Subjectivity ushers anarchy and chaos into aesthetic experience.

Leddy's response to the problem is surrender: "One can only conclude that there is a tension within the very concept of the aesthetics of everyday life."[17] That is, it is unclear how a distinction might be made between, on the one hand, an aesthetics of the everyday experienced extraordinarily and, on the other, the aesthetics of everyday life ordinarily experienced, without undermining the very notion that Leddy takes as rendering an everyday aesthetics possible, viz., an intensification of the aesthetic component of our everyday life-experiences.

---

[16] Leddy, op. cit., p. 18.

[17] Leddy, op. cit., p. 18.

But the tension—and this is the crux of my criticism—does not so much consist of a dilemma between, on the one hand, an aesthetics of the everyday experienced extraordinarily or with increased intensity—complete with its absurd implication that all might thereby be a candidate for aesthetic appreciation—and, on the other, an undermining of the core of Leddy's conception of everyday aesthetics. Rather, the tension indicated by the problem of the Zen Buddhist monk consists moreso, I think, in a dilemma between, on the one hand, the push towards the psychologically very demanding aesthetic-appreciative state of the Zen monk—which is a push which seems inescapably implied by the simple notion that aesthetic appreciation of everyday life and its objects is something eminently worthwhile—and, on the other, the hesitation most feel in recommending too strongly one kind of life over another.

What threatens to undermine everyday aesthetics, then—whether conceived in Leddy's fashion or in the version I have very briefly sketched in section two—is not a potential deflation of the meaningfulness of the concept denoted by the term 'aesthetic', but is, rather, a failure on the part of everyday aestheticians to embrace claims that may very well follow from core assertions of their own project. If everyday experience ought be thought not only worthwhile but an eminent concern, which it certainly ought to be, since it comprises most of our waking lives, and if that experience is actually in large part aesthetic, as everyday aestheticians are wont to claim, and if, further, aesthetic experiences of the everyday can be intensified, then such intensified experiences of the everyday ought be thought eminently worthwhile. And what is eminently worthwhile—like such things as searching for a vocation in which one's talents shine and one's

nurturing a relationship with one's beloved—is at the very least a plausible candidate for the likes of an imperative with the strength of a moral maxim.

The most recalcitrant problem facing everyday aesthetics seems to me, then, to be a reluctance of everyday aestheticians to appreciate the normative ramifications of their work. The work seems clearly to not only be motivated by a friendly desire, on the part of everyday aestheticians, for others to lead a life rich and abundant in aesthetic experiences of all kinds, but it seems also, if tacitly, to be inescapably connected to a moral imperative which it may logically entail: 'one ought to live a life rich and abundant in aesthetic experiences of all kinds'.

I suggest that, as aestheticians and philosophers—i.e., as responsible, aesthetics-savvy members of a larger, ethics-savvy community—and despite libertarians' claims of sacrosanct preferences and the right to opt out of supposed obligations to live one kind of life rather than another, we ought to embrace those normative ramifications and see what some hard work might make of them.

4. Conclusion

Aestheticians of the everyday have quite often and inadvertently done a less than optimal job in presenting, defending, and fully appreciating the ramifications of what they have sought to argue for. In an effort to help the project of everyday aesthetics overcome the somewhat poor reception these oversights have in part produced, I have discussed some likely reasons for those oversights. If everyday aestheticians spend less time and space criticizing the hegemony of the philosophy of art in aesthetics and instead work harder to defend their own positions, they might better overcome the apathy and resistance they

often encounter. And if they want others to find their positions worth more serious consideration, they'll have to demonstrate a commitment to working through the very difficult problem of accounting for the undue subjectivity of aesthetic judgments and the relativization of aesthetic value that seem to result from considering nearly anything an appropriate object of aesthetic attention, since without their doing so, their project can too easily be thought a danger to the integrity of the discipline of aesthetics, which so many aestheticians from outside everyday aesthetics have worked so hard to build. I have offered the beginnings of a way to do that by suggesting that work be done on conceptions of aesthetic properties that involve function, or in other, simpler words, that effort be spent developing a theory of functional beauty.

More importantly, if aesthetics is ever to have an impact on philosophy as a whole, and if, as some have hoped, philosophy is ever to be integrated into more of the other academic disciplines—many of which see it as archaic or useless—then everyday aesthetics might need to be pushed to the philosophical vanguard, since linking aesthetics with theoretical and applied ethics may be one of the few ways that sort of impact might be made. By emphasizing the link between aesthetics and ethics, ethics might be made more amenable to those concerned with coming to understand not what rights we have as persons, nor how most efficiently to satisfy preferences so as to maximize social welfare, but what sorts of life are, in the end, really worth living. And it is just such kinds of lives—rich with aesthetic sensitivity, appreciation, and wonder—that aestheticians of the everyday, despite their reluctance to explicitly do so, would suggest we ought live.

VIII

Aesthetic Perfectionism: Liberalism, Paternalism, and the Normative Upshot of Everyday Aesthetics; *or* A Neo-Sentimentalist, Buck-Passing Account of Aesthetic Experience

1. Aesthetics, Ethics, and Politics

Everyday aestheticians have no doubt thought their enterprise an applied one. To the extent that the bringing of philosophical reflection to bear on more than merely conceptual issues justifies labeling a philosophical endeavor 'applied', they are right in that thought.[1] Ruminations on the aesthetic aspects of weather conditions, of smells and tastes, of the neatness of a tidy room—these attest to the applied emphasis of everyday aesthetics.[2] But there is another equally if not ultimately more significant sense of the term 'applied philosophy' which, despite the seeming naturalness of its fit with a concern for the aesthetic aspect of the everyday, aestheticians have almost unanimously neglected, viz., philosophy applied to matters of public concern, having to do with the general welfare, with ethics, value broadly construed and, ultimately, public policy. The aim of the applied philosopher is, on this more typical understanding, the provision of good justifying arguments for normative conclusions, i.e., conclusions about what should be done.

---

[1] For an up to date sampling of work done in the field, see Andrew Light and Jonathan M. Smith (eds.), *The Aesthetics of Everyday Life* (New York: Columbia U.P., 2005); and Arnold Berleant and Allen Carlson (eds.), *The Aesthetics of Human Environments* (New York: Broadview Press, 2007). Classics in the field include the following: John Dewey, *Art as Experience* (Carbondale: Southern Illinois U.P., 1987; originally published by Putnam, 1934); Arnold Berleant, *Art and Engagement* (Philadelphia: Temple U.P., 1991). For a useful overview of the field's history and aims, see Crispin Sartwell, "Aesthetics of the Everyday," in Jerrold Levinson (ed.), *The Oxford Handbook of Aesthetics* (New York: Oxford U.P., 2005), pp. 761-70.

[2] Yuriko Saito, "The Aesthetics of Weather," and Emily Brady, "Sniffing and Savoring: The Aesthetics of Smells and Tastes," in Light and Smith, op. cit., pp. 156-76, 177-93. Thomas Leddy, "Everyday Surface Aesthetic Qualities: Neat, Messy, Clean, Dirty," in Berleant and Carlson, op. cit., pp. 163-74.

With respect to the development of an aesthetics that is truly applied—with 'applied' being understood along the lines I have suggested above—aestheticians are squandering a fateful opportunity: debates in social and political philosophy have moved from the clash between libertarian and economic-egalitarian stances on distributive justice to perfectionist critiques of the value-neutrality principle at the heart of liberal theory, debates in normative ethics have moved beyond disputes among consequentialists and deontologists to include considerations of virtue ethical theories and their substantive conceptions of the good life, and debates in metaethics have moved beyond contentions between projectivists and realists to include a third position, neosentimentalism, which may incorporate the most convincing and desirable features of each, while also linking the good with pro-attitudes, some of which coincide with archetypal aesthetic response.[3]

[3] Key works on moral perfectionism, understood as a sociopolitical foundation alternative to liberalism, are George Sher, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge U.P., 1997); Thomas Hurka, *Perfectionism* (New York: Oxford U.P., 1993). Other advocates of perfectionism emphasize its compatibility with what they take to be the defining features of liberalism: Joseph Raz, *The Morality of Freedom* (Oxford: Oxford U.P., 1988); Steven Wall, *Liberalism, Perfectionism and Restraint* (New York: Cambridge U.P., 1998). Recent work in virtue ethics influential for its helping to constitute virtue ethics as a convincing contender to consequentialism and deontology includes the following: Julia Annas, *The Morality of Happiness* (Oxford: Oxford U.P., 1993); Philippa Foot, *Natural Goodness* (Oxford: Oxford U.P., 2001); Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University, 1999). Neosentimentalism is a recent emendation and extension of Hume's sentimentalist position about the metaphysics of value that centers on the problem of reconciling the notion that value is in part a product of the sentiments while evaluation nevertheless has significantly to do with rationality so that the legitimacy of any particular evaluation is constrained by reasons. Recent work on neosentimentalism includes Justin D'Arms and Daniel Jacobson, "Sentiment and Value," *Ethics*, Vol. 110 (2000), pp. 722-748; their "Sensibility Theory and Projectivism," in David Copp (ed.), *The Oxford Handbook of Ethical Theory* (Oxford: Oxford U.P., 2006), pp. 186-218; and Justin D'Arms, "Two Arguments for Sentimentalism," *Philosophical Issues*, Vol. 15 (2005), pp. 1-21. Though the importance of work explicitly dealing with neosentimentalism as I have described it above is only just starting to be acknowledged by philosophers working in value theory, the more general approach to axiology which subsumes neosentimentalism—the secondary-quality approach most familiar via the metaethical work of John McDowell and David Wiggins, and T.M. Scanlon's buck-passing account of value—has already drawn much interest: see Wlodek Rabinowicz and Toni Rønnow-Rasmussen, "The Strike of the Demon: On Fitting Pro-attitudes and Value," *Ethics*, Vol. 114 (April 2004), pp. 391-423; Jonas Olson, "Buck-Passing and the Wrong Kind of Reasons," *The Philosophical Quarterly*, Vol. 54 (April 2004), pp. 295-300; Jussi Suikkanen, "Reasons and Value—In Defence of the Buck-Passing Account," *Ethical Theory and Moral Practice*, Vol. 7 (2004), pp. 513-535.

These recent coincidental shifts of focus in subdisciplines neighboring aesthetics open a door for bringing aesthetics to bear on public policy issues. If, as some value theorists have suggested, the good is helpfully equated with the valuable, and if, as neosentimentalism recommends, value is explained in terms of object-merited emotive-affective response, then on a conception of the state which takes as its social duty the promotion of the good—i.e., a perfectionist conception of the state—political concerns will include the conservation of objects capable of producing paradigmatic positive affective responses and will include the preservation and advancement of the culture that sustains their production and appreciation. That a perfectionist view of the state is being taken seriously by theorists allying themselves with the cause and ends of democracy should be seen as a grand opportunity for those versed in making distinctions about the notions of object, experience, property, and value having to do with artifacts whose effects, in myriad ways, play, or have the capacity to play, such a large part in constituting the cultural identities and flourishing lives of democratic peoples.

But this opportunity is not being grasped. Given the dearth of aesthetics-related work done at the intersection of aesthetics, ethics, and social and political philosophy, it is clear that through oversight, disinterest, or aversion to one or another part of the picture I have painted so far of at least one potentially fruitful way of thinking about relations between those disciplines, aestheticians are not writing against a background of interested acknowledgement of the sociopolitical issues that impact the cultural contexts in which are embedded a whole range of aesthetic objects, including the artwork artifacts so dear to them.[4] And that is strange. Architecture ethics, funding in the arts, city planning and

[4] Noteworthy exceptions to the mainstream disregard for issues at the intersection of aesthetics, ethics, and sociopolitical philosophy are Sherri Irvin, Yuriko Saito, and Crispin Sartwell. See Irvin's "The

urban well-being, preservation of nature as reserve area or quasi-wild urban greenspace restoration, increasingly fast-paced and acquisitive consumerist lifestyles versus the aesthetic values of material simplicity and a slower pace—all these and more admit of aesthetic scrutiny. And this scrutiny can issue in plausible public policy recommendations, if united with versions of formal value theory or metaethics, normative ethical views, and sociopolitical views which together form a package rendering those recommendations compatible with some consistent vision of our most strongly-felt convictions about social and economic justice, moral equality, and lives of dignity and worth.

If the reason given for the wasted opportunity is oversight, that is hard to justify, since some of the issues above have to do with aesthetic aspects of matters related directly to environmentalism—e.g., architecture ethics, city planning, and the aesthetic value of nature—and, due to the climate crisis, environmental awareness is ubiquitous. If the reason is disinterest, that is not only hard to justify but is equally hard to understand, since it is intrinsically exciting to discover new opportunities for expanding the purview of one's beloved academic discipline. The most likely reason for the wasted opportunity is aversion. Because there are a number of controversial pieces to this aesthetic-ethical-sociopolitical puzzle, there is more than enough fodder here for the wary aesthetician to make quick work of and exit with her pride intact. But pride taken in one's keen theoretical sensibility is no ammunition against what may be a moral failing, viz., the

---

Pervasiveness of the Aesthetic in Ordinary Experience," *British Journal of Aesthetics*, Vol. 48, pp. 485-500; Saito's *Everyday Aesthetics* (Oxford: Oxford U.P., 2007); and Sartwell's *Obscenity, Anarchy, Reality* (Albany: State University of New York Press, 1995). The philosophical area with the most prolific work done at the intersection of aesthetics and applied ethics may be environmental philosophy: see Eugene Hargrove, *Foundations of Environmental Ethics* (New Jersey: Prentice Hall, 1989); Allen Carlson and Sheila Lintott (eds.), *Nature, Aesthetics, and Environmentalism* (New York: Columbia U.P., 2008); Tony Lynch, "Deep Ecology as an Aesthetic Movement," *Environmental Values*, Vol. 5 (1996), pp. 147-60.

failure to apply one's theoretical know-how to those pressing real-world issues upon which one's discipline directly bears.

And if it seems easy to doubt aesthetics' relevance to pressing real world issues, simply consider the last item on the list of aesthetics-related public policy issues offered earlier, i.e., the issue of somehow changing consumer preference from environmentally unsustainable acquisitive overconsumption—or what might be called '*quantitative* consumption'—to material simplicity and an attendant notion of '*qualitative* consumption', which stresses the superior affective-emotive value of sets of less numerous goods of higher quality. Next note that a preponderant value of a large share of the broad range of consumer goods—owing to their perceptual features, fit between function and design, and our inclination for affective-emotive response to them—can be conceived of as their *aesthetic* value. So, e.g., if, for one reason or another, a theorist believes that free markets should be promoted in liberal democratic societies, but if she believes also that some particular notions of the good should prevail irrespective of public preference and the economic demand reflective of that preference, then she may conceive of the policy problem as one centrally having to do with finding a method for changing public preference in the direction of that notion of the good; and as in the case of altering preferences away from acquisitive consumerism and toward material simplicity plus, perhaps, other more sustainable cultural goods, such moves are ones away from a particular set of aesthetic preferences toward a set of different aesthetic preferences. Arguments in favor of the promotion of such moves will focus, then, on at least the following: aesthetic value comparisons, citizen capability for perceiving the relevant values, and the relation of different species of aesthetic value to the well-being

of capable perceivers. Those are tough problems to come to terms with, but what is crucial to notice here is that they have got as much an aesthetic component as they do an ethical and sociopolitical one.

Aestheticians' aversion to serious consideration of aesthetics-related public policy issues can come also in forms different from the one I dismissed above, forms more obviously justifiable than such self-serving skepticism about particular positions in formal value theory, normative ethics, or political philosophy. It can arise, among aestheticians working on what have become the central theoretical problems in aesthetics, as part of a reaction against tenets of the emerging subdiscipline of aesthetics which is, in important ways, most strongly implicated in these issues, viz., everyday aesthetics. This is the branch of aesthetics that deals with such things as the aesthetic aspect of non-artwork artifacts like cities and the smaller everyday objects which fill our homes and workplaces, the aesthetically-stultifying effects of such things as suburban encroachment upon the everyday lives of rural peoples, the positive aesthetic effect of greenspace in the urban setting, and the import of the aesthetic aspects of everyday events or activities or ways of being in the social realm.

The tenet of everyday aesthetics most responsible for causing bewilderment or resistance among aestheticians working on more traditional aesthetic problems is the key idea that sets everyday aesthetics apart as an autonomous enterprise—a conception of the aesthetic object, or of aesthetic experience, weak enough to allow everyday, non-artwork objects or phenomena to be thought bona fide foci of aesthetic attention.[5] The danger in

[5] Everyday aestheticians have typically circumscribed the realm of the aesthetic via a weak conception of the term 'aesthetic experience', by which I mean that the constraints or conditions governing the application of the concept 'aesthetic experience' are few or are relatively easy to meet, so that much falls under the concept and little is ruled out. Arnold Berleant, Yuriko Saito, and Thomas Leddy each in their

that conception, both for the discipline of aesthetics were it to sanction the conception, or for everyday aesthetics were the discipline to encourage the conception's disregard, can be understood by noting that, while mainstream sanction of a concept essential to a minor subfield like everyday aesthetics is important for the subfield's practical viability and ultimate impact—especially since everyday aesthetics is a subfield of an already fairly isolated discipline like aesthetics—the weaker the conception of 'aesthetic' the less meaningful the term, and the less meaningful the term, the less significant the discipline that centers on it. So the possibility of mainstream aesthetics' sanction of this central concept of everyday aesthetics can be seen as a threat to the very integrity of the discipline of aesthetics. But still more significant as part of an explanation for the lack of more widespread embracement of everyday aesthetics among aestheticians is this: sanction of the weakened concept of the aesthetic can be seen as a potential move backward, in effect surrendering painful gains made over the last thirty years with regard the securing of academic respectability for a philosophical discipline thought by many to be in one or more ways unimportant, insufficiently rigorous, or even a kind of historically outmoded and embarrassing remnant of an archaic Greek conception of the philosophical landscape.

While it might seem that this state of affairs would in the long run tell against everyday aesthetics, that may not be so. Though everyday aesthetics probably requires the continued integrity of its mother discipline if it is to prosper, and though the two

---

own way employ this method to ensure that the everyday objects of their concern can be said to fall legitimately within the set of objects deserving of aesthetic attention: see Arnold Berleant, *Aesthetics and Environment: Variations on a Theme* (Burlington, VA: Ashgate, 2005); Yuriko Saito, "Everyday Aesthetics," *Philosophy and Literature*, Vol. 25 (2001), pp. 87-95; Thomas Leddy, "The Nature of Everyday Aesthetics," in Light and Smith, op. cit., pp. 3-22.

might seem at odds and everyday aesthetics the obvious long-run loser, there is an interesting twist involved in their potential future relationship: aesthetics—being recognized even by most aestheticians as perhaps the least respected of the main branches of philosophy and their modern offshoots—may need to build relationships with neighbor philosophical subdisciplines to shore itself up against the threat of a slow and painful relegation to academic oblivion, and there is good reason to believe it will certainly need to build such relationships if it is to more fully flourish, but a promising link between aesthetics and its two nearest neighbors, ethics and social and political philosophy, is the sort of intersection of all three which the outcast everyday aesthetics itself provides. So there is reason to believe the discipline of aesthetics has a long-run practical need for nursing its one subfield that has sought, more than any other, to question and criticize and, in effect, subtly undermine some of the core concepts whose development has helped to bring aesthetics the measure of academic respectability it now enjoys.

One among a number of problematic questions everyday aestheticians face, then, is this: 'Is there a consistent, compelling, and potentially fruitful vision of the discipline of everyday aesthetics that does not, however, require a weakened conception of the aesthetic?' And the answer, I think, is 'yes'.

2. Building a Truly Applied Everyday Aesthetics

The key to at least one such vision is a conception of aesthetic experience different from any offered so far by everyday aestheticians, different from most conceptions of aesthetic experience favored by those working in mainstream aesthetics, but related to both an underappreciated and, I believe, misunderstood conception of aesthetic value on the one

hand, and, on the other, a conception of value-in-general known in the formal theory of value as the buck-passing account offered most famously by Thomas Scanlon but recently revived, sometimes in neosentimentalist terms, in exchanges between Rabinowicz and Rønnow-Rasmussen, Jonas Olson, Jussi Suikkanen, and others.[6] Here is my idea:

> Aesthetic experience = def: pleasure taken in admiring an object (or event) for having the non-evaluative perceptual properties which render it an appropriate object of a particular pro-attitude.

The definition has four main components: pro-attitude, merit, admiration, and pleasure.

(i) *Pro-attitude*. By 'pro-attitude' I mean a two-part emotive-intentional stance. One part is an affect-laden, positive emotive response to the object. A person might respond, e.g., to some natural environment with wonder. The other part is an attitude toward the object—i.e., an intentional attitude—which corresponds to and accompanies the response, as, e.g., the response of wonder is accompanied by and corresponds to an attitude that the object of one's wonder is wondrous. Pro-attitudes include such very different sorts of response as ecstatic ones like awe and wonder, or the feeling of a

[6] The underappreciated and, I think, misunderstood conception of aesthetic value is Kendall Walton's: see his "How Marvelous! Toward a Theory of Aesthetic Value," *Journal of Aesthetics and Art Criticism*, Vol. 51, No. 3 (1993), pp. 499-510. For what I take to be a misunderstanding of Walton's view, see one of the few discussions of it, which appears in Robert Stecker, "Aesthetic Experience and Aesthetic Value," *Philosophy Compass*, Vol. 1, No. 1 (2006), pp. 1-10. T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard U.P., 1998); Wlodek Rabinowicz and Toni Rønnow-Rasmussen, "The Strike of the Demon: On Fitting Pro-attitudes and Value," op. cit.; Rabinowicz and Rønnow-Rasmussen, "Buck-Passing and the Right Kind of Reasons," *The Philosophical Quarterly*, Vol. 56 (2006), pp. 114-120; Jonas Olson, "Buck-Passing and the Wrong Kind of Reasons," op. cit.; Jussi Suikkanen, "Reasons and Value—In Defence of the Buck-Passing Account," op. cit.; Philip Stratton-Lake, "How to Deal with Evil Demons: Comment on Rabinowicz and Rønnow-Rasmussen," *Ethics*, Vol. 115 (July 2005), pp. 788-798.

particular ambiance, or the emotive affect had by one's interaction with an everyday, non-artwork artifact performing its function well. Note that this last category is a particularly wide one. It encompasses a spectrum of responses from the most bodily-centered emotive affects, like those involved in tasting food, through what one might call the 'middle range responses' more removed from the sense-immediacy of taste or smell—like the comfortable, enlivened feel of riding a well-engineered racing bicycle or the feel of using a well-designed cutting knife that, say, fits the hand just right—to still less bodily-centered emotive responses like the pleasant sense of ease one might feel when using office equipment, like a copier, the design of which meets its function particularly well.

(ii) *Merit*. There is a view about the metaphysics and semantics of value built into the definition of aesthetic experience. On this view, known in the literature as the 'buck-passing account', value is explained as follows: value is the second-order property of having first-order properties which provide reasons, such that these reasons justify claims to the effect that the purportedly valuable thing is a fitting object of a pro-attitude. Here is how it works: to say of something X that it is valuable, is, on the buck-passing view, to say that X has properties which can be referred to in reasons that, in turn, justify one's taking a favorable attitude of some kind toward X. For instance, a thing might be thought valuable in virtue of its meriting the pro-attitude of awe, and if that thought is taken to be correct, then there must also be good reason to believe the thing has properties which are the mark of the awe-inspiring. It is not difficult to see that the buck-passing account of value captures the common-sense notion that if a thing is rightly taken to be valuable, then there is something that makes that so. Here, this notion is captured in the thought

that a thing which can rightly be taken to inspire awe is indeed awe-inspiring. But there are also other, less obvious advantages of the buck-passing account.

Note that, on this view of value, the object is not thought valuable intrinsically, is not thought valuable in virtue only of its non-relational properties, but is thought extrinsically valuable, valuable in the sense of having properties that provide reasons for a perceiver to have a particular attitude toward it, such that the attitude is merited via the reasons the properties provide. Value is helpfully rendered less mysterious here in two ways. Things are not merely 'valuable', whatever that might mean, but are, if artifacts, excellent of their kind, or if non-artifactual nature, wondrous, or are, in either case, in one or more of many different ways worthy of admiration. Nor on this view is value out there in the world, as other, different views of value imply, as though, unbelievably, there were an ontological parity between value on the one hand and, on the other, a purely physical property like extension. Our object is awe-inspiring in that it has non-evaluative properties which provide reasons that can be used to justify the emotive reaction of awe the perceiver has toward it. With regard living nature, for instance, one might cite, as part of a set of such reasons, the natural object's factual evolutionary story and information about its habitat, against which, together with further relevant facts, one can come to be amazed at the perceptual features of the organism that otherwise might have appeared merely pretty.[7] And it is not difficult to see that similarly factual aesthetically-enriching

[7] The example of the aesthetic appreciation of living nature I have offered here, complete with its reliance on background knowledge had from the relevant sciences, is an instance of a type of nature appreciation made famous by Allen Carlson. See his "Aesthetic Appreciation of the Natural Environment," in Carlson and Lintott (eds.), *Nature, Aesthetics, and Environmentalism*, op. cit., pp. 119-129. An earlier version of the latter essay, along with others related directly to what Carlson calls his 'Natural Environmental Model' of nature appreciation, appears in his *Aesthetics and the Environment* (New York: Routledge, 2000).

stories can be told about other objects on the list of potential aesthetic objects mentioned earlier, like a well-designed everyday object or a work of art.

Also, the view captures the objectivist connotation in the common mode of speech we use to talk about objects worthy of aesthetic attention. I.e., when we refer to a thing's being aesthetically valuable, we imply that the object itself has properties that render it valuable. And this account captures that implication by referring explicitly to such properties in its explanation of what it means to say that something is valuable. But we also want to capture the intuition that something's aesthetic value is the value of the aesthetic experience it affords.[8] So, consistent with the desire to capture the common language implications of being able to point to the object as a source of value, it is also desirable in an account of the aesthetic to capture the equally strong intuition that aesthetic value is extrinsic, relational value in the sense of its being a kind of value that is value *for a perceiver*. I have done this by explaining value in terms not only of the object's properties but in terms also that require reference to the effects of these properties on the perceiver—i.e., in terms of the pro-attitude. This merit-centered account elegantly does the difficult job of capturing both intuitions.

(iii) *Admiration*. A thing can be admired for its having the properties which render it a fitting object of the pro-attitude to which these properties give rise. I.e., we admire a thing for its being the source of something of value—the pro-attitude. And for that reason, in admiring it we are also recognizing the worth of the emotive-affective response it gives rise to. This recognition can be as body-focused as is the expanded awareness of

[8] The notion that the value of an aesthetic object is the value of the experience it affords is associated primarily with Alan Goldman. See his "The Experiential Account of Aesthetic Value," *Journal of Aesthetics and Art Criticism*, Vol. 64, No. 3 (2006), pp. 333-342.

the feeling of one's own body while using an everyday practical non-artwork object like a knife or bicycle. Or it can be more contemplative, as is one's contemplative consideration of the value of, say, the ecstatic, quasi-religious response of wonder had in the presence of a vast, towering mountain range. Or recognition of the value can consist of both together, as one can settle into the emotive feeling wonder in part consists in, just as one can contemplatingly consider the value of the body-feeling a well-designed tool like a knife or bicycle should provide as part of meeting its function well.

There are subtleties to note about the admiration condition.

First Subtlety. It is sometimes best to conceive of the admiration condition as expressing a counterfactual, since recognition of the worth of the pro-attitude of more body-centered cases of recognition of the kind described above can be hindered by the contemplative reflection admiration involves. So in such cases, the condition is met if, (1) were the perceiver prompted to admire the object, (2) for having the properties that, via reference to them in reasons, justify claims that the object merits the pro-attitude, then (3) she would be able to do so.

Second Subtlety. Note that there seems to be no single first-order aesthetic property shared by all candidates for aesthetic attention. Some are awe-inspiring and therefore awesome, others are ambiance-creating and can therefore take the aesthetic attribute that also marks that ambiance—like serene or elegant—and still others are what we might call, for want of a more fitting word, 'beautiful' in their form's being an achievement of fit to function, so that, whatever the function be—whether lighting a book for someone sitting in an easy chair, delivering the unadulterated taste of a fine pipe tobacco, or a thousand others—that function is exemplarily fulfilled. This lack of

aesthetic objects sharing a single aesthetic property is due, on this buck passing account, to the tying of putative aesthetic properties to responses and there being a myriad of such responses. There are nevertheless families of response and therefore families of aesthetic object—the awe-inspiring or, more generally, the ecstatic-state producing; the serene or, more generally, the ambiance-creating; the functionally beautiful, and of course others. So there are first-order aesthetic properties some things share.

There are also second-order properties aesthetic objects share. Consider the property of being a particularly majestic cityscape, being a particularly functionally-beautiful knife, of being a particularly elegant dinner setting, or being a particularly serene urban park. And there can of course be multiple objects of the same kind which share being a particularly fine member of that kind—there are, e.g., different ways to realize an elegant table setting, and some of those instances will share the property of being a particularly fine such setting—but the more significant shared second-order property is this: 'being an exemplar member of one's aesthetic kind, *no matter the kind*'. That property picks out the aesthetically best things.

Next, note that, given the discussion just above of the features of the admiration constraint, the constraint functions in the definition to provide for the recognition of the following three values. (a) Via one's admiring something for having the properties that render it an appropriate object of a particular pro-attitude, there is recognition of the value of that pro-attitude, since one would not admire something for being the object of a valueless attitude. (b) Via the recognition of the properties which justify the intentional attitude, there is recognition of the value of the object as a source of that attitude.

(c) The third recognized value builds upon those first two, and coming to understand its workings involves two steps. First, as the admiration of something for being the fitting object of an emotive attitude implies recognition of both the value of the attitude and the value of the thing as a source of the attitude, so admiring things of different aesthetic kinds for being exemplar members of those kinds implies recognition of 'the value of being an exemplar member', since if being an exemplar were not valuable, then one would not admire something's being one. Second, recognition of the latter value (i.e., the value of being an exemplar member)—together with the truism that, barring aberrances like the embracement of incompatibly realizable values or overindulging in any one value, value is additive, so that one is better off with more rather than less value realized—suggests easy recognition of another value, viz., the value of these exemplar objects as a whole, and the positive, welfare-enhancing impact which mixes of a sufficient number of them might have on a life.

(iv) *Pleasure*. The value of the pro-attitude is instrumental, and this value is the pleasure afforded in the experience of the attitude's emotive aspect. And though the pleasure afforded by the aesthetic experience is a product of the pro-attitude in that way, it is not, however, a product of the pro-attitude alone, isolated from other components of the definition of aesthetic experience. Pleasure is valuable only when it is acknowledged—occurrently or counterfactually—to be pleasure properly taken with respect its object. Pleasure taken in the use of a functionally beautiful knife, e.g., is improperly taken if, contrary to one's belief in the knife's excellence, it is actually false that the knife is a good one. It might have performed well on only its first few uses, or only in one overly-limited number of kinds of use, or might simply break too soon under

regular conditions. So there are potential defeaters of pleasures, such that, when they come to be known to exist by the experiencer of pleasure, they render recollecting the past pleasure valueless, and when known to exist by one or more persons other than the experiencer, can be said to render the pleasure actually valueless despite the continued existence of the pleasure for an experiencer unaware of the defeater. The defeater, then, is falsity of the belief that the object merits the pro-attitude.

The crucial role that concern for such defeaters plays in our interaction with the aesthetic aspects of our world must feature in any plausible account of aesthetic experience, and it features in this account as an aspect of the admiration constraint, as I have discussed explicitly above.

The point of the discussion of properly taken pleasure here in the context of the definition's pleasure constraint is this: though aesthetic pleasure is primarily an aspect of the sentimentalist pro-attitude with its attendant sensory pleasure, because the pro-attitude's value is contingent on the pleasure being properly taken and since, in turn, the matter of the pleasure's being properly taken is captured in the admiration constraint, then—and this is the crux—(Z) the pleasure that is the ultimate value of the pro-attitude is not pleasure had merely from the experience of the emotive aspect of the having of that attitude, but is, instead, a non-sensory, *attitudinal* pleasure taken in the admiration of a thing's having the features rendering it a fitting object of the pro-attitude.[9] I say 'attitudinal pleasure' because the pleasure is had in a state-of-affairs obtaining, such that one can have an attitude toward those affairs which generates pleasure. And, last, (Z) is

[9] The most convincing, most clearly-articulated treatment of attitudinal pleasure appears in Fred Feldman, *Pleasure and the Good Life: Concerning the Nature, Varieties, and Plausibility of Hedonism* (New York: Oxford U.P., 2004).

the case even when the admiration constraint functions as a counterfactual, since pro-attitudes are, by default, taken toward objects, when they are taken, under the perceiver's presumption that the object is deserving of the attitude.

Those four components of my suggested definition combine to make for what I believe is an appealing general account of aesthetic experience. But the account is more than that. The account also convincingly resolves the problem discussed in section one which everyday aestheticians face with respect to the weak conception of aesthetic experience they have typically worked with, as I discuss below in the concluding section.

3. Conclusion

My suggested account of aesthetic experience ought, I think, be adopted by everyday aestheticians as a way to overcome the significant problems generated by the less objectivist accounts they typically favor. The account addresses the source of these problems by allowing everyday objects and events to be candidates for aesthetic attention while nevertheless offering the resources necessary for the creation of an aesthetic value hierarchy that would rank some everyday objects more aesthetically valuable than others. And by doing that, the account provides a route to public policy suggestions as to how some poor candidates might be remade aesthetically better. This hierarchizing ability, together with other claims about the social good, can render everyday aesthetics an applied philosophy in the commonly-accepted sense of being able to issue binding normative conclusions.

But in advocating an aesthetic hierarchy, aestheticians need not worry that, were they to embark on projects which imply, say, that modes of life are rendered objectively

morally better or worse in virtue of significantly welfare-enhancing aesthetic satisfactions being had or not had, or which imply that political institutions are better or worse with respect their promotion of, and provision for, such satisfactions, the aesthetician would thereby commit herself obviously to abhorrent political views, since one who believes, as does the perfectionist, that the good for humans is, at some practicable level of abstraction at least, objective, and that agents are morally obligated to try to realize any one of the innumerable lived variations of that good, need not be committed to views about freedom that smack of an unsavory freedom-limiting paternalism. To see that that is so, note that autonomy itself can be conceived as a component of the well-lived life, as of course is agent welfare, and since it is reasonable to think that not all life's alternatives are as welfare-enhancing as others, it is not unreasonable to think that autonomy is not a good in and of itself, but is good relative to the free choice it allows toward the realization of any number of roughly equally valuable, equally welfare-enhancing options. Given this conception of meaningful freedom as a freedom of choice rendered worth having, an aesthetic value hierarchy, which functions to help promote a range of alternatives each worth choosing, can be thought a necessary part of any sociopolitical scheme in which it is acknowledged that aggregated citizen preference is as much a result of forces hostile to the promotion of worthy alternatives as it is a factor that guides the alternatives the marketplace offers.

And last, the account, via the measure of objectivity it brings to concerns about the aesthetic aspects of everyday life, has the power, I think, to render everyday aesthetics plausible, palatable, and perhaps even appealing to the mainstream aestheticians whose acceptance of the discipline may, in the end, count more than any

other factor in deciding the unlikely future of the potentially socially important discipline of everyday aesthetics.

CONCLUSION

In the Introduction, I presented the dissertation's main claim for environmental preservation in terms of three sub-claims: that a type of aesthetic experience of nature is a particularly significant part of human well-being; that indigenous and ecologically sound natural environments are required for the experience; and that provision of and access to such environments are amenable to being fittingly thought the object of a legal right. In Parts One and Two, I discussed and defended those three sub-claims, the third in the context of the debate about how best to formulate a theory of rights, and the first and second in the context of debates about how best to formulate claims of nature's value and how best to formulate a model of the appropriate aesthetic appreciation of nature.

In Part Three, I both broadened and narrowed aspects of the theme of connections between ethics, aesthetics, and politics informing chapters in Parts One and Two. The theme was broadened from the natural environment, our appropriate aesthetic experience of it, and related issues in ethics and political philosophy, to ethical and political issues related to the aesthetic experience of cultural artifacts. The theme was narrowed in that I adopted as a point of departure the perspective of the aesthetician engaged with the field of aesthetics itself. I did this with the aim of presenting a case for aestheticians taking seriously the ethics and public policy-related aspects of their own discipline so as to urge the coming into prominence of an applied aesthetics—a would-be sub field of aesthetics in which, it so happens, an aesthetics-centered environmental ethics would fit just as well if not better than it now fits into the field of environmental ethics.

In bringing a neo-sentimentalist version of the buck-passing account of value to bear on issues in Chapters I, II, VI, and VIII, I showed what doing applied, public policy-related philosophy with a central concern for foundational issues in the theory of value can offer. The methodology is unorthodox, but I have, I hope, demonstrated its merits. In bringing an unorthodox version of Mill's utilitarianism to bear on issues in Chapters I, V, and less overtly in VII, I have shown what fruits can be had by way of a reconsideration of Mill's utilitarianism that takes full account of his qualitative hedonism and his reliance on natural law moral theory in his conception of the higher pleasures. I hope to have given some purchase to the idea that hedonism is not all bad, despite what many believe about it, when understood as I believe it ought to be and as I hope to have shown Mill no doubt understood it, i.e., as of the attitudinal or propositional variety rather than what is typically referred to as the mental state variety. I hope also to have given renewed credence to a view long out of fashion with most political philosophers, perfectionist liberalism, which, owing to the seriousness of de Tocqueville's worry discussed in Chapter V, deserves more attention than it receives. Likewise with paleo-conservatism, though my hopes for a reassessment of the view's merits anytime soon are unfortunately far less sure.

Most important to me in all of this, and a theme running through nearly all I have written here in one way or another, is our coming somehow to understand the significance of renewing our capacity to remember and cherish those things that make a life go best, what Mill referred to as the 'higher pleasures', what T.S. Eliot referred to as "the permanent things," what Matthew Arnold referred to as "the best that has been

thought and said."[1] The aesthetic experience of nature at the center of the environmental preservationist view I have presented is, as I have argued, a higher pleasure. Given the importance to a life of one's having some fact-based, emotively felt experience of the place of humans and so of himself on earth and in the cosmos, this emotive aesthetic experience of nature reveals to us, in a way stronger than mere recognition of fact, what might be called an enduring truth, and so is a candidate for one of Eliot's permanent things.

But the experience can be had by many probably only if the ecological knowledge and aesthetic sensitivity it requires become part of the cultural inheritance. It may not matter whether they become such indirectly by means of tacit promotion resulting from the establishment of an environmental human right, or if, instead, the experience itself becomes part of the cultural inheritance by means of some socio-cultural trend toward the simple life in connection with nature. What ultimately matters is that knowledge and appreciation of the experience become much more widespread.

Such a back-to-nature trend may occur as a result of increasing numbers of people desiring to escape the overstimulation and lack of satisfaction which some have found an inescapable part of the fast-paced, information-laden modern lifestyle. But I have little faith in trends as a mechanism to bring about the good, as they tend to be short-lived.

---

[1] Eliot used the phrase 'the permanent things' in a 1937 lecture "Christianity and Culture," in which he states that "[c]onservatism is too often conservation of the wrong things: liberalism a relaxation of discipline; revolution a denial of the permanent things." Russell Kirk has, more than anyone else, rendered the phrase part of the paleo-conservative creed. See Russell Kirk, *The Conservative Mind* (Wash, DC: Regnery, 2001). Matthew Arnold, *Culture and Anarchy: An Essay in Political and Social Criticism*, in Robert H. Super (ed.), *Culture and Anarchy with Friendship's Garland and Some Literary Essays, Volume V of The Complete Works of Matthew Arnold* (Ann Arbor: University of Michigan Press, 1965; originally published 1869), p. viii in the pagination of the original edition.

And the force of a trend toward the simple life probably is, anyway, too weak to have much effect in the face of the pull of ever newer technologies, many of which appear to hold the promise of rendering our lives both simpler and more enjoyable in enticing ways.

I have higher hopes that the legal establishment of an environmental human right something like the one I have discussed might someday become widespread. But though those hopes are higher, given the difficulties of establishing such a robust positive right, they are not, truth be told, all that high.

But there may be other paths to the same goal. I believe, along with Matthew Arnold, that a resolution of such difficulties as the absence from our cultural inheritance of this very valuable aesthetic experience of nature may lie in a revitalization of culture. As he famously wrote in *Culture and Anarchy*,

> The whole scope of the essay is to recommend culture as the great help out of our present difficulties; culture being a pursuit of our total perfection by means of getting to know, on all the matters which most concern us, the best which has been thought and said in the world, and, through this knowledge, turning a stream of fresh and free thought upon our stock notions and habits, which we now follow staunchly but mechanically, vainly imagining that there is a virtue in following them staunchly which makes up for the mischief of following them mechanically.[2]

[2] Arnold, op. cit., p. viii in the pagination of the original edition.

And so comes another reason I have included the essays on culture, ethics, and politics in Part Three. If the legal establishment of an environmental human right founded upon the rights theory I have argued for turns out to be impractical, then perhaps such a revitalization of culture may be a more successful means to rendering the sort of aesthetic experience of nature for which I have argued a part of the cultural inheritance. But this obviously ushers in a new and no less difficult problem, which can be put in the form of the following question: 'How is a revitalization of culture brought about?'

A successful revitalization of culture probably must be brought about from within the culture itself, or, if brought about via the richness and novelty of external things, then to have significant impact on the culture even these must be accepted and championed by a number of its influential members. I am unsure how Western philosophy might come to have a greater impact on Western culture, but as to the potential impact of the work of one philosopher on his colleagues, I am more sure. I have attempted in these pages to avoid what Arnold warns us against—the use of stock notions and habits—and to champion some of what Arnold applauds—a perfectionist ethics and concomitant politics. I have done these things from within, as a member of what might be called the philosophical culture. I hope that to the extent which my philosophical views are unorthodox but interesting, they might to that same extent be thought part of the sort of revitalization of a practice or discipline that serves to sustain that practice or discipline from the present time healthily into the future.

REFERENCES

Annas, Julia, *The Morality of Happiness* (Oxford: Oxford U.P., 1993).

———, "Virtue Ethics," in David Copp (ed.), *The Oxford Handbook of Ethical Theory* (New York: Oxford U.P., 2006), pp. 515-36.

———, "Virtue Ethics and the Charge of Egoism," in Paul Bloomfield (ed.), *Morality and Self-Interest* (New York: Oxford U.P., 2008), pp. 205-21.

Arneson, Richard J., "Perfectionism and Politics," *Ethics*, Vol. 111 (2000), pp. 37-63.

Arnett, Willard E., *Santayana and the Sense of Beauty* (New York: Indiana U.P., 1955).

Arnold, Matthew, *Culture and Anarchy: An Essay in Political and Social Criticism*, in Robert H. Super (ed.), *Culture and Anarchy with Friendship's Garland and Some Literary Essays, Volume V of The Complete Works of Matthew Arnold* (Ann Arbor: University of Michigan Press, 1965).

Baumgarten, Alexander Gottlieb, *Reflections on poetry: Meditationes philosophicae de nonnullis ad poema pertinentibus*, translated by Karl Aschenbrenner and William B. Holther (Berkeley: University of California Press, 1954).

Berleant, Arnold, *Art and Engagement* (Philadelphia: Temple U.P., 1991).

———, *The Aesthetics of Environment* (Philadelphia: Temple U.P., 1992).

———, *Aesthetics and Environment: Variations on a Theme* (Burlington, VA: Ashgate, 2005).

Berleant, Arnold and Allen Carlson (eds.), *The Aesthetics of Human Environments* (New York: Broadview Press, 2007).

Berlin, Isaiah, "Two concepts of Liberty," in *Four Essays on Liberty* (London: Oxford U.P., 1969).

———, "John Stuart Mill and the Ends of Life," in John Gray and G. W. Smith (eds.)*, J.S. Mill On Liberty in Focus* (New York: Routledge, 1991), pp. 131-61.

Boghossian, Paul, *Fear of Knowledge: Against Relativism and Constructivism* (New York: Oxford U.P., 2006).

Boyle, Alan and Michael Anderson (eds.), *Human Rights Approaches to Environmental Protection* (New York: Oxford U.P., 1996).

Brady, Emily, "Imagination and the Aesthetic Appreciation of Nature," in Arnold Berleant and Allen Carlson (eds.), *Special Issue: Environmental Aesthetics, Journal of Aesthetics and Art Criticism*, Vol. 56 (1998), pp. 139-47.

———, “Sniffing and Savoring: The Aesthetics of Smells and Tastes,” in Andrew Light and Jonathan M. Smith (eds.), *The Aesthetics of Everyday Life* (New York: Columbia U.P., 2005), pp. 177-93.

Brännmark, Johan, “ ‘Like the Bloom on Youths’: How Pleasure Completes our Lives,” in Timothy Chappell (ed.), *Values and Virtues: Aristotelianism in Contemporary Ethics* (New York: Oxford U.P., 2006), pp. 226-238.

Burke, Edmund, *Reflections on the Revolution in France*, originally published 1790.

Butler, W. F. and T. G. Acott, “An Inquiry Concerning the Acceptance of Intrinsic Value Theories of Nature,” Environmental Values, Vol. 16 (2007), pp. 149-68.

Cafaro, Philip, “Thoreau, Leopold, and Carson: Toward an Environmental Virtue Ethics,” in Philip Cafaro and Ronald Sandler (eds.), *Environmental Virtue Ethics* (Lanham, MD: Rowman & Littlefield, 2005), pp. 31-44.

Carlson, Allen, “Nature, Aesthetic Appreciation, and Knowledge,” *Journal of Aesthetics and Art Criticism*, Vol. 53, No. 4 (1995), pp. 393-400.

———, *Aesthetics and the Environment* (New York: Routledge, 2000).

———, “Nature and Positive Aesthetics,” in *Aesthetics and the Environment* (New York: Routledge, 2002), pp. 72-101.

———, “Nature, Aesthetic Judgment, and Objectivity,” in *Aesthetics and the Environment* (New York: Routledge, 2002), pp. 54-71.

———, “Appreciation of the Natural Environment”, in Allen Carlson and Arnold Berleant (eds.), *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004), pp.63-75.

———, “Aesthetic Appreciation of the Natural Environment,” in Allen Carlson and Sheila Lintott (eds.), *Nature, Aesthetics, and Environmentalism* (New York: Columbia U.P., 2008), pp. 119-129.

Carlson, Allen and Arnold Berleant (eds.), *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004).

Carlson, Allen and Sheila Lintott (eds.), *Nature, Aesthetics, and Environmentalism* (New York: Columbia U.P., 2008).

Carroll, Noël, “On Being Moved By Nature: Between Religion and Natural History,” in S. Kemal and I. Gaskel (eds.), *Landscape, Natural Beauty and the Arts* (Cambridge: Cambridge U.P., 1993), pp. 244-66.

Chappell, Timothy, *Understanding Human Goods* (Edinburgh: Edinburgh U.P.), 1996.

Christman, John and Joel Anderson (eds.), *Autonomy and the Challenges to Liberalism: New Essays* (Cambridge: Cambridge U.P., 2005).

Claxton, Guy, "Involuntary Simplicity: Changing Dysfunctional Habits of Consumption," *Environmental Values*, Vol. 3 (1994), pp. 71-78.

Coope, Christopher Miles, "Modern Virtue Ethics," in Timothy Chappell (ed.), *Values and Virtues: Aristotelianism in Contemporary Ethics* (New York: Oxford U.P., 2006), pp. 20-52.

Copp, David and David Sobel, "Morality and Virtue: An Assessment of Some Recent Work in Virtue Ethics," *Ethics*, Vol. 114 (2004), pp. 514-54.

Crisp, Roger, *Reasons and the Good* (New York: Oxford U.P., 2006).

D'Arms, Justin, "Two Arguments for Sentimentalism," *Philosophical Issues*, Vol. 15 (2005), pp. 1-21.

D'Arms, Justin and Daniel Jacobson, "Sentiment and Value," *Ethics*, Vol. 110 (2000), pp. 722-48.

———, "Sensibility Theory and Projectivism," in David Copp (ed.), *The Oxford Handbook of Ethical Theory* (New York: Oxford U.P., 2006), pp. 186-218.

Daly, Herman E., "Consumption: Value Added. Physical Transformation, and Welfare," in David A Crocker and Toby Linden (eds.), *Ethics of Consumption* (Lanham, MD: Rowman and Littlefield, 1998).

Dancy, Jonathan, "Should We Pass the Buck?" in Rønnow-Rasmussen, Toni and Michael J. Zimmerman (eds.), *Recent Work on Intrinsic Value* (Dordrecht, The Netherlands: Springer, 2005), pp. 33-44.

Darwall, Stephen, *Philosophical Ethics* (Oxford: Westview Press, 1998).

Davies, Stephen, *Definitions of Art* (New York: Cornell U.P., 1991).

Davies, Stephen, "Aesthetic Judgements, Artworks and Functional Beauty," *The Philosophical Quarterly*, Vol. 56 (2006), pp. 224-41.

Devitt, Michael, *Realism and Truth*, 2nd ed. (Princeton: Princeton U.P., 1997).

Dewey, John, *Art as Experience* (Carbondale: Southern Illinois U.P., 1987; originally published by Putnam, 1934).

Dyson, Freeman, *Infinite in All Directions* (New York: Harper and Row, 1988).

Eaton, Marcia Muelder, "Fact and Fiction in the Aesthetic Appreciation of Nature," in Allen Carlson and Arnold Berleant (eds.), *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004), pp. 170-81.

———, "The Beauty That Requires Health," in Allen Carlson and Sheila Lintott (eds.), *Nature, Aesthetics, and Environmentalism* (New York: Columbia U.P., 2008), pp. 339- 62.

Edwards, Rem B., *Pleasures and Pains: A Theory of Qualitative Hedonism* (New York: Cornell U.P., 1979).

Eldridge, Richard, "Aesthetics and Ethics," in Jerrold Levinson (ed.), *The Oxford Handbook of Aesthetics* (New York: Oxford U.P., 2003), pp. 722-32.

Eliot, T.S., "Tradition and the Individual Talent," originally published 1919 and later appearing in *The Sacred Wood*.

Feldman, Fred, *Pleasure and the Good Life: Concerning the Nature, Varieties, and Plausibility of Hedonism* (New York: Oxford U.P., 2004).

Finnis, John, *Natural Law and Natural Rights* (New York: Oxford U.P., 1980).

Foot, Philippa, *Natural Goodness* (Oxford: Oxford U.P., 2001).

Forman, Richard, *Land Mosaics: The Ecology of Landscapes and Regions* (Cambridge: Cambridge U.P., 1995).

Foster, Cheryl, "The Narrative and the Ambient in Environmental Aesthetics," in Allen Carlson and Arnold Berleant (eds.), *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004), pp. 197-213.

Frankfurt, Harry, "The Importance of What We Care About," in Harry Frankfurt, *The Importance of What We Care About* (New York: Cambridge U.P., 1988), pp. 80-94.

———, *Necessity, Volition, and Love* (New York: Cambridge U.P., 1999).

———, *The Reasons of Love* (Princeton, NJ: Princeton U.P., 2004).

———, *Taking Ourselves Seriously & Getting It Right* (Stanford: Stanford U.P., 2006).

Frey, R. G. and Christopher Heath Wellman (eds.), *A Companion to Applied Ethics* (Malden, MA: Blackwell, 2005).

Gobster, Paul, "An Ecological Aesthetic for Forest Landscape Management," *Landscape Journal*, Vol. 18 (1999), pp. 54-64.

Godlovitch, Stan, "Valuing Nature and the Autonomy of Natural Aesthetics," *British Journal of Aesthetics*, Vol. 38 (1998), pp. 180-97.

———, "Icebreakers: Environmentalism and Natural Aesthetics," *Journal of Applied Philosophy*, Vol. 11, No. 1 (1994), pp. 15-30.

Goehr, Lydia, "Art and Politics," in Jerrold Levinson (ed.), *The Oxford Handbook of Aesthetics* (New York: Oxford U.P., 2003), pp. 471-85.

Goldman, Alan, "The Experiential Account of Aesthetic Value," *Journal of Aesthetics and Art Criticism*, Vol. 64, No. 3 (2006), pp. 333-342.

Goodman, Nelson, *Languages of Art: An Approach to a Theory of Symbols, 2nd edition* (Indianapolis: Hackett Publishing Company, 1976).

———, *Ways of Worldmaking* (Indianapolis: Hackett Publishing Company, 1978).

Griffin, James, *Well-Being* (New York: Oxford U.P., 1986).

Grisez, Germain, *The Way of the Lord Jesus, Volume I: Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983).

Gross, Steffen W., "The Neglected Programme of Aesthetics," *British Journal of Aesthetics*, Vol. 42, No. 4 (2002), pp. 403-14.

Hargrove, Eugene, *Foundations of Environmental Ethics* (New Jersey: Prentice Hall, 1989).

Hayward, Tim, *Constitutional Environmental Rights* (New York: Oxford U.P., 2005).

Hepburn, Ronald, "Wonder," in his *Wonder and Other Essays* (Edinburgh: Edinburgh U.P., 1984), pp. 131-54.

———, "Trivial and Serious in Aesthetic Appreciation of Nature," in S. Kemal and I. Gaskell (eds.), *Landscape, Natural Beauty and the Arts* (Cambridge: Cambridge U.P., 1993), pp. 65-80.

———, "Landscape and the Metaphysical Imagination," *Environmental Values*, Vol. 5 (1996), pp.191-204.

Hill, Thomas, Jr., "Finding Value in Nature," *Environmental Values*, Vol. 15 (2006), pp. 331-41.

Hiskes, Richard P, *The Human Right to a Green Future* (New York: Cambridge, 2009).

Hohfeld, Wesley, *Fundamental Legal Conceptions* (New Haven, CT: Yale U.P., 1923).

Hooker, Brad, "Does Moral Virtue Constitute a Benefit to the Agent?" in Roger Crisp (ed.), *How Should One Live?* (New York: Oxford U.P., 2003; originally printed 1996), pp. 141-55.

Hurka, Thomas, *Perfectionism* (New York: Oxford U.P., 1993).

———, *Virtue, Vice, and Value* (New York: Oxford U.P., 2001).

Hursthouse, Rosalind, *On Virtue Ethics* (New York: Oxford U.P., 1999).

Irvin, Sherri, "The Pervasiveness of the Aesthetic in Ordinary Experience," *British Journal of Aesthetics*, Vol. 48 (2008), pp. 485-500.

Kalen, Sam, "Standing on its Last Legs: *Bennett V. Spear* and the Past and Future of Standing in Environmental Cases," *Journal of Land Use and Environmental Law*, Vol. 13 (1997), pp. 1-68.

Katz, Eric and Andrew Light (eds.), *Environmental Pragmatism* (New York: Routledge, 1996).

Kimball, Roger, *The Rape of the Masters: How Political Correctness Sabotages Art* (San Francisco: Encounter, 2005).

Kirk, Russell, *The Conservative Mind* (Wash, DC: Regnery, 2001).

Kramer, Matthew H., N. E. Simmonds, and Hillel Steiner, *A Debate Over Rights* (New York: Oxford U.P., 1998).

Kraut, Richard, *What is Good and Why* (Cambridge, MA: Harvard U.P., 2007).

Lear, Gabriel Richardson, "Aristotle on Moral Virtue and the Fine," in Kraut, Richard (ed.), *The Blackwell Guide to Aristotle's Nichomachean Ethics* (Malden, MA: Blackwell, 2006), pp. 116-36.

Leddy, Thomas, "The Nature of Everyday Aesthetics," in Andrew Light and Jonathan M. Smith (eds.), *The Aesthetics of Everyday Life* (New York: Columbia U.P., 2005), pp. 3-22.

———, "Everyday Surface Aesthetic Qualities: Neat, Messy, Clean, Dirty," in Arnold Berleant and Allen Carlson (eds.), *The Aesthetics of Human Environments* (New York: Broadview Press, 2007), pp. 163-74.

Leplin, Jarrett, *A Novel Defense of Scientific Realism* (New York: Oxford U.P., 1997).

Leslie, John, *Value and Existence* (Totowa, NJ: Rowman and Littlefield, 1979).

———, *Infinite Minds* (Oxford: Clarendon Press, 2001).

Levinson, Jerrold (ed.), *Aesthetics and Ethics: Essays at the Intersection* (New York: Cambridge U.P., 1998).

Lichtenberg, Judith, "Consuming Because Others Consume," *Social Theory and Practice*, Vol. 22 (1996), pp. 273-97.

Light, Andrew, "Environmental Ethics," in R. G. Frey and Christopher Heath Wellman (eds.), *A Companion to Applied Ethics* (Malden, MA: Blackwell, 2005).

Light, Andrew and Jonathan M. Smith (eds.), *The Aesthetics of Everyday Life* (New York: Columbia U.P., 2005).

Lynch, Tony, "Deep Ecology as an Aesthetic Movement," *Environmental Values*, Vol. 5 (1996), pp. 147-60.

McShane, Katie, "Anthropocentrism vs. Nonanthropocentrism: Why Should We Care?" *Environmental Values*, Vol. 16 (2007), pp. 169-85.

———, "Why Environmental Ethics Shouldn't Give Up on Intrinsic Value," *Environmental Ethics*, Vol. 29, No. 1 (2007), pp. 43-61.

Mill, J. S., *A System of Logic Ratiocinative and Inductive*, Book VI, Chapter XII ('Of the Logic of Practice, Or Art; Including Morality and Policy'), originally published 1843, in John M. Robson (ed.) *Collected Works of John Stuart Mill* (London: Routledge, 1963-91), Vol. VIII.

———, *On Liberty*, originally published 1859, in John M. Robson (ed.) *Collected Works of John Stuart Mill* (London: Routledge, 1963-91), Vol. XVIII.

———, *Utilitarianism*, originally published 1861, in John M. Robson (ed.) *Collected Works of John Stuart Mill* (London: Routledge, 1963-91), Vol. X.

Munitz, Milton, *The Mystery of Existence* (New York: Meredith Publishing Co., 1965).

Murdoch, Iris, *Existentialists and Mystics*, edited by Peter Conradi and George Steiner (New York: Penguin Books, 1999).

Murphy, Mark C., *Natural Law and Practical Rationality* (New York: Cambridge U.P., 2001).

Musgrave, Alan, "Realism versus Constructive Empiricism," in P. M. Churchland and C. Hooker (eds.), *Images of Science* (Chicago: University of Chicago Press, 1985), pp. 197-221.

Naess, Arne, "Self-Realization: an ecological approach to being in the world," in Alan R. Drengson and Yuichi Inoue (eds.), *The Deep Ecology Movement: An Introductory Anthology* (Berkeley, CA: North Atlantic, 1995), pp.13-30. Originally appeared in John Seed, Joanna Macy, Pat Fleming, and Arne Naess, *Thinking Like a Mountain: Towards a Council of All Beings* (Philadelphia: New Society Publishers, 1988).

Nagel, Thomas, *The Possibility of Altruism* (Princeton: Princeton U.P., 1970).

———, "Personal Rights and Public Space," *Philosophy and Public Affairs*, Vol. 24 (1995), pp. 83-107.

———, “The Fragmentation of Value,” in *Mortal Questions* (Cambridge: Cambridge U.P., 2000).

Nassauer, Joan Iverson, “Cultural Sustainability: *Aligning Aesthetics and Ecology*,” in Allen Carlson and Sheila Lintott (eds.), *Nature, Aesthetics, and Environmentalism* (New York: Columbia U.P., 2008), pp. 363- 79.

Nickel, James W., “The Human Right to a Safe Environment: Philosophical Perspectives on Its Scope and Justification,” *Yale Journal of international Law*, Vol. 18 (1993), pp. 281-95.

Nickel, James W., and Eduardo Viola, “integrating Environmentalism and Human Rights,” in Andrew Light and Holmes Rolston III (eds.), *Environmental Ethics* (New York: Blackwell, 2003), pp. 472-77.

Nolt, John, “The Move from *Good* to *Ought* in Environmental Ethics,” *Environmental Ethics*, Vol. 28, No. 4 (2006), pp. 355-374.

Norcross, Alastair, “Killing and Letting Die,” in R. G. Frey and Christopher Heath Wellman (eds.), *A Companion to Applied Ethics* (Malden, MA: Blackwell, 2007), pp. 451-63.

Nussbaum, Martha C., “The Good As Discipline, the Good As Freedom,” in David A. Crocker and Toby Linden (eds.) *Ethics of Consumption* (New York: Rowman and Littlefield, 1998), pp. 312-41.

———, “Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan,” *Ethics*, Vol. 111 (2000), pp. 102-40.

O’Neill, John, “The Varieties of Intrinsic Value,” *Monist*, Vol. 75 (1992), pp. 119-37. Reprinted in revised form, with the same title, in Andrew Light and Holmes Rolston III (eds.), *Environmental Ethics* (Malden, MA: Blackwell, 2003), pp. 131-42.

———, *Ecology, Policy, and Politics: Human Well-Being and the Natural World* (New York: Routledge, 1993).

Olson, Jonas, “Buck-Passing and the Wrong Kind of Reasons,” *The Philosophical Quarterly*, Vol. 54 (April 2004), pp. 295-300.

Palmer, Clare, “An Overview of Environmental Ethics,” in Andrew Light and Holmes Rolston III (eds.), *Environmental Ethics* (Malden, MA: Blackwell, 2003), pp. 15-37.

Parfit, Derek, *Reasons and Persons* (Oxford: Clarendon Press, 1984).

———, “The Puzzle of Reality,” *Times Literary Supplement*, 1992, pp. 3-5.

———, "Why Anything? Why This?" *London Review of Books*, 1998, in two parts, (27 Jan) pp. 24-27, (5 Feb) pp. 22-25.

———, "Why Anything? Why This?" an expanded, unpublished version of "Why Is Reality as It Is?" which appears in Steven D. Hales (ed), *Metaphysics* (New York: Wadsworth Publishing Co., 1999), pp. 26-32.

Parsons, Glenn, "Nature Appreciation, Science, and Positive Aesthetics," in Allen Carlson and Sheila Lintott (eds.), *Nature, Aesthetics, and Environmentalism* (New York: Columbia U.P., 2008), pp. 302-17.

Parsons, Glenn and Allen Carlson, "New Formalism and the Aesthetic Appreciation of Nature," *Journal of Aesthetics and Art Criticism*, Vol. 62 (2004), pp. 363-76.

———, *Functional Beauty* (New York: Oxford U.P., 2008).

Partridge, Ernest, "Why Care About the Future?" in Ernest Partridge (ed.), *Responsibilities to Future Generations* (New York: Prometheus, 1981), pp. 203-20.

Paul, Ellen Frankel, F. D. Miller, Jr., and J. Paul (eds.), *Social Philosophy and Policy*, Vol. 14, No. 1 (1997). Special issue devoted to self-interest and morality.

——— (eds.), *Virtue and Vice* (New York: Cambridge U.P., 1998).

Rabinowicz, Wlodek and Toni Rønnow-Rasmussen, "The Strike of the Demon: On Fitting Pro-attitudes and Value," *Ethics*, Vol. 114 (2004), pp. 391-423.

———, "Buck-Passing and the Right Kind of Reasons," *Philosophical Quarterly*, Vol. 56 (2006), pp. 114-120.

Rainbolt, George, *The Concept of Rights* (Dordrecht, The Netherlands: Springer, 2006).

Raz, Joseph, *The Morality of Freedom* (Oxford: Oxford U.P., 1986).

———, "Liberty and Trust," in Robert P, George (ed.), *Natural Law, Liberalism, and Morality* (New York: Oxford U.P., 2002, pp. 113-129).

Regan, Tom, "The Nature and Possibility of an Environmental Ethic," *Environmental Ethics*, Vol. 3 (1981), 19-34.

Robinson, Jenefer, "The Emotions in Art," in Peter Kivy (ed.), *The Blackwell Guide to Aesthetics* (Malden, MA: Blackwell Publishing, 2004), pp. 174-92.

Rolston, Holmes, III, "Is There an Ecological Ethic?" *Ethics*, Vol. 85 (1975), 93-109.

———, *Environmental Ethics: Duties to and Values in the Natural World* (Philadelphia: Temple U.P., 1988).

———, "The Aesthetic Experience of Forests," in Allen Carlson and Arnold Berleant (eds.), *The Aesthetics of Natural Environments* (New York: Broadview Press, 2004), pp. 182-96.

Rønnow-Rasmussen, Toni and Michael J. Zimmerman (eds.), *Recent Work on Intrinsic Value* (Dordrecht, The Netherlands: Springer, 2005).

Routley, Richard (a.k.a. Richard Sylvan) "Is There a Need for a New, an Environmental, Ethic?" in Andrew Light and Holmes Rolston III (eds.), *Environmental Ethics* (Malden, MA: Blackwell, 2003), pp. 47-52. Originally published in *Philosophy and Science: Morality and Culture: Technology and Man*, *Proceedings of the XVth World Congress of Philosophy* (Varna, Bulgaria: Sofia, 1973).

Sagoff, Mark, "Consumption," in Dale Jamieson (ed.), *A Companion to Environmental Philosophy* (Malden, MA: Blackwell, 2001), pp. 473-485.

Saito, Yuriko, "Everyday Aesthetics," *Philosophy and Literature*, Vol. 25 (2001), pp. 87-95.

———, "The Aesthetics of Weather," in Andrew Light and Jonathan M. Smith (eds.), *The Aesthetics of Everyday Life* (New York: Columbia U.P., 2005), pp. 156-76.

———, *Everyday Aesthetics* (Oxford: Oxford U.P., 2007).

Sandler, Ronald L., *Character and Environment: A Virtue-Oriented Approach to Environmental Ethics* (New York: Columbia U.P., 2007).

Santayana, George, *Dominions and Powers: Reflections on Liberty, Society, and Government* (New York: Charles Scribner's Sons, 1951).

———, *The Sense of Beauty: Being the Outline of Aesthetic Theory* (New York: Dover, 1955; originally published by Charles Scribner's Sons, 1896).

Sartwell, Crispin, *Obscenity, Anarchy, Reality* (Albany: State University of New York Press, 1995).

———, "Aesthetics of the Everyday," in Jerrold Levinson (ed.), *The Oxford Handbook of Aesthetics* (New York: Oxford U.P., 2005), pp. 761-70.

Scanlon, T. M., *What We Owe to Each Other* (Cambridge: Harvard U.P., 1998).

Schellekens, Elisabeth, "Towards a Reasonable Objectivism for Aesthetic Judgements," *British Journal of Aesthetics*, Vol. 46, No. 2 (2006), pp. 163-77.

Scruton, Roger, *The Meaning of Conservatism* (Indiana: Palgrave Macmillan, 1980).

———, *A Short History of Modern Philosophy* (London: Routledge, 1995).

———, "The Aesthetic Endeavour Today," *Philosophy*, Vol. 71 (1996), pp. 331-350.

———, *Modern Culture* (London: Continuum, 1998, 2000).

———, "Eliot and Conservatism," in *A Political Philosophy: Arguments for Conservatism* (New York: Continuum, 2006), pp. 191-208.

———, *Culture Counts*: *Faith and Feeling in a World Besieged* (New York: Encounter Books, 2007).

———, "In Search of the Aesthetic," *British Journal of Aesthetics*, Vol. 47 (2007), pp. 232-250.

Sher, George, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge U.P., 1997).

Sibley, Frank, "Objectivity and Aesthetics," *Proceedings of the Aristotelian Society*, Supplementary Vol. 42 (1968), pp. 31-54.

Simonsen, Kenneth, "The Value of Wildness," *Environmental Ethics*, Vol. 3 (1981), pp. 259-263.

Singer, Peter, *Animal Liberation* (New York: Avon, 1990 revised edition).

Skorupski, John, *Ethical Explorations* (New York: Oxford U.P., 1999).

———, *Why Read Mill Today?* (New York: Routledge, 2006).

Slote, Michael, "Virtue Ethics," in Hugh LaFollette (ed.), *The Blackwell Guide to Ethical Theory* (Oxford: Blackwell, 2000), pp. 325-47.

Smith, Quentin, "The Wave Function of a Godless Universe," in W. L. Craig and Quentin Smith (eds.), *Theism, Atheism and Big Bang Cosmology* (Oxford: Clarendon Press, 1993), pp. 301-37.

Sokal, Alan and Jean Bricmont, *Fashionable Nonsense: Postmodern Intellectuals' Abuse of Science* (New York: Picador, 1998).

Sparshott, Francis, *Taking Life Seriously: A Study of the Argument of the Nicomachean Ethics* (Toronto: University of Toronto Press, 1996).

Stecker, Robert, *Artworks: Definition, Meaning, Value* (University Park, PA: Pennsylvania U.P., 1997).

———, "Aesthetic Experience and Aesthetic Value," *Philosophy Compass*, Vol. 1, No. 1 (2006), pp. 1-10.

Stocker, Michael, "The Schizophrenia of Modern Moral Theories" in Roger Crisp and Michael Slote (eds.), *Virtue Ethics* (Oxford: Oxford U.P., 1997), pp. 66-78.

Stone, Christopher, "Should Trees Have Standing?—Toward Legal Rights for Natural Objects," *University of Southern California Law Review*, Vol. 45, No. 2 (1972), pp. 450-501.

——— ,"Should Trees Have Standing Revisited: How Far Will Law and Morals Reach? A Pluralist Perspective," *Southern California Law Review*, Vol. 59 (1985), pp. 1-154.

Stratton-Lake, Philip, "How to Deal with Evil Demons: Comment on Rabinowicz and Rønnow-Rasmussen," *Ethics*, Vol. 115 (July 2005), pp. 788-798.

Stratton-Lake, Philip and Brad Hooker, "Scanlon versus Moore on Goodness," in Terry Horgan and Mark Timmons (eds.), *Metaethics after Moore* (New York: Oxford U.P., 2006), pp. 149-68.

Suikkanen, Jussi, "Reasons and Value—In Defence of the Buck-Passing Account," *Ethical Theory and Moral Practice*, Vol. 7 (2004), pp. 513-35.

Sumner, L. W., "Is Virtue Its Own Reward?" in Ellen Frankel Paul, F. D. Miller, Jr., and J. Paul (eds.), *Virtue and Vice* (New York: Cambridge U.P., 1998), pp. 18-36.

———, *Welfare, Happiness, and Ethics* (New York: Oxford U.P., 1996).

Taylor, Paul W., *Respect for Nature: A Theory of Environmental Ethics* (Princeton: Princeton U.P., 1986).

Tryon, Edward, "Is the Universe a Vacuum Fluctuation?" *Nature*, Vol. 246, No. 5433 (1973), pp. 396-397.

Tuan, Yi-Fu, *Topophilia: A Study of Environmental Perception, Attitudes, and Values* (New York: Columbia U.P., 1974).

Vilenkin, Alexander, "Creation of Universes from Nothing" *Physics Letters*, Vol. 117B (1982), pp. 25-28.

Waldron, Jeremy, *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London: Methuen, 1987).

Wall, Steven, *Liberalism, Perfectionism and Restraint* (New York: Cambridge U.P., 1998).

Walton, Kendall, "How Marvelous! Toward a Theory of Aesthetic Value," *Journal of Aesthetics and Art Criticism*, Vol. 51, No. 3 (1993), pp. 499-510.

Wenar, Leif, "The Analysis of Rights," in Matthew Kramer, Claire Grant, Ben Colburn, and Antony Hatzistavrou (eds.), *The Legacy of H. L. A. Hart* (New York: Oxford U.P., 2008), pp. 251-73.

———, “The Nature of Rights,” *Philosophy and Public Affairs*, Vol 33, No. 3 (2005): 223-252.

———, “The Value of Rights,” in Joseph Keim Campbell, Michael O'Rourke, and David Shier (eds.), *Law and Social Justice* (Cambridge: MIT Press, 2005), pp. 179-209.

Wolf, Susan, “Happiness and Meaning: Two Aspects of the Good Life,” *Social Philosophy and Policy*, Vol. 14, No. 1 (1997): 207-25.

Zagzebski, Linda, “The Admirable Life and the Desirable Life,” in Timothy Chappell (ed.), *Values and Virtues: Aristotelianism in Contemporary Ethics* (New York: Oxford U.P., 2006), pp. 54-55.

Zangwill, Nick, *The Metaphysics of Beauty* (Ithaca, NY: Cornell U.P., 2001).

———, “Formal Natural Beauty,” *Proceedings of the Aristotelian Society*, Vol. 101 (2001), pp. 209-24. Reprinted in *The Metaphysics of Beauty*, pp. 112-126.

———, “In Defence of Extreme Formalism about Inorganic Nature: Reply to Parsons,” *British Journal of Aesthetics*, Vol. 45 (2005), pp. 185-191.