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Nature and Reason

A Study on Natural Law and
Environmental Ethics

Theology

Ulrik Nissen

Ph.D. dissertation

Nature and Reason

A Study on
Natural Law and Environmental Ethics

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מהרבו מעשיך יהוה
כלם בחכמה עשית
מלאה הארץ קנינד

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The thesis is written in English even if submitted at a Danish faculty of theology, and even if this has meant that I have had to lay my mother tongue aside. This is due to two circumstances. The first is *amoral* (although hopefully not *immoral*!) or pragmatic, as the English language has made it possible for me to receive comments on my work during the whole process of writing the thesis. The second reason is of a moral character, as I find it to be a sign of respect for the work of other people that one's work is made as accessible as possible. One step in doing this is to write in a language known to most of the potential readers. One disadvantage of writing in a language foreign to oneself, however, is that one is placed between two languages, hopelessly struggling to avoid too evident "Denglish" formulations. I hope the reader will pardon me the rough spots.

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Part I
Prologue

In the present mainpart, the thesis is introduced. In Chapter 1 the objective of the study and the methodology is outlined, as is a review of recent literature. In Chapter 2 an overview is provided of the metaethical concepts of the thesis.

Chapter 1

Introduction

“... since the natural law is so called from nature, that is, it is that which natural reason directs and that which is written in the natural reason, since according to this way of speaking, reason is itself nature, so in the same way, it is possible to take nature as nature, or nature as reason.”¹ Seeing nature and reason in such a close interrelation appears to be quite problematic in a contemporary setting. This idea might have been endorsed in a medieval context, but in contemporary philosophy and theology it may be discarded as obsolete. Arguments of a similar kind as this often dominate contemporary philosophy and theology. The prevalence of this mode of thought calls for a critical assessment. Such a critique is the primary aim of the present study. In what sense may the notion of nature be said to hold normative implications? How is this the case for the concept of reason? Can one argue for the interrelatedness of nature and reason as the basis of normativity?

1.1 The Objective of the Study

Since the beginning of Western philosophical and Christian ethical thought, the relation between nature and reason as the basis of normativity has been discussed. It constitutes one of the classical problems of Western ethical thought. One area where this discussion also today marks a central point of discussion is in the debate on natural law and the different attempts to formulate plausible theories of environmental ethics. In the present thesis it is the attempt to give a critical analysis of select theories of natural law and environmental ethics, and outline a reconstruction of these notions as part of natural law thought and environmental ethics. In order to give an outline of the objective of the study, firstly, the main question of the thesis is defined, and, secondly, a synopsis of the thesis is provided.

¹ Philip the Chancellor (Cited after Porter 1999, 87).

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1.1.1 Framing the Question

The reader of just a few books on environmental ethics is well acquainted with the pessimistic accounts of the decline of nature, often found in this literature during the 80'ties and 90'ties. Although one might agree with some of these viewpoints, there has been a remarkable change in the attitude to the environmental crisis during the last few years. It seems that we are no longer speaking of an ecological crisis, but rather a challenge raised by environmental problems. Even if this change in tone may be seen as an expression of the change in empirical conditions for nature, the main focus of the present thesis is not a critical assessment of empirical facts. Rather, the primary concern here is the theoretical discussion on the relation between nature and reason.

In many attempts to develop an environmental ethic, the concept of the rights of nature are emphasized. It is said that the concept of natural rights now has broadened, so that it must include nature as well.² Few attempts, however, try to appropriate the notion of natural law, as this idea is conceived of as impossible to defend in a contemporary setting. This is regrettable, as this idea holds significant implications for a renewed understanding of man's relation to nature, as it will be argued in the present thesis. Consequently, the thesis takes up two challenges to theological and philosophical ethics. One is the claim that natural law no longer can be maintained, due to its obsolete metaphysical framework. The other challenge is the ongoing discussion within environmental ethics on the basis of ethics. Here it is often claimed that environmental ethics must proceed in completely new ways. The problems of man's relation to nature are considered a consequence of a dominant Western theological and philosophical scheme of thought, why a rectification of these notions necessitate a fundamentally new course.³

It is often claimed that environmental ethics is something very different from the previous tradition and that it is necessary to undertake a revision of our history of theology and philosophy. The present thesis claims that this is a somewhat hastened conclusion. In order for environmental ethics to develop a stable and enduring theoretical basis, it is necessary to take the historical

² Cf. e.g. Nash 1989 for a historical demonstration of the expansive tendency of the notion of natural rights.

³ Cf. e.g. Passmore 1974.

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setting into account.⁴ In the present thesis this course is facilitated by a focus on natural law as one of the fundamental notions of Western moral theology and philosophy. The natural law tradition offers a very helpful background for a theory of man's relation to nature. The natural law thought as well as the environmental ethical theories all reflect on the concepts of nature and reason and discuss their distinctiveness and relationship to each other. Is there an implied morality within the being of nature, which man is a part of as a natural being? What does this imply for the moral regard for other natural beings than man? Is reason the crucial moral factor, endowing man with a special moral status as a rational being? What does this imply for the moral regard for other natural beings than man? These are some of the leading questions that will be raised to the thinkers of the thesis. Hopefully this will show that even if there is a different concern in natural law thought and environmental ethics, there still seems to be a similar grounding of morality. The metaethical basis seems to be the same in natural law and environmental ethics.

This brings about the theses of the present thesis:

- There seems to be a remarkable metaethical similarity between the basis of the (i) premodern and early modern Protestant natural law thought and (ii) contemporary environmental ethics. It seems that two distinct modes of argumentation can be demonstrated in both of these discourses, i.e. a naturalist, ontological scheme of thought on the one hand and a constructivist, voluntarist on the other. This seems to bring the justification of the two discourses close to each other, making it possible to use the mutual insights as basis of a natural law/environmental ethics theory.

⁴ This claim is, of course, also shared by several other environmental ethicists. Cf. e.g. Attfeld 1983, and Hargrove 1989 for arguments also endorsing the necessary historical foundation of environmental ethics. Krebs represents the opposite standpoint in emphasizing the argumentative approach, rejecting the relevance of studies on classical positions. Krebs argues that her study "... searches for conceptual distinctions and arguments which help to solve this problem [i.e. the problem of orienting our conduct toward nature] (...) What is needed at present are concepts and arguments which anyone interested in what is at stake in this debate can understand and accept and which do not appeal exclusively to Kantians or Heideggerians" (1999, 3). Even if I am sympathetic to Krebs's approach, it seems that she forgets that she is also part of a tradition, namely the tradition of analytical philosophy. Thus, her approach may especially appeal to thinkers being in favor of this way of doing philosophy. It seems to me that we can never escape some degree of alliance to some tradition. Rather than obscure this hermeneutical condition, I believe one should attempt to make it clear.

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- Furthermore, it is assumed that on the basis of a metaethical reevaluation of the Lutheran natural law thought in the light of the insights of environmental ethics it may prove possible to argue for a renewed use of this ethical theory within ethics in general and within environmental ethics in particular.

The thesis hopes to argue for these theses by focusing on the concepts of nature and reason within the mentioned premodern and early modern Lutheran natural law tradition and contemporary environmental ethics.

Having established the main question and theses of the present study, a synopsis of the argument will further an introductory overview of the thesis.

1.1.2 Synopsis of the Thesis

The thesis is composed of four parts. The first part is introductory. The second and third part form the substantive main parts of the thesis, analyzing the notions of nature and reason within natural law and environmental ethics. The fourth part is a constructive summary. The second and third part are viewed as separate studies that are brought together in the last part. The mainlines of the argument of the thesis runs as follows.

The introductory part of the thesis gives an initiatory overview of the subject of the thesis and the means of undertaking the work. Moreover, an account is given of the metaethical main concepts that will be appropriated in the study.

The primary persons in the natural law part (i.e. the second main part) of the thesis are: Philipp Melanchthon (Chapter 3), Christian Wolff (Chapter 4), Martin Luther (Chapter 5), and Immanuel Kant (Chapter 6). Thus, the thesis focuses on a particular natural law tradition, namely the Lutheran-Kantian tradition. Briefly, other thinkers will be included in discussion on the natural law thought, but will not be treated as main figures and serve only as perspectives. The thesis analyzes the metaethical basis of these natural law theories, presuming that Melanchthon and Wolff both emphasize the concept of nature as normative, whereas it is assumed that Luther and Kant accentuate the idea of reason more. For all of them it is essential to determine the relation between nature and reason as the basis of natural law.

In the part (main part three) on environmental ethics, the primary persons are: Holmes

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Rolston, III (Chapter 7), J. Baird Callicott (Chapter 8), Paul Taylor (Chapter 9), Bryan Norton (Chapter 10), Mark Sagoff (Chapter 11), and Robin Attfield (Chapter 12). As in the case of the natural law tradition, it has been attempted to include representative thinkers, enabling us to get a varied and yet representative picture of this tradition. Furthermore, it is also here the presumption that nature has a predominant position among the first three in the basis of normativity, and that reason holds an equivalent position in the last three. Moreover, the relation between nature and reason as the basis of normativity is also an essential concern here.

In the mentioned section on natural law thought and environmental ethics, it is attempted to enhance the possibility of a comparative reading of the metaethical implications by structuring the chapters in similar ways. This is intended to provide the possibility of the constructive summary of the last part (main part four). This part will draw upon the findings of the thesis, giving a brief summary. These findings will serve as the basis of this concluding part of the thesis. However, as the intention is also to form a systematic, constructive reflection on the notions of nature and reason within natural law and environmental ethics (even if only tentatively), other thinkers will also be included in this part. Firstly, a critical assessment of the notion of nature as the basis of natural law and environmental ethics is provided (Chapter 13). Secondly, the idea of the normativity of reason within these same discourses is critically evaluated (Chapter 14). Lastly, it is attempted to give an account of the mutuality of nature and reason as the basis of natural law and environmental ethics. Thereby, it is the intention to provide plausible tenets of a reformulation of the natural law tradition treated in the thesis and to argue plausibly for the appropriation of this notion of natural law within environmental ethics (Chapter 15).

The thesis is concluded with a Danish summary (Sammenfatning).

The wide scope of the thesis in terms of difference in terminology among the included thinkers, not to mention the difference in temporal and intellectual setting of the select thinkers, necessitates a comment on the appropriated method and terminology.

1.2 Remarks on methodology and terminology

The rather disparate nature and historical setting of the premodern and early modern German Lutheran natural law thought and the contemporary environmental ethical thought necessitates a remark on the reading and justification of this attempt.

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When one deals with the question of methodology, it is necessary to keep two distinctly different meanings of this notion in mind. According to one, the question of the method of a particular work refers to the selfunderstanding of this work.⁵ Here, the question is how one makes theology or ethics. The other main notion of methodology refers more to the reading and application of textual material. A leading question in this regard is the understanding and use of the background texts, in a systematic theological work this is often referred to as a distinction between the historical and systematic reading.⁶ These two methods are, of course, closely related to each other. The inner selfunderstanding of a work has an important influence on the chosen approach to the textual material.

The present study is a systematic theological work on Christian ethics. This means that this work conceives of itself as having its basis within a conceptual, Christian framework. However, the object of the thesis carries the argument beyond self-description, as the notion of natural law holds an inherent claim of universal validity. Consequently, the thesis purports to hold an argument which is plausible in terms of philosophy in general. This is not the least the case for the concluding part of the thesis, where it is attempted to construct a normative understanding of nature and reason.⁷

In terms of the approach to the textual sources of the thesis, it has been attempted to give a critical analysis of the notions of nature and reason within central texts of the included thinkers. Thereby it has been the intention to focus on the argumentative basis of these ideas, rather than

⁵ This understanding of method appears to be the governing notion in Frei's account of five different types of Christian theology (1992, 28ff.). These different types of theology are defined with respect to the degree of which they consider themselves as Christian self-descriptions. According to Frei, e.g. Kaufmann is taken as a representative of a type where theology becomes a philosophical discipline. The emphasis is on the general criteria of theology and the distinction between external and internal description becomes basically unimportant (28ff). D. Z. Phillips represents an opposite type, where the Christian self-description outrules the relevance of philosophy. Here, the distinction between outside and inside is rather clear (46ff.).

⁶ Cf. e.g. Prenter 1946, 12ff. where this distinction is made in relation to Lutherstudies, and where a combination of these approaches is advocated in relation to a proper reading of Luther.

⁷ Even if this terminology may allude to an inspiration from the Kantian based methodological approach to theology which is found in Kaufman (1979³), the inspiration is only moderate. It is *not* the argument of the present thesis that notions as e.g. God are basically constructs grounded in publically available criteria. Rather the chosen terminology is an expression of an inspiration from a Rawlsian, Kantian inspired understanding of ethical constructivism (cf 2.2). It is one of the arguments of the thesis, that this understanding of practical rationality lies deeply within a Lutheran natural law thought.

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their historical, genetic basis. As the textual material consists of thinkers very different in time and scope, the thesis defines some metaethical notions which repeatedly are referred to. Therefore, the aim of the critical analysis is to determine the understanding of the normativity of nature and reason in the included thinkers, with reference to the metaethical main concepts. This approach is intended to make a comparative account of these various understandings feasible. This provides the basis for the constructive approach of the last part, where central tenets of these ideas are critically compared. Throughout the thesis, however, it will be attempted to minimize the comparisons between the included thinkers, referring this comparison to the last part and restricting the reading of the included thinkers to a critical analysis of the key notions.⁸

As the thesis has a conceptual approach, it is the notions of nature and reason that are the pivotal points of focus throughout the thesis. However, a purely conceptual approach is in danger of an *ad hoc* argumentation. If one does not refer the conceptual analysis to particular thinkers, the argument may easily become rather desultory. The focus on particular thinkers has the advantage of making the premisses of the argument as clear as possible. However, this approach also holds implications for the textual basis of the thesis. The conceptual approach leads to a focus on selected primary sources of the included thinkers, as it is not the primary aim to provide a new reading of these thinkers. The thesis is *not* e.g. a Wolff- or a Lutherstudy. If new insights with regard to the individuals theories occur, these are to be regarded as welcome, but unintended merits of the study.

As for terminology it is necessary to give a precise definition of the notions of nature and reason as they are applied in the thesis. In what sense does the thesis speak of nature? Or reason? Both concepts generally hold many different meanings, the notion of nature not the least. “In der gesamten Naturphilosophie gibt es kaum ein zweideutigeres und äquivoques Wort als jenes, was

⁸ Referring to Dieter Henrich, Andersen 1983, 17 distinguishes between three ways of commenting on philosophical texts. (1) The “paraphrasierend-erläuternde” method gives an account of the text, even if it does not analyze the argumentative structure, as it is presumed that this structure is apparent on the basis of the text of the author. (2) The “genetische” approach demonstrates causes of the text, even if it does not come to terms with the text itself. (3) The “argumentierende Rekonstruktion” unlocks the text as it tries to replace ambiguous concepts with definitions, isolates premisses and arguments and attempts conclusions that correspond to the text. With reference to these methods, the present applies the first and third method in the analysis of the theories of natural law and environmental ethics. The primary aim is to explain the understanding of nature of reason within these theories. However, as the focus is on the argumentative basis, the third method is also applied. In the last part of the thesis a decidedly constructive approach is undertaken.

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ihr den Namen gegeben hat, das Wort φύσις, das die Lateiner mit dem Wort *natura* wiedergeben.’ Dies schreibt *Christoph Sturmius* 1689 und schlägt, ähnlich wie zu gleicher Zeit *Robert Boyle* vor, auf den Gebrauch des Wortes ganz zu verzichten.”⁹ The concept of nature has been a disputed term throughout the history of philosophy and is also conceived of in various terms in a contemporary setting.¹⁰ Rather than attempt to give an account of all these understandings of nature, I define the use of the concept in the present context. Nature is here used in a double sense. (1) It is used in a more expanded, inclusive sense, referring to human and nonhuman, living and inanimate nature. Furthermore, there is no sharp distinction between this inclusive sense of nature and an inclusive concept of creation. Although, when the latter is used, it holds intended connotations to a theological belief in God as Creator. Nature in this sense comes close to the understanding of nature which is found in a recent study on “Ethics of Nature”. Here nature is used as opposite to artefact. Nature is that which has not been made by human beings.¹¹ (2) Nature in the second sense is understood as human nature. This notion of nature is important in the critical analysis of natural law. This sense of nature refers to the character and essence of the human being, as in the understanding of the benevolent nature of the human being. It is believed that the different use of these two notions is mostly obvious in the context. However, when a clarification is needed, the notion of “nonhuman nature” refers to the first sense of nature, whereas “human nature” refers to the latter.

The concept of reason also holds different meanings, even if it is not quite as ambiguous as the notion of nature.¹² However, just as with “nature” the intention here is not to give a summary of different meanings of “reason”, but to define its use in the present thesis.¹³ The primary concern here is the notion of moral reason. This concept of reason is inspired by Rawls’ understanding of reason, when he relates it to the notion of rationality. Reason characterizes the

⁹ Cf. Spaemann 1973, 956f.

¹⁰ For a comprehensive study on and survey of the different understandings of nature from the beginning of Western philosophy and in contemporary philosophy, cf. Gloy 1995; 1996. For an excellent summary of main philosophical understandings of this notion, cf. Spaemann 1973.

¹¹ Cf. Krebs 1999, 6.

¹² Cf. Grotefeld 1997 for a survey of different concepts of rationality within contemporary philosophy and theology. Andersen 1997a gives a good historical overview of the notion of practical reason.

¹³ For a summary of the historical background and use in different contexts, cf. Whittaker 1918.

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willingness openly to discuss moral issues in order to determine what is morally right and wrong. Reason in this sense is a moral reflection on right and wrong with the aim of formulating moral principles. Rationality, on the other hand, is goal-oriented. The rational being seeks the most expedient way of satisfying his or her needs.¹⁴ Therefore, when the thesis attempts to establish a normative concept of reason, it is the role of reason as basis of normativity which is in focus. The concern is to determine the understanding of moral reason as the source of normativity.

For an account of metaethical main notions, see Chapter 2.

With regard to style of reference, the thesis refers to contemporary writers with indication of name, year of publication and page (e.g. Norton 1999, 158ff.). References to classical primary sources refer to standard editions of these works and follow the standard style of reference accordingly (in e.g. Luther the references are to the *Die Weimarer Ausgabe* of his works with indication of volume, page and occasionally lines (e.g. WA 11, 251, 4ff.)). The two discourses of natural law thought and environmental ethics are very different in terms of secondary literature, as the representatives of the latter are not established fields of research in the same sense as e.g. Luther and Kant are. Whereas there is an enormous literature on thinkers like Luther and Kant, the relevant literature which can be included in a critical assessment of e.g. Rolston and Norton is often not specifically related to these thinkers. In order for the thesis to aim at a homogenous appearance the focus will be on primary sources. However, some secondary sources and critical texts have been included in order to put the discussion in perspective.

1.3 A Review of Recent Literature

The intention in this review is not to give a complete overview of sources or literature on natural law and environmental ethics. Likewise, it is not the intention to give an overview of all the secondary literature and other texts which may be related to the various thinkers of the thesis. Such aims would lead this overview far beyond the appropriate purpose of an introductory

¹⁴ Rawls 1996, 49f.: "Persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so. Those norms they view as reasonable for everyone to accept and therefore as justifiable to them; and they are ready to discuss the fair terms that others propose (...) The rational is, however, a distinct idea from the reasonable and applies to a single, unified agent (either an individual or corporate person) with the powers of judgment and deliberation in seeking ends and interests peculiarly its own."

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overview. Rather, the intention is to give an overview of the literature directly related to the overall intention of the thesis. In doing so, the focus will first be on natural law thought. Secondly, the relevant literature on environmental ethics will be commented. Hopefully this overview will demonstrate, where the thesis hopes to provide a contribution within these fields.

Within the thinkers of natural law there is a comprehensive list of relevant literature related more specifically to the individual thinkers. Each chapter in the thesis is introduced with brief comments on this literature. For the present purpose, however, it ought to suffice to note that this literature is focused on the individual thinkers and does not provide an analysis of the Lutheran-Kantian natural law thought as such. This tradition is also overlooked in the more general studies of natural law, cf. e.g. Welzel (1951), D'Entreves (1951), Crowe (1977), Tuck (1979), Tierney (1997) and Haakonssen (1999). For some peculiar reason it is as if this tradition is not considered relevant for the study on natural law.¹⁵ In the mentioned works on individual thinkers and the overall views of natural law thought, it has not been the intention to reformulate this notion as a viable basis for contemporary ethics. Within Catholic theology several such attempts are made to reformulate a classical notion of natural law, cf. e.g. Grisez (1981; 1993), Finnis (1980) and Porter (1999) as some of the main representatives. These attempts lie, however, outside the field of inquiry for the present thesis. Within protestant theology there are only few, relatively recent attempts at a reformulation of natural law, cf. e.g. Ramsey (1966), Little (1968) and Macquarrie (1970). In a critical discussion with H. L. A. Hart, Ramsey develops an understanding of natural law which fundamentally accords with the moral principles of R. M. Hare (390). In relating this discussion to Christian ethics, Ramsey argues that Christian ethics has a logic which accords with natural law (392), concluding that "If the morality of Natural Law and Christian morality are alike exploratory, if their principles point to as they arise from a moral obligation and commitment which they presuppose and must preserve, the edge is immediately taken off most of the several objections which we listed at the start. For instance, whatever diversification of moral principles we find in different societies, and however difficult it may be to elucidate principles suited to complex decisions in a time of rapid social change, there will

¹⁵ Samuel von Pufendorf and Christian Thomasius seem to be exceptions to this tendency. In contrast to most other natural law thinkers of this tradition, Pufendorf and Thomasius receive quite some attention. Cf. E.g. Haakonssen 1999 for a collection of articles dealing with these thinkers.

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nevertheless be some principles which are so stable as to be virtually sacrosanct as long as human beings remain broadly what they now are.” (394) On the basis of his study on Calvin, Little attempts to assess Calvin’s understanding of natural law in the light of contemporary ethics. Even if Little finds several points where it appears possible to appropriate Calvin’s thought, he concludes that the natural law theory never must be too all-encompassing. Christian ethics is always in need of Christian revelation (196). Based on various sources, without any references to the protestant reformers, Macquarrie argues that “... there is no conflict between the ideals of a Christian ethic and the moral ideals to be found in humanity at large” (110). During the work on the present thesis no work dealing explicitly with this issue in a substantial way has come to my awareness. There are several historical studies and several studies on various natural law thinkers within a protestant tradition, but I know of no comprehensive contribution to a reformulation of a protestant natural law theory. However, among works dealing with themes of an indirect relevance to natural law thought, one could mention several works. An overview of such works would include studies dealing with questions of human nature, the relation between the human being and the order of creation (cf. E.g. Gustafson 1981; 1984 and O’Donovan 1994), the relation between ethics and science (cf. e.g. Clark 2000) and theories of practical reasoning (cf. e.g. Andersen 1997a; 1997b). Clearly, such an overview would go far beyond the reasonable limits of the present overview. For the present purpose the overview has demonstrated that there appears to be no works within protestant theological ethics dealing with the issue in focus in the present thesis. Regrettably, this has had the consequence that this tradition is often overlooked as a natural law tradition. Thinkers as e.g. Melancthon and Wolff may be regarded as natural law theorists, but the tradition as such is overlooked. The thesis hopes to provide a partial overview of this line of tradition, focusing on their stances on nature and reason as normative concepts.

In environmental ethics there are several works on the rights of nature. We cannot present them all here, but merely point to e.g. Nash (1989) for a study on the history of the idea of rights of nature. Nash gives an account of this idea as part of American liberalism and describes how the notion of rights has an expansive tendency. Due to this tendency of expansion, nonhuman nature is also regarded as having rights. Nash’s study provides a comprehensive overview of the development of the understanding of the legal and moral rights of nature. As one of the classical positions, claiming the legal rights of nature, Stone (1972) must be mentioned.

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Stone argues that e.g. valleys and trees can be seen as legal persons and therefore can have rights in legal dispute. Singer (1973) is maybe the best example of one of the early arguments in favor of the moral rights of animals. Singer compares the need of liberationism of animals with liberationist movements for ethnic or sexual minorities among humans. The oppression of animals is just as morally reprehensible as the oppression of these groups. However, as the notion of rights of nature does not hold a central place in the present study, these titles do not serve as important points of discussion. Natural law as a basis of environmental ethics has not had the same degree of attention. However, within Catholic theology there has been quite a few attempts to appropriate this notion, cf. e.g. Schmitz (1987), Korff (1987a; 1998), Brown (1990) and French (1994). Outside Catholic theology there has been only very few attempts to appropriate natural law as a basis of environmental ethics. As a more substantial contribution to this approach, I am only aware of Michael Northcott's *The Environment & Christian Ethics* (1996). In this important study, Northcott first gives an account of the environmental crisis (chapter one) and the reasons behind it (chapter two). He then describes the turn to nature during Romanticism as a response to an estrangement from nature. This romantic reaction is taken up in recent environmental ethics, it is argued. Consequently, this chapter is concerned with a presentation of and a discussion with leading philosophical environmental ethical theories (chapter three). In the subsequent chapter, Northcott turns to an account of theological reflections on these issues (chapter four), leading him to formulate his own theory. In the fifth chapter he outlines "... a relational and ecological account of the human self-in-relation and of the non-human world" (163) which is based upon reading of attitudes to the created world which is found in the Hebrew Bible. In the next chapter (chapter six) he develops this theme of relationality further in the light of essential theological deliberations and attempts "... to outline an environmental ethic which draws on insights about the relational character of created order and the moral life which we may find in the Jewish and Christian tradition of natural law." (ibid.). In the last chapter (chapter seven) this natural law approach to environmental ethics is developed further with regard to contemporary political and economic practices. Northcott's account of this theme of relationality is highly relevant to the present thesis. As we shall see, the notion of community (and thereby relation) marks an important point of reference between naturalistic theories of natural law and theories of environmental ethics. However, Northcott's study refers more generally to natural law thought. His notion of natural

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law is based upon Biblical sources, Aquinas and the Anglican Richard Hooker. This also implies a critical stance on the influence of the ethics of the Reformers, as it is argued that “The Reformers sought to construct an ethic which was exclusively based on revelation in scripture instead of the duality of nature and revelation obtaining in the natural law perspective.” (233). Such an assessment of the Reformers’ stance on natural law is only much too characteristic of the deficiency of the general understanding of the relevance of the natural law thought of the reformers, already noted. The present thesis hopes to provide a partial contribution to a renewed understanding of the potentials within this tradition.

On the basis of this overview of literature, it may be concluded that the main intention of the present study relates to questions which are in need of a thorough analysis. It appears that the main aims of the thesis have not been discussed in other recent works. Therefore, it is the hope that the thesis will contribute with following new insights: (1) An overview of leading premodern and early modern natural law theories in a Lutheran-Kantian tradition, demonstrating two main schemes of thought. (2) A critical analysis of leading theories of environmental ethics within Anglo-American philosophy, demonstrating underlying natural law tenets. Lastly, (3) a tentative contribution to a reformulation of protestant natural law thought and an outline of an appropriation of protestant natural law thought as a basis of environmental ethics.

Chapter 2

Nature and Reason. A Metaethical Overview

In the present chapter an overview of the main types of the metaethical notions which appear in the thesis will be given. The intention of this overview is not to give a contribution to a critical assessment of these metaethical positions, just as it is not the aim to refine these conceptions further. Rather, the objective is to provide a definition of these terms as they are used in the thesis, i.e. an account of how these metaethical ideas are conceived. Such an overview is necessary, as these terms will be referred to repeatedly along the course of the thesis.

The overview will be given by focusing on two main types of metaethics, one arguing that there is an objective basis of morality, the other endorsing the construction of normativity as the proper basis. Within the former, the notions of realism, naturalism, and the ontological grounding of morality will be described. Theories of sensibility, constructivism, and the voluntarist grounding of morality form the concern of the latter.¹⁶

2.1 Nature as Basis of Morality

Several metaethical theories of morality argue that moral normativity has an objective basis. These theories are highly relevant for the purpose of this thesis, as this objective basis also can refer to nature as the basis of morality.

Realism is to a wide extent understood as synonymous with naturalism, which is treated below. For both morality has an objective, realist basis. In the present thesis the concept of realism is used to refer to an understanding of morality, where it is conceived of as a given fact. Morality has the same kind of objectivity as natural sciences. Just as one can discover scientific facts, one

¹⁶ This distinction between two main categories of metaethics corresponds somewhat to the distinction given by Darwall et al 1997, 8f., where they refer to two broad trends in contemporary moral theory. One approach attempts to demonstrate "... that moral judgments are factual in the paradigm sense afforded by empirical or theoretical judgments in the natural sciences." The other approach seeks to argue that there is "... some substantial contrast or discontinuity between facts (at least, facts of the paradigm sort treated of in natural science) and norms or values."

can also discover morality. By means of analysis, one can give an account of the objective parts, constituting the basis of morality. Morality in this sense is seen as being in continuity with the sciences. Consequently, Boyd also gives the following definition of moral realism, after having explained his understanding of scientific realism as the notion of scientific theories as constituting the possibility of acquiring approximate knowledge of real phenomena¹⁷:

According to moral realism:

1. Moral statements are the sorts of statements which are (or which express propositions which are) true or false (or approximately true, largely false, etc.);
2. The truth or falsity (approximate truth ...) of moral statements is largely independent of our moral opinions, theories, etc.;
3. Ordinary canons of moral reasoning - together with ordinary canons of scientific and everyday factual reasoning - constitute, under many circumstances at least, a reliable method for obtaining and improving (approximate) moral knowledge.¹⁸

The counterparts of moral realism are, therefore, notions of cognitivism, i.e. the view that "... moral judgements express our beliefs about what these moral facts are, and that we can come to discover what these facts are by engaging in moral argument and reflection."¹⁹ When referring to moral realism in the thesis, it is intended to differentiate this notion from naturalism. Even if naturalism also holds the view that there is an objective basis of morality, the concept of realism will be used to refer to such notions, which base the objectivity of morality on other notions than empirical nature. As will be demonstrated, this is the case e.g. in Melancthon, where it will be argued that natural law has a real, objective basis which is not primarily understood by means of observations of physical nature.

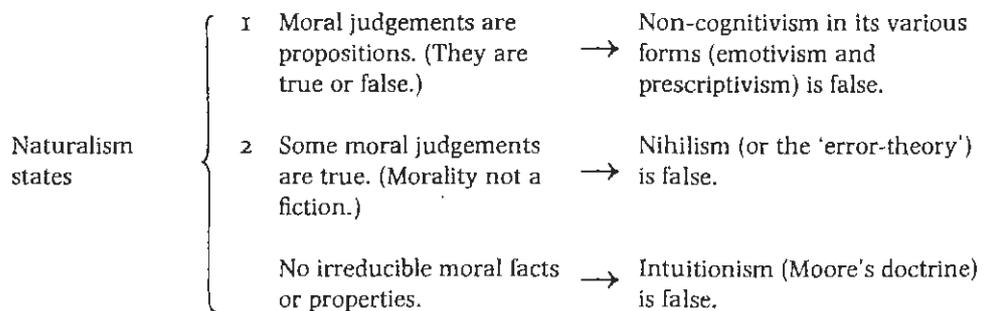
The objective basis of morality is also shared by metaethical *naturalism*. Naturalism also holds that moral propositions are of such a character that one can judge them as either true or false. As judgments that can be verified or falsified, one can come to actual knowledge about moral propositions. Thus, naturalism is "... a cognitivist doctrine (or family of doctrines). It states

¹⁷ Boyd 1997, 105.

¹⁸ Ibid.

¹⁹ Smith 1993, 402.

that moral judgments are propositions, capable of truth and falsity. Moral judgments purport to tell it like it is. Naturalism is thus opposed to non-cognitivism, to emotivism and prescriptivism, which represent moral judgments variously as exclamations, psychological prods and quasi-commands. It is also (in a weak sense) a realist doctrine; that is, it takes *some* moral judgments to be true.²⁰ Morality, therefore, is neither fiction, a mistake or a myth. Rather, it is a collection of knowledge and/or information. A characteristic feature of naturalism is the claim that any moral proposition can be reduced to nonmoral properties. Thus, moral concepts, such as “the good”, can be explained by reference to nonmoral facts. Morality does not hold a factual realm of its own, which is separate from nonmoral facts. Rather, it can always be explained by a reduction to nonmoral properties. The following figure from Pigden 1993, 422 gives a concise illustration of central tenets of the naturalist position:



Even if naturalism refers to different notions of nonmoral facts to which the moral propositions can be reduced, due to Moore’s account of naturalistic ethics (see below), the primary focus in the present thesis will be concepts of naturalism which refer to nature as this objective basis. In the natural law thought which is being treated in the thesis, this idea will appear, as is the case in some of the concepts of environmental ethics. As will be apparent, various understandings of e.g. a kind of lawfulness in nonhuman nature or human nature will serve as the basis for morality. These factual concepts of nature will serve as the basis for the endorsement of the factual character of moral propositions.

Somewhat in line with the realist and naturalist understanding of the basis of morality is the *ontological grounding of morality*. The concept of ontology, however, is quite open to various interpretation. Therefore, a short comment on its present use is necessary. When referring to the

²⁰ Pigden 1993, 421.

ontological basis of morality I refer to a notion very similar to the realist and naturalist understandings. When this term is used, it is due to the terminology of the secondary literature on some of the natural law thinkers included in the thesis. Dating from the stoic understanding of natural law, an understanding of a lawfulness of physical nature as analogous to the lawfulness of the moral order has been seen as characteristic of Western natural law thought. This understanding points to an analogy of being (*analogia entis*) between the natural and moral order.²¹ Understanding the concept of ontology in terms of being, this idea has also been referred to as the ontological basis of natural law, i.e. of morality. In the present thesis this term is used in a similar way, i.e. referring to an existent order of lawfulness which constitutes the analogous basis of the physical as well as the moral reality.

2.2 Reason and the Construction of Normativity

The naturalist position is challenged by the claim that it is not possible to derive ought/ought not from is/is not. Likewise it is claimed that the notion of goodness is a simple, indefinable concept. As such it is a fallacy to refer to other notions in order to define this idea. These two critical comments to naturalist metaethics were originally formulated by David Hume and G. E. Moore respectively, why a short account of their arguments seems appropriate.

In *A Treatise of Human Nature* Hume argues that morals cannot be derived from reason. In close relation to his empiricist epistemology, he argues for decisions concerning morals as perceptions. This implies the rejection of reason as the basis of morals, why he claims that feelings or sentiments should be understood as the proper basis of morals.²² The argument for the exclusion of reason as the basis of morals is its inability to account for the passions and affections which arise in questions of morals. Morals have an impact on feelings, which is not possible for reason.²³ The concern of reason is something quite different, namely the truth and falsehood. This

²¹ Cf. e.g. Wolf 1960, 1361f. for an account of how this is the case in Thomas Aquinas. For a somewhat different understanding of the ontological basis of ethics, cf. Løgstrup 1971, 211.

²² Hume 1740, 470: "Our decisions concerning moral rectitude and depravity are evidently perceptions; and as all perceptions are either impressions or ideas, the exclusion of the one is a convincing argument for the other. Morality, therefore, is more properly felt than judg'd of; tho' this feeling or sentiment is commonly so soft and gentle, that we are apt to confound it with an idea, according to our common custom of taking all things for the same, which have any near resemblance to each other."

²³ *Idem*, 457.

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question, however, is different from the concern of morals. The question of truth and falsehood is a matter of real relations of ideas, or to real existence and matter of fact.²⁴ But the recognition of this relation neither produces actions, nor does it concern the moral character of actions. For this purpose, reason is unsuitable.²⁵ Moreover, in line of this argument, the basis of morals cannot be explained by a reduction of morals to some nonmoral entity. This also applies to the question of nature as the basis of morals. If the argument is accepted, claiming that feelings constitute the source of morality, a further question is the nature of these feelings. Hume discusses this in relation to the notion of nature. After having demonstrated various definitions of nature, he concludes that it is impossible that nature has anything to do with morals.²⁶ In this case, as in any other, the reduction of morals to nonmoral terms does not prove possible. Hume also demonstrates this with relation to the existence of God and observations concerning human affairs. This description of facts does not suffice as an explanation of morals. There is no satisfactory explanation of how the normative *ought* is derived from the factual *is*. This is where we find the famous rejection of deriving *ought* from *is*.

In every system of morality, which I have hitherto met with, I have always remark'd, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surpriz'd to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*. This change is imperceptible; but is, however, of the last consequence. For as this *ought*, or *ought not*, expresses some new relation or affirmation, 'tis necessary that it shou'd be observ'd and explain'd; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others,

²⁴ Idem, 458.

²⁵ Ibid.: "... as reason can never immediately prevent or produce any action by contradicting or approving of it, it cannot be the source of the distinction betwixt moral good and evil, which are found to have that influence. Actions may be laudable or blameable; but they cannot be reasonable or unreasonable (...) Reason is wholly inactive, and can never be the source of so active a principle as conscience, or a sense of morals."

²⁶ Idem, 475: "Mean while it may not be amiss to observe from these definitions of *natural* and *unnatural* [i.e. the definitions given previously], that nothing can be more unphilosophical than those systems, which assert, that virtue is the same with what is natural, and vice with what is unnatural (...) 'Tis impossible, therefore, that the character of natural and unnatural can ever, in any sense, mark the boundaries of vice and virtue."

which are entirely different from it.²⁷

Obviously this understanding represents a sharp critique of the naturalist notion. For naturalism the very possibility of this reduction of morals to nonmoral notions is the very basis of normativity. As will be apparent in the thesis, a similar reduction is advocated by some of the included natural law thinkers as well as in some of the theories of environmental ethics. However, Hume is not the one who is the source of the term “naturalism”. The reason for this term is rather to be found in Moore.

Approximately 150 years later, Moore formulated a similar argument in *Principia Ethica*, even if the differences are important. The leading question in Moore was the meaning of the notion of the good. This notion is widely misunderstood, he claimed. The misunderstanding of the notion of the good turns on the definition of this concept. In any definition there must be some simple, indefinable parts, by which the defined is composed. In order for any definition to make sense, there must be some such simple parts which cannot be defined. Good is such a notion. It is a simple, indefinable part, by which other notions are defined. “‘Good,’ then, if we mean by it that quality which we assert to belong to a thing, when we say that the thing is good, is incapable of any definition, in the most important sense of that word.”²⁸ Good is not composed of any parts, which can be substituted for it.²⁹ This is precisely where the naturalistic fallacy has been made. Good has been defined by pointing to some other parts which were identified with good. It has been believed that one could define good by reference to these other parts, not being aware that these other parts constitute something quite different.³⁰

It may be true that all things which are good are *also* something else, just as it is true that all things which are yellow produce a certain kind of vibration in the light. And it is a fact, that Ethics aims at discovering what are those other properties belonging to all things which are good. But far too many philosophers have thought that when they named those other properties they were actually defining good; that these properties, in fact, were simply not ‘other,’

²⁷ Idem, 469.

²⁸ Moore 1903, § 10.

²⁹ Idem, § 8.

³⁰ Idem, § 10.

but absolutely and entirely the same with goodness. This view I propose to call the 'naturalistic fallacy' ..."³¹

This notion of the naturalistic fallacy is not understood in a narrow sense. It is not confined to reflections on the relation between the observable nature and ethics. Rather, the term naturalism is applied more broadly to theories that define the good in relation to empirical objects as well as to objects existing in a supersensible real world.³² Thus, naturalism describes a particular approach to ethics - an approach which is fundamentally irreconcilable with ethics as such. This method consists in the substitution of 'good' with some other natural property in natural objects. Consequently, ethics is replaced by natural science, social science or any other science. It is no longer ethics in the sense of giving a satisfying account of the 'good'.³³

I have thus appropriated the name Naturalism to a particular method of approaching Ethics - a method which, strictly understood, is inconsistent with the possibility of any Ethics whatsoever. This method consists in substituting for "good" some one property of a natural object or of a collection of natural objects; and in thus replacing Ethics by some one of the natural sciences (...) The name then is perfectly general; for, no matter what the something is that good is held to mean, the theory is still Naturalism. Whether good be defined as yellow or green or blue, as loud or soft, as round or square, as sweet or bitter, as productive of life or productive of pleasure, as willed or desired or felt: whichever of these or of any other object in the world, good may be held to *mean*, the theory, which holds it to *mean* them, will be a naturalistic theory.³⁴

In this sense of naturalism, Moore's critique applies to several of the theories which are treated in the thesis. Whether the reference is to the will of God or the lawfulness of the natural order as the basis of natural law, this still constitutes a fallacy, when read in the light of Moore. When the basis of morality is referred to the ecological order or biotic whole, as we find it in the included theories of environmental ethics, a naturalistic fallacy is committed.

Moore refers to the notion of living in accordance with nature as the most common

³¹ Ibid.

³² Idem, § 25.

³³ Idem, § 26.

³⁴ Ibid.

naturalistic fallacy. As Moore says, this notion dates back to the Stoics and can also be found in Rousseau.³⁵ As will be apparent, this notion is also apparent in several of the theories in the present thesis. This notion makes the fallacy quite clear, according to Moore. This theory gives no account of the good, but merely identifies the good with the natural. Such an identification, however, is completely unsatisfactory. "If everything natural is equally good, then certainly Ethics, as it is ordinarily understood, disappears: for nothing is more certain, from an ethical point of view, than that some things are bad and others good; the object of Ethics is, indeed, in chief part, to give you general rules whereby you may avoid the one and secure the other."³⁶ If one considers health as an example - many would claim health to be natural. But diseases are also natural, in the sense that they are part of natural life. What is really meant is normal. Health is the normal condition. But a reduction of ethics to the normal excludes many instances of good, which are not considered normal. Sometimes, the anormal is good. Consequently, there can be no identification of natural with good. "We must not, therefore, be frightened by the assertion that a thing is natural into the admission that it is good; good does not, by definition, mean anything that is natural; and it is therefore always an open question whether anything that is natural is good."³⁷

The constructivist position is defined with reference to a Rawlsian reading of the methodology of Kant's philosophy. The Kantian constructivism argues that the principles of justice are the result of a procedure of construction. The premisses of this procedure are determined by what appears as reasonable requirements. Within this procedure, rational agents agree on the principles of justice.³⁸ The essential difference to naturalism is the notion that there is no prior order, which determines the right and the wrong. Constructivism implies no realist or verificationist determination of truth. Constructivism requires a procedure of construction to identify the first principles of justice. Therefore, the principles of justice defined in accordance with the

³⁵ *Idem*, § 27.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Rawls 1997, 247: "What distinguishes the Kantian form of constructivism is essentially this: it specifies a particular conception of the person as an element in a reasonable procedure of construction, the outcome of which determines the content of the first principles of justice. Expressed in another way: this kind of view sets up a certain procedure of construction, which answers to certain reasonable requirements, and within this procedure persons characterized as rational agents of construction specify, through their agreements, the first principles of justice."

constructivist method are in theory constantly open to change.³⁹ Essential to the constructivist notion is the idea that rational autonomous persons in the original position decide upon principles of justice which express public notions of right and wrong. In that sense the principles of justice are considered a public conception of justice.⁴⁰

This idea of constructivism also represents a critique of the notion of objectivity which is characteristic of naturalist positions. Constructivism rejects the idea of objectivity in the sense of given moral facts which are to be uncovered. In that sense, constructivism also represents a critique of cognitivism. The moral person is not to be conceived of as knower of moral concepts.⁴¹ Objectivity is rather to be understood as reasonableness in the determination of the public conception of justice which accords with the ideas of the person and human nature, which are present in that culture.⁴² Rather than referring to a knowledge of a given order, objectivity should be understood with reference to a social point of view. "Objectivity is to be understood by reference to a suitably constructed social point of view, an example of which is the framework provided by the procedure of the original position."⁴³

When referring to the voluntarist grounding of morality in the thesis, the reference is to the will of God. The notion is seen in a theological perspective. As we shall see, especially Luther endorses the will of God as the basis of normativity. It is believed that the will of God is the source of normativity. There is no necessary notion of goodness. The good is not defined *per se*, but must have its basis in the will of God. However, this does not mean that the idea of the necessity of reason is discarded of. Rather, the moral ability of man is an expression of this ability as being in accordance with the will of God. On account of its emphasis on the will of God, this idea is

³⁹ Idem, 260.

⁴⁰ Idem, 248.

⁴¹ Idem, 255f.

⁴² Idem, 262.

⁴³ Idem, 263. For a further account of Rawls understanding of the original position and how this forms the basis of his political constructivism, cf. Rawls 1971, 118ff.; 1996, 89ff. One problem with the given account is, of course, as Rawls also admits (1996, 90 (note 1)), that he doesn't distinguish sufficiently between political and moral constructivism. However, the procedure of constructing the principles of justice also appear to be applicable to principles of morals as such. It is this latter aspect of the Rawlsian theory which is the primary concern in the present thesis. For an account of Kant's moral constructivism, cf. Rawls 1996, 99ff.

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markedly different from a realist understanding of good as an objective notion. According to the voluntarist idea the good is not a given fact. The good does not hold its normativity in itself. In this sense, the voluntaristic notion of normativity may be said to commit the naturalistic fallacy, even if it must be included in this latter group of metaethical notions. This is due to its rejection of deriving the basis of moral normativity from a concept of an independent order of nature. Even if there may be pointed to a given order of nature, this order is conceived of as upheld by God. Therefore, even if there are given moral facts, these cannot be seen as independent moral facts. They derive their normative status from the will of God.

Part II

Nature and Reason in Natural Law Thought

In this part we turn to four theories of natural law. All these theories are within the Lutheran-Kantian tradition. It is argued that one can find two modes of natural law thought within this tradition, i.e. a naturalistic and a constructivist. The first two chapters are devoted to the former, whereas the latter forms the concern of the two subsequent chapters.

Part II.I

Nature as Basis of Morality

In this part we focus on the two natural theories of Philipp Melanchthon (Chapter 3) and Christian Wolff (Chapter 4). Even if different in many respects, these two theories appear to endorse a similar grounding of normativity.

Chapter 3

The Light of Nature

In this and the following chapter the focus will be on two representatives of natural law thought, where the concept of nature serves as a basis of normativity. In the present chapter the protestant, Lutheran reformer Philipp Melanchthon serves as an exponent of a conception of natural law which draws upon classical arguments of the relation between nature and reason, the natural and Divine law. Melanchthon's use of classical sources demonstrates one of the challenges in a proper understanding of his thought, as this testifies to his humanistic legacy. Melanchthon's thought is characterized by the simultaneousness of theological and humanistic traits. This causes a development as well as a tension within his thought, which also can be detected in his understanding of natural law. From the early *Loci communes* in 1521, where he admits of a natural law, even if it somewhat appears as a heterogeneous element until his late *Loci pracecipui theologici* in 1559, where it has become a constitutive element of his thought⁴⁴, a marked development has occurred. Even if there is such a marked development, Melanchthon already in his early reflections on the natural law speaks of it as a Divine light of nature in reason of man. However, as will be demonstrated, this notion is further developed and Melanchthon sustains this idea with reflections on creation and nature.⁴⁵ In the following the focus will be on his later thought, even if

⁴⁴ Cf. also Bauer 1951, 64.

⁴⁵ In the present analysis of Melanchthon the focus is on Melanchthon's theological writings. As his lociversions are the most important and influential within his theological treatises, they serve as the primary textual basis. Within these, the first (1521) and third (1559) version are given most attention, as they represent the early and late Melanchthon respectively. In addition to these locitexts, some minor theological writings are also included, as are some of his humanistic writings. In the studies on Melanchthon, his natural law thought has often been in focus. Among the older references, Bauer (1950; 1951) stands out. In 1950 Bauer focused on the early Melanchthon and argued that the notion of natural law appeared as a somewhat irreconcilable part within his theology as a whole (255). In the later study, Bauer believed that the doctrine of natural law had become a constitutive and necessary part of the later Melanchthon's theology (64). This was shown by an analysis of Melanchthon's understanding of proofs of God's existence, the order of creation, the human being as created in the image of God, the notion of law etc. Apart from Bauer's studies there are no older references that specifically deal with Melanchthon's understanding of natural law. However, it is

perspectives to his earlier understanding repeatedly recurs.⁴⁶

3.1 The order of Creation as the Basis of Natural Law

The understanding of the order of Creation in Melanchthon is deeply related to his notion of natural law. As a precondition to a proper understanding of the latter, some introductory remarks to this idea must be made.

The Creation is understood in philosophical and theological categories. The principles of the laws of nature are a testimony of God's presence in Creation. That the things in nature happen according to a certain order testifies to "... an eternal mind, an architect, a good and righteous One who watches over and judges the deeds of men."⁴⁷ That one can find less ambiguous testimonies in the church and elsewhere, does not exclude the testimony of nature. Rather, they are to be considered as an aid to the weakened understanding.⁴⁸ Therefore, Melanchthon also rejects notions of nature which argue that God has nothing to do with nature

included in the studies of e.g. Hübner (1936) and Lindström (1944). During the last years several studies on Melanchthon have appeared. Among these the most comprehensive are Frank (1995) and Kusukawa (1995). Frank's dissertation focuses on the relation between philosophy and theology in Melanchthon. It is argued that Melanchthon's philosophical interests have been overshadowed by an interest in his theology. In the studies dealing with his philosophical thought, there has been quite different conclusions. Frank, therefore, wishes to reconstruct Melanchthon's philosophical theology and the implied conception of philosophy. In his analysis of Melanchthon's natural law thought it is argued that his notion of the *notitiae naturales* have "systembegründenden Charakter" (112). Melanchthon's natural law thought is conceived of as a consistent doctrine, based on platonic influence, having its basis in reason rather than in ontology. On this basis, even if one may point to continuities in several respects, Melanchthon represents a new kind of natural law (155ff.). Kusukawa's ph.d. thesis focuses on Melanchthon's notion of natural philosophy, arguing that this concept has undergone a significant transformation at the hands of Melanchthon. Melanchthon transformed the traditional concept of natural philosophy into a Lutheran understanding in order to consolidate Lutheran theology (6). Unfortunately, Kusukawa is not very detailed on natural law. The most recent contribution to studies on Melanchthon's understanding of natural law is Kreß (1998). In this article Kreß is particularly concerned with the contemporary significance of Melanchthon's concern. Regrettably this has the consequence that his interpretation of Melanchthon becomes quite superficial. However, his point that Melanchthon's natural law thought raises an appeal to the conscience and ethical reasoning of every man which has contemporary significance (106f.), is worth noticing.

⁴⁶ Parts of the following is revised material from Nissen 1996, 77ff., where his understanding of natural law was discussed in relation to his notion of the legitimacy of the State.

⁴⁷ StA 2, 240: "Voluit Deus innotescere et se conspici. Ideo et condidit omnes creaturas et miram artem adhibuit. ut convinceret nos non extitisse res casu, sed esse aeternam mentem, architectatricem, bonam, iustam, spectantem hominum facta et iudicantem."

⁴⁸ StA 2, 240f.

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and that God has left his work just as the carpenter leaves the ship, when he is finished building it.⁴⁹

Zum andern Ist hoch nötig zum Trost und zur anruffung dabey zu wissen, das bey der Erschaffung sol die Erhaltung der Creaturen auch verstanden werden. Denn Gott ist nicht von seinem werck weg gangen, wie ein Zimmermann vom Schiff, das er gebawet hat, weg gehet und lest es darnach andere regiren und flicken. Sonder er bleibet bey seinen Creaturn, bey Himel und Erden, Engeln und Menschen, und macht die Erden jerlich fruchtbar, gibet allen gewachsen, thiern und Menschen krafft und Leben.⁵⁰

It is important to maintain that "... not only have things been created by God but that the substance of things is forever preserved and sustained by God. God makes the earth fruitful with annual crops, He produces fruit from the earth. He commands life to living things".⁵¹ In Melanchthon, God is present in creation. God acts in creation and guides nature.⁵² But this does not mean that God is restricted by the laws of nature. God acts in complete freedom with regard to nature, which is also demonstrated by many examples in the Bible.⁵³

Because God is present in creation and manifests this presence with revelations of Himself to the human race, it is useful and beneficial to see how the created world works and seek

⁴⁹ StA 2, 241: "Infirmetas humana, etiamsi cogitat Deum esse conditorem, tamen postea imaginatur, ut faber discedit a navi extracta et relinquit eam nautis, ita Deum discedere a suo opere et relinqui creaturas tantum propriae gubernationi. Haec imaginatio magnam caliginem offundit animis et parit dubitationes."

⁵⁰ StA 6, 181

⁵¹ StA 2, 242: "... statuendum est non solum conditas esse res a Deo, sed etiam perpetuo servari ac sustentari a Deo rerum substantias. Quotannis foecundat Deus terram, procreat fruges ex terra, impertit vitam viventibus."

⁵² StA 2, 242: "Adest Deus suae creaturae, sed non adest ut Stoicus Deus, sed ut agens liberrimum, sustentans creaturam et sua immensa misericordia moderans, dans bona, adiuvans aut impediens causas secundas. De hac distinctione admoneri pios necesse est. Teneantur ergo testimonia, quae docent adesse Deum naturae rerum et gubernatorem eius et moderatorem esse ..."

⁵³ In the following chapter, it will be demonstrated how Wolff understands God's relation to nature in a very different way. Whereas Melanchthon claims that God governs nature and as such is a totally free being, Wolff argues that God cannot be in contradiction to the laws of nature. Once God has created the world as the best possible world, it is not possible for him to change this created order. God limits himself by the lawfulness of Creation which he has created. See 4.1.2 and 4.2.1 for a further discussion on this aspect of Wolff's natural law thought.

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in it the signs of God's presence and the testimonies of the intention of creation.⁵⁴ Therefore, the whole purpose of nature is the witness to the existence of God.⁵⁵ If the minds of men had retained the first light, this recognition of God's existence would have been much clearer. But some examples still bear witness to this character of creation. One of these examples is the order of nature, which is a witness of its basis in a mind which understands order.⁵⁶ Another example is the nature of the human mind. The mind of man must have some cause outside itself, an intelligent cause. Thus, the necessity of God's existence must be endorsed.⁵⁷

The most important (to our present purpose) witness to God's existence, however, is the awareness of the human mind of the difference between the noble and the base. The ability to distinguish between the honorable and the shameful cannot be coincidental. It must have a cause, which is not purely material. The human mind and the light of reason witnesses to the existence of God in creation.

Third, we have proof from the difference between the noble and the base, and from other signs, orders, and numbers in nature. It is impossible to believe that the distinction between the honorable and the shameful aspects in the human mind exist only by accident or have a purely material origin, or that the indication of order and numbers are only fortuitous. Thus there must be some mind of a grand architect (...) Moreover, it is worth consideration to remember that the human mind and this light which is planted in the mind are a special testimony concerning God in nature.⁵⁸

⁵⁴ StA 2, 246.

⁵⁵ Here Melanchthon demonstrates an influence from an Aristotelian teleological conception. Creation is understood in terms of its purpose. In Melanchthon, the purpose of Creation is closely related to God's work in creation. This is also a point in Lindström 1944, 26: "...Guds allmänna verkan konstituerar skapelsen som ett ändamålsenligt helt. Det råder *ett organiskt sammanhang i skapelsen*, som icke är byggt nedifrån utan *uppifrån*, bestämt och sammanhållet av detta, att Gud verkar i skapelsen, att Gud är närvarande och förverkligar sin vilja i varje enskilt ting (...) Skapelsens inre ändamålsenliga sammanhang är bestämt uppifrån av Guds allmänna verkan".

⁵⁶ StA 2, 247f.: "Impossible est ordinem perpetuum in natura casu ortum esse et casu manere aut tantum a materia ortum esse (...) Ergo natura non exiitit casu, sed a mente aliqua orta est, quae ordinem intelligit"

⁵⁷ StA 2, 248.

⁵⁸ StA 2, 248: "Tertia a discrimine honestorum et turpium et aliis notitiis naturalibus, ordinis et numerorum. Impossible est discrimen honestorum et turpium in mente casu aut a materia ortum esse, item notitias ordinis et numerorum fortuitas esse. Ergo necesse est aliquam mentem architectatricem esse (...) Estque dignum consideratione, quod humana mens et illa lux menti insita praecipuum de Deo testimonium

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This third proof of God's presence within His creation demonstrates the unity between Melanchthon's understanding of the doctrine of Creation and his notion of natural law. His understanding of the created order is supported by the awareness of the moral law in the human mind. And yet, his concept of creation also supports his understanding of natural law, as the notion of natural law cannot be separated from his understanding of Creation.⁵⁹

3.2 The Law of Natural Reason

Having examined Melanchthon's understanding of Creation as the basis of his concept of natural law, we now turn to a more explicit consideration of natural law. Firstly, we turn to his understanding of natural law as an expression of the light of nature. Secondly, we ask about the influence of the Fall on the human being's knowledge of natural law.

3.2.1 Natural Law as Light of Nature

Melanchthon's understanding of the close relation between natural law (*lex naturae*) and light of nature (*lumen naturale*) forms an essential part of his understanding of the basis of natural law. In the relation between *lex naturae*, *lumen naturale* and Melanchthon's concept of man as created in the image of God, we may say to find his notion of natural law *in nuce*.⁶⁰ The following account is intended to shed some light on the relation between these concepts.

est in natura ..."

⁵⁹ Cf. also Bauer 1951, 67: "...die Schöpfungsordnung erscheint sozusagen als der beherrschende theologische Systemgedanke. Die *lex naturae* ist einerseits Einsicht in den zentralen Bereich der Schöpfungsordnung, Bewusstsein der Existenz einer Ordnung des menschlichen Bereiches, und sie ist andererseits eben gerade diese Ordnung, als Ordnung der zwischenmenschlichen Beziehungen und als Ordnung der Beziehungen Schöpfergott-Mensch und als solche Teil der Schöpfungsordnung". Furthermore, cf. Elert 1953, 48f., who argues that Melanchthon understood the order of Creation as a closed system (geschlossenes System) and that this system formed the basis of his understanding of natural law.

⁶⁰ This is also pointed out indirectly by Günter Frank, when he says that Melanchthon's theological understanding of the human mind forms the context of his understanding of the close relation between these notions as expressed in his idea of man as created in the image of God. "Sofern für Melanchthon in der Intelligibilität des menschlichen Geistes, genauer: in den "natürlichen Kenntnissen", in den Ideen als Ergebnis der Geisttätigkeit, im "lumen naturale" und im Naturrecht die Gottebenbildlichkeit des Menschen ihren höchsten Ausdruck findet, bildet diese Geistphilosophie *Dreh- und Angelpunkt seiner Anthropologie und theologischen Philosophie*" (1995, 140).

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human nature.⁶⁷ In this sense God is understood as the originator of natural law, its *auctor*.⁶⁸

Even if this understanding of the will of God continues as an essential part of Melanchthon's understanding of the basis of natural law, his later account gives more space to naturalistic ideas. These ideas are expressed in two ways, both as an understanding of man as created in the image of God and as a conception of the light of nature in the mind of man. Whereas one can speak of a theological aspect in the case of the former, the latter is derived from the more philosophical side of Melanchthon's thought.

As created in the image of God the human being has a knowledge of God and a similarity to the Divine mind, enabling the human being to distinguish between the honorable and the base. Furthermore, the powers of the human being conform with this knowledge.⁶⁹

The law of nature is the knowledge of the divine law which has been grafted into the nature of man. For this reason man is said to have been created in the image of God, because in him shone the image, that is the knowledge of God and the likeness to the mind of God, that is, the understanding of the difference between the honorable and the shameful; and the powers of man concurred or agreed with this knowledge.⁷⁰

In his understanding of the natural light (*lumen naturale*) in human reason, Melanchthon refers to

⁶⁷ StA 2, 56: "Quod vero dico leges naturae a deo impressas mentibus humanis, volo earum cognitionem esse quosdam, ut isti loquuntur, habitus concreatos, non inventam a nostris ingeniis, sed *insitam* [my italics] nobis a deo regulam iudicandi de moribus"; 2, 347f.: "Est ergo vera definitio Legis naturae Legem naturae esse notitiam Legis divinae naturae hominis *insitam* [my italics]".

⁶⁸ StA 2, 353: "Ideo autem de coelo sonuit Lex divina, ut Deus testaretur se esse auctorem naturalis notitiae et postulare obedientiam iuxta eam notitiam ..."

⁶⁹ Cf. Frank 1995, 147: "Das *Naturrecht (lex naturae)* im eigentlichen Sinn nennt Melanchthon die "Kenntnis des göttlichen Gesetzes, das der menschlichen Natur eingestiftet ist". Als Inhalte des menschlichen Geistes haben die "notitiae naturales" insgesamt ihren Ursprung in der Schöpfung. Sie sind ein bleibender Ausdruck der Gottebenbildlichkeit (*imago*), weil in ihnen die göttliche Weisheit selbst präsent ist." Cf. Bauer 1951, 68 and Frank 1995, 105ff. for a further account of this theological argument of the basis of natural law.

⁷⁰ StA 2, 347f.: "Est ergo vera definitio Legis naturae Legem naturae esse notitiam Legis divinae naturae hominis *insitam*. Ideo enim dicitur homo ad imaginem Dei conditus esse, quia in eo lucebat *imago*, hoc est, notitia Dei et similitudo quaedam mentis divinae, id est, discrimen honestorum et turpium, et cum his notitiis congruebant vires hominis."

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It may be disputed whether Melanchthon actually represents a naturalistic understanding of natural law.⁶¹ Certainly, this understanding is not characteristic of the early Melanchthon. In the *Loci communes* we find a hesitant acceptance of the concept of natural law. Melanchthon appears to be influenced by Luther in his sceptical attitude to the abilities of human reason. Speaking of human reason as captivated, blinded and deceived, he doubts whether reason can apprehend natural law.⁶² But he maintains the idea, because St. Paul speaks of this very idea in Romans 2, 15.⁶³ Due to St. Paul's mentioning of this idea, Melanchthon acknowledges this notion, which is fully in accordance with the opening remarks of the loci. In the opening of the loci Melanchthon states that he wishes to draw his readers to Scripture, rather than to obscure and complicated discussions.⁶⁴ But, even if he holds this critical stance on the possibility of the apprehension of natural law, he already here speaks of common principles within ethics, which are laws given by nature.⁶⁵ So even if the naturalistic understanding of natural law is not characteristic of the early Melanchthon, it is not completely absent.

In continuation to his reference to Scripture, Melanchthon further asserts the notion of natural law on the basis of his understanding of Creation. Natural law is conceived of as the common notion, which is shared by all human beings and which God has engraved in the mind of everybody, whereby good morals are formed.⁶⁶ Hereby Melanchthon makes a case for the voluntaristic basis of natural law. Natural law is not conceived of as a necessary part of human nature, but is to be seen as dependent upon the will of God. Natural law is only part of human reason to the extent that God wills that it should be so. God writes, implants natural law into

⁶¹ Cf. e.g. Frank 1995, 119ff. Here it is argued that Melanchthon is influenced by Platonic tenets, leading to a subjective turn in Melanchthon with an emphasis on reason as the source of knowledge.

⁶² StA 2, 56: "Est enim in universum fallax humani captus iudicium propter cognatam caecitatem, ita ut, etiamsi sint in animos nostros insculptae quaedam formae morum, tamen eae deprehendi vix possint."

⁶³ StA 2, 55f.: "Porro esse in nobis legem naturae Paulus mire eleganti et arguto enthymemate in secundo capite ad Romanos docet ..."

⁶⁴ StA 2, 17.

⁶⁵ StA 2, 56.

⁶⁶ StA 2, 56: "Est itaque lex naturae sententia communis, cui omnes homines pariter adsentimur atque adeo quam deus insculpsit cuiusque animo, ad formandos mores accommodata."

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the *notitiae principiorum* of human reason.⁷¹ In distinguishing between the theoretical and practical abilities of reason, he ties the *principia practica* of reason to the recognition of natural law.⁷² This light and these *notitiae* Melanchthon relates to his understanding of the immutability of natural law and divine wisdom. Therefore, he can also speak of these *notitiae* as rays of divine wisdom and justice in human reason.

Therefore, it is true when it is said that natural law is unalterable, as it not only remains as the light of the eyes as long as the human nature is unharmed, why the natural knowledge remains in the same way. But the knowledge is even more firm, as it is a radiation of Divine light, congruent with the Divine norm of the eternal and unalterable reason, which God definitely does not want to be changed.⁷³

Concluding the remarks on Melanchthon's understanding of the basis of natural law, the question on the role of reason becomes important. The naturalistic argument for the natural law, which was the most important for the later Melanchthon, appears to imply a notion of reason, where reason is considered unaffected by the Fall of man. Furthermore, similar implications seem to arise with regard to the will of man. Therefore, we now turn to the question on the influence of the Fall on the will of man and the knowledge of natural law.

3.2.2 The Knowledge of Natural Law

Melanchthon's understanding of man as created in the image of God becomes important, when the ability of reason to discern natural law is discussed. Here, one finds a doubled-sided understanding in Melanchthon. At one hand he admits of the consequences of the Fall for man, why there is a distinction between the situation of man before and after the Fall.⁷⁴ On the other hand, maybe

⁷¹ CR 16, 184; 16, 321; StA 2, 346: "Ut lumen oculis divinitus inditum est, ita sunt quaedam notitiae mentibus humanis inditae, quibus agnoscunt et iudicant pleraque. Philosophi hoc lumen vocant notitiam principiorum".

⁷² CR 16, 384; 22, 256; StA 2, 346.

⁷³ CR 16, 228: "Recte autem dicitur, ius naturale esse immutabile, quia non solum ut lumen in oculis manet idem, donec natura hominis est incolumis: ita notitia naturalis in mente manet eadem. Sed maior etiam firmitas est notitiae, quia est radius divinae lucis, congruens cum norma divinae mentis aeterna et immota, quam Deus nequaquam vult mutari".

⁷⁴ StA 2, 31ff.; 2, 253f.; 2, 285f.; 2, 346f.

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due to his humanist interests, he still maintains an understanding of the soundness of the nature of man.

Before the Fall, the will of man was filled with love toward God and his mind was filled with true knowledge of God. The desire to worship and obey God was a witness of man as created in the image of God. After the Fall, man still holds the knowledge of God, even if it does not shine as before, but the will contends against it and doubt about God's providence prevails.

The will had been turned to God before the Fall, the true knowledge of God glowed in man's mind, and in his will was love toward God. His heart assented to the true knowledge of God without any doubt. This knowledge established for us that we had been created to know and worship God and to obey Him as our Lord who had made us, cared for us, and had impressed his image upon us, who demanded and gave His approval to what was righteous, and on the contrary condemned and punished unrighteousness. Although in this corruption of our nature the image of God has been so deformed that the knowledge of Him does not shine forth like it did, yet the knowledge does remain, but our heart contends against it and our doubts arise because of certain things which seem to conflict with this knowledge.⁷⁵

This doublesided understanding of the consequences of the Fall mark a characteristic feature of Melanchthon's understanding of natural law. However, if Melanchthon distinguishes between natural law before and after the Fall, the question arises, does this distinction primarily refer to the recognition of natural law or the relation of the will to the demands of natural law? Or, does the Fall influence both reason and the will?

Even if Melanchthon admits of the influence of the Fall on the ability of reason to apprehend natural law, it is important to him that man still maintains a recognition of natural law which can serve as the basis of a natural morality for man.⁷⁶ The human being retains the ability of judging on honourable deeds and the ability to act accordingly in external actions. This freedom

⁷⁵ StA 2, 315: "Voluntas erat conversa ad Deum ante lapsum, ardebant et in mente verae notitiae et in voluntate amor erga Deum, et assentiebantur corda sine ulla dubitatione veris notitiis ac statuebant nos conditos esse ad agnoscendum et celebrandum Deum et ad obiendum huic Domino, qui nos condidit, alit, impressit imaginem sui, qui iusta postulat et approbat, econtra vero damnat et punit iniusta. Quamquam autem in hac naturae corruptione deformata imagine Dei non ita fulgent notitiae, manent tamen, sed cor repugnat et incurrunt dubitationes propter quaedam, quae pugnare videntur cum illis notitiis."

⁷⁶ CR 16, 288; 16, 536; BSLK, 186.

differentiates the human being from animals.⁷⁷

3.3 Human Nature and Natural Law

Even if it is argued that Melanchthon endorses a naturalistic conception of natural law, this does not mean that he discards of the Protestant understanding of the depraved nature of man, as we have seen. However, he still maintains the soundness of human nature, even if marked by the Fall. How these two aspects of his understanding of natural law are to be understood, is the primary question in the following paragraph.

3.3.1 Natural Law and Moral Freedom

With relation to the will, Melanchthon also here argues that even if it is impaired, it is not totally depraved.⁷⁸ The will still maintains a freedom, which is important for Melanchthon's understanding of the moral responsibility of the individual. The will is subjected to the moral knowledge of man, which it either obeys or fights. In this respect the will holds a freedom, why Melanchthon also can speak of a *liberum arbitrium*.⁷⁹

Man has the ability of knowing and judging, which is called the mind or intellect or rationality in which part the knowledge is. Another part of which is seeking is called the will, which either obeys or resists judgment (...) Furthermore, it is called a free will (*liberum arbitrium*) when the mind and the will are joined together. Or free choice (*liberum arbitrium*) is the term for the faculty of the will for choosing and seeking those things which have been demonstrated to it, or to reject them ...⁸⁰

⁷⁷ CR 16, 339: "In mente manet rectum iudicium de honestis actionibus, praesertim civilibus. Huic obtemperare potest homo in externis actionibus, sicut artificis manus ipsius cogitationi in externo opere faciendo obtemperare potest. Haec libertas mansit etiam in hac corrupta natura, et discernit hominem a pecudibus."

⁷⁸ StA 2, 263ff.

⁷⁹ Obviously, this is a point where the humanistic legacy of Melanchthon's thought brings him close to being at variance with Luther. For a discussion on this point and the relation between Luther and Melanchthon, cf. Lindström 1944, 61ff.

⁸⁰ StA 2, 237: "In homine est pars cognoscens ac iudicans, quae vocatur mens vel intellectus vel ratio, in hac parte sunt notitiae. Altera pars appetens vocatur voluntas, quae vel obtemperat iudicio vel repugnat (...) Vocantur autem liberum arbitrium mens et voluntas coniunctae. Aut vocatur liberum arbitrium facultas voluntatis ad eligendum ac expetendum ea, quae monstrata sunt, et ad reiiciendum eadem..."

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Because of this freedom of the will, Melanchthon also speaks of the moral obligation of man to live according to natural law.⁸¹ Therefore, Melanchthon also accentuates the freedom of the will in external affairs, i.e. in matters pertaining to political justice (*iustitia civilis*).⁸²

Answering the raised questions concerning the impact of the Fall on reason and will, Melanchthon understands both as marked by the Fall. Both, however, also hold sufficient soundness to serve as the basis of man's moral life.⁸³

Since there remains in the nature of man a certain judgment and desire for things which are opposed to his reason and senses, there also remains a desire for external civil works. Thus the human will can by its own powers and without regeneration perform to some degree the external works of the law. This is the freedom of the will which the philosophers correctly attribute to man.⁸⁴

These remarks on Melanchthon's understanding of reason and will with regard to his naturalistic basis of natural law need to be further elaborated on by including some comments on his understanding of the social nature of man.

3.3.2 The Social Nature of Man

Melanchthon's concept of the nature of man is particularly important in his social ethics. It is no coincidence, therefore, when Melanchthon's notion of natural law has been called a *doctrina politica*.⁸⁵ In his understanding of the basis of society and the nature of man, some of the influence from Melanchthon's studies on Aristotle becomes clear. Melanchthon follows Aristotle in his

⁸¹ CR 16, 539

⁸² Cf. also Költzsch 1889, 89: "Der Mensch hat ein sittliches Wissen und Urteil, das ausreicht, ihn über den Unterscheid von gut und böse zu belehren und ihm zu sagen, was er zu thun und zu lassen hat. Und der Mensch hat zum andern so viel Willensfreiheit, um diesem sittlichen Urteil folgen und gehorchen zu können und so wenigstens (...) die bürgerliche Sittlichkeit, die disciplina, leisten zu können."

⁸³ CR 16, 288; StA 2, 265.

⁸⁴ StA 2, 265: "Cum in natura hominis reliquum sit iudicium et delectus quidam rerum, quae sunt subiectae rationi aut sensui, reliquus est etiam delectus externorum operum civilium. Quare voluntas humana potest suis viribus sine renovatione aliquo modo externa Legis opera facere. Haec est libertas voluntatis, quam Philosophi recte tribuunt homini."

⁸⁵ Cf. Bauer 1951, 91.

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understanding of man as a social being and of the political order as being in accordance with human nature.⁸⁶

Just as natural causes are impressed on nature which lead us to honor society, so we know that a cause is impressed on human nature which leads us to constitute empires and to obey the magistrate.⁸⁷

Because the political order is understood in this way, the human being is also perceived as marked by a natural sociability.⁸⁸ Furthermore, Melanchthon conceives of the political order as present in the rational creature.⁸⁹ Therefore, the human being also has a rational recognition of the goodness of the political order. If it hadn't been for the Fall, the human being would have assented to the political order burningly.

There is no understanding of this order among beasts, but the knowledge of good order has been ingrafted into man. If man's nature had not been corrupted by sin, also the love of keeping good order toward God and our fellow men would be attached to us as something truly burning in our hearts.⁹⁰

For the present purpose, however, the notion of the political order as consistent with human nature, wouldn't be all that interesting, if Melanchthon did not claim that human nature in this respect was in agreement with natural law as well, which he actually does claim. Human nature and natural law are in agreement.⁹¹ This is clear in Melanchthon's understanding of the difference

⁸⁶ CR 16, 390; 16, 424; StA 2, 754.

⁸⁷ CR 16, 424: "Ut igitur impressae sunt in naturam causae, quae nos ad societatem colendam ducunt, ita sciamus etiam impressas esse causas naturae hominis, quae nos ducant ad imperia constituenda, et ad parendum magistratibus."

⁸⁸ CR 16, 390.

⁸⁹ StA 6, 241.

⁹⁰ StA 2, 737: "Non est ordinis intellectus in bestiis, sed homini impressa est ordinis notitia, cum qua, si natura hominum non corrupta esset peccato, etiam amor ordinis tuendi erga Deum et homines, verus et ardens in pectoribus, coniunctus esset."

⁹¹ This is a point in Melanchthon's thought, where the naturalistic basis of his understanding of natural law becomes clear. Natural law is an expression of human nature, and vice versa. Therefore, even if Kreß 1998 speaks of the "Vernunftnatur" as the source of obligation in Melanchthon (103), he seems to overemphasize the rational aspect, when he speaks of Melanchthon as responsible for the ongoing notion of moral reason: "Es war vor allem Melanchthon, der zumindest für den lutherischen Raum das Anliegen des

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between some first principles of natural law, which are immutable, and some derived laws of nature, which have a more contingent character. The immutable principles of the natural law are constitutive. They cannot be given up, without discarding the whole concept of natural law. In *Loci communes* (1521) three such laws are mentioned. Among these is that humans are born into a life society and therefore should not harm anyone. This is clear from the common conditions, whereby all human beings from birth are related and united to one another.⁹² Therefore, natural law demands the social life which accords with human nature.

Even if Melanchthon is careful to isolate this understanding of natural law from the natural instincts which are common with animals,⁹³ the interdependence that Melanchthon describes seems to make up a point where human beings and animals have similar life conditions. Here Melanchthon formulates a basis for an understanding of sociality and relationality in relation to natural law, which not only has political implications, but also important implications for the relation to nonhuman nature. The relationality and community is also important in relation to nonhuman nature. This idea appears to be an ethically fundamental condition which counts in relation between humans and in relation to nonhuman nature and raises crucial demands in both relations. However, whereas the dependency on resources and life conditions carries with it an analogy between nonhuman nature and human beings, the moral demand breaks with this analogy. The moral demand has a one-sided character. It is only raised in relation to the human being. It is only the human being which is morally demanded to take care of the dependence of the other part on these basic life conditions.⁹⁴

Naturrechts als einer Theorie der ethischen Vernunft wachgehalten hat. Die Ethikgeschichte der Neuzeit bis hin zu Kant hat sich dieses naturrechtliche Denkmotiv zu eigen gemacht, es fortentwickelt und mit Inhalt gefüllt" (103). Rather, it is important to maintain that Melanchthon represents an understanding of a complementary relation between nature and reason. Reason apprehends the demand of the natural law which is in agreement with human nature. Rather than pointing to a line from Melanchthon to Kant, it would be more plausible to point to a line from Melanchthon to Grotius and the protestant orthodoxy and scholasticism. This is a line which leads to Christian Wolff rather than to Immanuel Kant, as is also argued in the present thesis.

⁹² StA 2, 59: "Quia nascimur in quandam communem vitae societatem, neminem laede, sed officii quosvis iuvato."

⁹³ StA 2, 56f.

⁹⁴ Cf. 13.1 for a further discussion on the interdependency and communitarian aspects in natural law and environmental ethics. Here it is argued that Melanchthon's natural law thought comes quite close to basic tenets of land ethics.

3.4 Conclusion

The analysis of Melanchthon's natural law thought has demonstrated a naturalist scheme of thought. Melanchthon argues that the order of creation serves as the basis of natural law. Creation is permeated by an order which is reflected in the theoretical and practical reason of man. Natural law, therefore, is seen as a light of nature present in the human mind. Due to the endowment of man with rational abilities and man's being created in the image of God, man has a knowledge of natural law. In this sense, the awareness of natural law is seen as an expression of the Divine rays of wisdom permeating the order of creation and the human mind. This unity between the order of creation and man's abilities of moral reasoning suggests the ontological grounding of morality in Melanchthon. Natural law is an expression of the constituent principles of being. Moral reason reflects the order which is present in creation. Furthermore, it has been argued that this understanding of Melanchthon is substantiated in his understanding of the relation between human nature and natural law. Especially in the later Melanchthon, human nature is seen as being in accordance with natural law. However, this does not imply a rejection of the notion of the freedom of the moral agent. On the basis of the dignity of man it is argued that he has a free will with regard to moral obligation.

Chapter 4

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Along with Melanchthon, the present chapter on Christian Wolff serves as an analysis of representatives of a natural law thought, where there is a close link between nature and reason in the basis of morality. As already demonstrated, Melanchthon understands practical reason as a reflection of the Divine order of nature. The order of nature is the basis of morality. Reason provides the means for humans to live according to this lawfulness. In Wolff we find an understanding of natural law with several similarities to Melanchthon's. Without pre-empting the findings of the following enquiry, it may be recognized that Wolff also perceives nature as the basis of morality. The laws of nature as constitutive of physical nature are considered as the basis of morality, and the role of reason is to perceive these laws and guide human beings accordingly.⁹⁵

⁹⁵ In the discussion on Wolff, the focus will be on his German moral philosophical writings. Apart from the overwhelming size of his eight volume Latin *Jus naturae*, the reason for this focus is based on the similar course taken by Schröder (1988). Schröder's study is the most comprehensive, recent account of the basis of Wolff's moral philosophy. The aim of Schröder's study is not the analysis of a particular thesis in relation to Wolff's concept of nature. Rather, the intention is to give an account of this concept in relation to (1) the grounding of his moral philosophy and (2) Kant's use of the concept of nature. Schröder concludes his study by arguing that Wolff does not have nature as the primary basis of his moral philosophy. According to Schröder, Wolff avoids the possible charge of committing the naturalistic fallacy by having reason as the source of moral obligation (222). Before Schröder, Joesten (1931) had already argued that even if Wolff endorses the concept of nature as the normative basis of natural law, this does not mean that only nature obliges humans to act accordingly. In difference to Schröder, Joesten speaks of a double obligation, i.e. a passive and an active one. Nature obliges in a passive way, and yet the character of the human being as a rational being also implies an active obligation (22ff). Bissinger (1983) is also focused on the question of the grounding of Wolff's moral philosophy. For Bissinger the central issue is to determine Wolff's conception of autonomy. Bissinger concludes that reason holds a central position in Wolff, serving as the basis of autonomy. This is i.a. exemplified in the deduction of ethical norms from natural law (155ff.). Finally, two works of Bachmann must be mentioned. In 1977 Bachmann publishes a book on the natural law foundation of Wolff's conception of the State. In this work Bachmann discusses the doubleness of Wolff's understanding of the relation between the necessity of nature and the freedom of the rational being, as was also raised in Joesten. This same doubleness is the underlying theme in the article of Bachmann in 1983. It is the task of the human being as a rational being to deduce the moral law from the physical law of nature (161). In the present chapter the double aspect of the natural law in Wolff will also be endorsed as the right interpretation. However, it will also be argued that reason appears to have a subordinate role to nature. Reason is thought of as the means of reflecting the laws of nature in the physical sense. In this sense the law of nature in the physical sense is the

4.1 Premises of Wolff's Moral Philosophy

A characteristic of Wolff is the inner consistency of the systematic shape of his moral philosophy. Therefore it is necessary to introduce the discussion on his natural law thought with a presentation of concepts of essential importance to a proper understanding. After having introduced these key concepts, the focus will be devoted to Wolff's natural law thought, focusing on the questions of the origins of natural law, its basis in human nature and the role of reason.

4.1.1 Methodology

In Wolff the question of methodology is of fundamental importance. His method has determinative impact on the shape of his thought. Wolff applies the mathematical method. This method Wolff sees as suitable for philosophical thinking because of its deductive and inductive stringency and its consequent necessity of terminological clarity. This relates to his concept of science. For Wolff it is important that ethics is understood as science, and in order to qualify as such, it needs the mathematical method as its basis.⁹⁶ For Wolff the use of the mathematical method implies a clear account of the meaning of the essential notions of his moral philosophy as well as systematic structure, where no argument can be made without a preceding terminological explanation of all the concepts involved.⁹⁷ This understanding of the application of the mathematical method is partly due to an understanding of order, which Wolff finds in the writings of Euclid.

[...] Viele sagen Euclides habe seine Bücher unordentlich geschrieben [...] Wer aber die Sache genauer einsieht, der findet, es habe ein jeder Satz dieses mit dem andern gemein, daß er sich aus denen, die vorhergehen, erweisen lässet, nicht aber würde können erwiesen werden, wenn man ihn vor andere setzte, und daß solchergestalt die Stelle eines jeden dadurch determiniert wird, daß er sich

source of the law of nature in the normative sense. For a further discussion on the literature on Wolff, see Schröder 1988, 14ff.

⁹⁶ Cf. Bissinger 1983, 149: "Die Bestimmung der Ethik als Wissenschaft zeigt, wie sehr Wolff sich von der Tradition der Schulphilosophie entfernt und sich dem cartesianischen Denken öffnet. Sein Wissenschaftsbegriff ist vom mathematischen Erkenntnisideal bestimmt. Eine Disziplin verdient nur dann den Namen Wissenschaft, wenn ihre Aussagen bewiesen werden und zwar nach der von der Mathematik übernommenen Methode."

⁹⁷ Cf. Schröder 1988, 20: "Überall [i.e. in all of Wolff's German and Latin moral philosophical writings] gilt der Grundsatz, daß alle Aussagen auf das zurückgeführt werden können, was zuvor eingeführt, erklärt und bewiesen worden ist."

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nun durch die vorhergehenden erweisen lässet. Also findet man in den Büchern Euclids eine Ordnung.⁹⁸

However, this does not lead to a merely deductive method. Rather, Wolff's method implies deductive as well as inductive, synthetic as well as analytic components.⁹⁹

Wolff's methodological basis also implies two basic principles of knowledge, i.e. the principle of contradiction (*principium contradictionis*) and the principle of sufficient reason (*principium rationis sufficientis*).¹⁰⁰ According to the former, it is an impossibility, a contradiction to claim that something is and yet is not. "Es kan etwas nicht zugleich seyn und auch nicht seyn. Diesen Satz nennen wir den Grund des Widerspruchs".¹⁰¹ This principle is closely related to Wolff's method, as this principle necessitates the mentioned terminological clarity. In order to prevent a contradictory use of the terminology included in one's moral philosophical argumentation, it is necessary to have a very precise determination of the meaning of these concepts. Only when this determination is clear, can one have a sufficient ground of recognition of this concept. This leads Wolff to his second principle, the principle of sufficiency. Where something is, there must be a sufficient ground for an acknowledgment thereof. Therefore, when something is not, there is nothing that one can conceive of. Followingly, if something which is not, is to be seen as something which is, it must have a sufficient reason, why something which is not can come out of nothing, and become something which is. However, as it is impossible that something can come into being out of nothing, it must have a sufficient reason, why it is.¹⁰²

Da nun unmöglich ist, daß aus Nichts etwas werden kan [...]; so muß auch alles, was ist, seinen zureichenden Grund haben, warum es ist, das ist, es muß allezeit etwas seyn, daraus man vestehen kan, warum es wirklich werden kan [...]. Diesen Satz wollen wir den Satz des zureichenden Grundes nennen.¹⁰³

⁹⁸ DM § 137.

⁹⁹ Cf. Schröder 1988, 22.

¹⁰⁰ DM §§ 10ff.; §§ 30ff.; Anm. §§ 14f.

¹⁰¹ DM § 10.

¹⁰² DM § 30.

¹⁰³ DM § 30.

Having shortly explained some of the basic methodological assumptions and principles,¹⁰⁴ hopefully it is clear, why an analysis of Wolff's natural law thought must be introduced not only by comments on his method, but also on some of the key notions which form a necessary basis of his notion of natural law. Therefore, we now turn to some of these basic concepts.

4.1.2 Basic Concepts in Wolff's Moral Philosophy

The notions of consistency (*Zusammenstimmen*) and perfection (*Vollkommenheit*) hold a fundamental importance. The perfection of a given thing or matter consists in the correspondence of the manifold with one. Correspondence in this sense implies the determination of all parts with respect to the preservation of a certain kind. This kind of perfection can be exemplified with a watch, where all the parts of the watch come together in the same purpose in telling the precise time.¹⁰⁵ The same can be said of the conduct (*der Wandel*) of man. It consists of many acts. When these correspond, i.e. are united in a common cause, they are consistent. When they are contrary to each other, their inner inconsistency deems the conduct imperfect.¹⁰⁶ When perfection is reached, pure order comes into being. For when there is perfection, all things relate to a common ground, why the reason of the coexistence of different things can be declared.¹⁰⁷ As is apparent, the notion of *Zusammenstimmen* and *Vollkommenheit* are closely linked. The *Zusammenstimmen* of the various parts makes the *Vollkommenheit*. For Wolff these notions are fundamental to his ethics and consequently play a crucial role also in his understanding of natural law.

The actions of the individual are evaluated in the light of these criteria. Actions change the condition (*Zustand*) of the agent. The condition is understood as "... wenn veränderliche

¹⁰⁴ For a further account of Wolff's method, cf. Stephanitz 1970, 84ff., Bachmann 1977, 57ff. and Schröder 1988, 19ff.. For a comparison with Kant's understanding of these same principles, see Heimsoeth 1956, 6ff.

¹⁰⁵ DM § 152; GNV § 9.

¹⁰⁶ DE § 144: "Wenn der Mensch sein Thun und Lassen dergestalt einrichtet, daß er nichts ohne Absichten vornimmt, eine jede Absicht aber ein Mittel anderer und alle insgesamt ein Mittel zur Haupt-Absicht sind; so stimmt in seinem Wandel alles mit einander u(e)berein, und nichts hindert das andere. Derwegen da die Ubereinstimmung des mannigfaltigen die Vollkommenheit ausmacht, so ist in diesem Falle der Wandel des Menschen vollkommen"; DM § 152.

¹⁰⁷ DM § 156: "In der Vollkommenheit ist lauter Ordnung. Denn wo eine Vollkommenheit ist, da beziehet sich alles auf einen gemeinen Grund, daraus man erklä(e)ren kan, warum eines neben dem andern zugleich da ist, oder eines auf das andere folget"; §§ 717ff.

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Bestimmungen (Dinge), d.i. diejenigen die auch anders beschaffen seyn können, mit einerley beständigen Bestimmungen (Dingen), die nicht anders beschaffen seyn können, würcklich sind.¹⁰⁸ The good actions make the condition more perfect, the bad actions worsen the condition.¹⁰⁹ Consequently, nature obliges (verbindet) one to do what furthers one's condition and prevent what worsens it.¹¹⁰ This serves as the basis for the general rule of action: "Thue was dich und deinen oder anderer Zustand vollkommener macht; unterlaß, was ihn unvollkommener macht".¹¹¹ This perfection and imperfection concerns both inner and outer conditions of the human being, and the fact that these conditions are either improved or aggravated has its basis in the intricacy of morality, i.e. that it is good or bad in itself.

Wir finden unsern innern Zustand des Leibes und der Seele so beschaffen, daß er kan vollkommener und unvollkommener werden, und gleiche Bewandnis hat es mit dem äusseren, als mit unserer Ehre, mit dem Vermögen, mit Freunden und Feinden: und die Handlungen des Menschen, die er nach seinem Gefallen determiniren kan, sind so beschaffen, daß sie die Vollkommenheit und Unvollkommenheit befördern, auch beyde erhalten und hindern können; und hierinnen gründet sich ihre *intrinseca moralitas*, oder daß sie vor und an sich selbst gut oder böse sind, und nicht erst durch den Willen eines Oberen, der uns zu befehlen hat, dazu gemacht werden.¹¹²

¹⁰⁸ GNV § 8.

¹⁰⁹ DE § 12; GNV § 12: "Da man alles dasjenige gut nennet, was den Menschen und seinen Zustand vollkommener macht; bo(e)se oder u(e)bel aber, was denselben unvollkommener macht; so sind diejenigen freyen handlungen gut, die zur Vollkommenheit des Menschen und seines Zustands behu(e)lflich sind (...) Bo(e)se aber sind diejenigen, welche auf die Unvollkommenheit des Menschen und seines Zustandes abzielen."

¹¹⁰ GNV § 43. In his notion of the obligation of nature, Wolff comes very close to an endorsement of nature as a determinant of the actions of human beings (cf. DE § 27). The necessity of commentators to argue for the possibility of freedom in Wolff (cf. Joesten 1931, 34ff.) is an expression of how close Wolff comes to take such a deterministic standpoint. However, it is also important to keep in mind that "obligation" is a poor translation of the German "Verbindung", even if it has been chosen as the better option. In Wolff's notion of "Verbindung", it is important that he does not speak of an obligation which is laid upon the human being extrinsically. Rather, it is a notion which expresses the motivational force of the moral good (DE § 8). "Verbindung" is understood as intrinsically related to human nature. Therefore, even when humans are "verbunden" to certain acts in accordance with their nature, they can still be considered as free moral beings. The obligation arises as the motivation of the individual moral agent. Cf. Schröder 1988, 142ff. for a further analysis of the concept of natural obligation.

¹¹¹ DE § 12.

¹¹² Anm. § 134.

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In this respect, Wolff follows the classical realist understanding of the relation between on the one hand the good and bad and on the other hand the will of God. The good and bad holds this quality in itself, *per se*.¹¹³ In relation to God, Wolff therefore says that God does not determine what is good and bad. But because God is a wise being, he commands to be done what is good and to be avoided what is bad.¹¹⁴

As the good perfects one's condition, the good also causes pleasure, which is due to its character as a natural good.¹¹⁵ Therefore, due to the human nature the good is desired, whereas the bad is detested. The good holds in itself a reason for the human being to will it, whereas the contrary is true of the bad.¹¹⁶ Hereby the apparent good is also distinguished from the true good. The true good can never give cause to displeasure.¹¹⁷ Quite the opposite is then true for the bad. The bad causes displeasure, which is also due to the natural character of the bad, whereby one can also distinguish the seeming from the real bad.¹¹⁸ To the extent the condition is perfected, humans achieve happiness. Wolff's ethic is teleological in the sense, that the aim of morality is the perfection of the condition and thereby the happiness. Natural law is understood as the means for this achievement.¹¹⁹ The transgression of the natural law brings with it unhappiness.¹²⁰ Man is supposed to order his life in accordance with natural law and its demand of perfection. "Das

¹¹³ DE § 5.

¹¹⁴ Anm. § 134.

¹¹⁵ DM § 423: "Weil das Gute uns und unseren Zustand vollkommen machet, das Anschauen der Vollkommenheit aber Lust erregt; so muß die anschauende Erka(e)ntniß des Guten Lust erregen, wenn wir es nehmlich als gut einsehen. Deswegen nennen wir natu(e)rlich gut, was Lust bringet."

¹¹⁶ GNV § 15: "Weil die Natur des Menschen so beschaffen ist, daß er das Gute begehret, das Bo(e)se aber verabscheuet; so sind die in sich guten, oder bo(e)sen Handlungen an und vor sich selbst begehrens- oder verabscheuungswu(e)rdig."

¹¹⁷ DM § 424.

¹¹⁸ DM §§ 427f.

¹¹⁹ DE § 57: "Da nun die wahren Gu(e)ter eine wahre Vollkommenheit im Menschen oder in seinem a(e)usserlichen Zustande zum Grunde haben, keinesweges aber die Scheingu(e)ter; so kan bloß dasjenige den Menschen glu(e)ckseelig machen, was eine wahre Vollkommenheit in ihm und seinem a(e)usserlichen Zustande zum Grunde hat, keines Weges aber wovon dieselbe entfernt ist. Derowegen weil man durch Beobachtung des Gesetzes der Natur die Vollkommenheit seiner Natur und seines a(e)ussern Zustandes erha(e)lt; so ist das Gesetze der Natur das Mittel seine Glu(e)ckseeligkeit zu erhalten."

¹²⁰ DE § 62.

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Gesetze der Natur ist das Mittel, dadurch der Mensch seine Glückseligkeit erlanget, deren er durch seine natürliche Kräfte in diesem Leben fähig ist”.¹²¹ Thus, natural law holds a fundamental position in Wolff’s moral philosophy, why we now turn to this concept.

4.2 Nature as the Source of Moral Reason

As mentioned, Wolff appears to understand nature and reason as mutually related in his notion of the grounding of morality. On one hand nature seems to be understood as constituted by physical lawfulness, of which reason merely is understood as an expression. On the other hand, reason apparently is the source of natural law in the normative sense. The question therefore arises, does Wolff understand nature or reason as the source of normativity in his understanding of natural law? What is the relation between natural law as physical law and as a moral law? Firstly, we turn to his understanding of the normative implications of his notion of nature. Secondly, we concentrate on his understanding of freedom and moral reason.

4.2.1 The Obligation of Nature

Wolff’s method implies the necessity of a clear definition of the discussed concepts. In relation to his understanding of natural law, the importance of this methodological approach becomes clear, as his definition of natural law signifies important aspects of this notion. “Insonderheit aber wird eine Regel ein Gesetze der Natur genennet, wenn uns die Natur verbindet unsere freye Handlungen darnach einzurichten ...”.¹²² Very much the same definition can be found in the later writings. “Ein Gesetz nennt man die Vorschrift, nach welcher wir unsere Handlungen einzurichten verbunden sind. Man nennt dasjenige ein natürliches Gesetz, welches seinen hinreichenden Grund selbst in der natur des Menschen und der Dinge hat.”¹²³ As is clear from these definitions, the focus in

¹²¹ DE § 139.

¹²² DE § 17.

In comparison to the following definition of natural law in GNV, Wolff’s definition in DE is more dialectical. Whereas GNV speaks more onesided about nature as the determinative basis of the acts of man, DE speaks of nature’s determination of the “*freye Handlungen*”. Hereby the doublesided understanding in Wolff is indicated. Even if nature determines the acts of humans, Wolff can still regard them as free acts. Furthermore, cf. 4.2.2.

¹²³ GNV § 39.

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Wolff is on the concept of nature. Nature obliges humans to do good.¹²⁴ Nature is the determinative basis of the natural law, i.e. the nature, not only of humans, but also of things. In other words, natural law as a moral law and as a physical law are two sides of the same thing. Hereby Wolff becomes a classical representative of the position attacked by proponents of the danger of inferring from is to ought.¹²⁵ In the metaethical terminology of the present thesis, Wolff becomes a representative of a naturalistic grounding of morality in his conception of the natural law.¹²⁶

Natural law obliges one to further the perfection of one's condition, according to the general rule of action. As this rule applies to all free acts of man, there is no need of any additional laws of nature, why all laws must be demonstrated as derived from this rule. Consequently, this rule is understood as the complete basis of all laws of nature.

¹²⁴ DE § 9: "Da nun dasjenige was aus den Handlungen der Menschen erfolgt und sie entweder gut oder bo(e)se machet, von dem Wesen und der Natur herkommet; das gute und schlimme aber, was wir in den Handlungen antreffen die Bewegungsgru(e)nde des Wollens und Nichtwollens sind; so hat mit den vor sich guten und bo(e)sen Handlungen der Menschen die Natur die Bewegungsgru(e)nde verknu(e)pfet. Und solchergestalt verbindet uns die Natur der dinge und unsere eigene das vor sich gute zu thun, und das vor sich bo(e)se zu unterlassen."

¹²⁵ Cf. also Bissinger 1983, 151: "Für Wolff stellt sich die Frage nach Zusammenhang bzw. Übergang von Sein zu Sollen nicht. Seinsgesetze sind für ihn fraglos auch Sollensgesetze. Dies ergibt sich aus der ontologischen Gleichsetzung von Wesen und Ziel". The question on the inference from is to ought is discussed throughout the thesis. See 13.3 for the constructive summary of the thesis' discussion on this problem.

¹²⁶ This close relation between the physical and moral entity in Wolff is also pointed out by Bachmann 1983, 161: "Wie es dem erkennenden Menschen gegeben ist, Gesetzmäßigkeiten der physischen Natur zu enträtseln, erhebt der Mensch mit der Darlegung eines Natur-Rechts den Anspruch, auch die Gesetze der dieser physischen Welt (entia physica) gegenüberstehenden moralischen Welt (entia moralia) aufzuklären". Even if my reading is very similar to Bachmann's on this point, I must admit I find it difficult to follow him when he describes the startingpoint of man's recognition of the natural law as atomistic. "Der Ausgangspunkt ist eindeutig atomistisch, d.h. der Mensch selbst ist vor die Aufgabe gestellt, mittels der ihm gegebenen Vernunft sich des eigentlichen Sinns seines Seins und der ihn umgebenden Dinge bewußt zu werden" (161). Even if the individual holds such a position in Wolff, reason is not conceived of as something atomistic. Rather, it is something intrinsically related to human nature, i.e. the essence of the human being. Reason understood in this sense is rather to be conceived of as an exercise with common features among reflecting individuals. Even if this admits of the reflective role of the individual, it appears to be quite different from a position which may be called "eindeutig atomistisch". Bissinger seems to come close to a reading similar to my own, when he speaks of the imbeddedness of the human being in the physical nature as the basis of a cosmological dimension to Wolff's ethics (1983, 152). In this naturalistic foundation of normativity, Wolff represents an understanding which holds significant resemblances to e.g. the environmental thought of Rolston (Chapter 7) and Callicott (Chapter 8).

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Weil uns die Natur verbindet zu thun, was uns und unseren Zustand vollkommener machet, und zu unterlassen, was uns und unseren Zustand unvollkommener machet; so ist die Regel: Thue, was dich und deinen Zustand vollkommener machet und unterlaß, was dich und deinen Zustand unvollkommener machet ein Gesetze der Natur. Da nun diese Regel sich auf alle freye Handlungen der Menschen erstrecket; so hat man kein anderes Gesetze der Natur mehr nöthig sondern alle besondere Gesetze müssen daraus erwiesen werden auf die Art und Weise, wie schon erinnert worden. Und also ist diese Regel ein vollständiger Grund aller natürlichen Gesetze.¹²⁷

This paragraph demonstrates Wolff's naturalistic understanding of natural law. Natural law as a physical law is understood as a parallel to its character as moral law. It is the nature of the human being which determines what is good - and good is here understood in physical and moral terms. That which is good for humans in a physical sense also determines what is good in a moral sense. It is as such that natural law obliges the human to perfection of human nature.¹²⁸ What makes the condition of the human being imperfect is against human nature. What promotes the perfection of this condition is in accordance with human nature. Therefore, as natural law wants that done which furthers this perfection, Wolff argues for natural law as corresponding to human nature.

Was uns und unseren Zustand unvollkommener machet, ist unserer Natur zu wieder, und kommet also mit ihr nicht überein. Hingegen was uns und unseren Zustand vollkommener machet, ist unserer Natur nicht zu wieder, sondern stimmt vielmehr mit ihr zusammen. Derowegen weil das Gesetze der Natur will gethan wissen, was uns und unseren Zustand vollkommener machet; hingegen unterlassen, was ihn unvollkommener machet; so haben diejenigeen nicht unrecht geredet, welche gesaget, das Gesetze der Natur beruhe auf der

¹²⁷ DE § 19.

¹²⁸ DE § 19; GNV § 43.

In his understanding of the promotion of the condition of the humans as the criteria on the good, Wolff makes use of an explicitly teleological argument. Characteristically, Wolff's teleology is not only essential to his moral philosophy, but is also a constitutive part of his understanding of nature. The notion of the teleological order of nature serves as a basis for his understanding of the criteria of normativity. This applies to his concept of normativity in the moral sense, but also in the legal sense. Therefore, Neusüß is also fundamentally correct, when he can say: "Wie Leibniz an die vollkommene Ordnung des Universums glaubte, so hatte auch für Wolff alles Seiende Kraft des göttlichen Plans einen seinem Wesen entsprechenden Zweck, der mit dem Zweck aller übrigen Wesen übereinstimmte. Auf diesem teleologischen Weltverständnis beruhte Wolffs Lehre vom Recht. Haben alle Dinge ihre natürlichen, von Gott zum Zusammenklang alles Seienden bestimmten Absichten, ergibt sich aus der Einordnung des Menschen in das Universum die Pflicht eines jeden, seiner natürlichen Absicht gemäß zu leben" (1970, 40).

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Übereinstimmung unserer Handlungen mit unserer Natur.¹²⁹

This emphasis on human nature as the basis of natural law is also apparent in his understanding of human nature as constituted in such a way that it always prefers the higher to the lesser good. Consequently, natural law can also be understood as a law of perfection (*lex perfectiva*), as it always makes humans favour that which perfects its nature. “Die Natur des Menschen ist so beschaffen, daß er dasjenige dem andern vorzieht, von welchem er erkennt, daß es besser sey, als das andere [...]; daher verbindet uns auch das Gesetz der Natur, dasjenige, was besser ist, dem andern vorzuziehen; und in so weit, als es uns hierzu verbindet, wird es ein vollkommenmachendes Gesetz (*lex perfectiva*) genennet”.¹³⁰ Therefore, as natural law is a means to perfection, it also serves as a means to aquirement of happiness.¹³¹

As this rule is a law, due to its compulsory character, and as this compulsion stems from nature, the law of nature would take place, even if human beings had no superiors, i.e. even if there was no God. “Wiederum weil diese Regul wegen der Verbindlichkeit ein Gesetze wird, die Verbindlichkeit aber von der Natur kommet; so ist das Gesetze der natur durch die Natur fest gestellet worden, und würde stat finden, wenn auch gleich der Mensch keinen Oberen hätte, der ihn dazu verbinden könnte: ja es würde statt finden, wenn auch gleich kein Gott wäre”.¹³² It is in this sense, that nature serves as the common basis of the natural law, which makes it irrelevant if there is a God and if the actor is atheist.¹³³ However, even if Wolff in *Deutsche Ethik* held this position, in *Grundsätze des Natur- und Völkerrechts* he seems to allow for a greater role of the Divine will, when he speaks of God as the author of the natural law.

Da das Wesen und die Natur des Menschen und der Dinge von Gott ihren Ursprung haben, und man, bey deren Annehmung, sogleich das Gesetz der Natur und desselben Verbindlichkeit annehmen muß; so ist der Urheber des

¹²⁹ DE § 28.

¹³⁰ GNV § 48.

¹³¹ DE § 57; § 139.

¹³² DE § 20.

¹³³ DE § 21. This so-called “impious hypothesis” has often been traced to Hugo Grotius. However, already within scholastic theology this idea had been formulated. Cf. Crowe 1977, 223ff. for a discussion on this notion.

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Gesetzes der Natur Gott selbst, der den Menschen verbindet, seine Handlungen demselben gemäß einzurichten; und also ist die natürliche Verbindlichkeit auch eine göttliche; und das natürliche Gesetz ist auch ein göttliches.¹³⁴

This notion of the Divine character of the natural law was not as explicit in *Deutsche Ethik* as he felt it necessary to make it in *Grundsätze des Natur- und Völkerrechts*. This may partly be due to the criticism raised against him by pietistic theologians for turning away from the true Christian doctrine and for favoring atheism.¹³⁵ However, it appears that there is something quite close to a paradox in Wolff at this point. When he argues that God is the author (der Urheber) of the natural law, this does not imply that God by a pure will determines what is to be the natural law. In Wolff God cannot be in contradiction to the natural law, as the natural law is good per se and God necessarily must will what is good. However, God is still seen as the author of the natural law, thereby emphasizing the point that the natural law is consistent with the Divine will. If this was a point already implicit in *Deutsche Ethik*,¹³⁶ Wolff did not assist his readers in finding this notion. Here, he apparently speaks of the natural, Divine, and human law as different entities,¹³⁷ reducing the question of the relation between the natural and Divine law to the question of the motivation of humans to follow the natural law. Compared to his later understanding, there is a stronger focus on the natural law as preceding the will of God.¹³⁸ Consequently, in his early writings, he was less hesitant to argue that the natural law had its basis in nature. In his later writings, he did not abandon this idea, but contended that nature as a basis of the natural law did not imply an

¹³⁴ GNV § 41.

¹³⁵ Cf. Wunner 1968, 9. Wunners work in general gives a good account of the historical background of Wolffs natural law thought, even if the systematic critique in the end of his work does not appear convincing (31 f.). The mere reference to a contemporary widespread understanding of the difference between the realms of (1) nature and (2) law and ethics does not sufficiently justify this understanding. Wunner disappointedly resorts to a mere postulation of the intrinsic difference of these two realms. Therefore, Wunner's abandonment of the plausibility of a contemporary maintenance of natural law seems rather shallow, not the least because he has a quite reductionist understanding of natural law as merely based on nature. His own attempt of overcoming natural law by referring to reasoning as the basis of political law (32), may just as well be seen as an expression of natural law.

¹³⁶ DE §§ 34f.

¹³⁷ DE §§ 17ff.

¹³⁸ DE §§ 29ff.

inconsistency with the Divine will.¹³⁹

4.2.2 The Freedom of the Human Being

Due to the basis of the natural law, it is considered as a necessary and immutable law. According to Wolff's ontology, necessity and immutability are both implied in his understanding of the essence and nature as the basis of natural law. This is closely related to his understanding of the good in itself. As already demonstrated, the good in itself is asserted on the basis of his conception of the normativity of nature. As the actions that are good in themselves, consequently are necessary good¹⁴⁰ they are also eternally good (i.e. immutably) good.¹⁴¹ "Das Gesetz der Natur ist unveränderlich und nothwendig. Denn weil das Gesetz der Natur den hinreichenden Grund in der Natur des Menschen und der Dinge selbst hat; und also eine natürliche Verbindlichkeit in sich fasset, diese aber unveränderlich und nothwendig ist; so muß es auch das Gesetz der Natur seyn."¹⁴² As it is necessary and immutable, it is also common to all mankind. It is a constituent part of human nature. Therefore, the natural law obliges all human beings and no human being can be exempted from this natural obligation.¹⁴³ The implications of this point was one of the notions that were strongly criticized in Wolff by some of his contemporaries. This is due to his further statement on the completeness of the natural law. The natural law covers all actions of human beings. Therefore, everything that a human being does is determined by natural law and cannot be different. In *Deutsche Ethik* he comes very close to a deterministic understanding of the human moral life.

¹³⁹ Cf. Bissinger 1983, 153ff. for a discussion of Wolff's basis of the natural law along lines somewhat similar to the account given here. However, with relation to the Divine selfcontradiction, Bissinger argues that because of the nature of man, created by God, God cannot command man to follow a will contrary to this nature, which is an expression of the natural law.

¹⁴⁰ DE § 25.

¹⁴¹ DE § 26.

¹⁴² GNV § 40.

¹⁴³ GNV § 42: "Auf gleiche weise beweisen wir, daß das Gesetz der Natur alle Menschen verbindet; und daß von der natu(e)rlichen Verbindlichkeit kein Mensch befreit werden ko(e)nne; weil na(e)mlich das natu(e)rliche Gesetz den hinreichenden Grund in der Natur des Menschen und der Dinge selbst hat, und die Verbindlichkeit, welche dasselbe in sich begreift, also bald statt findet, wenn man die Natur und das Wesen der Menschen und der u(e)bringen Dinge annimt."

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Dieses ewige Gesetz erstreckt sich auf alle Handlungen der Menschen in allen Fällen. Denn was in einem jeden vorkommenden Falle unter denen sich ereignenden Umständen erfolget, das ist durch die Natur der Dinge determiniret, daß es kommen muß. Da nun die Handlungen der Menschen durch das, was aus ihnen nothwendig erfolget gut oder böse werden; so sind alle Handlungen der Menschen von der Natur determiniret, ob sie gut oder böse sind. Und demnach befiehet das Gesetz der Natur in einem jeden vorkommenden Falle, was der Mensch unter denen sich ereignenden Umständen thun oder lassen soll.¹⁴⁴

Some of Wolff's contemporaries warned against the implications of this understanding, claiming that it implied a dissolution of human responsibility. The consequence of Wolff's philosophy, it was argued, would be that one could no longer make the individual responsible for their acts.¹⁴⁵ Even if Wolff modified this standpoint in his later writings, obviously this is a point where he differs strongly from Immanuel Kant's notion of autonomy.¹⁴⁶ In Kant the laws of the physical nature are fundamentally different from the moral law. The moral law is a law of reason, whereby the human being as a rational being is its own lawgiver. Hereby Kant stresses the importance of the autonomy of the moral agent. The moral agent does not act in accordance with a law of nature which disposes the individual to certain acts, rather the moral agent acts on account of duty to the moral law of reason.¹⁴⁷ Also Wolff can speak of the duties. But in Wolff the natural duty is an act, which is in accordance with natural law, to which human beings are bound.¹⁴⁸

However, even if Wolff emphasizes nature as the determinative basis of the moral life, this does not mean that he discards the freedom of the individual. Only is this understood in close

¹⁴⁴ DE § 27.

¹⁴⁵ Cf. Wunner 1968, 20.

¹⁴⁶ This is also the reason why the terminology used by Bissinger is misleading, when he speaks of the "Verpflichtungscharakter" of Wolff's reflections on perfection and the general rule of action in Wolff as a moral imperative. "Die Aussage, der Mensch mache sich durch sein freies Handeln notwendigerweise vollkommener bzw. unvollkommener, ist nicht nur als Feststellung anzusehen, sondern bringt zugleich einen *Verpflichtungscharakter* zum Ausdruck. Aus dem Wesen eines Dings bzw. einer Handlung ergibt sich nämlich auch dessen Ziel (...) Wolff kann somit einen moralischen Imperativ aufstellen: "Thue, was dich und deinen oder anderer Zustand vollkommener machet; unterlaß, was ihn unvollkommener machet" (DE § 12)" (1983, 151). The terminology used by Bissinger holds strong Kantian connotations. This way of reading Kant into Wolff does not do justice to either one of them.

¹⁴⁷ Cf. 6.2.1

¹⁴⁸ DE § 222. Cf. furthermore Joesten 1931, 87ff. for a concise account of fundamental differences between Wolff and Kant in the understanding of the source of normativity and the relation between nature and reason in this respect.

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affinity to his concept of nature. This raises the question, how can Wolff maintain this idea of nature and yet admit of the freedom of the moral agent? In what sense does he speak of freedom? Is freedom conceived of within the bounds of nature?

Wolff distinguishes between doings which are free and those that are not ruled by the will. Among the latter are e.g. whether one sees the person approaching, hears people making noise or whether the eaten food is digested. In many other respects, however, human beings are free. Whenever it is an act determined by the will, such as whether one wants to reflect on the goodness of God and other acts which satisfy one's desires, the acts are regarded as free acts.¹⁴⁹ However, this is not a freedom which morally qualifies these acts. The goodness of these free acts is determined by nature. The free acts either promote or prevent the perfection of the condition of humans.¹⁵⁰ It is in this respect that free acts can be good (when they promote perfection) or bad (when they prevent this perfection).¹⁵¹

In the question of the freedom of acts, Wolff demonstrates another marked teleological feature. It is the consequence of the acts for the condition of the perfection of human nature which is the determinative basis of the moral qualification.¹⁵² Consequently, to speak of freedom in Wolff does not mean the free determination of the moral law. Rather, freedom means the ability to choose between different acts, deciding which is good or bad, i.e. promotes or prevents one condition. Consequently, freedom is conceived of within the limits of natural law.

This also applies to Wolff's understanding of the role of reason. Again, reason does not determine natural law. Reason is not the source of natural law, i.e. the moral law. Rather, natural law is a constituent part of nature, which is perceived by reason. Reason discerns natural law. It does not construct it.¹⁵³

¹⁴⁹ DE § 1.

¹⁵⁰ DE § 2.

¹⁵¹ DE § 3.

¹⁵² Cf. also Bissinger 1983, 150: "Gegenstand der Ethik sind die freien, nicht dagegen die notwendigen Handlungen des Menschen. Diese freien Handlungen haben aus sich selbst eine Veränderung des Menschen zur Folge (...) Durch sein Handeln bzw. Nichthandeln setzt der Mensch bestimmte Wirkungen. Das Handeln selbst ist Ausfluß des freien Willens; die Wirkungen einer bestimmten Handlung sind durch diese schon mitgesetzt. Eine bestimmte Handlung wählen, heißt also, einen bestimmten Zweck verfolgen."

¹⁵³ This also leads to a certain reluctance in the approval of Schröder's reflections on "Die rationale Herleitung des Verpflichtungscharakters" (1988, 155ff.). Schröder argues that reason becomes an important

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Weil unsere freye Handlungen durch dasjenige, was aus ihnen entweder schlechterdinges, oder unter gewissen Umständen nothwendig erfolget, gut oder böse werden; so wird zu Beurtheilung derselben eine Einsicht in den Zusammenhang der Dinge erfordert. Da nun die Einsicht in den Zusammenhang der Dinge die Vernunft ist; so wird das Gute und Böse durch die Vernunft erkannt. Und demnach lehret uns die Vernunft, was wir thun und lassen sollen, das ist, die Vernunft ist die Lehrmeisterin des Gesetzes der Natur.¹⁵⁴

Viewed in this way, a person who subjects his or her doings to reason, i.e. to the obligation of natural law, can be conceived of as a law to themselves and need no other law.¹⁵⁵ Understood in this way there is a fundamentally reciprocal relation between nature and reason as the source of normativity in Wolff. The moral good cannot be separated from nature. In this sense, nature serves as the source of normativity. However, natural law does not become a moral law, until it becomes a law of obligation, having its basis in reason. The role of reason is to teach natural law. The role of reason is to explain the normativity implied in the concept of nature.¹⁵⁶ This is further related to Wolff's understanding of the motivation which follows the insight of reason into natural law. The recognition of the good or bad implies the motivational basis of the will either to will or not will the particular act.¹⁵⁷

This understanding of reason as the teacher of natural law leads Wolff to his understanding of conscience. Conscience judges on the acts, whether they are good or bad. In order to do so, however, it is in need of reason. Conscience, therefore, has its basis in reason. As natural law

role in the determination of natural law. As the knowledge of the good can be somewhat unclear, reason is to give a clear verdict on its moral demand. Even if this is an explanation of the obligation of nature, reason is conceived of as the source of normativity. "Bei Wolff is somit die Verwendung des Ausdrucks "Natur" zur Bezeichnung einer Quelle der Verbindlichkeit gleichbedeutend mit der Aussage, die Vernunft sei die einzige und vollständige Quelle der Verbindlichkeit" (156). Even if this interpretation is tempting, it does not seem to be consistent with the strong emphasis on nature as the source of normativity in Wolff. Characteristically, Schröder says that in Wolff nature as the source of obligation is synonymous with reason as such a source. Logically, this implies that one could just as well take the standpoint of the present thesis, that nature is the source of obligation and reason is conceived of as a reflection of this basis of normativity.

¹⁵⁴ DE § 23.

¹⁵⁵ DE § 24.

¹⁵⁶ Therefore, Joesten is also correct when she speaks of the doublesided character of obligation, i.e. obligatio passiva and obligatio activa. Nature is the source of the passive obligation, disposing the human to do the good. Reason is the source of the active obligation, making the obligation of nature a moral law (1931, 22ff.).

¹⁵⁷ DE §§ 6f.

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could be called law of reason, so it may be called the law of conscience.

Da nun das Gesetze der Natur gleichfalls erfordert dasjenige zu thun, was uns und unseren Zustand vollkommener machet; so verbindet uns unser Gewissen, unsere Handlungen nach dem Gesetze der Natur einzurichten. Und daher können wir auch das Gesetze der Natur ein Gesetze des Gewissens nennen. Weil nun aber das Gewissen aus der Vernunfft entspringet; so ist dieses Gesetze des Gewissens, folgends auch das Gesetze der Natur, dasjenige, was uns unsere Vernunfft lehret. Und daher wird auch das Gesetze der Natur die Aussage der Vernunfft genennet.¹⁵⁸

And as the insight of reason implied the motivation of the will, so does the conscience. This is due to the conscience giving either pleasure, when one does good, or displeasure, when one acts badly.¹⁵⁹

4.3 Conclusion

Along with Melanchthon, Wolff represents an understanding of a unity of nature and reason. In Wolff the notion of the normativity of nature is quite apparent. Wolff argues that nature serves as the basis of obligation for the human being. Nature obliges the human being to further completion of his or her condition. The fundamental rule of action in Wolff obliges the human being to act accordingly. In this sense nature is the basis of normativity in Wolff, why he is also to be seen as a proponent of a naturalistic justification of normativity. This understanding of nature as the source of normativity holds significant resemblances to the naturalism in e.g. Rolston and Callicott. However, Wolff's understanding of nature raises some problems with regard to the freedom of the human being. According to Wolff, he does not reject the freedom of the individual. Therefore, he also argues for the importance of reason in the perception of natural law. Consequently, Wolff may be said to endorse a concept of passive obligation on the basis of his notion of nature and an active understanding of obligation in the light of reason. Even if Wolff apparently does save himself from a deterministic understanding of moral life, he does maintain an understanding which would be critically evaluated in the light of both Hume's and Moore's theories.

¹⁵⁸ DE § 137.

¹⁵⁹ DE § 136.

Part II.II

Reason as the Source of Normativity

Whereas Part II.I demonstrated the similarity in two theories of natural law in the naturalist grounding of normativity, the present part focuses on two theories where the concept of reason is in focus. It appears that both Martin Luther (Chapter 5) and Immanuel Kant (Chapter 6) argues in favor of natural law theories where nature is not considered as the basis of normativity. Rather, reason holds an essential role.

Chapter 5

Reason and Divine Will

The Reformation is often understood as a decisive factor in the formation of the early modernity.¹⁶⁰ The so-called individualism and rejection of an ecclesiastical authority paved the way for the understanding of the individual which is characteristic of modernity, it is claimed. Even if this may hold some truth, several notions in Luther demonstrate the necessity of understanding him on the background of mediaeval thought rather than in the light of modernity. One such concept is his understanding of natural law. In this notion it is apparent that individualistic traits in Luther are identifiable, but that the proper understanding necessitates an awareness of the possibility of a temporal reading of his thought. The following exposition of Luther's thought will attempt to delineate the course between the Scylla of a modernistic reading and the Charybdis of a mediaeval confinement of his understanding of natural law. This reading is intended to demonstrate how Luther in his understanding of natural law can be conceived of as prerunner of the separation between the realm of nature and the realm of morals, that is characteristic of the Enlightenment.¹⁶¹ It is, however, also intended to demonstrate the relevance of Luther's insights in a rectification of a rigid modern understanding of nature, where morality is conceived of as a distinctly different realm.¹⁶²

¹⁶⁰ By early modernity I refer to the understanding of natural law that we find in thinkers of the seventeenth century, such as Hugo Grotius, Johannes Althusius, Thomas Hobbes, John Selden, Jean Barbeyrac, Samuel von Pufendorf and Christian Thomasius. Cf. Haakonssen 1999 for an excellent collection of articles dealing with some of these thinkers. Albeit essential differences among these thinkers, there are similar traits which justify an understanding of their thought as marking the transition to the natural law thought of the late eighteenth century. The leading example of the latter being Immanuel Kant, of course.

¹⁶¹ As we shall see in the following chapter, Kant may be read as an advocate of such a separation. However, as will also be demonstrated, such an interpretation of Kant does not stand alone.

¹⁶² When dealing with Luther's natural law thought, one has to face the challenge of his widespread remarks on this notion. Luther has not written a treatise dealing with natural law as a specific issue. Most of Luther's references to natural law are in his ethical writings. These writings, however, are often occasioned by particular circumstances. As Luther's primary aim is to deal with these conditions, natural law is only referred to as part of the discussion. Therefore, Luther's discussion on natural law often has the character of an *ad hoc* reflection. However, this does not mean that natural law was not important to him. Rather, as his

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The venturing of this course will highlight the understanding of a relation between nature where God is present in nature and yet nature is marked by the Fall. Even if the order creation is permeated by the presence of God, the nature of the human being (which is part of the order of creation) is still conceived of as depraved. Therefore, as human nature is marked by the Fall, reason is the seat of natural law. Consequently, the leading notions to be analyzed in this chapter are the order of creation, the relation between nature and morality and reason as the basis of morality.

5.1 The Order of Creation as the Basis of the Moral Order

Even if the dominant trait in Luther points to a rejection of an objective order as the basis of natural law, this does not imply the disposal of the order of creation as highly important to Luther's concept of normativity. Therefore, the necessity of an analysis of this notion is inevitable. In the following, an account will be given of the doctrine of creation, how nature is conceived of as the basis of the moral order, and how nature is still thought of as devoid of morality.

primary aim in these writings was not a theoretical discussion, but a guidance on concrete issues, natural law seems to have been understood as a notion, which he could take for granted. In the following, the focus, therefore, is on his ethical writings, even if there will be references to other writings as well. Among the works dealing with Luther's understanding of natural law the debate between Troeltsch (1912) and Holl (1932) marks a classical reference. Whereas Troeltsch argued that Luther distinguished between a relative and an absolute natural law, finding the former in the Decalogue and the latter in the Sermon on the mount (532ff.), Holl argued that Luther's natural law was to be seen as a prescriptive rule of conscience understood in the light of Christian love (243). In Althaus (1965) it was argued that natural law was to be understood as a law of reason. As such there was no distinction between the demands of the natural and Christian law. However, the Christian is moved by the love of Christ and does more than the natural law demands. Therefore, Luther says that the Christian is willing to suffer for the sake of his neighbour (39ff.). In Olsson's comprehensive study on creation, reason and law in Luther's theology (1971), it is argued that Luther's understanding of natural law is imbedded in his doctrine of creation. This serves as the basis for the universality of natural law as a law of reason. For the Christian, however, faith implies a new relation to the demands of natural law. It is only as a Christian that one can have a relation to natural law as the loving care and will of God (512). Recently, Raunio (1998) has criticized some of the attempt for undertaking a dualistic reading of Luther. According to Raunio, Luther's natural law is to be seen in the light of the order of nature as an order of Divine love. Natural law is to be seen as the law of divine nature, or the law of divine love (103). In the following interpretation of Luther, it will be attempted to argue that Luther understands natural law as a law of reason. Natural law is based in man's abilities of practical reasoning. As such it holds validity, even if human nature is considered depraved. For a relatively recent, more comprehensive review than given here, cf. Raunio 1993, 21-56.

5.1.1 The Presence of God in Nature

An actual account of Luther's understanding of creation leads far beyond the present thesis. However, as Luther's understanding of natural law is fundamentally related to his concept of the order of creation, a short introduction of some main themes of this idea must be given.¹⁶³

For Luther the *creatio ex nihilo* is fundamentally related to his understanding of God's relation to creation. It is not merely an expression of a creative act which is temporarily confined. God has not created the world and left, as a carpenter makes a ship and leaves it.¹⁶⁴ Rather, God's creation of the world constitutes his ongoing concern for creation. Creation is continuously maintained. The belief in God as creator, implies for Luther a recognition that God has given and maintains all that is necessary for a good life. This includes God's provision of bodily needs as well as the service of nonhuman nature and political order.

Das meine und gleube ich, das ich Gottes geschepffe bin, das ist, das er mir geben hat und on unterlas erhelt leib, seele und leben, geliedmasse klein und gros, alle synne, vernunft und verstand und so fort an, essen und trincken, kleider, narung, weib und kind, gesind, haus und hoff etc. Dazu alle creatur zu nutz und notdurfft des lebens dienen lesset, Sonne, Mond und sternen am hymel, tag und nacht, lufft, fewer, wasser, erden und was sie tregt und vermag, vogel, visch, thier, getreyde und allerley gewechs, Item was mehr leibliche und zeitliche gu(e)ter sind, gut regiment, fride, sicherheit.¹⁶⁵

Luther is quite comprehensive in his very concrete understanding of God's care for man. Because of his goodness and love for humankind, God protects and gives all that is necessary for man.¹⁶⁶ In this sense, creation is a continuous act of God, i.e. a *creatio continua*.

This understanding of the manifold way in which God sustains creation, is also reflected in Luther's ideas of the three orders, i.e. the church (ecclesia), family (oeconomia), and the State

¹⁶³ Cf. e.g. Löfgren 1960; Olsson 1971, and Link 1991, 27ff. for a more thorough account of Luther's notion of creation than is given here.

¹⁶⁴ WA 46, 558, 20 (Cf. Link 1991, 35). The same metaphor is also used by Melanchthon for a similar argument, cf. 3.1.

¹⁶⁵ WA 30 I, 183f.

¹⁶⁶ WA 30 I, 184, 24ff.

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(*politia*), whereby God sustains and regulates the world.¹⁶⁷ In relation to the last mentioned, Luther can even speak of the political rulers as gods.¹⁶⁸ The political authority is considered as God's instruments, God's *cooperatores*.¹⁶⁹ In this sense, God is considered as present in creation. The ubiquity of God is an essential concern for Luther. Consequently, Luther can also speak of creation as *larvae Dei* or *Gottes Mummerey*.¹⁷⁰ By this notion of instruments and masks whereby God marks his presence in creation, Luther also prevents an identification of God with creation. As creator God is different from creation. But he is present in the sense that he seeks his will to be sustained.¹⁷¹

The notion of God as creator, the continuous creation, and God as present in creation also entails that creation is not separate from the will of God. From the beginning, creation means being in a relation to God, a relation which is determined by law. All of creation stands in this relation of law to God.¹⁷² This applies to nonhuman nature and humans alike. For humans this is apparent in Luther's concept of natural law. Since creation man has had an apprehension of natural law. This is a constitutive part of human nature.¹⁷³ Thus, natural law is part of God's continuous concern for creation, it is part of *creatio continua*. On account of natural law God wants to make his will known to man and regulate moral life. For the Christian, life in accordance with the will

¹⁶⁷ Cf. e.g. Althaus 1965, 43ff.; Brady 1985, 202ff.; Idem 1986, 34ff. and Mühlen 1994, 557ff. for a further discussion on these three orders.

¹⁶⁸ This is done repeatedly in the exegesis of psalm 82 (WA 31 I, 189ff. (e.g. 31 I, 191, 22; 192, 4; 192, 12; 201, 19; 202, 1; 204, 4)).

¹⁶⁹ WA 40 III, 210, 35ff.; 40 III, 214, 20ff.; 40 III, 236, 29ff.

¹⁷⁰ WA 15, 373, 7; 15, 373, 15: "...der welt laufft und sonderlich seyner heyligen wesen sey Gottes mummerey, darunter er sich verbirgt und ynn der welt so wunderlich regirt und rhumort"; 40 I, 174ff.

¹⁷¹ Cf. also Link 1991, 44f.: "Die "Schöpfung aus dem Nichts" findet ihre umfassendste Auslegung in dem Satz, daß Gott selbst ist, der sich uns in der gesamten Schöpfung darbietet (...). Damit ist offenkundig mehr gesagt, als daß das Dasein der geschaffenen Welt auf Gott "zurückgeht". Das Bild nötigt den Gedanken einer Kondeszendenz Gottes ante Christum natur förmlich auf. Als Schöpfung ist die Welt keine "neutrale" Wirklichkeit; sie ist von der Gegenwart Gottes bis in das "geringste Baumblatt" hinein buchstäblich durchdrungen (...) und verdankt ihren Bestand, ihre Ordnung und ihre verlässliche Dauer allein dieser ihr geradezu immanenten Präsenz."

¹⁷² Cf. Olsson 1971, 19.

¹⁷³ WA 16, 447, 35ff.; 18, 80, 35ff.

of God is considered a proper response to God's infinite care and provision.¹⁷⁴ Therefore, the notion of creation is closely related to Luther's understanding of moral normativity. This relation is the concern of the following paragraph.

5.1.2 Nature as the Basis of the Moral Order

The notion of God's presence in nature is also apparent in a moral sense. Nature is not conceived of as a sphere which is separate from the moral realm. This is apparent in both Luther's understanding of nonhuman nature and his conception of the basis of natural law in the nature of man.

With regard to nonhuman nature, Luther apparently understands the golden rule as manifest in nature. This is clear from a passage, where Luther speaks of animals living in accordance with the golden rule:

Another resemblance: wild and irrational animals acknowledge this law. When a pig is being slaughtered or captured, other pigs, having seen this, will run around and grunt, as if they had compassion. Likewise chicken, geese and other wild animals, when they see that one of them suffers, they naturally are hurt and sad, and if possible they will help.¹⁷⁵

In this quotation it is demonstrated how Luther sees the golden rule as expressed in the behavior among wild animals. In the relation to fellow creatures, animals are capable of setting themselves in the place of one another and feel compassion. It appears that Luther understands nature as an order of love, which nonhuman nature also takes part in. In the words of Raunio: "Die gottgewollte Ordnung der Wirklichkeit besteht nach Luther darin, daß alle Kreature einander dienen und gute Werke tun. Die Ordnung der Natur folgt für ihn nicht dem augustinischen *ordo*-Gedanken, sondern sie ist von der *agape* geprägt. Sie beruht nämlich nicht darauf, daß sie das

¹⁷⁴ WA 30 I, 184, 34ff.: "Hieraus wil sich nu selbs schliessen und folgen: weil uns das alles, so wir vermu(e)gen, dazu was ym hymel und erden ist, teglich von Gott gegeben, erhalten und bewaret wird, so sind wir ia schu(e)ldig yhn daru(e)mb on unterlas zulieben, loben und dancken und ku(e)rtzlich yhm gantz und gar damit zudienen, wie er durch die zehen gepot foddert und befohlen hat."

¹⁷⁵ WA 4, 593, 4-8: "Secunda similitudo, quia bestiae et irrationabilia animalia istam legem tuentur. Videmus quando porcus mactatur aut capitur, alii videntes circumstrepunt et grunniunt quasi miserentes, sic gallinae, anseres et in omnibus bestiis quando vident, quod aliud de suo genere necessitatem patitur, naturaliter condolet, tristatur et si potest, adiuvat."

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Gute, das sie bekommen haben, mit den anderen teilen.”¹⁷⁶

In addition to the understanding of the golden rule as a normative rule within creation, Luther also comes close to a normative notion of nature in his account of the basis of natural law. As will be apparent, however, Luther’s argument for the basis of natural law does not take his deliberations on nature as a whole into consideration. When the question on the basis of natural law is raised, it is important to distinguish between (i) deliberations on the observation of natural law and (ii) an actual argument for the existence of natural law.

In the course of the first type of reflections, we find two characteristic considerations. Firstly, Luther refers to the biblical reference to natural law. The most central reference for him is the common place in Romans 2, 14f..¹⁷⁷ The reference to Romans does not, as mentioned, appear as an argument. Rather, Luther speaks straight forward about natural law and then refers to it as the law which Paul speaks of. St. Paul’s mentioning of natural law does not serve as an argument for the existence of it, but rather as an informative elaboration of Luther’s acknowledgment of it. A similar use of references seems to be the case, when Luther points to Christ’s summary of the law in the natural law, i.e. the golden rule, as it is expressed in Matthew 7, 12. “Auch Christus Matth. 7. selbst fasst alle propheten und gesetze ynn dis naturliche gesetze: 'Was yhr wollet, das euch die leutte thun sollen, das thut yhr auch yhnen', Denn das ist das gesetz und die prophete.”¹⁷⁸ Even if this might not be called an argument in the proper sense of the word, as Luther does not refer to the biblical references as a reason for the existence of natural law, the biblical reference must be maintained as important in Luther’s understanding of this notion.

As a somewhat intermediate position between the deliberation on a natural law and a proper argument, Luther can also refer to natural law as a phenomena which can be discerned in relation to preaching and which man may discover on his own. If natural law was not engraved in the heart of man, one could teach and preach the law without man being moved by it.

¹⁷⁶ Raunio 1993, 130. Cf. idem, 129ff. for a more comprehensive account of Luther’s understanding of the golden rule as a law of nature.

¹⁷⁷ WA 16, 431, 28: Was nu Moses geschrieven hat ynn den Zehen gepoten, das fülen wir natürlich ynn unserm gewissen Röm 2; 18, 80, 28: Also ist das auch nicht alleyn Mose gesetz, Du sollt nicht morden, ehebrechen, stelen sondern auch das natürlich gesetze ynn ydermans hertze geschrieven, wie Paulus Ro. 2. leret; 24, 9, 24; 39I, 539, 7; 42, 374, 11ff.

¹⁷⁸ WA 18, 80, 30ff.

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Furthermore, man may also discover natural law on account of his awareness of a conscience. Man feels what is right and wrong, even if the Devil has darkened his apprehension of the law.¹⁷⁹ Even if Luther here does not give an argument for the existence of natural law, he does argue that it is there. Even if it still lacks the premisses of an argument, this reflection leads him closer. Luther still has not answered the question, why is there a natural law?

A genuine argument for natural law, however, is to be found in Luther's understanding of creation. Luther speaks of natural law as implanted in man or written in the mind of man.¹⁸⁰ Important in this argument is the emphasis on the will of God. For Luther it is important to stress the freedom of God. God is not confined within limits of an order of nature. Nor is natural law a mere expression of a structure of being.¹⁸¹ Rather, natural law is to be understood as a moral norm that has a continuous source in the will of God. Natural law is dependent upon and determined by the will of God.¹⁸²

However, even if Luther stresses this voluntaristic understanding of the basis of natural

¹⁷⁹ WA 16, 447, 27ff.: "Wenn aber das natu(e)rlich gesetz nicht von Gott ynn das hertz geschrieben und gegen were, so mu(e)ste man lang predigen, ehe die gewissen getroffen wurden (...) Weil es nu zuvor ym hertzen ist, wiewohl tuncel und gantz verplichen, so wird es mit dem wort widder erwecket, das ja das hertz bekennen muss, es sey also wie die gepot lauten ..."; 18, 80, 35ff.: "Sonst, wo es nicht natürlich ym hertzen geschrieben stu(e)nde, mu(e)st man lange gesetz leren und predigen, ehe sich das gewissen an neme. Es muss es auch bey sich selbs also finden fulen, Es wu(o)rde sonst niemand keyn gewissen machen, Wie wol der teuffel die hertzen so verblend und besitzt, das sie solch gesetz nicht allzeyt fulen ..."

¹⁸⁰ WA 16, 447, 27; 17 II, 102, 8; 17 II, 102, 39; 18, 80, 28ff; 24, 6, 14ff; 24, 9, 20ff; 24, 10, 4ff.: Also halt ich nu die gepot, die Moses geben hat, nicht darumb, das sie Moses geboten hat, sondern das sie mir von natur eingepflanzet sind und Moses alhie gleich mit der natur uberein stymmet; 30 I, 192, 19; 39 I, 426, 9ff; 39 I, 454, 4f: Neque tamen Moses autor fuit decalogi. Sed a condito mundo decalogus fuit inscriptus omnium hominum mentibus; 39 I, 478, 16ff.: Decalogus non est Mosi lex, neque primus ipse eam dedit, sed decalogus est totius mundi, inscriptus et insculptus mentibus omnium hominum a condito mundo; 39 I, 539, 7ff.

¹⁸¹ Recently, Raunio has argued that the intention of natural law is that fallen humankind regains participation in the order of Divine love in creation (1998, 103f.). Other researchers, e.g. Bayer, Duchrow, Haikola, and Wingren have also recognized Luther's concept of nature as an order of self-giving love (cf. Raunio 1998, 104). However, this does not mean that Luther thereby sets his voluntaristic understanding aside. Luther does think in categories of order and he does regard these orders as expressions of God's love. But these orders are always thought of as having their basis in the will of God. This doublesidedness also holds for natural law.

¹⁸² Cf. also Olsson 1971, 164f.: "Erstens ist also zu beachten, dass es *Gott* ist, der durch das natürliche Gesetz seine Forderung an den Menschen richtet (...) Dass es sich so verhält, ist ein Ausdruck des Verhältnisses zwischen Gott und dem Menschen, welches durch die Schöpfung gegeben ist, dass nämlich der Mensch als der Erschaffene dem Schöpfer unmöglich entfliehen kann."

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law, this does not imply that natural law is not closely related to the nature of man. For Luther there seems to be an inextricable relation between being human and having a knowledge of natural law. Luther goes so far in his account of this close relation, that it almost brings him in conflict with his voluntaristic understanding. Due to the voluntaristic understanding, the relation between being human and having a knowledge of natural law is not a necessary relation. Rather, it has its basis in the will of God. Having been created, however, Luther almost sees this relation between human nature and natural law as a necessary relation. This is apparent, when he can say that natural law cannot be separated from human nature.¹⁸³ Furthermore, not only human nature apprehends natural law, Luther can even speak of nature as such which teaches natural law, i.e. the golden rule.¹⁸⁴

This point appertains to the concept of the order of creation. As already mentioned, Luther understands God as present in Creation. Creation is conceived of as regulated in accordance with the will of God. Understood in that sense, Creation reflects the Divine will and cannot be conceived of as isolated from natural law.¹⁸⁵ However, this is not as straight forward as it may seem. Luther is somewhat unclear on this question. The question, whether the order of creation is identical to natural law consequently has been answered affirmatively as well as negatively. It appears that the right interpretation implies neither the one nor the other. Natural law is neither identical to the order of creation, nor is it different from it.¹⁸⁶

¹⁸³ WA 16, 447, 35ff.; 18, 80, 35ff.

¹⁸⁴ WA 11, 279, 19f: Denn die natur leret, wie die liebe thut, das ich thun soll, was ich myr wollt gethan haben; 24, 9, 20.

¹⁸⁵ This point is also made by Elert, when he can say that "... Das "natürliche Gesetz" bei Luther is nicht andres als die "Schöpfungsordnung"" (1953, 338).

¹⁸⁶ The ambiguity of Luther on this question has raised an extensive discussion on the relation between the "is" and the "ought" in Luther. Are the actual given orders (i.e. natural and political) considered as normative? Or, is natural law considered as a critical, moral norm present in the rational, reflective human being? Without in any way attempting to give a full account of this discussion, a brief summary seems to be necessary. Several position have argued that natural law for Luther is to be understood in close relation to his notion of the orders of creation. This is the viewpoint in Lau, when he argues that one cannot distinguish sharply between "is" and "ought". Rather, these two aspects are to be seen as included in each other. "Die lex naturae ist nämlich bei Luther weder ein Seinsgesetz noch Inbegriff der seinsollenden Natur des Menschen, sondern ist ein Seinsollen konkreter Lebensordnungen" (1933, 95). Troeltsch (1912, 532ff.), Elert (1953, 336f.) and Heckel (1953, 66) come close to a similar understanding. In a critique of Troeltsch, Holl (1932) argued Troeltsch didn't distinguish sufficiently between the "is" and "ought" of Luther's natural law thought (243). For Holl it was to be perceived as a rule of conscience (246). "... dieses unumstößlich Gegebene meint

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Concluding the question on Luther's understanding of the basis of natural law, it has been demonstrated, how Luther does not reject the notion of an order of nature. However, this order does not serve as the basis of natural law. There are no traits of an idea of a natural order which is an expression of a lawfulness serving as the basis of normativity. When Luther speaks of natural law in relation to man, he refers to an awareness of a moral law which is a constituent part of human nature, even if it is not necessary. There is no necessary relation between human nature and natural law.

5.1.3 Nature as Devoid of Morality

Although Luther can speak of the presence of God in nature and one can find notions in Luther's understanding of nature which can support the understanding that nature is the bearer of an inherent moral normativity, it is equally important to point to an apparently totally opposite conception. Due to this other comprehension, nature is fundamentally marked by the Fall. Nature in the post lapsarian state appears to be devoid of morality. Even if this may also be demonstrated with respect to nonhuman nature, the present account focuses on human nature, as this is the concern of Luther, when he speaks of natural law.

Luther's understanding of the depraved human nature is also essential to his political thought. Especially two notions in Luther demonstrate this fact, i.e. his understanding of the two uses of the law and his concept of the necessary power of the political authority. Luther distinguished between the political and theological use of the law.¹⁸⁷ Closely related to this distinction was his understanding of the double concept of justice, the outer, political justice

Luther als solches nicht, wo er von dem natürlichen Gesetz spricht. Vielmehr denkt er an die Regel, nach der es sittlich verwertet und in ein Ganzes des Zusammenlebens eingeordnet werden soll. Er nennt diese das natürliche Gesetz, um damit auszudrücken, daß sie im unmittelbaren Gewissen des Menschen ihren Sitz hat" (246). Müller (1928, 166), Wolf (1962, 196f.) and Welzel (1962, 102) endorsed viewpoints similar to Holl.

As an intermediate standpoint it may be argued that Luther understands natural law neither is identical to the orders of creation nor as an individualized rule of conscience. For Luther it is important that human life takes place within a given setting, whether in relation to nature or in political life. Within this setting, however, it is equally important for him to argue that natural law appears as a law of reason. The human being has a rational recognition of the demands of natural law.

¹⁸⁷ WA 39 I, 441, 2ff.; 39 I, 485, 16ff.; 40 I, 429f.; 40 I, 479f.; 40 I, 485, 23ff.; 40 I, 528, 6ff. The question about the twofold use of the law is extensively discussed in *In epistolam S. Pauli ad Galatas Commentarius* (WA 40 I, 33-688; 40 II, 1-184).

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(coram hominibus), and the inner, spiritual justice (coram Deo).¹⁸⁸ In the political use, the law is conceived as coercing humans to outwardly lawabiding deeds. The law in this sense secured the political justice and is the precondition of social life among humans.¹⁸⁹ In the theological use of the law, it is understood as leading humans to justification by faith. By recognition of their sinfulness and insufficiency with regard to the will of God, humans are led to receive justification as a gift.¹⁹⁰

It should be recognized that there is a double use of the law (...) The first meaning and use of the law is to control the impious. For the Devil rules in all the world and impels men to all kinds of scandalous deeds. Therefore God has instituted magistrates, parents, teachers, laws, prisons and all sorts of civil orders, in order that they at least can bind the hands of the Devil so that he cannot ravage, as he would have done otherwise (...) The other use of the law is theological or spiritual and leads to the increasement of transgressions. It is particularly to be found in the law of Moses, so that sin may appear and grow on account of this use of the law, in particular in conscience. St. Paul speaks magnificently about this in Romans 7. Therefore, the true duty of the law and the first and proper use of the law is to reveal to man his sin, blindness, misery, impiety, ignorance, hate to and contempt for God, death, Hell, judgment and deserved anger from God.¹⁹¹

In both uses of the law, Luther's understanding of the depraved nature of humans are implied. Politically, Luther presupposes an understanding of man as a brute, making the coercive force of

¹⁸⁸ WA 16, 528, 5; 19, 624, 30ff; 39 I, 82, 4ff; 40 I, 40ff; 40 I, 208f; 40 I, 393, 21ff; 40 I, 554, 15ff.

¹⁸⁹ WA 40 I, 487, 30ff; 40 I, 491, 16; 40 I, 491, 27f; 40 I, 528, 6ff; 40 I, 551, 19ff.

¹⁹⁰ WA 40 I, 480, 32ff; 40 I, 485, 27f; 40 I, 487, 32ff; 40 I, 492, 17ff; 40 I, 528, 14ff; 40 I, 551, 22ff

¹⁹¹ WA 40 I, 479f.: "Hic sciendum est duplicem esse legis usum (...) Primus ergo intellectus et usus legum est cohercere impios. Diabolus namque regnat in toto orbe terrarum et impellit homines ad omnia flagitia. Ideo Deus ordinavit Magistratus, Parentes, praeceptores, leges, vincula et omnes ordinationes civiles, ut, si non possint amplius, revinciant saltem diabolo manus, ne pro libidine sua saeviat etc. (...) Alter legis usus est Theologicus seu Spiritualis, qui valet ad augendas transgressiones. Et is maxime quaeritur in lege Mosi, ut per eam crescat et multiplicetur peccatum, praesertim in conscientia. De hoc Paulus magnifice disputat ad Roma. 7. Itaque verum officium et principalis ac proprius usus legis est, quod revelat homini suum peccatum, caecitatem, miseriam, impietatem, ignorantiam, odium, contemptum Dei, mortem, infernum, iudicium et commeritam iram apud Deum."

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law necessary.¹⁹² Theologically, the depraved nature of man makes it impossible for him to live according to the will of God, even if one acknowledges the law, i.e. natural law.

In this understanding of human nature, Luther comes quite close to the later conception of Thomas Hobbes. Hobbes' description of the state of nature as a war of every man against every man has remarkable resemblances to Luther's anthropological presuppositions. Furthermore, just as it is the case in Hobbes, that natural law is not derived from human nature, so it is also the case in Luther. In neither Hobbes nor Luther does man have a social nature which accords with natural law. Natural law has a source outside human nature. In Hobbes it is agreed upon as articles of peace in the state of nature. In Luther it has its source in the will of God.¹⁹³

As an example of Luther's understanding of the depraved nature of the human being, let us consider his notion of the basis of political authority. The political authority is not conceived as being in accordance with human nature.¹⁹⁴ On the contrary, the political authority is necessary in order to keep men from killing each other. Because God wants man to live and dwell on earth, he must institute and maintain the political authority, which is to enforce and preserve political order.

Denn wer wil sich widder die setzen odder ungehorsam sein odder sie verachten, die Gott selbs mit seinem namen nennet und sie Götter heisst und seine ehre an sie henget, das, wer sie veracht, ungehorsam ist odder sich widder sie setzt, der veracht damit und ist ungehorsam und setzt sich zu gleich widder den rechten obersten Gott, der ynn yhn ist und durch sie redet und richtet, Und heisst uhr urteil sein urteil.¹⁹⁵

This forms an important reason for Luther's emphasis on the Divine institution of the political authority. The notion of the Divine institution of the magistrate constitutes an absolutely essential

¹⁹² WA 6, 213, 36; 10 III, 381, 27; 11, 251, 8ff.; 16, 507, 22ff.; 16, 522, 24ff.; 30 II, 554, 35ff.: "... wo es [i.e. the political magistrate] nicht were, kundte kein mensch fur dem andern bleiben, Es muste einer den andern fressen, wie die unvernunfftigen thier untemander thun (...) als ist des weltlichen regiments werck und ehre, das es aus wilden thieren menschen macht und menschen erhellt, das sie nicht wilde thiere werden"; 51, 214, 30f.

¹⁹³ Cf. Nissen 1996, 63ff. for a more detailed comparison of Luther and Hobbes with regard to their anthropological concetion and understanding of the basis of natural law.

¹⁹⁴ WA 11, 251, 12ff.; 30 II, 555, 19ff.

¹⁹⁵ WA 31 I, 192, 25ff.

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basis of Luther's political thought. As this is not our concern in the present thesis, we will confine ourselves to some short remarks. As Luther emphasizes God's will in his understanding of natural law, so he stresses the will of God as the basis of political authority.¹⁹⁶ This is conceived of as part of God's *creatio continua*, where God sustains the life among humans by keeping social and political order. Therefore, Luther can also argue that any active rebellion against the political authority is the Devil's work.¹⁹⁷ Consequently, Luther understands both natural law and the political authority as based on the will of God and important parts of God's sustaining of creation. For both it is also apparent that their source is the Divine will, rather than the nature of human beings.

The political authority is absolutely necessary, but cannot be derived from human nature. Natural man (i.e. the non-Christian) is so marked by sin and evil that social coexistence is impossible.¹⁹⁸ Even if it was attempted, nobody would be without fear. Therefore, man must be tied like a brute, if the world is not to be left desolate. Consequently, for natural man God has "... den selben ausser dem Christlichen stand unnd Gottis reich eyn ander regiment verschafft unnd sie unter das schwerd geworffen, das, ob sie gleych gerne wollten, doch nicht thun kunden yhr bossheyt. und ob sie es thun, das sie es doch nit on furcht noch mit friede unnd glück thun mügen: gleych wie man eyn wild bösse thier mit keten und banden fasset, das es nit beyssen noch reysen kan noach seyner artt, wie wol es gerne wollt (...) Denn wo das nicht were, Syntemal alle welt böse und unter tausent kaum eyn recht Christ ist, würde eyns das ander fressen, das niemand kund weyb und kind zihen, wich neeren und Gotte dienen, damit die welt wüste würde."¹⁹⁹

The function of political authority, therefore, is to protect against chaotic conditions.²⁰⁰ In a concise passage from *Eine Predigt, dass man Kinder zu Schulen halten solle*²⁰¹, we find

¹⁹⁶ WA 11, 247, 21: Auff's erst müssen wir das weltlich recht und schwerd wol gründen, das nicht yemand dran zweyffel, es sey von Gottis willen und ordnung ynn der welt; 19, 625, 20ff.; 19, 629, 22ff.; 30 II, 554, 36; 31 I, 192, 1ff.: Weil es nu nicht aus menschlichem willen odder für nemen kompt, Sondern Gott selbs alle oberkeit setzet und erhelt

¹⁹⁷ WA 18, 307, 20ff.; 31 I, 192, 10

¹⁹⁸ WA 10 III, 381, 19ff.; 11, 251, 4ff.; 16, 507ff.; 16, 525, 6ff.; 16, 527, 33ff.; 40 III, 268, 17ff.

¹⁹⁹ WA 11, 251, 4ff.

²⁰⁰ WA 10 III, 381, 19ff.; 11, 251, 12ff.; 16, 488, 19; 18, 390, 36ff.; 24, 73, 28; 30 II, 554, 35ff.; 40 III, 210, 38f.

²⁰¹ WA 30 II, 517ff.

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several of these ideas concentrated. Here, Luther speaks of the Divine institution of the political authority in order to prevent the possible consequences of man's natural behavior as a wild animal.

Aber das weltlich regiment erhelt zeitlichen und vergenglichen frieden, recht und leben. Aber dennoch ists eine herrliche Göttliche ordnung und eine treffliche gabe Gottes, der es auch gestiftet und eingesetzt hat und auch wil erhalten haben, als des man aller ding nicht emperen kan, Und wo es nicht were, kundte kein mensch fur dem andern bleiben, Es muste einer den andern fressen, wie die unvernunfftigen thier unternander thun, Darumb gleich wie des predig ampts werck und ehre ist, das es aus sundern eitel heiligen, aus todten lebendige, aus verdampften seligen, aus teuffels dienern Gottes kinder macht, Also ist des weltlichen regiments werck und ehre, das es aus wilden thieren menschen macht und menschen erhelt, das sie nicht wilde thiere werden. Es erhelt einem iglichen seinen leib, das den nicht jederman erwurgen musse, schenden müsse, Es erhelt iglichem sein kind, tochter und son, das ihm das selbige nicht iederman entfuren noch entwenden müsse, Es erhelt iglichem sein haus und hoff, das nicht ein iderman hinein brechen noch drinnen freveln müsse, Es erhelt iglichem sein acker, vihe und allerley güter, das die selbigen nicht ein iderman angreifen, stelen, rauben, beschedigen müsse, Welchs alles unter den thieren nicht ist, Und wurde auch unter den menschen nicht sein, wo weltlich regiment nicht were, sondern wurden gewislich aus menschen eitel thiere werden.²⁰²

Summarizing the above, we have seen that Luther has a somewhat doublesided understanding of the relation between nature and natural law. On the one hand he comes very close to arguing for a realist understanding, when he speaks of the moral normativity as present in nature. On the other hand, he keeps maintaining the necessity of the will of God, demonstrating that the basis is rather to be conceived of in voluntaristic terms. This latter aspect also seems to be more in line with his anthropological ideas, where he endorses a view on human nature where it is seen as a brute. So even if there are traits pointing in the opposite direction, the main trend in Luther is his understanding of natural law as not being based in his concept of nature. This of course leads us to an enquiry, as to where Luther then finds the basis of natural law, a question leading us to look into his understanding of the role of reason, to which we now turn.

²⁰² WA 30 II, 554, 33ff.

5.2 Reason as the Basis of Morality

Having seen how Luther's understanding of natural law as not being based in nature, we now have to raise the question of the relation between natural law and reason. How does Luther understand reason with respect to the basis of natural law? This question will be dealt with by giving an account of, firstly, his understanding of natural law as a law of reason and, secondly, the character of the depravity of human nature.

5.2.1 Natural Law as a Law of Reason

When Luther speaks of the place of the apprehension of natural law, he refers to several places. In some passages he refers to the heart as its seat²⁰³, whereas in others he puts more emphasis on the conscience as the place where natural law is recognized.²⁰⁴ Even if Luther does acknowledge these other places, this does not mean that he discards of the traditional understanding of natural law as based in reason. Cf. also Althaus: "Das natürliche Recht ist dem Menschen "eingepflanzt", nämlich der menschlichen Vernunft. Insofern ist es Vernunftrecht - die Vernunft weiss darum. Aber es stammt von Gott, der die Vernunft gegeben und das natürliche Gesetz ihr eingeschrieben hat."²⁰⁵

²⁰³ WA 16, 431, 28ff.; 16, 447, 26ff.; 17 II, 102, 4ff.; 30 I, 192, 19; 39 I, 426, 9ff.; 39 I, 455, 15ff.

²⁰⁴ WA 16, 431, 29; 17 II, 103, 1ff.: "Wie wird dyrs nu(o) für Gott gehen, wenn du nicht liebste deynen nehisten? Da wird dich deyn eygen gewissen verdamnen, das solch gepott inn sich beschrieben sind, und das gantz leben als eyn exempel wird wider dich zeugen, das du nicht auch also than hast dem andern, wie dich deyn eygen leben so krefftig gelert hatt ..."

²⁰⁵ Althaus 1965, 32. Reason as the basis of natural law has often been repeated, cf. e.g. Haikola 1967, 67ff. and Olsson 1971, 504ff.. One important discussion, however, is how this understanding of reason relates to Luther's understanding of love as the principle of Christian ethics. The classical discussion in this respect is the discussion between Troeltsch and Holl. Troeltsch 1912, 532 claimed that the basis in reason was Luther's only way of maintaining a concept of natural law, why Luther had to separate it from the Biblical ethics of love. In contrast to this interpretation, Holl 1932, 247 argued that Luther had understood natural law in the light of the Christian concept of love. For Luther the commandment of charity was the basis of his understanding of natural law as a law of reason. More recently, Raunio 1998 has given an interpretation which has some similarity to Holl's understanding. According to Raunio the previous interpretations of Luther's understanding of natural law often read Luther in dualistic categories, separating the Divine and the human. Furthermore, this understanding has implied a distinction between "is" and "ought" and the rejection of any objective structure of being upon which natural law is grounded (97f.). Raunio wants to correct this understanding by demonstrating how natural law is to be understood as participation in the divine order of love, constituted in creation. "To my knowledge, no one has recognized that natural law, that is, the Golden Rule, is from the beginning for Luther the law of divine nature, or the law of divine love. The Reformer calls

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Denn niemand ist, der nicht fulet und bekennen müsse, das es recht und war sey, da das natürlich gesetz spricht: Was du dyr gethan und gelassen wilt haben, das thü und las auch eyndern, das liecht lebet, und leucht ynn aller menschen vernunfft.²⁰⁶

For Luther, the emphasis on reason as the basis of natural law holds significant implications with respect to the moral sufficiency of natural law. It is the endorsement of reason as the primary basis of natural law which enables Luther to argue that natural law holds universal and political applicability.

Luther by no means understands natural law as confined to a select people. Neither Jews nor Christians have an exclusive understanding of natural law. That other peoples also have an understanding of natural law is often argued by Luther in his reflections on the legitimate political authorities of these peoples. Natural law is taught to them by their own conscience and reason. What this natural law demands is nothing else than the Decalogue. An important reference for Luther in this respect is Romans 1 and 2.²⁰⁷

Das aber wir Heyden ein gesetz haben, das leret uns unser eygen gewissen und vernunfft, wie auch Sant Paulus zun Römern am Ersten spricht (...) Derhalben

it the law of pure and uncontaminated nature, which is identical to love (...) We have largely forgotten or failed to take into consideration adequately that for Luther the whole creation is an “order of love.” In this order nothing exists for itself but all things exist for others. The sun shines, water flows, and trees produce fruit for others and not for themselves. Nature follows this law, and the aim of natural law is that falle humankind, too, regains participation in this order of creation.” (103f.). In spite of my high regards of Raunio’s work, I must admit some problems in following him in this interpretation. Two problems appear to be the most decisive. Firstly, methodologically Raunio’s references are limited to very early works of Luther. This does not appear to be an understanding which is shared by a more mature Luther. Secondly, theologically this understanding would imply serious problems with regard to Luther’s later understanding of natural law. If natural law is considered common to all mankind, what are the soteriological implications of Raunio’s interpretation? It appears to me, that Raunio’s interpretation will have difficulties in incorporating fundamental themes of the two uses of the law and the two kingdoms doctrine. If the common natural law is considered participation in divine nature, as Raunio claims, what is the relevance of faith? Of course, Raunio gives an answer to some of these objections, claiming that man in faith receives the Divine love and participates in the divine attributes. Only hereby is the loving application of natural law possible (113ff.). However, this does not resolve a certain uneasiness concerning the underlying interpretation of natural law. How is the relation between natural law as such which is understood as Divine love (in which the whole creation takes part) and natural law in the light of faith (which is understood as the participation in divine attributes) to be understood?. It appears to me that the distinctions are somewhat unclear and may imply serious theological problems.

²⁰⁶ WA 17 II, 102, 8ff.

²⁰⁷ WA 16, 379, 9ff.; 16, 431, 14ff.; 18, 307, 5; 39 I, 540, 2f.

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wenn gleich Mose das gesetz nie geschrieben hette, so haben doch alle menschen das gesetz von natur ynn yhren hertzen geschrieben, Gott aber hat den Jüden auch ein geschriebenes gesetz, das ist die Zehen gepot geben zum Überflus, welche auch nicht anders sind denn das gesetz der natur, das uns natürlich ynns hertz geschrieben ist. Was nu Moses geschrieben hat ynn den Zehen gepoten, das fülen wir natürlich ynn unserm gewissen Röm. 2.²⁰⁸

This implies that natural law has a universal validity. It is not confined to a narrow group to whom the law has been revealed. Therefore, neither the revelation of the Decalogue nor the preaching of the law justifies a restricted endorsement. Natural law is considered universally valid.

This is also apparent in Luther's understanding of the political implications of his natural law thought. According to Luther, the rightful political authority rules according to natural law, which finds its expression in an emphasis on the concept of reason. In *Von der weltlichen obrigkeit*²⁰⁹ this understanding is formulated quite clearly in Luther's reflections on how the political ruler is to act. After having given an account of the necessity and limits of the political authority, in the last part of the writing, Luther turns to the question on the guiding principles of the political ruler. An important concern for Luther is to give guidance to the Christian political ruler, this guidance also reveals important sides to Luther's understanding of the role of reason for the non-Christian ruler. Luther emphasises the necessity of the ruler being wiser than his counsellors. If the ruler does not have a deeper understanding of the law than what can be acquired from books, injustice will prevail. The ruler must be able to go beyond the actual law and by means of reason make a judgment how a law is to be applied.²¹⁰ Reason must guide the use of law. Luther then reflects on several concrete questions and ends his writing by returning to the role of reason in the interpretation of law and justice. In the question of restitution, love and natural law should be the guiding principles. One should not just claim one's right, but should take the particular case into consideration.²¹¹ The right judgment cannot be given on account of books,

²⁰⁸ WA 16, 431, 14ff.

²⁰⁹ WA 11, 229ff.

²¹⁰ WA 11, 272, 13ff.: "Darumb muss eyn fürst das recht ja so fast ynn seyner hand haben als das schwert unnd mitt eygener vernunft messen, wenn unnd wo das recht der strenge nach zu(o) brauchen odder zu(o) lindern sey, Also das allzeyt uber alles recht regiere unnd das uberst recht unnd meyster alles rechten bleybe die vernunft".

²¹¹ WA 11, 278, 27ff.

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but must be derived from love and natural law, of which reason is filled. Concludingly, Luther makes the point that one should never let the positive law make reason a prisoner. Rather, reason should govern and guide the understanding of law.²¹²

From these references to Luther's understanding of the relation between natural law, reason, and the positive law, it is clear how Luther understands the positive law as an expression of natural law, which is known to reason. Therefore, reason must judge according to its understanding of natural law. Consequently, natural law is understood as a law of reason, an evaluative critical norm. This understanding of natural law is also apparent in Luther's understanding of the relation between the biblical law and natural law. Just as the political law is to be in accordance with and evaluated in the light of natural law²¹³, so the normativity of biblical law is determined by its accordance with natural law. The reason for teaching the Decalogue is because it corresponds to natural law.²¹⁴ As such natural law is the critical norm for the Decalogue. It is natural law which determines what should be obligatory.²¹⁵ Therefore, Luther also says that one can construct new and more clear decalogues. "Certainly, we can make new decalogues, just as Paul does in all of the letters, and Peter, but most of all Christ in the Gospels. And these decalogues are clearer than the decalogue of Moses ..." ²¹⁶ Thus, Luther also here sees reason as the basis of natural law. It is on account of a reasonable, critical reflection that one finds the most appropriate expression of natural law. Therefore, former normative summaries, such as the Decalogue, are under a constant critical evaluation. This critical evaluation is undertaken by reason.

This understanding of natural law as a law of moral reasoning and Luther's emphasis on the continuous assessment of positive law and construction of new moral laws is a point where

²¹² WA 11, 280, 16ff.: "Darumb sollt man geschriebene recht unter der vernunfft halthen, darauss sie doch gequollen sind als auss dem rechts brunnen, und nit den brunn an seyne flosslin bynden und die vernunfft mitt buchstaben gefangen furen."

²¹³ WA 11, 279, 24ff.; 11, 280, 12ff.; 17 II, 102, 11; 30 II, 562, 10

²¹⁴ WA 16, 394, 19ff.; 16, 447, 22ff.; 18, 81, 18ff.: "Warumb hellt und leret man denn die zehen gepot? Antwort: Darumb, das die naturlichen gesetze nyrgent so feyn, und ordenlich sind verfasst als ynn Mose, Drumby nympt man billich das exempel von Mose."

²¹⁵ WA 16, 394, 19ff.; 16, 424, 11ff.

²¹⁶ WA 39 I, 47, 27ff.: "Imo novos Decalogus faciemus, sicut Paulus facit per omnes Epistolas, et Petrus, maxime Christus in Euangelio. Et hi Decalogi clariores sunt, quam Mosi Decalogus ..."

it may be argued that Luther represents what one could call theological constructivism. In contrast to philosophical constructivism, a theological constructivism presupposes a given basis of normativity. Theological constructivism continuously constructs moral principles on the basis of this given source of moral normativity.²¹⁷

However, even if Luther seems to emphasize the basis of natural law in reason, he also endorses the darkened understanding of reason. Because of the sinfulness of man, his understanding of natural law can be so blinded that he does not apprehend it properly. This somewhat enigmatic understanding of natural law as having its basis in reason and yet reason as depraved necessitates some further remarks on man's apprehension of natural law and the character of the depravity of man's nature.

5.2.2 The Depravity of Man's Relation to Natural Law

When Luther seems to be able to unite his understanding of natural law as recognizable by reason and yet man's understanding thereof as darkened, the question arises, how Luther understands this depravity. Is it of an epistemological character? Or, should it rather be conceived of in theological terms?

Here, as elsewhere, Luther is not concerned with philosophical questions. Luther is first and foremost a theologian. Therefore, his primary concern is not a theory of knowledge, but rather an account of man's relation to God. Therefore, even when Luther speaks of the majestic dignity of reason²¹⁸ and its abilities in ordering worldly affairs,²¹⁹ this does not mean that he thereby sets aside his understanding of man's distorted relation to God and neighbour. Rather, he maintains the misuse and misunderstanding of natural law as characteristic of all men. This is apparent when he speaks of man's understanding of natural law.

Even if men have a natural apprehension and feeling of natural law, reason is so blinded

²¹⁷ Cf. 14.2 for a further account of a theological qualification of metaethical constructivism.

²¹⁸ WA 39 I, 175, 20: "Nec eam Maiestatem Deus post lapsum Adae ademit rationi, sed potius confirmavit."

²¹⁹ WA 40 I, 293, 28ff.: "Quare naturalia quidem integra sunt, sed quae naturalia? Quod homo in impietate mersus et servus diaboli habet voluntatem, rationem, liberum arbitrium et potestatem aedificandi domum, gerendi magistratum, gubernandi navem, et faciendi alia officia quae homini sunt subiecta, Gen primo. Ea enim non sunt adempta homini, Non est sublata generatio, politia, oeconomia, sed confirmata est his dictis."

and depraved by the Devil that they do not understand this knowledge. If they are reminded by the word of God they intentionally set it aside and ignore it.²²⁰ Therefore, Luther argues, people are totally wrong when they fool themselves by supposing that they understand the commandment of charity. Of course, it is part of their nature, but that does not imply that they really understand it. This is evident from the way they act upon it. If they had understood it properly, they would have preferred the deeds of charity. So unbelievably and infinitely blinded is human reason that it is incapable of judging rightly on the doctrine of faith, life or deeds.²²¹ In other words, Luther acknowledges man's recognition of natural law, but stresses the misuse of it. This misuse is so grave that Luther can even say that man does not have a real understanding of natural law. Man only has understood part of natural law, not the deeper sense of it.

This lack of the deeper sense of natural law relates to fundamental themes within Luther's ethics, of which only a brief account can be given here. For this purpose we focus on a sermon on Romans 13, 8ff. from 1525.²²² The deeper sense of natural law is love. It is this sense of natural law which is ignored, when natural law is only understood in terms of demand. This is due to the depraved nature of man, where the recognition of the law is turned into a carnal prudence, *prudencia carnis*.²²³ The law is not seen as God's loving will for his creation. The goodness of God is not apparent.²²⁴ Any positive law is an expression of natural law and love. When this

²²⁰ WA 40 II, 66, 34ff.: "Tametsi enim omnes homines 'notitiam quandam naturalem habeant, animis ipsorum insitam', qua naturaliter sentiunt alteri faciendum esse, quod quis velit sibi fieri (Quae sententia et similes, quas legem naturae vocamus, sunt fundamentum humani iuris et omnium bonorum operum), tamen adeo corrupta et caeca est vitio diaboli humana ratio, ut illam cognitionem secum natam non intelligat aut, si etiam admonita verbo Dei intelligat, tamen scienter (tanta est potentia Satanae) eam negligat et contemnat."

²²¹ WA 40 II, 71, 32ff.: "Adeo incomprehensibilis et infinita est caecitas humanae rationis, ut non solum de doctrina fidei sed etiam de vita et operibus rite iudicare non possit."

²²² *Am Vierden sontag nach Epiphanie. Epistel S. Pauli zu den Romern ca. xiii* (WA 17 II, 88-104)

²²³ WA 39 I, 82, 15ff.: Natura enim vitio originalis Peccati corrupta et excaecata non potest ultra et supra opera ullam iustificationem imaginari aut concipere; 40 I, 504, 32ff.; 40 II, 71, 22ff.

²²⁴ This is a point which is also emphasized by Olsson 1971, 166: "Durch das natürliche Gesetz hat er zwar Kenntnis davon, dass dies eine Forderung teils im Verhältnis zu Gott, teils im Verhältnis zum Nächsten an ihn richtet. Aber in seiner Verkehrtheit beherrscht ihn die Vorstellung, dass er durch Leistungen vor Gott dessen Wohlgefallen erringen soll, die Einstellung also, dass er sich selber vor Gott behaupten soll." The distinction between the demand of the law and God's will is a fundamental distinction in Olsson's work. Hereby Olsson refers to the unity of the law and gospel before the Fall of man as an expression of Luther's understanding of God's will, whereas man after the Fall only sees God as demanding. (119ff.).

fundamental norm of law is forgotten, the true meaning of law is not applied.²²⁵ Therefore, Luther distinguishes between living according to law and living according to love. Whereas the former only looks at the outward deeds, the latter takes the need of one's neighbour into consideration.²²⁶ This applies to Luther's understanding of the relation to the law and the distinction between (i) the apprehension of natural law and (ii) the life in accordance with the will of God. God's will goes beyond a mere apprehension of the law.²²⁷ The life in accordance with God's will is only possible on the basis of faith. It is only on the basis of faith that one can live the life of pure love, which is the will of God.²²⁸ Therefore, Luther distinguishes sharply between the deeds of law and the deeds of faith. This is a fundamentally important distinction for Luther, which repeatedly can be found repeatedly in his writings.²²⁹ For the person to act in accordance with love, a change in the person has to occur. The person must have been justified by faith. Having been justified by faith, law, however, still remains. But now law can be fulfilled on the basis of love and not on the basis of a demand. Therefore, justification by faith and love to neighbour are intimately related to each other.²³⁰ Luther puts it very precisely: "Also bleybt der glaub der thetter und die liebe bleybt die that."²³¹

These reflections on the relation to the law are explicitly related to natural law. As he argues elsewhere, Luther also here endorses the voluntaristic notion of natural law as engraved

²²⁵ WA 17 II, 91ff.

²²⁶ WA 17 II, 88f.

²²⁷ WA 17 II, 90, 17ff.: "Wer rechte gutte werck du(e)r Gott thun will, der hu(o)te sich du(e)r den gu(e)ttten wercken, die du(o)r der welt gleyssen und da durch die leut meynen frum zu werden. Und wer frum und heylig seyn will, der hute sich fu(e)r der heyligkeit ynn wercken ausser dem glauben."

²²⁸ WA 17 II, 97, 7ff.: "Wie wyr offft gesagt haben, glaub und liebe mus man also scheyden, das der glaub auff die person und die liebe auff die werck gericht sey. Der glaube vertilget die sund und macht die person angenehme und gerecht. Wenn aber die person angemem und gerecht worden ist, so wird yhr der heylige geyst und die liebe geben, das sie guts thut mit lust (...) So vermag die person solche werck on geyst und die liebe nicht."

²²⁹ Cf. e.g. WA 6, 207, 26ff.: "Alszo einn Christen mensch, der in dieser zuvorsicht gegen got lebt, weisz alle ding, vormag alle dingk, vormisset sich aller ding, was zu thun ist, und thuts alles frolich und frey, nit umb vil guter vordinst unnd werck zusamlen, zsondern das yhm eine lust ist got also wolgefallen, und leuterlich umb sunst got dienet, daran benuget, das es got gesellet"; 11, 249, 24ff.; 30 I, 180, 23ff.

²³⁰ WA 17 II, 98, 13ff.: "Ob nu wol der glaube das gesetze nicht fu(o)llet, so hat er doch das, damit es erfu(o)llet wird, denn er erwirbet den geyst und die liebe, damit es erfullet wird. Widderumb, ob die liebe nicht rechtfertiget, so beweysset sie doch das, damit die person rechtfertig ist, nemlich den glauben."

²³¹ WA 17 II, 98, 25.

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on the mind of man and natural law as apparent to every man.²³² However, the depravity of man's nature prevents the true meaning of natural law, i.e. love. Even if every man feels and recognizes natural law and the golden rule, the distorted lust and love prevents its true meaning.

Denn eyn iglicher fulet, das er will geliebt und nicht gehasset seyn, so fulet und sihet er auch, das er eym andern eben dasselb schuldig ist, das heysst aber lieben den andern als sich selbs. Aber die bo(e)se lust und liebe verfinstern solchs liecht und blenden den menschen, das er solch buch ynn seynem hertzen nicht ansihet und solchem hellem gepott der vernunfft nicht folget, darumb mu(e)s man yhm mit eusserlichen gepotten, bu(o)chern, schwerd und gewalt weren und zu ruck treyben, und yhn solchs seynes natu(o)rlichen liechts erynnern und seyn eygen hertz ihm fur die augen stellen. Noch sehen sie solchs liecht nicht, sondern bo(e)se lust und liebe weret, das sie des nicht achten and mu(e)s doch von aussen durch schwerd und gesetz gezwungen, von der that sich enthalten.²³³

This discussion on the relation of man to natural law also relates to the question of the unity of the law in Luther. Is the law to be considered as essentially the same, before and after the Fall? Does Luther make use of two concepts of law? Even if this has often been endorsed, it is important to maintain the unified concept of law in Luther.²³⁴ When Luther distinguished between the situation before and after the Fall, the distinction does not concern the content of the law. The law is essentially the same. However, man's relation to the law differs. Therefore, the difference is to be found in man's relation to the law rather than in the content of the law.

Concluding on the question concerning the character of the depravity of man, it may be argued that the depravity is of a theological character. Man recognizes natural law just as well after the Fall, as he did before. The depravity concerns neither the content of the law nor the

²³² WA 17 II, 102, 4ff.

²³³ WA 17 II, 102, 16ff.

²³⁴ The classical reference is the mentioned idea of Troeltsch that Luther distinguishes between an absolute and a relative natural law (1912, 486ff.). This interpretation has been rejected by e.g. Holl 1932, 481 and Athaus 1965, 37. Olsson refers to this discussion, pointing to problems in the interpretations of Troeltsch as well as Holl. "Im Hinblick auf diese von Troeltsch und Holl berührten Fragen muss vor allen Dingen betont werden, dass es sich nach Luthers Anschauung realiter so verhält, dass das natürliche Gesetz, der Dekalog und die Gebote der Bergpredig (bzw. des Neuen Testaments) an und für sich identisch sind, und mit ein und demselben Begriff erfasst werden, nämlich dem Begriff des Gesetzes" (1971, 168f.). For further discussion on this issue, cf. Lau 1933, 62ff. and Heckel 1953, 88. Furthermore, Raunio's survey (1993, 21ff.) of the interpretations of the relation between natural law and Divine love may also be read as a summary of this discussion.

apprehensive faculties of man. When Luther does admit the blinded apprehension of natural law, he does not so much refer to the lessened recognition of natural law as to man's distorted relation to the same law. This relation can only be rectified on account of justification by faith. Therefore, the depravity is of a theological character rather than epistemological.

5.3 Conclusion

The analysis of Luther's understanding of natural law has demonstrated several points of relevance to the thesis. First of all, it is important to note that he argues in favor of a natural law theory where the focus is on reason, rather than nature. Even if he relates his notion of natural law to his doctrine of creation, this does not imply that he bases natural law in an understanding of an analogy between the natural order and natural law, as we saw it in Melancthon. This seems to be the case, even if there may be points where he appears to endorse nature as the basis of a moral order. In Luther's doctrine of creation, the notion of God's continuous care for creation is an important idea. This implies that his understanding of natural law is also seen in this light. This is part of the reason why he can separate nature and reason as basis of natural law. As human nature is depraved, natural law is based upon the will of God, rather than human nature. The human being's knowledge of natural law is an expression of God's endowment of human beings with the abilities of moral reasoning and the ability to take of the political regime. This endowment is also expressed in terms of God as engraving natural law in the reason of the human being. In this sense, natural law is primarily a law of reason. As a law of reason, this ability also gives the human being the responsibility of continuously evaluating positive laws (whether political or Biblical) and as an ongoing process construct new moral laws. Here Luther appears to advocate a theological constructivism. The determination of the content of natural law is an successive, open endeavour.

Chapter 6

Reason as the Source of Normativity

In the present chapter the primary attention will be given to the moral philosophy of Immanuel Kant.²³⁵ The philosophical works of Kant have had a continuous profound impact. This influence is also apparent in the present thesis, as some of the theories of environmental ethics are inspired by basically Kantian tenets.²³⁶ This impact of Kant is part of the reason for the necessity of a thorough analysis of his thought. Another reason is his actual central significance for the topic of the thesis.

It may be argued that the relation between nature and reason is an absolutely fundamental issue in Kant's moral philosophy. His discussion on this question is closely related to his stance on traditional natural law thought. For the traditional natural law thought a close link between the two was argued, as has been described in the present thesis. For Kant, it seems, the whole concept of morality is determined by the independence of autonomous moral reason from nature. However, Kant also argues for the important relation between the two, albeit on the basis of his critical theory as a whole. As these issues are so closely related to the discourse on natural law thought, the present analysis of Kant's understanding of the relation between nature and reason is also dependent upon recent interpretations of Kant's moral philosophy in the light of natural law

²³⁵ Consequently, focus will be on the moral philosophical treatises. Among these special attention will be given to *Grundlegung zur Metaphysik der Sitten* and *Kritik der praktischen Vernunft*. The complexity of Kant's thought and the extent of secondary literature necessitates such a narrowing of one's field of enquiry. This does not mean that other writings of Kant (particularly other moral philosophical writings) are not taken into consideration, but they are given a lesser priority and figure mainly as perspectives.

²³⁶ Taylor and Sagoff represent the most clear Kantian inspiration. Taylor's theory of respect for nature (cf. Chapter 9) is inspired by Kant's idea of the moral agent's respect for other moral agents as ends in themselves. Sagoff's theory (cf. Chapter 11) emphasizes a notion of moral reasoning which may be seen as basically Kantian. Cf. also Nissen (Forthcoming) for an account of the Kantian influence in Taylor and Sagoff and for a critical discussion on Kant's moral philosophy as the basis of environmental ethics.

thought.²³⁷ This will be demonstrated on the basis of an analysis of two fundamental structures in Kant's moral theory. Firstly, it will be demonstrated how the basis of morality as a fact of reason is an inevitable notion of Kant. The emphasis on this point leads Kant into problems with regard to nature. However, secondly, it can also be demonstrated how Kant incorporates the link between nature and reason in his critical theory. This leads to the concluding aim of the present interpretation of Kant, namely to argue that Kant's understanding of moral reason as natural reason implies a strong affinity to traditional natural law thought leading to the tentative assertion that Kant's moral theory fundamentally is to be understood as a natural law theory.

6.1 Causality and/or Freedom

The question concerning Kant's understanding of the relation between nature and reason is

²³⁷ In the works on Kant's natural law thought, one can broadly distinguish between works of historical and systematic character. Among the works with an historical approach three studies are of particular interest. Dulckeit 1932 discusses the relation between natural law and positive law in Kant. Krieger 1965 gives an account of the crises of natural law. In modern times this is partly due to the notorious dualism in Kant between nature and morality. However, this duality is not absolute in Kant, why Krieger demonstrates how Kant in various ways attempts to overcome this dichotomy by providing the possibility of a unity of nature and morality. Furthermore, it is demonstrated how Kant in his notions of history and politics argue for an actual unity of nature and morality. Schneewind 1993 gives an account of Kant's resemblance to the Grotian modern natural law tradition. At several points do we find a similar interest. So, even if Kant also differs in various ways, it is argued that this tradition provided him with "... the determining problem for practical philosophy" (55).

Among more systematically orientated studies I wish to mention the following: Cohen 1910 demonstrates how the natural law was a fact in Kant's "Rechtslehre". This understanding of natural law is discussed in relation to contemporary representatives of natural law and it is argued that Kant holds a double line of thought. Natural law is at the same time a part of ethics and yet independent thereof (391). Paton 1946, 157ff. explains how Kant's natural law formula of the categorical imperative in several respects brings him close to a traditional understanding of natural law. This is mainly argued by reference to Kant's understanding of nature as a type and symbol of moral law. Hereby, it is claimed that the notion of the natural order is essential to Kant as a symbol of the moral order. Rossvær 1989 refers to Paton's classical work, but criticizes Paton for his thesis of a double requirement for the morality of an action. According to Rossvær, this neglects Kant's emphasis on the unity of the different formulations of the categorical imperative. Rather, one must adopt a double perspective, implying a theoretical and practical aspect on the moral lawgiving. In his inclusion of the theoretical aspect in the practical reason, Kant provides the basis of seeing the moral subject from a new universal perspective, based on the concept of the maxim, constituting the new sense of moral agency. The task of integrating different maxims leads to the assertion of the necessity of finding one's place in nature as a rational being, leading to the natural law formula of the categorical imperative.

Other works of a more indirect concern with natural law (e.g. Schink 1913; Williams 1968; Ilting 1972 and Forschner 1974) could also be mentioned, but if one confines oneself to the works with an explicit interest in this notion, the relevant works are rather few.

connected to fundamental traits of his moral philosophy. The understanding of this relation is maybe the basis of the whole of Kant's critical theory of the possibility of moral norms. The fundamental problem to Kant is the relation between the sensuously perceived nature and the lawfulness of ethics. This problem had become acute for Kant partly because of the influence of the theories of the new science about the mechanical laws of nature,²³⁸ partly because of the influence of the moral philosophical theories of Christian Wolff.²³⁹

In Kant's moral philosophy Wolff is a leading figure of opposition. Wolff's notion of perfection as a basic principle of morality²⁴⁰ forms a position fundamentally at variance with Kant.²⁴¹ For Kant this idea did not leave space for the freedom of the moral agent, which is so essential to Kant's moral philosophy. However, at the same time this raises an essential problem for him. As the human being in one sense is a natural being and yet in another sense a moral being, how do these aspects of the human being relate to each other? How does one maintain both the notion of the action of humans as taking part in a causally determined world and yet claim that the freedom of the moral agent is based upon the independence from natural causality? In other words, Kant came close to a selfcontradiction, which he also acknowledged in his discussion on the third antinomy.

In Kant's *Kritik der reinen Vernunft* it is i.a. argued that reason has an urge for a comprehensive understanding of the totality of the world. Undertaking this endeavour reason ends up in selfcontradictions, i.e. antinomies. The third of these concerns the contrast between freedom and complete determination.²⁴² From one perspective it may be endorsed that the causality of the

²³⁸ Cf. Sullivan 1989, 11

²³⁹ Cf. *Ibid.*, 9

²⁴⁰ Cf. 5.1.2

²⁴¹ According to Beck, some commentators argue for a paradox in Kant's moral philosophy in relation to his stance on the relation between the individual and the law. According to this interpretation, Kant initially argues for the complete subjection of the individual to the law, but later endorses the subordination of the law to the will. It appears, however, that this is not to be seen as a paradox, but rather as an expression of the development in Kant's ethics with relation to rationalism and the later romanticism (1974, 122ff.)

²⁴² KrV, B 472ff.

References are given to volumes and pages of: *Kant's gesammelte Schriften. Herausgegeben von der Königlich Preussischen Akademie der Wissenschaften. Band 1ff. Erste Abtheilung: Werke*, Berlin: Druck und Verlag von Georg Reimer 1910ff. However, as I have also wanted to indicate explicitly, which writing is referred to, this reference is included as the preceding abbreviation. In the case of *Kritik der reinen Vernunft* references are given to the first (A) and second (B) edition.

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laws of nature is not the only causality on account of which the phenomena of the world can be explained.²⁴³ From another perspective everything in the world occurs according to the laws of nature, why there is no freedom.²⁴⁴ The *Thesis* argues for the necessity of an absolute spontaneity of causality. This is the only way to explain the beginning of all causal relations.²⁴⁵ This view provides the basis for an argument for transcendental freedom. Even if this freedom cannot be demonstrated, it still allows for the assumption of new causal relations.²⁴⁶ As moral freedom necessitates freedom from causal determination but also takes place in the world of causal phenomena, the acts of the moral agent also establish the beginning of a causal relation.²⁴⁷ According to the *Antithesis* freedom and the laws of nature are irreconcilable. They express two differing concepts of causality. The spontaneity of causality endorsed in the notion of freedom leads to a negation of the unity of experience as there is no causal relation between objects experienced. Nature is the only basis of consistency and order in the occurrences of the world. Freedom from the laws of nature is not only freedom from coercion, but also from the main thread of all laws. Consequently, nature and freedom differ from one another as lawfulness to lawlessness.²⁴⁸ However, if one takes the course of advocating a transcendental physiocracy (i.e. the omnipotence (Allvermögenheit) of nature) one has to endorse the viewpoint that there has been no absolute beginning of causality. Of course, this idea is incomprehensible, why some degree of transcendental freedom must be endorsed. If so, one ends up with the problem of reconciling this transcendental freedom to the sphere of the phenomenal nature which seems impossible. Consequently, the notion of nature is dissolved.²⁴⁹

These two different understandings of the relation between nature and freedom constitute an issue which Kant repeatedly discusses in his moral philosophy. If nature is causally determined, how do we maintain the freedom of the moral agent? If the freedom of the moral agent is

²⁴³ KrV, B 472.

²⁴⁴ KrV, B 473.

²⁴⁵ KrV, B 474f.

²⁴⁶ KrV, B 476f.

²⁴⁷ KrV, B 478.

²⁴⁸ KrV, B 474f.

²⁴⁹ KrV, B, 477ff.

Cf. e.g. Allison 1990, 11 ff. and Naticchia 1994 for a more detailed discussion on the third antinomy.

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demonstrated, how does this relate to the causally determined nature? Kant gives various answers to these problems. These reflections form the basic theme of the present discussion on Kant. One important key to understand this ambiguity in Kant is the endorsement of a two view doctrine in Kant. When he discusses the relation between the sensuous (physical, phenomenal) and the supersensuous (intelligible, noumenal) world, he is not arguing for two separate worlds but rather describing two different perspectives. The difference is methodical rather than ontological.²⁵⁰

This theme of the third antinomy is an essential part of the present discussion on Kant's moral philosophy. The leading questions are: In what sense is morality based upon reason? What does this entail in relation to physical nature? Is it possible to bring nature and reason close to each other in the basis of morality?

6.2 Reason as the Basis of the Moral Law

In this paragraph it will be attempted to concentrate the attention on reason as the basis of morality. How does Kant argue for this viewpoint? How is morality understood as a law of reason? What is the nature of morality?

6.2.1 Freedom and Autonomy

Already in the preface to *Grundlegung* does Kant distinguish between the laws of nature and the laws of freedom. They are both seen as material knowledge of reason, as they have to do with specific objects and laws, to which they are subject. Thus they are in contrast to the formal knowledge of reason, which concerns itself only with the forms of rationality and reason and the general rules of thought.²⁵¹ Even if they are alike one another in this respect, the laws of nature

²⁵⁰ Cf. Beck 1960, 192f. Cf. also Paton 1946, 266ff. and Sullivan 1989, 279ff. for similar distinctions. One of the more recent discussions on this much discussed concept of two standpoints is in Korsgaard 1996, 200ff.. She seems to be in line with Beck, arguing that there is no real incongruency between the two views. "The two worlds, or the two views of the world we get from the two standpoints, may seem strangely incongruent, but it is important to see that there is no contradiction. The incongruity simply follows from the fact that we stand in two very different relations to our actions: we must try to understand them, but we must also decide which ones to do" (205).

²⁵¹ GMS, IV 387: "Alle Vernunftkenntnis ist entweder *material* und betrachtet irgend ein Objekt; oder *formal* und beschäftigt sich bloß mit der Form des Verstandes und der Vernunft selbst und den allgemeinen Regeln des Denkens überhaupt, ohne Unterschied der Objekte. Die formale Philosophie heißt *Logik*, die materiale aber, welche es mit bestimmten Gegenständen und den Gesetzen zu tun hat, denen sie

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and freedom are fundamentally different. This is i.a. apparent in Kant's explanation of the basis of freedom. Freedom implies both a negative and positive sense.²⁵² The negative sense of freedom is understood as the freedom from nature, the sensuous, and inclination²⁵³, whereas the positive is conceived of as the freedom of determining one's action in accordance with moral reason.²⁵⁴ These two aspects of the notion of freedom are implied in each other and merely explicate a logical relation. To assert the possibility of the freedom of the will, one has to endorse both.

The negative sense of freedom presumes the causality of the physical, phaenomenal nature. As man is a natural as well as an intelligibel being, the negative sense of freedom argues for the possibility of the latter not to be determined by the physical causality. Freedom in this strong, transcendental sense presupposes complete independence from the causal laws of nature.²⁵⁵ In this sense freedom is defined in contrast to nature. The notion of freedom is a pure concept of reason, which therefore is transcendent to the theoretical philosophy, why no examples of experience can be given. Where this notion merely is a regulative principle for the theoretical reason, it demonstrates its reality by practical use of the fundamental practical sentences. This is precisely on account of its being a causality of pure reason, whereby it determines *arbitrium*²⁵⁶ and

unterworfen sind, ist wiederum zwiefach. Denn diese Gesetze sind entweder Gesetze der *Natur* oder der *Freiheit*. Die Wissenschaft von der ersten heißt *Physik*, die der andern ist *Ethik*; jene wird auch Naturlehre, diese Sittenlehre genannt."

²⁵² GMS, IV 446f., 452f; KpV, V 33, 47f.; MS, VI 213f., 226f.

In the references to *Metaphysik der Sitten* I do not use the abbreviations referring to Kant's "Rechtslehre" or "Tugendlehre" (as is often done), but the more inclusive reference to the whole work. This is due to my conviction that these two parts are not to be read independently of one another, even if they should be distinguished.

²⁵³ GMS, IV 452f.; KpV, V 33; 96f.

²⁵⁴ GMS, IV 447f.; 454f; KpV, V 33; 67; 105; 132.

²⁵⁵ KpV, V 29: "Wenn aber auch kein anderer Bestimmungsgrund des Willens für diesen zum Gesetz dienen kann als bloß jene allgemeine gesetzgebende Form: so muß ein solcher Wille als gänzlich unabhängig von dem Naturgesetz der Erscheinungen, nämlich dem Gesetze der Kausalität, beziehungsweise aufeinander gedacht werden. Eine solche Unabhängigkeit aber heißt Freiheit im strengsten, d.i. transszendentalen Verstande. Also ist ein Wille, dem die bloße gesetzgebende Form der Maxime allein zum Gesetze dienen kann, ein freier Wille."

²⁵⁶ The translation of the German *Willkür* with *arbitrium* refers to Paton's terminology, cf. Paton 1946, 213f.

demonstrates pure will, which is the source of all moral terms and laws.²⁵⁷

Precisely because man is both a natural and an intelligible being, freedom takes both aspects into account. When Kant speaks of the positive sense of freedom, he not only takes into consideration the freedom of the will from the subjection to nature, but also the extent to which man subjects his own nature to the intelligible moral law.²⁵⁸ However, this does not imply a lessening of the doublesided character of the relation between nature and the will. Consequently, Kant can also say that the will is subjected to nature and nature to the will. Whereas the former is due to the causality of nature, which sets limits for the free will, the latter is due to the determination of the maxims of the non-empirical, extrasensuous (übersinnlichen) nature of the rational being.²⁵⁹ As the causality of the physical nature belongs to the sensuous world, he can also say that freedom is an idea of reason (Idee der Vernunft) and nature is a concept of rationality (Verstandesbegriff). Whereas the first cannot be proven, the reality of the second can be demonstrated by the examples of experience. But even if this raises a dialectic of reason, as the necessity of nature seems to be in contrast to the freedom of the will, the reality of freedom is undeniable in practical respect as freedom is the possibility reason makes use of in its determination in one's doings. Therefore, it must be presumed that there is no true contradiction between

²⁵⁷ MS, VI 221: "Der Begriff der Freiheit ist ein reiner Vernunftbegriff, der eben darum für die theoretische Philosophie transzendent, d.i. ein solcher ist, dem kein angemessenes Beispiel in irgend einer möglichen Erfahrung gegeben werden kann, welcher also keinen Gegenstand einer uns möglichen theoretischen Erkenntnis ausmacht, und schlechterdings nicht für ein konstitutives, sondern lediglich als regulatives und zwar nur bloß negatives Prinzip der spekulativen Vernunft gelten kann, im praktischen Gebrauche derselben aber sine Realität durch praktische Grundsätze beweist, die, als Gesetze, eine Kausalität der reinen Vernunft, unabhängig von allen empirischen Bedingungen (dem Sinnlichen überhaupt), die Willkür bestimmen und einen reinen Willen in uns beweisen, in welchem die sittlichen Begriffe und Gesetze ihren Ursprung haben."

²⁵⁸ KpV, V 132.

"... a rational being has two standpoints from which to consider himself. From both standpoints he can know the laws (...) of the use of his powers and consequently the laws of all his actions (...) We need only add that it is as belonging to both the sensible and the intelligible worlds that the principles on which as rational beings we should necessarily act appear to us as imperatives on which we ought to act." (Paton 1946, 240)

²⁵⁹ KpV, V 44: "Der Unterschied also zwischen den Gesetzen einer Natur, welcher der Wille unterworfen ist, und einer Natur, die einem Willen (in Ansehung dessen, was Beziehung desselben auf seine freien Handlungen hat) unterworfen ist, beruht darauf, daß bei jener die Objekte Ursachen der Vorstellungen sein müssen, die den Willen bestimmen, bei dieser aber der Wille Ursache von den Objekten sein soll, sodaß die Kausalität derselben ihre Bestimmungsgrund lediglich in reinem Vernunftvermögen liegen hat, welches deshalb auch eine reine praktische Vernunft genannt werden kann."

freedom and the necessity of nature, as neither the concept of nature nor the concept of freedom can be abandoned.²⁶⁰

Just as it must be presumed that there is no real contradiction between freedom and nature, freedom as a characteristic must be presumed for all rational beings. The freedom of the will is a characteristic of practical reason as such. Only a rational being has the ability to act according to the conception of law, i.e. principles, or a will. As reason is demanded in order to deduce action from law, will is nothing but practical reason.²⁶¹ When reason incessantly determines the will, it follows that the objectively necessary acts of such a being are also subjectively necessary. Consequently, the will is the ability only to choose that which reason independently of inclinations recognizes as practically necessary, i.e. good.²⁶² As morality serves as a law to rational beings, it must count for all rational beings, and as it cannot be separated from freedom, freedom of the will must be a characteristic of all rational beings. "... ein jedes Wesen, das nicht anders *als unter der Idee der Freiheit* handeln kann, ist ebendarum in praktischer Rücksicht wirklich frei, d. i. es gelten für dasselbe alle Gesetze, die mit der Freiheit unzertrennlich verbunden sind, ebenso als ob sein Wille, auch an sich selbst und in der theoretischen Philosophie gültig, für frei erklärt würde".²⁶³ As is apparent, a denial of the freedom of the will would also imply a denial of practical reason. However, practical reason cannot be denied, as the moral law is immediately apparent to man and leads to the notion of freedom, as it commands independently of empirical conditions.

Also ist es das moralische Gesetz, dessen wir uns unmittelbar bewußt werden (sobald wir uns Maximen des Willens entwerfen), welches sich uns zuerst darbietet und, indem die Vernunft jenes als einen durch keine sinnliche Bedingung zu überwindenden, ja davon gänzlich unabhängigen Bestimmungsgrund darstellt, gerade auf den Begriff der Freiheit führt. Wie ist aber auch das Bewußtsein jenes moralischen Gesetzes möglich? Wir können uns reiner praktischer Gesetze bewußt werden, ebenso wie wir uns reiner theoretischer Grundsätze bewußt sind, indem wir auf die Notwendigkeit, somit sie uns die Vernunft vorschreibt, und auf Absonderung aller empirischen Bedingungen,

²⁶⁰ GMS, IV 455f.

²⁶¹ Cf. also Beck 1974, 121: "Kant kommt zu dem Ergebnis, daß ein freier Wille, ein moralischer Wille und reine praktische Vernunft dasselbe sind"

²⁶² GMS, IV 412.

²⁶³ GMS, IV 448.

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dazu uns jene hinweist, achthaben. Der Begriff eines reinen Willen entspringt aus den ersteren, wie das Bewußtsein eines reinen Verstandes aus dem letzteren.²⁶⁴

This concept of freedom is the key to the explanation of the autonomy of the will. The will is a kind of causality of living, rational beings and freedom is the characteristic of this causality as it is efficacious independently of any external causes. “Der Wille ist eine Art von Kausalität lebender Wesen, sofern sie vernünftig sind, und Freiheit würde diejenigen Eigenschaft dieser Kausalität sein, da sie unabhängig von fremden sie bestimmenden Ursachen wirkend sein kann; so wie Naturnotwendigkeit die Eigenschaft der Kausalität aller vernunftlosen Wesen, durch den Einfluß fremder Ursachen zur Tätigkeit bestimmt zu werden”.²⁶⁵ The moral law is a law of causality through freedom.²⁶⁶

This causality of freedom is the basis of Kant’s understanding of autonomy. Basically, autonomy is the notion of practical reason as being a moral law to itself. It is the notion of the moral law as the governing principle of practical reason and will of the rational being, the lawgiving form as the determining cause of the will.²⁶⁷ Therefore, the autonomy of the will is also the only principle of the moral law, a principle which consists in its independence from any

²⁶⁴ KpV, V 29f.

²⁶⁵ GMS, IV 446.

²⁶⁶ KpV, VI 47: “Das moralische Gesetz ist in der Tat ein Gesetz der Kausalität durch Freiheit und also der Möglichkeit einer übersinnlichen Natur, sowie das metaphysische Gesetz der Begebenheiten in der Sinnenwelt ein Gesetz der Kausalität der sinnlichen Natur war, und jenes bestimmt also das, was spekulative Philosophie unbestimmt lassen mußte, nämlich das Gesetz für eine Kausalität, deren Begriff in der letzteren nur negativ war, und verschafft diesem also zuerst objektive Realität.”

²⁶⁷ KpV, V 29; 31.

Paton identifies the positive concept of the freedom of the will in Kant with his notion of autonomy. “... if we are to distinguish the laws of freedom from the laws of nature, we can do so only by supposing that the laws of freedom are self-imposed. The spontaneous causal action of a free will must therefore take place in accordance with self-imposed law. But this is just what we mean by “autonomy”; and a free will must be conceived as acting under the principle of autonomy - that is, as capable of acting on maxims which can at the same time be willed as universal laws. Since we have discovered this to be the principle of moral action, we can say that a free will and a will under moral laws are one and the same thing” (1946, 212). Even if plausible at first, this understanding of Kant’s concept of autonomy appears deeply problematic. As Allison points out, this interpretation holds absurd implications, not being able to provide an explanation of the freedom to do evil. Analysing different attempts to avoid this consequence, Allison argues for the necessity of distinguishing between practical freedom and autonomy. By focusing on the concept of rational agency, it is argued that autonomy is understood as a property of the will as a capacity of selfdetermination independently of sensuous needs (1990, 94ff.)

matter.²⁶⁸ On account of this empirical independency, the universality is also endorsed. The autonomy of the will is the nature of the will whereby it is a law to itself, and thereby merge with the universal moral law. “Autonomie des Willens ist die Beschaffenheit des Willens, dadurch derselbe ihm selbst (unabhängig von aller Beschaffenheit der Gegenstände des Willens) ein Gesetz ist. Das Prinzip der Autonomie ist also: nicht anders zu wählen als so, daß die Maximen seiner Wahl in demselben Willen zugleich als allgemeines Gesetz mit begriffen seien”.²⁶⁹ As being a law to itself, the will is defined in formal terms, as the ability of the will to determine itself. It is as such that it is formal as well as universal. This determinative ability of the will is found in all rational being, albeit only there.²⁷⁰ Accordingly, what is good is not determined by its accordance with the moral law, but rather on account of the determination of the will.²⁷¹ The autonomy of the will is the only principle of all moral laws and their proper duties. In the independence of all material of the laws and the determination of the *arbitrium*, the pure common lawgiving form is the only principle of morality.²⁷²

Consequently, Kant praises the good will. There is nothing, which without reservation can be called good, except the good will.²⁷³ However, the good will is not good because of its effect, but only on account of the will in itself. Even under conditions where the will did not have its ability, it would still shine as a jewel that has its whole worth in itself.²⁷⁴ But hereby the will is not determined independently of the moral law. There is a close relation between the moral law and the will. A completely good will stands under objective laws, but is on that account not understood as coerced to lawfull acts. Due to its subjective character the will can only be

²⁶⁸ KpV, V 33; 42.

²⁶⁹ GMS, IV 440.

²⁷⁰ GMS, IV 427.

²⁷¹ GMS, IV 390.

²⁷² KpV, V 33: “Die Autonomie des Willens ist das alleinige Prinzip aller moralischen Gesetze und der ihnen gemäßen Pflichten; alle Heteronomie der Willkür gründet dagegen nicht allein gar keine Verbindlichkeit, sondern ist vielmehr dem Prinzip derselben und der Sittlichkeit des Willens entgegen. In der Unabhängigkeit nämlich von aller Materie des Gesetzes (nämlich einem beehrten Objekte) und zugleich doch Bestimmung der Willkür durch die bloße allgemeine gesetzgebende Form, deren eine Maxime fähig sein muß, besteht das alleinige Prinzip der Sittlichkeit.”

²⁷³ GMS, IV 393: “Es ist überall nichts in der Welt, ja überhaupt auch außer derselben zu denken möglich, was ohne Einschränkung für gut könnte gehalten werden, als allein ein guter Wille.”

²⁷⁴ GMS, IV 394.

determined through the conception of the good. Consequently, there is no imperative for the Divine or holy will. The demand is here in the wrong place, as the will already necessarily is in accordance with the moral law.²⁷⁵

6.2.2 Morality as a Fact of Reason

As the causality of freedom necessitates the ability of practical reason to be a law to itself, we now turn to the question of Kant's notion of practical reason. Central to our query will be the reflection on the relation between the moral law and practical reason. What does the a priori character of the moral law imply for its relation to practical reason? Is the moral law part of practical reason? Does it constitute practical reason?

Kant's *Grundlegung* takes as basis the common moral knowledge of mankind. Kant's aim in his moral theory is merely to expound the generally accepted principles of morals.²⁷⁶ This generally accepted moral law has an *a priori* basis, i.e. it is not dependent upon any experiential or otherwise empirical conditions. Any attempt to include empirical considerations reduces the moral law to a practical rule, lessening the cause of its obligation (*Verbindlichkeit*)²⁷⁷, opening the possibility of the worst mistakes.²⁷⁸

Jedermann muß eingestehen, daß ein Gesetz, wenn es moralisch d.i. als Grund einer Verbindlichkeit gelten soll, absolute Notwendigkeit bei sich führen müsse (...): daß mithin der Grund der Verbindlichkeit hier nicht in der Natur des Menschen oder den Umständen in der Welt, darin er gesetzt ist, gesucht werden müsse, sondern *a priori* lediglich in Begriffen der reinen Vernunft, und daß jede andere Vorschrift, die sich auf Prinzipien der bloßen Erfahrung gründet, und sogar eine in gewissem Betracht allgemeine Vorschrift, sofern sie sich dem mindesten Teile, vielleicht nur einem Bewegungsgrunde nach, auf empirische Gründe stützt, zwar eine praktische Regel, niemals aber ein moralisches Gesetz heißen kann.²⁷⁹

²⁷⁵ GMS, IV 414; KpV, V 32; 82.

²⁷⁶ GMS, IV 403f.

²⁷⁷ GMS, IV 389; KpV, V 34; 41; 91.

²⁷⁸ MS, VI 215.

²⁷⁹ GMS, IV 389.

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Whereas in natural sciences the *a priori* principles are necessary in order to systematize the physical observations, it is wholly different with the moral law. It is only in so far as it is *a priori* based and seen as necessary that it counts as law. The concepts and judgments concerning the doings of man has nothing to do with morality, if it includes anything from experience.²⁸⁰

This is closely related to his concept of practical reason, which he understands as the ability to determine the will independently of anything empirical. This is on account of the fact of autonomy in the fundamental principles of morality, whereby it determines the will to action. Hereby pure reason demonstrates itself as practical reason.²⁸¹ “... reine, an sich praktische Vernunft ist hier [i.e. in relation to the universal formulation of the categorical imperative as the fundamental law of the pure practical reason] unmittelbar gesetzgebend. Der Wille wird als unabhängig von empirischen Bedingungen, mithin, als reiner Wille, durch die bloße Form des Gesetzes als bestimmt gedacht und dieser Bestimmungsgrund als die oberste Bedingung aller Maximen angesehen”.²⁸² Thus freedom and unconditional practical law are mutually related. This raises, however, the question: What is the epistemological basis of the unconditional practical (unbedingt-Praktischen)? Is it freedom or the practical law? It cannot be freedom as this concept is determined by its relation (albeit negative) to the empirical. Followingly, it is the moral law which is immediately intelligible and leads to the concept of freedom, as it bids us independently of the empirical. The consciousness of the moral law is possible through the awareness of the necessity whereby it prescribes practical reason.²⁸³ It is a requirement of the moral law of reason that it is only related to itself, if it is to be objective and universally valid (allgemein gültig). It is the pure will which is to be determined by the *a priori* moral law, disregarding its causal effects.²⁸⁴ The moral worth of an action, therefore, is not determined by the empirical outcome, but merely by the conception of the law in itself, which is only found in a reasonable being.²⁸⁵

This is further substantiated in Kant’s understanding of the imperative character of the

²⁸⁰ MS, VI 215.

²⁸¹ KpV, V 31; 42.

²⁸² KpV, V 31.

²⁸³ KpV, V 29f.

²⁸⁴ KpV, V 20f.

²⁸⁵ GMS, IV 401.

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moral law. A concise passage in the introduction to *Metaphysik der Sitten* highlights several key terms with relation to the notion of the categorical imperative. The categorical imperative is closely related to Kant's understanding of obligation (*Verbindlichkeit*), as obligation is understood as the necessity of a free action according to the categorical imperative of reason. An imperative in general is understood as a practical rule whereby coincidental acts are made necessary. Thereby an imperative differs from a practical law which can also be of inner necessity to the acting subject (as is the case for holy beings). The categorical imperative, however, is only concentrated on the form of the action. "Der kategorische (unbedingte) Imperativ ist derjenige, welcher nicht etwa mittelbar, durch die Vorstellung eines Zwecks, der durch die Handlung erreicht werden könne, sondern der sie durch die bloße Vorstellung dieser Handlung selbst (ihrer Form), als unmittelbar als objektiv-notwendig denkt und notwendig macht". All other imperatives are technical and thereby conditional. The basis of the categorical imperative lies in its sole relation to freedom as the determination of the arbitrariness (*Willkür*), whereby an intention can be subjected to it.²⁸⁶ Consequently, the imperative is a rule, which is described on the basis of a demand (*ein Sollen*) that is an expression of the objective coercion of the act and which entails that when reason wholly determined will, action inevitably would occur according to this rule.²⁸⁷ The categorical character of the imperative is due to its unconditionality.²⁸⁸ As categorical it is also the real imperative of morality.²⁸⁹

The categorical imperative differs from other products of practical reason. Among imperatives the primary differentiation is with regard to hypothetical imperatives. Where the categorical imperative is unconditional, this is not the case for hypothetical imperatives. These are conditionally determined.²⁹⁰ Furthermore, the categorical imperative is to be distinguished from the maxims. Whereas the categorical imperative is an objective principle, the maxim is a subjective

²⁸⁶ MS, VI 222.

²⁸⁷ KpV, V 20.

²⁸⁸ KpV, V 32.

²⁸⁹ GMS, IV 416.

²⁹⁰ GMS, IV 414ff.; 420f; KpV, V 20.

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principle for the will.²⁹¹ The basis, however, for the maxim of the actions is the moral law.²⁹² As such, the maxim must also be universal, as is the moral law. One must act in such a way that one can will the maxim of one's acts to be a universal law.²⁹³

The unconditionality of the moral law is due to its character as a fact of reason. As a fact of reason the moral law can be found in practical consciousness without sensory experience.²⁹⁴ Kant provides different arguments for the certainty of the moral law. Its fact can be identified on account of the consciousness of this moral law²⁹⁵, the moral law itself²⁹⁶ and as autonomy in the principle of morality.²⁹⁷ As a fact of reason, it bids without taking the inclinations of humans into consideration. It is concerned only with the human as free and having a practical reason.²⁹⁸ However, this is not to be understood in a limited sense, as any finite (even infinite) being is included. "Es (i.e. the moral law) schränkt sich also nicht bloß auf Menschen ein, sondern geht auf alle endliche Wesen, die Vernunft und Willen haben, ja schließt sogar das unendliche Wesen, als oberste Intelligenz, mit ein".²⁹⁹ Furthermore, moral law demonstrates its reality in its positive

²⁹¹ GMS, IV 400; MS, VI 225.

²⁹² MS, VI 388ff.

²⁹³ GMS, IV 402.

²⁹⁴ KpV, V 31f.; 42f.

It appears that this understanding implies two different views on the "justification" of the moral law. Whereas the moral law in GMS is deduced from the concept of freedom, Kant in KpV seems to base the notion of freedom in the consciousness of the moral law. This is due to the moral law being "a fact of pure reason" (Paton 1946, 203).

²⁹⁵ KpV, V 31; 42.

²⁹⁶ KpV, V 31; 47.

²⁹⁷ KpV, V 42.

Cf. Beck 1974, 160. However, according to Beck, Kant is not sufficiently clear in his argument. There is no clear distinction between the consciousness of a moral law (where the moral law exists as a fact) and the law itself, of which one can be conscious. In his preference for the latter understanding, Kant seems to be endorsing a circular argument, maintaining this as a fact of pure practical reason (Ibid.). One way of dealing with this tension in Kant is to follow Beck in his argument that the fact of pure practical reason is to be understood as the lawgiving of reason itself. "Da aber das moralische Gesetz - das Faktum für die reine Vernunft - nichts anderes als die Gesetzgebung der Vernunft selbst ausdrückt, spiegelt sich im Faktum für die reine Vernunft nur das Faktum der reinen Vernunft wider. Wenn ein Wesen glaubt, es gebe eine Verpflichtung, so gibt es für dieses Wesen ein gültiges Gesetz. Die metaphysische Deduktion hat gezeigt, welche Gestalt dieses Gesetz haben muß; es ist das Faktum für die reine Vernunft." (Idem, 162f.).

²⁹⁸ MS, VI 216.

²⁹⁹ KpV, V 32.

determination of the negatively thought causality, whereby it gives objective (even if only practical) reality to reason, transforming its transcendental use to an immanent.³⁰⁰

The fact of the moral law also raises the reverence for the moral law. The reverence is only effected through reason. It does not concern the assessment of actions, but only the motivation. The reverence is the incentive of the action.³⁰¹ This is the positive effect of the reverence, whereas the negative is the demarcation of the inclination.³⁰² The only motive for the will is the reverence for the law. Any act of duty must exclude the influence of inclination. Thus objectively is only the law left and subjectively the pure reverence for the practical law. However, the reverence is to be understood as a feeling caused by the concept of reason, not as a received feeling. Thereby the reverence differs from the inclination. The reverence is the immediate determination of the will through the law and the awareness thereof. Consequently the object of the reverence is the law which we necessarily enjoin ourselves.³⁰³ As such, Kant can also speak of the moral law as the incentive of the will.³⁰⁴

The reverence for the moral law is closely related to his emphasis on duty. One is motivated by reverence, but must act according to duty. “Pflicht ist Notwendigkeit einer Handlung aus Achtung fürs Gesetz (...) Nun soll eine Handlung aus Pflicht den Einfluß der Neigung und mit ihr jeden Gegenstand des Willens ganz absondern, also bleibt nichts für den Willen übrig, was ihn bestimmen könne, als objektiv das *Gesetz* und subjektiv *reine Achtung* für dieses praktische Gesetz, mithin die *Maxime*, einem solchen Gesetze, selbst mit Abbruch aller meiner Neigungen, Folge zu leisten”.³⁰⁵ The free subjection of the will under the moral law is the reverence for the

³⁰⁰ KpV, V 48: “Denn das moralische Gesetz beweist seine Realität dadurch auch für die Kritik der spekulativen Vernunft genugtuend, daß es einer bloß negativ gedachten Kausalität, deren Möglichkeit jener unbegreiflich und dennoch sie anzunehmen nötig war, positive Bestimmung, nämlich den begriff einer den Willen unmittelbar (durch die Bedingung einer allgemeinen gesetzlichen Form seiner Maximen) bestimmenden Vernunft hinzufügt und so der Vernunft, die mit ihren Ideen, wenn sie spekulativ verfahren wollte, immer überschwenglich wurde, zum ersten Male objektive, obgleich nur praktische Realität zu geben vermag und ihre transzendentalen Gebrauch in einen immanenten (im Felde der Erfahrung durch Ideen selbst wirkende Ursache zu sein) verwandelt.”

³⁰¹ KpV, V 76.

³⁰² KpV, V 78f.

³⁰³ GMS, IV 400.

³⁰⁴ KpV, V 71f.; 75; 87f.

³⁰⁵ GMS, IV 400.

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law. The act which according to this law is objectively practical is the duty.³⁰⁶ Consequently, Kant also emphasises that the act of reverence for the moral law is an act out of duty (*aus Pflicht*), which is to be distinguished from the act which is merely in accordance with the moral law (*Pflichtmäßig*). In the latter case inclinations can be the determining grounds of the will, whereas in the former the act of duty is determined by the law alone.³⁰⁷ This implies a rejection of benevolence and love as the motive of the moral act. No end can serve as the basis of morality, only the good will.³⁰⁸

In Kant's understanding of the relation between the moral law as a fact of reason and how this raises the reverence for this law and the necessity of the duty to follow the moral law, fundamental notions in his moral philosophy become apparent. On the one hand, he maintains the classical notion of the fundamental connection between reason and the moral law. As we have seen, this is an understanding apparent also in the other representatives of natural law thought. However, in Kant it is stressed that there is no necessary relation between man's recognition of this moral law as a rational being and his action. For a finite being there is no immediate disposition or inclination to act in accordance with the moral law. On the contrary, the practical reason of man is conceived of as coercing the will of man. Practical reason bids the right duties on account of the moral law. When man acts morally right, this is not due to his moral nature, but rather his rational nature.

Now the question arises, of what kind of metaethical position can Kant be seen as representative? Certainly, he cannot be seen as naturalist. This would entail an understanding of the moral nature of man which is not the issue in Kant. In Kant it is not the nature of man which is the basis of morality. Some kind of realism could be endorsed, as the moral law is given. It is not something that is constructed, neither socially nor individually. However, Kant cannot be said to be cognitivist. The aim of his moral theory is not to argue for a moral law that one can recognize. The moral law is not understood as moral norms or entities that one appropriates. Rather, the moral law is understood as formal reasoning. As such Kant comes closer to the

³⁰⁶ KpV, V 80.

³⁰⁷ GMS, IV 397f.; KpV, V 81.

³⁰⁸ GMS, IV 398ff.

The notion of the will marks one of the central issues in Kant's moral philosophy. However, for a more detailed account than is appropriate here, cf. e.g. Paton 1946, 34ff.

constructivist grounding of morality. The universality of the moral law is not determined by its actual norms, but rather on the basis of a common moral reasoning for all rational beings. As such morality is also confined within the limits of practical reason.

6.3 The Teleology of Kant's Moral Philosophy

The preceding section demonstrated how Kant's justification of morality leads to an emphasis on the concept of practical reason. Morality is justified as a law of reason. However, this holds some problematic implications for Kant's moral philosophy, as the relation to the phenomenal world seems to be strongly reduced. This raises the question of the role of nature as a basis of morality. To what extent does Kant include nature in the basis of morality? Does nature hold moral implications or is it excluded from any relation to the moral realm? These are the leading questions in this section, where we will attempt to look into Kant's understanding of teleology in relation to his moral philosophy.³⁰⁹

6.3.1 Nature as the Type of Moral Law

In *Kritik der praktischen Vernunft* Kant treats his understanding of the type of the pure practical power of judgment.³¹⁰ As this section stands out as particularly relevant for the present thesis, we will analyse this argument in more detail. Therefore, the following will focus on this part, including references to other writings of Kant.

³⁰⁹ Even if fundamentally different in their approaches and intentions, some of the leading interpretations of Kant's moral philosophy, arguing for an emphasis on its teleological aspects (although this, of course, is understood in different ways), are: Paton 1946; Williams 1968; Keith Ward 1972 and Auxter 1982. An overview of these interpretations of Kant will not be given here, as references to these works appear in the following.

³¹⁰ KpV, V 67-72.

According to Paton 1946, 160 Kant uses the word "type" in the same meaning as "symbol". When nature is seen as a type of moral law, it is understood as a symbol of the moral law. "The law of nature, as a concept of the understanding, has always a schema or schemata in virtue of which it applies to sensible objects, the schema of causal law in particular being necessary succession in accordance with a rule. The law of freedom, as an Idea of reason, can have no schema whereby we can exhibit objects for it directly in intuition. Kant's suggestion is that we can exhibit objects for it indirectly or symbolically: in virtue of the analogy between the moral law and the law of nature, which share the common form of universality, we can treat events governed by the law of nature as symbols for objects conceived to fall under the law of freedom. If we can this, we use the law of nature as a type of the moral law." (1946, 160). Cf. Paton 1946, 160f. and Beck 1974, 153 for further terminological clarification on the concept of "type".

The notions of good and bad determine an object of the will. However, they are themselves subject to practical reason, which, if it is a pure practical reason, must determine the will a priori with regard to its subject. The practical power of judgment determines the actuality of a possible action in the phenomenal world.³¹¹ However, as a practical rule of pure reason implies the independency of empirical conditions, it seems contradictory to seek a case in the physical world where the idea of the suprasensual notion of the moral good can be applied. This leads the judgment of the pure practical reason into the considerable problem of applying the law of freedom on actions as occurrences in the sensual world.

But with regard to the practical power of judgment it is not the possibility of the action in the physical world which is the issue. This is the concern of the theoretical reason. For the practical power of judgment the question is the scheme of the law.³¹² The determination of the will is related to the law alone, with no other cause of determination.

This is the point where Kant explicitly refers to physical nature as a type of the moral law.³¹³ The natural laws as laws must correspond to a scheme. But the laws of freedom cannot be subjected to any scheme as the basis of its use. Consequently the moral law has no other imparting capability of understanding in relation to the objects of nature than reason. Reason can appropriate the idea of the form of the law of nature as a law which underlies the powers of judgment. This can be called the type of the moral law. As such this form of the law of nature serves as a rule for the powers of judgment.

Die Regel der Urteilskraft unter Gesetzen der reinen praktischen Vernunft ist diese: Frage dich selbst, ob die Handlung, die du vorhast, wenn sie nach einem Gesetze der Natur, von der du selbst ein Teil wärest, geschehen sollte, sie du

³¹¹ KpV, V 67.

³¹² KpV, V 68.

³¹³ As Auxter (1982, 66) points out, both Paton and Beck have discussed the two concepts of nature included in Kant's moral philosophy. According to one understanding, nature is conceived of as determined by causal laws, whereas the other notion of nature would argue for nature as an organic unity of laws and phenomena (cf. Paton 1946, 161ff. and Beck 1974, 154). Paton seems to argue that it is only the second understanding of nature that can serve as a type of the moral law (Paton 1946, 149), whereas Beck also maintains the minor role of the first understanding in this regard (Beck 1974, 154). Auxter, however, argues that "... this order is not necessary to the conception of the morally ideal (ectypal) world and that the mere idea of a teleological order of rational beings is sufficient for the determination of an ectypal world and the functioning of moral judgment (1982, 66).

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wohl als durch deinen Willen möglich ansehen könntest? Nach dieser Regel beurteil in der Tat jedermann Handlungen, ob sie sittlich gut oder böse sind.³¹⁴

When Kant in *Grundlegung zur Metaphysik der Sitten* speaks of the analogy between the laws of nature and the practical formulation of the categorical imperative, he seems to be endorsing a similar argument. He is not claiming any essential identity of the laws of nature and the moral law, but he is drawing out the formal similarity in the concept of lawfulness. Followingly, Kant can say that in one's maxim one is supposed only to adopt such a maxim as could have been a universal natural law.

Weil die Allgemeinheit des Gesetzes, wonach Wirkungen geschehen, dasjenige ausmacht, was eigentlich *Natur* im allgemeinsten Verstande (der Form nach), d.i. das Dasein der Dinge heißt, sofern es nach allgemeinen Gesetzen bestimmt ist, so könnte der allgemeine Imperativ der Pflicht auch so lauten: *handle so, als ob die Maxime deiner Handlung durch deinen Willen zum allgemeinen Naturgesetze werden sollte.*³¹⁵

The natural laws are not the determinative cause of the will, but they serve as a type of the moral law. The form of the natural laws can serve as the test on discerning the morality of a given act. When they are contrary to the form of the natural laws that constitute the natural order, they are morally impossible. This is even apparent to the most common mind, even if he must remember to use the natural laws only as a type of the laws of freedom. Consequently, Kant can summarize his discussion on the nature of the physical world as a type of the intelligible nature of the moral law in the following way:

Es ist also erlaubt, die Natur als Sinnenwelt als Typus einer intelligibelen Natur zu brauchen, solange ich nur nicht die Anschauungen, und was davon abhängig ist, auf diese übertrage, sondern bloß die Form der Gesetzmäßigkeit überhaupt (...) darauf beziehe. Denn Gesetze als solche sind einerlei, sie mögen ihre Bestimmungsgründe hernehmen, woher sie wollen.³¹⁶

³¹⁴ KpV, V 69.

³¹⁵ GMS, IV 421.

³¹⁶ KpV, V 70.

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Moreover, also the will is tested according to this criteria of universality, as the unconditionally good will is simply good, when it can be made a universal law, when it can not contradict itself. As universal law there is an analogy to the laws of the natural world, why the maxims according to this will must be so that it can have itself as well as the universal natural laws as its object.

Weil die Gültigkeit des Willens, als eines allgemeinen Gesetzes für mögliche Handlungen, mit der allgemeinen Verknüpfung des Daseins der Dinge nach allgemeinen Gesetzen, die das Formale der Natur überhaupt ist, Analogie hat, so kann der kategorische Imperativ auch ausgedrückt werden: *Handle nach Maximen, die sich selbst zugleich als allgemeine Naturgesetze zum Gegenstand haben können.*³¹⁷

These arguments of the analogy of the laws of nature and the moral law all have in common that they are ideas of reason. The realms of reason and nature are kept apart, even if these analogical similarities can be demonstrated.³¹⁸ This also applies to a further argument of Kant's, where he argues that the laws of duty among humans constitute a moral, intelligible world by analogy with the physical world³¹⁹ or the lawgiving of the individual reasonable being creates a common realm of similarity to the realm of nature.

³¹⁷ GMS, IV 437.

³¹⁸ However, even if Paton also argues for the necessity of this separation, he does come very close to an interpretation of Kant in light of a perfectionist understanding of nature. This leads him to the endorsement of Kant's appeal to teleological law. "Kant's appeal to a teleological, rather than to a causal, law of nature may at first sight seem arbitrary, but this is far from being the case. When we are asked to conceive a proposed maxim as a law of nature, we must conceive it as a teleological law of nature; for it is a maxim of *action*, and action as such (quite apart from moral considerations) is essentially purposive. Furthermore, we are asked to conceive it primarily as a law of *human* nature, even if we are setting it against the background of nature as a whole; and human nature must be regarded as essentially purposive. All this was apparently so much taken for granted by Kant that he fails to state it explicitly, and so tends to mislead his readers" (1946, 150f.). Even if tempting, this interpretation appears to be reading a notion into Kant, which is not there. Paton even admits this in the quotation. To argue that something is so obvious that it need not be mentioned is a dubious argument. It seems to be more defensible to take the position of Beck, when he argues that it is precisely in this distinction between nature as a type or symbol and yet different from the realm of moral ends that the important difference is seen to the perfectionist confusion of these realms (cf. Beck 1974, 157). Although Kant often makes use of a teleological terminology, it is important to emphasize that this has a hypothetical character.

³¹⁹ MS, VI 449: "Wenn von Pflichtgesetzen (nicht von Naturgesetzen) die Rede ist, und zwar im äußeren Verhältnis der Menschen gegeneinander, so betrachten wir uns in einer moralischen (intelligibelen) Welt, in welcher, nach der Analogie mit der physischen, die Verbindung vernünftiger Wesen (auf Erden) durch Anziehung und Abstoßung bewirkt wird."

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This is clear in relation to Kant's formulation of the practical imperative that one should act in such a way that one always not only uses the humanity in one's own person as well as in another person as means but also as an end in itself.³²⁰ He explains how this principle cannot be deduced from experience.³²¹ This is due, firstly, to its general character as it concerns all rational beings, and, secondly, because this principle of humanity concerns the objective end of humanity rather than the individual ends. This doublesidedness is apparent in the practical lawgiving. The practical lawgiving has an objective character and a common form, which qualifies it as law. Subjectively it expresses the ends of the individual. This individual, however, is a rational being. Consequently, as one of the conditions of the concurrence of the will with the common practical reason, Kant endorses "... die Idee des Willens jedes vernünftigen Wesens als eines allgemein gesetzgebenden Willens".³²² This unity of the individual and the common, objective will is based on the will of the individual as the foundation of the common will. Thereby an essential analogy is formed to the kingdom of ends within ethics, which is also constituted on account of the individual human as an aim in himself. On this basis he must respect another person as being an aim in herself as well. This mutuality constitutes the kingdom of ends within ethics, which has a close analogy to the kingdom of nature.³²³

However, even if these arguments seem to lead to a somewhat harmonious picture of the relation between nature and reason in Kant, it is important to bear in mind that nature and reason are two distinctly different entities. As such Kant admits that they can even be at variance with one another. This is also the background for Kant's emphasis on reason and duty as the basis of morality. One cannot base morality on nature, as nature not only has no direct relation to morality, but even more so, because nature might even contradict morality. Consequently, Kant can also say that duty is selfcoercion for the human being as a rational, free being. But precisely this coercion also implies that the human bids itself in defiance of its natural inclinations. Thus nature presents hindrances for morality, which the human being must overcome in order to comply with the moral law. As the sensuous inclinations of the human being can lead it to ends in contrast to duty, it is

³²⁰ GMS, IV 429.

³²¹ GMS, IV 430f.

³²² GMS, IV 431.

³²³ GMS, IV 432ff.

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necessary for the lawgiving reason to determine a moral end in the opposite direction.³²⁴

Exactly this possible conflict between nature and reason is the basis of Kant's postulate on God's existence, as God must be postulated in order to ensure the happiness that all men strive for. In the ethics a necessary relation between nature and morality is postulated in order to be able to speak of the unity of the wish and the will as the condition of happiness for the reasonable being. This happiness, which in unity with morality is also understood as the highest good, cannot be presumed without postulating the existence of a being which is different from nature and also can be the cause of the harmony between the law for the will of the reasonable being and nature. Such a being is God, why God must be postulated as necessary for morality.³²⁵

Appendix: Nature as a Symbol of Morality

Even if Kant's *Kritik der Urteilskraft*³²⁶ is not included as a central text in the present discussion on Kant, we cannot ignore Kant's reflections on nature as a symbol of morality. However, the following is not a thorough analysis of this notion in Kant, but only included as a perspective on this idea. So even if perspectives to other parts of KU are included, the focus will be on § 59: Von der Schönheit als Symbol der Sittlichkeit.³²⁷

In the last parts of his discussion on the aesthetic powers of judgment Kant reflects on a conception somewhat similar to his understanding of nature as a type of the moral law, i.e. nature as a symbol of morality. This is due to the demand on proof of the reality of concepts. Empirical concepts are demanded examples. If they are pure rational concepts (reine Verstandesbegriffe) they are exacted schemes. Pure concepts of reason (Vernunftbegriffe), however, cannot be demonstrated by means of examples. These are, rather, to be illustrated by symbols that are considered as analogical and concerned with the lawfulness and form of this reflexion, not the exhibition (Anschauung) in itself. Beauty (particularly the beauty of nature) is regarded as such a symbol in relation to moral law. The beautiful can be a symbol of the moral good. Only in this respect "... gefällt es mit einem Anspruche auf jedes andern Beistimmung, wobei sich das Gemüth

³²⁴ MS, VI 380f.

³²⁵ KpV, V 124f.

³²⁶ KU, V 165ff.

³²⁷ KU, V 351ff.

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zugleich einer gewissen Veredlung und Erhebung über die bloße Empfänglichkeit einer Lust durch Sinneindrücke bewußt ist und anderer Wert auch nach einer ähnlichen Maxime ihrer Urtheilskraft schätzt".³²⁸ This is the intelligible towards which the taste reaches, to which the highest conceptive abilities of human beings conform. In this ability the powers of judgment are not subjected to a heteronomy of the laws of experience. Rather, they correspond with something in the subject which refers to neither nature nor freedom and yet is related to freedom in terms of its supersensuous character, whereby the theoretical and practical are united.

Sie [i.e. the powers of judgment] giebt in Ansehung der Gegenstände eines so reinen Wohlgefallens ihr selbst das Gesetz, so wie die Vernunft es in Ansehung des Begehungsvermögens tut; und sieht sich sowohl wegen dieser inneren Möglichkeit im Subjekte, als wegen der äußeren Möglichkeit einer damit übereinstimmenden Natur, auf etwas im Subjekte selbst und außer ihm, was nicht Natur, auch nicht Freiheit, doch aber mit dem Grunde der letzteren, nämlich dem Übersinnlichen, verknüpft ist, bezogen, in welchem das theoretische Vermögen mit dem praktischen auf gemeinschaftliche und unbekannt Art zur Einheit verbunden wird.³²⁹

This unity of the theoretical and practical is the central issue in KU. From the outset of this work, his aim is to argue that the powers of judgment constitute a link between the rationality (Verstand)/abilities of knowledge (Erkenntnisvermögen) and reason (Vernunft)/abilities of desire (Begehungsvermögen).³³⁰ Even if these two distinct realms seem separate from each other, one link between the two might be the notion of causality implied in the concept of freedom.³³¹ This idea necessitates the presumption of the powers of judgment as a conceptual link between these spheres.³³² In § 59 Kant mentions some examples of the mentioned analogy of beauty and morality. Among his examples, two will be mentioned. 1. The freedom of the power of imagination (die Einbildungskraft) is conceived of as uniform with the lawfulness of rationality in the judgment on the beautiful, which can be seen as an analogy to the moral judgment, where the freedom of the

³²⁸ KU, V 353.

³²⁹ KU, V 353.

³³⁰ KU, V 167ff.; 176ff.; 195ff.

³³¹ KU, V 195ff.

³³² KU, V 196.

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will is seen as the consistency of this free will with itself according to laws of reason. 2. The subjective principle of the judgment on the beautiful is seen as universal, i.e. valid for everyone, even if it cannot be presented with commonly known terms. This also holds for morality, where the objective principle of morality is conceived of as universally valid and holds for all subjects and acts of these subjects.³³³ Lastly, Kant mentions some examples of a more common character that also demonstrate this analogy.³³⁴

This notion of the beautiful as a symbol of morality is part of Kant's discussion on the aesthetic powers of judgment.³³⁵ As an aesthetic judgment, Kant argues that the subjectivity is more prevalent³³⁶, than is the case for the teleological judgment. This does not entail, however, that the principle of subjectivity is without objectivity. It is a subjective principle with common validity. This is implied in Kant's understanding of the "Gemeinsinn".³³⁷ In order to be able to communicate the judgment of taste on objects, one has to endorse this "Gemeinsinn". If the perception of objects is to be communicable, the impact of these objects must also be communicable. Without this subjective condition of knowledge, knowledge as an effect can not be communicated. As the feeling that the knowledge of these objects raises, must be one that can be communicated, this necessitates the presumption of the mentioned "Gemeinsinn".³³⁸ However, this "Gemeinsinn" is a presumed principle, why the judgment on taste has a subjective-common character.³³⁹

This doublesidedness also applies to his understanding of the beautiful as a symbol of morality. The power of judgment is not a product of culture, it is not something which has been decided upon conventionally. It has its basis in human nature, in the dispositions for feelings for practical (i.e. moral) ideas.³⁴⁰ In relation to the feeling of desire, an object is either pleasant,

³³³ KU, V 354.

³³⁴ KU, V 354.

³³⁵ Cf. KU, V 192ff. for an account of the difference between the aesthetic and teleological powers of judgment.

³³⁶ KU, V 203f.

³³⁷ KU, V 237f.

³³⁸ KU, V 238f.

³³⁹ KU, V 239f.

³⁴⁰ KU, V 265.

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beautiful, sublime, or good. The beautiful in particular concerns the quality.³⁴¹ The beautiful is that which pleases in the pure judgment, whereby it follows that it must please independently of all interests. As such it is an explanation of the common judgment on subjective grounds. It is subjective as it is due to its empirical character, yet it also supports the end of practical reason. Beauty is purposive with regard to moral feeling.³⁴² Consequently, the direct interest in the beauty of nature is also a characteristic of a morally good person³⁴³, even if this concerns the form of nature. However, when one is pleased by a bird or flower, one is not only interested in the form, but also its being.³⁴⁴ Furthermore, reason is interested in the objective reality of the ideas of nature. Nature must hold a cause of the lawfull consistency between its effects and ours. Consequently, reason cannot think on the beauty of nature without being interested. This interest, however, is basically moral, why such an interest is a reason to presume a morally good attitude in such a person.³⁴⁵ “Dieses Interesse aber ist der Verwandtschaft nach moralisch; und der, welcher es am Schönen der Natur nimmt, kann es nur sofern an demselben nehmen, als er vorher schon sein Interesse am Sittlich-Guten wohlbegründet hat. Wen also die Schönheit der Natur unmittelbar interessiert, bei dem hat man Ursache, wenigstens eine Anlage zu guter moralischen Gesinnung zu vermuten”.³⁴⁶

6.3.2 The Kingdom of Ends

In the discussions on nature as a type on moral law and nature as a symbol on the ethical it is an important issue to protect ethics from a subjectivity, where the moral agent is isolated from a whole. Even if the notion of autonomy Kant’s moral philosophy cannot be abandoned, this does not mean that Kant ignores the importance of the whole, of which the human being is a part. A further area where the understanding of a necessary whole also is apparent is in his understanding

³⁴¹ KU, V 266.

³⁴² KU, V 267.

³⁴³ KU, V 298.

³⁴⁴ KU, V 299.

³⁴⁵ KU, V 300.

³⁴⁶ KU, V 300. For a further discussion on this relation between the aesthetic judgment on beauty and morality, see e.g. Cohen 1982 and Paton 1946, 158ff.

of the kingdom of ends. As an ethical subject the individual takes part in a kingdom of ends, which applies for both the relation between humans and as an analogy on the realm of nature.

In the determination of the relation between the end (Zweck) and duty, it is important that ethics cannot take its starting point in the end, which would entail an empirical basis for ethics. Therefore, ethics must let the concept of duty lead to the end and the end of the maxim must be based on moral principles.³⁴⁷ So even if ethics cannot have its basis in the concept of ends, which would lead to a contradiction in Kant's moral philosophy, Kant still holds the position that any act has an end. This is an act of freedom of the acting subject, it is not a cause of nature. As it is a practical principle, it is a categorical imperative for the pure practical reason.³⁴⁸ Consequently, it is crucial that freedom and duty precede and are the basis of the concept of ends. Ethics gives matter an end for pure reason. This end is an objective, necessary end, which is presented as duty to the human being. As the sensuous inclinations induce to ends which can be at variance with duty, lawgiving reason must determine its own ends in contrast to these ends.³⁴⁹ Thus, ethics can be defined as a system of ends for pure practical reason. So even if ends and duty separate the two parts of the common doctrine of morals they are necessarily tied to each other.³⁵⁰ This definition of the necessary end in any act seems to have a different accentuation from the determination of

³⁴⁷ MS, VI 382ff.

³⁴⁸ MS, VI 384f.: "Zweck ist ein Gegenstand der freien Willkür, dessen Vorstellung diese zu einer Handlung bestimmt (wodurch jener hervorgebracht wird). Eine jede Handlung hat also ihren Zweck, und da niemand einen Zweck haben kann, ohne sich den Gegenstand seiner Willkür selbst zum Zweck zu machen, so ist es ein Akt der Freiheit des handelnden Subjekts, nicht eine Wirkung der Natur, irgend einen Zweck der Handlungen zu haben. Weil aber dieser Akt, der einen Zweck bestimmt, ein praktisches Prinzip ist, welches nicht die Mittel (mithin nicht bedingt), sondern den Zweck selbst (folglich unbedingt) gebietet, so ist es ein kategorischer Imperativ der reinen praktischen Vernunft, mit hin ein solcher, der einen Pflichtbegriff mit dem eines Zweckes überhaupt verbindet."

³⁴⁹ MS, VI 380f.: "Die Ethik dagegen gibt noch eine Materie (einen Gegenstand der freien Willkür), einen Zweck der reinen Vernunft, der zugleich als objektiv-notwendiger Zweck, d.i. für den Menschen als Pflicht vorgestellt wird, an die Hand. - Denn, da die sinnlichen Neigungen zu Zwecken (als der Materie der Willkür) verleiten, die der Pflicht zuwider sein können, so kann die gesetzgebende Vernunft ihrem Einfluß nicht anders wehren, als wiederum durch einen entgegengesetzten moralischen Zweck, der also von der Neigung unabhängig *a priori* gegeben sein muß."

³⁵⁰ MS, VI 381: "Aus diesem Grunde kann die Ethik auch als das System der Zwecke der reinen praktischen Vernunft definiert werden. - Zweck und Pflicht unterscheiden die zwei Abteilungen der allgemeinen Sittenlehre. Daß die Ethik Pflichten enthalte, zu deren Beobachtung man von anderen nicht (physich) gezwungen werden kann, ist bloß die Folge daraus, daß sie eine Lehre der Zwecke ist, weil dazu (sie zu haben) ein Zwang sich selbst widerspricht."

the categorical imperative in *Grundlegung*. The notion of ends in *Grundlegung* has an apparently different function which is much more hypothetical. Thus, the end and the duty do not exclude each other. Even if duty is the fundamental principle, this does not imply the preclusion of the moral relevance of the concept of the ends of acts.

The understanding of the important role of the end is also apparent in Kant's actual mentioning of the kingdom of ends, which constitutes itself in the relation between rational beings.³⁵¹ The notion of a rational being which in all the maxims of its will must perceive of itself as a common lawgiver in order to assess itself and its actions in this perspective, leads to the concept of the kingdom of ends. Kingdom is here understood as the systematic connection between different rational beings on the basis of a common law. The laws determine the ends, why one can imagine a unity of ends. This is based on the notion that every rational being is subject to the moral law and must treat herself and all others not just as means, but also as ends. Hereby a systematic unity of rational beings through common, objective laws (i.e. a kingdom) emerges, which can be called the kingdom of ends.³⁵²

Therefore the reasonable being must always see himself as lawgiving in a kingdom of ends which is possible because of the freedom of the will. Thus, morality is constituted in the relation of all acts to the lawgiving, whereby a kingdom of ends is possible. However, this lawgiving must emerge from the will of any reasonable being, when it acts on the principle not to undertake any

³⁵¹ GMS, IV 433f.

³⁵² Ibid., 433.

Paton argues that the realization of this kingdom of ends is only possible if nature is governed by teleological law and thereby constituted in such a way as to promote the success of moral volition. The effective manifestation of good will requires the cooperation, not only of other rational beings, but the cooperation of nature itself. This is only possible on the basis of the presumption of nature as manifesting a divine purpose (1946, 192). In her relatively recent work, *Creating the Kingdom of Ends*, Korsgaard argues somewhat differently. Focusing on the concepts of reciprocity and responsibility in personal relations, it is argued that the theory of the kingdom of ends can be understood as explaining how this qualified mutuality comes about in the personal and moral relations between rational agents (1996, 188ff.). "On the whole, Kant's view is that we must always hold ourselves responsible, and that we should as far as possible always hold other people responsible. But this is not because people's noumenal freedom is known to us as a theoretical fact. It is because of the respect which the moral law commands us to accord to the humanity in every person. We hold one another responsible because this is essential to our interactions with each other as *persons*; because in this way we together populate a moral world (...) When we enter into relations of reciprocity, and hold one another responsible, we enter together into the standpoint of practical reason, and create a Kingdom of Ends on earth" (212). Thus, Korsgaard's interpretation of Kant is in no need of a teleological concept of nature in order to argue for the possibility of the realization of the kingdom of ends.

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act according to another maxim than that which can be combined with the common law, i.e. only so "daß der Wille durch seine Maxime sich selbst zugleich als allgemein gesetzgebend betrachten könne". Where the maxim is not necessarily consistent with this objective principle for the reasonable being, the practical coercion, duty must be the necessity of the act.³⁵³

If, consequently, there is to be a highest practical principle, it must be such a principle as is consistent with the end of any rational being and so can serve as common practical law. The basis of this principle is that any rational being exists as end in herself. "Der praktische Imperativ wird also folgender sein: *Handle so, daß du die Menschheit, sowohl in deiner Person als in der Person eines jeden anderen, jederzeit zugleich als Zweck, niemals bloß als Mittel brauchst*". However, the notion of being an end in oneself only concerns rational being. These ends are not subjective, but objective ends, why they also give the persons an absolute worth.³⁵⁴ Only rational beings are an end in themselves, in contradistinction to anything else, which alone can be a means.³⁵⁵

... der Mensch und überhaupt jedes vernünftige Wesen *existiert* als Zweck an sich selbst, *nicht bloß als Mittel* zum beliebigen Gebrauche für diesen oder jenen Willen, sondern muß in allen seinen sowohl auf sich selbst als auch auf andere vernünftige Wesen gerichteten Handlungen jederzeit *zugleich als Zweck* betrachtet werden.³⁵⁶

As morality is the condition, according to which a rational being can be an end in itself and consequently only through this be a lawgiving member of the kingdom of ends³⁵⁷, all other beings of nature are merely objects and only have a relative worth.

Die Wesen, deren Dasein zwar nicht auf unserem Willen, sondern der Natur beruht, haben dennoch, wenn sie vernunftlose Wesen sind, nur einen relativen Wert, als Mittel, und heißen daher *Sachen*, dagegen vernünftige Wesen *Personen* genannt werden, weil ihre Natur sie schon als Zwecke an sich selbst,

³⁵³ GMS, IV434.

³⁵⁴ GMS, IV 428f.

³⁵⁵ KpV , V 87.

³⁵⁶ GMS, IV 428.

³⁵⁷ GMS, IV 435.

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d.i. als etwas, das nicht bloß als Mittel gebraucht werden darf, ausgezeichnet, mithin sofern alle Willkür einschränkt (und ein Gegenstand der Achtung ist).³⁵⁸

Even if the idea of the kingdom of ends consequently expresses a qualification of the worth of natural beings, this idea also implies an analogy to the kingdom of nature. Based in the conception of the kingdom of ends the notion of a world of reasonable beings (*mundus intelligibilis*) is a possibility. Every rational being must act so that he on the basis of his maxim at any time is a lawgiving member of the common kingdom of ends. Therefore, the formal principle for the maxim is that one must act so that one's maxim also can serve as a common law. This makes an analogy between the kingdom of ends and the kingdom of nature possible.

Ein Reich der Zwecke ist also nur möglich nach der Analogie mit einem Reiche der Natur, jenes aber nur nach Maximen, d.i. sich selbst auferlegten Regeln, diese nur nach Gesetzen äußerlich genötigter wirkender Ursachen. Demunerachtet gibt man doch auch dem Naturganzen, ob es schon als Maschine angesehen wird, dennoch, sofern es auf vernünftige Wesen als seine Zwecke Beziehung hat, aus diesem Grund den Namen eines Reiches der Natur. Ein solches Reich der Zwecke würde nun durch Maximen, deren Regel der kategorische Imperativ allen vernünftigen Wesen vorschreibt, wirklich zu Stande kommen, *wenn sie allgemein befolgt würden*.³⁵⁹

However, this analogy has that in common with the understanding of nature as a type of moral law that it has a regulative character.³⁶⁰ In the understanding of nature as a type of the moral law Kant stated i.a. how this conception could be a test on the moral validity of a maxim. Only if a maxim could be imagined with the same common validity as the laws of nature, would it be an expression

³⁵⁸ GMS, IV 428.

³⁵⁹ GMS, IV 438.

³⁶⁰ Therefore, Auxter also seems essentially correct, when he argues that: "In contending that nature is purposive Kant does not mean that nature possesses its own purposes on behalf of which it organizes natural events. Rather nature is purposive in the sense that it must be treated by us as if an ideal completeness (as spelled out through the maxims of reason) were present in order to discover and organize empirical laws. Nature is continually interpreted in terms of this ideal that we hold out for ourselves; we project this ideal onto nature in order to comprehend it. This is the sense, then, in which nature is purposive according to these necessary heuristic principles" (1982, 52). Furthermore, Auxter argues that nature itself does not have to be teleological in order for the moral law to be applied. Nature is rather to be understood as a "medium", "... through which the message of the moral idea is transmitted. But nature is not itself the message, even though it defines the limiting conditions for the expression of the message" (74f.).

of the necessary conformity with the criteria of universality. Kant does not speak of the concept of ends as a test of the validity of a maxim. The conception of ends is not determinative for morality. This notion hereby differs essentially from the argument on nature as a type. The decisive in this matter is for Kant to demonstrate the analogy that is present between the ethical kingdom of ends and the kingdom of nature. Whereas the argument of nature as a type also endorses the analogy, it is applied as a test on the moral validity. In the conception of ends Kant explains the analogy which is constituted, when the notion of ends implied in ethics is demonstrated.

In the present context it is also interesting to include a few perspectives on Kant's understanding of happiness and the highest good, as Kant also here includes the question on the unity of nature and ethics. The moral law is the determining cause of the will, even if happiness is included in the concept of the highest good. However, the highest good has duty as its basis, as duty bids that the highest good should be the final object of all acts. But this can only come about on the basis of harmony between one's own and God's will. Thus, the moral law leads to Kant's philosophy of religion on account of the concept of the highest good. Here religion is understood as the acknowledgment of all duties as Divine commands, not as sanctions (i.e. in themselves fortuitous orders of an arbitrary heteronomous will), but as the autonomous laws of any free will, which, however, must be regarded as the commands of the highest being. Only on the basis of the presumption of and the harmony with this morally perfect and almighty being can we have hopes of attaining the highest good, which the moral law bids us as the object of our endeavours.³⁶¹

This striving towards the highest good is also present in Kant's reference to the human aspiration to happiness. Happiness is the condition for a reasonable being in the world, where everything occurs according to one's wishes and will, and consequently depends on the consistency of nature with its ends. The moral law, however, bids independently of nature, as a law of freedom. However, in the practical task of pure reason one must postulate such a connection, such a highest good. Therefore, one must also postulate the existence of a highest being, which is different from nature, as the basis of this connection.³⁶² The end of happiness is something real for all rational beings. They have this end with inevitable necessity. The imperative

³⁶¹ KpV, V 129.

³⁶² KpV, V 124f.

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for the promotion of this happiness is hypothetical-assertorical. The grounds for this is that one cannot presume it as necessary in relation to an uncertain, possible end. It is an end that one with certainty and a priori can presume in any human being as this is part of its essence.³⁶³

The fact that this striving towards happiness necessarily is united to the essence of the human being, just as the obtaining of this happiness only can be expected on the basis of the postulation of a highest being as its guarantor, has its grounding in the poor natural fitness of the human being for its acquirement. In the natural aptitude for an organized, goal oriented being there is no means (Werkzeug) whereby it is well equipped to reach a certain end. For a being endowed with reason and will, reason is not well suited for the attainment of happiness.³⁶⁴ Thus, for many there will be a hatred to reason because of its poor ability to promote happiness for the human being.³⁶⁵

Even if the notions of morality and happiness have to be separated, this does not mean that they have to be contrasted to each other. Pure practical reason does not want that one gives up on the claim on happiness. One only has not to take this claim into account, as soon as duty is the issue. It may even be regarded as duty to concern oneself about happiness, partly because it can be a means to accord with duty, partly because the lack of happiness can form hindrances to duty. However, on the face of it the striving towards happiness can never be duty, even less can it be the principle of all duty. This is due to the empirical character of all other determinative grounds than pure practical reason, which would exclude the worth of morality.³⁶⁶ Therefore, it must be maintained that even though the human being admittedly is a natural being, why reason must take into consideration the sensuous needs of humans and thereby the basis of happiness, a mere reduction of reason to this purpose would imply that the human being did not differ

³⁶³ GMS, IV 415f.

It is worth noticing that Kant spoke of the human nature in the first edition of his *Grundlegung*. Even if this was corrected in the later edition, where he referred to the essence of the human being, it suggests that Kant apparently comes very close to deriving fundamental principles in his moral philosophy from the concept of the human nature. This is, of course, problematic within Kant's moral philosophy in general, why he may have tried to eliminate the possibility of a misunderstanding on account of this terminology by using essence in stead of nature.

³⁶⁴ GMS, IV 395.

³⁶⁵ GMS, IV 395f.

³⁶⁶ KpV, V 93.

essentially to the rest of nature. Reason also determines what is right and wrong in itself. Pure practical reason judges on this independently of the senses.³⁶⁷

6.4 Reason as the Source of Natural Morality

As hopefully has become apparent, the actual basis of Kant's moral philosophy is the emphasis on reason. It is the autonomous lawgiving of reason which is the source of the moral law. But at the same time he also includes an understanding of the moral subject as part of a larger whole. This implies that the autonomy of the individual is to be understood within the frame of this whole. In this understanding Kant comes very close to a traditional conception of the natural law, as it also here often is stated that ethics has its basis in reason, just as this reason is not to be understood individualistically, but rather as part of an order. In the present thesis we have seen examples of this line of thought in Melancthon³⁶⁸ and Wolff³⁶⁹. But the crucial difference to Kant is his persistent safeguard of the realm of morality against heteronomy. The whole within which the lawgiving of rational beings takes place is constituted exactly by autonomous moral individuals. The reference is not to a given, natural order where humans recognize given moral facts. On the contrary, the rational beings themselves are the basis of this moral order.³⁷⁰ In contrast to the moral law, nature represents something given in Kant. So when he speaks of the similarity between the moral law and nature, he characteristically accentuates the analogical character of this similarity. In contrast to earlier representatives of a natural law thought (who would argue for the harmony of the natural and moral order), Kant claims that the similarity has a regulative character. It is not a real identity.

But in spite of this necessary reservation against a too onesided interpretation of Kant in the light of the traditional natural law thought, it is also essential to maintain the traits in Kant where he endorses the union between nature and ethics. This is i.a. the case in his discussion on

³⁶⁷ KpV, V 61f.

³⁶⁸ Cf. Chapter 3.

³⁶⁹ Cf. Chapter 4.

³⁷⁰ In this understanding of moral reasoning as the basis of normativity, it may be argued that Kant represents a constructivist position. There are no given moral facts which are to be recognized. In this sense Kant stands in contrast to a realist, naturalistic understanding of the sources of normativity. Cf. Chapter 14 for a reconstructive summary of the constructivist positions within the thesis.

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the relation between the human as an intelligible and a sensuous being. The human is a citizen in both the kingdom of ends and the kingdom of nature. As an intelligible being the human is differentiated from the sensuous world and takes part in an order which can only be apprehended by reason. As a natural being the human being is bound by the sensuous world and its empirical existence.³⁷¹ The primary characteristic of the human, however, is its intelligible character, whereby the crucial difference to the rest of nature is brought out. As an intelligible being the will is a form of causality, dependent upon the rationality of the human being. Freedom is the characteristic of the causality, as it can work independently of external causes. In a similar way the necessity of nature is the character of the causality for all irrational beings, whereby they are determined to action on the basis of strange causes.³⁷²

Im Begriffe eines Willens aber ist der Begriff der Kausalität schon enthalten, mithin in dem eines reinen Willens der Begriff einer Kausalität der Freiheit, d.i. nicht nach Naturgesetzen bestimmbar, folglich keiner empirischen Anschauung, als Beweises seiner Realität, fähig ist, dennoch aber, in dem reinen praktischen Gesetze a priori, seine objektive Realität, doch (wie leicht einzusehen) nicht zum Behufe des theoretischen, sondern bloß praktischen Gebrauchs der Vernunft vollkommen rechtfertigt.³⁷³

But this accentuation of the intelligible character of humans does not imply a contrast between nature and ethics. Admittedly, Kant speaks a dialectic of reason (eine Dialektik der Vernunft), according to which freedom is only an idea of reason (eine Idee der Vernunft), the objective reality of which is doubtful, whereas nature is as rational term (Verstandesbegriff), the reality of which can be proven by examples of experience. As the latter appears to be more defensible due to its empirical character, this apparently entails the problematic notion of freedom. However, as it is only on behalf of freedom that one can maintain practical reason it is impossible to deny the reality of freedom.³⁷⁴ “Diese [i.e. reason] muß also wohl voraussetzen, daß kein wahrer Widerspruch zwischen Freiheit und Naturnotwendigkeit ebenderselben menschlichen Handlungen angetroffen

³⁷¹ KpV, V 86f.

³⁷² GMS, IV 446.

³⁷³ KpV, V 55.

³⁷⁴ GMS, IV 455f.

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werde; denn sie kann ebenso wenig den Begriff der Natur als den der Freiheit aufgeben".³⁷⁵ Consequently, Kant presumes that both nature and reason are necessary, even if they are in an apparently tense relation to each other.

Kant also reflects on this problem in relation to the conception of time. If the determination of the existence of the things in time is taken as determination of the things in themselves, the necessity of causal relations in no ways can be united with freedom. This determination will imply that any event is always determined by something prior. As the past time always will be outside the power of the moral agent, the acts will always be unfree. So if freedom is to be saved for natural beings whose existence is bound in time, it must be presumed that this being and causality only applies to the appearance (*Erscheinung*). Freedom, however, concerns the actual essence, the thing in itself.³⁷⁶ The apparent contrast between the mechanics of nature and freedom can be dissolved in the notion of the rational being as a noumenal being. The rational being is more than only a temporally conditioned being of nature. The rational being is also determinable on account of laws that it gives itself through reason. Nothing precedes this determination. Any act is to be seen as an expression of the human being as a noumenal being.³⁷⁷ As member of the intelligible world the acts of the human being are consistent with the autonomy of the pure will. As part of the sensuous world its acts accord with the heteronomy of the phenomenal world. But if the intelligible world contains the basis for the sensuous world and consequently its laws, the human being as intelligens (even if it is part of the sensuous world) can acknowledge itself as subject to the autonomy of the will and the laws of reason. Thus the laws of the intelligible world are imperatives and the act in accordance with this principle are duties.³⁷⁸

A concise passage in *Kritik der praktischen Vernunft* will form the conclusion on the

³⁷⁵ GMS, IV 456.

Melchert attempts to naturalize Kant's understanding of freedom by developing a notion of "freedom from rationally undisciplined nature" (1990, 67ff.). According to Melchert freedom and causality can be reconciled in Kant, by positing rationality as the heart of freedom. Hereby the two major analyses of human freedom are united; "... it shows that freedom can be more than merely hypothetical, involving distinctively human, rational spontaneity, while being a matter of degree and avoiding extravagant metaphysical assumptions" (73).

³⁷⁶ KpV, V 94f.

³⁷⁷ KpV, V 97f.

³⁷⁸ GMS, IV 453f.

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discussion on Kant. Here Kant argues that the moral law must obtain the form of the intelligible world for the sensuous world, which implies a supersensuous nature without interrupting the mechanism of the sensuous world. Nature in the understanding is the existence of things according to laws. The sensuous nature of reasonable beings consequently exists under empirically conditioned laws. In contrast the supersensuous nature is independent of the empirical and is consistent with the autonomy of pure reason. The law for this autonomy, however, is the moral law, the picture of which exists in the sensuous world. Consequently, the moral law is the source of its reflection in the sensuous world.³⁷⁹

Das Gesetz dieser Autonomie aber ist das moralische Gesetz; welches also das Grundgesetz einer übersinnlichen Natur und einer reinen Verstandeswelt ist, deren Gegenbild in der Sinnenwelt, aber doch zugleich ohne Abbruch der Gesetze derselben, existieren soll. Man könnte jene die urbildliche (*natura archetypa*), die wir bloß in der Vernunft erkennen, diese aber, weil sie die mögliche Wirkung der Idee der ersteren, als Bestimmungsgrundes des Willens, enthält, die nachgebildete (*natura ectypa*) nennen.³⁸⁰

This understanding is confirmed by common experience. Where the maxim is tested by practical reason, it is always seen how it is supposed to be, if it is to count as a universal natural law.³⁸¹

In this way Kant maintains the characteristic (and absolutely crucial) distinction between the realm of physical nature and of practical reason. But just as characteristic is his constant effort to prevent a contrast between these two domains. Kant distinguishes and even separates these two worlds, but he also insists upon their interrelatedness. Both are pictures of the other world. Physical nature is a picture of the moral law, just as the moral law depicts the physical world. But precisely because of Kants continuous emphasis on the formal similarity of the natural and moral world and the underlining of their essentially different character, he remains an advocate of not deducing ethics from the concept of nature, but, rather, to argue for reason as the source of normativity.

³⁷⁹ Apart from the references to Auxter already included in the thesis (see i.a. 6.3.1 and 6.3.2), cf. Auxter 1982, 64ff. for a more detailed discussion on this aspect of Kant.

³⁸⁰ KpV, V 43.

³⁸¹ KpV, V 43f.

6.5 Conclusion

The analysis of Kant's understanding of nature and reason as normative concepts can now be concluded. It has been demonstrated that Kant emphasizes reason as the source of normativity but that he does not discard nature. Even if nature does not serve as a source of normativity, it still has a role in the moral reasoning of the moral agent. As part of the analysis of Kant it has been attempted to argue that his moral philosophy can be seen as a genuine natural law theory. Firstly, the analysis gave an account of the third antinomy, demonstrating this problem as essential to the inquiry of the thesis. Thereupon, his understanding of reason as the basis of the moral law is examined. His understanding of moral freedom and autonomy served as the first notion of interest. Having demonstrated the importance of this idea and its dependency upon the idea of moral reason, Kant's understanding of the moral law as a fact of reason forms the subsequent concern. The facticity of the moral law gives rise to a discussion on the metaethical basis of Kant's thought. Here, it is argued that the constructivist understanding must be preferred. The next part concentrates on teleological traits in Kant's moral philosophy. This is argued on the basis of an exposition of his understanding of the phenomenal world as a type of the moral law. Furthermore, his understanding of nature as a symbol of morality is also analyzed in an appendix. As the last part on the resemblances between the laws of nature and morality, the chapter provides an account of his understanding of the kingdom of ends. The concluding part of the chapter argues in favor of an understanding of reason as the source of natural morality. In the analysis of Kant's thought, it has been demonstrated how he represents a constructivist position. Moral norms are not given, but come into being on the basis of moral reasoning.

Part III

Nature and Reason in Contemporary Environmental Ethics

In the natural law thought, which has been our concern until now, we have found two types of moral thought. As we have seen, it can be claimed that one mode of argumentation finds the basis of morality (as the natural law tradition can be equated with moral theology or philosophy) in the concept of nature. The other understanding advocates reason as the source of normativity. It will now be attempted to show that these same types can be found in contemporary environmental thought, and that there is also here an equation to moral theology or philosophy. Even if there is no explicit use of natural law thought, there might still be a similarity in the foundation of normativity, indeed, this seems often to be the case. Firstly (Part III.I) this will be demonstrated with regard to the notion of nature as the basis of morality and secondly (Part III.II) it will be shown also to be the case in the concept of reason as the source of normativity.

Part III.I

Nature as the basis of morality

In this part the focus is on the environmental thought of Holmes Rolston, III (Chapter 7), J. Baird Callicott (Chapter 8), and Paul Taylor (Chapter 9). A number of other positions on environmental ethics will also be included in discussion with the mentioned thinkers.

Chapter 7

The Valuable Nature

In the environmental thought of Holmes Rolston, III we find an example of a theory of environmental ethics where the understanding of the normativity of nature holds resemblance to a premodern natural law mode of thought. We will here highlight these parts by focusing on two issues. Firstly we explain his understanding of the values in nature and how this relates to his understanding of the role of the human being as valuer. Secondly, we are concerned with the relation between ecology and morality - how does this relate to the classical discussion of the naturalistic fallacy? The chapter is concluded with an outlook to the other theories of the thesis.³⁸²

7.1 Values in Nature and the Human Valuer

In this paragraph we will look into Rolston's concept of value and how this relates to his understanding of the human valuer. Rolston seems to maintain at one and the same time that nature carries its value independent of humans and on the other hand, it is necessary to have humans as valuers and overseers. How do these apparent exclusive notions relate to each other?

7.1.1 Values in Nature

Rolston distinguishes between a primary sense of environmental ethics, which is biocentric in its approach, and a secondary sense, which is anthropocentric.³⁸³ Whereas the anthropocentric sense

³⁸² Rolston's work on environmental ethics is impressive. The substantial literature by Rolston is one indication of the effort Rolston has put into this discussion. The extent of his writings, however, also necessitates a narrowing of one's field of enquiry. In the following, the focus is on the major works, i.e. 1986; 1988; 1994 and 1999. This does not mean that other works of Rolston are not referred to. But it does mean that these works constitute the primary frame of reference for the present analysis of Rolston. Furthermore, Rolston's theory of environmental ethics has been the subject of several studies. In the present analysis, however, the focus is on Rolston's writings, even if a few references to other discussions on Rolston will be included.

³⁸³ Rolston 1986, 11ff; *Ibid.*, 20ff; *Ibid.*, 23f.; 1988, 1.

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of environmental ethics understands the environment as instrumental and auxiliary, the primary sense (also called the naturalistic) is reached, only when humans ask questions not merely of prudential use but of appropriate respect and duty. This distinction is important as environmental ethics cannot be seen as yet another area of applied ethics. For a proper environmental ethics it is necessary with a wholly new approach to fundamental issues, such as the concept of nature. The crucial question is what kind of value nature has.

Rolston argues that there are several kinds of value³⁸⁴. Nature has intrinsic, instrumental, and systemic value. Further, there are different kinds of value that are carried by nature or, as Rolston also says, are valued by human beings. Among the former, the most interesting are the intrinsic and systemic values. By intrinsic value Rolston refers to a value which is a good for an organism, independently of human beings.³⁸⁵ Lower and higher organisms can have a *good of their kind*, a good of their own. Closely related to this value is the discussion on is and ought. The *is* of this being implies the *ought to be*. Rolston does not list several intrinsic values, as the intrinsic value is dependent upon the genetic set of the organism.³⁸⁶ This value is sharply contrasted to the instrumental value.³⁸⁷ Here the organism has its value for another kind. A plant or an animal can

³⁸⁴ Rolston's valuethory is much discussed. Among the explicitly theological comments, one can refer to e.g. LaBar and Benzoni. LaBar (1986, 78ff.) demonstrates the similarity between Rolston and the concepts of nature in the Bible. "The Bible is primarily about God's relationship to man. It is not, except peripherally, about other organisms. Nevertheless, reviewing the statements in the Bible about nonhuman organism leads one to the conclusion that the writers of the Bible were aware of almost as many kinds of value as those enumerated by sophisticated contemporary thinkers like Rolston." (90). Benzoni (1996) recognizes the key issues in Rolston's value theory, but argues that it is not the value theory which is the weak point in Rolston, but rather his anthropology. A richer, more fully developed theological anthropology would have furthered his argument. "In the end, Rolston's estimable environmental ethics suffers more, I think, from lack of completeness and clarity than it does from any necessary inconsistency or incoherence. While the lack of a fully developed theological anthropology weakens his entire enterprise, the core of his project, his objective value theory grounded in the divine, remains essentially untouched by this critique. Still, with the development of this anthropology, his ethic could integrate the natural, human, and divine spheres while yet maintaining their distinctiveness." (351f.).

³⁸⁵ Cf. i.a. Rolston 1986, 110-115; 1988, 112-117; 186-188; 1994, 167ff.; 1999, 38ff.

³⁸⁶ Callicott (1999, 221-237) argues that Rolston's concept of intrinsic value implies a rejection of a so-called modern scientific worldview, which never really is discussed in Rolston. Instead, Callicott advocates a post-modern approach based upon insights of quantum physics. "... ecology intellectually resonates with the New Physics. Therefore, I think, a value theory *inspired by* and conceptually *analogous to*, but by no means reduced to or derived from, quantum physics is particularly congenial to an ecologically informed environmental ethic." (235).

³⁸⁷ Rolston 1986, 110ff.; 1988, 186-188; 1994, 171ff.

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have an instrumental value at both nonsystemic and systemic levels. On the former there is use of a particular organism, even if it has no ecosystemic influence. On the latter level, the instrumental value can be a part of the foodchain of the ecosystem. In this case, the value comes close to Rolston's understanding of the systemic value.³⁸⁸ Here, Rolston refers to the value as part of the ecosystem. The value of the individual being is its place within the whole, the web of life.

All such intrinsic value has its place ecosystemically; intrinsic value couples with instrumental value, and this will lead us on, presently, to systemic value. Things do not have their separate natures merely in and for themselves, but they face outward and co-fit into broader natures. Value-in-itself is smeared out to become value-in-togetherness. Value seeps out into the system, and we lose our capacity to identify the individual as the sole locus of value.³⁸⁹

Besides these values, Rolston also mentions values, that are carried by nature.³⁹⁰ Here, Rolston is describing something quite different from the intrinsic value. Whereas the intrinsic value is independent of human beings, the values carried by nature are also valued by humans. This does not imply an anthropocentric grounding of these values. But it does imply that humans appreciate these values. They may come about independently of humans, but they are not independent of humans. They require a human valuer. Describing these values, Rolston lists several of them.

Rolston describes at least fourteen different types of values that are carried by nature. We will shortly summarize the description of each of these values³⁹¹. *Life-Support Value*. Life and culture is bound to the biosystem. It is the biosystem that provides the possibility of the sustainability of life. The human beings are dependent on this life supportive value of the biosystem. *Economic Value*. Nature can be rebuild to cultural needs. In this sense nature has an instrumental capacity. Coupling human labor with the rich utilitarian pliability of nature, natural sources can be refined and properties relocated so that the economic value of nature is utilized.

³⁸⁸ Idem 1988, 186-188; 216-218; 220-224; 1994, 171-177; 219-223.

³⁸⁹ Idem 1994, 173f.

³⁹⁰ Idem 1986, 74ff.; 110ff.; 1988, 3ff.; 213f.; 205ff.; 1994, 134ff.

³⁹¹ A more elaborate description of each of these values can be found in Rolston, "Values in Nature", in: 1986, 74-90; Idem, "Humans Valuing the Natural Environment", 1988, 1-44 (on pp. 3-26); Idem, 1994, 134-141. The last reference is the most concise, whereas 1988, 1-44 the most detailed. There are some minor terminological differences between the various texts, but in general there is a great deal of overlapping.

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Recreational Value. There are two main types of value that often can be combined, the gymnasial and the theatrical. In regard to the former, nature is a place to show what one can do. It is a space for sports, hiking, etc. The latter is concerned by being let in on nature's show. The recreational focus is here contemplative. *Scientific value.* The value of the natural sciences cannot be endorsed without the value of nature. The absorbing complexity of the natural environment as the object of the natural science studies is the background of the worthfulness of the natural sciences. *Aesthetic value.* Nature presents beauty and greatness in life and landscape in various forms, which can leave the human with a sense of awe. *Genetic-diversity value.* The biological diversity of species carry an intrinsic value. Extinguishing these species stops the story of natural history. It brings death without survivors into Earth's prolific exuberance of life. *Historical value.* In the process of evolution the human being is a latecomer. Wildlands provides a profound historical museum, telling about what the world was like before the humans came. Further, wildlands provide historical value for the cultures superimposed on natural history. *Cultural-symbolization value.* Animals as well as plants and nonorganic nature can be cultural and national symbols. *Character-building value.* Organizations and individuals use wildland as a space of developing human character. This is the case for competitive games and exercises. It is also the case for wildlands as providing a sense of proportion, teaching the virtues of humility, simplicity, frugality, serenity, and independence. *Diversity-unity value.* The sciences reveal a growing complexity and diversity of nature. Yet they also detect unificatory relationships of common composition and kinship between diverse natural kinds. Nature has an inclination to both to diversify and to unify. *Stability and spontaneity value.* Constancy is coupled with a degree of contingency in nature. The laws of nature order nature, but at the same time there is also space for spontaneity. The ecological succession is never twice the same. *Dialectical value.* The human culture has developed in a dialectical relationship to nature. Culture is carved out against nature, but also out of nature. The hostility along with the irenic character of nature is characteristic of the dialectic context of life. *Life value.* Life as such can be regarded as a value. Whether in plants, animals or humans, life can have an almost sacred value, as it expresses the kinship between the different life forms. *Religious value.* Nature inspires poetry, and philosophical and religious reflection. Experiences of nature can have a profound poetic dimension. Nature can reveal parts of God's being and character.

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This doublesidedness of Rolston's understanding of the value of nature is contained in his understanding nature as *valu-able*. Nature is at the same time a value and able to produce value.³⁹² This double character of the value of nature implies a somewhat unclear picture of Rolston's concept of value. Rolston does not seem to be sufficiently aware of the epistemological problems of this theory.³⁹³ Rolston does discuss the viewpoint that value is a relational term and that value requires a valuer. However, even if he does discuss these positions, he does not supply us with a convincing argument for the difference between the intrinsic value of nature and the values valued by humans.³⁹⁴ For humans, it seems that there are only values where the humans have a conscious understanding of value. Rolston does not speak of the intrinsic value of humans. Why can he not include such a value in his theory? If humans are part of the ecological web of life (as we shall see later), why are they different from the rest of nature in this respect? For nonhuman organisms, Rolston fails to prove why the good of these organisms can serve as the basis of

³⁹² Rolston 1994, 196f.: "Ecology is not something subjective that goes on in the human mind. In an ecological perspective, that Earth is *valuable* means that the evolutionary ecosystem is *able* to produce *value*, and has long been doing so. A late, remarkable product of the process is humans, who claim to be of value in a unique way. When humans come, they find Earth often *valuable*, *able* to produce *valued experiences*. The subjective value events are a capstone subset superposed on the global, objective *carrying* of value. This does not commit the naturalistic fallacy, because moving from an *is* to an *is of value*, *is valuable* and even to a (nonmoral) *ought-to-be* is what nature has done before us here. Humans are urged to move further to a moral *ought-to-be*. Otherwise we fall into the subjectivist, anthropocentrist fallacy." Idem 1999, 286: "Morality is not intrinsic to natural systems. In fact, there are no moral agents in wild nature. Nature is amoral, but that is not to disparage it. That is to set aside irrelevant categories for its interpretation. Amoral nature is fundamentally and radically the ground, the root out of which arise all the particular values manifest in organisms and ecosystems. This includes all human values, even though, when they come, human values rise higher than their precedents in spontaneous nature."

³⁹³ The critique of the epistemological problem in Rolston has also been raised by others. Callicott and Norton represent two such examples. As a critical comment on Norton's and Callicott's critique of Rolston's concept of intrinsic value, Preston (1998) concludes that "Under close inspection, the critiques of intrinsic value that Norton and Callicott offer are not quite as devastating as they might at first appear (...) Because, as I have shown, Norton and Callicott's critiques are inadequate, environmental ethicists should continue to articulate and refine different account of objective intrinsic value." (428). Among other thinkers, one can point to Harlow (1992) for making the point that Rolston's distinction between "autonomous intrinsic value" and "anthropocentric intrinsic value" coincide in the light of a postwittgensteinian epistemology. "The whole point of the account I have suggested is that there *is* no neutral nature in either the epistemological or the ethical sense. In the attempt to speak of values in a world beyond language we reach a conceptual limit beyond which we simply do not know what to say." (42).

³⁹⁴ Thomas (1997) also notices the problem of Rolston's attempt of asserting the difference between humans and the nonhuman nature, and at the same time their interrelatedness. Thomas concludes that Rolston gives up on his biocentrism. As an alternative to Rolston, Thomas suggests a biocentrism inspired by Emerson.

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something we call value. Admittedly, nonhuman organisms thrive better at some conditions than at other. Admittedly, they have a good of their kind. But are these goods to be called values? I find that there is such a distinct difference between what Rolston calls intrinsic values for nonhuman organisms and values valued by humans, that they can hardly be classified with the same term. This is a terminological problem, but even more a question of categories. It seems that two distinctly different categories are mixed up. Some of this will be more clear, when we look into Rolston's understanding of the human valuer.

7.1.2 The Human Valuer

Humans value the environment in many ways. Rolston certainly admits this fact. However, this does not imply an environmental ethics in the secondary sense. Even if humans are aware of their valuing of environment, even if they get excited about the experienced values of nature, value is still not dependent upon the human being as a conscious being. Rolston acknowledges the human as valuer, but rejects not just the traditional anthropocentrism, but also the anthropogenic (generated by humans) argument for values in nature.³⁹⁵

Value is not received as the conclusion of an argument, or by the indifferent observation of a causal series. A value or disvalue recognized has got some bite to it. That can confuse us into thinking that values lie entirely in the human experiences that nature generates, no matter how greatly features in the wilderness contribute to it. But life support and genetic information operate regardless of whether humans are aware of these things. Perhaps the human valuing of nature generates new values, a kind that are experiential by logical necessity, but these are superimposed on spontaneous natural values, some kinds of which do not require human experiences to generate them.³⁹⁶

For Rolston it is important that the valuing is seen as part of the ecological process. Valuing is not understood as being undertaken by a subject that is isolated from nature. The valuing agent is part of the natural field in which the natural objects also partake. The whole process of valuing is

³⁹⁵ Rolston 1994, 158ff.. This position comes close to the position of Attfield. He also argues for the intrinsic value of nature. The difference between Attfield and Rolston is in their argument for this understanding. Whereas Rolston refers to ecology as the basis of his theory, Attfield refers to the Western Christian tradition. See Chapter 12 for a fuller account of Attfield's position.

³⁹⁶ *Ibid.*, 161.

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among natural events.³⁹⁷ This can be tied up with Rolston's understanding of the processuality of life, even though Rolston does not do this himself. In his essay on "The River of Life: Past, Present, and Future"³⁹⁸ he uses the image of life as a river. As the river, life is understood as a process, a ceaseless flow, transcending the individual. This notion implies critical perspectives on classic concepts. One of these concepts is the relation between the human and the natural. Life is seen as an organic unity. Only when life is environmentally homeostatic, can it survive. Life is a project of nature, the human being a part of this life project. The human cannot be understood as different from nature, but as necessarily interwoven with the environment.³⁹⁹

On the other hand, the human also has a special status.⁴⁰⁰ Even though there is a unity with nature to a very large extent, the human is also more than just natural processes and ecology. The human is the only being with a conscience. It is only humans who have a "... *subjective* capacity (capacity of *subjects*) to be *objective* (appreciate world *objects*)".⁴⁰¹ For Rolston it is important to say that the humans at one and the same time are part of and yet different from nature.⁴⁰²

Humans evolved out of nature, and that can confuse people into saying that humans are just natural, since they are products of various natural laws and events operating through evolutionary history, and, since their origins were natural, they

³⁹⁷ Idem 1986, 99ff.; 1988, 203.

³⁹⁸ Idem 1986, 61-71.

³⁹⁹ A similar understanding on the basis of Christian thought can be found in McDaniel (1986). He argues that the substantialist perspective on the relation between humans and nonhuman nature must be discarded in favor of an ecological (202ff.). This will have an influence on the understanding of not only humans and nonhuman nature but also on the concept of humans as created in the image of God (206ff.). Whereas McDaniel counts this as one of the positive reasons for this new perspective, one could use the very same reflections as an argument for the necessary precaution. Cf. the conclusion of the present thesis, where it is argued that the Christian doctrine on the human being as created in the image of God may inspire an understanding of an endorsement of the unity between man and nature *and* the difference at the same time. This unity and difference is an important aspect of the notion of natural law.

⁴⁰⁰ Rolston 1994, 1ff.

⁴⁰¹ Idem 1988, 341.

⁴⁰² This doublesided understanding of the human being in relation to nonhuman nature can also be found in some of the other theories of environmental ethics in the thesis, e.g. Taylor and Attfield, even if there are different accentuations. This of course raises the question whether the traditional dichotomy between bio- and anthropocentrism is a useful terminology to describe the issues at stake in environmental ethics. Cf. e.g. Krebs 1999 for a different approach in her critical taxonomy of the arguments in theories of nature.

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continue to be natural. But that is to fall into a “nothing but” fallacy (more accurately the genetic fallacy), which confuses what a thing now essentially is with what its historical origins once were. It cannot take emergence seriously.⁴⁰³

In the previous chapters on Immanuel Kant, we have seen how Kant stresses the rationality and autonomy of the human. We also saw how Kant in *Kritik der reinen Vernunft* came close to arguing for a dichotomy between the human as a rational being and nature as regulated by heteronomous laws of nature.⁴⁰⁴ But we also saw how his understanding of nature as a type for the moral law and the aesthetic as a symbol of the moral good implied a lessening of this apparent dichotomy.⁴⁰⁵ Having looked into Kant’s thought it is therefore interesting to notice Rolston’s discussion on Kant. This discussion is in close connection to his understanding of the human’s similarity and difference to nature.

The superiority of the humans, in the sense that they are the only beings with a conscience and capable of reflecting on the needs of others, is the point where Rolston refers to Kant.⁴⁰⁶ Kant also stressed this ability of the human and also emphasized this as the basis of the dignity of the human. But Rolston criticizes Kant for only focusing on humans as *the other*. For environmental ethics it is necessary also to see nonhumans, the biosphere, the Earth, ecosystem communities, fauna, flora and natural kinds as beings in which there is formed integrity, objective value independent of subjective value. Further, Rolston claims that Kant was still “a residual egoist in the objects of his ethics”.⁴⁰⁷ Limiting himself only to humans, Kant stayed a humanistic altruist, but neglected the altruism towards animals and plants. Rolston believes this to be a decisive difference between humans and nonhumans that humans can count (defend) life and even nonlife with vision of greater scope, which is not possible for nonhumans. The humans ought to be “ideal observers”, using mind and morals to form an intelligible view of the whole and defend ideals of

⁴⁰³ Rolston 1994, 4. Rolston further criticises Callicott for having too wide a concept of nature. In Rolston’s opinion Callicott does not differentiate enough between humans and the rest of nature. This distinction needs to be maintained. *Ibid.*, 5.

⁴⁰⁴ Cf. 6.1

⁴⁰⁵ Cf. 6.3.1 and Appendix: Nature as a Symbol of Morality.

⁴⁰⁶ Rolston 1988, 339f. There are other passages, where Rolston refers to Kant, but unfortunately they are too limited to be taken into account here.

⁴⁰⁷ *Idem* 1988, 340.

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life in all forms.⁴⁰⁸

Rolston's attempt to appropriate elements of Kant's thought is certainly interesting. However, his understanding of Kant seems somewhat limited. As we have seen, Kant does not neglect nature. Admittedly, he does distinguish sharply between the realms of (1) freedom and rationality and (2) the heteronomy of nature. But at the same time he acknowledges the lawfulness of nature as a symbol of morality. This is closely connected to his moral ideal of the kingdom of ends. As nature is a unified whole, so is the ideal of the moral realm that the individual, autonomous persons must bring together in their ethical duties.⁴⁰⁹ Even if this has a hypothetical character in Kant, he does stress this close similarity between nature and reason. In this respect, Kant can hardly be said to be a "residual egoist". Moreover, his concern for the beauty of nature as a symbol of the moral good hardly justifies this critique.

Further, the previously mentioned problems with regard to Rolston's concept of the valuable nature still seem to be true. After having analyzed his understanding of humans as valuers, he still fails to justify the difference between the value of the nonhuman nature and humans. The categorial difference still seems to be a problem. Rolston seems to operate with two sets of normativity. On the one hand he talks about the intrinsic value of nature. This implies for him the duty of respect. On the other hand he also talks about the values of nature that are carried by nature, yet valued by human beings. These values are also morally relevant. They raise moral duties in regard to the human as the only being with a conscience, the only being capable of reflecting on values of other beings and the implied moral duties. Here, Rolston apparently does not see that he is somewhat inconsistent. In the first case the moral agent is to respect a value that is only a value to the particular subject. It is a value irrespectively of my acknowledgment of this value. The moral agent is to respect the value of another being. It is not the value in itself which raises the moral demand. The moral demand is towards the individual which has intrinsic value, i.e. a value irrespectively of the moral agent. It is the individual *other* which is to be respected, not the value as such. In the other case, it is the values. In this case the individual is the human being. However, the values are not anthropocentric. A value like the *life-support value* is there before the arrival of humans. But they are still valued *by* humans. The problem with this value in regard

⁴⁰⁸ Rolston 1988, 338.

⁴⁰⁹ Cf. 6.3

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to the former is that here, the value is what is morally relevant. It is not the human, but the value which is to be morally respected.

Concluding the reflections on Rolston's concept of value, his naturalist valueconcept is very clear. Rolston's valuetheory represents a lucid, naturalist argument. Value has its basis in nature. Even when man is considered as a valuer, he is still conceived of as a valuer within nature. In this sense, Rolston may even be said to represent an ontological basis of value. This is the case, when value in Rolston can be said to be validated on the basis of ecological and evolutionary principles of being, which permeate nature and human being. In that sense, the constituent principles of nature and morality have a common basis. In Rolston, nature and reason are interrelated on this account. Having demonstrated this naturalistic valueconcept in Rolston, we now turn to his understanding of the unity between nature and humans. Part of our concern in the following paragraph will be a critical analysis of Rolston's thought in the light of Moore's understanding of the naturalistic fallacy.

7.2 A Naturalized Ethics

This focus on the moral duties of the human leads us into the question of the ethics of Rolston's theory. If his theory is to be understood as an "Environmental ethics" that humans are to take into account, and the values of nature and thereby the basis of his theory is independent of humans - what is the moral role of the human beings then? This is a leading question in this paragraph.

7.2.1 The Ecological Morality

Morality and ecology are considered to be in a harmonious relation. Rolston considers ecology as an ethical science. The homeostatic laws of ecology prescribe ethical duties. In this sense, Rolston believes it is necessary to go from a consideration of how nature *is* based on these ecological laws to the moral duty that one *ought* to comply with these laws. Earlier philosophical traditions have also argued for a unity between man and nature, but a contemporary argument could be the ecological consideration.⁴¹⁰ Rolston follows Aldo Leopold in this argument!⁴¹¹ A

⁴¹⁰ Rolston 1986, 53ff.

⁴¹¹ Attfield (1994, 128) argues that Rolston does not provide any argument for "... how "oughts" of any kind could be grounded in factual descriptions of any kind, whether ecological or otherwise, or how

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central idea of Leopold is the rightness of an action when it preserves the integrity, stability, and beauty of the biotic community.⁴¹² However, this does not entail an understanding of the lawfulness of nature. Rolston argues from an evolutionary viewpoint, when he explains that recent natural sciences have taught us that the evolutionary world is to be understood as history. It is a story still taking place, of life as still arriving.⁴¹³ Nature is not regulated by laws extrinsic to itself. This doesn't leave nature unregulated. The regulation of nature lies within the systemic character of the biosystem. This entails a systemic dependency of environmental ethics on nature.⁴¹⁴ The ecosystems contain certain values that have ethical relevance. Rolston mentions values such as integrity, projective creativity, life support, and community. This is not considered an interhuman ethic, but attempts to develop an extension of ethics into environmental attitudes.⁴¹⁵ Even if Rolston here does not explicitly argue for an ecological basis of morality, this seems to be very much the case, when we turn to his understanding of the naturalistic fallacy.

Rolston introduces his *Environmental Ethics* by arguing that what he seeks is a "...naturalized ethics".⁴¹⁶ Rolston repeatedly refers to the naturalistic fallacy, arguing that it is

rational reflection can flow in either direction from the one to the other."

⁴¹² Cf. 8.1.1 for a short introduction to basic tenets of Leopold's thought. The influence from Leopold is present in both Rolston and Callicott, which is the reason why both may be seen as representatives of different forms of land ethics. As is mentioned below (8.1.1), Callicott, however, is often seen as the leading representative of the land ethics.

⁴¹³ Rolston 1988, 343.

⁴¹⁴ Idem 1986, 17: "The claim that morality is a derivative of the holistic character of the ecosystem proves more radical, for the ecological perspective penetrates not only the secondary but also the primary qualities of the ethic. It is ecological in substance, not merely in accident; it is ecological per se, not just consequentially"; 1988, 334f.: "Though obligations in environmental ethics have universal intent, they are not categorical, not absolute and independent of circumstances and beliefs about the world. They are systemic, and the systemic components are both natural and cultural. Do *x*, because you believe *y* about the world, that *z* is a fact and *v* is of value there. We move from believed facts to believed evaluations and thence to believed duties. In this respect, environmental ethics is not different from interhuman ethical systems, though these other ethical systems, focusing on human relationships, sometimes allege that they are independent of metaphysics or natural facts."

⁴¹⁵ Idem 1988, 228: "The land ethics rests upon the discovery of certain values - integrity, projective creativity, life support, community - already present in ecosystems, and it imposes an obligation to act so as to maintain these. This is not, we have repeatedly warned, an ethic concerning culture, not an interhuman ethic. We will continue to need the Ten Commandments, categorical imperatives, the Golden Rule, concepts of justice, and the utilitarian calculus. But we are developing an extension of ethics into environmental attitudes, a new commandment about landscapes and ecosystems."

⁴¹⁶ Idem 1988, xi.

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necessary to dispense of this classical problem and recognize the necessity of moving from an *is* to an *ought*. This distinction operates with a false dichotomy. “In environmental ethics one’s beliefs about nature, which are based upon but exceed biological and ecological science, have everything to do with beliefs about duty. The way the world *is* informs the it *ought to be*”.⁴¹⁷ For the environmental ethics the description of nature can not be separated from the ethical prescriptions. Rolston criticizes the natural right tradition for being too abstract. In contrast to the natural right tradition, the environmental ethics cannot be isolated from the concept of nature.⁴¹⁸ Two further arguments for the necessity of moving from *is* to *ought*, is the processuality of life. Life is like a river floating on. Life is protecting life. This facticity of nature implies moral normativity, raising the appeal of an internalisation of the moral sense. “If seen as a symbol, this river of life is no longer merely a metaphor, it is a truth that bears moral insight, because it helps us see more deeply how the life process is and how it ought to be”.⁴¹⁹ Further, it is not possible to maintain the sharp distinction between the sciences and the ethics. In environmental ethics there is a paradoxical linkage between facts and values.⁴²⁰

This point is further substantiated in *Genes, Genesis and God*. In this work Rolston repeats his emphasis on the doublesidedness of morality as within nature and yet as something which is characteristic of human beings as distinct from nonhuman nature. However, he does seem to move the point of emphasis slightly towards an understanding of nature as not having anything to do with ethics.⁴²¹ This raises the challenge of his attempt to naturalize ethics. As previously, Rolston maintains the natural basis of morality, as the human being is thought of within an

⁴¹⁷ Idem, 1988, 230. Cf. 13.3 for a summary and critical assessment of the different parts of the thesis where the naturalistic fallacy is discussed.

⁴¹⁸ Idem 1986, 67: “What is often wrong with the model of a “contract,” in terms of which ethics is argued out, is that it is anti-natural, finding individualistic humans reluctantly banded together against threatening nature. There, rights-talk understandably appreciates individuals and depreciates nature (...) Nature gives us *objective* life, of which the *subjective* life of the individual is but a partial, inner face.” Even if Rolston’s critique of the natural right tradition may have a point, this does not count for the natural law tradition. This is precisely a claim of the present thesis. Natural law stresses the moral individual as part of nature, part of a larger whole. Natural law does not lead to the same individualistic tendency as one may find in theories of natural rights.

⁴¹⁹ Ibid., 70.

⁴²⁰ Ibid., 13.

⁴²¹ Idem 1999, 212; 284ff.

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evolutionary paradigm. “Morality is not intrinsic to natural systems. In fact, there are no moral agents in wild nature. Nature is amoral, but that is not to desparage it. That is to set aside irrelevant categories for its interpretation. Amoral nature is fundamentally and radically the ground, the root out of which arise all the particular values manifest in organisms and ecosystems. This includes all human values, even though, when they come, human values rise higher than their precedents in spontaneous nature”.⁴²² So even if nature as such is independent from morality, humans emerge from nature as moral agents. This also means that humans and nonhuman nature share certain interests such as species specific values. The difference between humans and nonhuman nature is the ability of the former to reflect morally on these values. This normative deliberation is different from the rest of nature.⁴²³ “There are twin truths: nature is a womb that humans really never leave, and so ethics does have to be “naturalized,” to fit human biology, including human reproductive needs. Yet there is an exodus out of nature into the freedom of spirit in cultural life, superimposed on biological life. We never become free from nature, but we do become free within nature”.⁴²⁴

By this clarification in his recent work, Rolston does seem to have replied to some of the criticism put forward in relation to the epistemological problem of his theory of value.⁴²⁵ Whether he saves his theory of committing the naturalistic fallacy, is a different question. It does seem, indeed, still to have some problems. One point of critique in this respect is that Rolston apparently is somewhat unclear about the distinction between humans and nature. Rolston often stresses that humans are natural. They are not free from nature. This implies the humans’ relatedness to nature and is thought of as a critique of the previous anthropocentric ethical tradition. The problem about this notion in Rolston is that we hardly find any mentioning of the respect towards humans. Rolston’s aim is not to argue for the moral duties towards humans. His concern is nature. What he seems to forget is his own strong emphasis on humans as nature. Does this not imply that humans also have a moral responsibility toward each other? This may imply a flaw within the basic structure of Rolston’s thought. His theory as a whole is dependent upon this idea of the human

⁴²² Ibid., 286f.

⁴²³ Ibid., 280ff.

⁴²⁴ Ibid., 282f.

⁴²⁵ Cf. e.g. Harlow (1992) and Preston (1998).

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as nature.

The fundamental categorical mistake seems to be that Rolston forgets what is the factor of motivation in his theory. The basis of his theory is a respect of value. However, as far as I can see, he does not justify this respect. He does indeed argue for the values of nature and human beings. But he forgets to argue, why the intrinsic values of nature are to be respected. When the intrinsic value of nature is independent of human beings, how does it raise a normative demand? How does Rolston prevent this from ending up in a secondary sense of environmental ethics? As I see it, Rolston's theory necessarily implies this anthropocentric perspective. Rolston seems to forget himself. He is building a theory of which he himself is a part and yet he forgets that doing this he is at the same time setting himself apart from his theory. A critical question to Rolston could be, how is this to be understood as anything else but clear anthropocentrism?

This touches upon the naturalistic fallacy of Rolston's thought. Rolston keeps reminding us of this fallacy. Indeed, he maintains the necessity of it. But stressing the need of coming from *is* to *ought* does not prove the possibility. The question remains to Rolston, how do I come from *is* to *ought*? If the basis of human moral behavior is duty (which seems to be the argument of Rolston), how does one justify the transition from the acknowledgment from the fact of value to the moral demand? These critical questions may also be applied to the last aspect of Rolston's thought, to which we now turn, i.e. the idea of the human beings as following nature.

7.2.2 Following Nature

As we have seen, Rolston argues that the ethics are to be in accordance with the principles of ecology. Closely coupled with this view, he speaks of the rightness of the actions of humans when they are following nature.⁴²⁶ We need to explain this idea, as it is one of the parts of Rolston's thought, where he indeed seems to come close to the natural law tradition, as we found it in Melancthon and Wolff.

Rolston mentions seven different ways of following nature. We will try to explain each of them in turn, observing Rolston's taxonomisation. *Following nature in an absolute sense*. All actions of humans are regulated by laws of nature. If nature is understood as the aggregate of all

⁴²⁶ Rolston 1986, 30-52; 1988, 32ff. See these references for a more detailed account of the different ways of following nature.

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physical, chemical, and biological processes, there is no way for humans to exempt from nature. In this sense, humans cannot help but follow nature. *Following nature in an artifactual sense.* Human actions are characterized by deliberation. If nature is understood as above (excluding those of human agency), human action can never be in accord with nature. The deliberate actions of humans will always be unnatural in the sense of being artifactual. Humans can never follow nature. *Following nature in a relative sense.* By the deliberative powers of the human agent, the forces of nature can be shifted. The human can often choose between different natural courses. The human does not act automatically in accord with nature, but can choose between actions that are all natural. In this sense humans follow nature in a relative sense. *Following nature in a homeostatic sense.* The ecological crisis has necessitated a consideration for the homeostatic sense of following nature. Nature is under stress because of the impact of deliberate actions of humans. However, even if nature is strained in this way, humans cannot escape nature and are still highly dependent on it. It is necessary that nature is studied in order to get a clear understanding of which options will retain stability in the ecosystem and in the human's relationship to it. "To follow nature means to choose a route of submission to nature that utilizes natural laws for our well-being".⁴²⁷ However, Rolston argues that this is not moral behavior in regard to nature. *Following nature in an imitative ethical sense.* Nature does not have a moral conduct. The behavior of nature is amoral, in the sense that there is no issue of morality implied. Interestingly, Rolston remarks following: "There is no way to derive any of the familiar moral maxims from nature: "one ought to keep promises." "Tell the truth." "Do to others as you would have them do to you." "Do not cause needless suffering." There is no natural decalogue to endorse the Ten Commandments; nature tells us nothing about how we should be moral in this way, *even* if it should turn out that this is approximately the morality ingrained by natural selection in human nature".⁴²⁸ However, this does not imply that there are not any goods of moral relevance in nature. But this does not tally very well with the immoral courses of nature. Apparently nature can not be followed in an imitative ethical sense. Rolston, however, keeps open the question, if nature is therefore bad? *Following nature in an Axiological Sense.* Humans are political animals. Therefore, humans are inclined to form urban environments. These are not unnatural, however, as they are dependent

⁴²⁷ Rolston 1986, 36.

⁴²⁸ Ibid., 38f.

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upon the natural sources. The urban environment is not unnatural either, as it is often a symbiosis between humankind and nature. The wild environment, nevertheless, is the environment where the humans do not go to act on nature, "... but to contemplate it, drawing ourselves into its order of being, not drawing it into our order of being".⁴²⁹ Humans are here let in on the intrinsic value and integrity of nature. Here, Rolston finds it necessary to move from the *is* to the *ought*. Nature can not but be regarded as a good. But as soon as we move from a natural *is* to a natural *is good*, the relations with that natural good become moral. In this axiological sense we can and ought to follow nature, "... to make its value one among our goals; and, in so doing, our conduct is here guided by nature".⁴³⁰ *Following Nature in a Tutorial Sense*. Humans can learn about morality by reflecting on nature. Phenomena of the natural world can teach humans about traits of character and morality. This teaching comes about in an environmental reciprocity. It is relational, arising out of the encounter between humans and nature. It is not all cases of nature that are morally defensible. But these courses also imply morality, as it appeals to the moral conduct of humans. It is important to maintain the natural resistance along with the natural conductance.⁴³¹

7.3 Conclusion

The analysis of Rolston can now be concluded. We have seen that Rolston represents a naturalist metaethical position. In line with the naturalist grounding of normativity, Rolston refers to given facts as the source of normativity. As such Rolston also shares basically realist traits. Furthermore, Rolston stresses the link between the nature and morality and the principles of ecology within both so strongly that he may even be said to share the ontological basis of normativity, which may also

⁴²⁹ Ibid., 43.

⁴³⁰ Ibid., 46.

⁴³¹ Even if Krebs 1999, 119ff. comments succinctly and precisely on the argument of following nature, as she finds it a number of theories of environmental ethics (among which she includes Rolston), I do not think her critical remarks apply to Rolston. She argues that we cannot follow nature, as nature is not a valuer. Furthermore, even if there were values-as-such, i.e. independently of a valuer - this would still not suffice. In the latter case, it is still necessary that the value-as-such is valued by someone, which could only be the human being (on account of her previously described *epistemic moral anthropocentrism*) (22f.). However, in Rolston's understanding of following nature, it is not the value concept which is in focus. In some of the ways which Rolston finds that the human being can follow nature, he even comes close to a Kantian understanding. Cf. 13.2 for the concluding reflections of the thesis on this notion. Here it is argued that this idea plays a central role in various theories of natural law and environmental ethics.

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be found in some theories of natural law. This suggests that one can find more than one point of reference in Rolston, where he can be read in the light of natural law thought. Furthermore, it has been shown that Rolston does not have a convincing argument of how he avoids the naturalistic fallacy. Rolston even argues for the necessity of holding the *is* and the *ought* very close to each other. A total separation is not possible, according to Rolston. However, Rolston also argues that the human being is a special being endowed with special abilities of moral reflection. This implies a special role for the human being. In some sense the human being emerges out of nature and still remains within nature. In this sense, the human being remains a fundamentally natural being, even when regarded as a moral being at the same time. The reasoning of the human being is part of the natural being.

Chapter 8

Nature as an Organic Whole

In 1949 several essays of Aldo Leopold were collected in *A Sand County Almanac*.⁴³² Among these essays, “The Land Ethic” has become the most influential, making out the background and inspiration of a group of environmental thinkers developing the land ethics into an academic environmental ethic.⁴³³ The leading representative is J. Baird Callicott, for whom it has been a central aim to develop the thought of Aldo Leopold into a more coherent philosophical system. Although Leopold revealed an important insight into the character of nature, following from the many years of his service as a forest ranger, he did not supply the sufficient philosophical underpinning. Callicott, according to whom the lack of this philosophical argument is the reason for the dismissal of land ethics among philosophers,⁴³⁴ has attempted to work out precisely such a philosophical basis.⁴³⁵ In the present chapter we turn to Callicott, focusing our critical analysis on the same two concepts of nature and reason, as has been the concern in the previous chapters. It is also here the intention to see if there is a metaethical basis of Callicott’s thought which makes his theory appropriate in a reformulation of natural law.⁴³⁶

⁴³² Leopold (1949): “*A Sand County Almanac*” and “*Sketches Here and There*”, New York/Oxford: OUP. Callicott has edited the leading commentary on this work, *Companion to a A Sand County Almanac: Interpretive and Critical Essays* (1987). This commentary includes critical essays by e.g. Rolston and Callicott.

⁴³³ In addition to Callicott, several other thinkers fall within this group. Some of them because of their explicit alliance with this theory, others because of the similarity in the type of argument. Among the thinkers within these two groups can be mentioned e.g. Manon Andreas-Grisebach, Andrew Brennan, Stephen R. L. Clark, William Godfrey-Smith, Klaus Michael Meyer-Abich, Val Plumwood, Holmes Rolston, Robert Spaemann, Richard Sylvan, and Edward O. Wilson (cf. Callicott 1999, 146 and Krebs 1999, 69. Amittedly, Callicott and Krebs disagree on the categorization of some of the thinkers. However, it has not been attempted to converge their accounts). In the present chapter we focus on Callicott.

⁴³⁴ Callicott 1989, 75f.

⁴³⁵ *Ibid.*, 5f.

⁴³⁶ In our analysis of Callicott the focus will be on his two main works on environmental ethics, i.e. 1989 and 1999. In both of these works Callicott has collected several previously published articles. These articles are referred to on the basis of these books. A few articles on various aspects of Callicott’s thought are

8.1 Land Ethics as Ethical Holism

It is not feasible to deal with Callicott's thought apart from the main tenets of the land ethic. Therefore, an outline of this position is given below. In this account, we focus on two points, namely the foundations of the land ethic (8.1.1) and how this leads to an ethical holism (8.1.2).

8.1.1 The Foundations of Land Ethics

One important query is the scientific basis of the land ethic. "The land ethic rests upon three scientific cornerstones: (1) evolutionary and (2) ecological biology set in a background of (3) Copernican astronomy."⁴³⁷ The evolutionary theory underlines the relationship and kinship between the human and nonhuman nature. Whereas the former establishes a diachronic link, the ecological biology provides a synchronic link between human beings and the rest of the biotic community. Ecological theory argues that there is one biological community of natural beings. Finally, the Copernican astronomy implies the relative smallness and fragility of the earth and thereby the necessary interdependence of human and nonhuman natural beings. Callicott sums up the conceptual and logical elements of the land ethic in the following way:

Here in outline, then, are the conceptual and logical foundations of the land ethic: Its conceptual elements are a Copernical cosmology, a Darwinian protosociobiological natural history of ethics, Darwinian ties of kinship among all forms of life on earth, and an Eltonian⁴³⁸ model of the structure of biocenoses all overlaid on a Humean-Smithian moral psychology. Its logic is that natural selection has endowed human beings with an affective moral response to perceived bonds of kinship and community membership and identity; that today the natural environment, the land, is represented as a community, the biotic community; and that, therefore, an environmental or land ethic is both possible - the biopsychological and cognitive conditions are in place - and necessary, since human beings collectively have acquired the power to destroy the integrity, diversity, and stability of the environing and supporting economy of nature.⁴³⁹

also included, even if the focus is on Callicott's own writings.

⁴³⁷ Callicott 1989, 82.

⁴³⁸ I.e. Charles Elton, who in the 1920's worked out the concept of the biotic community as a working paradigm for ecology (cf. Callicott 1989, 82).

⁴³⁹ Callicott 1989, 83.

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Thus, the theoretical basis of the land ethic is the thought of Hume, Smith, and Darwin. Common to these thinkers is the emphasis on public affections. The concern is not primarily on the individual, but on the community as the ultimate measure of the moral value.⁴⁴⁰ This focus on the community is also clear in the central principle of the land ethic: “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise”.⁴⁴¹ Closely related to this emphasis on the biotic community is Leopold’s understanding of the relevance of ecology. The Land Ethic is developed on account of an ecological point of view.⁴⁴² “The philosophical context of the land ethic and its conceptual foundation is clearly the body of empirical experience and theory which is summed up in the term *ecology*.”⁴⁴³ This entails that the land ethic calls to attention the holistic vision of the world, the unified system of integrally related parts.

But the land ethic does not only have the principle of evolution as a theoretical basis. Land ethics emerges from the recognition of ecology within ethics, leading to the assertion of the inclusion of the biotic community in ethics as a process in ecological evolution.⁴⁴⁴ Before the advent of the science of ecology, the various parts of nature were to some degree understood as isolated beings. The central notion of ecology has implied the interrelatedness of all these different organisms. Having come to appreciate ecology, this concept has also influenced the notion of morality. Morality is no longer understood in terms of rights but rather on the basis of notions as interrelatedness and community.⁴⁴⁵ As Leopold writes: “All ethics so far evolved rest upon a single premise: that the individual is a member of a community of interdependent parts.” Ecology, he then goes on to note, “simply enlarges the boundaries of the community to include soils, waters,

⁴⁴⁰ Ibid., 1989, 21. This communitarian basis of natural law may also be argued to be present in Melancthon and Wolff. Consequently, this notion is appropriated in the concluding part of the thesis, where it is argued that this is one point, where natural law and environmental ethics accord with each other (cf. 13.1).

⁴⁴¹ Leopold 1949, 224-225

⁴⁴² Callicott 1989, 22ff.

⁴⁴³ Ibid., 22.

⁴⁴⁴ Ibid., 77; Idem 1999, 120ff.

⁴⁴⁵ Idem 1989, 22ff.

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plants, and animals, or collectively: the land.”⁴⁴⁶

In addition to the evolution of ecology within ethics, Leopold also speaks of the evolutionary origin of ethics. The theory of Darwin is here taken as the cornerstone. At first, a consequence of the Darwinian theory appears to imply the absurdity of a claim of the existence of morality. The survival of the fittest necessarily seems to imply the furthering of aggressive and selfish individuals. However, Darwin found that the survival for many animals and for the human was only possible within social structures. The cooperative societies supported the members. But, this support could not be maintained if the members did not observe certain limits in the interactions with others. Further, Darwin argues that the basis of social groups are parental and filial affections common to all mammals. This Darwinian account of the evolutionary origin of ethics is adopted by Leopold in his land ethic. A consequence of this account is the argument for kinship with the rest of nature.⁴⁴⁷

One of the problems in a strong emphasis on ecology is the vulnerability to changes in the concept of ecology. For Leopold’s land ethic this problem becomes acute with the emergence of notions as deconstructive ecology and sociobiology. Callicott ends up with the same problem as we saw in Rolston of having to reconcile sociobiology and altruism. Whereas Rolston claimed the difference between morality and sociobiology, endorsing the difference between humans as moral beings and nonhuman nature as devoid of morality, Callicott maintains the Darwinian account of the community-based development of moral sentiments.⁴⁴⁸ But this close link becomes

⁴⁴⁶ Cited after Callicott 1999, 122. The notion of interdependency is a further notion, where the idea of natural law and environmental ethics hold common insights. The ideas of interdependency in the included natural law theories of the thesis are refined in the concluding part of the present study in an attempt to appropriate this notion in the reformulation of natural law (cf. 13.1).

⁴⁴⁷ Callicott 1999, 59ff.; 120ff.

⁴⁴⁸ Cf. 7.2.1. The difference between Callicott and Rolston on this issue is due to their dissimilar grounding of morality in respectively feelings and reflection. It is Rolston’s advocacy of the latter which leads Callicott into classifying Rolston as neokantian (1999, 145f.). Callicott’s understanding of moral sentiments is also based upon Hume’s understanding of morality as determined by sentiments which are based upon the moral agent’s membership of a community. Partridge (1996) criticizes Callicott’s use of Hume’s moral philosophy. Rather than being supportive of an environmental ethics, a Humean understanding of moral sentiments would lead to anthropocentrism and alienate humans from nature (150). Hume’s account requires the reciprocity which can only be the case among humans (153f.). “As Callicott correctly points out, Hume’s moral sentiments have their origin in interpersonal relationships. These sentiments are evoked by our recognition of the personhood or sentience in others. *Personhood* is not only the source of these moral sentiments but also its limit. Accordingly, the Humean sentiment of *benevolence* is not directed toward

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problematic, when the understanding of ecology changes. Callicott discusses the challenge raised by contemporary ecology which problematizes the whole concept of an ecological *community*.⁴⁴⁹ However, there seems to be elements in Leopold's land ethic making it possible for him to maintain his theory. This is the case when he abjures the balance of nature idea and when he argues for nature's inherent dynamism⁴⁵⁰, which has provided some of the background for the attempt to dynamize the land ethic.⁴⁵¹

The land ethic has been criticized for its lack of normative force. Callicott's theory of environmental ethics, it is claimed, is merely descriptive. According to the critics, it merely describes the genesis of morality, but does not prescribe actions towards nature.⁴⁵² This is very much due to Callicott's attempt to ground his non-anthropocentric environmental ethic in biological moral theory, rather than in philosophical moral theory.⁴⁵³ The prevailing modern moral paradigm, according to Callicott, has been the contractual theories. Stemming out from Hobbes, it became common to argue for a state of nature as the basis of morality. Morality was grounded in mutual selfinterest. Although the notion of selfinterest is strongest in Hobbes, in general it can be claimed that the contractual theories strengthened the individualism of the modernity. This did not imply the neglect of the common good, but the common good had its basis in the will of the individual persons. In various formulations this contractual theory can be traced from the early part of the seventeenth century to contemporary representatives as e.g. David Gauthier. Callicott's

insentient nature, much less toward abstractions such as species or ecosystems. Nor can Humean *sympathy* connect with objects in or conditions of impersonal nature." (153).

⁴⁴⁹ Callicott 1999, 125.

⁴⁵⁰ *Ibid.*, 123.

⁴⁵¹ *Ibid.*, 134ff.; 137f.

⁴⁵² This is especially argued by Warwick Fox 1985, 21: "Callicott grounds his subjectivist environmental ethics in the work of Hume, Darwin, and Leopold, and claims that the theory ... derived from this lineage 'provides for' the moral considerability of the non-human world. But what should we understand by this? While some readers might think that Callicott's Hume-Darwin-Leopold axiology has normative and not just explanatory force, Callicott does not actually claim this, nor can he." This is followed up by Kristin Schrader-Frechette 1990, 189: "Callicott's use of biology to undergird his environmental ethics ... destroys the normative dimension of his ethics. He avoids relativism by postulating that ethical uniformity/unanimity is achieved by means of natural selection. He says, 'human feelings have been standardized by natural selection.' [But] behavioral uniformities explained through natural selection are descriptive nor normative." (Cited after Callicott 1999, 101. Cf. *ibid.* for his discussion on this critique).

⁴⁵³ Callicott 1999, 100.

theory is a critique of this modern paradigm. Callicott's intention is to argue for an environmental ethic that takes wholes in consideration to a larger extent than is the case in contractual theories.⁴⁵⁴

This rejection of the contractual theories is characteristic of Callicott. These theories all fall within the nonrealist mode of natural law thought described in the present thesis. Metaethically Callicott places himself within the other mode of thought, where the basis of morality is grounded in the communal whole one is a part of. This mode of thought has been clear in Melanchthon and Wolff.⁴⁵⁵ We see how Callicott argues for a viewpoint of metaethical similarity to the naturalist mode of natural law thought. The important difference between Callicott and the natural law thought is that whereas the latter argues for the relation between ontology and reason, Callicott argues for the relation between community and feelings. Callicott explicitly rejects reason as the basis of morality. The ecological community, not a premodern concept of being; feelings, not reason is the basis of environmental ethics.⁴⁵⁶

8.1.2 Ethical Holism

Another side of Callicott, where his argument has close affinity to natural law thought is his understanding of ethical holism. Callicott defends the view that it is the whole of the biotic community which is of ethical interest.⁴⁵⁷ The holistic character of the land ethic is the fundamental characteristic, setting it "... apart from the predominant paradigm of modern moral philosophy."⁴⁵⁸

Callicott, however, argues that even though the land ethic is holistic in the biotic sense, the human being can still be member of the human community, which is understood as a community within the larger biotic community. The membership of the human community implies that the human is not relieved of correlative moral responsibilities of that membership, such as the respect for universal human rights. Therefore, though the fundamental concern is with regard to

⁴⁵⁴ Ibid., 62ff.

⁴⁵⁵ Cf. Chapter 3 and Chapter 4.

⁴⁵⁶ Ibid., 64.

⁴⁵⁷ Callicott 1989, 25: "... the good of the community as a whole, serves as a standard for the assessment of the relative value and relative ordering of its constitutive parts and therefore provides a means of adjudicating the often mutually contradictory demands of the parts considered separately for *equal* consideration."

⁴⁵⁸ Ibid., 84.

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the biotic community, this does not imply the neglect of the individual. But certainly there can be a tension between the concern for the whole and the individual. “Not only are other sentient creatures members of the biotic community and subordinate to its integrity, beauty, and stability; so are *we*.”⁴⁵⁹ However, in Callicott’s opinion, the conceptual basis of the land ethic implies a safeguard against a tendency to neglect the individual.⁴⁶⁰ Callicott is well aware of the inherent danger of the land ethic to focus on the whole and forget the individual, as he is also well aware that this is a point where the land ethic has been accused of ecofascism.⁴⁶¹ Callicott tries to defend himself against this critique, arguing that the recognition of the membership of the biotic community does not dissolve the membership of the human community.⁴⁶²

Another aspect of the ethical holism which carries close resemblance to natural law thought is Callicott’s rejection of moral pluralism. The notion of pluralism arises particularly due to two circumstances: (1) the urge of environmental ethics to develop an ethical theory for humans’ relation to nature, and (2) its effort to include human beings makes the pluralistic approach a likely option. Furthermore, the many various theories of environmental ethics also promote the notion of pluralism.⁴⁶³ Even if pluralism has many defenders,⁴⁶⁴ Callicott maintains the necessity of monism. This is due to any theory’s dependence upon a certain metaphysic. In grounding his theory on the conceptual basis of the communitarian land ethics, Callicott endorses this ideological framework as the determinative core of his theory of environmental ethics.⁴⁶⁵ Even

⁴⁵⁹ Callicott 1989, 92.

⁴⁶⁰ *Ibid.*, 86f.

⁴⁶¹ *Idem* 1989, 91f.; 1999, 70ff.

⁴⁶² *Idem* 1989, 93f.; 1999, 71.

⁴⁶³ *Idem* 1999, 143ff.

⁴⁶⁴ *Ibid.*, 148ff.

⁴⁶⁵ This point has been criticized by Norton (1995c). Norton distinguishes between environmental philosophers in the role of “applied philosophy” or “practical philosophy”. Whereas the latter takes its startingpoint in the actual cases and pragmatically determines the best solution, the former develops a theoretical basis as the framework for its deliberations on issues of environmental ethics. Callicott is, rightly, seen as a representative of the last approach. According to Norton, however, such an approach tends to separate philosophers from real management issues (342ff.). “Monists are not simply wrong in that they have not yet proposed the correct universal principle or because they have not quite successfully specified the precise boundaries of moral considerability in nature. I believe, rather, that the entire project of shoehorning all of our obligations regarding other humans and nature into a “monistic” system of analysis is the wrong strategy for achieving better environmental decision making.” (345). Cf. Callicott (1996) for a reply to

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if his ethic does include overlapping communities (which does imply different and competing duties and obligations), this does not lead to an essential pluralism.⁴⁶⁶

Such a moral philosophy as I have here outlined is in one sense pluralistic; in another it is not. It does involve a multiplicity of overlapping and competing community-generated duties and obligations. To that extent, it is pluralistic. But it is not pluralistic *sensu* Stone (and Wenz and Brennan, for that matter), because it involves only one metaphysics of morals: one concept of the nature of morality (as rooted in moral sentiments), one concept of human nature (that we are social animals voyaging with fellow creatures in the odyssey of evolution), one moral psychology (that we respond in subtly shaded ways to the fellow members of our multiple, diverse, tiered communities and to those communities per se). (...) It posits a single coherent strand of moral thought: David Hume and Adam Smith set out its elements in the eighteenth century, Charles Darwin grounded them in an evolutionary account of human nature in the nineteenth, and Aldo Leopold (...) provided its outermost "accretion" in the twentieth.⁴⁶⁷

8.2 The Communitarian Basis of Environmental Ethics

In the land ethics the biotic community of humans and nonhuman organisms organism defines the basis of morality⁴⁶⁸, as the ecological community and the ethics coincide.⁴⁶⁹ This is a point, where Callicott comes very close to premodern, early modern and postmodern understandings of natural law, criticising modernity's emphasis on individualism.⁴⁷⁰ Callicott seems to come close to the realistic grounding in these thinkers. For Callicott as well as these natural law thinkers, the basis of morality is thought of within a whole which carries within itself as well the grounds and content of as the telos of morality. In all three aspects the affinity is of such a close character that it seems justifiable to argue that the thought of Callicott is identical to the scheme of the natural law thought, even if he does not refer to it explicitly.⁴⁷¹

Norton.

⁴⁶⁶ Callicott 1999, 165ff., 174f.

⁴⁶⁷ Ibid., 169.

⁴⁶⁸ Idem 1989, 64ff.

⁴⁶⁹ Idem 1989, 69f.; 71f.; 80; Idem 1999, 132f.

⁴⁷⁰ Idem 1999, 101ff. Cf. also 8.1.1

⁴⁷¹ Cf. 13.1 for the thesis' appropriation of Callicott in a reformulation of natural law.

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The striking similarity between the natural law thought and Callicott is furthered when we look at the relation between societies and ethics. Ethics and society or community are understood as correlative.⁴⁷²

Ethics and society or community are correlative. This single, simple principle constitutes a powerful tool for the analysis of moral natural history, for the anticipation of future moral development (including, ultimately, the land ethic), and for systematically deriving the specific precepts, the prescriptions and proscriptions, of an emergent and culturally unprecedented ethic like a land or environmental ethic.⁴⁷³

This understanding of the correlation between ethics and society is dependent upon as well Darwin's theory of the evolution of morals as well as the Humean understanding of the relation between community and morality. Ethics and society have developed correlatively. As the need of society changed, the moral community developed correspondingly. "The moral community expanded to become coextensive with the newly drawn boundaries of societies and the representation of virtue and vice, right and wrong, good and evil, changed to accommodate, foster, and preserve the economic and institutional organization of emergent social orders".⁴⁷⁴ This close link between the basis of ethics and the basis of society is also a characteristic of natural law thought.⁴⁷⁵

The question of the communitarian basis of environmental ethics can not be separated from the question of the normative status of other species. The kinship with nonhuman nature implies the filial relationship, but touches also upon the discussion on the intrinsic value of nonhuman nature, which is endorsed by Callicott. According to Callicott the notion of intrinsic value refers to something being valuable *in* and *for* itself. Its value is not derived from utility, but

⁴⁷² Callicott 1989, 80; 1999, 64ff.

⁴⁷³ Idem 1989, 80.

⁴⁷⁴ Ibid.

⁴⁷⁵ In the present thesis this has e.g. been demonstrated in Melanchthon (3.3.2) and Luther (5.1.3). Concerning the natural law thought of Hume and Smith, cf. also Haakonssen 1999, 1ff.: "It has long been a commonplace that the thinkers of the Scottish Enlightenment understood the moral life and moral institutions of humanity in social and historical terms; in fact, they have been seen as pioneers of holistic methods of explanation and of historical sociology."

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is determined by its being an “end-in-itself”, not just a “means” to other ends.⁴⁷⁶ The notion of intrinsic value is challenged due to the post Cartesian scientific development and its distinction between objects and subjective states of mind. On account of this distinction it has been claimed that nature is valuefree. Value has been confined to the subjective realm of consciousness.⁴⁷⁷ However, there are tendencies within science to move beyond this paradigm, claiming that facts are value-laden. Furthermore, it seems appropriate to distinguish between the *source* and *locus* of intrinsic value. Even if the human consciousness is regarded as the source of value, nonhuman nature can still be regarded as the locus of value.

I concede that, from the point of view of scientific naturalism, the *source* of all value is human consciousness, but it by no means follows that the *locus* of all value is consciousness itself or a mode of consciousness like reason, pleasure, or knowledge. In other words, something may be valuable only because someone values it, but it may also be valued for itself, not for the sake of any subjective experience (pleasure, knowledge, aesthetic satisfaction, and so forth) it may afford the valuer.⁴⁷⁸

As the newborn infant child can be intrinsically valuable in a truncated sense, because it is valued *for its own sake, for itself*, i.e. strictly its value is dependent upon human consciousness even if its ascribed intrinsic value, so can nonhuman nature.⁴⁷⁹

For the present thesis it is interesting to notice that Callicott later has substantiated the notion of intrinsic value on account of a metaethical analysis.⁴⁸⁰ After having discussed various arguments for intrinsic value, such as the phenomenological and teleological proof, the pragmatic

⁴⁷⁶ Callicott 1989, 131. Callicott’s explicit Kantian terminology on this issue is remarkable considering his repeated rejection of Kantian philosophy and yet the importance of this notion of the intrinsic value in his theory. This raises the question of the compatibility of this notion with the rest of his thought. Is Callicott’s notion of intrinsic value consistent with his theory as a whole? What does this imply for the monistic character of his theory? Even if it may be argued that this critique is putting too much emphasis on the terminology, it still remains as a valid critique that Callicott is a bit sloppy in terms of terminology. This is also a critique that applies elsewhere in Callicott. Occasionally he makes use of notions irrespectively of the connotations which arise in relation to these concepts.

⁴⁷⁷ Callicott 1989, 132.

⁴⁷⁸ *Ibid.*, 133.

⁴⁷⁹ *Ibid.*, 133f.

⁴⁸⁰ *Idem* 1999, 239ff.

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and Kantian⁴⁸¹ argument, he comes up with his own argument moving towards a postmodern theory of this notion. Although valuing within the modern paradigm has been dependent upon the distinction between subject and object, this dichotomy is rejected in postmodern thought. Value is no longer determined by a subjective, conscious experience of value. Rather, value is "... a subject's *intentional act*: No *intending* subject, no value."⁴⁸² Due to developments within recent physics, intrinsic value in nature is to be regarded as a potentiality to be actualized by a situated observer/valuer.⁴⁸³ "If quantum theory and ecology both imply in structurally similar ways in both the physical and organic domains of nature the continuity of self and nature, and *if* the self is intrinsically valuable, then nature is intrinsically valuable. *If* it is rational for me to act in my own interest, and I and nature are one, then it is rational for me to act in the best interest of nature".⁴⁸⁴

8.3 Nature and Normativity

Having seen how the principles of the land ethic constitute the fundamental tenets of Callicott's theory of environmental ethics and how this leads to an ethical holism and is further substantiated by a conception of a communitarian basis of environmental ethics, we now turn to an explicit analysis of the grounds of normativity. If the basis of Callicott's ethical theory is the biotic community, how does one come from what *is* to what one *ought* to do? How does one move from a recognition of the fact of the biotic community to a consideration of the implied values?

8.3.1 The Is/Ought Dichotomy

For the land ethic the classical metaethical question of the naturalistic fallacy is highly acute, which also is apparent from the critique of Aldo Leopold for committing this fallacy.⁴⁸⁵ In other theories of environmental ethics this issue is also debated, discussing the sharp line between the *is* and *ought*. According to Callicott, Rolston among others, explores conceptual possibilities of moving

⁴⁸¹ Ibid., 239-251.

⁴⁸² Ibid., 260.

⁴⁸³ Idem 1989, 157ff.; 1999, 260.

⁴⁸⁴ Idem 1989, 173.

⁴⁸⁵ Ibid., 117.

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beyond this traditional notion.⁴⁸⁶ For Callicott it is more important to show how the problem can be resolved within the thought of Hume, the first to pose the problem.⁴⁸⁷ On Humean ground there is "... a direct passage from the perceived facts that we are natural beings and that we belong to a biotic community to the principal values of the land ethic".⁴⁸⁸ Further, this conceptual move from facts to values is an important theoretical part of the Darwinian ethical thought.⁴⁸⁹

The critique of the naturalistic fallacy is particularly represented by G. E. Moore.⁴⁹⁰ Moore's position, however, is not relevant as a critique of Leopold, as his position is too strongly tied to his own ethics. According to Callicott, it does not give reason for alarm to note Leopold's incompatibility with Moore.⁴⁹¹ According to Callicott, Hume did not use the term "naturalistic fallacy". Rather, Hume's position is characterized by criticizing the move from *is* to *ought*. Hume found this move in many contemporary theories of ethics. Hume's understanding of the unjustified transition from *is* to *ought* appears in a section where he argues that distinctions between good and evil are not founded merely on relations of objects nor perceived by reason. Moral judgments are founded, rather, upon sentiment. Judgments on good or bad are determined by feelings of approbation or disapprobation, warm approval or repugnance, which spontaneously arise in us upon the contemplation of some action or object.⁴⁹² These sentiments are considered natural and universal. They are only slightly variable psychological features common to all people. Therefore, one can speak of normal and correct moral judgments. Consequently, the role of recognition is also discussed.⁴⁹³ In this respect a parallel is drawn with regard to Kant.⁴⁹⁴ This is in relation to Callicott's repeated critique of the modern paradigm of ethical thought. Callicott acknowledges the focus on the question of normative force in Kant. However, Callicott argues, the question of

⁴⁸⁶ Ibid., 118.

⁴⁸⁷ Idem 1989, 118f; 1999, 103.

⁴⁸⁸ Idem 1989, 118f.

⁴⁸⁹ Ibid., 118f.; Idem 1999, 100.

⁴⁹⁰ Cf. 2.2 for an account of Moore's as well as Hume's position.

⁴⁹¹ Callicott 1989, 119f.

⁴⁹² Ibid., 120.

⁴⁹³ Ibid., 121ff.

⁴⁹⁴ Ibid., 122f.; 1999, 102ff.

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normative force is not determined whether the basis of morality is thought of as reason. “Leopold’s land ethic has its root in Hume, and Hume, unlike Kant, grounded ethics precisely in inclination - in unselfish feelings such as sympathy, beneficence, and humanity, not in dispassionate reason”.⁴⁹⁵ Community is the fundamental notion in the land ethic. In Leopold’s view, the recognition of land as a community to which we belong, leads to a use of it with love and respect.⁴⁹⁶

Therefore, for Callicott there is a legitimate move from *is* to *ought*.⁴⁹⁷ Of course, Callicott does end up with a problem concerning the deconstructiv ecology and the sociobiology.⁴⁹⁸ How can one argue that there is a legitimate move from *is* to *ought*, when what *is* seems to be contrary to moral behavior? It is not just *amoral* (i.e. the absence of morals), it is actually *immoral* (i.e. contrary to morality). How can one argue that the immoral should serve as the basis of morality? Does this not lead Callicott into insoluble selfcontradictions? Callicott believes he can solve part of the problem by going beyond the Leopoldian landethic, arguing for a dynamization of the land ethic.⁴⁹⁹ I must admit, I am not convinced by Callicott’s attempt to save the tenets of the land ethic. Callicott is aware of some of the main arguments against the land ethic. However, I do not believe he answers them in such a way that he can justify a reformulation of the land ethic. Callicott’s attempt to move beyond the land ethic seems to lead him into something quite different from the land ethic. When the organic, communitarian whole can no longer be maintained, it does not seem proper to speak of a land ethic any more.

8.3.2 Fact and Value

A further aspect of the naturalistic fallacy or *is* to *ought* problem in Callicott is the discussion on

⁴⁹⁵ Idem 1989, 103.

⁴⁹⁶ Ibid.

⁴⁹⁷ Ibid., 127: “If Hume’s analysis is essentially correct, ecology and the environmental sciences can thus directly change our values: what we value, not how we value (...) ... ecology changes our values by changing our concepts of the world and of ourselves in relation to the world. It reveals new relations among objects which, once revealed, stir our ancient centers of moral feelings.”

⁴⁹⁸ Idem 1999, 117-139; 120.

⁴⁹⁹ Ibid., 134ff.

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the relation between facts and values.⁵⁰⁰ Having argued for the legitimate move from *is* to *ought*, he also points to the unfortunate moral implications of the dichotomy between facts and values.⁵⁰¹ Drawing on the insights of physics, Callicott argues that the theory of relativity and the quantum theory challenge the traditional understanding of objectivity of facts.⁵⁰² On the other hand, it also seems necessary to modify the relativization of facts.⁵⁰³ It is argued that an important reason the environmental crisis is to be found in the different understandings of facts.⁵⁰⁴ Callicott argues that facts are not independent from theory and value. They are theory-laden, as well as value-laden.⁵⁰⁵ On the other hand, values are also dependent upon facts.⁵⁰⁶ The reciprocal relation between facts on the one hand and theory and value on the other hand is the important notion to bear in mind. As (1) facts and (2) theory and value cannot be separated from each other, neither does it make much sense to have a sharp line between *is* and *ought*. The mutual dependency must not be ignored.

This is an important reason of Leopold's expansion of the moral concern to the biotic community.⁵⁰⁷ Because man *is* a part of this biotic community, he *ought* to care for it, respect it and have sympathy for it. As already mentioned, the philosophical basis of this idea is Hume's understanding of the feelings as basis of morality.⁵⁰⁸ Leopold's argument can be schematized on the account of Hume's ethics.⁵⁰⁹ The difference between Hume and Leopold is that Hume's concern was not nature, but society. Hume argued for the possibility of founding moral behavior in regard to society. This discussion on society can be applied to Leopold's concern for the biotic

⁵⁰⁰ Ibid., 79ff.

⁵⁰¹ Ibid., 84.

⁵⁰² Ibid., 80ff.

⁵⁰³ Ibid., 88f.; 106ff.

⁵⁰⁴ Ibid., 96f.

⁵⁰⁵ Ibid., 82: "Facts are value-laden to the extent that in the overwhelming "blooming, buzzing, confusion," which is the world, we select for attention among an infinity of potential facts those that interest us for any of potentially an infinity of reasons. Our interests - what we value - in a sense create actual facts."

⁵⁰⁶ Ibid., 88ff.

⁵⁰⁷ Idem 1989, 124.

⁵⁰⁸ Ibid., 124f.

⁵⁰⁹ Ibid., 125.

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community.⁵¹⁰ In both cases, it is a community that surrounds man, he is part of it, his identity and ethical notions are formed by it. The land ethic is, therefore, not an attempt to develop a new ethic. The concern is rather to widen the sense of kinship, including the biotic community.

Is nature a “*proper* object” of human sympathy, loyalty, benevolence, or respect? If animals are, as Descartes believed, mere automata, then they are no more proper objects of sympathy than is a pencil sharpener. Whether we ought or ought not extend them moral considerability (...) turns thus on a matter of fact. Just what sort of beings are animals, and what connections have they to us? This is a question capable of cognitive resolution. Are plants, like animals, conscious beings? (...) Paul Taylor (1986) has made a good case, however, that plants are conative, if not conscious beings, that they are “teleological centers of life.” If plants are not conscious then we have no grounds for sympathizing with them, but if they are conative we may appropriately feel benevolent toward them. Are we, along with plants and animals, coevolved, distantly kin members of a biotic community, as ecology alleges? If so, then indeed we ought to feel sympathy or benevolence toward our fellow members and loyalty and respect toward the community as such.⁵¹¹

These last remarks on the necessity of resolving the dichotomy of *is* and *ought* on Humean grounds and the idea that facts and values are to be related to each other, gives an evident basis of seeing Callicott’s theory as a naturalistic theory. This is the sense in Moorean sense, but even more in the sense applied in the present thesis (i.e. the narrower sense of defining the good with reference to nature). Furthermore, Callicott’s theory also proves to be realistic. This is clear from his emphasis on the notion of facts. There are facts which can be known and recognized and which carry normative implications. This also means that Callicott’s theory with these last remarks have a somewhat unclear picture of the relation between nature and reason as the basis of normativity. Certainly, Callicott does not base his notion of normativity on reason. This is an essential point of this theory on account of the Humean inspiration of his argument. However, his argument is not quite satisfactory, as one is left with an epistemic problem. If one accepts Callicott’s argument that normativity is based in feelings, how does account for the special role of the human being? I claim that Callicott does not give a satisfactory account of the moral role of the human being with due

⁵¹⁰ Ibid., 126.

⁵¹¹ Idem 1999, 114f.

respect to his quite radical biotic communitarianism.

8.4 Conclusion

The discussion on Callicott has demonstrated a theory which is fundamentally naturalist and realist. The strong influence from Aldo Leopold has lead Callicott to argue that the human being is part of a biotic community. This community serves as the basis of the moral feelings, which Callicott endorse as the basis of ethics. Ethics is to be based in sentiments rather than in reason. Therefore, ethics is based in the membership of the biotic community. This leaves reason somewhat isolated. Reason does not play an important role in the grounding of normativity, why Callicott also criticizes the Kantian and modern tradition for a misleading emphasis on this idea. By this argument Callicott comes into conflict with the Humean distinction between *is* and *ought*. Callicott, however, attempts to overcome this problem within Humean thought itself. In several of these ideas, a parallel to natural law thought was demonstrated. The parallels are particularly clear with respect to the naturalist theories of Melanchthon and Wolff.

Chapter 9

Respect for Nature

In this chapter we turn to Paul W. Taylor's theory of environmental ethics. Apart from being one of the leading representatives of environmental ethics, the Kantian basis of his theory also makes him highly relevant for this thesis. Whereas Kant emphasized the respect for other people, Taylor speaks of a respect for nature. Whereas Kant based this in the character of man as an autonomous being, Taylor emphasizes the conatus of nature. Other clear parallels is the emphasis on rationality, the deontological character of their thought as well as an inclusion of the notion of virtues. However, even if there are such clearly Kantian tenets in Taylor, the primary aim of the following analysis is not to read Taylor in the light of Kantian ideas. Rather, the purpose is the same as in the other chapters, to focus on the concepts of nature and reason in order to demonstrate some implied metaethical suppositions.

In this chapter we therefore ask ourselves two main questions: (1) What is the leading understanding of nature? How is this substantiated? (2) What are the moral implications of this concept of nature?⁵¹²

9.1 The Rationality of Biocentrism

The central aim of Taylor's theory of environmental ethics is "... an attempt to establish the *rational grounds* [my italicization] for a system of moral principles by which human treatment of natural ecosystems and their wild communities of life ought to be guided".⁵¹³ This focus on rationality could imply an argument for an anthropocentric environmental theory, as the notion of

⁵¹² Taylor has had a remarkable impact on environmental ethics, especially when one considers the relatively few works of his within this field. Apart from his mainwork *Respect for Nature* (1986) only three articles deal with his own theory (1981b; 1983 and 1984). An additional article assesses Frankena critically (1981a). All these works are included in the present analysis of Taylor, even if the emphasis is on *Respect for Nature*. A few references to other discussion on Taylor are included, although his own writings are the primary concern.

⁵¹³ Taylor 1986, 9.

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rationality can be used as an argument for the superiority of humans. In Taylor, this is certainly not the case. Even if humans have a superiority as moral agents, they are not considered as beings of superior worth. This is due to the biocentric basis of Taylor's theory. Therefore, in the following section we turn to the concept of biocentrism. In the subsequent section we turn to his argument for the rationality of this notion.

9.1.1 The Concept of Biocentrism

“What moral significance the natural world has for us depends on the way we look at the whole system of nature and our role in it. With regard to the attitude of respect for nature, the belief-system that renders it intelligible and on which it depends for its justifiability is the biocentric outlook.”⁵¹⁴ The biocentric viewpoint underlies and supports the attitude of respect for nature. This viewpoint can be summarized in four core descriptions:

(a) The belief that humans are embers of the Earth's Community of Life in the same sense and on the same terms in which other living things are members of that community.

(b) The belief that the human species, along with all other species, are integral elements in a system of interdependence such that the survival of each living thing, as well as its chances of faring well or poorly, is determined not only by the physical conditions of its environment but also by its relations to other living things.

(c) The belief that all organisms are teleological centers of life in the sense that each is a unique individual pursuing its own good in its own way.

(d) The belief that humans are not inherently superior to other living things.⁵¹⁵

Briefly we will try to give a fuller description of each of these notions.

*Humans considered as members of the Earth's community of Life.*⁵¹⁶ Human life is understood as an integral part of the natural order of the Earth's biosphere. Nonhuman species and the human species are conceived of as at the same place in the system of nature. This implies a

⁵¹⁴ Ibid., 99

⁵¹⁵ Ibid., 99f.

⁵¹⁶ Ibid., 101ff.

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common relationship to Earth for humans, wild animals and plants. Full awareness of this common relationship gives humans a sense of true community with nonhuman species. These notions are all expressions of the fact of the human as a biological being. This fundamental characteristic of the human is recognised in five realities of humans and non-human species: 1. Certain biological and physical requirements are necessary for survival and well-being for the humans and non-human species. 2. Humans and non-human species have a good of their own. The Realization of this good depends on contingencies that are not always under either human or non-human control. 3. Although the concepts of free will, autonomy, and social freedom apply only to humans, there is a fourth sense of freedom that holds equally of non-human species and humans. This kind of freedom is of great importance in any living thing's struggle to realize its good, whether human or non-human. 4. The human species is a late newcomer on Earth. 5. The non-human species can do without the humans, whereas the opposite is not the case.⁵¹⁷

*The natural world as a system of interdependence.*⁵¹⁸ The biocentric outlook implies the interdependence throughout the natural world. The individual organisms, the species populations, the communities of biotic life, the ecological system and the whole biotic system is upheld by fundamental structures of interdependence. For this reason, the entire biosphere of the planet is a single unified whole, termed "the natural world" in Taylor's theory. The natural world is understood as "... the entire set of natural ecosystems on our planet, along with the populations of animals and plants that make up the biotic communities of those ecosystems"⁵¹⁹. These natural ecosystems that make up the entire natural world exist independent of the human beings. Human interference, however, is inevitable. Therefore, there is a gradual transition from the natural to the artificial ecosystem.⁵²⁰

⁵¹⁷ The idea of humans as part of the biological community of life was also an important notion in Rolston (cf. 7.2.1) and Callicott (cf. 8.2). Although there are different accentuations of the implications of this idea, the fundamental consequence is the same in Rolston, Callicott, and Taylor - namely to argue that there is no essential difference between humans and the rest of nature. As is demonstrated in the concluding part of the thesis (cf. 13.1), this argument is quite important for the appropriation of environmental ethics in a reformulation of natural law thought.

⁵¹⁸ Taylor 1986, 116; 3ff.

⁵¹⁹ Ibid., 3

⁵²⁰ Ibid., 3ff. This aspect of interdependence also characterizes the land ethic. However, unlike e.g. Callicott this whole does serve as the basis of normativity. Whereas the harmony of the whole was the criterion on the right acts in Callicott, Taylor does not qualify the right act with reference to biotic system.

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*The individual organisms are seen as teleological centers of life.*⁵²¹ The biocentric outlook in Taylor does not only take biotic systems, ecosystems and species into regard. It is also highly important to respect the individual being.⁵²² This respect is grounded in the well-being of this individual. In order to have a well-being, there must also be a good for the individual. Taylor argues for this being the case for certain natural entities.⁵²³ The concept of the good of one's own only makes sense for living organisms. Inanimate objects and machines do not have a good of their own.⁵²⁴ As living organisms such as plants and animals have a good of their own, they can be understood as teleological centers of life.⁵²⁵

To say it is a teleological center of life is to say that its internal functioning as well as its external activities are all goal-oriented, having the constant tendency to maintain the organism's existence through time and to enable it successfully to perform those biological operations whereby it reproduces its kind and continually adapts to changing environmental events and conditions. It is the coherence and unity of these functions of an organism, all directed toward the realization of its good, that make it one teleological center of activity.⁵²⁶

Seeing the individual organisms as teleological centers of activity and life implies the respect for and recognition of the inherent worth of the individual.⁵²⁷

Moreover, cf. 13.1 for an appropriation of this idea of interdependence within nature in the tentative reformulation of natural law.

⁵²¹ Taylor 1986, 119ff.

⁵²² Ibid., 119; 122.

⁵²³ Ibid., 60ff.

⁵²⁴ Ibid., 123f.

⁵²⁵ Cf. Paske (1989) for a critique of Taylor's understanding of nonsentient organisms as teleological centers of life as being unclear and not rationally compelling. "A basic problem with Taylor's argument is that the concept of teleology is itself so obscure that it is inappropriate to use it as a fundamental concept in what is supposed to be a rational, universal argument for a particular moral stance. If "teleological" merely refers to the fact that living things tend to maintain their existence and to reproduce and adapt to environmental changes, there is no need to anthropomorphise this by calling it "goal-oriented". Rather than depending upon a vague and obscure concept, it is more useful to utilize descriptive rather than metaphorical terms." (224)

⁵²⁶ Taylor 1986, 121f.

⁵²⁷ Ibid., 46f.; 67f. "Now, for a moral agent to be disposed to give equal consideration to all wild living things and to judge the good of each to be worthy of being preserved and protected as an end in itself and for the sake of the being whose good it is means that every wild living thing is seen to be the appropriate

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The problem about this point in Taylor's theory is the necessary identification with this good for the individual plant or animal. Taylor also makes a parallel to ethics among humans and argues that there is a resemblance to his biocentric ethics. Just as humans can recognize a human good, likewise there is a good for animals, plants, biotic communities etc.⁵²⁸ The recognition of this good of a being raises the demand of respect, it is argued. Even if Taylor argues for the rationality of this idea, I do not find it convincing. The notion of *respect* requires a mutuality, as it implies an aspect of looking back, taking into consideration. Looking back, a *recognition* is presumed.⁵²⁹ The fact of recognition also implies some degree of identification, as the recognition of the moral demand of respect requires its identification as a circumstance raising a moral demand. This point of identification is a problem in Taylor's theory. Even if he says that the respect for nature is based on information on the well-being of the individual animals, plants etc., it still presumes the fundamental identification of this well-being with the well-being of human beings. However, in the case of human beings, *I* (as a human being) can respect the good of another human being as I can *recognize* that good. In the case of other beings, a similar identification seems to be problematic, without ending in some degree of anthropomorphism.

*Human superiority denied.*⁵³⁰ The superiority of humans is generally based in fundamental

object of the attitude of respect (...) One who take the attitude of respect toward the individual organisms, species-populations, and biotic communities of the Earth's natural ecosystems regards those entities and groups of entities as possessing inherent worth, in the sense that *their value or worth does not depend on their being valued for their usefulness in furthering human ends* (or the ends of any other species). When such an attitude is adopted as one's ultimate moral attitude, I shall speak of that person as having *respect for nature*." (46).

⁵²⁸ 1986, 60ff.

⁵²⁹ This notion of *recognition respect* is further developed in Darwall (1977), where it is critically compared to *appraisal respect*. Taylor also refers to this article, claiming his own use of respect resembles Darwall's recognition respect. Darwall defines recognition respect in this way: "Persons can be the object of recognition respect. Indeed, it is just this sort of respect which is said to be owed to all persons. To say that persons as such are entitled to respect is to say that they are entitled to have other persons take seriously and weigh appropriately the fact that they are persons in deliberating about what to do. Such respect is recognition respect (...) The crucial point is that to conceive of all persons as entitled to respect is to have some conception of what sort of consideration the fact of being a person requires." (38)

⁵³⁰ Idem, 129ff. Furthermore, cf. "Are Humans Superior to Animals and Plants?" (1984), where Taylor criticizes the views of Louis G. Lombardi in support of the superior status of human beings. "Although Lombardi's reasoning is not flawed by the usual weaknesses that beset these efforts [... of arguing in favor of the superiority of humans], I do not think that he succeeds in justifying the claim that humans do have greater inherent worth than other living things." (150) Cf. Wetlesen (1998) for a biocentric argument which is inspired by Taylor, but rejects the idea of the equal inherent value for all living organisms. "Taylor assumes

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ly anthropocentric arguments. This is shown to be the case for three main historical sources (i.e. the essentialist view of human nature found in classical Greek humanism, the idea of the Great Chain of Being found in the metaphysics of traditional Christian monotheism, and the dualistic theory of the philosophy of René Descartes) and a contemporary argument (i.e. Louis G. Lombardi) for the relation between man and nature.⁵³¹ We will not go into Taylor's detailed discussion on each of these arguments, but only mention his repeated conclusion for each one of them, namely the impossibility of maintaining these arguments for the superiority of humans without referring to an unreasonable anthropocentric bias. In Taylor's own view the notion of the human superiority can not be maintained on rational and logical grounds. Taylor describes two main arguments that must be considered as flawed. The first argument is based on the notion of merits. The question on the status of the various species is determined by an account of the abilities of the members of the species. It is further argued that the human being is superior to other beings as it is the only being capable of a rational, autonomous and moral life. Taylor, however, demonstrates that this argument is logically flawed as the comparison of various species does not take their different needs into account. The argument for the superiority of humans is only possible in the light of an anthropocentric viewpoint. The other argument is the inherent worth. Due to the mentioned classical historical sources of our understanding of the relation between man and nature, it is argued that humans are the only beings of inherent worth. However, this is only possible on account of an anthropocentric basis. In Taylor, on account of the biocentric theory, it is argued that all species have inherent worth.

Even if the idea of human superiority may be denied on the premisses of Taylor's argument, this does not imply that the human being does not have a special role as a moral being. Taylor indirectly admits that the human being has such a special role. This does not mean that the

not only that all individual living organisms have a moral status, but also that they have an equal moral status value, or inherent worth, as he calls it. This assumption creates problems for the resolution of conflicts or interest between humans and nonhumans. Taylor seeks to solve these conflicts by means of the distinction between central and peripheral interests, and the numbers affected. It is open to doubt, however whether these premisses suffice for his attempt to justify cases where human peripheral interests are given priority over the central and vital interests of other animals and plants." (32). Instead it argues for equal moral status value for moral persons and moral agents, and gradual moral status value for nonpersons, depending on their degree of similarity with moral persons.

⁵³¹ Idem, 135-152

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human being is superior in general - but it does mean that the human beings has a special responsibility.⁵³²

Having outlined the main contours of Taylor's understanding of the biocentric viewpoint, we now turn to his argument for the rationality of this notion.

9.1.2 The Rationality of Biocentrism

As mentioned, the main aim of Taylor's theory is to argue for the rational grounds for the endorsement of his theory of environmental ethics. The question we will be concerned with in this paragraph is, what Taylor understands by rational.

As described above, Taylor argues for a biocentric outlook as the basis of his environmental ethic. However, Taylor also argues for the rationality of this biocentrism as the basis of justification for his theory. Although he does not explicitly say that it is only in so far as his biocentric theory is understood to be rational that it can be accepted, he repeatedly refers to the rationality of this biocentric outlook. The notion of rationality may be said to serve as the criteria of justification of his theory. When this is the case, his discussion on the relation between the anthropo- and biocentric environmental ethic is seen in a new light. The main argument of *Respect for Nature* is that "... quite independently of the duties we owe to our fellow humans, we are morally required to do or refrain from doing certain acts insofar as those acts bring benefit or harm to wild living things in the natural world. [Furthermore, ...] these moral requirements have to be weighed against certain things valued by humans. To fulfill the duties of environmental ethics does involve at times a sacrifice of at least some human interests."⁵³³ This leads Taylor to the biocentric conception already explained. Therefore, in terms of moral obligations, Taylor states his general thesis accordingly:

⁵³² Krebs 1999 also argues as a conclusion on her comprehensive analytical philosophical studies on environmental ethics that an epistemic anthropocentrism cannot be avoided. "Should the ethics of nature be *anthropocentric* or *physiocentric*? The ethics of nature should not be anthropocentric in the instrumentally-truncated sense but neither should it be anthropocentric in the extensional sense. Rather, it should be moderately *physiocentric*, more precisely *pathocentric*. The ethics of nature must, however, remain *anthropocentric in the epistemic sense*." (137)

⁵³³ Taylor 1986, 10.

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In addition to and independently of whatever moral obligations we might have toward our fellow humans, we also have duties that are owed to wild living things in their own right (...) Our duties toward the Earth's nonhuman forms of life are grounded on their status as entities possessing inherent worth. They have a kind of value that makes it wrong to treat them as if they existed as mere means to human ends. It is for *their* sake that their good should be promoted or protected. Just as humans should be treated with respect, so should they.⁵³⁴

However, the problem in Taylor is the apparently unclear explanation of the relation between rationality and biocentrism, i.e. reason and nature. It seems that reason and nature are intertwined in Taylor.

In his definition of environmental ethics he can describe it as both (1) a concern with moral relations between humans and the natural world⁵³⁵ and (2) a theory established on rational grounds for guiding human treatment of natural ecosystems and their wild communities of life.⁵³⁶ Whereas the first definition does not necessarily include the notion of rationality, the second is fundamentally based upon this concept. Whereas a concern could also be based upon animal sentiments, the last definition presupposes the moral superiority of human beings. Despite his repeated reference to the necessary rational justification of his theory,⁵³⁷ it is not clear what he means by "rationality". It appears that Taylor is mainly speaking of the theoretical rationality. Rationality is seen as a matter of being well-informed, of understanding the principles of the biocentric world-view and seeing the implications of the status of the human being in this light.⁵³⁸ If this is the case, an important question to Taylor is how he understands moral reason. What is

⁵³⁴ Ibid., 13.

⁵³⁵ Ibid., 3.

⁵³⁶ Ibid., 9.

⁵³⁷ E.g. Ibid., 9; 14: "The full defense of this general thesis [i.e. the biocentric thesis and its consequent moral implications] depends on a systematic and detailed construction of a whole biocentric theory of environmental ethics. It is only when such a theory is seen in its entirety and all its elements are carefully examined that its *rational acceptability* [my italicization] will be made evident. We shall find that the grounds on which its rational acceptability is established are at the same time grounds for rejecting all human-centered theories"; 21; 154; 155f. The rational (or rather *reasonable*!) justification is also the focus in his defense of the biocentric viewpoint in answer to objections raised to his theory (1983). His intention in this reply is to argue that "... the biocentric outlook on nature, which underlies and supports the moral attitude of respect for wild living things, can be accepted as not only a possible, but also a reasonable world view." (237)

⁵³⁸ Idem 1986, 154ff.

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the relation between this informed understanding of biological life and the imperative of moral reason. I do not find a convincing account of the relation between this theoretical and practical rationality in Taylor. Furthermore, he seems to be using the notion of rationality and reasonableness somewhat indiscriminately. This is clear in a passage, where he both argues for the *reasonableness* of his theory and yet claims that this theory would be found acceptable by a *rational* person.⁵³⁹ This suggests that Taylor's notion of rationality is so closely related to his biocentric world-view that they cannot be understood isolated from each other. He maintains nature *and* reason as the simultaneous basis of his theory. On the one hand, the biocentric outlook (i.e. nature) is the basis of his theory in so far as it is rational. On the other hand, rationality is considered the basis of his theory to the extent that it corresponds with the biocentric outlook. Only that is termed rational which lies within the insights of the biocentric outlook. Consequently, nature and reason are intertwined with one another. If this is the case, Taylor represents an understanding which comes quite close to the positions of Rolston and Callicott. It seems that the notion of rationality also in Taylor is imbedded in his concept of nature. Concluding the discussion on Taylor's understanding of rationality with this suggestive interpretation, we now turn to his understanding of the ethical idea of a harmony between man and nature.

9.1.3 The Ethical Idea of a Harmony Between Man and Nature

Taylor is clear in his rejection of an organic concept of nature.⁵⁴⁰ However, he does endorse an understanding of the harmony between man and nature that comes very close to the very notion he rejects. I will argue that Taylor has a hypothetical notion of an organic nature. Taylor describes it as an idea. It seems that Taylor in this respect is dependent upon the Kantian notion of a regulative idea. Even if nature is not actually organic, one can still have a regulative idea of a harmony of nature, which serves as a hypothetical guideline.

⁵³⁹ Ibid., 154: "I propose the *reasonableness* [my italicization] of denying human superiority on the ground that the whole notion of human superiority over other species does not fit coherently into the view of nature and life contained in the first three elements of the biocentric outlook [cf. 99f.]. These elements taken together, I hold, would be found acceptable as a total world-perspective by any *rational* [my italicization], informed person who has a developed capacity of reality-awareness regarding the lives of individual organisms."

⁵⁴⁰ Cf. 9.2.1

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This notion of the ethical idea of harmony between man and nature is in the last part of *Respect for Nature*. In this part Taylor discusses what one should do about the cases, where the principles of his environmental ethic do not apply. Taylor is well aware that his principles can not encompass all cases. As a guideline for the remaining cases, he describes this ethical idea. The leading idea here is a notion which comes very close to the traditional natural law concept of equity. Just as it is claimed that the political laws cannot cover all situations, why circumstances will occur where a fair verdict is based upon deliberations on justice, so Taylor argues that there are situations, where his principles do not suffice. In these situations one must deliberate by reference to one's total vision of the world order which accords with the biocentric theory.⁵⁴¹ On the basis of such a worldview one would meet all other beings with respect. This comprehensive understanding of the biocentric outlook also implies that human civilization would be brought into harmony with the natural world.⁵⁴²

Taylor understands this harmony in such a comprehensive way that it parallels the natural law thought of an all encompassing order of nature. Here we have one of the clearest examples of the resemblance between Taylor and the natural law thought represented by Melanchthon and Wolff. This is clear from the following points: (1) The allusion to the organic concept of nature, which is a common feature within this mode of natural law thought, (2) The recognition of the fact that moral (and legal) principles cannot encompass all cases and the consequently necessary emphasis on the underlying justificatory basis, (3) The reference to an order and the close link between this order and the harmony between man and nature, (4) The total vision of one's understanding of the world and (5) The normative function of this ethical idea all suggest a strong affinity between Taylor and natural law thought.

As we have seen, the question on the naturalistic fallacy is crucial to natural law thought and environmental ethics.⁵⁴³ This question also comes up in relation to Taylor. We now adress this question.

⁵⁴¹ Taylor 1986, 307.

⁵⁴² Idem, 309.

⁵⁴³ The question on the naturalistic fallacy is discussed in most of the thinkers included in the present theises. Cf. 13.3 for the concluding discussion on this notion.

9.2 Nature *and* Morality

Taylor maintains a clear distinction between is and ought. On the one hand he can describe his understanding of nature, i.e. the biocentric outlook, while, on the other hand, he can explain reason as the basis of morality. While the former is a consequence of factual information, the latter is based on evaluative judgments.⁵⁴⁴ Further, he distinguishes between conceptual and normative claims. Whereas the conceptual claim explains that plants and animals are to be considered as moral subjects that one can treat either rightly or wrongly, the normative claim argues that we ought to treat them rightly.⁵⁴⁵

In order to understand more fully Taylor's approval of the distinction between is and ought, we turn to a particular side of his understanding of nature, namely the rejection of the organic concept of nature (9.2.1), his explicit argument for the respect for nature (9.2.2), and the notion of the rights of nature (9.2.3).

9.2.1 The Rejection of an Organic Concept of Nature

According to Taylor, the understanding of the order of nature which characterized earlier understandings can no longer be maintained. This understanding was also shared by Darwin, who upheld a notion of an overall design of nature. For Taylor it is important that we can no longer speak of "the balance of nature" as a kind of basic norm. It is no longer necessary to maintain this notion in order to establish scientific explanations of nature. There has been a substitution of the former understanding of the (designed) order of nature with the contemporary understanding of ecosystems and their component biota. A consequence of Taylor's rejection of this former understanding of nature is also a rejection of an understanding of morality conceived as a matter of following nature or acting in accordance with the design built into the very nature of things.⁵⁴⁶ Nature has not provided human beings with a guide to follow. Human beings are considered as moral agents who are to reflect upon the moral demands of the natural world. "... We humans as

⁵⁴⁴ Taylor 1986, 47ff.

⁵⁴⁵ *Ibid.*, 19f.

⁵⁴⁶ This is, of course, an important point where Taylor differs from natural law thought. In natural law thought the idea of living in accordance with nature is a leading principle. In the discussion on Rolston it was argued that his endorsement of this very idea constituted a resemblance to natural law thought. The idea of living in accordance with nature is further substantiated in 13.2.

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moral agents must search for our own principles to guide us when we try to determine how to live in right relation to the natural world. This requires us to engage in ethical inquiry and not simply “read off” moral norms from a certain way of conceiving of the order of living things.”⁵⁴⁷

Taylor’s rejection of the organic concept of nature is essential to the metaethical discussion on the basis of his environmental theory. It marks a point where he differs strongly from a naturalist standpoint. In the earlier article from 1981, where Taylor outlined the contours of his later book, he seems to be arguing somewhat differently. In 1981 he still speaks of a natural *order* which the human being is a part of. It is argued that the biocentric outlook implies an understanding of the human being as part of this web of interconnected organisms. This ecological interrelationship constitutes an organic whole. “To accept the biocentric outlook and regard ourselves and our place in the world from its perspective is to see the whole *natural order* [my italics] of the Earth’s biosphere as a complex but unified web of interconnected organisms, objects, and events. The ecological relationships between any community of living things and their environment form an *organic whole* [my italics] of functionally interdependent parts.”⁵⁴⁸ Even if Taylor also here is careful to underline that this does not constitute a moral norm,⁵⁴⁹ his emphasis on the close link between the factual and normative understanding of biological life does not make this distinction very convincing. Rather, the close link suggests a naturalist basis of Taylor’s theory, even if he does not adhere to this position.

Having established Taylor’s rejection of the organic concept of nature and the normative implications of this rejection, we now turn to his understanding of respect for nature. In this idea some of the Kantian tenets become quite clear.

9.2.2 Respect for Nature

The distinction between moral agents and moral subjects is fundamental to Taylor’s theory of

⁵⁴⁷ Taylor 1986, 9.

⁵⁴⁸ Taylor 1981, 209.

⁵⁴⁹ *Ibid.*: “However, I do wish to point out that this “holistic” view of the Earth’s ecological systems does not itself constitute a moral norm. It is a factual aspect of biological reality, to be understood as a set of causal connections in ordinary empirical terms (...) Its ethical implications for our treatment of the natural environment lie entirely in the fact that our *knowledge* of these causal connections is an essential *means* to fulfilling the aims we set for ourselves in adopting the attitude of respect for nature.”

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environmental ethics.⁵⁵⁰ The class of moral agents encompass beings that can reflect on moral issues, are capable of moral reasoning. This class comprises most humans, but cannot be identified with human beings. There are human beings who are not capable of this sort of reasoning, e.g. infants and some mentally disabled humans. There might also be other species also capable of this ability. This last question is regarded an open one. The criteria of belonging to this class are not based on speciesist arguments, but on a strict focus on the character of a moral agent. The class of moral subjects is larger than the class of moral agents. Moral subjects are all those beings in relation to whom one has duties and responsibility. Obviously a human being can be both a moral agent and a moral subject. Important, however, is the inclusion of animals and plants as moral subjects. The precondition for a being to be a moral subject is that it can be harmed or benefited. It is possible to take the standpoint of a moral subject and determine the right or wrong action in regard to this being. “Perhaps the most ethically significant fact about moral subjects is that it is always possible for a moral agent to *take a moral subject’s standpoint and make judgments from its standpoint about how it ought to be treated*. The stand implicit in such judgment is the furtherance or preservation of the well-being of the subject, not of the one who does the judging.”⁵⁵¹

In this argument, one can include Taylor’s understanding of the structural symmetry between human ethics and environmental ethics.⁵⁵² Human ethics are characterized by three main components, (1) A beliefsystem, (2) respect for other persons, and (3) the system of rules and standards. The beliefsystem is understood as the conceptual framework on account of which one understands other persons. This beliefsystem is the reason for the understanding of other persons as somebody you should treat with respect. The system of rules and standards structure this respect. Environmental ethics, Taylor argues, are based on a similar structure. The biocentric outlook on nature is considered as the communitaristic basis of the beliefsystem.⁵⁵³ Human beings are

⁵⁵⁰ Taylor 1986, 14ff.

⁵⁵¹ Ibid., 17.

⁵⁵² Ibid., 41ff.

⁵⁵³ Ibid., 42: “When a moral agent accepts the belief-system [i.e. the biocentric beliefsystem] and conceives of others as persons, she or he takes up a certain outlook on the social world. Others are seen as belonging to a community of which one is also a member on equal terms with them. The community it self is so ordered as to make it possible for all individuals to live self-directed lives according to value-systems

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considered as members of Earth's community of life. Thus, human beings are fundamentally connected with the nonhuman nature. Every living thing will be seen as a being of inherent worth, pursuing its own good in its own way. This implies the second component, the respect of nature, which must be considered as the only appropriate attitude. The third component is the standard and rules of behavior in accordance with this respect for nature.

It is worth noting that Taylor actually refers to a communitarian basis of his environmental theory. This is done at a fundamental point of his whole theory. This suggests that this communitarian notion is a crucial element of Taylor's theory as a whole. If this is the case, there is a strong link to the metaethical basis of the ontological natural law theories.

This understanding of the structural symmetry between human ethics and environmental ethics is the reason for Taylor's concept of "respect for nature". He is widening the Kantian concept of respect for other persons. The Kantian inspiration of Taylor's theory is also clear when he explains the difference between having and expressing the attitude of respect for nature.⁵⁵⁴ Having the respect for nature is a question of a set of dispositions for the moral agent, namely the valuational, the conative, the practical, and the affective dimensions. These dispositions refer to the disposition to make certain value judgments, the disposition to have certain ends, the disposition to act for certain reasons, and, finally, the disposition to have certain feelings.⁵⁵⁵ To express the respect for nature is a question of acting out of consideration for nature. "... people show genuine respect for nature only when they act or decline to act *out of consideration and concern for the good of wild living things*".⁵⁵⁶ The motivation is crucial.⁵⁵⁷ Respect for nature is not a matter of caring for or loving nature.⁵⁵⁸ What is important is the act on account of duty and rules.⁵⁵⁹ These rules are considered as having universal justification.⁵⁶⁰

of their own choosing, subject only to those constraints needed to give each an equal chance."

⁵⁵⁴ Cf. Taylor 1986, 80ff.

⁵⁵⁵ Cf. *ibid.* for a more detailed description of each of these dispositions.

⁵⁵⁶ *Ibid.*, 84

⁵⁵⁷ *Ibid.*

⁵⁵⁸ *Ibid.*, 85f.; 90.

⁵⁵⁹ *Ibid.*, 85.

⁵⁶⁰ *Ibid.*, 91.

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In these last remarks the Kantian tenets are quite clear. One is to act on the basis of duty and not inclination. Furthermore, the moral agent acts on behalf of respect of the other. An important difference, however, is the following idea, where Taylor argues in favor of nature as holding rights.

9.2.3 Rights of Nature

In this last part of the discussion on Taylor, we turn to his understanding of the rights of nature. Although Taylor explicitly does not base his theory of environmental ethics on the notion of rights,⁵⁶¹ he still discusses this notion. As this notion is central to the theme of this thesis, we will now try to discuss Taylor's understanding of the rights of nature.

Taylor defines a right as "... a legitimate claim or entitlement to something, the recognition of the legitimacy of that claim or entitlement being (morally or legally) required of others."⁵⁶² Whereas the moral rights are recognised on account of valid moral principles, the legal rights are imposed by a system of law. Taylor's primary interest is on the moral rights, but first we turn to his understanding of the legal rights of nature.

The question of legal rights is basically a question on the passing of a law ascribing these rights. Having a legal rights is not the same as having a moral right⁵⁶³. In order to have a legal right it is necessary that a given law acknowledges the right of a given entity. Therefore, in order for nature to have legal rights, it is "only" aquired that this is formulated in a law. On the basis of the theory of Taylor, where animals and plants are considered as entities with a good of their own, it is logically conceivable for them to have the legal status of bearer-of-rights in a given society.⁵⁶⁴ Once this legal right has been passed as a law, their individual good makes a legally valid claim upon humans, who are required by law to recognize the legitimacy of that claim.⁵⁶⁵

With regard to moral rights, Taylor argues that it is not conceptually impossible to ascribe such rights to nonhuman beings, even if one ought to refrain from doing so. "... although it is not

⁵⁶¹ Ibid., 219.

⁵⁶² Ibid.

⁵⁶³ Ibid., 224.

⁵⁶⁴ Ibid., 222.

⁵⁶⁵ Ibid.

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conceptually confused or logically absurd to ascribe moral rights in an extended sense to animals or plants, there are good reasons for not doing so.”⁵⁶⁶ If rights are understood in the traditional sense of fundamental human rights, or rights of persons, it is truly absurd to argue for these rights in regard to nature. But there is another understanding of moral rights, ascribing rights to insane and severely retarded. In this sense it seems justifiable to speak of rights of nature. However, he does maintain the sufficiency of his own theory. The notion of moral rights of nature does not add anything to what is already accomplished by the theory of respect for nature.⁵⁶⁷

By the notion of moral rights Taylor understands a parallel to legal rights⁵⁶⁸. A person has a claim to something based on a valid moral principle. Others are required to respect this right. Two elements are fundamental in this argument: (1) the moral legitimacy and justification, and (2) the moral duty or requirement. Both of these presuppose a valid, normative ethical system. This normative justification of the rights also distinguish them from the notions of needs, interests and values. Whereas these are expressed in a factual language, the language of rights is normative. Thus, rights are justified, when they are based on the valid, moral system. On the assumption of these principles, one can speak of a *true* right.

On account of this understanding of moral rights, it is highly problematic to assert the possibility of plants’ and animals’ moral rights.⁵⁶⁹ This is due to conceptual, rather than normative considerations. According to Taylor, there are four reasons why plants and animals cannot be bearers of moral rights. “(a) A bearer of moral rights is assumed to be a member of the community of moral agents. (b) There is a connection between being a bearer of moral rights and having self-respect such that, if it is inconceivable for something to have self-respect it is inconceivable for it to be a bearer of moral rights. (c) It must make sense to say that a being is able to choose to exercise or to enjoy a right if it makes sense to say it has that right. (d) A bearer of moral rights has certain second-order entitlements in virtue of its moral rights”. For each of these conditions, Taylor claims that it is logically impossible for plants and animals to fulfill them. Cf. (a): Neither plants nor animals are considered agents within a moral system that respects the rights of others

⁵⁶⁶ Ibid., 225.

⁵⁶⁷ Ibid., 225f.

⁵⁶⁸ Cf. *ibid.*, 226ff. for further details.

⁵⁶⁹ Cf. *ibid.*, 245ff. for further details.

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and can claim one's own rights. Cf. (b): Selfrespect is not something one finds in plants or animals. Cf. (c): Neither plants nor animals are capable of choosing between alternatives. This ability is one of the preconditions of having rights. Cf. (d): Firstorder rights can be demanded restituted on occasion of offence. Logically, plants and animals can not claim these demands, for which reason they cannot have rights.

Even if Taylor dismisses the possibility of the rights of plants and animals on logical grounds, he does admit a modified concept of moral rights. On the basis of the rationality of the biocentric outlook on nature, which must be accepted by any person analyzing it without prejudice, nature is understood as an aim in itself and thereby worthy of respect⁵⁷⁰. The ethical acts that correspond with this attitude are actions, one is obliged to in regard to nature. "When animals and plants are regarded as entities possessing inherent worth their good accordingly is understood to make a claim-to-be-respected upon all moral agents, and duties are seen to be imposed upon agents as ways of meeting that claim".⁵⁷¹ According to Taylor, there is not far from this understanding to a notion of rights of nature. Thus, there is a conceptual structure which justifies at least the respect for nature as a right of nature. This right can, however, serve as basis for other rights, namely "... the right not to be harmed, the right not to be interfered with, the right not to have one's trust broken, and the right to restitution when one has been wronged. To carry out the duties correlative with each of these rights is to treat animals and plant in the way they are *entitled* to be treated. They are deserving of such treatment *in their own right*."⁵⁷² Consequently, it seems justified to speak of a modified concept of rights for animals and plants. These rights, however, are something quite different from the rights of humans. As there can easily be a confusion of these concepts, it is better altogether to dismiss of the notion of moral rights for plants and animals and confine oneself to a respect for nature.

9.3 Conclusion

The analysis of Taylor's environmental ethics can now be concluded. The leading concerns were a critical assessment of his understanding of nature and reason. It was demonstrated that Taylor

⁵⁷⁰ Cf. *ibid.*, 251 ff. for further details

⁵⁷¹ *Ibid.*, 252.

⁵⁷² *Ibid.*, 253.

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develops a biocentric outlook, which serves as a worldview justifying his theory of respect for nature. According to his biocentric view on life all living organisms are seen as teleological lifecenters. They all have a conatus, which raises the demand of respect. In this sense there is a parallel to the Kantian emphasis on respect of the human person on account of the rationality of this person. Whereas Kant pointed to rationality as the criterion on moral standing, Taylor defends conatus as the determinative principle. This could suggest that Taylor shares the moral constructivism found in Kant. However, the critical reading of Taylor suggests that he is rather to be seen in the light of a naturalist justification of normativity. Even if Taylor is careful to distinguish conceptual and normative claims, he stresses the link between this theory of natural life and the corresponding ethical claims so strongly that it appears appropriate to suggest a naturalist understanding of his thought. This appears to be the case for naturalism in the wider sense as well as in the narrower sense. Therefore, the analysis of Taylor has demonstrated that he shares resemblances with a naturalistic natural law thought both in the fundamental structure and in various parts of his theory.

Part III.II

Reason as Basis for Environmental Ethics

In this part we turn to three select positions, arguing for an environmental ethic which is based in a concept of reason. The primary thinkers of our concern will be Bryan G. Norton (Chapter 10), Mark Sagoff (Chapter 11) and Robin Attfield (Chapter 12).

Chapter 10

The Rationality of Environmental Policy

Having seen three theories of environmental ethics in different ways argue for a normative concept of nature, we now turn to a focus on reason as the source of normativity. Bryan Norton defends the idea of a rational basis of environmental policy as the best way to ensure a protection of the environment. It is the central thesis of *Why Preserve Natural Variety?* to argue that the dilemma between arguing for protection of nature on account of nonanthropocentric reasons or reducing nature to a demand value can be overcome by an endorsement of nature as a transformative value, whereby Norton thinks of nature as a value which contributes to the formation of a rational world view. For Norton rationality is in focus, when he discusses concern for nature.

As in the previous chapters, the primary concern will be the concept of nature and reason and the role they play in the grounding of morality. In the first part, the primary questions of our concern will be: How does Norton understand the concept of nature? What role does nature play in the grounding of morality? In the second part, we formulate the same questions but in regard to his concept of rationality. The chapter ends with a conclusion.⁵⁷³

10.1 Nature as the Basis of a Constructivist Epistemology

In dealing with the mentioned questions, the primary focus in the subsequent paragraph will be on Norton's understanding of nature by focusing on his defence of weak anthropocentrism and his rejection of holism. In the course of doing this, it is the aim to demonstrate how these notions are

⁵⁷³ Bryan Norton's work on environmental ethics and environmental policy covers many subjects. In the following the focus is on the concepts which are central to the enquiry of the thesis, why the focus is on the ethical issues in Norton. Furthermore, among his two main works, *Why Preserve Natural Variety?* and *Toward Unity Among Environmentalists*, the primary frame of reference is the former. Besides this work several articles of his are referred to along the course of the argument. References to discussions on Norton have been minimized, as the focus is on his own writings.

integrally related to the following notions. The primary questions are therefore: How does Norton argue for a weak anthropocentrism? What are his grounds for rejecting holism? Finally, what are the underlying metaethical assumptions of these arguments?

10.1.1 The Defence of Weak Anthropocentrism

The traditional distinction between nonanthropocentrism and anthropocentrism is the starting point for Norton when he argues for his own position.⁵⁷⁴ We will describe Norton's reflections on these two main types of environmental thought in brief.

“Only humans are the locus of intrinsic value, and the value of all other objects derives from their contributions to human values”.⁵⁷⁵ Such is the central thesis of anthropocentrism, according to Norton. This understanding of environmental ethics is substantiated in several ways, among which the most important are the emphasis on consciousness as the precondition for moral status, the biblical argument for the superiority of the human being, and the argument based on the theory of evolution, each of which is criticized by Norton.⁵⁷⁶

The dubious argumentative force also applies to the main views of nonanthropocentrism. Norton discusses the central notions of nonanthropocentrism. In regard to the discussion on intrinsic value and individual interests, he takes a critical stance.⁵⁷⁷ Further, rights of nonhumans cannot provide a satisfactory rationale against environmental deterioration.⁵⁷⁸ This also holds for the concept of the rights of future generations. The individuality implied in these notions prevents the adequacy of these deliberations as basis for an environmental ethic. They do not supply a sufficient argument against e.g. a policy of depletion, as this harms no existing individuals, present or future.⁵⁷⁹ Consequently, the arguments for species protection dependent upon notions of

⁵⁷⁴ Norton 1984, 133ff.; 1987, 135ff.

⁵⁷⁵ *Idem* 1987, 135.

⁵⁷⁶ Cf. *ibid.*, 137ff. for a further discussion on each of these ideas, where Norton demonstrates the questionable traits of each one of them.

⁵⁷⁷ *Ibid.*, 156ff.

⁵⁷⁸ *Idem*, 1982a.

⁵⁷⁹ *Idem*, 1982b.

individualism are rejected as insufficient.⁵⁸⁰

Even if individualism is discarded, nonanthropocentrism still holds serious problems. In the case of attempting to ascribe interests to species, the notion shows its limits. Conceptually, the notion of interests and rights breaks down, when applied to a species. There are no reasonable means of determining interests and rights in this case.⁵⁸¹ Other attempts of more holistic notions of nonanthropocentrism have focused on human the notion of sentiments. As we have seen, this is the case in Callicott.⁵⁸² Norton criticizes this notion for not overcoming the damaging individualistic bias and for its inherent relativism.⁵⁸³ Finally, Norton criticizes the notion of holism.⁵⁸⁴ We turn to this last point in the subsequent paragraph.

Consequently, both anthropocentrism and nonanthropocentrism appear inconclusive. In order to overcome the conceptual problems of these notions, Norton argues for a further distinction, namely between a strong and a weak anthropocentrism.⁵⁸⁵ The strong anthropocentrism is the more extreme versions of the above given characteristic of anthropocentrism. Weak anthropocentrism on the other hand, is characterised by making two ethical resources available. First, by demonstrating the close relationship between the human species and other living species, environmental ethics also support ideals of human behavior extolling harmony with nature. These ideals serve as a critique of preferences leading to an exploitation of nature. Second, nature serves as a source of inspiration in value formation. This is the case, when human experiences with nature serve as a process of value formation, leading to a substitution of merely felt preferences with more rational ones. Norton's argument for a weak anthropocentrism is its ability to supply "... a framework for developing powerful reasons for protecting nature (...) [without these reasons resembling] the extractive and exploitative reason normally associated with strong anthropocen-

⁵⁸⁰ Idem 1987, 166ff.

⁵⁸¹ Ibid., 171: "To apply the concepts of rights and interests to nonhuman species as collectives is not only to expand the application of the concepts; it radically alters their very logic as no reasonable analogies exist for reconstructing them. We are left without any clear guidelines for deciding what rights a species has because one cannot generate such rights from interests in any meaningful sense of that term."

⁵⁸² Cf. 8.1.1

⁵⁸³ Norton 1987, 174f.

⁵⁸⁴ Ibid., 176ff.

⁵⁸⁵ Idem, 1984, 134f.; 1987, 12f.; 135.

trism.⁵⁸⁶ Further, weak anthropocentrism also affects behavior. The ideal of harmony with nature implies different actions in relation to nature. Furthermore, this view can be endorsed on religious as well as rational grounds.⁵⁸⁷

The weak anthropocentrism has two levels, a distributional and an allocational. Due to the former, one ought not to harm other human individuals unjustifiably. Whereas the former is based on individual considerations, this is not the case for the latter. Due to the latter one is obliged to maintain a flow of resources into the indefinite future, as these are necessary for ongoing human life.⁵⁸⁸

In line with his weak anthropocentrism, Norton takes a sharp, critical stance to what he calls a reductionist monism. The critique of monism is basically because of its dependence upon the axiological approach to environmental ethics. Due to this method, it is attempted to include all issues of environmental ethics under one single principle or theory.⁵⁸⁹ The goal is to offer a unified and monistic account of moral obligation in relation to nature. This central goal of moral monism leads to reductionism, according to Norton. Moreover, the practical implications of this theory is a paralyzing dilemma between assertions of either the entirely instrumental value of nature to human objectives or nature's value as independent on human valuation. Both claims are monistic and yet the polarization of their assertions imply the conceptual and practical impossibility of these notions.⁵⁹⁰

Monists are not simply wrong in that they have not yet proposed the correct universal principle or because they have not quite successfully specified the

⁵⁸⁶ Idem 1984, 135.

⁵⁸⁷ Idem 1984, 135f.

⁵⁸⁸ Ibid., 143ff.

Eugene C. Hargrove and Laura Westra both develop own positions in opposition to Norton. Hargrove also calls his own position weakly anthropocentric. But whereas Norton argues for an anti-intrinsic, pragmatic position, Hargrove defends the intrinsic value of nature (1992). Westra endorses an "ethics of integrity" based on an ecocentric, holistic position as necessary in order to deal with the actual environmental problems. This position is complemented by the ecosystem approach and complex systems theory (1997).

⁵⁸⁹ Norton 1995a, 331: "What locks the anthropocentrists and nonanthropocentrists in a death-grip is the assumption of moral monism - the belief that we only have moral obligations to those things which have some shared feature common to all moral patients."

⁵⁹⁰ Idem 1995b, 341ff.

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precise boundaries of moral considerability in nature. I believe, rather, that the entire project of shoehorning all of our obligations regarding other humans and nature into a “monistic” system of analysis is the wrong strategy for achieving better environmental decision making.⁵⁹¹

Monism, of course, can be anthropocentric as well as nonanthropocentric. However, Norton particularly criticizes the nonanthropocentric, holistic monism. According to Norton, this kind of monism is found in Callicott, marking a point of critique for Norton. The criticism can be directed at the antihumanistic implications,⁵⁹² the theoretical flaws,⁵⁹³ and the implied reductionism.⁵⁹⁴ A similar discussion is on the notion of organicism. Norton rejects various versions of strong organicism. This is especially because they often have been interpreted too literally and have been taken to have moral force. Against the notions of strong organicism, however, Norton argues for a minimal organicism, based on the notion of selforganizing ecosystems.⁵⁹⁵

A general critique of monism is its stagnant position within a modernist paradigm. This is particularly the case for nonanthropocentrism. When various attempts of nonanthropocentrism claim to overcome the split in reality between matter and spirit, which has pervaded philosophy since Descartes, they confine themselves within a discussion incapable of giving satisfactory answers to contemporary environmental problems. Environmental ethics must move beyond this modernist scheme of thought. One way of doing this is to assert the pragmatic approach of Norton’s environmental philosophy.⁵⁹⁶ In relation to holism, Norton consequently advocates a pluralistic version. According to such a view, both individuals and systems could be thought to have intrinsic value. Moreover, the value of ecosystems and individuals could not be compared

⁵⁹¹ Ibid., 345.

⁵⁹² Idem 1987, 178.

⁵⁹³ Idem 1995b, 345ff.

⁵⁹⁴ Idem 1996, 109ff.

⁵⁹⁵ Idem 1993, 29: “We began by posing the question whether environmentalists and environmental managers need a “new” organizing metaphor, and whether environmentalists should be organicists. By seeking a minimal holism - one that supports the important changes in perception, value, and worldview that environmentalists advocate, but one that also minimizes its mystical implications and metaphysical commitments - we have outlined in broad terms such a metaphor. It is non-reductionistic, but it is not metaphysically or ethically holistic, and it is not organicist in the strong sense”; 1992b, 105ff.

⁵⁹⁶ Idem 1995b, 354f.

to each other, as they are distinct to one another.⁵⁹⁷ However, even if Norton endorses this pluralist approach, this does not entail a relativistic account of ethics. Moral relativism must be avoided, and there are a number of strategies available for this purpose, e.g. the development of "... a two-tiered system of analysis in which the "action" tier includes multiple rules for choosing acceptable behaviors and a second, "meta" tier contains rational principles for deciding which of the action rules is appropriate in various situations".⁵⁹⁸

Concluding this paragraph, it seems appropriate to point to the similarities between monism and metaethical realism and naturalism. A fundamental claim of monism, as Norton sees it, is the assertion of an overarching principle which can serve as a guiding axiom for moral deliberation in all issues with regard to nonhuman as well as human entities. This fundamental claim has a remarkable resemblance to the basic tenets of moral realism and naturalism.⁵⁹⁹ Consequently, Norton's rejection of moral monism also implies the dismissal of realism. This is fully in accordance with the present interpretation of Norton as moral constructivist. The moral values are not given, they are constructed. This is further substantiated when we turn to his understanding of the transformative value of nature. Here it is argued that nature serves as a source for the formation of values. The role of nature is not to hold given, normative values, but rather to serve as a basis of motivation for the construction of values of nature. This constructivist value formation becomes more apparent, when we turn to a more explicit account of this notion.

10.1.2 The Transformative Value of Nature

The central value of nature in Norton is the transformative value. However, before we come to this value, we focus our enquiry on other aspects of the value of nature.

Norton clearly dismisses the utilitarian and intrinsic value of nature. Among other reasons, utilitarianism is rejected because of its theoretically problematic character⁶⁰⁰, and its

⁵⁹⁷ Idem 1987, 178f.

⁵⁹⁸ Idem 1997a, 27.

⁵⁹⁹ Cf. 2.1

⁶⁰⁰ Idem 1987, 7ff.

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inability to serve as a universal value.⁶⁰¹ The intrinsic value of nature is dismissed because of the arguments given above against nonanthropocentrism

Rather than these traditional concepts of value, Norton approaches the notion of value by deploying a distinction between felt and considered preferences. Felt preferences are normally taken as givens. Often they are not critically evaluated. Considered preferences are hypothetical desires or needs. They express the supposed desires of an individual under specific circumstances⁶⁰², they are subject to analysis and self-criticism.⁶⁰³ Whereas felt preferences are understood in relation to demand values, considered preferences are linked with transformative values. Demand values are values satisfying felt preferences. Therefore, these values are often the subject of utilitarian considerations. Furthermore, these values are often taken into regard in economic analysis and the attempt to measure the value of nature in economic terms.⁶⁰⁴ Transformative values focus on nature as a source of inspiration for the formation of the understanding of nature. Experiences with nature can lead to the appreciation of nature as something of a higher and better value. Implicit in the notion of transformative values there are two beliefs: "(1) that some preferences and related value systems are objectively better than others and (2) that the values and preferences held by individuals are altered by experiences they have".⁶⁰⁵ A concise passage sums up the basic tenets of this notion:

Insofar as environmentalists believe that experience of nature is a necessary condition for developing a consistent and rational world view, one that fully recognizes man's place as a highly evolved animal whose existence depends upon other species and functioning ecosystems, they also believe that such experiences have transformative value. Experience of nature can promote questioning and rejection of overly materialistic and consumptive felt preferences. Appeals to the transformative value of wild species and undisturbed ecosystems thereby provide the means to criticize and limit demand values that threaten to destroy those species and ecosystems while at the same time

⁶⁰¹ Idem 1997a, 28ff.

⁶⁰² Idem 1987, 9.

⁶⁰³ Ibid., 208.

⁶⁰⁴ Ibid., 10; 119ff.; 123f.; 127ff.

⁶⁰⁵ Ibid., 11.

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introducing an important value that humans should place upon them.⁶⁰⁶

Transformative values are anthropocentric. They do not have their basis in an assertion of the intrinsic value of nature.⁶⁰⁷ However, this by no means implies a lesser concern for nature. Norton demonstrates how antecedents of this notion of transformative value emphasize the responsibility for nature. This is particularly the case in the transcendentalist tradition⁶⁰⁸, and in the argument for the preservation of nature as embodiments of culture.⁶⁰⁹ Norton is critical of both these arguments.⁶¹⁰ Important to him is the ecological view of nature. The basic principles of this world view sets down as well ontological as epistemological premises for the relation to nature. Ontologically this concept emphasizes the unity of man and nature. In line with a Darwinian understanding of the relation between man and nature, the dichotomy is denied.⁶¹¹ Epistemologically, the principle of cautiousness is emphasized. As the natural world is extraordinarily complex, a degree of scepticism as to the degree of knowledge about nature is necessary. The epistemology as well as the ontology of this world view both lead to a priority on the harmony with nature. "Thus, the ontology and epistemology of the ecological world view give rise to a positive value - that of harmony with nature and nature's way. It is good, in this view, to do things in a way that mimics nature's patterns (...) And it is bad to thwart those natural processes, to interrupt well-established patterns, to introduce irreversible changes."⁶¹²

Norton's focus on the transformative value of nature demonstrates the dynamic character, not only of his concept of nature (as described above), but also of his concept of value. The value formation is a constant process, where the value of the particular valued object is under continuous

⁶⁰⁶ Ibid., 189.

⁶⁰⁷ Ibid., 207.

⁶⁰⁸ Ibid., 191ff.

⁶⁰⁹ Ibid., 196ff.

⁶¹⁰ Ibid., 195f.; 200ff.

⁶¹¹ This denial of the dichotomy between the human being and nonhuman nature has also been demonstrated in Rolston (cf. 7.2), Callicott (cf. 8.2), and Taylor (cf. 9.1.1). However, whereas this idea serves as an important part of their advocacy of a biocentric theory, Norton does not draw this conclusion. The denial of this dichotomy is by Norton only endorsed in order to demonstrate a viable basis for the ideal of the human being's life in harmony with nature.

⁶¹² Norton 1987, 207.

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assessment. This aspect of the value of nature is also apparent in Norton's understanding of the creative value of nature, and the pragmatic, constructivist grounding of value. According to Norton, there cannot be argued for a universal value, as long as the discussion is confined to the traditional distinction between intrinsic and utilitarian value of nature. Rather, one ought to speak of the creative value of nature. Hereby, Norton refers to nature as supplying options for human opportunity. Throughout different times and cultures, this aspect of aspect of nature has always been valued.⁶¹³ In his account of the pragmatic, constructivist grounding of value, Norton argues for the necessity of moving beyond the modernist paradigm of representational epistemology. Rather, one should adopt a postmodern concept of objectivity, based on a relational conception.. There is not an objective value beyond perception, fact and value are related to each other. This forms the basis for Norton's advocacy of the pragmatic, constructivist tradition in epistemology and ethics.

If (...) we reject the myth a Cartesian objectivity that exists beyond perception *both* as it applies to knowledge *and* as it applies to value, we can defend objectivity of a post-modern kind; if we can defend a conception of objectivity that is relational rather than representational, and one which recognises that facts and values do not always present themselves independently of each other, then we may be ready to develop a new approach to the 'objectivity' of environmental values. The approach I have in mind is based in the pragmatic tradition and rests on 'unavoidability' within a constructivist system of knowledge and value.⁶¹⁴

Value is constructed in relation to the given natural and political circumstances. It is not given independently of the actual circumstances.

Norton's concept of value places him within a metaethical constructivist grounding of morality. As demonstrated, this is apparent from a terminological observation, where Norton applies this very terminology in a characterization of his own thought. However, even if Norton had not supplied this obvious link to a constructivist interpretation of his thought, the whole notion of the transformative value substantiates the same interpretation. The value of nature is understood in terms of a process. It is fundamentally not concluded, but is understood as a

⁶¹³ Idem 1997a, 22f.; 28ff.

⁶¹⁴ Idem 1995a, 329f.

continuous evaluation, criteriologically determined by experience.⁶¹⁵

This constructivist approach to the concept of value is highly important to Norton in the discussion on the political application of the value of nature. As will be apparent, the possible political application serves as the criterion on rationality. Only to the extent that a particular value of nature can be implemented in policy making does it count as rational. In this sense, the value of nature is determined pragmatically. We now turn to Norton's understanding of the concept of rationality.

10.2 The Concept of Rationality

The notion of rationality is essential to Norton. Throughout his writings on environmental ethics, he argues for rationality as a criterion on the plausibility of the asserted notions. Moreover, an essential aim in Norton is to provide a coherent rationale for protection of nature and species diversity. But even if rationality plays this central role in Norton, the concept of rationality still seems somewhat blurred. It is not altogether clear, what Norton means by rationality. Therefore, the central questions of this paragraph are: How does Norton understand the notion of rationality? What aspects of rationality particularly in focus? What role does rationality play in the grounding of morality?

Three concepts of rationality appear particularly conclusive in Norton, namely the scientific, political, and pragmatic. In the following we look at each of these main notions.

10.2.1 Scientific Rationality

Norton describes several approaches to a rationale of the protection of nature. Rationale in this sense refers to patterns of argument, why these rationales can refer to strong and weak anthropocentrism, nonanthropocentrism and bio- or ontocentrism.⁶¹⁶ As mentioned above, Norton's own position is that of weak anthropocentrism. In accordance with this position rationality is determined by its utility to human needs and interests.

One aspect of this rationality is the argument for the scientific rationale of protection of

⁶¹⁵ This constructivist basis of normativity was also found (partly) in Luther (5.2.1) and in Kant (6.2). Cf. 14.1 for a tentative reconstruction of this notion in the light of the findings of the thesis.

⁶¹⁶ Norton 1987, 13.

nature.⁶¹⁷ Although the traditional distinction between descriptive and normative statements implies the impossibility of the link between science and morality, the ecological insight provides two arguments for the protection of nature. One argument focuses on the complexity of nature, and the respect this motivates. Another argument underlines nature serving as a source of knowledge.⁶¹⁸

A further rational argument for protection of species diversity is the selfaugmenting character of species diversity. Once the argument for the relative anthropocentric utility of a given species is accepted, it would be irrational not to protect the species diversity. Any interference in the complex, interrelated web of subsystems within nonhuman nature carries a potential threat to damage the living conditions of any species. Furthermore, the extinction of one species is certain to have a multiple effect throughout the ecosystem. In the light of these observations, Norton advocates the rationality of the protection of species diversity.⁶¹⁹

Both of these essential arguments for the protection of the species diversity are fundamentally scientific. Rationality in this sense implies the selfevidence of the scientific discourse. However, this sense of rationality does not imply the argumentative and deliberative character of moral reason. Rationality in this scientific sense is understood in a methodical and morally neutral sense. This does not mean that the insights of this kind of reason cannot have moral implications, but this is only after the establishment and accept of a certain value, which would be the task of moral reason.

10.2.2 Political Rationality

A further important concept of rationality in Norton is political rationality. However, also in this sense, rationality is not seen primarily in moral terms. Rationality is rather seen as a methodical rationality. Admittedly, Norton does take a critical stance to attempts of setting a price on the value of nature. He dismisses the cost benefit analysis. According to Norton, one cannot assess the value of a species in economic terms. Firstly, the methods of determining the values of species

⁶¹⁷ Ibid., 14ff.

⁶¹⁸ Ibid., 15; 18ff.

⁶¹⁹ Ibid., 50ff.; 1986b, 114ff.

in economic terms are uncertain.⁶²⁰ Norton gives an account of three sources of this uncertainty. “First, the framing of the value question itself affects the outcome (...) Second, many values of species cannot be assessed with any precision (...) Finally, by attempting to quantify all benefits, economic analyses must treat all values as demand values.”⁶²¹ Therefore, Norton follows the critique of the insufficiency of the “benefit-cost analysis”, arguing that there are better ways of assessing the value of species. Norton recommends an approach to decisions concerning endangered species, designated as “safe minimum standard”. According to this approach one should avoid species extinction unless the social costs of doing so are unacceptably large.⁶²² A further critic of the “benefit-cost analysis” is that it does not internalize the value of nature to the proper extent. The values of nature stay external, which is to be avoided.⁶²³

However, although Norton argues against the externalization of the values of nature, it seems as if Norton’s concept of rationality does lead to an externalization. This is due to the apparently functionalistic criterion on rationality in the political discourse. A particular viewpoint is understood as rational in so far as it can be applied to policy making. Norton emphasizes the rationality of the protection of nature.⁶²⁴ However, in order to determine what can be called rational, Norton refers to the implicit world view. The rationality of this world view is determined by its acceptance within the political discourse. This also implies the assertion of a constructivist grounding of the rationality of the protection of nature. The rationality of the protection of nature is an ongoing political formative process.

This also marks the alternative to moral realism.⁶²⁵ Rationality in Norton is not thought of in cognitive terms. There is not a given, rationally recognizable entity of moral attributes. Rather, the rationality of a given view point is determined by the pragmatic, constructivist, political formation of this notion. Hence, rationality is criteriologically determined by its functionalistic ability to enter into the political discourse. Hereby, Norton makes explicit his constructivist

⁶²⁰ Ibid., 25.

⁶²¹ Ibid., 26.

⁶²² Ibid., 35.

⁶²³ Idem 1997a, 18ff.

⁶²⁴ Idem 1987, 9.

⁶²⁵ Idem 1995a, 328.

account of rationality.

10.2.3 Rationality as Pragmatism

In *Toward Unity Among Environmentalists* a central thesis is the thesis of convergence. Norton argues that positions of varying theoretical basis converge in issues of more practical matter. Even if these positions differ on questions of the value and moral status of nonhuman nature, the relation between man and nonhuman nature etc., they converge on the proposed practical steps to be taken in order to protect nature.⁶²⁶ Consequently, Norton suggests that the debate moves beyond the theoretical discourse, where no agreement has been reached during the last three decades. Apparently, this debate must be judged futile. Rather than using all these resources on a pointless discussion, the energy should be used on finding the best *practical* solutions to the environmental problems.⁶²⁷

As a consequence of this viewpoint, Norton argues for environmental philosophy as a practical philosophy rather than applied philosophy. As applied philosophy, the first step would be to develop the theoretical basis of a given concept of environmental ethics and then work out the tools to apply this theory on concrete environmental issues. Practical philosophy would take its startingpoint in tangible matters and then seek the most “rational” way of solving these issues. This would shift the debate from the theoretical paralysis to more fruitful practical topics.

This approach is the more pragmatic method of solving environmental problems. According to Norton it is also the more rational, as it proves more useful. The notion of rationality in this sense is determined by a similar functionalist criterion as seen above. The discourse on

⁶²⁶ Norton 1991, 12: “... two environmentalists might work together to achieve the objective of prohibiting strip mining in a wilderness area, while justifying their activities by appeal to quite different values (...) Providing environmentalists can usually agree on what to do, a diversity of value concerns need not debilitate the movement.”; 187.

This convergence hypothesis is criticized by e.g. Steverson (1995). Steverson argues that Norton’s hypothesis fails because of its methodological assumptions. It fails to provide for the degree of species protection most suitable to the nonanthropocentrist position. “The intractability of the debate at the normative level is not relieved at the level of policy formation. The optimism expressed for the convergence hypothesis seems to wane when the issue of devising a single comprehensive decision criterion by which to develop practical policy is addressed, at least as regards species preservation.” (147). Cf. Norton (1997b) for a response to Steverson’s critique.

⁶²⁷ Norton 1991, 12.

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environmental problems is rational if it provides politically acceptable solutions to these issues. It is important to Norton that this approach is rational. The notion of rationality is repeatedly emphasised.

10.3 Conclusion

The analysis of Norton has demonstrated a theory of environmental ethics which places focus on a constructivist basis of value. Values are not given. They are constructed within the political discourse. Therefore, nature has a transformative value due to its transformative impact on value formation. Nature does not serve as the source of normativity. Rather, the political reasoning and value making is considered the basis of the value of nature. In line with this understanding, Norton argues in favor of a practical approach to environmental issues. Rather than taking the startingpoint in theorymaking and discuss issues in the light of this theory, one should focus on the actual environmental problems and find the most practical, i.e. pragmatic solution to these problems. Therefore, Norton also endorses a philosophical pragmatism. The constructivist pragmatism leads to a critical assessment of the resemblances between his position and the constructivism which was found in Luther and Kant. Some parts of Norton may be appropriated in their natural law thought, just as parts of their theories could be integrated in his theory.

Chapter 11

Nature as a Reasonable Value

In the present chapter we turn our attention to Mark Sagoff. In Sagoff we find an argument for nature as a value, which it is considered reasonable to maintain within the political regime. I will argue that Sagoff does not base his theory of environmental protection on the concept of nature. Admittedly, Sagoff refers to a notion of intrinsic value of nature, but I hope to demonstrate the theoretical inadequacy of this notion in Sagoff. The real basis of Sagoff's theory is the notion of the reasonableness of nature as a political, moral, aesthetical and cultural value.

For our present purpose of analyzing Sagoff's understanding of the relation between nature and reason as the basis of morality, we first focus on his understanding of the intrinsic value of nature (11.1). Secondly, we turn to his notion of nature as a reasonable value (11.2). In the last part (11.3), the critical analysis of Sagoff is concluded.

11.1 The "Intrinsic" Value of Nature

Fundamental for Sagoff's thought is a distinction between two sets of terminological pairs. This distinction is crucial for Sagoff in order to maintain his emphasis on the ethical, aesthetical, and cultural values imbedded in economy and legislation.⁶²⁸ Although Sagoff mentions several examples of this approach, the important differentiations are those between economic and social regulation⁶²⁹, and the two types of rationality, namely the methodical and reasonable.⁶³⁰ The two basic distinctions are closely connected to the other differentiations between the citizen and the

⁶²⁸ In his mainwork on environmental issues, *The economy of the earth*, his primary intention is to argue "... for an ethical, aesthetic, and cultural interpretation of the goals and purposes that underlie social legislation, and it explains how such an interpretation can help us adjust those goals to the economic, technical, and other constraints that might otherwise prevents us from achieving them." (1988b, 1). In the following the focus is on this work, even if various articles by Sagoff also are included. The reference to articles etc. on Sagoff is limited, as the concern is his own writings.

⁶²⁹ *Ibid.*, 2.

⁶³⁰ *Ibid.*, 12ff.

consumer, values and preferences, public and private interests, and virtues and methodologies.⁶³¹ As will be apparent, these distinctions are necessary for Sagoff in order to argue for his main thesis - that "... social regulation expresses what we believe, what we are, what we stand for as a nation, not simply what we wish to buy as individuals".⁶³²

One area in which this thesis is confirmed is the understanding of the value of nature. In order to clarify the argument, we distinguish between the basic premises of Sagoff's concept of value (11.1.1) and the different types of value in his theory (11.1.2). Included in the explanation of the latter is his understanding of the intrinsic value of nature.

11.1.1 The Concept of Value

The notion of value is continually compared to the understanding of preference. Whereas preferences often reduce persons to consumers, values are viewed in the light of persons as citizens.⁶³³ The distinctive difference between values and preferences is the understanding of value as a preference, reflecting a considered judgment about the right, good or appropriate in the circumstances.⁶³⁴ The reflection on the rightness or goodness of the particular value apparently combines value with a certain degree of subjectivity. However, value is primarily understood in political terms. As a political term, the notion of value reflects the individual's membership of a particular community and the values of this community. This implies the *intersubjectivity* of value. "Public values are goals or intentions the individual ascribes to the group or community of which he is a member; they are his because he believes and argues that should be ours; he pursues them not as an individual but as one of us. The individual then shares with other members of

⁶³¹ Ibid., 7ff.

⁶³² Ibid., 16f.

⁶³³ The emphasis on values rather than preferences is a characteristic theme in Sagoff's articles on environmental ethics. For an argument for the necessity of values in ecological science, see Sagoff 1985; for a fundamental discussion on values and preferences, see Sagoff 1986; for a critique of preferences in environmental economics, see Sagoff 1988a and 1994a.

⁶³⁴ Idem 1988b, 9: "Some of these preferences [i.e. preferences which motivate people to action] - we shall call them "values" - reflect a considered judgment the individual makes about what is right or good or appropriate in the circumstances. We can measure the intensity of these values, but we may also inquire about their justification; that is, we can ask the individual why he or she holds these values or views."

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community *intersubjective* intentions".⁶³⁵

The intersubjectivity implies a neutrality of the values. Sagoff distinguishes between two conceptions of neutrality. One is claimed in relation to the economic cost-benefit analysis. This approach claims to be neutral in regard of the wants of individuals. The right policy is the one maximizing the preference satisfaction. There is no assessment of these preferences. The other conception of value is Kantian.⁶³⁶ Here, the individual is a judge of values, but this is as a member of a community. Some values are considered more reasonable than others, having a better claim upon assent. Even if values are subjective states of mind, they have an objective content as well. Values are therefore neutral in the sense that they are either correct or mistaken. The right policy protects and promotes these values.⁶³⁷ These two approaches to the concept of value are of essential significance to Sagoff. They are closely related to his distinction between as well the individual as consumer and citizen, as his notions of reason and rationality. As the preferences of consumers can differ and most likely will do so, it is problematic to try to base public policymaking on a methodologically rational analysis of these preferences. Rather, the deliberative rationality

⁶³⁵ Idem 1986, 302.

⁶³⁶ A problem with Sagoff's account of the Kantian value concept is the lack of references to Kant's own writings. Apart from a general reference to GMS, Sagoff's understanding is based on W. Sellars (1968): *Science and Metaphysics*, New York: Humanities Press and Idem (1979: "On Reasoning About Values", *American Philosophical Quarterly* 17, 81-101. This may also be the reason of the slightly problematic understanding of Kant, even if it appears to be in general agreement with Kant's moral philosophy. Kant's discussion on value is more precise than it is in Sagoff. Sagoff seems to be reading Kant's moral philosophy in general as a theory on value, which is a misleading interpretation of Kant. Taken that *value* can be equated with *Wert*, the most obvious place to relate Sagoff's reading to Kant, would be Kant's distinction between *Preis*, *Würde* and *Wert* (GMS, IV 434f.). In relation to his understanding of the moral agent as regarding every other moral agent as an end in him- or herself, whereby the kingdom of ends is constituted, Kant speaks of everything as having either a *Preis* or *Würde*. Anything which has a *Preis* can be substituted with its equivalent, whereas anything which cannot be substituted with anything else has a *Würde*. Anything which relates to ordinary demands, has a *Marktpreis*, whereas anything which is wanted merely on the basis of emotions (*Gemütskräfte*) has an *Affektionspreis*. Only that which is an end in itself does not have a relative worth (i.e. *Preis*), but has an inner worth, i.e. *Würde*. Morality has such a *Würde*. The value of nature, Kant says, is its influence on the way of thinking, whereby it has a *Würde*, similar to morality. "Die natur sowohl als Kunst enthalten nichts, was sie in Ermangelung derselben an ihre Stelle setzen könnten; denn ihr Wert besteht nicht in Wirkungen, die daraus entspringen, im Vorteil und Nutzen, den sie schaffen, sondern in den Gesinnungen d.i. den Maximen des Willens, die sich auf diese Art in Handlungen zu offenbaren bereit sind, obgleich auch der Erfolg sie nicht begünstigte." (435).

⁶³⁷ Sagoff 1988b, 43ff.

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should establish the consensus and agreement on values that society is to be characterized by.⁶³⁸

Consequently, the neutrality and objectivity of moral values lies in their qualification as common, political values. Sagoff persistently criticizes attempts to make moral values objective in quantifiable ways. The attempt of setting a prize on moral values is repeatedly rejected.⁶³⁹ Some values cannot be quantified in economic terms.⁶⁴⁰ These last comments bring us to Sagoff's understanding of the different types of value. We now turn to an explanation of these types.

11.1.2 The Different Types of Value

Sagoff lists several types of value. Some can be prized, others not. In contrast to the values that cannot be measured in economic value, he plainly speaks of *the instrumental value*. This is the kind of value in focus, when one attempts to make a cost-benefit analysis of the worth of value compared to the value of an economic enterprise. This kind of value is strongly rejected in Sagoff, not the least because of its utilitarian basis.⁶⁴¹ "... I question attempts by today's environmentalists, particularly those who identify themselves as ecological economists, to vindicate environmental protection on instrumental grounds".⁶⁴²

Among the other types of nonutilitarian value ascribed to nature, Sagoff is more detailed. He often mentions these values in immediate connection to each other. Even if they are related to each other, they are also distinguished from one another. One of the essential intangible values is *the aesthetical value*.⁶⁴³ The aesthetical value "... depends on qualities that make an object admirable of its kind; when these qualities change, the aesthetic value of the object may change

⁶³⁸ Ibid., 122f.: "[Public laws are to express] ... a common perception of ourselves and the values we stand for as a moral community; they are not intended to satisfy personal preferences. When we make public law and public policy, (...) we are to consider shared values and common intentions, not simply personal interests. Public issues must be discussed in public terms. What counts in public policy is a conception of right and wrong - a conception of the good society - not just what works for *you*."

⁶³⁹ Cf. e.g. idem 1988b, 93ff.; 1991, 37ff.; 1994b, 285ff.

⁶⁴⁰ Idem 1988a, 63ff.; 1988b, 68ff., 74ff.

⁶⁴¹ Idem 1995, 618; 1992, 58; 70; 1988a; 1985, 104ff.; 110f.

⁶⁴² Idem 1995, 610.

⁶⁴³ Idem 1998, 286; 1992, 58; 67; 70.

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with them”.⁶⁴⁴ When viewed as an aesthetic value, nature is often seen as an object of knowledge and perception.

When nature is regarded with love or affection, it is regarded as having a *moral value*.⁶⁴⁵ In this sense, nature can “... exemplify ideals, aspirations, and commitments that “lift up” one’s life (...) by presenting goals that go beyond the pursuit of one’s own welfare”.⁶⁴⁶ In this sense nature can have a moral good, if they are living, a good of their own.⁶⁴⁷ Consequently, nature ought to be protected out moral deliberations and arguments.⁶⁴⁸

Closely related to the aesthetic, but especially the moral good of nature is *the intrinsic value* of nature. When nature is valued as in the case of the moral value, the object itself is valued, rather than the benefit it confers on the valuer. Nature has its own good.⁶⁴⁹

Sagoff’s concept of the intrinsic value of nature is somewhat problematic. His argument for the intrinsic value in contrast to the instrumental is that “we care about these objects because of what they mean to us and express about us, not because of what they do for us”.⁶⁵⁰ This is an insufficient description of an intrinsic value. Firstly, there is a strong emphasis on the valuing of human beings. The value is dependent upon a valuing agent. Theoretically this might be an insightful understanding of this concept. But that touches more on the conceptual possibility of this notion at all. To claim the necessity of a valuer seems to lead the notion of an intrinsic value into absurdity.⁶⁵¹ Secondly, the distinction between what nature “means to us” and what “they do for us” does not get this concept beyond the instrumentality Sagoff criticizes. Nature is still valued instrumentally when its value is dependent upon what it means “to us”. Nature is still viewed as

⁶⁴⁴ Idem 1992, 58.

⁶⁴⁵ Idem 1998, 286; 1992, 58; 67; 70.

⁶⁴⁶ Idem 1992, 58.

⁶⁴⁷ Ibid.

⁶⁴⁸ Idem 1995, 610; 1985, 111f.

⁶⁴⁹ Idem 1998, 286f.; 1995, 618; 1992, 58f; 67; 69f.

⁶⁵⁰ Idem 1992, 59.

⁶⁵¹ Sagoff appears not to give a sufficient account of the problematic relation between value and valuer. He does not distinguish sufficiently between these notions. In this sense he has the same problem as Rolston, only the opposite. In Rolston nature has an objective value, but the distinctiveness of the human being is not explained sufficiently. In Sagoff nature is seen as having an intrinsic value, even if he does not argue sufficiently how this is to be conceived, when it is dependent upon a valuer.

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means to the expression of the values that are important to the valuer. It is only as long as it expresses these values that it is valued “intrinsically”. The instrumentality of Sagoff’s concept of the intrinsic value is put to the point, when he can say that humans’ lives may be lifted up by seeing nature as a setting for collective moral and aesthetic judgment.⁶⁵² The focus on the intrinsic value has the instrumental purpose of lifting up the lives of humans. This makes it sound pretty shallow, when he in the immediately preceding section can speak of nature as having a good of its own, that it should be protected for moral and aesthetic reasons, even if it does not do anything for us.⁶⁵³

A further value often mentioned by Sagoff is *the cultural value*. There is a close relationship between the value of nature and the shaping of one’s identity.⁶⁵⁴ Nature expresses who we are and what we stand for. This is an essential notion in Sagoff. Nature is closely connected to the national idea.⁶⁵⁵ The value of nature as an expression of a cultural heritage is essential to its intrinsic value. It is because nature expresses the values of a particular nation that it can be valued for its own good and not for what it does.⁶⁵⁶ In this sense nature and culture become close intertwined.⁶⁵⁷ Consequently, nature ought to be protected out of cultural arguments.⁶⁵⁸

Finally, nature has a *spiritual value*. This type of value plays a lesser role in Sagoff, but does, however, seem to have some bearing upon the basic assumptions of Sagoff’s theory.

⁶⁵² Sagoff 1992, 70: “We treasure the Chesapeake - and we cherish other environments - because we ourselves are native to them. The value we attach to them goes to our identity more than to our interests - to who we are, not just what we want (...) To treasure an ecological community is to see that it has a good of its own (...) - that we should protect even when to do so does not profit us (...) Even when nature does not do anything for us (...) we owe it protection for moral and aesthetic reasons (...) ... we may lift up our lives a little by seeing nature (...) not just as an assortment of resources to be managed and consumed, but also as a setting for collective moral and aesthetic judgment.”

⁶⁵³ Ibid.

⁶⁵⁴ Idem 1998, 286: “Species may be profoundly important for cultural and spiritual reasons (...) By viewing local flora and fauna as a sacred heritage - by recognizing their intrinsic value - we discover who we are rather than what we want (...) Even those plants and animals that do not define places possess enormous intrinsic value and are worth preserving for their own sake. What gives these creatures value lies in their histories, wonderful in themselves, rather than in any use to which they can be put”; 1992, 70; 1988b, 28f.

⁶⁵⁵ Idem 1988b, 124ff.

⁶⁵⁶ Idem 1992, 58f.; 70; 1998, 286.

⁶⁵⁷ Idem 1992, 68f.

⁶⁵⁸ Idem 1985, 111f.

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Referring to H. D. Thoreau⁶⁵⁹, it is claimed that he represented an understanding of the spiritual value of nature. In the writings of Thoreau (and others) one finds lessons on the spiritual value of nature that nature teaches, if one listens closely enough. Man must have a personal relationship to nature, strive after a fellowship with nature.⁶⁶⁰

Summarizing Sagoff's understanding of the "intrinsic" value of nature, it is apparent that his notion of intrincity is quite problematic. In Sagoff nature does not hold an intrinsic value. Rather, nature is conceived of as a value in various ways which all derive their value from the basis of the human being as a citizen valuing nature. In Sagoff the human being is not primarily thought of as a natural being. Rather, the human being is thought of as a moral and political being capable of reflecting on the values of nonhuman nature without ending up in a problematic relation between nonhuman nature and human beings. Sagoff distinguishes clearly between nonhuman nature and human beings. Therefore, he does not base his environmental ethics on the concept of the intrinsic value nature but on the abilities of deliberation of the political human being. For Sagoff the concern is about reason rather than nature. We now turn to a critical analysis of his concept of reason.

11.2 Political Reason

As the distinction between preferences and value is essential to Sagoff's concept of value, similar distinctions make up the necessary basis for his understanding of rationality. Sagoff distinguishes between two types of rationality. One refers to a stronger conception of "rational" inquiry: "a sense which is associated with objective truth, correspondence to reality, method and criteria".⁶⁶¹ The other focuses on rationality as "sane" or "reasonable", rather than "methodical". Rationality in this sense names a set of moral virtues, such as tolerance, respect for the opinions of others, willingness to listen, reliance on persuasion rather than force.⁶⁶² Whereas the latter is connected to an understanding of the individual as a citizen, rather than consumer, the opposite is true of the former. The first type of rationality is closely connected to the attempt of setting a prize on moral,

⁶⁵⁹ Idem 1998, 285; 1995, 610; 618.

⁶⁶⁰ Idem 1998, 285; 287.

⁶⁶¹ Idem 1988b, 13.

⁶⁶² Ibid.

cultural, and aesthetical values. The second type is essential to Sagoff's own theory. We now turn to a more detailed account of these two types of rationality.⁶⁶³

11.2.1 The Methodical Rationality

The methodical rationality is determined by mathematical criteria and methodologies. "This approach conforms to a philosophy of science that stresses notions like "value neutrality", "replicable experiments", and "correspondence to an independent reality". In accordance with this approach, economists study data that have to do with prices and consumer preferences. It is in relation to this kind of rationality that the attempt can be made to make the intangible values tangible. In doing so, they can try to balance the benefits of environmental protection, measured in this way, against the opportunity costs of economic development.⁶⁶⁴

The cost-benefit analysis has two fundamental elements: (1) The conception of externality and (2) the determination of value. For the economic analysis the external values must be internalized to be included in this cost-benefit analysis.⁶⁶⁵ Further there is the problem of evaluating nature. The conception of externality can have a narrow and an expanded sense. In the narrow sense only physical damages are considered. The expanded sense tries to estimate the "worth" of moral, aesthetic, political or cultural concerns and convictions. Sagoff admits a restricted use of the narrow understanding of externality⁶⁶⁶, even if he is critical of the consequences of these cost-benefit analysis. They tend to reduce the citizen to a client and consumer.⁶⁶⁷ They neglect moral reason. The emphasis of the human being on values that express who we are as part of a particular community and society, and not just what we want, are not taken into consideration to the proper extent.

This leads Sagoff into a critique of the expanded sense of externality, i.e. any attempt to set a prize on ethical values in order to establish an assessment of the benefits of economic

⁶⁶³ Sagoff's understanding of the two approaches to rationality is particularly found in 1988a, 68 and 1988b, 12ff.; 77ff.; 220ff.

⁶⁶⁴ Idem 1988a, 68; 1988b, 13; 77; 86; 159; 222.

⁶⁶⁵ Idem 1988b, 29ff.

⁶⁶⁶ Ibid., 33ff.

⁶⁶⁷ Ibid., 46ff.

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progress in relation to the cost of environmental goods. Sagoff calls certain values intangible, namely ethical, aesthetic and cultural values. In connection with the methodological rationality, it has been attempted to make these values tangible, so as to take them into consideration in the cost-benefit analysis.⁶⁶⁸ There are, however, so many problems related to this attempt that it is not successful, the problem of information not the least. Studies have demonstrated how information can have a profound impact on priorities and deliberation of moral agents. This raises the methodological question, if decisions on environmental issues should be taken on the basis of the immediate attitude of citizens or if they should be allowed to educate themselves. Taking a course between these two extremes, the problem still remains, whether the respondents should just be given information to decide on account of a hypothetical market situation or if they should be given sufficient information for thorough deliberation.⁶⁶⁹

One economic, theoretical precondition for the success of the cost benefit analysis is the alliance to the efficiency criterion as a sufficient principle of allocation of resources. According to Sagoff this criterion does not suffice. If the efficiency criterion is seen in relation to preference satisfaction, Sagoff points out that preferences can be of various character. Preferences are not good in themselves, as they e.g. can be of an unjust character. The efficient satisfaction of preferences cannot be the only aim of a just political society.⁶⁷⁰ The efficiency criterion needs a substantial or normative concept of welfare as a qualification. It has been argued in various theories of a hypothetical consent of the citizens to the efficiency norm that such a substantial qualification was included. As it was argued that society as a whole hypothetically assents to the efficiency criterion it has been argued that a common political notion of the good was included in this assent. However, Sagoff takes a critical stance on these theories, arguing that various theories all endorse the reasonableness of their theory.⁶⁷¹

Having demonstrated Sagoff's fundamental critique of the methodical rationality and the implied economic presumptions, we now turn to his other notion of rationality, the deliberative

⁶⁶⁸ Idem 1988a, 55ff.; 1988b, 81ff.

⁶⁶⁹ Cf. 1988b, 84ff. for a fuller explanation of this problem.

⁶⁷⁰ Ibid., 101ff.

⁶⁷¹ Ibid., 107ff. Only Rawls appears more plausible to Sagoff, as Rawls confines his theory of assent under a veil of ignorance to the political realm. In *A Theory of Justice* Rawls emphasizes that his theory is strictly political and not metaphysical (Ibid., 110f.).

rationality.

11.2.2 The Deliberative Rationality

The other type of rationality emphasises good reasons - reasons that are open and yet stand up to criticism. Rationality in this sense refers to the reasonableness imbedded in the sound process of the political decisionmaking. Essential to this kind of rationality is the reasoning on account of moral, aesthetic, cultural and political values. As it is dependent upon these values, this rationality also implies a rejection of the utility of economic cost-benefit analysis in regard to nature. Rather than economic consideration, this type of rationality uses juridical or deliberative approaches to decisionmaking upon issues of environmental protection. This approach to rationality "... uses a juridical or deliberative model to weigh various normative constraints, established by statute, against these opportunity costs (...) Because there is no methodology for making this sort of judgment, public officials have only statutory language, judicial interpretation of that language, their general knowledge and experience, and the virtues of inquiry to rely upon."⁶⁷²

Fundamental to Sagoff's critique of the economic considerations is the awareness of the demise of capitalism as a sufficient basis of social regulation.⁶⁷³ The recognition of the inadequacy of economy as criterion in this field indicates the necessary substitution of economy with other criteria in questions of protection of nature. Therefore, Sagoff also criticizes fundamental assumptions of leading environmental economists.⁶⁷⁴ However, even if Sagoff focuses on deliberative rationality, this does not mean that issues as "justice" and "equality" are taken into consideration in environmental protection. Although political thinkers generally ascribe the protection of these values as one of the most important tasks, this is not at stake in discussion on environmental issue. The notions of "justice" and "equality" are important for the conception of

⁶⁷² Sagoff 1988a, 68.

⁶⁷³ Idem 1988b, 17ff.

⁶⁷⁴ In neoclassical economics, four dogmas have had an important impact on theorymaking: (1) That markets may fail to allocate resources efficiently, (2) that choices reveal preferences, (3) that people always make the choices they believe will benefit them and (4) that perfectly competitive markets will allocate resources to their most beneficial use. Sagoff argues, however, that all these dogmas have been abandoned in mainstream economics, even if they are still quite influential in environmental economics (1994b). Cf. also 1994a for a similar critique.

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the good society.⁶⁷⁵ But in regard to environmental values the focus is on impersonal preferences. It is intergenerational, intersubjective, communitarian values that are in focus as political values in regard to nature.⁶⁷⁶ The reasonable environmental values reflect values of a particular political community. It is as citizens within this community that the deliberations of the individuals have an objective, intersubjective character.⁶⁷⁷ However, this communitarian basis of the political reason necessitates the political participation of the individuals. It is only as a result of a political, democratic process that one can actually determine the values of essential importance.⁶⁷⁸

This dependency on the political process seems to imply an understanding which comes quite close to the idea of Kantian constructivism as depicted by Rawls.⁶⁷⁹ In Sagoff moral values are not given. They are not values which are to be recognized as it could be claimed by a cognitivist approach. Rather moral values are the result of a political, communitarian formation and construction. In Rawls' *A Theory of Justice* it is also argued that the basis of moral concepts is a construction. Rawls argues that "... the principles of justice for the basic structure are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established."⁶⁸⁰ In *Political Liberalism* Rawls furthers his theory of justice, as he gives a reply to critics who argued that his notion of the individual rational agent was too abstract. In the course of this work, Rawls also elaborates upon his understanding of political constructivism. Hereby, he understands "... a view about the structure and content of a political conception. It says that once, if ever, reflective equilibrium is attained, the principles of political justice (content) may

⁶⁷⁵ Idem 1988b, 114ff.

⁶⁷⁶ Ibid., 115f.

⁶⁷⁷ Ibid., 119.

⁶⁷⁸ In this argument it seems correct to point to communitarian tenets in Sagoff. Values are determined on the basis of the moral agent being part of a particular political community. This communitarian aspect has a social and political meaning in Sagoff. In Rolston (cf. 7.2) and Callicott (cf. 8.2) we also found this communitarian notion, even if it was understood in relation to nonhuman nature. In the last part of the thesis (cf. 13.2), it is argued that this idea is also present in natural law thought.

⁶⁷⁹ Cf. 2.2

⁶⁸⁰ Rawls 1971, 11.

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be represented as the outcome of a certain procedure of construction (structure).⁶⁸¹ Furthermore, political constructivism requires four essential characteristics, among which the most important for our purpose are (apart from the emphasis on the principles of justice as an outcome of a procedure of construction) the idea that it makes use of "... a rather complex conception of person and society to give form to and structure to its construction"⁶⁸², and that "... political constructivism specifies an idea of the reasonable and applies this idea to various subjects: conceptions and principles, judgments and grounds, persons and institutions."⁶⁸³

This idea of political constructivism seems to be quite comparable to Sagoff's understanding of the deliberative rationality. In Sagoff and in Rawls the focus is not on truth, just as it is not on a cognitivist approach. Both endorse the notion of virtues in their understanding of respectively the deliberative rationality and the notion of reasonableness. For both there is a focus on the moral agents as part of a political community, where the political ideas and values are to reflect common and shared political notions. These ideas, however, are an expression of a continuous process of reflection within society. The similarities to Rawls' political reason and the virtues of reasonableness makes it obvious why, at the end of *The economy of the earth*, Sagoff emphasises the deliberative rationality, contrasting it to the methodical. "I believe that social regulation must involve choosing between these two conceptions of rationality, that is, between method and morality. I have argued that we can base regulatory policies on moral, aesthetic, and other substantive concerns and judgments - that we do not have to quantify our political values and cultural identity as if these were exogenous variables that must be brought into contingent markets".⁶⁸⁴

These comparisons with Rawls have made it more clear what kind of metaethical basis we find in Sagoff. It seems plausible to argue that he represents a constructivist position. The Kantian influence appears to be quite important in Sagoff. This is probably also the reason why we find this quite clear argument of the basis of environmental ethics in a concept of reason, rather than in a concept of nature.

⁶⁸¹ Idem 1993, 89f.

⁶⁸² Ibid., 93.

⁶⁸³ Ibid., 94.

⁶⁸⁴ Sagoff 1988b, 223.

11.3 Conclusion

The critical analysis of Sagoff has demonstrated that Sagoff apparently has a somewhat incoherent notion of the intrinsic value of nature. Even if Sagoff makes use of this terminology, his understanding appears to depart so markedly from a common use of this term that it would be better to give up this terminology. This problem also relates to Sagoff's unclear understanding of the relation between value and valuer. As was shown, Sagoff does not give a satisfying argument of the relation between the value of nature which is independent of the valuer and the necessity of the subjective valuer. The ambiguity in Sagoff on these two points may be due to a lacking perception of the implied naturalism in his thought. As the good is defined *per se*, but with reference to political values, one may argue that this is a case of naturalism in the expanded sense. Along with this naturalist position we have found an emphasis on the notion of reason. In this emphasis, Sagoff places himself partly within metaethical theories of practical reasoning. What is at focus in Sagoff is not the concept of nature, but rather the notion of reason as the basis of environmental protection. This understanding of reason does not derive its content from a view on nature, but rather from an understanding of the political society. Reason, not nature, is the pivotal turningpoint in Sagoff's theory. Sagoff's understanding of the deliberative rationality has its basis in an idea of political reason. The reasonableness of the citizen is determined by the social and political community that the individual is a part of. Thereby Sagoff incorporates an important communitarian notion in his theory of the basis of environmental protection. In a certain sense, Sagoff, therefore, comes close to a Rawlsian constructivist position.

Chapter 12

Reasoning About the Intrinsic Value of Nature

In the present chapter we turn to an argument for the combination of nature and reason as the source of normativity. Robin Attfield admits an intrinsic value in nature and yet the emphasis on rationality is not neglected. However, this combination of nature and reason as the basis of environmental ethics raises the question of the relation between the two. In what sense is reason included in Attfield's understanding of the moral standing of nature? Are nature and reason two distinct modes? If so, in what sense can they be combined? Does Attfield commit the naturalistic fallacy? Are nature and reason placed next to each other, due to their irreconcilability?⁶⁸⁵

12.1 The Intrinsic Value of Nature

A fundamental discussion within environmental ethics is the relevance of tradition to the formation of an adequate theory of man's relation to nature. One position argues that the Western tradition is fundamentally embedded in a dichotomistic conception of this relation. This notion has its roots in a Judaeo-Christian heritage, due to its emphasis on the Lordship of man over nature. Philosophers such as Descartes and Kant affirmed this tradition. According to this position a critical stance must be taken towards the theological and philosophical heritage of the Western tradition. Contemporary environmental ethics must be developed in some degree of opposition towards this tradition⁶⁸⁶. Another position would maintain the possible constructive basis of this

⁶⁸⁵ Attfield has written extensively on issues of environmental ethics. Within the last years, his concern has been with questions of justice, sustainable development and global ethics. In the present thesis, however, the focus will be on his understanding of the basis of environmental ethics. Therefore, we concentrate on *The Ethics of Environmental Concern* (1983) and *Environmental Philosophy: Principles and Prospects* (1994a) as his primary works on this theme. Other works of Attfield are included as perspectives.

⁶⁸⁶ The classical example of this argument is the famous article by Lynn White Jr. (1967). In this article it was argued that Western Christianity was the root of the ecological crisis. "Especially in its Western form, Christianity is the most anthropocentric religion the world has seen (...) Christianity, in absolute contrast to ancient paganism and Asia's religions (except, perhaps, Zoroastrianism), not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends." (1205).

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very same tradition. Within the Judaeo-Christian tradition we find sufficient notions of man's care for nature, to ensure the use of this tradition as the basis of the construction of a contemporary environmental ethics. Man is not thought of as lord over nature but rather as steward. Further, throughout Western tradition there are many evidences of a care for nature. Attfield holds this last position, arguing for the relevance of the Judaeo-Christian, Western tradition in contemporary environmental ethics.⁶⁸⁷ Attfield's advocacy of this tradition is due to the awareness of its necessity in order to achieve an enduring and plausible character of environmental ethics. If tradition is neglected, environmental ethics will be developed in a vacuum, which prevents its adequate theoretical grounding.⁶⁸⁸

However, even if these historical considerations are fundamentally important to Attfield, the critical, constructive part of his theory is not less important. But this part is thought of as reconcilable with tradition. In the following we look into Attfield's argument for the intrinsic value of nature. We do this by focusing on three questions: How does Attfield regard the holistic conception of environmental ethics? What are the criteria on moral standing? What does this notion on moral standing imply for his understanding of the intrinsic value of nature?

12.1.1 The Rejection of Holism

Two main strands of holism are described by Attfield. One argues for the biosphere as a community and the other conceives of it as an organic whole. Both can be traced to Aldo Leopold. Referring to Passmore's acknowledgment of the elements listed by Leopold as constituent parts of the ecological "life-cycle", Attfield maintains along with Passmore that this does not generate

In order to rectify the deficiencies of classical Christianity, White suggested that insights from St. Francis of Assisi were appropriated. The argument of this article raised a comprehensive discussion on the role of Western Christendom in the ecological crisis. One of the fruits of this discussion was the anthology edited by Eugene Hargrove, *Religion and Environmental Crisis* (1986). In this anthology several articles refute the understanding of White. It is admitted that there is a potential within Judaeo-Christian heritage which can be interpreted along the lines of White. However, there are also important traits pointing in other directions. One might just as well find the potential for an understanding of man's unity with the created world, the notion of man's responsibility in caring for nonhuman nature etc.

⁶⁸⁷ Attfield 1983c, 20-67; 1994a, 13-87.

⁶⁸⁸ As mentioned in the introduction, a similar argument may be said to be part of the present thesis. In arguing that one can base environmental ethics on notions of natural law, the thesis is arguing in favor of an appropriation of a classical ethical concept within Western theology and philosophy.

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ethical obligation. Further, the mere fact of mutual dependency does not carry with it a moral relationship. Clearly, there are several examples of mutual dependency without this constituting a realm of morality.⁶⁸⁹ Most important, however, Attfield argues that although "... everything which is of value (and located anywhere near our planet) is located in the biosphere, and the systems of the biosphere are necessary for the preservation of all these creatures. But that does not give the biosphere or its systems intrinsic value. Rather it shows them to have instrumental value, since what is of value in its own right is casually dependent on them."⁶⁹⁰ Consequently, Attfield can neither accept the notion of intrinsic value in inanimate beings, ecosystems, the biotic community or the biosphere nor its implied metaphysic. Due to this metaphysic, the distinction between individual organisms and the unity of the whole is blurred.⁶⁹¹ This distinction is also important to keep in mind, when talking about the value of the ecosystem. This value is dependent upon the flourishing of the individual organisms that constitute this ecological realm. Although the individual organisms are part of an ecological whole, they are still the constituent parts of it. The ecological whole has no value in itself.⁶⁹²

A metaphysic, then, which is suited to our ecological problems need to treat humans alongside the rest of the natural order in a naturalistic way, without being reductionist about their irreducible characteristics. It must not deny the reality of the natural systems on which we depend, yet must allow the reality of their individual members, and uphold the responsibilities which as individuals and groups people have for the care of the natural environment. For man is neither "apart from nature" nor simply "a part of nature", whether nature is regarded as a collection of atoms or organisms or as a single organic system.⁶⁹³

Having shortly commented on Attfield's critical stance on holism, we now turn to his understanding of the criteria on moral standing and the extensionalism implied in this viewpoint. However, it is worth noting that this rejection of holism also implies a rejection of one of the points, where there could be a link to a natural law thought.

⁶⁸⁹ Attfield 1983, 157f; see also 1994a, 98.

⁶⁹⁰ *Idem* 1983, 159.

⁶⁹¹ *Ibid.*

⁶⁹² *Ibid.*, 62.

⁶⁹³ *Ibid.*, 63. Cf. also 1994a, 96ff. for Attfield's critique of e.g. Callicott's holism.

12.1.2 The Criteria on Moral Standing

In the present paragraph we turn to Attfield's concept of moral standing. Firstly, an account is given of his understanding of the inference from humans to nonhumans. Secondly, the question is asked, if Attfield thereby commits the naturalistic fallacy.

12.1.2.1 The Inference from Humans to Nonhumans

When Attfield turns to the question of the moral standing of nonhumans, his primary concern is their value in their own right. This question implies applied ethics, normative ethics and metaethics.⁶⁹⁴ In the present discussion on Attfield, we focus on the metaethical issues of his treatment of this question.

In the attempt of determining the criteria on moral consideration, Attfield draws the attention to the distinction between moral consideration and moral significance. Even if nonhuman organisms deserve moral consideration, this is not the same as an argument for their moral significance. In discussing moral consideration, Attfield refers to various arguments.⁶⁹⁵ Taking his startingpoint in a discussion on the criteria of sentience,⁶⁹⁶ he moves on to a critical analysis of reason,⁶⁹⁷ consciousness and awareness of interests,⁶⁹⁸ species diversity.⁶⁹⁹ Even if Attfield does admits partial agreement on most of the positions, he specifically focuses on the relation between sentience, desires, needs, and interests as the basis of moral concern. These are all criteria with relevance to living organisms, excluding inanimate objects of moral consideration on the basis of intrinsic value. Attfield does admit, however, that inanimate objects can have inherent value.⁷⁰⁰ But

⁶⁹⁴ Idem 1983, 140f.

⁶⁹⁵ For a more detailed account than given here, cf. idem 1995, 7ff. In this passage, Attfield in detail discusses moral consideration with regard also to people, future people, possible people and former people.

⁶⁹⁶ Idem 1983, 141 ff.

⁶⁹⁷ Ibid., 142.

⁶⁹⁸ Ibid., 144ff.; 151 ff.

⁶⁹⁹ Ibid., 149ff.

⁷⁰⁰ Inherent value is here defined as "... the value which an object has through its ability to contribute to human life by its presence, and contends that this is the kind of value which attaches to things whether alive or not which are interesting to watch or study, or beautiful to contemplate, or which heal us when we are with

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living organisms are possible holders of intrinsic value, due to the fact of their interests and desires. As long as an organism can be either benefited or harmed, i.e. it raises the demand on moral agents that it can be shown beneficence or not, it has moral status.⁷⁰¹ Consequently, any living organism with needs, interests, and desires is due moral consideration.

It is worth noting that Attfield makes no distinction between the moral status of plants, animals, and humans on account of their species. The relevant criteria of moral standing are applied irrespectively. This line of argument is due to the analogical method described by Attfield in “Methods of ecological ethics”.⁷⁰² Here, Attfield distinguishes between different methods of argument for a concern for nature. For Attfield, it is important to maintain the analogical inference from human moral criteria to nonhuman living organisms. This method of environmental ethics survives the charge of undue anthropocentrism and individualism. The only criteria are the extent to which nonhuman organisms can be regarded as having a moral standing. For any nonhuman organism having a moral standing, similar moral responsibilities arise as are due in relation between human beings.⁷⁰³

In addition to the criteria of moral consideration, Attfield also uses the concept of moral significance in order to attain a plausible and practically feasible theory of environmental ethics. The criteria of moral significance are also determined on account of the analogical method. With regards to plants, Attfield argues that they cannot be “pained or gladdened, satisfied or frustrated; and, except for the most primitive, they have no prospect of ever evolving into anything which could bear characteristics of this kind (...) they are not in any morally interesting sense agents, even though causally their activity is vital for those beings which are so.”⁷⁰⁴ Consequently, nonconscious organisms like plants has a lesser moral significance than conscious organisms, even if the the moral standing is the same.

In the present context the question of the sources of normativity is of course highly relevant to Attfield’s discussion on the moral standing of nonhumans. Interestingly, Attfield is not

them.” (151f.).

⁷⁰¹ Ibid., 145.

⁷⁰² Idem 1994a, 91ff.

⁷⁰³ Ibid., 102.

⁷⁰⁴ Idem 1983, 154f.

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particularly explicit on this particular issue. The point, where he comes closest to an explanation of the metaethical basis, is in his discussion on the last man example. In the example, Attfield describes a situation where it is asked whether the last surviving man does anything wrong in hewing down the last remaining elm.⁷⁰⁵ In his comments on this situation, he appears to hold an intuitionist standpoint, even if he still maintains the necessity of a *theory*, explaining the moral status of the tree.⁷⁰⁶ Even if Attfield partly recognizes intuitionism he has not laid his argument in favor of reasoning aside.

However, when we turn to his understanding of the naturalistic fallacy we shall see that his understanding of the intrinsic value of nature implies that reason is not considered as the actual source of normativity. Reason may hold a role as a means to theorizing. However, it is not clear that reason holds a role as a source of normativity.

12.1.2.2 The Naturalistic Fallacy

Due to Attfield's concept of intrinsic value of nonconscious entities (see above), he clearly rejects the necessity of a valuer in order to determine what is of value.⁷⁰⁷ Whatever has interests of its own has moral standing and the realization of these interests has intrinsic value.⁷⁰⁸ This position distinguishes Attfield from positions arguing for the moral status of abstract entities as species and ecosystems and positions stressing the necessity of the reflective powers in order to speak of value. This raises the question if Attfield actually is committing the naturalistic fallacy. Is the link between nature and normativity so close, that it is not meaningful to distinguish between descriptive and prescriptive statements?

Attfield is quite concerned about the naturalistic fallacy. He believes it important to maintain this classical distinction. In order to substantiate his point, he turns to a discussion on

⁷⁰⁵ For a full account of the example, cf. idem 1994a, 168.

⁷⁰⁶ Idem 1983, 155: "Most people who consider this question [i.e. the last man example] conclude that his act would be wrong (...) ... though I grant that stray intuitions may need to be reined in by a consistent moral theory, in this case intuitions confirm a theory which already has some independent support."

⁷⁰⁷ Idem 1983, 160: "... by accepting the intrinsic value of some nonconscious entities I am clearly rejecting most forms of the plausible view that what is of value is necessarily valued by some conscious subject."

⁷⁰⁸ Ibid., 161.

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Holmes Rolston III, Don Marietta and J. Baird Callicott. According to Attfield, Rolston was the first within environmental ethics to discuss the possibility of overcoming the apparent gulf between “is” and “ought”. Rolston argued that technical oughts were derivable from personal ends together with a statement of natural law concerning the constraints on the occurrence of those ends.⁷⁰⁹ This makes possible the derivation of the moral ought from the same statement of law, provided the language can be translated into a moral ought. However, as this only takes human interests into consideration, Rolston further argues that the value of the ecological, integral system provides a moral ought. Moreover, in ecology factual descriptions and judgments of value appear together. The is/ought dichotomy disappears.⁷¹⁰ The interrelation of statements of facts and judgments, is also apparent in Rolston’s argument for the indissoluble relation between the reflection on value and the underlying worldview. But this does not imply that value is not discovered in the ecosystem. Is and ought are discovered simultaneously.

Attfield criticizes Rolston for the insufficient explanation of the derivation of “ought” from the factual descriptions and the lack of expounding how rational deliberation can flow in either direction from the one to the other. Furthermore, even if Rolston’s account argues for the value of the ecosystem, he fails to give an account of the independent status of the stability, beauty or integrity of the ecosystem.⁷¹¹

In Marietta the focus is also on the necessarily implied worldview of the valuer. Facts and judgements of value are connected, both are typically constituted by a person’s worldview. Albeit rationally scrutinable, the emphasis on worldviews does prevent the rational deliberation on the values and thereby the possibility of conflicting viewpoints from coming to terms on the basis of rationality. Attfield does not find the theory of Marietta convincing, as it does not convincingly demonstrate the preclusion of judgments in relation to value.⁷¹²

Finally, Attfield discusses the position of Callicott. Callicott refers to as well G. E. Moore as David Hume in his discussion on the naturalistic fallacy of environmental ethics. According to

⁷⁰⁹ Idem 1994a, 128.

⁷¹⁰ Ibid., 127f.

⁷¹¹ Ibid., 128f. Attfield makes some good points in his critique of Rolston. Cf. 7.2.1 and 13.3 for the present thesis’ discussion on Rolston’s stance on the naturalistic fallacy.

⁷¹² Attfield 1994a, 128f.

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Attfield. Callicott misunderstands Moore, neglecting that Moore focuses on definitions of good in his account of their fallacy. Therefore, Callicott's dismissal of Moore's discussion is on a false basis. Moore's discussion still holds its relevance, according to Attfield. Further, Callicott demonstrates (following Rolston) the possibility of a prudential ought, based on the awareness of ends and a law serving to relate means to ends. Finally, Callicott argues for a noninstrumental ought. Reason can lead to the objects of any natural moral sentiment. Disclosure of the evolutionary determined kinship with other species may imply an awareness of the rightness of similar moral sentiments in this community as that in a political community with fellow human beings. In both cases the moral oughts have a noninstrumental character. In his argument for the prudential as well as the argument for the noninstrumental ought, Callicott apparently has a close link between is and ought.⁷¹³

However, Attfield argues that Callicott seems to forget the implicit reasoning in his own theory. Callicott encourages the reasoning about the kinship of humans with nonhuman species, but seems to forget that this implies a lessening of the close link between is and ought, which he also endorses. Furthermore, the prioritizing of some values over others is not dealt with. Callicott's theory does not ask the central question, why I should show benevolence towards the object of my sympathy. Consequently, grounds for regarding the good of nonhuman beings as valuable requires reasonable argument. However, there seems to be no room for such arguments in Callicott.⁷¹⁴

Even if Attfield seems to insist on the relevance of not committing the naturalistic fallacy, the question must be raised, if Attfield himself does not commit it as well. Essential to Attfield's understanding of the relation between facts and values is the concept of the well-founded value-beliefs. If there are such, the well-founded oughts can also be derived accordingly. However, not all values are well-founded. Some empirical states are of evident intrinsic positive and negative value, such as enjoyment and harm. In the case of such an evidence of the intrinsic value, the reason for the moral ought is also apparent.⁷¹⁵ "Clearly where an empirical state falls under a

⁷¹³ Ibid., 130f.

⁷¹⁴ Ibid., 131. Cf. 8.3 and 13.3 for the present thesis' discussion on the naturalistic fallacy in Callicott's theory.

⁷¹⁵ Ibid., 131f.

description such that it is necessarily of intrinsic value, then here there is a clearcut reason for the action of any suitably placed agent (e.g. by way of fostering or protecting this state); and where there are no other considerations, or the balance of reasons comes out in favour of a certain action, there are then overriding reasons for acting accordingly".⁷¹⁶ Until this evident determination of the intrinsic value is clear, Hume's and Moore's critical metaethical remarks are still important.⁷¹⁷

Attfield calls himself a naturalist. As a consequence of this position he does not have anything in principle against an inference from fact to value. His only reluctance is due to the lacking account of the intrinsic value. "Granted my naturalist metaethical beliefs (in Moore's sense) I do not hold that there is an intractable gulf prohibiting inferences from fact to value. But I cannot accept either that any and every world-view or intuition of fittingness or reconstructed Humean sentiment makes for defensible fact/value transitions. Thus until they are properly tackled, the metaethic problems raised by the historical Hume and the historical Moore have not lost their importance, whether for ethics in general or for environmental ethics in particular".⁷¹⁸

Does Attfield commit the naturalistic fallacy? Clearly he criticizes some of the leading representatives of a contemporary inference from fact to value, and clearly he stresses the importance of the historical distinction between is and ought. But he still admits the legitimacy of this inference and does endorse a metaethical position supportive of this notion. Of course, he himself would not say that it is a naturalistic *fallacy*, but nevertheless, he does bring fact and value into such a close relationship that they become tied to each other. Furthermore, in his advocacy of the naturalist standpoint, there does seem to be a resemblance to the naturalist natural law thought of Melanchthon and Wolff, even if his former rejection of holism pointed in an opposite direction.

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In his argument for the intrinsic value of nature this position is further substantiated. The central question to Attfield is the possibility of interests of trees. Do trees have interests? Are these

⁷¹⁶ Ibid., 132.

⁷¹⁷ Ibid., 132f.

⁷¹⁸ Ibid., 132f.

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interests a viable basis of moral consideration?

As means of introduction to his own position, Attfield discusses different positions asserting (i) the rejection of the interests of trees (particularly Hare and Feinberg) and (ii) various grounds for preserving trees (including anthropocentric as well as biocentric positions). These discussions lead him to the paradox of claiming the needs and goods of trees, but also the rejection of their intrinsic value.⁷¹⁹ The rational uncomfotableness of this paradox entails the necessity of Attfield's own position.⁷²⁰

For Attfield the important notion is the interest of the organisms of moral consideration. If one can speak of interests of a particular being, it has moral standing. As basis of his argument, Attfield refers to Jan Narveson⁷²¹. According to Narveson, "every moral agent acknowledges that the satisfaction his interests is intrinsically good. But if so, every agent must also acknowledge that the satisfaction of every other agent's individual interests is intrinsically good too, unless they can justify regarding others differently. Hence the satisfaction of everyone's interests must be of concern to every consistent moral agent".⁷²² Consequently, any refusal to take interests into account must be justified. With regard to plants, Attfield argues that they have vegetative interests, equally important to those of purposive organisms. This does not imply a lack of differentiation of the species. The capacities of humans and other purposive organisms make these count for more than non-purposive organisms. But this does not entail a neglect of the interests of e.g. trees.⁷²³ "... Even if not all lives are worthwhile lives, it still might be that many or even most vegetable lives are worthwhile and of value in themselves".⁷²⁴ Having argued for these interests

⁷¹⁹ Ibid., 165.

⁷²⁰ In addition to the account given here, cf. idem 1995, 29ff. for a more detailed description of this notion.

⁷²¹ Narveson, Jan (1967): *Morality and Utility*, Baltimore: Johns Hopkins Press (Cf. Attfield 1994, 167).

⁷²² Attfield 1994a, 167. Cf. also 1995, 29: "In current philosophical usage, what is of intrinsic value is what is good or of value in itself, rather than of value extrinsically, or through its relations to other things (...) Some things must be of value in themselves and for no reason beyond themselves; and thus their value is nonderivative and independent, and may be called "intrinsic." And whenever this is so the state of affairs in question will supply a reason for action which is independent of other desirable end-states or values, and which derives from nothing but itself."

⁷²³ Ibid.

⁷²⁴ Ibid., 168.

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of trees, Attfield explains the practical implications of this standpoint:

... some degree of respect is due to almost all life, even though the main ground for the preservation of natural kinds remains human interests; and it implies that, where natural trees could be replaced without aesthetic loss or other disadvantage to humans there are still reasons for not doing so (...) nothing which has interests is to be viewed wholly instrumentally, and (...) things which have interests characteristically have some value in their own right. If trees have a good which is not our good, then they also constitute a good; if they have their own form of flourishing, they are thereby of value in themselves.⁷²⁵

Even if this account does not imply the assertion of the rights of trees, it does supply the argument for the moral obligation in relation to trees.⁷²⁶

Having given an account of the main tenets of Attfield's understanding of the intrinsic value of nonpurposive organisms such as trees, one important question remains. What is the metaethical background of this argument? It seems that Attfield holds an intuitionistic presupposition. This is particularly clear in his recognition of the differences in potential between different species. According to Attfield, even if these differences must be admitted, and the possible goods and harms open to most people vastly exceed those open to other beings, this does not entail the legitimate neglect of the moral standing of trees. Because, "After all, we have still to account for the distress which at least some of us feel at the destruction of a living tree".⁷²⁷ This argument shows the intuitionistic argumentation. Attfield refers to the distress which is felt. It is not the rational deliberation on the moral standing of the tree, nor established moral properties of the tree which serves as the basis of its moral standing. In a further argument, reflecting upon his own account of the last man example of Routley, Attfield once more appears to make use of an intuitionistic argument. In arguing that most people would regard it as wrong to destroy the last living example of a healthy elm, capable of propagating its kind, Attfield refers to the reaction of humans on this deed. Once again, it is not an established moral criterion which serves as the basis of the argument against the destruction of this tree, but merely the *reaction* of the moral agent.

⁷²⁵ Ibid., 169.

⁷²⁶ Ibid., 169f.

⁷²⁷ Ibid., 168.

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This reaction serves as the basis of Attfield's conclusion, "... if, without being swayed by the interests of sentient creatures, we share in these conclusions and reactions, we must also conclude that the interests of trees are of moral significance".⁷²⁸ However, as already noted above, this recognition of intuitionism does not imply that Attfield rejects the importance of reasoning. This becomes more clear, when we turn to an explicit consideration of this aspect of this theory.

12.2 Reasoning on Nature

The last remarks on the intuitionistic basis of Attfield's account of the moral standing of trees, leads us to the question of the role of rationality and deliberation in his account. What role does his account of reasoning have for his environmental ethic? To what extent is reasoning a necessary basis for his theory?

12.2.1 The Anthropological Basis of Environmental Ethics

The concept of reasoning and thinking on environmental ethics is fundamental to Attfield's account of environmental ethics. This is implied in the idea of his account as a *theory* of environmental ethics. But it is also implied in the anthropological assumption of Attfield.

Arguing for his own position, Attfield refers to the theistic anthropology. The theistic anthropology differs from the scientific in its assertion of the superiority of man. The scientific understanding of man implies his being part of nature. Man is not essentially different from the rest of nature, but is rather understood as an evolutionary product of nature. In somewhat contrast to this viewpoint, the theistic anthropology claims the difference between man and the rest of nature. Although man and nature are closely related in many ways, there is a fundamental difference. Man as the only being is created in the image of God and is endowed with a special responsibility. Man is understood as steward in relation to nature. In this sense man is different and distinct from the rest of nature.⁷²⁹

This anthropology has important consequences for environmental ethics. The distinction between man and nature implies the necessary emphasis on the responsibility of man. As the

⁷²⁸ Ibid.

⁷²⁹ Attfield 1983, 52ff.

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capacity for reasoning is characteristic for man, this implies the necessary assertion of the role of reasoning within environmental ethics. On account of the faculty of reason man is differentiated from the rest of nature and is also given a particular responsibility.

This serves as an important background for Attfield's claim of the role of reasoning in environmental ethics. One way this reasoning works is in the inference from criteria on human moral standing to the moral standing of nonhuman nature. In his discussion on defences of biocentrism, Attfield refers the analogical argument for the moral standing of nonhumans, as described above.⁷³⁰ It is not on account of a rational recognition of its moral status, but merely due to the analytical and logical inference. In Kantian terms, one could say that there is no a priori recognition of the moral standing of nonhuman nature. The argument is based on a hypothetical deduction. This holds implications for Attfield's concept of reason. Reason in Attfield is primarily conceived of in a theoretical sense. Reason is not thought of as a source of normativity, as the source of the moral standing of nature lies within nature itself. Reason does not constitute the moral value of nature, but without it one could not have an ordered reflection on this issue. Therefore, even if reason does not constitute the order of morality, it does provide the ordering of moral reflection. In this ordering, the function of reason is theoretical. It is due to the theoretical ability it serves the instrumental purpose of structuring the moral deliberations. This understanding of reason is also apparent in Attfield's argument for the reflective equilibrium of theory and application.

12.2.2 The Reflective Equilibrium of Theory and Application

The previous paragraph raises the important question, what about moral reason? Does Attfield reduce reason to an instrumental faculty of man? In developing his theory of environmental ethics, Attfield wants to achieve a reflective equilibrium between judgements and theory, between normative principles and their application.⁷³¹ To understand this correctly, it is important to keep Attfield's idea in mind, that "... there are recognizable limits and a recognizable scope to moral reasoning, discernible from *a priori* considerations such as the meaning of the very concept of

⁷³⁰ Cf. 12.1.2.1

⁷³¹ Attfield 1983c, 88.

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morality, as well as from the *a posteriori* study of particular judgements".⁷³² Attfield holds this viewpoint, even if he argues in favor of moral realism.⁷³³ However, even if he explicitly calls himself naturalist, this does *not* mean that he on the basis of a moral objectivist standpoint refrains from carrying out his reflections in search of "... the best available consistent and defensible position."⁷³⁴

This position of Attfield supports his attempt to achieve the mentioned reflective equilibrium. In order to discern the underlying principles of attitudes to environmental issues, the right method must be deployed. According to Attfield the right method in ecological ethics is common to most branches of normative ethics, consisting in the formulation of principles which are adequate to a good range of reflective judgements and then the testing, followed up by the potential revision of the principles. Even if this method has been criticized for circularity and lack of specificity, Attfield maintains its credibility due to a similar method within the sciences, where the method is not questioned.⁷³⁵

Attfield's reference to the sciences is a sign of his metaethical naturalist position. Unfortunately, he does not discuss the relevance of this method within the sciences. He seems to take the mere fact of the use of this method within the sciences as a token of its legitimacy. Having forgotten to justify this method within the sciences, the reference to it does not provide the necessary justificatory basis of it within ecological ethics.

A similar argument is introduced in Attfield's discussion on *Values, Conflict and the Environment*.⁷³⁶ Even if he was one of the authors to this report, he finds it necessary to comment on its concept of value and notion of interest. Setting his discussion on the notion of interest apart, his discussion on the concept of value sheds light on the previous idea of reflective equilibrium. In the report the method of Comprehensive Weighing of values is attempted. This weighing is differentiated from the traditional cost/benefit analysis in refraining from measuring value in

⁷³² Ibid.

⁷³³ Ibid., 89: "... moral discourse is not concerned merely with prescriptions or expressions of attitude or commitment; it aspires to truth and actually admits of knowledge."

⁷³⁴ Ibid.

⁷³⁵ Idem 1994a, 92.

⁷³⁶ Attfield and Dell (1989).

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monetary terms. Rather the rational defensibility is of concern. Thus it is argued that some values demonstrably outweigh others. As an example Attfield mentions e.g. the preferableness of protecting an orchid species from extinction in comparison to draining a marsh for agriculture.⁷³⁷ Even if rationality is essential to this method, the concept of rationality appears to differ in a significant way. Rationality seems to be taking on a different role than the mentioned instrumental aspect. In the method of comprehensive weighing, rationality is rather understood in terms of a source of normativity. It is in terms of rationality that the different degrees of value are recognized. These different degrees can not be made tangible. Their difference is on account of the rational evaluation. Attfield does not explain the criteria of this evaluation. It appears to be selfevident to reason, which values are to be preferred to others.

Apparently Attfield makes use of two senses of rationality, an instrumental and a moral sense. This two concepts of rationality are not necessarily compatible with each other. In the environmental ethical theory of Mark Sagoff, it is precisely these two concepts that are in contrast to each other. This raises the question of the consistency of Attfield's account. The notion of rationality is important to him and yet lacks sufficient theoretical cogency.

12.3 Nature and Reason as a Combined Basis of Environmental Ethic

One of the reasons of the theoretically problematic basis of Attfield's notion of rationality might be the interrelatedness of nature and reason, which is also found in his theory. Nature and reason are not contrasted to each other, but rest in a mutual relation, completing each other as the justificatory basis of Attfield's theory of environmental ethics. On the one hand, nonhuman nature has certain interests that imply a moral standing. This applies to sentient and nonsentient creatures alike. Only inanimate objects of nature do not have a moral standing. Apart from the inanimate nature, nonhuman nature has an intrinsic value on account of its interests. On the other hand, humans of course also have a moral standing. Their interests are also to be taken into consideration. Consequently, the interests of nonhuman and human nature can come into conflict with each other. Often this is the case. In this situation man's character as a rational being serves as the other basis of Attfield's theory. The human being is assigned a particular role as steward of nature. Even

⁷³⁷ Idem, 144.

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if the human being is part of nature, he/she is also differentiated from nature.

This simultaneous assertion of (i) the kinship of mankind and the rest of nature and (ii) the characteristic capacities of humans is a basic concept in Attfield. In order to maintain this doubleness and facilitate an environmental ethic supportive of this notion, it is necessary to develop a metaphysics which neither reduces man to simply a part of nature, nor conceives of man as radically different from nature.⁷³⁸

12.4 Conclusion

In the analysis of Attfield's theory of environmental ethics we have found an argument in favor of the intrinsic value of nature and the reasoning of the human being as a combined basis of environmental concern. In arguing for the intrinsic value of nature, Attfield rejects holistic theories as found in e.g. Callicott. Rather, one should apply a method of analogy extending the principles of moral standing from human beings to nonhuman nature. As this establishes the criteria of moral consideration, one should also apply principles of determining moral significance, if one is to have a practicable theory of environmental ethics. In this analogical method of extensionalism reasoning is required. Throughout his theory, Attfield emphasizes the reasoning of the human being as an indispensable notion. This is due to his anthropological standpoint but also due to the necessity of establishing a reflective equilibrium of theory and application. In the exposition of Attfield we have seen how he claims a naturalistic standpoint. Therefore, Attfield also admits a limited inference from *is* to *ought*. In his theory, however, his notion of reason is somewhat unclear. It is not clear whether reason is considered in terms of theoretical rationality or moral reason. Attfield seems to be applying both notions, although not completely consistently. In contrast to Norton and Sagoff, Attfield has not endorsed a constructivist standpoint. Reason is essential to moral theorizing, but reason does not construct moral values. Therefore, Attfield's theory does not appear to be suitable for the appropriation of the nonnaturalist understanding of natural law. However, his naturalist metaethical standpoint does suggest that parts of his theory might relate to a naturalist natural law thought.

⁷³⁸ Idem 1983c, 63.

IV. Reshaping Nature and Reason

In this last part of the thesis, the findings of the thesis are summarized. Furthermore, it is attempted to reflect critically on these findings in order to reformulate the idea of the normativity of nature and reason. Hereby, it is the intention tentatively to develop a basis for a reformulation of natural law and to argue for a renewed use of this ethical theory. In Chapter 13, the focus is the concept of nature, whereas the notion of reason forms the basis of Chapter 14. In Chapter 15 the idea of the interrelatedness of nature and reason is briefly assessed and the thesis is concluded by reflections on the main assumptions of the study.

Chapter 13

Nature as the Basis of Normativity

The normativity of nature is one of the issues of theological and philosophical ethics that continues to be at the centre of ethical enquiry. Throughout the present thesis, the understanding of this idea has been demonstrated within select representatives of natural law thought and environmental ethics. It is now the intention to focus on some of the main findings of these thinkers and attempt a tentative construction of a normative concept of nature that may prove appropriate for as well natural law thought as environmental ethics.

The primary concerns in the present chapter will be three leading questions. Firstly, the question will be raised, how one should understand man as nature. This question leads on to the following, whether man's living in accordance with nature implies a normative stance. The third question follows from the second, as the question is raised, how the notion of living in accordance with nature relates to the critique of naturalistic ethics of committing a fallacy.

13.1 Man as a Natural Being

The notion of man as a natural being plays an important role in natural law thought and environmental ethics. Even if quite different in setting and terminology, both discourses argue for the naturalness of man.

In the premodern natural law thought this was argued by reference to the doctrine of creation. Both Luther and Melancthon took this doctrine as a fact. For both of them this idea implied that the human being shared conditions of life with nonhuman nature. Not only was the human being and nonhuman nature conceived of as created by God, the notion of God's continuous care and sustainment of creation was a central idea. In this sense, the human being and nonhuman nature was conceived of as God's creation as such. As creation being dependent upon God's care, there was no difference between the human being and nonhuman nature. The human being and nonhuman nature share this absolutely fundamental aspect of life - that it is always

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considered as given. Life is never something which creation can make a claim of. Creation is always conceived of as receiving the gift of life. This feature points to a fundamental *theo-dependency*. Creation is dependent upon God.⁷³⁹

However, dependency is not only related to God, but is also constituted between the human being and nonhuman nature. The human being and nonhuman nature are situated in an interdependent relationship. Certainly, the notion of man as created in the image of God for Luther and Melancthon implies that man has a certain role in relation to nonhuman creation. Man has been given a mandate to rule over the world.⁷⁴⁰ Clearly, this places nonhuman creation in a dependency upon man. But the relationship is not onesided. This is argued on the basis of natural law. As we saw it in Luther, natural law is also thought of as the basis of life among animals. Luther acknowledges the golden rule among animals, arguing that to some extent animals are capable of setting themselves in the place of others.⁷⁴¹ Luther also argues that natural law applies to nonhuman nature by means of another example. Just as it is part of natural law that human beings should have rest now and then in order to gain strength⁷⁴², so animals should have a similar

⁷³⁹ In speaking of *theo-dependency* the dependency upon God is emphasized. A similar understanding may be said to be endorsed by Gustafson (1994). Gustafson speaks of God as "... the power that brings all things into being, that bears down on them and threatens and limits them, that sustains them and is the condition of possibility for their change." (14) In the experiences with nature, we meet God as such a power. Gustafson argues that this sense of the Divine may form an important part of our relation to nature. "Humans are to seek to discern what God is enabling and requiring them to be and to do as participants in the patterns and processes of interdependence of life in the world. The divine ordering is perceived, insofar as it is humanly possible, in and through the ordering of nature, culture, history, and personal living. It has no equilibrium which guarantees the realization of all justifiable ends, and our ends as developers of technology and culture infinitely complicate the achievement of even a dynamic one. We are to relate all things to each other in ways that concur with their relations to God, again, insofar as this can be discerned. But God will be God. As intentional participants we have responsibility, and the destiny of the natural environment and our parts in it is heavily in our hands, but the ultimate destiny of all that exists is beyond our human control." (148f.).

⁷⁴⁰ This idea which has often been endorsed in a Christian setting has been criticized as the root of the ecological crisis (White 1967). However, within the Biblical writings there is not onesided endorsement of anthropocentrism. This is pointed out by e.g. Höffe 1993, 198ff. Höffe argues that if one should point to a notion within the Judaeo-Christian tradition which has had a negative impact on the treatment of nature, it would be the strict monotheism, which has implied a desacralization of nature. "Wer in der Bibel trotzdem nach Voraussetzungen für die "Ausbeutung der Natur" sucht, findet sie paradoxerweise in der genuin religiösen Komponente. Durch einen Gott, der keinerlei Götter neben sich duldet, durch einen monotheistischen Gott wird die Natur entsakralisiert." (203)

⁷⁴¹ Cf. 5.1.2

⁷⁴² WA 30 I, 144, 6ff.

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rest from work in order to do well.⁷⁴³ Not to give animals the proper rest implies not acting in accordance with natural law. In this example it is clear how not only animals are dependent upon human beings, but that human beings are also dependent upon nonhuman creation. It appears to be a consequence of Luther's natural law thought that the life of man does not succeed when nonhuman nature is not treated in accordance with natural law. In this sense natural law is conceived of as a common rule of life for as well human beings as nonhuman nature. Natural law is an expression of human beings and nonhuman nature as having similar needs in terms of basic life conditions, for being fundamentally interdependent.

This idea of the similarity in the need of fundamental conditions of life between human beings and nonhuman nature is also shared by e.g. Callicott. Even if Callicott neither refers to God nor to the doctrine of creation, his line of arguments have a similarity to the premodern understanding of Luther and Melanchthon. Callicott refers to the scientific cornerstones of evolution, ecological biology, and Copernican astronomy as the basis of his land ethics.⁷⁴⁴ Needless to say, all these cornerstones are absent in Luther and Melanchthon. But when Callicott explains his concept of the biotic community one finds several similar tenets. One of the basic features of the idea of the biotic community are ties of kinship among all forms of life on earth. This has its basis in the Darwinian theory of evolution. Due to this theory moral sentiments have developed within social groups, forming the basis of an evolutionary origin of ethics.⁷⁴⁵ Even if completely different in the underlying argument, phenomenologically Callicott agrees with basic notions of natural law thought in quite important aspects.

One of the points of agreement is precisely the notion of community. In Callicott the community is conceived of as a biotic community. This biotic community which includes all forms of life is conceived of as an ethical entity. The principles constituting and giving shape to this biotic community are also understood as the source of normativity. In this sense the basis of Callicott's land ethic is fundamentally naturalistic. In Rolston the notion of the community is seen in his

⁷⁴³ WA 18, 81, 26ff.: "Das man aber den Sabbath odder sonntag auch feyret, ist nicht von no(e)ttten noch umb Moses gepot willen, sondern das die natur auch gibt und leret, man mu(e)sse ia zu weylen eynen tag rugen, das mensch und vieh sich erquicke ..."

⁷⁴⁴ Cf. 8.1.1

⁷⁴⁵ Ibid.

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understanding of the systemic value.⁷⁴⁶ The value of the individual being is understood with reference to its being part of the ecosystemic whole. Value is not located individually, but rather within the ecosystem. In line of his understanding of evolution, Rolston argues that evolution is to be seen as a story, still arriving. The human being is part of this story. As a natural being, the human being never leaves this story. As moral agents, the human beings are still considered part of this story, even if their abilities of deliberation partly differentiate them from the rest of nature.⁷⁴⁷ The human beings are still considered part of the natural community, even if differentiated from the rest of nature.⁷⁴⁸

The notion of the human being as part of a natural community also plays an important part in natural law thought. Before turning to the notion of a natural community in natural law thought, it is necessary to define the notion of community. What characterizes a community? What is the difference between the notion of community and the concept of order? How does this relate to the concept of association? The notion of order implies a structure. An order is conceived of when separate parts are related in a structured whole. Therefore the separate parts of the order are understood within this systemic structure, transcending the individual part. Community also implies the notion of a structured whole. A community may also be understood in a wider sense, i.e. as a relationship which has identity shaping impact. A religious, philosophical, or political community is understood in this sense. An important difference between order and community, therefore, seems to be the difference in impact on identity. Whereas order may be understood in a more neutral, descriptive sense, community implies a notion of formative impact. Association is related to community, but is understood as relations of a looser sense. An association does not

⁷⁴⁶ Cf. 7.1.1

⁷⁴⁷ Cf. 7.2.1

⁷⁴⁸ For a relatively recent, insightful theory of the earth community as the basis of an earth ethics, cf. Rasmussen (1996). Rasmussen argues that the idea of the earth community has not yet had a sufficient impact on ethics. "That nature is a community is *the* scientific discovery of the twentieth century. That earth, human society included, is *also* a community has not yet registered with us. At least how to sustain it as a community has not." (15) This understanding of community is necessary in order to argue for the appropriate responsibility for this community (15ff.). "The basic premise for future actions and outlooks is the simple sentence above: all that exists, coexists. Community rests at the heart of things. The dance of reality is "a permanent dance of energy and elements" in a "vast communitarian chain" that embraces the entire cosmos. We are consigned to the wonder of a universe whose tapestry is whole." (324)

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have an impact on identity, but is understood as being based on mutual interests.⁷⁴⁹

Turning to the natural law thought, Luther understands natural law as a law of order expressing the will of God as constitutive for Creation. Human being is part of this natural order. Natural law as a moral law is an expression of this order of being. However, this is not to be understood in static categories, as being is upheld by God. Being is conceived of as a dynamic process. In the same sense, natural law as a moral law is not to be seen as a static moral code. Rather, natural law as moral law is to be regarded as being under the same constant dynamic development as may be seen in nonhuman nature. Even if the notion of order is the most common, when giving an account of Luther, the same notion may also be explained by reference to the notion of community. If the concept of community is understood as the relationship between independent parts which is constituted by common principles of being and normativity, there is no essential difference between “order” and “community”.⁷⁵⁰

Even if Melanchthon endorses a more explicit ontological basis of natural law, the similarity in his argument is quite apparent. In Melanchthon we find a quite close relation between his notion of nature and concept of normativity. The moral reflection of the human being is an expression of the order which is constitutive of the physical realm as well as the moral realm. The physical and moral realm are essentially alike, expressing different aspects of the same order. Therefore, when Melanchthon speaks of the natural light of reason, he speaks of an awareness of reason of a natural, arithmetic, and moral order.⁷⁵¹ On this basis it may be argued that Melanchthon holds an understanding of man as part of a natural community in comparable lines with Callicott and Rolston.

⁷⁴⁹ Cf. Rawls 1996, 40ff. for this distinction between *community* and *association*. Furthermore, cf. Sagoff's distinction between *society* and *community* (1988b, 118ff.). Sagoff's understanding of society seems to hold some resemblance to Rawls' concept of association, whereas their understanding of community appears to be essentially the same.

⁷⁵⁰ The notion of relationality as a point where natural law thought and environmental ethics have a common concern is also endorsed by Northcott 1996. “The natural law ethic of the Middle Ages reflected a theology of cosmic and social order and relationality in which persons were set in a divine hierarchy of being, and a divine purposiveness for all life from angels to animals (...) We can then see that there is a theological ground within the Christian doctrines of God, creation and redemption, and particularly in the Christ events, for the recognition of the moral value of the non-human world, and of the deep relationality of human life and self-consciousness to the created order.” (220f.)

⁷⁵¹ Cf. 3.1

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In Wolff the notion of the order of nature is constitutive for his natural law thought. Furthermore, this order is seen as the test on the moral act. Acts are considered right when they further the perfection of the condition of the agent. In his endorsement of this idea as the general rule of action, Wolff clearly demonstrates the resemblance with the central principle of land ethics. As Leopold argued that a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community⁷⁵², so Wolff argued that a thing is right when it tends to perfect the condition of the agent.⁷⁵³ In land ethics as well as in Wolff we find the principle of harmony as the end of moral action. This also applies to Wolff's notion of nature. In Wolff nature is conceived of as the source of obligation. Due to man's natural being, he is under the same obligation of nature. As a natural being the human being is obliged to follow the law of nature, which finds its expression in the nature of man as well as other things. The obligation of natural law is an expression of man as a natural being.⁷⁵⁴

In both natural law thought with the ontological basis and environmental ethics as land ethics the idea of the naturalness of the human being appears to be a central notion. The concept of the human being and nonhuman nature as fundamentally interwoven is inescapable. The human being cannot relate to nature as something essentially different, rather the human being *is* nature. This may be argued on the basis of a theological argument with reference to the doctrine of creation, where man is conceived of as created from dust. In this sense, the human being is understood as a fragile being sharing the same life conditions as the rest of Creation.⁷⁵⁵ It may also be argued by a philosophical argument, referring to the idea that there are no objective differences between the human being and nonhuman nature apart from the epistemic.⁷⁵⁶ Finally, it may be argued by a scientific argument which emphasizes the theory of evolution as constituting a common source of life for human beings and nonhuman nature.⁷⁵⁷ That the human being is nature, therefore, seems to be self-evident. In this sense, it seems arguable that this idea holds an objective status. The

⁷⁵² Cf. 8.1.1

⁷⁵³ Cf. 4.1.2

⁷⁵⁴ Cf. 4.2.1

⁷⁵⁵ Cf. Gen. 2, 7

⁷⁵⁶ Cf. Krebs 1999, 137f.

⁷⁵⁷ Cf. e.g. Callicott 1989, 83.

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human being as nature appears to be an objective reality.⁷⁵⁸ As an objective reality it may serve as a universal basis of a natural law ethics, just as it may serve as a startingpoint for an environmental ethics. However, the mere account of this objective reality does not serve as a justification of the normative significance of this notion.

When the question is raised, if normativity has its basis in the concept of nature, or in what sense normativity may be deduced from the notion of nature, the typical question in reply will be, if one speaks of nonhuman nature or the human nature. Immediately considered, this question may appear justified. But at a closer look it may not be so obvious that this is merely a question of clarification. Maybe this question is in itself an expression of an implicit set of values, which already include an assessment of the basis of normativity. The question seems to hold the implicit presumption that one hereby speaks of two quite different entities. But this is not necessarily the case. As we have seen, several arguments may be given for an understanding of the human being as nature which demonstrate the communal being with nonhuman nature. Viewed in this way the distinction can only be theoretical, serving as a clarification of concepts. In its schematism, however, it renders what should properly be kept together. The question may be raised the proponents of this distinction, how they can justify such a differentiation without as a startingpoint having included a set of values. Where this is the case, of course, at a fundamental point it will confuse the assessment of the source of normativity. It would be far more upright to say that the human being as nature is essentially the same as the rest of the animal nature.

13.2 *Secundum naturam vivere*

Even if it is granted that the human being is to be considered a natural being, this does not *per se* imply a normative stance. In the account of the human being as a natural being it was merely an intention to give a factual argument, why this may be endorsed as an acceptable standpoint.

⁷⁵⁸ In a theological setting, this understanding of the naturalness of the human being is an indispensable part of a Christian ethics. O'Donovan (1994) refers to this as the objective principle of Christian ethics. "The order of things that God has made is *there*. It is objective, and mankind has a place within it. Christian ethics, therefore, has an objective reference because it is concerned with man's life in accordance with this order. The summons to live in it is addressed to all mankind. Thus Christian moral judgments in principle address every man. They are not something which the Christian has opted into and which he might as well, quite sensibly, have opted out of. They are founded on reality as God has given it." (17)

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Having established the plausibility of this argument the following questions turn on the implication of this idea. How does the human being live in accordance with nature? What does it mean to live in accordance with nature? Does it imply a moral stance to live in accordance with nature? These questions have proved to be central to natural law thought and environmental ethics.⁷⁵⁹

In Melanchthon we find the idea of the natural law as being an expression of the natural order. Natural law is not conceived as merely a law of reason. Even if natural law is apparent to man as a law of reason, i.e. as a light of nature, natural law as a moral law is still essentially similar to natural law as a physical law. Therefore, when the human being acts in accordance with natural law as a moral law, this action reflects the laws of physical nature. Natural law as a moral law is given by nature. Nature is considered as the source of moral law. But even if Melanchthon does regard nature as such, he still acknowledges God as an *auctor* of natural law.⁷⁶⁰ Therefore, when Melanchthon acknowledges the nature of the human being as being in accordance with the moral law, this is grounded in the will of God. Nature as being in accordance with natural law is also apparent in his understanding of the sociability of the human being. Natural law demands social and political life. This accords with human nature. Natural law and human nature accord in the demand of social life.⁷⁶¹

In Wolff nature is seen as being an independent source of normativity. Whereas Melanchthon argued in favor of the necessity of the will of God, Wolff claims the validity of the normativity of nature, irrespectively of the will and existence of God.⁷⁶² Nature obliges man to live according to natural law, which determines the attainment of happiness. In Wolff the end of the moral life is to attain happiness, whereby his ethics become decidedly teleological. A similar teleological notion is apparent in land ethics, when the basis of ethics is the question of the impact of one's actions on the stability of the biotic community. A difference between Wolff and the land ethics in Callicott's version is their stance on individualism. Whereas Wolff recognizes the role of the individual, Callicott is very critical towards an emphasis on this notion. Therefore, even if both

⁷⁵⁹ Cf. Fraling 1990 and Mohrmann 1999 for two collections of articles dealing with the question of the normativity of nature. Several of these articles carry the issue beyond environmental ethics, applying it to questions of biomedical ethics, social ethics etc.

⁷⁶⁰ Cf. 3.2.1

⁷⁶¹ Cf. 3.3.2

⁷⁶² Cf. 4.1.2 and 4.2.1

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Wolff and Callicott acknowledge the importance of the whole of nature as a source of normativity, this idea becomes too abstract in Callicott. Callicott does not pay sufficient attention to the moral agent (i.e. an individual agent) as responsible of being aware of the normative implications of the concept of nature.

Even if Wolff acknowledges the role of the moral agent, his understanding of the obligation of nature implies problems with regard to the freedom of the human being. Nature determines the good and obliges man to live accordingly. Apparently, the moral agent cannot escape the determination of nature.⁷⁶³ In this sense, Wolff comes very close to a deterministic understanding of human moral life, even if he argues for the possibility of maintaining human freedom. Even if Wolff acknowledges the freedom of certain acts, this freedom does not qualify these acts morally. The moral qualification of these acts still depends on their accordance with nature, whether they further the perfection of the human nature. Even when he acknowledges freedom this freedom is conceived of as set within limits of nature. However, Wolff does admit that nature hereby only serves as a passive obligation. Active obligation, i.e. the normativity of nature as a moral demand, still requires reason.⁷⁶⁴

In the environmental ethical theories of Callicott and Rolston, we also find an argument in favor of following nature. In Callicott this is an essential principle for his whole theory. This is a consequence of the inspiration from Leopold. Due to this source of inspiration he argues that the human being acts as part of a biotic community and thereby follows nature in moral life.⁷⁶⁵

In Rolston we also find an argument in favor of following nature. Ethics has its genesis in nature. The moral life of the human being, therefore, is to be conceived of as a life in accordance with nature. Ethics has to follow the laws of ecology. Consequently, actions are right when they happen in accordance with the laws of nature. Rolston describes in various ways how the human being is to follow nature. Among these, some of the most interesting are his arguments for human beings to follow nature in a homeostatic, axiological, and tutorial sense. The homeostatic sense stresses the interdependence between human beings and the rest of nature. The idea of the axiological sense of following nature implies that human beings are let in on the values of nature,

⁷⁶³ Cf. 4.2.1

⁷⁶⁴ Cf. 4.2.2

⁷⁶⁵ Cf. 8.1.1

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seeing that the values of nature are good whereby these values acquire a normative status. Lastly the human being can learn from examples of nature, whereby nature can become a tutor for human beings' reflection on normative issues.⁷⁶⁶

This last idea of nature becoming a tutor to human beings as moral agents is also found in Kant, even if Kant would not argue that morality has its basis in the unity between the human being and nonhuman nature. Consequently, when Kant argues that nature can serve as a tutor, he conceives of this role of nature in an indirect way. Nature is not to teach the human being how to act with regard to nonhuman nature. Rather, the role of nonhuman nature is to teach the human being how (not) to act in relation to other human beings. Nonhuman nature in Kant, therefore, only has an indirect value.⁷⁶⁷

The notion of acting in accordance with nature, of following nature plays an important role in the natural law thought of Melanchthon and Wolff and in the environmental ethics of Rolston and Callicott. This suggests a complementarity in this idea for both discourses. In the premodern and early modern natural law thought of Melanchthon and Wolff, the notion of following nature is dependent upon arguments which can be difficult to defend in a contemporary setting. However, some of the insights of Rolston and Callicott may be incorporated in a reformulation of some of the traditional natural law ideas. Rolston's general notion of the naturalized ethics implies a unity between nonhuman nature and morality which was also characteristic of the ontological basis of natural law in Melanchthon and Wolff. In Melanchthon the basis of natural law was still dependent upon the existence of God. In this respect Melanchthon holds a traditional premodern viewpoint. In Wolff natural law had its normative validity independently of the being of God. Natural law was strictly based on the notion of nature. In this

⁷⁶⁶ Cf. 7.2.2

⁷⁶⁷ MS, VI 443: "In Ansehung des Schönen, obgleich Leblosen in der Natur ist ein Hang zum bloßen Zerstören (*spiritus destructionis*) der Pflicht des Menschen gegen sich selbst zuwider: weil es dasjenige Gefühl im Menschen schwächt oder vertilgt, was zwar nicht für sich allein schon moralisch ist, aber doch diejenige Stimmung der Sinnlichkeit, welche die Moralität sehr befördert, wenigstens dazu vorbereitet, nämlich etwas auch ohne Absicht auf Nutzen zu lieben (z.B. die schönen Kristallisationen, das unbeschreiblich Schöne des Gewächsreichs). In Ansehung des lebenden, obgleich vernunftlosen Teils der Geschöpfe ist die gewaltsame und zugleich grausame Behandlung der Tiere der Pflicht des Menschen gegen sich selbst weit inniglicher entgegengesetzt, weil dadurch das Mitgefühl an ihrem Leiden im Menschen abgestumpft und dadurch eine der Moralität im Verhältnisse zu anderen Menschen sehr diensame natürliche Anlage geschwächt und nach und nach ausgetilgt wird ..."

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idea one may see a characteristic modern feature in Wolff. Even if Melancthon and Wolff disagree on this issue, they both argue that there is a unity between the laws of nature and the moral law. A similar unity is endorsed in Rolston. In Callicott we also found this unity in his critique of the modern paradigm of ethical thought. Callicott argued that the modern contractual theories and their emphasis on the notion of reason implied an inexpedient dichotomy between nonhuman nature and the morality of human beings. Therefore, Callicott refers to a Humean understanding of the relation between sentiments and community as the basis of morality, making it possible for Callicott to argue that the human being as part of the biotic community has an impact on the inclinations and feelings of human beings. Even if Callicott departs from Melancthon, Wolff, and Rolston in his emphasis on sentiments, this move still does not break up the unity between nonhuman nature and human morality.

Viewed the other way, the natural law thought of Melancthon and Wolff may be incorporated as a classical, theoretical basis of their environmental ethics. The similarity in the patterns of argument suggests the plausibility of a natural law mode of thought as a possible basis of land ethics. As an example one could mention the notion of inclination. In Melancthon this is apparent due to the influence from Aristotle. The human being is inclined to social coexistence with other human beings. In other words, the human being is inclined to a life within a community. In Wolff the human nature is inclined to pursue the good. The good causes pleasure, which is desired by human nature. Wolff places an emphasis on inclination at a very fundamental point in his moral theory. As the good causes pleasure, it holds in itself the reason for the human being to will the good. The good holds an intrinsic moral motivation. This forms the basis of natural law, as the purpose of natural is to perfect the condition of the human nature. Inclination, therefore, serves as an explanation of the motivational force of the good.⁷⁶⁸ In the Melancthonian as well as in the Wolffian notion of inclination we find ideas which appear fruitful as a theoretical underpinning of environmental ethics taking a course similar to Rolston's and Callicott's.

In the natural law thought of Melancthon and Wolff as in the environmental ethics of Rolston and Callicott the emphasis on the normativity of nature and understanding of the normative implications of living in accordance with nature has raised the critique of this idea as an example of the naturalistic fallacy. Therefore, we now turn to this notion and assess these

⁷⁶⁸ Cf. 4.1.2

various arguments of the normativity of nature in the light of this classical critique.

13.3 The Naturalistic Fallacy

The question to be addressed here is, whether we find a naturalistic fallacy in the included thinkers of the thesis and if so, what this implies for the claims of normativity within their theories.

In Melanchthon we found an argument for the close link between the laws of nature in physical nature and in a moral sense. This was e.g. expressed in Melanchthon's understanding of the Divine light of nature in reason of man. The light of reason witnesses to the order of nature and the presence of God in nature. This is closely related to his understanding of the doctrine of creation, as this idea is supported by the fact of the awareness of the moral law in the human mind. The moral reasoning of man is, therefore, an expression of God's continuous care for his creation.⁷⁶⁹ As this awareness of the moral law is also seen as an expression of the order of nature, moral reasoning also becomes a demonstration of the lawfulness of creation. Consequently, even if Melanchthon acknowledges moral reasoning as essential to the formation of moral norms, this does not mean that he escapes the naturalistic fallacy, as was evidenced in the ontological grounding of natural law which formed the basis of Melanchthon's grounding of normativity.⁷⁷⁰ The Humean critique is of lesser relevance to a analysis of Melanchthon's thought. Moore's critique, however, seems to apply in the wider as well as in the narrower sense. In the wider sense, it seems clear that Melanchthon bases his notion of normativity by reference to nonmoral entities such as the order of nature and the presence of God in creation.

In Wolff the argument is quite different, even if he also represents an example of committing the naturalistic fallacy. Wolff argues more clearly for the idea of nature as the basis of morality. Physical nature is conceived of as constituted by laws of nature, which are also seen as the basis of morality. Life succeeds when it is in accordance with these laws of nature. This does not only apply to physical life, but also to moral life. Moral life is to be in accordance with the laws of physical nature. This follows from general rule of action in Wolff, where one is to do that which furthers the perfection of one's condition.⁷⁷¹ In this idea Wolff comes very close to an

⁷⁶⁹ Cf. 3.1

⁷⁷⁰ Cf. 3.2

⁷⁷¹ Cf. 4.1.2

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identification of the factual laws of nature with the source of normativity. This is apparent in his notion of nature as the source of obligation. Even if it may be argued that there is a double concept of obligation in Wolff, i.e. a passive and active obligation,⁷⁷² Wolff does argue for the obligation of nature to such an extent that the notion of the freedom of the human being becomes problematic.⁷⁷³ The laws of physical nature are also the laws of normativity. Consequently, even if Wolff does not use a precise terminology, demonstrating the identification of *is* and *ought*, nor is careful to argue why the moral good must be defined on the basis of nonmoral qualities, it is clear that he is in conflict with Hume' as well as the Moore's theory.

In Luther we found yet another example of a natural law theory where the naturalistic fallacy is committed. However, here it is only in the wider sense. This is because he does not base his understanding of natural law on a particular concept of nature. Admittedly, his doctrine of creation is important to his notion of natural law. But this does not entail an ontological basis of natural law. Rather, natural law is based upon the will of God.⁷⁷⁴ However, this may also be seen as naturalistic fallacy in the wider sense, as Luther hereby argues for the notion of the moral good by referring to a notion which is not in itself qualified as morally good. In order to refer to the will of God as the basis of the moral good, Luther has to argue *why* he considers the will of God as good. As the reference to the will of God needs this qualification it is clear why the immediate reference to the will of God is an expression of the naturalistic fallacy.

Having demonstrated how most of the included natural law theories in the thesis are based upon the naturalistic fallacy, the question must be raised, if this is to be considered as a reason for the rejection of these theories. Here, two courses can be taken. (1) It can be argued that the naturalistic fallacy is not a fallacy, after all. Rather than a fallacy, one should consider it is a necessary part of moral reflection, that one always reflects within given circumstances. One of the most fundamental of these circumstances is the naturalness of the human being. As a reflecting, moral being one cannot escape the natural condition of human life. Therefore, it is rather to be considered a fallacy, when one tries to abstract reasoning from this fact. Being aware of this fact

⁷⁷² These two senses of obligation refer to nature and reason as the source of obligation respectively. Cf. 4.1.2 for a discussion on this point.

⁷⁷³ Cf. 4.2.2

⁷⁷⁴ Cf. 5.1.2

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and attempting to take that into consideration in one's moral reasoning and arguments for the sources of normativity, seems the more plausible course.⁷⁷⁵ (2) Further, it may be argued, that the insights of Hume and Moore still are valid and should encourage one to develop a notion of natural law without an identification of *is* and *ought* and without committing the naturalistic fallacy. This may be done by arguing that reason is the source of normativity and reformulating natural law theories by isolating the notion of nature and focusing on the moral reasoning which is also an important part of these theories. Both of these courses, it may be argued, can be found in contemporary environmental ethics. Whereas the latter course is taken e.g. by Norton and Sagoff (as is demonstrated in chapter 14), the former is clear in Rolston, Callicott and (to some extent) Taylor.

As a consequence of his argument of the necessity of seeing human moral life as an aspect of following nature, Rolston still maintains the notion of the human being as a valuer. But valuing is undertaken as part of the ecological web of life. The human being is not conceived of in abstract terms as a moral being, different from the rest of nature. However, the human being has a special status. Only the human being is capable of subjective reflection.⁷⁷⁶ Rolston maintains the doubled-sided character of the human being as part of and yet different from the rest of nature. But even if this is the case, Rolston makes a strong argument for the naturalized ethics. Morality and

⁷⁷⁵ Cf. e.g. O'Donovan 1994, 17: "The way the universe *is*, determines how man *ought* to behave himself." For a classical reference to a discussion on Moore's understanding of the naturalistic fallacy, cf. Frankena 1939, where it is argued that the naturalistic fallacy is rightly to be understood as a definist fallacy. Everything is what it is, not another thing. As such it is a fallacy to confuse or identify two properties, defining one property by another. Such a fallacy may, however, be committed without infringing upon the bifurcation of the ethical and the non-ethical (6f.). "The definist fallacy, then, as we have stated it, does not rule out any naturalistic or metaphysical definitions of ethical terms." (7)

⁷⁷⁶ This is the course taken by Höffe (1980), when he tries to reformulate the notion of natural law without committing the naturalistic fallacy. Höffe argues that the structure of such an undertaking is based on three steps. Firstly, the genuine moral element is to be founded, i.e. a principle or a criterion on the moral good. Secondly, one has to reflect on the circumstances of justice, i.e. the conditions under which problems of law are raised. Lastly, the principle of morality has to be related to the conditions of appropriation for the law (18f.). "Das entscheidende Element im Programm eines Naturrechtsdenkens ohne naturalistischen Fehlschluß liegt in der methodischen Unterscheidung eines sittlichen (normativen) von einem nichtnormativen Element, sowie in der Einsicht, daß sich nur aus der Vermittlung beider Elemente Prinzipien politischer Gerechtigkeit gewinnen lassen. Ein Naturrechtsdenken ohne naturalistischen Fehlschluß entspricht in seiner Grundstruktur einem praktischen Syllogismus: Aus einer normativen Prämisse, dem Prinzip der Sittlichkeit, und einer deskriptiven Prämisse, den Anwendungsbedingungen von Gerechtigkeit, wird die normative Konklusion gezogen, das Prinzip der Gerechtigkeit." (19)

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ecology exist in a harmonious relationship. Ecology holds normative implications. The biosystemic regulation of ecology holds values that are of ethical relevance. Ethics cannot be constructed irrespectively of ecology. Therefore, Rolston argues for the necessity of basing the *ought* on the *is*. One cannot separate ethics from the factual character of the values carried by nature. Ethics must incorporate these values.⁷⁷⁷ But even if Rolston goes quite far in his attempt to naturalize ethics, he still maintains the special role of the human being. As it is only the human being which is capable of moral deliberation, this ability marks a difference between human beings and nonhuman nature. Even if ethics have their genesis in nature, there is still a sense in which the human being as a moral agent is a special being within nature. Consequently, Rolston may be said not to commit the naturalistic fallacy indiscriminately. Rolston is very much aware that his theory is fundamentally at variance with Hume's theory, arguing that one must base the *ought* on an *is*. One cannot make ethics isolated from the fact of the human being as a natural being. The strength of Rolston's theory, however, is his emphasis on the special role of the human being. In his attempt to naturalize ethics, he does not forget the unique character of the human being.

In Callicott, on the other hand, this understanding of the human being is apparently lacking. Just as Rolston, Callicott argues for the notion of ecology as an integral part of the concept of ethics. In this sense ethics are also naturalized in Callicott. But in contrast to Rolston, Callicott's theory does not do justice to the question of the normative force.⁷⁷⁸ Callicott does not give a satisfactory account of the role of the human being as a moral agent. His theory defends the idea of Leopold that the human being is part of the biotic community. Even if he may give a detailed account of the genesis of morality, he does not explain how this morality becomes part of human responsibility for nonhuman nature. He does argue that the basis is not reason, but moral sentiments in a Humean sense and that these sentiments serves as the basis of inclinations in moral life.⁷⁷⁹ However, this leaves out of question the whole moral issue of determining right and wrong. If one is to act merely on the basis of inclination, this would imply a dismissal of ethics as a theological and philosophical discipline. This can hardly be said to be recommended.

Whereas Rolston and Callicott both argue for the basis of environmental ethics in the light

⁷⁷⁷ Cf. 7.1.1

⁷⁷⁸ Cf. 8.1.1

⁷⁷⁹ Cf. 8.3.1

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of ecology and how this implies a naturalization of ethics, Taylor takes a different course. In Taylor the role of the human beings as a moral agent is clear. Taylor argues for the reasonableness of the biocentric outlook, the consequent conatus of every living organism and how this raises the demand of a respect for nature. This respect for nature encompasses all living beings which consequently are to be seen as moral subjects. The human being, however, has a special role as a moral agent. The human being has unique powers of deliberation and moral reflection which also gives the human being a particular responsibility.⁷⁸⁰ In Taylor it may be argued both that he does and does *not* commit the naturalistic fallacy. It may be said that his theory is so dependent upon his biocentric outlook, that the normative stance of his theory is unthinkable without the factual claims of this worldview. In this sense, the descriptive basis of his theory presides over the prescriptive. The *ought* is derived from the *is*. On the other hand, if one takes the argument as such, Taylor is aware of the importance of maintaining the difference between descriptive and prescriptive statements. Viewed within Taylor's own theory, he does not commit the naturalistic fallacy.

Having provided an overview of the main arguments of the thesis with respect to the naturalistic fallacy, hopefully it has become apparent how one can find a similar argumentative pattern in natural law thought and environmental ethics. Just as the question was raised with regard to the natural law theories, one must ask whether this implies an approval or dismissal of these theories. The answer to this question, however, seems to apply to natural law thought as well as to environmental ethics. If it is argued convincingly within theories of environmental ethics, that ethics must be naturalized, this also applies to the notion of natural law. Natural law may also be conceived of as naturalized ethics. Therefore, if one follows the argument of e.g. Rolston, it appears that this may serve as the basis of a reformulation of an ontological natural law theory, as in e.g. Melanchthon and Wolff. On the other hand, insights from these theories may also be incorporated within e.g. Rolston's theory, supplying this theory with influential, historical roots.

⁷⁸⁰ Cf. 9.2.2

Chapter 14

Reason as the Basis of Normativity

Apart from the idea of nature as the basis and source of normativity, the thesis has argued that the notion of reason as the basis and source of normativity plays an equally important role in natural law thought and environmental ethics. In the present chapter a summary of the findings of the thesis is provided while these findings are also appropriated as part of a tentative systematic theological outlook. The main parts of the chapter will be the focus on the idea of a constructivist basis of normativity (14.1) and the theological implications of this notion (14.2). The chapter is concluded with some reflections on the implications of this idea for the role of nature (14.3).

14.1 Morality as Constructivism

As has been demonstrated throughout the thesis, the notion of the constructivist basis of morality is endorsed in various ways in both natural law thought and environmental ethics. Even if this metaethical position is not advocated explicitly, it may be said to constitute the underlying scheme of thought. In this sense certain theories of natural law thought and environmental ethics have a similar grounding of morality.

In Luther we found an argument of the role of reason which has an affinity to the constructivist position. Luther argued that the human being has been endowed with abilities of moral reasoning which enables him or her to construct new decalogues. This implies that the human being is capable of a continuous construction of moral principles on the basis of natural law.⁷⁸¹ Luther's understanding is, however, elaborated on in the following paragraph. Even more clearly, this constructivist understanding was found in Kant.⁷⁸² For Kant the rejection of the basis of normativity in given moral norms was essential to his argument in favour of the autonomy of

⁷⁸¹ Cf. 5.2.1

⁷⁸² The following summary of the findings in the chapter on Kant focuses on the aspects of moral constructivism. However, as demonstrated in 6.4 this does not entail an exclusion of nature as ethically relevant.

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the moral agent. The role of the moral agent was not to discover moral norms and act accordingly. Therefore, Kant also rejects the idea of man's natural being as the source of normativity. The emphasis is laid upon man as a rational being. Reason, therefore, is also seen as the source of normativity. This forms the basis of Kant's understanding of the positive sense of freedom, i.e. the freedom of determining one's action in accordance with practical reason. Kant even identifies freedom of the will with practical reason.⁷⁸³ Due to this identification, there is nothing which determines moral law apart from the freedom of practical reason. The free will is in this respect seen as a causality to living, rational beings. The moral law is a law of causality through freedom. Consequently, practical reason is understood as being a moral law to itself. This is a point where Kant demonstrates notions which may be appropriated in a constructivist interpretation of his moral philosophy. There is nothing but practical reason which determines right and wrong. In this sense, reason is a law to itself.

In the analysis of Kant we also critically assessed his understanding of moral law as a fact of reason. This idea appears to be a challenge to a constructivist reading of Kant. If Kant is seen as a constructivist, how can the moral law be considered a fact of reason? Here it was argued that this factual character of the moral law refers to practical reason. Practical reason cannot be isolated from moral law. Without practical reason there is no moral law. In this sense the moral law is identified with practical reason. The moral law as a fact of pure practical reason is the lawgiving of reason itself and expresses the unconditionality of the moral law.⁷⁸⁴ In this sense, his notion of the moral law as a fact of reason does not contradict the constructivist reading of Kant, but is rather to be seen as another aspect of this idea.

This concept of reason as a law to itself also seems to be an essential point in Rawls. In his *A Theory of Justice* Rawls described the procedure of construction with regard to the basic principles of justice. Here Rawls developed the classical contractarian theory in the light of contemporary ethics. The main idea was that rational persons under a veil of ignorance would decide upon principles of justice which would be presumed to attain general approval.⁷⁸⁵ In this

⁷⁸³ Cf. 6.2.1

⁷⁸⁴ Cf. 6.2.2

⁷⁸⁵ Rawls 1971, 11: "... the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the

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rational decision on the principles of justice, we find a similarity to the Kantian notion of practical reason. Reason is its own judge on what is to be selected as common principles of justice. However, even if this procedure is what Rawls later calls constructivism,⁷⁸⁶ the term is not applied in *A Theory of Justice*. In his later main work, *Political Liberalism*, Rawls incorporates the idea of constructivism, arguing that his early work represented such a constructivist method, even if it would have strengthened his earlier theory to limit the discussion to political notion of morality.⁷⁸⁷ Such a political constructivism may be said to be present in Norton.

In Norton the notion of constructivism appeared on the basis of his rejection of nature as a harmonious whole, which can be conceived of in terms of order. Therefore, nature cannot serve as the basis of a moral order. In Norton, however, nature is still regarded as stable, but this is a stability based upon a dynamic understanding of nature. As nature cannot serve as a source of morality, this source is rather to be found in reason. But nature is not irrelevant to the grounding of normativity. In Norton nature is conceived of as holding a transformative value. Understood in this sense, experiences with nature have a formative impact on the construction of values. Here, value is understood as a considered preference, i.e. a preference subject to analysis and self-criticism. When Norton ascribes this notion of value to nature, it is apparent how he conceives of the basis of normativity in constructivist terms. Nature does not hold its value *per se*, but holds a value due to the formative impact it has on reasoning. Reason is considered the source of the construction of the values of nature which are to be taken into account in policy making. Understood in this sense, values is not something given. Rather value is seen as a constant process of construction.⁷⁸⁸ Therefore, there is not an objective value which is to be recognized. Value in Norton is constructed in relation to changing natural and political conditions.

This constructivist position in Norton's understanding of the formation of value is also apparent in more explicit considerations of his conception of rationality. Rationality is understood in terms of its applicability to the political formation of values. A given viewpoint is seen as

fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness."

⁷⁸⁶ Idem 1980.

⁷⁸⁷ Idem 1996, 90 (note 1).

⁷⁸⁸ Cf. 10.1.2

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rational when it can be applied to the political value making. Rationality seems to be criteriologically determined according to its functionalistic expediency in the political construction of values. Therefore, Norton also advocates a pragmatic understanding of rationality. Rationality is determined by its political expediency. This is a central argument in Norton's thesis of convergence, put forward in *Toward Unity among Environmentalists*. Rationality is here seen in terms of its usefulness in finding the most expedient way of solving political problems with regard to environmental issues.⁷⁸⁹

In Sagoff a similar constructivist position was endorsed in his argument for nature as a reasonable value for the political community. On the basis of a comparison with a mathematical concept of rationality, Sagoff argued that the notion of the deliberative reason encompasses an understanding of the political citizen as more than a consumer.⁷⁹⁰ When one does not focus only on preference satisfaction, but rather on values which are of importance to a particular political society, one makes use of a deliberative reason, where relevant political values are determined on the basis of a public, political discourse. This is where Sagoff proves to be constructivist. The political values, among which are nonhuman nature, are not given values. Rather, they are determined on the basis of a mutual, argumentative discourse.⁷⁹¹ Thereby they become public, intersubjective values of mutual interest to the citizens of the particular political community.

As is apparent from these main findings, the notion of constructivism is appropriated in natural law thought and in environmental ethics. In the natural law thought of Luther and Kant we find this notion and in the theories of environmental ethics in Norton and Sagoff. This suggests the viability of an appropriation of this mode of thought within both discourses. In the course of the argument of the thesis, it has also been demonstrated how Kantian and Rawlsian traits of thought are present in Sagoff.⁷⁹² In Norton this idea is less evident, but is still there. The possible appropriation of a Kantian constructivism in environmental ethics is quite clear. Viewed the other way, the emphasis on moral reasoning in Norton and Sagoff may also be applied to natural law thought. The same argument in favor of moral reasoning also plays a crucial role to the natural law

⁷⁸⁹ Cf. 10.2.3

⁷⁹⁰ Cf. 11.2.2

⁷⁹¹ Cf. 11.1.1

⁷⁹² Cf. 11.1.1 and 11.2.2 respectively.

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theories of Luther and Kant. In both of these theories, moral reasoning is in itself an expression of natural law. For both moral reasoning is not dependent upon a notion of the normativity of nature. Moral reason stands alone, separated from nature as a source of normativity.

This understanding of moral reasoning as an expression of natural law is important when one wants to maintain a dynamic notion of natural law. The idea of natural law is often criticized for its static tendencies. This is not a necessary consequence of natural law when understood as moral reasoning. If natural law is seen in this way it also becomes much more useful as an ethical theory. On the other hand, this understanding of natural law also implies that there are no given norms which are to be considered as immutable expressions of natural law. The determination of the content of natural law is a constant process of construction. The demand of natural law in this sense is always under change, always open for adaptation to new circumstances. However, this idea of natural law as an ongoing process of moral reasoning also raises important theological questions. We now turn to a discussion of some of these implications.

14.2 The Theological Qualification of Moral Constructivism

The idea of a constructivist basis of normativity raises important theological questions. How is the relation between this construction of normativity and the will of God as the source of normativity? In what sense is the will of God to be conceived of as the source of normativity? Is the concept of normativity different in a philosophical and in a theological context?

In Luther we found an understanding of natural law as having its basis in the will of God. Natural law was not part of man's nature as such, but was an expression of the continuous will of God. This was closely related to Luther's understanding of Creation, where God was also seen as present. Because of the value of Creation, God continuously gives all that is necessary to Creation and to keep up the good life for human beings. Creation is fundamentally permeated by the will of God. This forms a constituent insight of Luther's doctrine of the *creatio continua* which is very important to him. This idea is also part of the basis of his understanding of natural law. Because Creation is continuously maintained by God, God also endows man with abilities of moral reasoning in order to equip man to take care of political life. In this sense God endows man with

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sufficient abilities to become cooperators in political life.⁷⁹³ Therefore, even if the nature of man is corrupted, he is still capable of taking care of this political role, as natural law (in the sense of moral reasoning) has its basis in the will of God and not in the nature of man. According to Luther the human being has full insight in moral law and has the ability to construct new decalogues. The formulation and construction of the moral demand is an ongoing process, where man has the responsibility of finding the most adequate expression of natural law. The fundamental principles of natural law, i.e. the golden rule and the commandment of charity, are given. But the continuous specification of the content of these norms are the responsibility of the human being on the basis of construction of moral principles.

Now, where does this leave the will of God? Somewhat in line with Luther, one could say that this construction of moral principles is an expression of the Divine will. The moral reasoning of man is a God given circumstance. In this sense God leaves a space open for the arbitrary and the contingent. The moral principles are in general not conceived of as unchangeable and fixed. Rather they are part of a continuous, dynamic process where God expresses His will in different ways at different times. The will of God is not conceived of in static terms, but is rather to be seen as dynamic process. What is an expression of the commandment of charity at one time may be expressed in a different way at another time. This is the essential principle of Luther's understanding of natural law as a correction to positive law. Moral constructivism in this sense is the pursuit of finding the most precise expression of natural law. Understood in this way, moral reasoning is Divinely sanctioned. Moral reasoning is not seen as contrary to the will of God, but rather a way in which God has chosen to let His will forth. Theological constructivism in this sense is a continuous endeavour of perceiving the will of God. In concrete moral reasoning (i.e. process of construction) there is, however, no actual difference between the philosophical and theological constructivism. Both refer to standpoints of reasonableness and both seek mutual understanding

⁷⁹³ Cf. Andersen 1997b for a discussion of Luther's concept of rationality, as part of a reconstruction of Lutheran ethics. Andersen gives an account of leading contemporary notions of rationality, moving on to an exposition of significant features of Lutheran ethics, serving as the basis for concluding reflections on the reconstructed notion of a rationality in Luther. In this concluding part, Andersen argues that reason in Lutheran ethics should be understood as the reason of the Golden Rule. As the golden rule should be understood as containing elements of rational political ethics, reason in Luther may be seen in the light of Rawls' political philosophy (182f.).

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and recognition of the soundness of one's ideas.⁷⁹⁴

If we regard this as theological constructivism, one important difference to philosophical constructivism does remain, however. In theological constructivism the basis of normativity is given in the notion of natural law. In this sense it is realistic. It is the task of the moral agent to perceive this basis. Therefore, there is a basis of the theological constructivism, which qualifies and validates the truth of the constructed moral principles. At this point there is a marked difference between theological constructivism and Kantian constructivism. In Luther and Kant, therefore, quite different conclusions are drawn from the common pursuit of separating moral reasoning from the notion of the normativity of nature. Whereas Luther argues for the autonomy of God (or theonomy of moral reasoning, i.e. moral reasoning as permeated by the will of God), Kant emphasises the autonomy of the human being. Put sharply, one could say that Kant in comparison to Luther replaces God with man.⁷⁹⁵

Even if Luther has this strong emphasis on the will of God, this does *not* lead him to an endorsement of a theory similar to a Divine Command theory, as we find it in contemporary moral theology. According to Frankena, proponents of such a theory would argue that right and wrong is determined by what is commanded or forbidden by God.⁷⁹⁶ Any moral question is determined by reference to its being commanded or forbidden by God. This idea is to be distinguished from two other notions. (i) Frankena distinguishes this theory from the idea that God "... *reveals* the

⁷⁹⁴ In Rawls' *Political Liberalism* it is an essential idea that reasonable comprehensive doctrines of various kinds may establish an overlapping consensus on political justice (1996, 133ff.). This public conception of justice is considered independent of comprehensive religious, philosophical, and moral doctrines (144). As such it is presumed that citizens of opposing, reasonable doctrines may agree on political issues. In his latest work *The Law of Peoples* (1999) this idea of public reason is developed further, in order to make it more plausible that people of various comprehensive doctrines reasonably can endorse this viewpoint (129ff.).

⁷⁹⁵ This idea of course raises important theological considerations. However, as a discussion of this idea would lead the present aim of our argument in a different direction, a further reflection on this issue must be laid aside. This is not to lessen the importance of this question, but to keep the focus of the present pursuit in mind.

⁷⁹⁶ Frankena 1973², 28: "Proponents of this view [i.e. the the Divine Command Theory] sometimes hold that "right" and "wrong" *mean*, respectively, commanded and forbidden by God, but even if they do not define "right" and "wrong" in this way, they all hold that an action or kind of action is right or wrong if and only if and *because* it is commanded or forbidden by God, or, in other words, that what ultimately *makes* an action right or wrong is its being commanded or forbidden by God and nothing else."

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moral law to a mankind otherwise incapable of knowing adequately what is right and wrong ...⁷⁹⁷ Although the moral law may coincide with the will of God, it is not qualified as right *because* it is commanded by God. It may be right anyway. (ii) Even if Frankena's description of this other understanding of the relation between the moral law and the will of God gives a precise account of the classical difference between a theological moral realism and voluntarism, a further understanding of the will of God also seems to be a possibility. According to this idea, moral reasoning has its basis in the will of God. In this sense, one could argue for a theological voluntarism as the basis of normativity. However, this does not mean that all actions are viewed in the light of their accordance with the command of God. God does not command right and wrong in every little detail of every day life. Rather, God *wills* that man is endowed with abilities of moral reasoning, enabling him to approximate to the will of God. This latter understanding seems to be the understanding of the will of God that we find in Luther. This also saves Luther from some of the difficulties of a traditional Divine Command Theory.⁷⁹⁸

Even if Luther cannot be seen as representing a Divine Command Theory, he still emphasises the necessity of the will of God as the basis of normativity. Luther is still to be conceived of as a theological voluntarist. This understanding seems to come close to Samuel Pufendorf's understanding of the necessity of a lawgiver, in order for a law to qualify as *law*. Pufendorf shares Luther's and Kant's emphasis on the basis of natural law in reason, even if this does not entail an endorsement of natural law as a necessary part of reason. However, Pufendorf makes a remarkable point which demonstrates his position between Luther and Kant. For Pufendorf it is important that a law must have a lawgiver in order to qualify as law. There must be a lawgiving authority. Pufendorf emphasises this point in political laws, but argues also in favor of this idea in his deliberations on natural law. This implies a common idea with Luther with

⁷⁹⁷ Ibid.

⁷⁹⁸ Frankena gives an account of some of the implied problems of the theological voluntarist idea that anything which God commands is right. If what is commanded is only qualified by reference to the will of God, could this imply that cruel things could be commanded? According to most theological voluntarists this would be seen as an absurd consequence of this idea. The idea of the goodness of God would prevent such consequences. On the other hand, this raises a problem of circularity in the argument. How can one ascribe the moral quality of goodness to God, when the only way of knowing the good is determined by the very source which it is attempted to qualify as good? Cf. Frankena 1973², 29f. for further reflections on this dilemma.

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respect to Luther's advocacy of the voluntarist basis of natural law. In this sense Pufendorf proves himself to be a genuine Lutheran. However, hereby he also marks the transition to Kant, as this insistence on the necessity of a lawgiver also may be said to be present in Kant's notion of autonomy. Kant also argues in favor of the necessity of a lawgiver, only the lawgiver is not thought of as an external lawgiver. In Kant the human being is its own lawgiver, which forms the basis of the imperative character of the law.⁷⁹⁹

Taken that these reflections characterize some main aspects of the concept of moral normativity, a following question is, if there is a difference between philosophical and theological normativity. In the light of the findings of the present thesis, it seems appropriate to argue for the similarity and difference at the same time. The similarity may be endorsed with reference to the fundamental constructivist basis of normativity which may be found in the philosophical as well as the theological sources of the present work. The difference must be kept in mind with regard to the understanding of a necessary extrinsic source of normativity. Whereas theological constructivism argues in favour of such an extrinsic source, this is not the case for philosophical constructivism.

14.3 The Expediency of Nature

These reflections on the constructivist basis of normativity have focused on the concept of reason. This does not mean that the notion of nature has been set aside in the grounding of morality. But it has played an indirect role. The question is now, if these different understandings of moral reason could be said to support an understanding of nature, were we find somewhat similar traits in natural law thought and environmental ethics. I will argue that this is the case in the understanding of nature as expedient or the expediency of naturalness. I am aware of the amoral implications of the notion of expediency. This is precisely a point of mine. It is on the basis of this nonnormative aspect of nature that nature may be included in a reasonable construction of moral values. Precisely because of its nonnormative aspects, nature in this sense is morally qualified on the basis of the moral theory of which it is a part, rather than on the basis of an intrinsic value.

⁷⁹⁹ For references to Pufendorf's writings, see my forthcoming article on Kant and environmental ethics. Apart from a comparison of Sagoff, Taylor, and Kant, the article also contains a brief discussion on Luther and Pufendorf in the light of a Kantian standpoint.

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Furthermore, there is a point in using the concept of expediency rather than utility, as I hereby aim at a deontological orientation in the argument. Moreover, by arguing that nature holds a moral value on basis of its expediency, I argue that the concern for nature is based on principles of responsibility.

The idea of the expediency of nature has been present in several of the theories of natural law and environmental ethics in the present thesis. In Kant this was clear in his understanding of nature as a type of the moral law. Here Kant argues that nature does not serve as the basis of the moral law. However, as the concern of the practical power of judgment is the scheme of the law, phaenomenal nature serves as an analogy to the moral law on the basis of its corresponding scheme of law. The form of the laws of nature in the phaenomenal world serve as a type of the moral law. This is the main argument in his *Kritik der praktischen Vernunft*. In *Grundlegung zur Metaphysik der Sitten* his argument of the analogy between the laws of nature and the practical formation of the categorical imperative seems to be taking a similar course. Here Kant is endorsing the formal similarity in the concept of lawfulness. One's maxim is to be tested in the light of universal laws of nature. Only if the maxim of one's action could be applied as a universal natural law, is one to act accordingly. Consequently, when the maxims are contrary to the form of the natural laws that constitute the natural order, they are morally impossible. The phaenomenal nature serves as a type of the intelligible nature of the moral law.⁸⁰⁰ Essential to this argument, however, is Kant's emphasis on the hypothetical, regulative character of this analogy between the laws of the phaenomenal world and the moral law. There is no essential identity between the two. It merely serves as a hypothetical analogy.⁸⁰¹ This is where Kant's understanding of the nonhuman nature as expedient. Nature serves the expedient purpose of being a type of the moral law. It does not have a value in itself. In this sense nature is conceived of as amoral. In this aspect of nature, its purpose is to serve as an expedient analogy of the moral law.

The notion of the expediency of nature is also found in Norton. This is the case in his argument for the transformative value of nature.⁸⁰² The value of nature in this sense serves the expedient purpose of having a formative impact on the political reasoning of citizens. This

⁸⁰⁰ Cf. 6.3.1

⁸⁰¹ Ibid.

⁸⁰² Cf. e.g. 14.1

understanding of the value of nature comes quite close to the Kantian understanding nature as a type of the moral law.

In Sagoff we find a further argument in favor of the expediency of nature. Sagoff does speak of an intrinsic value of nature, but his notion of intrincity deviates so much from a more common use of this term that it would have been more appropriate to use a different terminology. When Sagoff gives an account of his understanding of the concept of value, he does this by comparing values with preferences. In contrast to preferences, values are considered intersubjective. Values express something one has in common with others. Due to the intersubjectivity, values are also seen as neutral in the sense that they do not express subjective wants. Rather, they are subject to a common public assessment.⁸⁰³ When this understanding is applied to his notion of intrinsic values, he argues that the intrinsic value of nature is based upon what nature means to humans, not what nature can do for humans. Even if Sagoff endorses this as a notion of intrincity, it does not differ essentially from his understanding of nature as a cultural value. In the latter kind of value, nature is valued because it expresses who we are and what we stand for. Therefore, nature has a formative impact on the shaping of the identity of the citizens. It is as an expression of values of a particular nation that nature is valued.⁸⁰⁴

I argue that this is a quite clear demonstration of an understanding of nature as expedient. Nature does not hold a value *per se*, but is valued because it serves the expedient purpose of having a formative impact on the identity shaping of the citizens. This identity is the basis of the individual to take part in the public discussion on common values which are to be protected. Consequently, it is the expediency of nature with regard to its impact on public reasoning which serves as the justification of the protection of nature as a political value.

Whereas these deliberations have demonstrated how an understanding of the expediency of nature seems to be part of the ethical theories of Kant, Norton and Sagoff, they do not conceive of moral reasoning itself as expedient. This seems, however, to be the case in Norton and Luther. As for Norton this has already been demonstrated in his pragmatic understanding of rationality. Rationality here was seen in terms of its usefulness in political problemsolving.⁸⁰⁵ In Luther there

⁸⁰³ Cf. 11.1.1

⁸⁰⁴ Cf. 11.1.2

⁸⁰⁵ Cf. e.g. 14.1

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seems to be a somewhat similar understanding of the purpose of natural law. An important purpose of natural law is God's intention to govern the worldly regime through the endowment of human beings with the abilities of moral reasoning. Therefore, the purpose of natural law is determined by its efficiency with regard to God's continuous care for creation. Natural law derives its legitimacy from this circumstance.⁸⁰⁶ Very much the same could be said for Luther's understanding of practical reason, as practical reason to a far extent is understood as the recognition of natural law.

Even if these last comments focus more on the expediency of moral reasoning than the expediency of nature, there is an analogy in the notion of expediency. Within these theories of natural law and environmental ethics, nature and reason are viewed in terms of expediency. However, even if this appears to entail a moral devaluation of these notions, this is not necessarily the case. Rather, this is to be seen as an argument for the moral qualification of natural law with respect to its subject. Natural law does not serve its purpose in an empty space. Rather, natural law is justified in the light of the respect for its subject. Furthermore, nature should not be regarded as morally irrelevant, even if it is not seen as a normative concept. The moral qualification of nature does not lie in nature itself, but in its impact on moral reasoning.

These reflections lead to a suggestion of an appropriation of the notion of responsibility in a use of natural law as the basis of environmental ethics. Etymologically this concept seems to be derived from the latin *respondere* or *responsum*. The original context of this notion was a juridical setting, where one was to justify one's acts in the sense that one was to reply to the charges brought against you. This meaning of the word is also present in the German *Verantwortung* and the Danish *an-svar*. Because of an appropriation of this notion in mediaeval Christian theology, the idea of responsibility was also viewed in the light of one's justification before God. Hereby the notion became more associated with individual ethical connotations.⁸⁰⁷ In recent philosophy this concept has been appropriated in various ways, also within environmental ethics.⁸⁰⁸ In the present context this notion may also be said to hold a useful potential. The notion

⁸⁰⁶ Cf. 5.1.3

⁸⁰⁷ For a general introduction to the notion of responsibility, cf. e.g. Schwartländer 1974.

⁸⁰⁸ In environmental ethics, Hans Jonas' *Das Prinzip Verantwortung* (1979) is maybe the most wellknown appropriation of this notion. Cf. Kvassman 1999, 91-125 for one of the more recent discussions on Jonas. In this dissertation, Kvassman provides a critical comparison of the environmental ethics of Holmes

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of expediency has been demonstrated in natural law thought and environmental ethics. This idea may also be appropriated in an understanding of the responsibility for nature. When nature is considered expedient, it does not hold a moral value in itself. The moral value is determined by the purpose nature serves. As we have seen in Kant, Norton and Sagoff, nature serves the purpose of having an impact on moral reasoning. In other words, moral reasoning is derived from the concept of nature, but it is influenced by the moral agent's encounter with nature. In that sense, moral reasoning is a response to the encounter with nature. Consequently, it may be said that moral responsibility arises out of the human being's encounter with e.g. nonhuman nature.⁸⁰⁹ This implies two points: (1) Nonhuman nature is neither morally qualified nor morally irrelevant. The moral qualification does not lie in nature itself, but rather in the *encounter* with nature. However, as the encounter with nature gives rise to moral responsibility, this also entails that nature serves a moral purpose. (2) As the human being recognizes the moral demand of responding to nature, there must be some kind of interrelatedness between the human being and nonhuman nature. However, as the demand of moral responsibility is only raised to the moral agent, i.e. the human

Rolston III, Knud E. Løgstrup and Hans Jonas. This serves as the basis for an outline of weakly biocentric environmental ethics, based upon four conditions, which are considered essential to a viable environmental ethics, i.e. the condition of prioritizing, consistency, experience and human dignity.

⁸⁰⁹ Despite the merits of Jakob Wolff's recent book, *Etikken og universet* (1997), this work lacks a more detailed discussion on the special moral responsibility of the human being. Wolff argues that an important basis of environmental ethics is the encounter with nature. Rather than to see nature as something scientifically objective, one should view nature in the light of one's senses. The sensual encounter with nature gives rise to a recognition of the individual beings of nature as demanding respect. "Når vi sanser verden igennem vore naturlige sanser og forstår verden igennem vort almindelige dagligsprog, så ser vi ikke verden og de væsener, der lever i den som objekter, som upersonlige ting og funktioner. Vi ser dem som mennesker, dyr og planter. Vi ser dem som personer og levende væsener, der præsenterer sig. De præsenterer sig som enestående individer og arter i verdens mangfoldighed. Naturens væsener og vækster viser sig aldrig som blotte overlevelsesfunktioner. De viser sig som levende væsener, der udtrykker sig og præsenterer sig, og er omgivet af en zone af respekt. Og som sådanne står vi i et etisk forhold til dem." (13) The mutuality between nonhuman nature and human beings serves as the basis of ethics (120). However, when Wolff argues for the special role of the human being as a moral agent, he seems to deviate from the main ideas of his work. Having argued throughout the book that the senses serve as the basis of an awareness of the moral relationship between human beings and nature, he suddenly argues for the special moral role of the human being. "Dette [i.e. the senses as the basis of moral awareness] indebærer alt sammen ikke, at der ikke er forskel på mennesker og dyr eller dyrene indbyrdes etisk set. Det er f.eks. kun mennesket, der har et etisk ansvar og er et etisk handlingsvæsen. Det hænger sammen med, at det kun er mennesket, der har selvbevidsthed. Et dyr f.eks. har ingen selvbevidsthed og fri vilje og derfor heller ikke noget ansvar. Dyret kan ikke stilles til ansvar for sine handlinger, som mennesket kan." (132) I do not think that he provides a sufficient justification of the relation between (i) the unity of nonhuman nature and human beings and (ii) the human beings emergence out of this relationship, due to his or her special moral role.

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being, the difference between human beings and nonhuman nature is also implied. Consequently, whereas the moral relationship is reciprocal, the moral responsibility is only directed at the human being.

Some of these last comments have touched upon the interrelatedness of nature and reason as the basis of normativity. Having slightly preempted the discussion of the last chapter, we now turn to a consideration of this issue.

Chapter 15

Nature and Reason

In the two preceding chapters, the normative notion of nature and reason have been assessed. Thereby the reflections on the main notions of the thesis were concluded. In this last chapter the remaining question on the possibility of endorsing an interrelatedness of nature and reason will be assessed. This forms the concern of the first part of the present chapter. In the last part of the chapter, the findings of the thesis will be concluded in the light of the two theses of the study. Rather than providing a summary of the results of the thesis, it will be attempted briefly to comment on the main findings.

15.1 Natural Reason Reshaped

The thesis was commenced with a quotation which identified nature and reason. On the basis of this identification, it was asked if such an idea could be endorsed in a contemporary setting. Until now, the thesis has argued that it is possible to reshape the notion of the normativity of nature and reason respectively in natural law thought on the basis of insights from environmental ethics. The question which follows from there is, if nature and reason can serve as a mutual basis of normativity. Is it necessary for nature and reason to be treated isolated from each other? In what sense can one speak of natural reason? Even if the thesis has provided an argument for a normative concept of nature and reason, the idea of the interrelatedness between nature and reason may be seen as a hallmark of natural law. Therefore, the thesis is concluded with tentative reflections on this notion.

It appears that a normative conception of natural reason can be endorsed on the basis of two arguments which may be extracted from the analysis of the thesis. According to the first of these arguments, the human being's abilities of reasoning are not seen as being in conflict with the understanding of the human being as a natural being. Rather, moral reasoning is seen as an expression of the human being as a natural being. This was the case in the natural law thought of Melanchthon and Wolff. In Melanchthon this was apparent in his understanding of the light of

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nature in human reason. This light of nature was understood as rays of Divine wisdom which also permeated nature. Therefore the natural law which was recognized as moral law was essentially identical to the laws of nonhuman nature. In this sense the laws of reason and the laws of nature were seen as analogous.⁸¹⁰ In Wolff a similar notion was endorsed. Wolff's understanding of the interrelatedness of nature and reason became apparent in his notion of obligation. In Wolff nature is considered as the source of obligation along with reason. Whereas nature can be seen as passive obligation, reason may be considered as the more active obligation.⁸¹¹ However, in Wolff a tension remains in his understanding of the relation between nature and reason as the basis of normativity. When Wolff recognizes the idea of the freedom of the human being, he still maintains the notion of nature as the determinative basis of moral life.⁸¹² Among the theories of environmental ethics which have been discussed in the present study, this idea is also found in e.g. Rolston. Rolston represents a clear example of this understanding, when he argues in favor of a naturalized ethics. Rolston explicitly argues that the homeostatic laws of ecology prescribe ethical duties. On the basis of an ecological consideration one must endorse the unity of nature and ethics. However, even if there is such a unity one must still maintain morality as something characteristic of human beings as distinct from nonhuman nature. Human beings have a special ability to reflect on moral issues, even if nature is still considered as the womb that humans never really leave.⁸¹³

According to the second argument, the notion of natural reason may be endorsed on the basis of an exposition of the notion of community. Just as it was argued in the theories of land ethics that morality could not be separated from the biotic community, likewise it was argued in Norton and Sagoff that the political community had a formative impact on moral reasoning.⁸¹⁴ Following this argument, the notion of community may be appropriated in a reformulation of natural reason. Reasoning always takes place within a given community, whether biotic, political, or other kinds of communities. Therefore, one possible course of reformulating the notion of natural reason would be a political philosophical reformulation of this notion. *Natural* is here seen

⁸¹⁰ Cf. 3.2.1

⁸¹¹ Cf. 4.2.1

⁸¹² Cf. 4.2.2

⁸¹³ Cf. 7.2.1

⁸¹⁴ Cf. 10.2.2 and 11.2

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more figuratively in the sense of a symbol hinting at the contextuality of moral reasoning. In the natural law theories of e.g. Luther and Melanchthon there is a close link between natural law and political reasoning. Their theories of natural law are closely related to their understanding of the political realm.⁸¹⁵ This suggests the viability of undertaking a reformulation of natural law in the light of political philosophy or theology. Such a reformulation would replace a traditional notion of natural order with a more dynamic concept of community. Both of these ideas emphasize the formative impact of a given context on moral reasoning. The advantage of the notion of community is the enhanced potential of adaption in reflection upon moral issues. Whereas a traditional notion of order could imply a stagnant tendency, this tendency would be lessened with the appropriation of the idea of a community.

Common to both of these arguments is the understanding that the human being as a rational moral agent is not an isolated being, but rather a relational being. Moral reflection always takes place within a given context. In the case of the first argument, the human being remains a natural being, even when reflecting on moral issues. In the second argument, the moral agent remains a member of *polis* when reasoning on ethical questions. Therefore, one could say that the context which one is a part of is the objective reality, whereas moral reasoning is the subjective reality. This context may be understood as nature in a concrete sense (i.e. natural order or biotic community) or more figuratively (i.e. the political community). As part of nature in either one of these two senses, the human being is a natural and reasonable being at the same time. Nature and reason are imbedded in each other. Returning to the quotation with which the thesis was commenced, it appears that it is still possible to argue for reason as part of nature. Among the theories analyzed in the thesis, this question

15.2 Nature and Reason Concluded

Throughout the thesis the main concerns have been a critical analysis of the notions of nature and reason. This analysis has focused on select theories of natural law and environmental ethics. The aim of the thesis has been to establish a tentative reconstruction of nature and reason as normative concepts. This work can now be concluded. As the two chapters preceding the present (i.e.

⁸¹⁵ Cf. 5.2.1 and 3.3.2

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Chapter 13 and 14) have summarized the main findings of the thesis by means of a constructive summary, such a summary will not be repeated here. Instead the focus will be a conclusion on the two theses of the study.

In the two preceding chapters, it was demonstrated how a similarity in the justification of moral normativity in natural law thought and environmental ethics may be endorsed on the basis of the results of the present study. In both natural law thought and environmental ethics the idea of the human being as a natural being plays a central role. The human being is not just embedded in nature. Rather, the human being *is* nature. Therefore, there is no ontological difference between nonhuman nature and the human being. This idea of the naturalness of the human being lays the foundation of the claim of both discourses that the human being is to live in accordance with nature. Characteristically, both natural law theories and theories of environmental ethics are therefore also challenged by the critique of committing a naturalistic fallacy. Whether this implies a rejection of these theories was discussed briefly.

In the theories of natural law and environmental ethics where the focus is on the concept of reason, it was also argued that one finds a similar argument of the justification of moral normativity. It was demonstrated how a constructivist scheme of thought characterized Luther, Kant, Norton, and Sagoff. As this idea implies a challenge to theological ethics, it was also demonstrated how one could understand a theological constructivism. Lastly, it was argued that within these theories nature seems to be regarded in terms of expediency.

The demonstration of these similarities in the underlying justification of the theories of natural law and environmental ethics have an essential bearing on the two theses which have formed the assumption of the study. The first thesis had an analytical character. Here it was presumed that one could find a metaethical resemblance in natural law thought and environmental ethics, and that two modes of argumentation could be found, namely (i) a naturalist, ontological mode of thought and (ii) a constructivist, voluntarist scheme of argumentation. Furthermore, it was presumed that this common basis could provide the basis of an appropriation of mutual insights. This thesis can now be concluded affirmatively. Throughout the thesis, but in particular in the chapters 13 and 14 this common basis was described. In natural law thought and environmental ethics we find common justifications of the normativity of nature and reason. Furthermore, a tentative use of the mutual insights in the normativity of nature and reason

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suggested the viability of viewing these theories in the light of each other.

This leads on to the second thesis of the study, where it was assumed that a metaethical reevaluation of natural law thought in the light of environmental ethics might prove worthwhile for a renewed use of this ethical theory within ethics in general and in environmental ethics in particular. Along with the first thesis, this second thesis may also be concluded affirmatively. However, the affirmative conclusion is not as obvious here as with regard to the former thesis. Thus, it has been demonstrated that the metaethical reevaluation of natural law in the light of environmental ethics has proved useful for a renewed assessment of this theory. It has also been demonstrated that this metaethical reevaluation may provide environmental ethics with a natural law basis. However, with regard to the use of this moral theory in ethics in general, the affirmative conclusion is more hesitant. The plausible appropriation of natural law in ethics in general has been argued more indirectly. As a theory of moral reasoning it certainly can be applied to other fields of ethics. However, a substantial account of such an appropriation of natural law lies beyond the present thesis.

Having concluded the present study, the question must be raised, what perspectives do these findings imply? As remarked in the introduction to the thesis, the discussion on the relation between nature and reason as the source of normativity has been an ongoing dispute within Western theology and philosophy. The present thesis may be seen as yet another contribution to this field of inquiry. Taken as such the thesis is merely a footstep on this path. Even if this may turn out to be an endless journey, the theological and philosophical importance of these issues necessitates a continuous reflection on the notions of nature and reason as normative concepts. The stance which is taken on these concepts has a fundamental bearing on almost all ethical issues, whether e.g. biomedical or political. The thesis has only accomplished a tentative contribution to a reformulated notion of the normativity of nature and reason. If the understanding of the relation between nature and reason as sources of normativity is to be developed further, one possible course of such an enterprise could be an engagement in the discussion on the relation between biology and ethics. Apart from the fundamental theological challenges implied in this field of discussion, the ethical aspects are also absolutely essential. This field is already heavily burdened with a continuous flow of literature, which has been the most important reason for a delimitation of this discussion from the present study. The affinity of this field with the present study, could,

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however, suggest the appropriateness of an elaboration on the present study by taking such a course. SDG.

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Anliggendet med nærværende ph.d. afhandling har været at redegøre for forståelsen af natur- og fornuftsbegrebet indenfor en luthersk naturretstradition og nutidig miljøetik. Idet disse begreber gennemgående har været de centrale foci for undersøgelsen og bl.a. er blevet belyst ud fra et metaetisk begrebsapparat, er det blevet vurderet, hvorvidt der består en lighed i begrundelsen for normativitet indenfor disse to forskellige diskurser, ligesom spørgsmålet er blevet stillet, hvorvidt disse to diskurser kan bringes i et konstruktivt forhold til hinanden. Resultatet af arbejdet med denne problemstilling sammenfattes hermed.

Afhandlingens indledende hoveddel udgøres af to kapitler. **Kapitel 1** giver en introduktion til problemstillingen. Denne introduktion sætter afhandlingens genstandsområde i perspektiv ud fra dels spørgsmålet om den fortsatte relevans af forestillingen om en naturlig lov, dels en diskussion af den nutidige miljøetiks forhold til klassisk teologisk og filosofisk tænkning. Dette giver grundlag for formuleringen af afhandlingens to hovedteser. Den første af disse antager en metaetisk lighed i grundlaget for (i) en før-moderne og tidlig moderne protestantisk naturretstænkning og (ii) en nutidig miljøetik. Videre antages det, at to distinkte argumentationsmåder kan demonstreres indenfor disse diskurser, nemlig en naturalistisk, ontologisk forestilling på den ene side og en konstruktivistisk, voluntaristisk på den anden. Dette forventes at bringe retfærdiggørelsen af disse to diskurser så tæt på hinanden, at det er muligt at anvende gensidige indsigter som grundlag for henholdsvis en naturretstænkning og en miljøetisk teori. Den anden af tesoerne antager, at det på baggrund af en revurdering af en luthersk naturretstænkning i lyset af miljøetiske indsigter må være muligt at argumentere for en genanvendelse af denne naturretstradition i etik generelt og i miljøetik i særdeleshed. Dette indledende kapitel giver dernæst en oversigt over afhandlingens argumentationsgang, ligesom der anføres nogle bemærkninger om metode og terminologi. Slutteligt gives en forskningsoversigt, hvor afhandlingens forskningsbidrag søges påvist.

Kapitel 2 giver et overblik over de væsentligste metaetiske hovedbegreber, der inddrages i afhandlingen. Denne oversigt deles i to underdele, der korresponderer med afhandlingens

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antagelse om to hovedbegrundelsesmønstre. I den første del defineres realismebegrebet idet dette sættes i forhold til en metaetisk naturalisme. Dette sammenlignes endvidere med idéen om en ontologisk begrundelse af etikken. I anden underdel redegøres først for Humes og Moores forståelse af henholdsvis det problematiske i en slutning fra er til bør og problemet i den såkaldte naturalistiske fejlslutning. Dernæst redegøres for forståelsen af konstruktivismebegrebet indenfor metaetikken og forestillingen om et voluntaristisk grundlag for etikken.

Afhandlingens anden hoveddel består af fire kapitler, hvori naturretstænkningen gøres til genstand for nærmere diskussion. I de to første kapitler (der udgør denne hoveddels første underdel) gøres der rede for forståelser af den naturlige lov, hvor der er en vægtlægning af naturbegrebet som kilde til normativiteten. **Kapitel 3** giver en redegørelse for Philipp Melanchthons forståelse af forholdet mellem natur og fornuft i hans begrundelse for den naturlige lov. Det angives indledningsvis, at der er en indre udvikling fra den tidlige til den sene Melanchthons forståelse af den naturlige lov. Forestillingen om en naturlig lov bliver en stadigt mere indarbejdet del af hans teologi. Grundlaget for Melanchthons forståelse af den naturlige lov er hans skabelsesteologi. På grundlag af den orden, der gør sig gældende i skaberværket, argumenterer Melanchthon for, at den naturlige lov viser sig som en erkendelse af denne orden (der også viser sig som en etisk orden). Særligt hos den senere Melanchthon argumenteres for denne erkendelses fremtræden for fornuften som et naturens lys. På denne baggrund bestemmes Melanchthons begrundelse for den naturlige lov som naturalistisk. Dette sammenlignes videre med hans forståelse af forholdet mellem menneskets natur og den naturlige lov. Her påvises det også, hvorledes denne naturalistiske begrundelse implicerer tanken om, at den menneskelige natur stemmer overens med fordringen fra den naturlige lov.

Kapitel 4 gør rede for Christian Wolffs forståelse af samme begrebspar i spørgsmålet om begrundelsen for den naturlige lov. Også Christian Wolff gør den opfattelse gældende, at der består en nær sammenhæng mellem natur og moralsk normativitet. Wolffs moralfilosofi har en meget systematisk karakter, hvor kapitlet indledes med en gengivelse af hans metode samt nogle grundlæggende begreber. Blandt disse grundlæggende begreber gør bl.a. forestillingen om fuldkommenhed sig gældende. Denne idé indtager en central rolle i etikken, hvor det er et mål for ens handlinger, at de skal bidrage til at gøre ens tilstand mere fuldkommen. Samtidig argumenterer Wolff dog for, at det er naturen, der forpligter mennesket på denne handlingsregel om tilstræbelse

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af fuldkommenheden. Denne forestilling er indeholdt i begrebet om det gode. Det er ikke defineret af nogen udefra kommende norm, som f.eks. Guds vilje. Således forestiller Wolff sig naturen som kilden til det gode. Naturen forpligter mennesket til den etiske gode handling. Herved viser Wolff sig som et klart eksempel på dels en slutning fra er til bør, dels en naturalistisk argumentation. Denne opfattelse er videre begrundet i hans forestilling om analogien mellem det fysiske og moralske gode. Således forpligter den naturlige lov også mennesket til perfektionering af den menneskelige natur. Dette rejser nogle afgørende problemer for Wolff ved hans opfattelse af menneskets frihed. Kan han undgå en deterministisk opfattelse af menneskets handlingsliv? Selv om hans opfattelse af den naturlige lovs nødvendighed og uforanderlighed hænger sammen med hans ontologi, hvorfor mennesket ikke kan undtages fra denne naturlige forpligtelse, er han selv af den opfattelse, at han fastholder rum for det enkelte menneskes frihed. Hvor naturen udøver en passiv forpligtelse af mennesket, gør fornuften en aktiv forpligtelse gældende. På dette punkt kommer natur og fornuft i et tæt forhold til hinanden.

I de to sidste kapitler i denne hoveddel (der udgør denne hoveddels anden underdel) fremhæver de inddragne naturretstænkere fornuftsbegrebet som centralt i spørgsmålet om normativitetens begrundelse. I **kapitel 5** gives der således en redegørelse for Martin Luthers vægtlægning af rationalitetsbegrebet i hans forståelse af den naturlige lov. Til forskel fra Melanchthon argumenterer Luther for en forståelse af den naturlige lov, hvor vægten ikke bliver lagt på sammenhængen mellem natur og fornuft. Selv om Luther i lighed med Melanchthon forstår den naturlige lov i lyset af sin skabelseslære, hvor også Luther fremhæver den protestantiske tanke om Guds nærvær i skaberværket, indebærer dette ikke, at der bliver en lignende sammenhæng mellem en naturlig orden og en naturlig lov. Dette til trods for, at der er træk ved Luther, hvor han synes at argumentere for en forståelse af naturen som grundlag for den moralske orden. For Luther er et af de væsentlige træk i hans skabelsesforståelse tanken om Guds fortsatte skabelse. Dette indebærer, at også den naturlige lov forstås i dette lys. Selv om han kan adskille sin forståelse af menneskets natur og dets erkendelse af den naturlige lov. Som følge af sin forståelse af syndefaldets indvirkning på menneskets natur kan Luther tale om fordærvet af menneskets natur samtidig med, at han fastholder dets erkendelse af den naturlige lov. Den naturlige lov beror ikke på menneskets natur, men på Guds vilje. Menneskets erkendelse af den naturlige lov er udtryk for Guds fortsatte opretholdelse af skaberværket, hvorfor Han udruster mennesket med denne

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erkendelse og dermed dualiteten til at tage vare om det politiske regime. Udrustningen af mennesket med erkendelsen af den naturlige lov kommer til udtryk ved, at Gud indskrives den naturlige lov i menneskets fornuft. Den naturlige lov er hos Luther således primært en fornuftslov. Det er i kraft af denne forestilling om fornuften som sæde for den naturlige lov, at Luther kan tale om den naturlige lovs universalitet. I kraft af sin karakter som fornuftslov skal positive love (både bibelske og politiske) således vurderes i lyset af denne med henblik på bestemmelse af deres normative gyldighed. I sammenhæng med denne opfattelse siger Luther endvidere, at mennesket kan konstruere nye og klarere dekaloger. Indholdsbestemmelsen af den naturlige lov er med andre ord en fortsat, åben proces. Det er ikke mindst dette punkt, der giver anledning til afhandlingens læsning af Luther som teologisk konstruktivist. Indholdsbestemmelsen af den moralske fordring viser sig ved fornuftens fortsatte, kritiske formulering af dette. Endelig påvises Luthers forståelse af spørgsmålet om forholdet til den naturlige lov. Her gør Luther den opfattelse gældende, at alene det kristne menneske har et forhold til den naturlige lov som Guds kærlige vilje. For det ikke-kristne menneske vil den fremtræde som en lovens fordring.

Kapitel 6 giver en fremstilling af Immanuel Kants fremhævelse af rationalitetsbegrebet som det centrale i diskussionen om normativitetens kilde. Indledningsvis forklares det, hvordan forholdet mellem natur og fornuft kan siges at være et helt centralt spørgsmål for Kants etik. Dog indebærer hans forståelse af dette forhold også, at han ofte ikke anses for repræsentant for idéen om en naturlig lov. Kapitlet forsøger dog at påvise, at Kants moralfilosofi grundlæggende er at opfatte som en naturlig lov teori. Først gives der en redegørelse for Kants forståelse af forholdet mellem kausalitet og frihed. Idet Wolffs position fremhæves som modsætningen til Kant, redegøres der for Kants forståelse af den tredje antinomi. Med henblik på menneskets handlingsliv antager denne menneskets nødvendige frihed fra naturlovene. Da handlingerne dog finder sted indenfor naturverdenens årsagssammenhæng, ender vurderingen af forholdet mellem natur og frihed i en selvmodsigelse. Idet dette danner udgangspunktet for redegørelsen for Kant, rettes opmærksomheden dernæst mod hans forståelse af fornuften som grundlag for etikken.

Som første punkt gøres der rede for hans forståelse af frihed og autonomi. Frihedsbegrebet sættes her i relation til de naturlige love. Dette indebærer et dobbelt frihedsbegreb for Kant, nemlig den negative (friheden fra de naturlige love) og positive (friheden til at handle efter moralloven) betydning. Frihedsbegrebet tager højde for begge, eftersom mennesket både er et

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naturligt og intelligibelt væsen. Det må således antages, at der ikke er noget sandt modsætningsforhold mellem natur og frihed. Ligeledes må den moralske frihed forudsættes for det rationelle væsen. Denne frihed hænger nøje sammen med Kants forståelse af viljens autonomi, der forstås som en frihedens kausalitet, hvor den praktiske fornuft er sin egen lovgiver. Således priser Kant også den gode vilje. Alene den gode vilje kan uden reservation kaldes god. Denne forståelse af frihedens kausalitet rejser spørgsmålet om forholdet mellem moralloven og den praktiske fornuft. Moralloven har et a priori grundlag. Dette hænger nært sammen med hans forståelse af den praktiske fornuft, der bestemmer viljen uafhængigt af det empiriske. Det moralsk værdifulde er således, hvor moralloven alene forholder sig til sig selv. Denne ubetingethed har sit grundlag i morallovens fakticitet, hvilket også fordrer agtelsen for moralloven og dermed pligten til at efterleve den.

Hvor Kant hermed gør rede for hans forståelse af den praktiske fornuft, er det i forbindelse med udlægningen af hans moralfilosofi som en naturlig lov teori også nødvendigt mere udførligt at inddrage hans forestillinger om, hvorledes naturen indgår heri. Dette forsøges gennem en redegørelse for teleologiske træk i hans moralfilosofi. Således redegøres for hans forståelse af naturen som type for den rene praktiske bedømmelsesevne. Den rene praktiske bedømmelsesevne vedrører handlingens mulighed indenfor sanseverdenen. I denne bedømmelse forholder den sig dog alene til lovens skema. Idet de naturlige love ligeledes korresponderer med et skema, kan lovens form for den naturlige lov tjene som type på den moralske lov. De naturlige love er ikke bestemmende for moralloven, men den fænomenale natur kan tjene som type på morallovens intelligible natur. Vigtigt er det dog, at denne analogi alene er en fornuftside. Dette gælder også, når Kant taler om, at moralloven konstituerer en intelligibel verden med analogi til den fysiske verden. En lignende forestilling gør sig endeligt gældende ved hans idé om konstitueringen af et formålenes rige. Ved at menneskene altid betragter det andet menneske som formål i sig selv, konstitueres et formålenes rige, der bærer en analogi til naturens rige. Som afsluttende del i redegørelsen for Kants forståelse af forholdet mellem natur og fornuft, argumenteres der for en mulig opfattelse af fornuften som kilden til en naturlig moral hos Kant.

I afhandlingens tredje hoveddel koncentrerer fremstillingen omkring udvalgte, nutidige miljøetikere. Ligesom det var tilfældet ved anden hoveddel, således rettes blikket også her først mod opfattelser, hvor naturbegrebet fremhæves som grundlag for normativiteten, dernæst

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fremhæves miljøetiske teorier, hvor rationalitetsbegrebet gives større vægt. Den første underdel af denne hoveddel koncentrerer sig følgelig om personerne Holmes Rolston III, J. Baird Callicott og Paul W. Taylor. I **kapitel 7** udgør Holmes Rolston III's miljøetiske teori grundlaget for afhandlingens undersøgelse af forholdet mellem natur og fornuft som grundlag for den etiske normativitet. Rolston repræsenterer i denne henseende en opfattelse af naturbegrebets normativitet, der leder frem til flere træk, hvor der synes at kunne påvises ligheder med en naturalistisk forståelse af den naturlige lov, som vi mødte den hos Melanchthon og Wolff. Undersøgelsen af Rolston spørger først til hans værdibegreb. En i den forbindelse central forestilling hos Rolston er dels naturen som bærer af værdier, der er uafhængige af mennesker, dels tanken om nødvendigheden af mennesket som værdisætter (valuer). I sin redegørelse for værdibegrebet, argumenterer Rolston for, at naturen kan have en række forskellige værdier. Begrebet om den intrinsiske værdi angår den enkelte organismes gode. Hver enkelt organisme har et eget gode. I lyset af dette værdibegreb er der en nær sammenhæng mellem er og bør. Forestillingen om den systemiske værdi angiver den enkelte organismes betydning som en del af det økosystemiske hele. Det enkelte væsen er vurderet indenfor et hele. Videre forestiller Rolston sig en række værdier, der er båret af naturen. Disse værdier værdsættes også af mennesket. De kræver en menneskelig værdisætter (valuer), selv om de er der forud for en værdsættelse af dem. På dette punkt blev der påvist et epistemologisk problem hos Rolston, hvor det blev argumenteret, at han ikke redegjorde overbevisende for forholdet mellem dels mennesket som en del af naturen, dels som en udhævet værdisætter i forhold til naturen. Dette punkt viser en af lighederne med teorierne om en naturlig lov, idet det også her var et problem at redegøre fyldestgørende for forholdet mellem den natur(lige orden), som mennesket er en del af og tanken om menneskets særlige væsen. Videre vises der sig en lighed til teorierne om en naturlig lov ved Rolstons af givne etiske værdier. Rolston angiver hermed en metaetisk realisme, som vi også kunne finde den hos f.eks. Melanchthon og Wolff. Når Rolston videre diskuterer nødvendigheden af mennesket som værdisætter, gør han rede for, at skønt dette må antages som en nødvendighed, er selve denne værdisættelse dog en del af den økologiske proces. Mennesket er i denne værdisættelse nødvendigvis samtidigt en del af naturen. Dette indebærer dog ikke, at menneskets særlige status opgives. Mennesket anses for mere end naturlige processer og økologi. Mennesket er det eneste væsen med samvittighed. Sammenhængen mellem dette forhold, at mennesket dels er en del af det

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økologiske system, dels er et særligt etisk væsen, leder Rolston frem til overvejelser om naturaliseringen af etikken. Dette viser sig bl.a. ved hans forståelse af den økologiske moral, hvor han hævder, at der består et harmonisk forhold mellem økologi og etik. Eftersom de økologiske love foreskriver etiske pligter, er det nødvendigt at slutte fra, hvorledes naturen *er* baseret på disse love og til, at etikken *bør* stemme overens med disse love. På dette punkt viser Rolston endnu en analogi til teorierne om den naturlige lov. Ligesom det dér blev hævdet, at der var en nær sammenhæng mellem de konstitutive principper for naturen og etikken, således gør også Rolston denne pointe gældende. Rolston fastholder her ikke blot legitimiteten, men ligefrem nødvendigheden af at slutte fra er til bør. Et afsluttende punkt, hvor Rolstons overensstemmelse med tidligere teorier om en naturlig lov også kommer til udtryk, er hans argumentation for, at mennesket i sit handlingsliv skal følge naturen. Rolston redegør for en række måder, hvorpå dette forekommer.

Hvor kapitlet om Rolston viste en række forestillinger, hvor der gjorde sig en lighed gældende i forhold til en klassisk forståelse af den naturlige lov, gør dette sig også gældende hos J. Baird Callicott, der på flere måder minder om Rolston. **Kapitel 8** koncentrerer sig om Callicotts miljøetik. Callicott regnes for den ledende repræsentant for den såkaldte landetik, som også Rolston i nogen grad kan henregnes under. Grundlaget for denne form for miljøetik er en inspiration fra Aldo Leopolds forestillinger om mennesket som en del af et biotisk fællesskab. Som udgangspunkt for vurderingen af Callicott giver dette kapitel derfor en summarisk redegørelse for landetikens teoretiske grundlag. Ud over økologiske og evolutionsteoretiske forestillinger gør også en inspiration fra David Hume sig gældende. Denne redegørelse for landetikken leder frem til en diskussion af Callicotts argumentation for en etisk holisme. I denne diskussion argumenteres der for, at der her gør sig tankegange gældende, der har stor lighed med grundtræk fra Melanchthons og Wolffs forståelse af den naturlige lov. I sin forståelse af den etiske holisme fremhæver Callicott tanken om mennesket som en del af det biotiske fællesskab (biotic community). Det er i kraft af at være medlem af dette fællesskab, at mennesket har moralske følelser. Callicott afviser nemlig forestillingen om fornuften som grundlaget for den etiske normativitet. Denne henregner han til et kantiansk paradigme, hvor hans egen fremhævelse af moralske følelser er inspireret af David Humes moralfilosofi. Skønt afvisningen af fornuften ikke lægger op til en sammenligning med den naturlige lov, indebærer tanken om mennesket som en del af et overordnet hele en grundlæggende lighed med en naturalistisk eller ontologisk forståelse af den naturlige lov.

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Callicotts fremhævelse af dette hele indebærer også, at han ikke kan tilslutte sig en etisk pluralisme. Derimod argumenterer han for en etisk monisme, hvilket han forstår som etikkens afhængighed af en bestemt metafysik. Hos Callicott er dette kommet til udtryk ved hans redegørelse for det teoretiske grundlag for landetikken. En følge af dette teoretiske grundlag er den nævnte fremhævelse af det biotiske fællesskab som grundlag for etikken. Dette leder Callicott frem til en diskussion af forholdet mellem *er* og *bør*. Callicott argumenterer her på baggrund af Humes filosofi for legitimiteten af en slutning fra *er* til *bør*. Legitimiteten af denne slutning indebærer også, at Callicott ikke mener, at man kan skille kendsgerninger og værdier fuldstændigt fra hinanden. I forholdet mellem disse *er* der sig en gensidighed gældende. Også disse afsluttende overvejelser viser ligheden med Melanchthons og Wolffs forståelse af den naturlige lov. Ligesom der i disse teorier er en nær sammenhæng mellem det som *er* og det som *bør* være, således gør det sig også gældende hos Callicott.

Det sidste kapitel i denne underdel retter opmærksomheden mod Paul W. Taylor. I **kapitel 9** gives der således en kritisk fremstilling af hans kantiansk inspirerede teori om respekt for naturen. Inspirationen fra Kant viser sig bl.a. ved en karakteristisk fremhævelse af rationaliteten ved den biocentriske opfattelse, der ligger til grund for hans teori. Taylors biocentriske opfattelse er baseret på fire grundlæggende forestillinger. For det første fremhæves tanken om mennesket som en del af "the Earth's Community of Life". Denne forestilling indebærer, at mennesket er at forstå som et naturvæsen, der deler fælles livsvilkår med alle andre levende organismer. Denne tanke har stor grad af lighed med Rolstons og Callicotts forståelse af fællesskabsbegrebet, skønt Taylor ikke deler deres landetiske udgangspunkt. For det andet argumenterer Taylor for, at den naturlige verden er at forstå som et system af interdependens. Alle parterne, der indgår i det nævnte naturlige fællesskab, lever i en fortsat gensidig afhængighed. For det tredje indebærer hans biocentrisme, at den enkelte organisme må betragtes som et teleologisk livscenter. Hermed fremfører Taylor den opfattelse, at der gør sig en efterstræbelse af trivsel (well-being) gældende for alle levende organismer. Dette forhold giver grundlag for en respekt for disse organismer og anerkendelse af deres inherente værd. For det fjerde pointeres det, at dette biocentriske syn må indebære opgivelsen af tanken om menneskets fortrin frem for andre organismer. Der gives ikke nogen rationel grund for antagelsen af mennesket som overlegent. Dette indebærer dog ikke en opgivelse af tanken om, at mennesket har et særligt ansvar. Idet dette udgør de afgørende træk i

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Taylor's biocentrisme, gøres hans redegørelse for rationaliteten af denne opfattelse dernæst til genstand for kapitlets undersøgelse. Det påvises her, at rationaliteten som kriteriologisk betingelse ikke er fulgt op af en tilsvarende klar bestemmelse af, hvad han forstår med begrebet rationalitet. Dog synes der ikke at være tale om noget normativt rationalitetsbegreb, men snarere et teoretisk. Det, der kvalificerer rationaliteten, er viden og information om naturen. Dette rejser dog nogle problemer med henblik på den praktiske fornuft, hvilket også viser sig ved hans tilsyneladende sammenblanding af forståelsen af *the rational* og *the reasonable*. Dette leder frem til den antagelse, at skønt Taylor fremhæver rationalitetsbegrebet, er det biocentriske grundlag dog det bærende for hans teori. Som grundlag for den etiske normativitet, udgør rationaliteten umiddelbart noget sekundært. Dette kommer også til udtryk ved Taylor's forestilling om betydningen af den etiske idé om en harmoni mellem mennesket og naturen. Taylor argumenterer her for, at hans biocentriske teori i en række situationer udgør grundlaget for den moralske stillingtagen. Spørgsmålet melder sig i den forbindelse, hvorvidt dette implicerer en naturalistisk fejlslutning hos Taylor. I lyset af hans afvisning af en organisk forståelse af naturen, hans explicitte redegørelse for forestillingen om respekt for naturen og hans vurdering af, hvorvidt naturen har rettigheder, konkluderes det, at skønt han er meget bevidst om at skelne mellem konceptuelle og normative udsagn, undgår han ikke den naturalistiske fejlslutning. Dette begrundes ikke mindst i hans fremhævelse af hans biocentriske teori som grundlaget for respekten for naturen. Dermed konkluderes også, at hans teori er naturalistisk til trods for hans fremhævelse af rationalitetsbegrebet.

Den anden underdel koncentrerer sig om tre miljøetiske teorier, hvor der i forhold til Luther og Kant tilstræbes en påvisning af lighed i begrundelsen af normativitet. I denne del rettes blikket således mod Bryan Nortons, Mark Sagoffs og Robin Attfields miljøetiske teorier.

Kapitel 10 koncentrerer sig om Bryan Norton. Hos Norton står rationalitetsbegrebet helt centralt ved hans teori om grundlaget for miljøetikken. Tanken om en intrinsisk værdi for naturen træder derfor også tilbage. Da Norton imidlertid betragter beskyttelsen af naturen som meget væsentligt, betegner han derfor sin egen position som svag antropocentrisme. Han stiller sig kritisk overfor en traditionel antropocentrismes antagelse af, at alene mennesket har intrinsisk værdi og at alle andre genstande har alene værdi i kraft af deres bidrag til menneskets værdier. Hans kritik af flere træk ved nonantropocentrismen leder ham imidlertid frem til den medierende position, han

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søger at indtage. Denne medierende strategi leder ham også frem til en kritik af en miljøetisk monisme. Miljøetikken kan ikke baseres på antagelsen af en enkelt teori som den alt forklarende. Norton advokerer derimod en pluralistisk tilgang til det etiske grundlag for beskyttelsen af naturen. Bl.a. på denne baggrund argumenteres det, at Norton ikke deler realismen, som der var blevet demonstreret hos de tre forgående miljøetiske teorier. Norton bør snarere betragtes som konstruktivist, idet naturens værdi konstrueres. Den er ikke noget givent. Tanken om naturens værdi som konstrueret viser sig tydeligere ved hans forståelse af naturens transformative værdi. Her argumenteres det, at naturens værdi beror på den indflydelse, erfaringer med naturen kan have for dannelsen af præferencer, der kan danne grundlag for en politisk beslutning om beskyttelse af disse værdier. Herved demonstrerer Norton sin konstruktivistiske position, hvilket han selv fremhæver. Værdierne konstrueres gennem en politisk beslutningstagen. Denne konstruktivisme viser sig også ved hans forståelse af fornuften. På baggrund af en sondring mellem hans forståelse af den videnskabelige, politiske og pragmatiske fornuft anskueliggøres det, at Nortons rationalitetsbegreb i etisk henseende lader meget tilbage. Norton betoner den pragmatiske fornuft og lader forestillingen om praktisk, etisk fornuft træde tilbage. Det væsentlige for Norton er fornuftens evne til på pragmatisk vis at bestemme de væsentlige områder for beskyttelse af naturen og dernæst beslutte sig for den mest hensigtsmæssige måde at løse disse udfordringer på. Ganske bevidst stiller han således praksis foran teori. Norton argumenterer således ikke først og fremmest for et normativt fornuftsbegreb, men derimod fornuftens evne til at konstruere politiske værdier.

Hvor Nortons miljøetiske overvejelser tog udgangspunkt i den politiske beslutningsprocedure, knytter Mark Sagoff mere til ved økonomiske overvejelser. Sagoffs miljøetik, der udgør grundlaget for **kapitel 11**, tager også sit udgangspunkt i forestillingen om naturens intrinsiske værdi. Ligesom Norton forholder også Sagoff sig kritisk overfor denne idé. Sagoff fastholder dog begrebet, idet han bestemmer dette på en ny måde. For Sagoff er det afgørende at relatere værdi- og præferencebegrebet til hinanden. Hvor det sidste rummer en tendens til at reducere mennesker til konsumenter, er det én af fordelene ved værdibegrebet, at det giver mulighed for at respektere menneskene som politiske borgere. Ifølge Sagoff indgår de politiske borgers værdier i den politiske beslutningsproces, derved at de tilstræber, at de politiske love skal udtrykke deres værdier. Naturens intrinsiske værdi forstås følgelig som, at den ikke tjener et instrumentelt forhold men udtrykker noget om den politiske borgers identitet og værdier. Værdibegrebet hos Sagoff er

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således intersubjektivt. Det har sit grundlag i det politiske fællesskab. Som medlem af dette fællesskab kan den enkelte borgere reflektere over det rimelige i de politiske værdier. Fornuftsbegrebet indtager således en central plads hos Sagoff og har et mere normativt indhold end hos Norton. Særligt Sagoffs forestilling om en reflektiv rationalitet tydeliggør dette normative fornuftsbegreb. Som en del af den politiske proces kan fornuften i kraft af denne egenskab konstruere værdier af væsentlig politisk betydning. Gennem en sammenligning med Rawls' tanker om en politisk fornuft anskueliggøres det, hvordan Sagoff kan forstås i lyset af en metaetisk konstruktivisme.

I denne dels afsluttende kapitel fokuseres der på Robin Attfield's miljøetik. **Kapitel 12** giver således en redegørelse for en teori, hvor der dels argumenteres for idéen om naturens intrinsiske værdi og menneskets rationalitet som grundlaget for etikken. Attfield forholder sig kritisk overfor den holistiske forståelse af miljøetikken, som den bl.a. er kommet til udtryk hos Callicott. For Attfield er det derimod væsentligt at foretage en slutning fra nogle moralske kriterier, der kan opnås enighed om. I følge Attfield gælder dette behov, interesser og ønsker. For så vidt en organisme i lyset af disse kan skades, rejser det i forhold til moralske agenter den fordring, at den kan blive vist godgørehed eller ej. Disse kriterier danner grundlag for bestemmelsen af organismers moralske betydning (moral consideration). For ikke at ende med en uigennemførlig teori argumenterer Attfield også for en bestemmelse af moralsk vigtighed (moral significance). Begge sæt af kriterier har imidlertid deres grundlag i Attfield's naturalistiske udgangspunkt. Attfield betegner sig selv som naturalist, hvorfor han også nøje overvejer problemet omkring den naturalistiske fejlslutning. Skønt Attfield fremhæver legitimiteten af slutningen fra kendsgerninger til værdier, indebærer denne opfattelse dog en fejlslutning ud fra Moores forståelse af denne. Selv om denne naturalistiske position er grundlæggende for Attfields teori, betoner han dog samtidig refleksionen. Denne leder ham imidlertid ikke frem til en begrundelse for en moralsk fornuft som kilde til normativiteten. Dog argumenteres det, at Attfield ikke bestemmer fornuftsbegrebet tilstrækkelig klart, hvorfor det er uklart, hvilken rolle fornuften spiller som grundlag for den etiske normativitet.

Afhandlingens fjerde og afsluttende hoveddel forsøger at bringe afhandlingens resultater sammen, idet det samtidig tilstræbes at foretage en konstruktiv bearbejdelse af disse. Skønt der har været summariske perspektiveringer imellem de forskellige etiske teorier undervejs i

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afhandlingens fremstilling, er en egentlig sammenligning henlagt til disse sidste afsluttende kapitler. Ved denne konstruktive sammenfatning og sammenligning tilstræbes det dels at give en systematisk teologisk vurdering af natur- og fornuftsbegrebets normative implikationer, dels at foretage konkluderende betragtninger i lyset af afhandlingens indledningsvis skitserede hovedspørgsmål. I **kapitel 13** inddrages først de forskellige opfattelser af mennesket som et naturligt væsen, der har vist sig i løbet af afhandlingen. Dette leder frem til en redegørelse for, hvorledes det er blevet gjort gældende, at mennesket skal leve i overensstemmelse med naturen. Til sidst diskuteres de forskellige naturalistiske fejlslutninger i lyset af enkelte nyere kritiske overvejelser over denne problemstilling. Hvor dette kapitel således har angivet tentative overvejelser med henblik på etableringen af et normativt naturbegreb, der kan danne grundlag både for en reformulering af forestillingen om den naturlige lov og en brug af den naturlige lov indenfor miljøetikken, koncentrerer det følgende kapitel sig om rationalitetsbegrebet.

Kapitel 14 giver en afsluttende konstruktiv sammenfatning af de konstruktivistiske begrundelser for etikken, som afhandlingen har påvist. Dernæst udvikles der en teologisk kvalificering af forestillingen om etikkens konstruktivistiske begrundelse. Denne tager særligt udgangspunkt i Luthers forståelse af den praktiske fornuft. Det hævdes, at denne giver grundlaget for tanken om menneskets ansvar for en fortsat konstruktion af moralske principper. Den afgørende forskel fra den filosofiske konstruktivisme er imidlertid teologiens afhængighed af en ekstrinsisk kilde til den etiske normativitet. Afslutningsvis skitseres forestillingen om naturens hensigtsmæssighed som grundlag for den naturlige lov og miljøetikken. Ligesom i det foregående kapitel har det også her været intentionen at foretage en konstruktiv bearbejdelse af afhandlingens resultater.

I **Kapitel 15** bringes afhandlingen til afslutning. Først reflekteres der summarisk over mulighederne for en nutidig etablering af en gensidighed mellem naturen og fornuften som normative begreber. Dernæst knyttes der til ved afhandlingens indledningsvis angivne teser, hvor der konkluderende spørges til afhandlingens belysning af disse. Det konkluderes for det første, at der er blevet påvist grundlæggende overensstemmende måder at begrunde etisk normativitet på indenfor teorierne om naturlig lov og miljøetik. For det andet konkluderes det, at afhandlingen har fremlagt potentialer til en reformulering af den naturlige lov, ligesom der også er etableret grundlag for anvendelse af den naturlige lov som grundlag for miljøetikken og til dels indenfor etik

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generelt. Til sidst skitseres nogle perspektiver, der rejser sig på baggrund af afhandlingens resultater.

Afhandlingen afsluttes med en sammenfatning og bibliografi.

Abbreviations

AA	Kants Gesammelte Schriften, herausgegeben von der Königlich Preußischen Akademie der Wissenschaften, Erste Abtheilung: Werke, Band 1ff., Berlin 1907ff
Anm	Anmerkungen zur deutsche Metaphysik
Beantwortung	Beantwortung der Frage: Was ist Aufklärung?
CR	Philippi Melanthonis Opera, quae supersunt omnia (Ed. Bretschneider, C. G.) (Corpus reformatorum), vol. 1-28, Halle, 1834ff.
DE	Deutsche Ethik
DM	Deutsche Metaphysik
Frieden	Zum ewigen Frieden
Gemeinspruch	Über den Gemeinspruch: Das mag in der Theorie richtig sein ...
GMS	Grundlegung zur Metaphysik der Sitten
GNV	Grundsätze des Natur und Völkerrechts
KpV	Kritik der praktischen Vernunft
KrV	Kritik der reinen Vernunft
KU	Kritik der Urtheilskraft
MS	Die Metaphysik der Sitten
StA	Melanchthons Werke, Studienausgabe (Hg. Stupperich, R. et al), vol. 1-7, Gütersloh, 1951ff.
WA	Martin Luther, Werke, Kritische Gesamtausgabe, vol. 1-66, Weimar, 1883ff.

Apart from these abbreviations the thesis employs the abbreviations of the list in *Theologische Realenzyklopädie. Abkürzungsverzeichnis. 2., überarbeitete und erweiterte Auflage*. Zusammen- gestellt von Siegfried M. Schwertner, Berlin/New York: Walter de Gruyter 1994.

Bibliography

Literature on Metaethics, Ethical Theory etc.

Andersen, Svend (1993): *Som dig selv. En indføring i etik*, Århus: Aarhus Universitetsforlag

— (1997a): “Praktisk fornuft”, in: Rasmussen, Anders Moe and Thyssen, Peter (eds.): *Teologi og modernitet*, Århus: Aarhus Universitetsforlag, 145-165

— (1997b): “Rationality and Lutheran Ethics”, in: Bondolfi, Alberto et al (Hg.): *Ethik, Vernunft und Rationalität*, Münster, 169-186

Bayer, Oswald (1986): *Schöpfung als Anrede. Zu einer Hermeneutik der Schöpfung*, Tübingen

— (1995): *Freiheit als Antwort. Zur theologischen Ethik*, Tübingen

Boyd, Richard (1997): “How To Be a Moral Realist”, in: Darwall, Stephen et al (Eds.): *Moral Discourse and Practice. Some Philosophical Approaches*, Oxford: Oxford UP, 105-135

Darwall, Stephen (1977): “Two Kinds of Respect”, *Ethics* 88, 36-49

Darwall, Stephen et al (1997): “Toward *Fin de siècle* Ethics: Some Trends”, in: Darwall, Stephen et al (Eds.): *Moral Discourse and Practice. Some Philosophical Approaches*, Oxford: Oxford UP, 3-47

Frankena, William K. (1939): “The Naturalistic Fallacy”, *Mind* 48, 464-477 (Repr in and cited from Goodpaster 1976, 1-11)

— (1966): “The Concept of Morality”, *Journal of Philosophy* 63, 688-696

— (1973² (1963)): *Ethics*, Englewood Cliffs, NJ

Føllesdahl, Dagfinn et al (udg) (1984³ (1977)): *Argumentasjonsteori, språk og vitenskapsfilosofi*, Oslo

Frei, Hans W. (George Hunsinger et al (Eds)) (1992): *Types of Christian Theology*, New Haven/London: Yale UP

Goodpaster, Kenneth E. (1976): *Perspectives on Morality. Essays of William K Frankena*, Notre Dame/London: University of Notre Dame Press

Grotefeld, Stefan (1997): “Rationalität, Vernunft und Moralbegründung. Notizen zur neueren philosophischen Diskussion mit Anmerkungen zur theologischen Problemlage”, in:

Bibliography

- Bondolfi, Alberto et al (Hg.): *Ethik, Vernunft und Rationalität*, Münster: LIT Verlag, 55-89
- Hume, David (1978² (1888)): *A Treatise of Human Nature*, Oxford: Oxford UP
- Höffe, Otfried (1989): *Politische Gerechtigkeit. Grundlegung einer kritischen Philosophie von Recht und Staat*, Frankfurt a. M.: Suhrkamp
- Kaufman, Gordon D. (1979): *An Essay on Theological Method*, Missoula, Mont.: Scholars Press
- Korsgaard, Christine M. (Onora O'Neill (Ed.)) (1996b): *The Sources of Normativity*, Cambridge: CUP
- Løgstrup, K. E. (1971): "Ethiske begreber og problemer", in: Wingren, Gustaf (Udg.): *Etik och kristen tro*, Lund: CWK Gleerup/København: Gyldendal/Oslo: Universitetsforlaget, 207-286
- (1991 (1956)): *Den etiske fordring*, København: Gyldendal
- Moore, G. E. (1993 (1903)): *Principia Ethica. Revised Edition*, Cambridge: Cambridge UP
- O'Donovan, Oliver (1994² (1986)): *Resurrection and Moral Order. An Outline for Evangelical Ethics*, Leicester: Apollos/Grand Rapids, MI: Eerdmans
- Pigden, Charles R. (1993): "Naturalism", in: Singer, Peter (Ed.): *A Companion to Ethics*, Oxford: Blackwell Publishers, 421-431
- Rawls, John (1973 (1971)): *A Theory of Justice*, Oxford: Oxford UP
- (1996 (1993)): *Political Liberalism*, New York: Columbia UP
- (1997): "Kantian Constructivism in Moral Theory", in: Darwall, Stephen et al (Eds.): *Moral Discourse and Practice. Some Philosophical Approaches*, Oxford: Oxford UP, 247-266
- (1999): *The Law of Peoples with "The Idea of Public Reason Revisited"*, Cambridge, Mass.: Harvard UP
- Railton, Peter (1997): "Moral Realism", in: Darwall, Stephen et al (Eds.): *Moral Discourse and Practice. Some Philosophical Approaches*, Oxford: Oxford UP, 137-163
- Schwartländer, Johannes (1974): "Verantwortung", in: Krings, Hermann et al (Hrsg): *Handbuch philosophischer Grundbegriffe. Studienausgabe Band 6*, München: Kösel-Verlag, 1577-1588
- Smith, Michael (1993): "Realism", in: Singer, Peter (Ed.): *A Companion to Ethics*, Oxford: Blackwell Publishers, 399-410

Bibliography

- Spaemann, Robert (1973): "Natur", in: Krings, Hermann et al (Hrsg): *Handbuch philosophischer Grundbegriffe. Studienausgabe Band 4*, München: Kösel-Verlag, 956-969
- Whittaker, Thomas (1918): "Reason", in: Hastings, James (Ed.): *Encyclopædia of Religion and Ethics*, Volume X, Edinburgh: T & T Clark, 593-598

Literature on Natural Law

1. Primary Sources

- Kant, Immanuel: *Beantwortung der Frage: Was ist Aufklärung?* (1784) (AA 8, 33-42)
(Beantwortung)
- : *Die Metaphysik der Sitten* (1797) (AA 6, 203-493) (MS)
- : *Grundlegung zur Metaphysik der Sitten* (1785) (AA 4, 385-463) (GMS)
- : *Kritik der praktischen Vernunft* (1788) (AA 5, 1-163) (KpV)
- : *Kritik der reinen Vernunft* (1781) (A: AA 4, 1-252; B: AA 3, 1-552) (KrV)
- : *Kritik der Urtheilskraft* (1790) (AA 5, 165-485) (KU)
- : *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (1793) (AA 8, 273-313) (Gemeinspruch)
- : *Zum ewigen Frieden. Ein philosophischer Entwurf* (1795) (AA 8, 341-386) (Frieden)
- Luther, Martin: *Auslegung des 101. Psalms. 1534-1535.* (WA 51, 200-264)
- : *Der 82. Psalm ausgelegt. 1530.* (WA 31 I, 189-218)
- : *Der 127. Psalm ausgelegt an die Christen zu Riga in Liesland. 1524.* (WA 15, 360-379)
- : *Der kleine Katechismus (1529)* (BSLK, 501-541)
- : *Deusch Catechismus (Der Grosse Katechismus). 1529.* (WA 30I, 125-192)
- : *Die Disputation de homine. 1536.* (WA 39 I, 174-180)
- : *Die dritte Disputation gegen die Antinomer. 6. September 1538.* (WA 39 I, 489-584)
- : *Die Genesisvorlesung von 1535-45 (Gen. 1-11,26).* (WA 42, 1-428)
- : *Die Thesen. D. Martini Lutheri tertia disputatio. 1536. (de loco Rom. 3,28)* (WA 39 I, 82-83)
- : *Die Thesen für die Promotionsdisputation von Hieronymus Weller und Nikolaus Medler. Thesen de fide. 1535* (WA 39 I, 44-48)
- : *Die zweite Disputation gegen die Antinomer. 12. Januar 1538.* (WA 39 I, 419-485)
- : *Eine Predigt, dass man Kinder zur Schulen halten solle. 1530.* (WA 30 II, 517-588)

Bibliography

- : *Ein Sendbrief von dem harten Büchlein wider die Bauern. 1525.* (WA 18, 384-401)
- : *Ein unterrichtung wie sich die Christen ynn Mosen sollen schicken, gepredigt durch Mart. Luther. 1527.* (WA 16, 363-393/24, 2-16)
- : *Ermahnung zum Frieden auf die zwölf Artikel der Bauerschaft in Schwaben. 1525.* (WA 18, 291-334)
- : *Fastenpostille (Rom. 13,8 ff.). 1525.* (WA 17 II, 88-104)
- : *In epistolam S. Pauli ad Galatas Commentarius ex praelectione D. Martini Lutheri (1531) collectus 1535.* (WA 40 I, 33-688; WA 40 II, 1-184)
- : *(Kleiner) Sermon von dem Wucher. 1519.* (WA 6, 3-8)
- : *Ob Kriegsleute auch in seligem Stande sein können. 1526.* (WA 19, 623-662)
- : *Predigten über das 2. Buch Mose. 1524-1527.* (WA 16, 394-528)
- : *Predigt in der Schloßkirche zu Weimar. Die vierde predig Martini uff nachfolgenden Sonnabentt genannter wochen uff dem Schlos gethan. 1522* (WA 10 III, 379-385)
- : *Sermo. Ex αὐτογράφῳ Lutheri quod reperiatur in Monasterio Augustinen: Erfurdiae* (WA 4, 590-595)
- : *Von den guten Werken. 1520.* (WA 6, 202-276)
- : *Von weltlicher Oberkeit, wie weit man ihr Gehorsam schuldig sei. 1523.* (WA 11, 245-281)
- : *Vorlesung über die Stufenpsalmen. 1532/33 [1540] (Psalmus CXXVII)* (WA 40 III, 202-269)
- : *Wider die himmlischen Propheten, von den Bildern und Sakrament. 1525.* (WA 18, 62-125)
- : *Wider die räuberischen und mörderischen Rotten der Bauern. 1525.* (WA 18, 357-361)
- Melanchthon, Philipp: *Apologia confessionis augustanae* (1530) (BSLK, 141-404)
- : *Commentarii in aliquot politicos libros Aristotelis* (1530) (CR 16, 417-452)
- : *Enarrationes aliquot librorum ethicorum Aristotelis* (1529-32) (CR 16, 277-416)
- : *Ethicae doctrinae elementa* (1550) (CR 16, 165-279)
- : *Examen ordinandorum* (1552) (StA 6, 168-259)
- : *Heubartikel Christlicher Lere, im latin genandt, Loci Theologici, Etwa von Doctor Justo Jona in Deutsche sprach gebracht, ietzung aber im M. D. LV. jar, Von Philippo Melanton widerumb durchsehen* (1555/58) (CR 22, 45-638)
- : *Loci communes rerum theologicarum seu Hypotyposes theologicae* (1521) (StA 2, 1-163)
- : *Loci praecipui theologici nunc denuo cura et diligentia summa recogniti multisque in locis*

Bibliography

- copiose illustrati* (1559) (StA 2, 164-780)
- : *Philosophiae moralis epitomes libri duo* (1538-40) (CR 16, 21-164)
- : *Prolegomena in Officia Ciceronis* (1562) (CR 16, 533-614)
- Wolff, Christian: *Der Vernu(e)nfftigen Gedancken von Gott, der Welt und der Seele des Menschen, auch allen Dingen u(e)berhaupt, Anderer Theil, bestehend in ausführlichen Anmerckungen* (1740), Gesammelte Werke, 1. Abt., 3, Hildesheim/New York: Georg Olms 1983 (Anmerkungen zur deutschen Metaphysik (Anm))
- : *Grundsätze des Natur- und Völckerrechts, worinn alle Verbindlichkeiten und alle Rechte aus der Natur des Menschen in einem beständigen Zusammenhange hergeleitet werden* (1754), Gesammelte Werke, 1. Abt., 19, Hildesheim/New York: Georg Olms 1980 (GNV)
- : *Vernu(e)nfftige Gedancken von den Absichten der natu(e)rlichen Dinge* (1726), Gesammelte Werke, 1. Abt., 7, Hildesheim/New York: Georg Olms 1980 (Deutsche Teleologie (DT))
- : *Vernüffftige Gedancken. Von der Menschen Thun und Lassen, zu Befo(e)rderung ihrer Glu(e)ckseeligkeit* (1733), Gesammelte Werke, 1. Abt., 4, Hildesheim/New York: Georg Olms 1976 (Deutsche Ethik (DE))
- : *Vernu(e)nfftige Gedancken von Gott, der Welt und der Seele des Menschen, Auch allen Dingen u(e)berhaupt* (1751), Gesammelte Werke, 1. Abt., 2, Hildesheim/New York: Georg Olms 1983 (Deutsche Metaphysik (DM))

2. Secondary Sources

- Acton, H. B. (1970): *Kant's Moral Philosophy*, London
- Allison, Henry E. (1990): *Kant's theory of freedom*, Cambridge: CUP
- Althaus, P. (1965): *Die Ethik Martin Luthers*, Gütersloh
- Andersen, Svend (1983): *Ideal und Singularität. Über die Funktion des Gottesbegriffes in Kants theoretischer Philosophie* (Diss.), Heidelberg
- Anderson, G. (1923): "Kants Metaphysik der Sitten, ihre Idee und ihr Verhältnis zur Wolffschen Schule", *KS* 28, 41-61
- Arnold, F. X. (1937): *Zur Frage des Naturrechts bei M. Luther*, München

Bibliography

- Atwell, John E. (1986): *Ends and principles in Kant's moral thought*, Dordrecht
- Aune, Bruce (1979): *Kant's Theory of Morals*, Princeton, NJ
- Auxter, Thomas (1982): *Kant's Moral Teleology*, Macon, GA
- Bachmann, Hanns-Martin (1977): *Die naturrechtliche Staatslehre Christian Wolffs*, Duncker & Humblot: Berlin
- (1983): “Zur Wolffschen Naturrechtslehre”, in: Schneiders, Werner (Hrsg): *Christian Wolff. 1679-1754. Interpretationen zu seiner Philosophie und deren Wirkung. Mit einer Bibliographie der Wolff-Literatur (Studien zum achtzehnten Jahrhundert. Herausgegeben von der Deutschen Gesellschaft für die Erforschung des Achtzehnten Jahrhunderts. Band 4)*, Felix Meiner Verlag: Hamburg, 161-170
- Bauer, C. (1950): “Die Naturrechtsvorstellungen des jüngeren Melanchthon”, in: Nürnberger, R. (Hrsg): *Festschrift für Gerhard Ritter*, Tübingen, 244-255
- (1951): “Melanchthons Naturrechtslehre”, *ARG*, 42, 64-100
- Beck, Lewis White (1969): “Wolff”, in: Beck, Lewis White: *Early German Philosophy. Kant and his Predecessors*, The Belknap Press of Harvard University Press: Cambridge, Mass., 256-275
- (1974): *Kants "Kritik der praktischen Vernunft"*, München (Engl.: (1960): *A Commentary on Kant's Critique of Practical Reason*, Chicago)
- Beiner, Ronald (1993): “Kant, the Sublime, and Nature”, in: Beiner, Ronald and Booth, William James (eds): *Kant and Political Philosophy. The Contemporary Legacy*, New Haven/London, pp. 276-288
- Berman, H. J. et al (1989): “The Transformation of Western Legal Philosophy in Lutheran Germany”, *Southern California Law Review*, 62, 1575-1660
- Bissinger, Anton (1975): “Das ontologische Argument bei Christian Wolff”, *Analecta Anselmiana* Bd. IV/1, Hrsg. von Helmut Kohlenberger. Begründet von Franciscus Salesius Schmitt, Frankfurt a. M., 243-247
- (1983): “Zur metaphysischen Begründung der Wolffschen Ethik”, in: Schneiders, Werner (Hrsg): *Christian Wolff. 1679-1754. Interpretationen zu seiner Philosophie und deren Wirkung. Mit einer Bibliographie der Wolff-Literatur (Studien zum achtzehnten Jahrhundert. Herausgegeben von der Deutschen Gesellschaft für die Erforschung des*

Bibliography

- Achtzehnten Jahrhunderts. Band 4), Felix Meiner Verlag: Hamburg, 148-160
- Brady, T. A. (1985): "Luther and Society", *LuJ* 52, 197-212
- (1986): "Luther and the State: The Reformer's Teaching in its Social Setting", in: Tracy, J. D. (Ed.): *Luther and the Modern State in Germany*, Kirksville, Miss., 31-44
- Brandt, R. (1984): "Naturrecht II", *HWP*h, 6, 563-571
- Bring, R. (1933): *Förhållandet mellan tro och gärningar inom luthersk teologi*, Helsingfors
- Buchenau, Artur (1923): *Kants Lehre vom kategorischen Imperativ. Eine Einführung in die Grundfragen der Kantischen Ethik*, Leipzig: Verlag von Felix Meiner
- Budziszewski, J. (1997): *Written on the Heart. The Case for Natural Law*, Downers Grove, Ill.: IVP
- Burkhardt, Armin (1983): "Kant, Wittgenstein und das Verhältnis der relativen Ethik zur absoluten: Zur Begründung einer ökologischen Ethik", *Zeitschrift für evangelische Ethik*, 27, pp. 391-431
- Cargill Thompson, W. D. J. (1980): *Studies in the Reformation: Luther to Hooker*, London
- (1984): *The Political Thought of Martin Luther*, Brighton, Sussex/Totowa, NJ
- Cohen, Ted (1982): "Why Beauty Is a Symbol of Morality", in: Cohen, Ted et al (Eds.): *Essays in Kant's Aesthetics*, Chicago: The University of Chicago Press, 221-236
- Cranz, F. E. (1959): *An Essay on the Development of Luther's Thought on Justice, Law and Society*, Cambridge, Mass.
- Crowe, M. B. (1977): *The Changing Profile of the Natural Law*, The Hague: Martinus Nijhoff
- D'Entreves, A. P. (1951): *Natural Law. An Introduction to Legal Philosophy*, London
- Dulckeit, Gerhard (1973 (1932)): *Naturrecht und positives Recht bei Kant*, Leipzig
- Ebeling, G. (1967): "Das Problem des Natürlichen bei Luther", in: Asheim, I. (Hrsg): *Kirche, Mystik, Heiligung und das Natürliche bei Luther*, Göttingen, 169-179
- Elert, W. (1953 (1931)): *Morphologie des Luthertums, II*, München
- Finnis, John (1980): *Natural Law and Natural Rights*, Oxford: Clarendon Press
- Forschner, Maximilian (1974): *Gesetz und Freiheit. Zum Problem der Autonomie bei Immanuel Kant*, München
- (1998): *Über das Handeln im Einklang mit der Natur. Grundlagen etischer Verständigung*, Darmstadt: Primus Verlag

Bibliography

- Frank, Günter (1995): *Die theologische Philosophie Philipp Melanchthons (1497-1560)*, Erfurter Theologische Studien, Leipzig: Benno
- (1996): "Philipp Melanchthons »Liber de anima« und die Etablierung der frühneuzeitlichen Anthropologie", in: Michael Beyer und Günter Wartenberg (Hrsg.): *Humanismus und Wittenberger Reformation. Festgabe anlässlich des 500. Geburtstages des Praeceptor Germaniae Philipp Melanchthon am 16. Februar 1997*, Leipzig: Evangelische Verlagsanstalt, 313-326
- (1998): "Gott und Natur - Zur Transformation der Naturphilosophie in Melanchthons humanistischer Philosophie", in Günter Frank und Stefan Rhein (Hrsg.): *Melanchthon und die Naturwissenschaften seiner Zeit*. Melanchthon-Schriften der Stadt Bretten: Bd. 4, Sigmaringen: Jan Thorbecke Verlag, 43-58
- Gregor, M. (1963): *Laws of Freedom. A Study of Kant's Method of Applying the Categorical Imperative in the Metaphysik der Sitten*, Oxford
- Grisez, Germaine (1981): *The Way of the Lord Jesus 1: Christian Moral Principles*, Chicago: Franciscan Herald Press
- (1993): *The Way of the Lord Jesus 2: Living a Christian Life*, Chicago: Franciscan Herald Press
- Grobmann, A. (1935): *Das Naturrecht bei Luther und Calvin. Eine politische Untersuchung* (Phil. Diss.), Hamburg
- Gustafson, James (1981): *Ethics from a Theocentric Perspective, Volume One: Theology and Ethics*, Chicago: UCP
- (1984): *Ethics from a Theocentric Perspective, Volume Two: Ethics and Theology*, Chicago: UCP
- Haakonssen, Knud (1996): *Natural Law and Moral Philosophy. From Grotius to the Scottish Enlightenment*, Cambridge: CUP
- (Ed.) (1999): *Grotius, Pufendorf and Modern Natural Law*, Aldershot: Dartmouth
- Haikola, L. (1967): "Luther und das Naturrecht", in: Junghans, H. et al (Hrsg): *Vierhundertfünfzig Jahre lutherische Reformation*, Göttingen, 126-134
- (1958): *Usus legis*, Lund
- Hakamies, A. (1971): *"Eigengesetzlichkeit" der natürlichen Ordnungen als Grundproblem der*

Bibliography

neueren Lutherdeutung, Witten

- Hansson, Mats G. (1990): *How Can the Moral Law Determine Action In a Specific Situation?*, Akten des 7. Internationalen Kant-Kongresses, Mainz
- (1991): *Human Dignity and Animal Well-being. A Kantian Contribution to biomedical ethics*, Uppsala: Acta Universitatis Upsaliensis
- Hayward, Tim (1994): “Kant and the Moral Considerability of Non-Rational Beings”, in: Atfield, Robin et al (Eds.): *Philosophy and the Natural Environment*, Cambridge: Cambridge UP, 129-142
- Heckel, J. (1953): *Lex Charitatis. Eine juristische über das Recht in der Theologie Martin Luthers*, München
- Heimsoeth, Heinz (1956): “Christian Wolffs Ontologie und die Prinzipienforschung I. Kants”, in: Heimsoeth, Heinz (Hrsg): *Studien zur Philosophie Immanuel Kants, Gesammelte Abhandlungen*, 1, Köln, 1-92 (Kantstudien. Ergänzungsheft 71)
- Hermann, R. (1968): “Naturrecht und Gesetz bei Luther”, *ThLZ*, 93, 401-408
- Hildebrand, F. (1946): *Melanchthon: Alien or Ally?*, Cambridge
- Hill, Thomas (1989): “Kantian Constructivism in Ethics”, *Ethics*, 99, 752-70
- (1986): “Kants Theory of Practical Reason”, *The Monist*, 72, 3, pp. 363-384
- Hittinger, Russel (1992): “Natural Law and Virtue: Theories at Cross Purposes”, in: George, Robert P. (Ed.): *Natural Law Theory. Contemporary Essays*, Oxford: Clarendon Press, 42-70
- (1997): “Natural Law and Catholic Moral Theology”, in: Cromartie, Michael (Ed.): *A Preserving Grace. Protestants, Catholics, and Natural Law*, Washington, D. C.: Ethics and Public Policy Center/Grand Rapids, MI: Eerdmans, 1-30
- Höffe, Otfried (1979): *Ethik und Politik*, Frankfurt a. M.: Suhrkamp
- (1980): “Naturrecht ohne naturalistischen Fehlschluß: ein rechtsphilosophisches Programm”, in: *Akten des IVR-Weltkongresses 1979, 1980*
- (1983): *Immanuel Kant*, München: Beck
- Holl, K. (1932): *Der Neubau der Sittlichkeit (1919)*, in: *Gesammelte Aufsätze zur Kirchengeschichte, I, Luther*, Tübingen, 155-287
- Hübner, F. (1936): *Natürliche Theologie und theokratische Schwärmerei bei Melanchthon*,

Bibliography

Gütersloh

- Hügli, A. (1984): "Naturrecht IV", *HWPPh*, 6, 582-594
- Iltting, K. H. (1972): "Der naturalistische Fehlschluß bei Kant", in: Riedel, M (Hrsg): *Rehabilitation der praktischen Philosophie*, Bd. 1, Freiburg i Br., 113-130
- (1983): *Naturrecht und Sittlichkeit*, Stuttgart
- Joesten, Clara (1931): *Christian Wolffs Grundlegung der praktischen Philosophie*, Forschungen zur Geschichte der Philosophie und der Pädagogik, Herausgegeben von Artur Scheider, V. Band/Heft 1, Verlag von Felix Meiner: Leipzig
- Josefson, R. (1943): *Den naturliga teologins problem hos Luther*, Uppsala
- Kisch, G. (1967): *Melanchthons Rechts- und Soziallehre*, Berlin
- Költzsch, F. (1889): *Melanchthons philosophische Ethik* (Diss.), Freiburg
- Korsgaard, Christine M. (1996a): *Creating the Kingdom of Ends*, Cambridge: CUP
- Krause, O. W. (1982): *Naturrechtler des sechzehnten Jahrhunderts* (Diss), Frankfurt a. M.
- Kreß, Hartmut (1998): "Die Bildungsidee und das Naturrecht. Melanchthons Anliegen in seiner Gegenwartsbedeutung", in: Johannes Schilling (Hrsg): *Melanchthons bleibende Bedeutung. Ringvorlesung der Theologischen Fakultät der Christian-Albrechts-Universität zum Melanchthon-Jahr 1997*, 100-114
- Krieger, Leonard (1965): "Kant and the Crisis of Natural Law", *Journal of the History of Ideas* 26, 191-210
- Kusukawa, Sachiko (1995): *The Transformation of Natural Philosophy: The Case of Philipp Melanchthon*, Cambridge: Cambridge University Press
- Lau, F. (1933): "Äusserliche Ordnung" und "weltlich Ding" in *Luthers Theologie*, Göttingen
- Lazareth, W. H. (1967): "Luther on Civil Righteousness and Natural Law", in: Asheim, I. (Hrsg): *Kirche, Mystik, Heiligung und das Natürliche bei Luther*, Göttingen, 180-189
- Ley, Hermann (1980): "Dogmatischer Rationalismus und Ontologie bei Christian Wolff", in: Gerlach, Hans-Martin et al (Hrsg): *Christian Wolff als Philosoph der Aufklärung in Deutschland. Hallesches Wolff-Kolloquium 1979 anlässlich der 300. Wiederkehr seines Geburtstages*, Halle a. d. Saale, 35-47
- Lindström, H. (1944): *Skapelse och frälsning i Melanchthons teologi* (diss.), Lund
- Link, Christian (1991): *Schöpfung. Schöpfungstheologie in reformatorischer Tradition*, HST 7/1,

Bibliography

Gütersloh: Gütersloher Verlagshaus Gerd Mohn

- Little, David (1969): "Calvin and the Prospects for a Christian Theory of Natural Law", in: Outka, Gene H. et al (Eds.): *Norm and Context in Christian Ethics*, London: SCM Press Ltd, 175-197
- Luberto, Mario (1997): "Rationalistic Doctrine of Natural Law in Protestant Reform: the Thought of Philip Melanchthon", *ARSP Beiheft* 70, 71-77
- Löfgren, David (1960): *Die Theologie der Schöpfung*, Göttingen: Vandenhoeck & Ruprecht
- Maaser, Wolfgang (1998): "Luther und die Naturwissenschaften - systematische Aspekte an ausgewählten Beispielen", in Günter Frank und Stefan Rhein (Hrsg.): *Melanchthon und die Naturwissenschaften seiner Zeit*. Melanchthon-Schriften der Stadt Bretten: Bd. 4, Sigmaringen: Jan Thorbecke Verlag, 25-41
- McNeill, J. T. (1946): "Natural Law in the Teaching of the Reformers", *JR* 26, 168-182
- Macquarrie, John (1970): *Three Issues in Ethics*, London: SCM Press Ltd.
- Mitchell, J. (1993): *Not by Reason Alone : Religion, History and Identity in Early Modern Political Thought*, Chicago
- Mühlen, Karl-Heinz zur (1995): "Der Begriff *ratio* im Werk Martin Luthers", in: Mühlen, Karl-Heinz zur: *Reformatorisches Profil. Studien zum Weg Martin Luthers und der Reformation*, Göttingen: Vandenhoeck & Ruprecht, 154-173
- (1996): "Melanchthons Auffassung vom Affekt in den Loci communes von 1521", in: Michael Beyer und Günter Wartenberg (Hrsg): *Humanismus und Wittenberger Reformation. Festgabe anlässlich des 500. Geburtstages des Praeceptor Germaniae Philipp Melanchthon am 16. Februar 1997*, Leipzig: Evangelische Verlagsanstalt, 327-336
- Müller, H. M. (1928): "Das christliche Liebesgebot und die *lex naturae*", *ZThK*, 9, 161-183
- Neusüss, Wolfgang (1970): "Die Erneuerung der Substanzontologie durch Christian Wolff, in: Neusüss, Wolfgang: *Gesunde Vernunft und Natur der Sache. Studien zur juristischen Argumentation im 18. Jahrhundert* (Schriften zur Rechtsgeschichte, Heft 2), Berlin, 35-55
- Nissen, Ulrik Birk (1996): *Påberåbelsen af lex naturalis i diskussionen om statsmagtens legitimitet i det 16. århundredes lutherske, reformerte og anglikanske teologi, og denne diskussions betydning for opkomsten af den moderne idé om samfunds-kontrakten. (Luther, Melanchthon, Bucer og Hooker ønskes inddraget, eventuelt også andre tæ*

Bibliography

- kere*) (Unpublished prizedisertation, Aarhus Universitet)
- (1998): “Philipp Melanchthons forståelse af loven”, *PrfBl* 88, 43, 982-992
- (in prep.): “Martin Luthers und Philipp Melanchthons Verständnis des Naturrechts”
- Nürnberg, R. (1937): *Kirche und weltliche Obrigkeit bei Melanchthon* (Phil. Diss.), Freiburg i. Br.
- (1940): “Die lex naturae als Problem der vita christiana bei Luther”, *ARG*, 37, 1-12
- O’Donovan, Joan Lockwood (1997): “The Concept of Rights in Christian Moral Discourse”, in: Cromartie, Michael (Ed.): *A Preserving Grace. Protestants, Catholics, and Natural Law*, Washington, D. C.: Ethics and Public Policy Center/Grand Rapids, MI: Eerdmans, 143-156
- Olsson, H.(1971): *Schöpfung, Vernunft und Gesetz in Luthers Theologie*, Uppsala
- O’Neill, Onora (1975): *Acting on principle. An essay on Kantian ethics*, New York
- Paton, H. J. (1946): *The Categorical Imperative. A Study in Kant’s Moral Philosophy*, Tiptree
- Porter, Jean (1999): *Natural & Divine Law. Reclaiming the Tradition for Christian Ethics*, Ottawa, Canada: Novalis/Grand Rapids, MI: Eerdmans
- Prauss, G. (1983): *Kant über Freiheit als Autonomie*, Frankfurt
- Prenter, Regin (1946²): *Spiritus Creator. Studier i Luthers Theologi*, København: Samlerens forlag
- Ramsey, Ian T. (1966): “Towards a Rehabilitation of Natural Law”, in: Ramsey, Ian T. (Ed.): *Christian Ethics and Contemporary Philosophy*, London: SCM Press Ltd., 382-396
- Raunio, A. (1990): “Die Goldene Regel als Gesetz der göttlichen Natur”, in: Peura, S. et al (Hrsg): *Luther und Theosis*, Helsinki und Erlangen, 163-186
- (1987): “Die “Goldene Regel” als theologisches Prinzip beim jungen Luther”, in: Mannerma, T. et al (Hrsg): *Thesaurus Lutheri*, Helsinki, 309-327
- (1993): *Summe des christlichen Lebens. Die “Goldene Regel” als Gesetz der Liebe in der Theologie Martin Luthers von 1510 bis 1527* (Diss.), Reports from the Department of Systematic Theology, University of Helsinki: Helsinki
- (1998): “Natural Law and Faith: The Forgotten Foundations of Ethics in Luther’s Theology”, in: Braaten, Carl E. and Jenson, Robert W. (Eds.): *Union with Christ. The New Finnish*

Bibliography

- Interpretation of Luther*, Grand Rapids, MI: Eerdmans
- Ricken, F. (1994): "Naturrecht I", *TRE*, 24, 132-153
- Ross, David (1954): *Kant's ethical theory. A Commentary on the "Grundlegung zur metaphysik der Sitten"*, Oxford: OUP
- Rossvær, Viggo (1979): *Kant's Moral Philosophy. An Interpretation of the Categorical Imperative*, Oslo
- (1989): "The Categorical Imperative and the Natural Law Formula", i: Höffe, Otfried (Hrsg): *Grundlegung zur Metaphysik der Sitten. Ein kooperativer Kommentar*, Frankfurt a. M., pp. 194-205
- Rudolph, Enno (1982): "Natur und Subjektivität", *Evangelische Theologie*, 42, 407-416
- Scheuermann, James (1987): "Universal Laws of Nature in Kant's Moral Philosophy", *Archiv für Geschichte der Philosophie* 69, 269-302
- Schink, W. (1913): "Kant und die stoische Ethik", *KS* 18, 419-475
- Schloemann, M. (1961): *Natürliches und gepredigtes Gesetz bei Luther*, Berlin
- Schneewind, J. B. (1993): "Kant and Natural Law Ethics", *Ethics* 104, 53-74
- Schröer, Christian (1988): *Naturbegriff und Moralbegründung. Die Grundlegung der Ethik bei Christian Wolff und deren Kritik durch Immanuel Kant*, Stuttgart: Kohlhammer
- Schwab, J. C. (1800): *Vergleichung des kantischen Moralprinzips mit dem leibnisch-wolffischen*, Berlin (Repr. 1973, Brussels)
- Seitz, Anton (1898): "Die Freiheitslehre der lutherischen Kirche in ihrer Beziehung zum Leibniz-Wolff'schen Determinismus", *Philosophisches Jahrbuch* 11, 285-304
- Silber, John R (1982): "The Moral Good and the Natural Good in Kant's Ethics", *Review of Metaphysics* 36, 397-437
- Specht, R. (1984): "Naturrecht III", *HWPPh*, 6, 571-582
- Stephanitz, Dieter von (1970): "Christian Wolffs demonstrative Methode. Wirkungen: Der allgemeine Teil des Zivilrechts und die naturrechtlichen Kodifikationen", in: Stephanitz, Dieter von: *Exakte Wissenschaft und Recht. Der Einfluß von Naturwissenschaft und Mathematik auf Rechtsdenken und Rechtswissenschaft in zweieinhalb Jahrtausenden. Ein historischer Grundriß* (Münsterische Beiträge zur Rechts- und Staatswissenschaft. Hrsg. von der Rechts- und Staatswissenschaftlichen Fakultät der Westfälischen Wilhelms-

Bibliography

- Universität in Münster, H. 15), Berlin, 84-97
- Stout, Jeffrey (1992): "Truth, Natural Law, and Ethical Theory", in: George, Robert P. (Ed.): *Natural Law Theory. Contemporary Essays*, Oxford: Clarendon Press, 71-102
- Strauss, L. (1953): *Natural Right and History*, Chicago
- Sullivan, R. L. (1989): *Immanuel Kant's Moral Theory*, Cambridge: Cambridge UP
- Tanner, Klaus (1993): *Der lange Schatten des Naturrechts: eine fundamentalethische Untersuchung*, Stuttgart
- Thomann, Marcel (1979): "Die Bedeutung der Rechtsphilosophie Christian Wolffs in der juristischen und politischen Praxis des 18. Jahrhunderts", in: Thieme, Hans (Hrsg.): *Humanismus und Naturrecht in Berlin-Brandenburg-Preussen. Ein Tagungsbericht*, Walter de Gruyter: Berlin and New York, 121-133
- Tierney, Brian (1997): *The Idea of Natural Rights Studies on Natural Rights, Natural Law and Church Law 1150-1625*, Emory University Studies in Law and Religion Number 5, Atlanta, Georgia: Scholars Press
- Tjernagel, Neelak S. (1980): "On Law and Gospel, Melancthon and *Lex Naturalis*", in: Koelpin, Arnold J. (Ed.): *No Other Gospel. Essays in Commemoration of the 400th Anniversary of the Formula of Concord 1580-1980*, Milwaukee, Wisc.: Northwestern Publishing House, 175-205
- Tonelli, Giorgio (1971): "The "Weakness" of reason in the age of enlightenment", *Diderot Studies* XIV, Genf, 217-244
- Troeltsch, E. (1925a): "Das christliche Naturrecht (1913)", in: Baron, H. (Hrsg): *Gesammelte Schriften, 4, Aufsätze zur Geistesgeschichte und Religionssoziologie*, Tübingen, 156-166
- (1925b): "Das stoisch-christliche Naturrecht und das moderne profane Naturrecht (1911)", in: Baron, H. (Hrsg): *Gesammelte Schriften, 4, Aufsätze zur Geistesgeschichte und Religionssoziologie*, Tübingen, 166-191
- (1912): *Die Soziallehren der christlichen Kirchen und Gruppen*, Tübingen
- Tuck, R. (1989 (1979)): *Natural rights theories. Their origin and development*, Cambridge: CUP
- (1987): "The "modern" theory of natural law", in: Pagden, Anthony (Ed.): *The Languages of Political Theory in Early-Modern Europe*, Cambridge: Cambridge UP, 99-119
- Wagner, F. (1994): "Naturrecht II", *TRE*, 24, 153-185

Bibliography

- Weber, G. (1962): *Grundlagen und Normen politischer Ethik bei Melanchthon*, München
- Welzel, Hans (1962 (1951)): *Naturrecht und materiale Gerechtigkeit*, Göttingen: Vandenhoeck & Ruprecht
- Wenger, Timothy J. (1997): *Law and Gospel. Philip Melanchthon's Debate with John Agricola of Eisleben over Poenitentia*, Texts and Studies in Reformation and Post-Reformation Thought, Grand Rapids, MI: Baker Books and Calisle, UK: Paternoster Press
- Wingren, G. (1967: "Das Problem des Natürlichen bei Luther", in: Asheim, I. (Hrsg): *Kirche, Mystik, Heiligung und das Natürliche bei Luther*, Göttingen, 1967, 156-168
- Wolf, Ernst (1960): "Naturrecht II", RGG 4, 1359-1365
- (1962 (1954)): "Zur Frage des Naturrechts bei Thomas von Aquin und bei Luther", in: Wolf, Ernst: *Peregrinatio*, München, 183-213
- Wood, A. W. (Ed.) (1980): *Self and Nature in Kant's Philosophy*, Ithaca, N. Y.: Cornell University Press
- Wunner, Sven Erik (1968): *Christian Wolff und die Epoche des Naturrechts*, Hamburg

Literature on Environmental Ethics

1. Primary Works

- Attfield, Robin (1979): "How Not to be a Moral Relativist", *The Monist*, 62, 510-521
- (1983): *The Ethics of Environmental Concern*, Basil Blackwell: Oxford; (1991²) University of Georgia Press: Athens
- (1994a): *Environmental Philosophy: Principles and Prospects*, Avebury: Aldershot
- (1994b): "Rehabilitating Nature and Making Nature Habitable", in: Attfield, Robin and Belsey, Andrew: *Philosophy and the Natural Environment*, Royal Institute of Philosophy Supplement: 36, Cambridge University Press: Cambridge, 45-58
- (1995): *Value, Obligation, and Meta-Ethics*, Amsterdam/Atlanta, GA: Editions Rodopi
- Attfield, Robin and Dell, Katharine (eds.) (1989): *Values, Conflict and the Environment* (the report of the environmental ethics working party of the Ian Ramsey Centre, St. Cross College, Oxford), Oxford: Ian Ramsey Centre, Oxford and Cardiff: Centre for Applied Ethics
- Callicott, J. Baird (1979): "Elements of an Environmental Ethic: Moral Considerability and the

Bibliography

- Biotic Community”, *Environmental Ethics* 1, 71-81
- (1984): “Non-anthropocentric Value Theory and Environmental Ethics”, *American Philosophical Quarterly* 21, 299-309
- (1989): *In Defense of the Land Ethic. Essays in Environmental Philosophy*, Albany, NY: SUNY Press
- (1994): *Earth’s Insights. A Survey of Ecological Ethics from the Mediterranean Basin to the Australian Outback*, Berkeley et al: University of California Press
- (1996): “On Norton and the Failure of Monistic Inherentism”, *Environmental Ethics* 18, 219-221
- (1999): *Beyond the Land Ethic*, Albany, NY: SUNY Press
- (Red.) (1987): *Companion to A Sand County Almanac: Interpretive and Critical Essays*, Madison: University of Wisconsin Press
- Bryan Norton (1982a): “Environmental Ethics and Nonhuman Rights”, *Environmental Ethics* 4, 17-36
- (1982b): “Environmental Ethics and The Rights of Future Generations”, *Environmental Ethics* 4, 319-338
- (1984): “Environmental Ethics and Weak Anthropocentrism”, *Environmental Ethics* 6, 131-148
- (1987): *Why Preserve Natural Variety?*, Princeton, New Jersey (Princeton University Press)
- (1991): *Toward Unity Among Environmentalists*, New York/Oxford: OUP
- (1992a): “Epistemology and Environmental Values”, *Monist* 75, 209-226
- (1992b): “Sustainability, Human Welfare, and Ecosystem Health”, *Environmental Values* 1, 97-111
- (1993): “Should Environmentalist be Organicists?”, *Topoi* 12,, 21-30
- (1995a): “Objectivity, Intrinsicity and Sustainability: Comment on Nelson’s Health and Disease as “Thick” Concepts in Ecosystemic Contexts””, *Environmental Values* 4, 323-332
- (1995b): “Why I am Not a Nonanthropocentrist: Callicott and the Failure of Monistic Inherentism”, *Environmental Ethics* 17, 341-358
- (1996): “Integration or Reduction: Two Approaches to Environmental Values”, in: Light,

Bibliography

- Andrew (Ed.): *Environmental Pragmatism*, New York: Routledge
- (1997a): *Can There be a Universal Earth Ethic? A Reflection on Values for the Proposed Earth Charter*, Man & Nature. Working Paper 92, Odense: Odense University Press
- (1997b): “Convergence and Contextualism: Some Clarifications and a Reply to Steverson”, *Environmental Ethics* 19, 87-100
- Rolston, III, Holmes (1986): *Philosophy Gone Wild. Essays in Environmental Ethics*, Buffalo, NY: Prometheus Books
- (1988): *Environmental Ethics. Duties to and Values in the Natural World*, Philadelphia: Temple University Press
- (1994): *Conserving Natural Value*, New York: Columbia University Press
- (1999): *Genes, Genesis and God. Values and Their Origins in Natural and Human History*, Cambridge: Cambridge University Press
- Sagoff, Mark (1974): “On Preserving the Natural Environment”, *Yale Law Journal* 84, 205-267
- (1984a): “Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce”, *Osgoode Hall Law Journal*, 22, 297-30
- (1984b): “Ethics and Economics in Environmental Law”, in: Regan, Tom (Ed.): *Earthbound. New Introductory Essays in Environmental Ethics*, Philadelphia: Temple UP, 147-178
- (1985): “Fact and Value in Ecological Science”, *Environmental Ethics*, 10, 99-116
- (1986): “Values and Preferences”, *Ethics*, 96, 301-316
- (1988a): “Some Problems with Environmental Economics”, *Environmental Ethics*, 10, 55-74
- (1988b): *The economy of the earth*, Cambridge: Cambridge UP
- (1991): “Zuckerman’s Dilemma. A Plea for Environmental Ethics”, *Hastings Center Report*, 21, 32-40
- (1992): “Has Nature a Good of Its Own?”, in: Costanza, Robert et al (eds): *Ecosystem Health. New Goals for Environmental Management*, Washington, D.C.: Island Press, 57-71
- (1994a): “Environmentalism vs. Value Subjectivism: Rejoinder to Anderson and Leal”, *Critical Review*, 8, 3, 467-473
- (1994b): “Four Dogmas of Environmental Economics”, *Environmental Values*, 3, 285-310

Bibliography

- (1995): “Carrying capacity and ecological economics”, *Bioscience* 45, 9, 610-20
- (1998): “Do We Consume Too Much?”, in: Westra, Laura et al (Eds.): *The Business of Consumption. Environmental Ethics and the Global Economy*, Lanham: Rowman & Littlefield Publishers, Inc., 271-294
- Taylor, Paul W. (1981a): “Frankena on Environmental Ethics”, *The Monist* 64, 313-324
- (1981b): “The Ethics of Respect for Nature”, *Environmental Ethics* 3, 197-218
- (1983): “In Defense of Biocentrism”, *Environmental Ethics* 5, 237-243
- (1984): “Are Humans Superior to Animals and Plants?”, *Environmental Ethics* 6, 149-160
- (1986): *Respect for Nature. A Theory of Environmental Ethics*, Princeton: PUP

2. Secondary Works

- Allen, Glen O. (1970): “From the “naturalistic fallacy” to the ideal observer theory”, *Philosophy and Phenomenological Research* 30, 533-549
- Bartlett, Robert V. (1986): “Ecological Rationality: Reason and Environmental Policy”, *Environmental Ethics* 8, 221-239
- Andersen, Svend (1994a): “Bioetik i luthersk belysning”, *DTT*, 57, 133-153
- (1994b): “Ret, etik og miljø”, in: Basse, Ellen Margrethe (ed.): *Miljørettens grundspørgsmål bidrag til nordisk forskeruddannelse*, København, pp.77-91
- (1982): “Stillingen til naturvidenskaben i nyere protestantisk teologi”, *DTT*, 45, 96-126
- Bayertz, K. (1987): “Naturphilosophie als Ethik. Zur Vereinigung von Natur- und Moralphilosophie im Zeichen der ökologischen Krise”, *Philosophia Naturalis* 24, 157-185
- Benzoni, Francisco (1996): “Rolstons Theological Ethic”, *Environmental Ethics* 18, 339-352
- Bergmann, Sigurd (1993): “Bör naturen tillerkännas rättigheter? Rättsliga, etiska och teologiska aspekter i ljuset av ett konkret förslag”, *Retfærd* 61, 22-36
- (1994): “Naturens värde och människans vörndnad. Varför man bör tillerkänna naturen dess rättigheter”, *Retfærd* 65, 76-86
- Birnbacher, D. (1991): “”Natur” als Massstab menschlichen Handelns”, *Zeitschrift für philosophische Forschung* ?, 60-76
- Bowersox, Joe William, III (1995): *The Public Space of Environmentalism: Reason, Values, and Legitimacy in Environmental Ethics and Politics*, PhD Diss., The University of

Bibliography

Wisconsin

- Brennan, Andrew (1992): "Moral Pluralism and the Environment", *Environmental Values* 1, 15-33
- Brown, Montague (1990): "Natural Law and the Environment", *Proceedings of the American Catholic Philosophical Association*, 221-234
- Buege, Douglas J. (1993): *Intrinsic Value, Organic Unity and Environmental Philosophy: Grounding our Values*, PhD Diss., University of Minnesota
- (1997): "An Ecologically-informed Ontology for Environmental Ethics", *Biology and Philosophy* 12, 1-20
- Burkhardt, Armin (1983): "Kant, Wittgenstein und das Verhältnis der relativen Ethik zur absoluten: Zur Begründung einer ökologischen Ethik", *Zeitschrift für evangelische Ethik* 27, 391-431
- Cheney, Jim (1997): "Naturalizing the Problem of Evil", *Environmental Ethics* 19, 299-313
- Cheney, Jim and Weston, Anthony (1999): "Environmental Ethics as Environmental Etiquette: Toward an Ethics-Based Epistemology", *Environmental Ethics* 21, 115-134
- Clark, Stephen R. L. (2000): *Biology and Christian Ethics*, Cambridge: CUP
- Collange, Jean F. (1992): "Droits de l'homme, nature et loi", in: *Ethique et natures*, Geneva: Labor et Fides, 203-216
- Colwell, Tom (1987): "The Ethics of Being Part of Nature", *Environmental Ethics* 9, 99-113
- Cookson, Richard (1996): "Welfare Economic Dogmas: A Reply to Sagoff", *Environmental Values* 5, 59-74
- DiZerega, Gus (1995): "Individuality, Human and Natural Communities, and the Foundations of Ethics", *Environmental Ethics* 17, 23-37
- Dryzek, John S. (1987): *Rational Ecology. Environment and Political Economy*, Oxford — (1990): "Green Reason. Communicative Ethics for the Biosphere", *Environmental Ethics* 12, 195-210
- Ferré, Frederick (1989): "Obstacles on the Path to Organismic Ethics: Some Second Thoughts", *Environmental Ethics* 11, 231-241
- (1996): "Persons in Nature: Toward an Applicable and Unified Environmental Ethics", *Ethics and the Environment* 1, 15-25

Bibliography

- Ferry, Luc (1994): *Den nye økologiske orden*, København
- Forschner, Maximilian (1998): *Über das Handeln im Einklang mit der Natur. Grundlagen ethischer Verständigung*, Darmstadt
- Fox, Warwick (1985): "A Postscript on Deep Ecology and Intrinsic Value", *Trumpeter* 2, 20-23
- Fraling, Bernhard (Hrsg.) (1990): *Natur im ethischen Argument*, Freiburg, Schweiz: Universitätsverlag
- Frankena, W. (1977): "Ethics and the Environment", in Goodpaster, K. E. (Ed): *Ethics and the Problems of the 21st Century*", Notre Dame: Notre Dame University Press, 3-20
- French, William C. (1994): "Catholicism and the Common Good of the Biosphere", in: *Ecology of the Spirit*, An. Lanham, Md.: University Press of America, 177-194
- Gloy, Karen (1995): *Das Verständnis der Natur, Bd. 1*, München: C. H. Beck
- (1996): *Das Verständnis der Natur, Bd. 2*, München: C. H. Beck
- Grube, Dirk Martin (1998): "Realism, Foundationalism, and Constructivism: A Philosopher's Bermuda Triangle?", *Neue Zeitschrift für systematische Theologie und Religionsphilosophie* 40, 107-126
- Gustafson, James (1994): *A Sense of the Divine: The Natural Environment from a Theocentric Perspective*, Cleveland, Ohio
- Hargrove, Eugene (1986) (Ed.): *Religion and Environmental Crisis*, Athens/London: The University of Georgia Press
- (1989): *Foundations of Environmental Ethics*, Denton, TX: Environmental Ethics Books
- Harlow, Elizabeth M. (1992): "The Human Face of Nature: Environmental Values and the Limits of Nonanthropocentrism", *Journal of Applied Philosophy* 14, 27-42
- Henriksen, J. O. (1989): "How is Theology about Nature Natural Theology? Reflections on the Basis for a Christian Understanding of Nature", *Studia Theologica*, 43, pp. 197-209
- (1991): *Mennesket og naturen. Etiske og religionsfilosofiske perspektiver på naturen og økokrisen*, Oslo
- (1994): "Natur", in: Thorbjørnsen, Svein Olaf (red): *Utfordringer og ansvar. Områdeetik*, Oslo, pp. 83-114
- Höffe, Otfried (1993): *Moral als Preis der Moderne: Ein Versuch über Wissenschaft, Technik*

Bibliography

- und Umwelt*, Frankfurt a. M.: Suhrkamp
- Irrgang, Bernhard (1992): *Christliche Umweltethik. Eine Einführung*, München
- Ishøy, Martin (1996): *Miljøetik. Bidrag til den opgave at etablere disciplinen miljøetik i en dansk sammenhæng*, ph.d. afh., Aarhus Universitet
- (1997): *Supplement til Miljøetik. Bidrag til den opgave at etablere disciplinen miljøetik i en dansk sammenhæng*, ph.d. afh., Aarhus Universitet
- Jensen, Ole (1980): “Frem til naturen”, i: Jensen, Ole: *Frem til naturen og andre essays*, Viborg, 9-16
- (1976): *I vækstens vold. Økologi og religion*, Viborg
- (1977): *Teologi mellem illusion og restriktion. Analyse og kritik af den eksistens-kriticistiske teologi hos den unge Wilhelm Herrmann og Rudolf Bultmann*, Bornholms Tidende
- Jonas, Hans (1979): *Das Prinzip Verantwortung. Versuch einer Ethik für die technologische Zivilisation*, Frankfurt a. M.: Insel Verlag
- Kim, Yang-Hyun (1997): *Kantischer Anthropozentrismus und ökologische Ethik*, Münster: LIT Verlag
- Korff, W. (1981): “Natur und Vernunft als Kriterium der Universalität des Sittlichen?”, *Concilium* 17, 831-836
- (1987a): “Der Rückgriff auf die Natur. Eine Rekonstruktion der thomanischen Lehre vom natürlichen Gesetz”, *Philosophisches Jahrbuch* 94, 285-296
- (1987b): “Thomas von Aquin und die Neuzeit”, i: Beckmann, J. P. et al (Hrsg): *Philosophie im Mittelalter. Entwicklungslinien und Paradigmen*, Hamburg, 387-408
- (1998): “Umweltethik und Umweltrecht”: Eine Verhältnisbestimmung”, in: *Für euch Bischof - mit euch Christ*, St. Ottilien: EOS Verlag, 735-754
- Krebs, Angelika (1999): *Ethics of Nature* (diss.), Frankfurt a. M.: Walter de Gruyter
- (1997b): “Naturethik im Überblick”, i: Krebs, Angelika (Hrsg): *Naturethik. Grundtexte der gegenwärtigen tier- und ökoethischen Diskussion*, Frankfurt a. M., 337-379
- Kristiansen, R. E. (1993): *Økoteologi*, Frederiksberg
- LaBar, Martin (1986): “A Biblical Perspective on Nonhuman Organisms: Values, Moral Considerability, and Moral Agency”, in: Hargrove, Eugene (Ed.): *Religions and the Environmental Crisis*, Athens: The University of Georgia Press, 76-93

Bibliography

- Marietta, Don E. (1982): "Knowledge and Obligation in Environmental Ethics: A Phenomenological Analysis", *Environmental Ethics* 4, 153-162
- McDaniel, Jay (1986): "Christianity and the Need for New Vision", in: Hargrove, Eugene (Ed.): *Religion and Environmental Crisis*, Athens: The University of Georgia Press, 188-212
- Mizzoni, John Matthew (1996): *Environ-Moral Realism: An Examination and Defense of Contemporary American Moral Realism and Environmental Ethics*, PhD Diss., Temple University
- Mohrmann, Ruth-Elisabeth (Hrsg.) (1999): *Argument Natur - Was ist natürlich?*, Münster: LIT Verlag
- Nash, Roderick Frazier (1989): *The Rights of Nature. A History of Environmental Ethics*, Madison, Wisc.: The University of Wisconsin Press
- Nissen, Ulrik B. (forthcoming): "Natur og frihed hos Kant og nyere miljøetik", i: Mickey Gjerris og Lars Danner Madsen (Red.): *Naturens sande betydning? - En bog om natursyn, etik og teologi*, København: Multivers, 171-199
- (in prep.): "Landethics and Natural Law. A Metaethical Analysis"
- Northcott, Michael (1996): *The Environment and Christian Ethics*, Cambridge: Cambridge UP
- Pahuus, Mogens (1988): *Naturen og den menneskelige natur. En filosofisk og litterær analyse af mennesket i naturen og naturen i mennesket*, Århus: Forlaget Philosophia
- Paske, Gerald H. (1989): "The Life Principle: a (metaethical) rejection", *Journal of Applied Philosophy* 6, 219-225
- Passmore, John (1974): *Man's Responsibility for Nature*, London: Duckworth
- Pluhar, Evelyn B. (1983): "The Justification of an Environmental Ethic", *Environmental Ethics* 5, 47-61
- Preston, Christopher J. (1998): "Epistemology and Intrinsic Values: Norton and Callicott's Critiques of Rolston", *Environmental Ethics* 20, 409-428
- Rasmussen, Larry L. (1996): *Earth Community, Earth Ethics*, Geneva
- Regan, Tom (1981): "The Nature and Possibility of an Environmental Ethic", *Environmental Ethic* 3, 19-34
- (Ed.) (1984): *Earthbound: New Introductory Essays in Environmental Ethics*, Philadelphia: Temple University Press

Bibliography

- Ricken, Friedo (1987): "Anthropozentrismus oder Biozentrismus? Begründungsprobleme der ökologischen Ethik", *Theologie und Philosophie* 62, pp. 1-21
- (1988): "Die Menschheit als Zweck an sich selbst. Kant begründung einer materialen Ethik", i: *Hochschule für Philosophie München. Philosophische Fakultät SJ Jahresbericht 1987/88*, München, 1-11
- Rudolph, Enno (1982): "Natur und Subjektivität", *Evangelische Theologie* 42, 407-416
- Schmitz, Philipp (1987): *Ist die Schöpfung noch zu Retten? Umweltkrise und christliche Verantwortung*, Würzburg
- Siep, L. (1997): *Zwei Formen der Ethik*, Nordrhein-Westfälische Akademie der Wissenschaften. Vorträge G 347, Opladen 1997
- Singer, Peter (1973): "Animal Liberation", *New York Review of Books* 20, 17ff.
- Sitter, Beat (1984): *Plädoyer für das Naturrechtsdenken. Zur Anerkennung von Eigenrechten in der Natur*, Basel: Helbing & Lichtenhahn Verlag AG
- Spaemann, Robert (1987): *Das Natürliche und das Vernünftige. Essays zur Anthropologie*, München: Piper
- Sprigge, T. L. S. (1991): "Some Recent Positions in Environmental Ethics Examined", *Inquiry* 34, 107-128
- Stephens, William O. (1994): "Stoic Naturalism, Rationalism, and Ecology", *Environmental Ethics* 16, 275-286
- Stone, Christopher D. (1972): "Should Trees have Standing? Toward Legal Rights for Natural Objects", *Southern California Law Review* 45, 450-501
- Thomas, Emyr Vaughan (1997): "Rolston, Naturogenic Value and Genuine Biocentrism", *Environmental Values* 6, 355-360
- Thompson, Janna (1990): "A Refutation of Environmental Ethics", *Environmental Ethics* 12, 147-160
- Traina, Cristina L. H. (1997): "Baird Callicott's Ethical Vision: Response to Baird Callicott", *American Journal of Theology and Philosophy* 18, 81-87
- Tribe, Laurence (1974): "Ways Not to Think About Plastic Trees: New Foundations for Environmental Law", *Yale Law Journal*, 83, 1315-48
- Wenz, Peter S. (1988): *Environmental Justice*, Albany, NY

Bibliography

- Wetlesen, Jon (1993): "Animal Rights or Human Duties", *ARSP*, Beiheft 61, Michael M Karlsson & Olafur Pall Jonsson (Red): *Law, Justice and the State IV*, Stuttgart: Franz Steiner Verlag, 163-173
- (1997): "Respekt for livet", *Samtiden* 5/6, 54-60
- (1998): "The Moral Status of Beings Who are Not Persons: A Casuistic Argument" (Not printed version)
- White, Jr. L. (1967): "The Historical Roots of Our Ecological Crisis", in: *Science*, 155, 1203-1207
- Wolf, Jakob (1997): *Etikken og universet*, København: Anis
- Zeitler, Ulli (1987): "Über die Grundlagen einer naturalistischen Ethik als Umweltethik", *Danish Yearbook of Philosophy* 24, 97-12