The Rights of Rocks: Towards an Environmental Ethic Without Intrinsicality

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Antiessentialists have attempted to sidestep the pitfalls associated with the metaphysical grounding of ethical theory, and, indeed, have raised new problems which need to be contended with. Building on the work of thinkers like Richard Rorty, this paper explores some of the implications of the de-grounding of ethical theory while at the same time offering strategies for considering the moral problems posed by the environmental crisis.

It is my contention that a useful place to begin is to abandon, or at least seriously reconsider, the notion of intrinsic value.

In environmental ethics, identifying the intrinsic value of things is a project fraught with perils. Carolyn Merchant indicates this when she notes, “Finding a philosophically adequate justification for the intrinsic value of non-human beings has been called by some environmental philosophers the central axiological problem of environmental ethics” (2005, 79). Not only must one posit an ontological vantage for making an intrinsic axiological claim, but also the problem of right representation comes into play. If, as it goes, there is an intrinsic value to a thing (human or non-human entity), there must also be a correct way of representing it. This assumes, among other things, that over time one might be able to distinguish between seemingly infinite types of partially correct representations. Granting intrinsicality, environmental ethicists, then, are in the business of finding and accurately representing values in such a way that the relationships between human and non-human entities can be talked about in real and concrete sorts of ways. The relationships between, for example, a corporate collective of humans and, say, a mountainside can then be talked about in the clearest and most precise
moral language; i.e. given the supposed inherent value of the group of humans and the mountainside, X would be the most appropriate kind of relationship between the two.

An early feature of the historically most special kind of entities (humans) is that they carry a certain axiological weight called ‘rights.’ Particular delineations and descriptions of rights have ebbed and flowed over the millennia, but, nevertheless, it has been agreed that for some practical and otherwise necessary reasons humans have, at minimum, “the right to have rights” (Arendt 1951, 296-297). Still, it has never been fully clarified if these rights are due to the fact that nature produces them (a feature of intrinsicality), and they are therefore discovered, or, if in the words of America’s founders, these rights are merely “held to be true.” The latter simply implies that using the language of intrinsicality was the most expedient way to rationalize the compact.¹

The relationships between humans and, subsequently, the relationships between humans and non-human entities (from atoms to ecosystems) have also been considered in intrinsic terms. For instance, prior to the twentieth century, women and non-whites were considered inherently less valuable than white men. The intrinsic value of white males was manifested in the abundance of their inalienable rights. At that time, the idea of human chattel was not self-evidently tragic or as oxymoronic as it is today. This altered perspective was mediated in the US through, among other things, the suffrage and civil rights movements. People’s minds changed over time in terms of what sorts of intrinsic values—hence, rights—women and non-whites had in relation to white males (those historically who thought they were in the best position to identify such values).

Similar changes have occurred in terms of the values of animals and plants, though due to the fact that these creatures flounder several rungs beneath humans in the
hierarchical chain of being, whatever intrinsic value they have is less than that of their human counterparts. Family pets and the tree planted by one’s great-grandmother have greater intrinsic value than, say, the slab of beef on one’s dinner plate or the use one can derive from cutting down old-growth forests for things like toilet paper (Kaufman 2009). Stalagmites and stalactites, even though they are merely rocks, are considered “natural heritage” objects and therefore fall under “Federal Cave Resource Protection” due to their rarity and beauty (16 U.S.C. § 63). More mundane sorts of rock formations are not ascribed such value or rights. Apart from special cases, the value of non-human entities is such that humans are permitted to manipulate and use them unless the manipulation or use of said entity leads to the harm (emotional, physical, etc.) or disadvantage (monetary-wise or in terms of convenience, etc.) of other humans, but even then, not always. When it does, however, the value of the non-human entity increases, and it gains rights and legal protection.

This slightly parodic synopsis of the history of inherency is simply to demonstrate the complications ethicists have had with the notion of intrinsicality. This project has been undermined by an increasingly intransigent consideration: to what degree has the ethicist projected biases and preferences onto such descriptions and value-statements? This is nothing other than the fear of anthropocentrism—the belief that humans are not only the purveyors of rights and moral values but that we occupy a place of privilege in the universe which is manifested in the kinds of rights and moral considerations that stem, self referentially, from the belief in human centrality. There have been many attempts to attenuate the problem of anthropocentrism. Consider, for instance, the criticism of “dominant Western ethical traditions,” which finds it problematic that non-
human entities, in contrast to the inherent value of humans, can only have instrumental
values in relation to human desires (Callicott 1989, 157). J. Baird Callicott questions the
wisdom of seeing non-human entities as “valuable only to the extent that they are means
or instruments which may serve human beings” (1984, 299) (the slab of beef provides
nutrition and the old-growth forests provide excessively soft toilet paper). Michael
Zimmerman has noted that “The time runs short for the transformation needed to bring us
from the stage of anthropocentrism to a deeper awareness of our internal relationship to
the whole world” (1985, 50). Zimmerman’s critique of humans seeing ourselves as
outside of “our internal relationship to the whole world” is exemplified by the
intrinsic/instrumental value dichotomy. Extinguishing this dichotomy calls into question
the prevailing logic of human-non-human relationships, i.e. since non-human entities lack
the normative properties of intrinsicality which have historically been associated with
humans (e.g. rationality or sentiency), their values can only be considered in terms of
their utility, rarity, aesthetic quality, or some other kind of use-value. The dominance of
the anthropocentric perspective makes it difficult for ethicists to argue for the rights of
non-human entities in terms other than that of their use or benefit to humans.

Two options are available to the environmental ethicist in light of this tension.
First, some have sought to suppress anthropocentricity by extending intrinsicality to non-
human entities based on similar human-rights rationales; i.e. non-human entities suffer,
have interests and well-beings, or, more radically, they are sentient (Zimmerman 1985,
45). This is, in Callicott’s understanding, the basis for “[a] non-anthropocentric value
theory (or axiology)” in that it “confer[s] intrinsic value on some non-human being”
(1984, 299). Nevertheless, these arguments still might suffer from anthropocentricity in
that it is not clear that a theory can confer the value implied in Callicott’s formulation—
humans confer rights and then rationalize the conferrals with the help of theoretical
apparatuses. Furthermore, rights are granted to non-human entities “insofar as they share
traits that we humans consider important” (Zimmerman 1985, 45, italics in original).
Ironically, this attempts to anthropomorphize non-human entities in the attempt to escape
anthropocentricity. This position has elicited the ire of some animal rights activists who
claim that human rights concepts are, at best, “speciesistic” since the typical anti-
anthropocentrist primarily considers the intrinsic qualities of humans in their moral
calculations and extension of rights (Zimmerman 1985, 46). Proponents of this first
strategy simply look to level the playing field of intrinsic value. But with this view,
additional problems emerge that are in some respects no different in practice from a
world with more limited dispersal of intrinsicality. For instance, how would one be able
to justify any behavior if, say, the rights of a non-human entity, such as a tree, need to be
considered on equal footing to those of the humans who wish to use said tree? Discerning
the appropriate response on such a basis might lead to further human prioritizations. Plus,
as Callicott notes, “[nature] notoriously appears indifferent to individual life and/or
individual suffering” (1984, 301). Eventually, necessity and ad hoc prioritization of
certain behaviors will emerge within paradigms which purport universal intrinsicality.

In the second option, one might accept the critique of the “western ethical
tradition” and Zimmerman’s push for “deeper awareness” of human relationships to the
world and reject the intrinsic/instrumental dichotomy altogether. To my mind, this would
more accurately represent the “incipient paradigm shift in moral philosophy” rather than
sidestepping anthropocentricity in favor of a broader notion of intrinsicality (Callicott
The implications of this line of thought are that all values are, in some sense, closer to instrumental in description. Intrinsicality, then, might merely be an exceptionally sophisticated form of use-value, one which taps into a deeply imbedded description of how humans have historically self-identified. This position necessarily rejects the conventional rationale that intrinsicality (that is, seen as something outside of use-value) can be inferred from the most revered human traits—like rationality and sentiency—even if these have been the most expedient tools to cultivate more humane human rights practices. This point of view assumes something akin, as Zimmerman suggests, to Alastair MacIntyre’s position: “[Our] moral confusion can only be cured by forming new communities which develop virtuous practices to promote a communally agreed-upon human telos” (1985, 47). This supposes that there is no objective posture available to talk about “virtuous practices” or moral behavior; the closest one can get to objectivity at all is in “reference to the relative ease of attaining consensus among inquires” (Rorty 1999, 51). Communally agreed-upon ends become the basis for axiological judgment and the extension of rights.

At the forefront of thinkers who have argued for the renunciation of intrinsicality (or at least substantial redefinition of it) is Richard Rorty. He writes:

To foreswear intrinsicality is to renounce the realists’ ambition of transcending the ‘human point of view’ and reaching objects whose relation to our description of them is utterly external. (1998, 108)

Rorty suggests that the “human point of view” is bound to a descriptive framework rooted in an intricate web of untranscendable subjective relationships. He notes that whatever “values and propositions” an individual might posit, they can be nothing other than “slices out of vast webs of relationships” (1998, 112). This web of relational, inter-
subjectivity is, in part, mediated by Dan Dennett’s notion that selves are the “center of narrative gravity” (Rorty 1998, 105). Rorty elaborates on Dennett’s idea by suggesting that “*all* objects resemble selves in being centers of *descriptive* gravity” and that “narratives are just a particular form of description” (1998, 105, italics in original). This is simply to say that,

> The only truth we know, and the only one we need to know, about the relation between the objects and the descriptions is that the object *X* is what most of the beliefs expressed in statements using the terms “*X*” are true of. (Rorty 1998, 105)

‘Values’ are subject to the same type of descriptive gravity and, in fact, only come to light through the process of being rewoven to accommodate new perspectives and needs. Practically speaking, value-narratives, then, are nothing more than complex descriptive interpolations which, in conjunction with communal harmonization of use, expedite certain kinds of behavior while impeding others.

The elimination of intrinsicality will provide the most substantial redefinition of the idea of anthropocentricity. Since humans cannot transcend “descriptive gravity”—in contradistinction to Callicott’s claim of non-anthropocentricity—any and all rights or values posited are necessarily rooted in a *human* conception of rights and values. This is the trivial truth behind Deep Ecologists’ urge to suppress use-value impulses; these can only be transplanted with reconfigured use-values, i.e. at current, it is more valuable for humans to consider ourselves as overall less valuable than initially thought, in relation to the environment. This is due to the fact that proposing notions like “*X* is the inherent value of *Y*” or “*X* would be valuable even without the existence of humans” cannot transcend the anthropocentric mechanism of language from which the propositions emerge. These descriptions, as with language as a whole, can at best be talked about as
merely sophisticated types of human behavior. This is at the base of the antiessentialist conception of anthropocentrism: “we differ from other animals simply in the complexity of our behavior” (Rorty 1999, 72) and not in the special ability to represent reality. This is, however, not to disregard value-narratives as pointless. Indeed, to avoid this problem, one might simply note that it is not clear that humans could persist as anything recognizably human without something like value-narratives. Plus, the effect of humans reflecting on the complexity and effectiveness of our descriptions can become the self-referential basis for new kinds of meanings certain groups or communities concretize in descriptive constructs. Biologically induced preferences and needs may also contribute to the kinds of value-narratives that bind certain sets of people together. All of these considerations simply lead one to argue that anthropocentrism, understood in terms of descriptive gravity, need not imply capriciousness, domination, or that humans should be seen as more valuable than any other kind of creature. This is a direct challenge to the notion that the world is for us. Indeed, nature is no more for us to exploit than it is for us to protect. Thinking in terms of descriptive gravity provides a way of talking about the entire range of human and non-human rights and values without necessitating an overly extensive prioritization of for-ness or significance; pragmatic value need not imply any special significance. With this in mind, however, this is not to say that thinking of anthropocentricty in terms of descriptive gravity offers an effective methodology to overcome the possibility of human capriciousness or domination. At best, this position suggests that building coalitions under the auspices of a preferred descriptive narrative is the most effective way to proceed. This is clearly a challenge since any preferred descriptive narrative is constantly susceptible to being rewoven.
What then are the seemingly intrinsic values humans hold in this reformulated anthropocentric posture to the world? To this, Rorty suggests, in the vein of descriptive gravity:

[Just] as Quine replaced ‘analyticity’ with ‘central to our belief system,’ so we should replace ‘intrinsic feature of $X$’ with ‘feature unlikely to be woven out of our description of $X$’. (1998, 108)

Deeply entrenched descriptive narratives are important tools humans use to interface and cope with the infinitely complex matrix of sensory experiences. ‘Values,’ which are features of this descriptive ability, defined intrinsically or instrumentally, are themselves merely types of coping mechanisms which, nevertheless, are subject to the flux of human anthropocentric perspective and need. This, of course, assumes that there is no Archimedean point with which to manage experience and no “nonlinguistic knowledge in philosophic argument” to appeal to (Rorty 1982, xxxvi). Whatever axiological claims of inherency can be made, it is unlikely the claim will be able to transcend the linguistic, and hence semantic, plane. Since for-ness itself operates on the contingent and semantical plane, there is no way to consider phrases like “the earth is for humans” and “humans are for preserving the environment” as anything but anthropocentric narrative extensions. This semantic plane refers to a special kind of human organization and behavior which, in the talking about it, leads to a circularity of analysis. In other words:

to speak of ‘truth’ as a discursive effect is not to deny the materiality of the world, but to insist that there is no way to talk about this ‘reality’ before entry of this ‘reality’ into discourse, i.e. without words or concepts. (Braun and Wainwright 2001, 45)

The problem associated with this circularity of analysis is most succinctly described by Hilary Putnam:
elements of what we call “language” or “mind” penetrate so deeply into what we call “reality” that the very project of representing ourselves as being “mappers” of something “language-independent” is fatally compromised from the very start. (1990, 28, italics in original)

These sorts of observations simply indicate that we can never see ourselves as “encountering reality except under a chosen description” (Rorty 1982, xxxix, italic in original). Intrinsicality is merely one of several highly successful concepts that is a part of our “chosen description.” “Chosen,” in this case, need not imply self-consciously chosen. It may mean “chosen on one’s behalf” or something like an emergent description or metaphorical agency ascribed to a community.

Following Rorty’s lead, in considering intrinsicality a feature unlikely to be unwoven from the description of X, how then might the value of human and non-human entities be considered? Surprisingly, the environmental ethicist now finds herself in the same position as the legal philosopher of human rights. Neither have the luxury of an unassailably objective vantage to posit one right or value over another. One is left to mediate between what, on the surface, look like arbitrary preferences, rationalized in terms of competing rubrics or priority sets. Rorty sidesteps this problem by insisting that one view human rights as a social construction in the same way that ‘atoms’ are. He clarifies this point by stating “to be a social construction is simply to be the intentional object of a certain set of sentences—sentences used in some societies and not in others” (1999, 85). This formulation implies that there might be other instigating factors behind the idea of social construction besides a singular, self-conscious rationality. For instance, the conceptual framework one inherits might employ things like ‘atoms’ and ‘rights’ for the sake of over-all coherence, in the vein of Quine’s “mythical” or “cultural posits”
These posits are tentative but carry descriptive and pragmatic weight. Quine explains that:

The myth of physical objects is epistemologically superior to most in that it has proved more efficacious than other myths as a device for working a manageable structure into the flux of experience. (1996, 44)

Communal reinforcement has led to the epistemic parity of ‘human rights’ and ‘atoms’ in many societies due to their perceived efficaciousness. Both words contain features unlikely to be woven out of the socially regulated description or expectation of what the thing is, that is, barring the emergence of some radically new and more successful description.

The most prominent feature of Rorty’s notion of human rights is the idea of “sentimentality” (1998, 176). This notion implies that while values and rights concepts are subject to substantial flux, they are not necessarily subject to erratic anthropocentric whims. The relative success of the concept of intrinsicality seems to have had a substantial influence on human responses to stimuli largely because it plays such an effective role in our descriptive relationship with the world. Rorty, however, considers this descriptive relationship not as “a matter of getting things right, but rather as a matter of acquiring habits of action for coping with reality” (1991, 1)—the epistemological commitment is not in the “knowing” but in the “coping with” reality. Instead of discovering intrinsic features of how the world actually is, these successful descriptions might very well be contingent upon the expanded use of built-in biological mechanisms, like empathy and compassion, or other features of our social conditioning. This is not far from Quine’s observation that:
The individual’s standards of perceptual similarity are inculcated [...] by natural selection, and so, thanks to shared ancestry and shared environment, will tend to harmonize across the tribe. (1995, 21)

This is merely to suggest that it is difficult to know if a feature like sentimentality is a biological adaptation or simply another type of culturally enforced harmonization. Nevertheless, “built-in biological mechanism” and “feature of our social conditioning,” in Rorty’s terms, are still nothing more than sophisticated kinds of descriptions (wordplay with the associative property of axiology). The point of this distinction is to emphasize that just because a description has sufficient explanatory value (for our purposes) does not mean it evinces correspondence to the way things are. It is, perhaps, this feature that is at the heart of the disagreement with Callicott’s claim that,

Human feelings, like human fingers, human ears, and human teeth, though both individually variable and open to information by cultural manipulation, have been standardized by natural selection. (1989, 164)

Indeed, on the surface, these descriptions are, for all practical purposes, identical. They, nevertheless, diverge at the point of correspondence.

By whatever means it emerged, sentimentality has been most successfully employed by the axiological project of human rights through what Rorty calls “sentimental education” (1998, 176). This idea, based in responses ranging from cultural conditioning and sentimental epiphany, is manifested in the gradual expansion of one’s moral community beyond family, friends, and co-nationals. Intrinsicality, in relation to this sort of education, is only an acquired description within the human rights culture (the community of humans that have like-minded human rights conceptions) that is unlikely to be easily extirpated from future human rights considerations. Universality of human rights, then, is considered in terms of the expansiveness of the human rights culture. If
this same paradigm is applied to the problem of intrinsic value of non-human entities, it might be useful to consider a parallel non-human rights culture—i.e. the culture of like-minded humans who affirm the existence of the rights of non-human entities. The primary aim of this culture would be in terms of “representing plants, animals, soil, and water as ‘fellow members’ of our maximally expanded ‘biotic community’” (Callicott 1989, 162). This is surprisingly close to Callicott’s description of Aldo Leopold’s idea that “to those who are ecologically well informed, nonhuman natural entities are inherently valuable—as putative members of one extended family or society” (1989, 162-163). In the same way, being well informed about the preventable plight of fellow humans makes one more likely to alter one’s behavior towards those humans, so too will being well informed about ecological interconnectivity and the dire condition humans face due to preventable ecological imbalance lead to similar recalibrations of behavior toward the environment.

The implications of sentimentality being one of the instigators of social and personal value-making suggest that strict rationality need not be the basis for considering the foundations of human rights or non-human rights cultures, especially in terms of rationalized moral obligation. In fact, since there is no way to sidestep social construction, Rorty thinks it is useless to consider foundations of anything, much less human rights: “On the subject of human rights, the pragmatist thinks that we should not debate whether human rights have been there all the time, even when nobody recognized them” (1999, 85). In the considering of those who reject aspirational forms of human and non-human rights, one could not fall back on the argument that such people are irrational. Rather, those individuals might simply be deprived of the necessary conditions to affirm
such rights. Rorty provides two examples of the types of deprived conditions which
would affect the degree to which sentimentality could factor into one’s descriptive

The analogy of human rights culture and non-human rights culture is fitting on
several levels. Zimmerman notes:

> Until far more people become committed to protecting human rights, it is unlikely
that there will be a big movement to extend rights to non-human beings, much
less to overcome the anthropocentrism inherent in the concept of rights. (1985,
50)

Apart from the (warranted) pessimism in this type of analysis, which might be muted
with the consideration of anthropocentricity in terms of descriptive gravity, it is clear that
the emergence of non-human rights will run on the coattails of, if not eventually
concurrent with, human rights formulations. But, in order to complete the parallel, it may
be useful to consider what guarantees human rights in the absence of intrinsicality. To
this end, Hannah Arendt provides a compelling historical case study through which one
might regard the existence of such rights:

> The conception of human rights, based upon the assumed existence of a human
being as such, broke down at the very moment when those who professed to
believe in it were for the first time confronted with people who had indeed lost all
other qualities and specific relationships—except that they were still human. The
world found nothing sacred in the abstract nakedness of being human. And in
view of objective political conditions, it is hard to say how the concepts of man
[sic] upon which human rights are based […] could have helped to find a solution
to the problem. (1951, 299)

This refers to the plight of refugee and stateless Jews during World War II. What this
historical analogy demonstrates is that it has been the very ability of social and political
institutions to defend rights that has led to the emergence of normative rights practices
(and this is at all times vulnerable). Co-equality under the law and the security and
protection of its citizens is that which only a state (or state-like apparatus) can guarantee. Technically speaking, stateless people (like non-human entities) have no rights, or, if they have rights, they have them to the degree that foreign states or powers are willing to provide them. At this point, aspirational considerations come into play; a group of people or a set of non-human entities are seen to deserve rights protection. The question then becomes what is the best way to ensure such rights. This need not be ad hoc or capricious. Christopher Stone has, perhaps, best settled this issue:

[To] say that the environment should have rights is not to say that it should have every right we can imagine, or even the same body of rights that human beings have. Nor it is to say that everything in the environment should have the same rights as every other thing in the environment. (1996, 7)

This is not unlike the rights the US government extends to stalactites and stalagmites. Once it has been determined that rights should be extended and defended, there is no prescribed way this ought to be done. Based on the description Arendt provides, the viability of human rights (or any other such rights) is contingent upon political and legal apparatuses to acknowledge and defend the rights before they amount to anything other than mere aspirations or social ideals.

Here again, one is drawn back to the idea of sentimentality. At this point, one might be tempted to consider ‘sentiment’ (or ‘feeling’ in a Humean sense) as the basis for legal rights. For the sake of clarity, by evoking the idea of sentiment, one is not positing a methodological foundation to human rights formulations, even though sentimentality may play a significant role in the emergence of human rights considerations within a culture/state. More precisely, one might call sentimentality a descriptive tool that is employed to talk about how ethicists respond to human needs in relation to emergent social phenomena. In this regard, philosophers and ethicists are involved in a project
much more like “culture criticism,” in that they reformulate and re-appropriate traditional vocabularies in order to talk about (or cope with) newly surfacing problems (Rorty 1982, xl). This implies, for instance, that talk of human rights and the subsequent emergence of a human rights culture is simply “a new, welcome fact of the post-Holocaust world” (Rorty 1998, 170). This is to make the distinction that sentimentality does not cause human rights to appear; it may, however, contribute to the descriptive apparatus employed by a community in order to develop solutions to new sets of problems as they emerge. In other words, the fact that states conspicuously denied the human rights of refugees during World War II, lending what amounts to complicit support of the perpetrated atrocities, has led various societies to reconsider how human rights are appropriated and protected. In a sense, the radical crisis of the Holocaust itself became the impetus for further human rights considerations.

Using sentimental responses to the Holocaust in order to reconsider human rights values invariably sidesteps the traditional philosophical project of “How can the wrongness of the Holocaust be expressed in the most absolute moral language?” The question instead is formulated as: “How can we bolster human rights values in order to ensure the tragedy of the Holocaust never happens again?” While different in emotional and practical significance, the environmental crisis and the subsequent emergence of ‘environmentalism’ or ‘conservation,’ can be talked about along the same lines as being an impetus for sentimental reconsideration. This implies that non-human rights formulations would not be rooted in the traditional question “How can environmental abuse be talked about in the most absolute moral language?” (i.e. intrinsicality); rather, one might more effectively pursue the question, “How can we bolster non-human rights
values in order to ensure that the tragedy of animal and environmental abuse never happen again?”

There are, nevertheless, several noteworthy objections to this foundationless approach to rights considerations. First, since the extension of rights is not based on correspondence to a higher moral law or a response to clearly delineated moral obligations, it may appear that “our only hope for a decent society consists in softening the self-satisfied hearts of a leisure class” (Rorty 1998, 182). The opposition to this point of view is rooted in the commitment to right representation and that special knowledge precedes moral commitment. From this, one might expect the admonition “Because it is wrong” (expedient premise) accompanied with the subsequent string of post hoc rationalizations supporting the point. It is, however, unclear if one can actually differentiate between finding the bases for moral obligations and effectively rationalizing certain moral preferences. The second objection that may present itself is in the form of a question: “Can sentimentality ensure the impossibility of future Holocausts and environmental catastrophes perpetrated by human beings?” The simple answer is: “No, it cannot.” In fact, since conceptual frameworks are subject to flux and humans are susceptible to manipulations of sentiment, one might expect pockets of human communities to embark on social projects that one might consider exploitative or, at least, troubling. To this effect, Rorty quotes a compelling reflection of Sartre’s:

Tomorrow, after my death, certain people may decide to establish fascism, and the others may be cowardly or miserable enough to let them get away with it. At that moment, fascism will be the truth of man [sic], and so much the worse for us. In reality, things will be as much as man [sic] has decided they are. (1982, xlii)

One might just as easily insert “environmental degradation” or any other sort of exploitation for “fascism” and the analogy would still fit. It is, nevertheless, the
disconcerting weight of Sartre’s reflection that lends gravity and impetus to the consideration “How can humans build a world fit to live in?” since “things will be as much as man [sic] has decided they are.” The simple conclusion is that one is left to vigilantly advocate the current conviction that “the Holocaust should never happen again” and that “environmental degradation is a type of human behavior that should not continue.” From this vantage, one is free to strategize and build coalitions of like-minded humans (on the order of the United Nations or the human rights culture) so that apparently damaging sentimental manipulations do not gain traction or currency.

Another objection that may emerge to this point of view is that since an idea like ‘rights’ has no foundation it can only be considered a useful fiction or a means to elicit certain behavior. According to Roderick Nash, “Some, such as Joel Feinburg, dismiss the idea that rocks have rights but turn around and accept the idea as a convenient fiction” (1977, 10). Zimmerman notes that even though “the concept of human rights is a fiction, it is nevertheless a very useful fiction for changing how human beings relate to each other” (1985, 50). MacIntyre’s critique is perhaps the most explicit: “There are no [natural or human rights] and a belief in them is one with belief in witches and unicorns” (1981, 67). The trouble with these sorts of characterizations of rights is that they have not sufficiently broken with the expectation of intrinsicality. Seeing human and non-human rights as useful fictions assumes that one is able to consider things like human and non-human rights as corresponding or conforming to a reality qua reality. This is to say that the rights of rocks or persons can only be useful fictions if one is anticipating the accurate correspondence of human behavior and social constructs to a reality outside of human discourse and experience. Furthermore, this analysis implies that there are things that one
could talk about in surer terms other than useful fiction. To Rorty, making such
delineations would be a pointless enterprise because, as previously mentioned, ‘atoms’
are as usefully fictive as ‘rights’; one might add that ‘witches’ and ‘unicorns’ are equally
fictive but less useful. In Quinean language a useful fiction is always at best a “mythical
posit,” but these are the necessary components used to round out one’s conceptual
framework. What is at issue when considering “mythical posits” and “useful fictions” is
the overall cohesiveness of the fiction in relation to the conceptual framework, not its
fictiveness per se.

As Arendt explains, human rights formulations break down the moment
normative social expressions and laws fail to dictate adequate responses to human rights
violations. The laws, however, are themselves not the bases for human rights; ‘bases’ or
‘foundations’ can only be described in terms of agreement or the ways societies
rationalize the normative and legal expressions of those rights (these can be talked about
as emergent rather than self-conscious). In light of this, if one rejects intrinsicality and,
instead, views the state as the arbiter and reifier of rights, one is free to consider human
and non-human rights or values in normative and aspirational terms. Normative rights are
those enshrined in cultural practice and legal protection, while aspirational rights are
those that range from the “yet to be conceived” to the “widely acknowledged though yet
to be legally guaranteed.” This is in the vein of Leopold’s “sequential ethics” as
elaborated by Roderick Nash (1977, 5). Nash explains that “ethics have evolved over
time to encompass increasingly larger communities” (1977, 6). The enlargement of moral
communities has been an especially successful way human communities have
rationalized the wider extension of rights. One might call this “moral progress” or the
trajectory of rights expressions and the more general harmonization of rights practices.

Concurring with this line of thought, Rorty notes, “it is best to think of moral progress as a matter of sensitivity, increasing responsiveness to the needs of a larger and larger variety of people and things” (1999, 81, italics in original). In other words, one can talk about “moral progress” only in terms of the emergence of or transition to normative expressions of previously aspirational human and non-human rights conceptions.

With the admitted goal of preserving and expanding human and non-human rights conceptions, one must, nevertheless, acknowledge that “Some day we may have ways of talking about life that we cannot now imagine” (Rorty 1998, 108). For proof of this, one need only consider the elasticity of words like ‘human’ and ‘nature’ over the last three hundred years. While we are bound, in some sense, to the biologically and historically contingent conditions which influence how we prioritize need and identify problems, we are no longer in the position of needing intrinsicality for constructing a practicable environmental ethic. We are also no longer in need of overcoming or suppressing our anthropocentric posture to develop a sustainable relationship with the natural world. The ‘basis’ for augmenting normative expressions of human and non-human rights and formulating new aspirational goals from the position of anthropocentricity is always present.

Notes:

1 This is not to neglect the third variant, that legal compacts might actually protect intrinsic values. For the sake of discussion, however, this will not be considered a distinct option.

2 A fitting analogy to this would be the inheritability of language. The use of words can vary substantially from generation to generation. However, a single generation is unlikely to self-consciously impose opposite or dramatically different usages on a majority of the existing words at one time.
References:


