What is valuable in human and non-human nature?

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Abstract

This article philosophically explores metaphysical naturalism, panpsychism, and their respective connection to intrinsic value. All environmental ethics must, one way or another, face the problem of intrinsic value. Environmental ethics must answer how we can coherently justify the claim that nature, or parts of nature, have intrinsic value that, therefore, should be protected by rights. The article argues that panpsychism is particularly promising from a rights-of-nature perspective. It is also argued that metaphysical naturalism is incoherent regarding the notion of nature having intrinsic value, which makes metaphysical naturalism a weak ground for the justification of rights of nature.

Introduction

Aspects of nature have been given legal rights around the world. The Universal Declaration of Rights of Mother Earth was presented in Bolivia in 2010, which also adopted a law on the rights of Mother Earth the same year. The river Vilcabamba in Ecuador, the national park Te Urewera in New Zealand, the river Atrato in Columbia, and the river Whanganui in New Zealand are examples of pieces of nature that have been given legal rights. There are several other examples where non-human nature has been given legal rights. Research on the political, historical, and legal perspectives on nature rights is crucial and provides valuable knowledge in understanding the implications of giving nature rights.[1] However, we must also understand the philosophical reasons for giving nature rights in the first place. Why is a river valuable enough to be given legal rights? What separates the river from the riverbank? Where should the lines be drawn? Since pieces of nature have already been given legal rights, it is essential to understand why, not only from political and legal perspectives. The *philosophical grounds for nature's rights must be outlined* so that these rights do not become arbitrary or misused in harmful ways.[2] Mihnea Tănăsescu has voiced the concern that we must be cautious when adopting and using the rights of nature since these rights are not necessarily created to save the environment. "[T]he question of who has the power to represent a nature with rights is central to understanding their [the rights of nature] potential."[3] How rights of nature are used and applied depends on "the power configuration that births them."[4] It is, therefore, crucial to critically analyze and outline what type or types of worldviews and value systems can serve as a long-lasting base for the legal rights of nature. When exploring the philosophical justifications for rights of nature and the metaphysics behind

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[1] Research Project *Att förverkliga naturens rättigheter: Hållbar utveckling och demokrati* provides exactly this. See more on https://www.crs.uu.se/forskning/pagaende/forverkliga-naturens-rattigheter/ (2023-09-22).

[2] Mihnea Tănăsescu, *Understanding the Rights of Nature: A Critical Introduction* (Bielefeld: transcript, 2022), 16–17.

[3] Tănăsescu, *Understanding the Rights of Nature*, 16.

[4] Tănăsescu, *Understanding the Rights of Nature*, 17.

them, it is also of high relevance to answer how demarcations should be made between different subjects of nature rights.

Naturalism and value

A strict naturalistic perspective on the value of human and non-human nature leads nowhere other than to a purely instrumental and anthropocentric view of the latter. Why is that?

In the West, most countries, governments, and cultures are grounded in the idea that religious beliefs should be kept out of the political and legal institutions. The idea is that in all democracies, the secular perspective must be the governing one to safeguard people's freedom of religion and make sure that everyone can understand the rationale used in political and legal decisions.[5] The secular perspective is thought to be the neutral position, a position that all can understand and, therefore, accept. A secular outlook on life is, in turn, based on metaphysical naturalism. Metaphysical naturalism is, therefore, widely spread.

A metaphysical naturalist believes that nature is all there is and that everything in nature is reductively physicalist.[6] Everything can be reduced to whatever physics says about it. According to a naturalist and reductive physicalist, the conscious mind cannot be attributed to any qualities other than purely physical ones. In other words, there can be no mental causation unless that can be reduced to and fully explained in purely physical terms. But if it can be so reduced, there is really no mental causation at all because the mental causation would become overdetermined.[7]

Given this position, is it reasonable to think that we could derive intrinsic value from the natural, physical world? I argue otherwise. As mentioned, metaphysical naturalism holds two truth claims: (1.) materialism and (2.) physicalism. This entails a commitment to the belief that all that exists ultimately is material. If consciousness and mental states are real and not only epiphenomenal, then they supervene on the material. The second belief held by metaphysical naturalists is that everything is reducible to physical laws, particles, or energy.[8] Physics can tell us many things about reality. What physics cannot comment on is ethical questions or questions of value. From a physics perspective, we can describe how a gene has evolved, mutated, and adapted, but we cannot, from this perspective alone, say whether the mutations and adaptations were good or not. From descriptive facts, we cannot draw normative conclusions about value. To paraphrase the philosopher David Hume, we cannot derive ought from is. We cannot derive normative assertions and moral laws from pure descriptive facts about reality. It may be a fact that a human being dies without oxygen. But from this fact, we cannot, without additional normative theories, draw conclusions about the moral rights or wrongs in letting people die from suffocation due to insufficient access to oxygen. In other words, from a reductive physicalist description of reality stating that everything is reducible to whatever physics says about reality, for example, that it is constituted by non-sentient and non-experiencing particles and energy, we cannot draw conclusions about intrinsic value. Nature as a whole, or pieces of

[5] Robert Audi, *Democratic Authority and the Separation of Church and State* (Oxford: Oxford University Press 2011), 39.

[6] Philip Clayton, *Religion and Science: The Basics*, Second edition (London: Routledge, Taylor & Francis Group, 2019), 2.

[7] Jaegwon Kim, "Emergence: Core Ideas and Issues", *Synthese* 3, no. 151 (2006): 547–559.

[8] Clayton, *Religion and Science*, 2.

nature such as trees and rivers, cannot be inherently valuable from a reductive physicalist perspective. A reductive physicalist universe has no value at all, at least not any intrinsic value but only instrumental value to beings such as ourselves.

Value is something humans attribute to things, particularly that which makes our own lives better and more fulfilling. According to a physicalist and naturalist, value is relative to human flourishing.[9] If naturalism serves as the metaphysical base for understanding nature rights, then the rivers, forests, and mountains are only *instrumentally valuable for our sake*. I argue that this is a weak ground that could easily be taken away as humans change their minds about what they need and value for the moment.[10]

More long-lasting and promising value systems from the perspective of the rights of nature are found in religion. Pantheistic and panentheistic views of the God-world relationship have good environmental potential as they attribute intrinsic value to the human and non-human world.[11] Pantheism entails the view that God and the world are identical in some way or another.[12] Panentheism entails the view that God includes but also transcends the world.[13] Pantheism and panentheism take the natural world to be intrinsically divine or part of the divine. Further, traditional views of God as the Creator of the world have reason to attribute intrinsic value to the natural world, as it is believed to be created by a good God who "saw that it was good" (Genesis 1). However, in all these religious worldviews, the question that was raised in the introduction arises: how to draw the line between different value-holders? A Christian believing that God created the world could still coherently argue that human beings are the *most* valuable, or even the only beings with *intrinsic* value. Similar problems also arise regarding pantheism. If everything is a monistic divine God-world, how can we claim that a meadow has value and the right to be protected but not the trees and bushes that must be cut down to keep the meadow open?[14]

However, there are also non-religious worldviews with the potential of serving as a good metaphysical ground for justifying the value of non-human nature. For the reasons mentioned above, it cannot be a form of metaphysical and reductive naturalism. However, several researchers have pointed to the ecological potential in panpsychist worldviews.[15] Panpsychists hold everything in reality to be fundamentally mental, conscious, experiencing, or subjective –

[9] This is one of the fundamental differences between metaphysical naturalists and pantheists. Pantheists believe that there is inherent value in the God-world, while the naturalist must deny that. See Martin O. Yalcin, "American Naturalism on Pantheism", *American Journal of Theology & Philosophy* 32, no. 2 (2011): 156–157.

[10] See Tănăsescu, *Understanding the Rights of Nature*.

[11] Lina Langby, *God and the World: Pragmatic and epistemic arguments for panentheistic and pantheistic conceptions of the God-world relationship* (Uppsala: Acta Universitatis Upsaliensis, 2023), 79–81.

[12] For more on the identity claim in pantheism, see Langby, *God and the World*, 87.

[13] Langby, *God and the World*, 71–72.

[14] For more on the pantheist problem of value differentiation, see Lina Langby, "The role of panentheism and pantheism for environmental well-being", in *Views of Nature and Dualism: Rethinking Philosophical, Theological, and Religious Assumptions in the Anthropocene*, eds. Knut-Willy Saether and Thomas John Hastings, (Palgrave Macmillan, 2023) 43–70.

[15] See Langby (2023), chapter 6, Mikael Leidenhag, *Naturalizing God?: A Critical Evaluation of Religious Naturalism* (Uppsala: Department of Theology, Uppsala University, 2016); Joanna Leidenhag, *Minding Creation: Theological Panpsychism and the Doctrine of Creation*, T&T Clark Studies in Systematic Theology (London: Bloomsbury T&T Clark, 2022).

even at the material and most basic level.[16] Everything is either mental, conscious, experiencing, or subjective, according to panpsychists, and the step from panpsychism to perceiving rivers and mountains as sentient beings with the right to protection is not far. If everything – both human and non-human nature – are subjective parts of a shared community, it could very well be argued that also non-human nature is part of our moral community and, thus, has the right to be protected by rights.

Panpsychism combines both religious and non-religious views well and thus has a great explanatory advantage for understanding the rights of nature. A panpsychist ontology can be added to, for example, pantheistic, panentheistic, classical theistic, Christian, Hindu, and Buddhist worldviews.[17] Moreover, given that panpsychism only makes claims about the nature of physical reality, it is wholly compatible with secular worldviews as well. However, for obvious reasons, it is incompatible with metaphysical and reductive naturalism since the fundamental truth claims of metaphysical naturalism are incompatible with the panpsychist claim that physical matter is more than physical.

Panpsychism and value

Critiques of panpsychism often claim it lacks evidence and is too implausible to be true. They claim that there are no reasons to think that mentality, or consciousness, is fundamental to physical reality.[18] However, there is no evidence that suggests otherwise, and there is no evidence to suggest that a reductive physicalist worldview is correct. No one has proved that reductive physicalism is true. The fact that brain neurons are active when we think and use our minds does not rule out the reality of truly mental phenomena. Naturalism, in general, and reductive physicalism, in particular, hold physical matter to be wholly non-sentient, non-conscious, and non-experiencing without providing any evidence for it. Naturalism and reductive physicalism are *philosophical* worldviews, just like panpsychism. Furthermore, reductive physicalism must face the interaction problem (how the mind can interact with the physical, and vice versa) or else claim that all mental and conscious phenomena are, in fact, only epiphenomenal – something that contradicts our commonsense view of ourselves and the world. Joanna Leidenhag and several other philosophers argue in detail for the reasonableness of panpsychism and show that panpsychism deserves to be taken seriously.[19]

Panpsychism and physicalism are both metaphysical, philosophical theories, and physicalism is not without explanatory problems. Given a reductive physicalist perspective, we cannot answer how mentality and consciousness emerge – in fact, a reductive physicalist would reject mental phenomena altogether – and seeing that at least humans are conscious and experiencing beings, this is a problem. On the

[16] See contemporary panpsychists/panexperientialists Joanna Leidenhag, Thomas Jay Oord, Philip Goff, and Mikael Leidenhag. Leidenhag, *Minding Creation*, 1; Thomas Jay Oord, *God Can't: How to Believe in God and Love after Tragedy, Abuse, or Other Evils* (Grasmere, Idaho: SacraSage, 2019), 56; Philip Goff, *Why? The Purpose of the Universe*, 1st ed. (New York: Oxford University Press, 2023), 119, 126; Leidenhag, *Naturalizing God?*, 219.

[17] Langby, *God and the World*, 133; Leidenhag, *Naturalizing God?*, 217; Joanna Leidenhag, "Panpsychism and God", *Philosophy Compass* Vol. 17:12 (2022), 1–11.

[18] See, e.g., Colin McGinn, *The Character of Mind* (Oxford: Oxford University Press, 1982), 32; J.P. Moreland, *Consciousness and the Existence of God* (New York: Routledge, 2008), 128; Achim Stephan, "Emergence and Panpsychism," in *Panpsychism: Contemporary Perspectives*, eds. Godehard Brüntrup and Ludwig Jaksolla (Oxford: Oxford University Press, 217), 347 (334–348); and Willhelm B. Drees, *Religion and Science in Context: A Guide to the Debates* (New York: Routledge, 2010), 92.

[19] For a good overview of the arguments for and against panpsychism, see Leidenhag, *Minding Creation*, 60–81.

contrary, given a panpsychist perspective, the emergence of complex beings with highly developed forms of consciousness and experience is something to be expected if mentality is fundamental to everything. Panpsychism has explanatory advantages, is particularly interesting from an environmental perspective, and should be the focus of more research.

Val Plumwood argues in favor of a kind of (weak) panpsychism: that mindlike qualities are fundamental to all things, although not necessarily experience or consciousness.[20] If we follow Plumwood, we see that goal-directedness, teleology, is necessary in a world that strives for ecological flourishing and well-being. "Notions of growth, of flourishing, for example, are implicitly teleological and do not presuppose consciousness […]"[21] Thus, we do not need consciousness to have teleology. That seems correct. But what panpsychism does is infuse the entire world with subjectivity; there is something it is like to be a stone and a tree. They experience their surroundings in a subjective way. All environmental ethics must, one way or another, face the problem of intrinsic value. In other words, environmental ethics must answer how we can coherently justify the claim that nature, or parts of nature, have intrinsic value that, therefore, should be protected by rights. It is a widespread assumption that if no one is there to *experience* the value, the concept of intrinsic value becomes meaningless.[22] As Leidenhag notes, "[…] by grounding intrinsic value in subjectivity, panpsychism need not face [the problem of equal value for everything] since the complexity and intensity of the subject will quite naturally correspond to the quantity of intrinsic value."[23] The reason for grounding intrinsic value in subjectivity is because it seems that something must have a mind to be able to both value and be valued.[24] In other words, we do not necessarily need consciousness to ground intrinsic value, *but we need teleology – the strive for something (better) – and possibly also subjective minds*.

In a strict naturalistic world, there is no coherent reason to think that ecological flourishing is inherently *better in itself* than destruction. A naturalist can only coherently claim that it would be better for different instrumental reasons but not in itself because nature – matter – is inherently non-sentient, non-experiencing, and valueless. According to Plumwood and many other environmental philosophers, the ecological crisis of today results to a high degree from the dualistic and hierarchal division between humans/nature, as if humans are not part of nature.[25]

Relationality and Rights of Nature

I argue that panpsychism is particularly interesting from a rights-of-nature perspective. The main reason is that panpsychism is a fundamentally relational ontology, meaning that all parts of nature relate to and experience each other. Depending on the type of panpsychism in question, the demarcations between different subjects or mental entities and their value will vary. However, all types of panpsychism entail that

[20] Val Plumwood, *Feminism and the Mastery of Nature* (London and New York: Routledge 1993, Taylor & Francis e-Library, 2003), 133.

[21] Plumwood, *Feminism and the Mastery of Nature*, 135.

[22] Leidenhag, *Minding Creation*, 143; Frederik Ferré, "Personalistic Organicism: Paradox or Paradigm?", *Royal Institute of Philosophy Supplement* 36 (1994), 73.

[23] Leidenhag, *Minding Creation*, 146.

[24] Leidenhag, *Minding Creation*, 142.

[25] Plumwood, *Feminism and the Mastery of Nature*, 2. See also Langby, *God and the World*, Ch. 5–6; Sallie McFague, *Models of God: Theology for an Ecological, Nuclear Age* (London: SCM Press, 1987); Radford Ruether Rosemary, "Ecofeminist Philosophy, Theology, and Ethics: A Comparative View," in *Ecospirit: Religion, Philosophy, and the Earth*, eds. Laurel Kearns and Catherine Keller (New York: Fordham University Press, 2007), 77–93.

humans, animals, plants, and even objects, are relational, experiencing, and possibly also subjective beings.

If nature is fundamentally mental or experiencing, then relationality is fundamental. If we, when encountering trees, rivers, and mountains, are not encountering dead, non-sentient nature but something fundamentally experiencing – we see that we are part of a fundamentally relational world. This has far-reaching ethical implications because relations can be cherished and tended to or neglected. Relating this back to the question of giving nature legal rights, we see the potential in a relational ontology such as panpsychism. If we are in an ethical relationship, or rather many ethical relationships, with a *mind-full* nature, then we cannot reject nature as inherently valueless, and we cannot coherently claim that it falls beyond the category of what could constitute a moral entity entitled to moral and legal rights. We see the relational aspect and motivation in the legislation *Te Awa Tupua* Act (Whanganui River Claims Settlement) in Aotearoa, New Zealand. The Māori people experience themselves to be part of the river Whanganui, just as the river is part of them.[26] Relational ontologies, of which panpsychism is one, appear fruitful for justifying nature rights.

There are, however, those who voice the concern that a rights perspective is counterproductive to relational understandings of reality. Miriama Cribb, Elizabeth Macpherson, and Axel Borchgrevink argue that the legal rights of the river Whanganui in Aotearoa, New Zealand, are the results of the New Zealand government's wish to correct the past wrongdoings of the British Crown against the Māori people rather than an expression of a genuine relational worldview. The worry is that the legal aspects of nature rights get in the way of the relational understanding expressed, e.g., in the Māori mindset, *I am the river, and the river is me* (Ko au te Awa, ko te Awa ko au).[27]

> Even though the *Act* does recognise the river as a person and establishes rights for the river, this is a by-product of legislation designed to (partially) repair the Crown's past wrongdoings against Māori. In spite of *Te Awa Tupua* having gained international attention as a way of legislating *rights of nature*, it is better understood as a recognition of the state's obligations in terms of *Indigenous rights and authority*, especially jurisdiction for Indigenous Law.[28]

By giving nature legal rights, we do not necessarily get a change in mindset, and we do not necessarily act in nature as if it really is a subject of its own (or rather, many subjects). As mentioned at the beginning of this article, Tănăsescu argues that the rights of nature are not about nature at all but about power relations, and the outcomes for nature will always depend on its legal spokespersons and their political interests.[29] For example, the Te Urewera Act 2014 ascribes legal rights to Te Urewera, the ancestral home of Tūhoe people in Aotearoa, New Zealand. According to Tănăsescu, the reason for the

[26] https://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html (2024-05-30). See also Miriama Cribb, Elizabeth Macpherson, and Axel Borchgrevink, "Beyond legal personhood for the Whanganui River: collaboration and pluralism in implementing the Te Awa Tupua Act", *The International Journal of Human Rights* (2024), 7.

[27] https://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html (2024-05-30).

[28] Miriama Cribb, Elizabeth Macpherson, and Axel Borchgrevink, "Beyond legal personhood for the Whanganui River: collaboration and pluralism in implementing the Te Awa Tupua Act", *The International Journal of Human Rights* (2024), 2.

[29] Mihnea Tănăsescu, "The Rights of Nature as Politics," in *Rights of Nature: A Re-Examination*, eds. Daniel P. Corrigan and Markku Oksanen (London: Routledge, 2010), 69, 71–72.

legal decision to let this piece of land have legal personality to own itself was a political one to "sidestep the question of ownership" between the British Crown and the Tūhoe people.[30]

The concern that the rights of nature are driven by political power interests rather than a genuine interest in the well-being of nature and human-nature relationships is important and valid. *For this reason*, I am stressing the importance of philosophical investigations and analyses of metaphysical value systems. Laws are not absolute but constituted and constructed. What is law and what is right are not always the same. This entails a responsibility to keep philosophically critiquing and discussing laws, their implications, and their normative grounds. It is not enough that rights of nature are realized in constitutional laws. We must still philosophically evaluate and critique the normative reasons for such laws and the value systems that justify them.

The epistemic arguments in favor of panpsychism show that panpsychism cannot be easily dismissed.[31] With even more research on panpsychism, it will hopefully become more widespread and well-known even in Western cultures. Moreover, research on panpsychism ties well into ecological and biological research on non-human nature. For example, Suzanne Simard's pioneering work on forest ecology conveys the intelligence and communication among trees.[32] Granted that such research does not prove the truth of panpsychism, it still coheres well with it, which contributes to making panpsychism a reasonable and viable ontology that can help us make sense of our lives and our experiences. Relational worldviews such as panpsychism should be taken seriously, and panpsychism suggests that reality is inherently relational. According to panpsychism, non-human nature is full of minds, subjects, and experiences. In a nature full of subjective minds, a rights aspect might be politically applied but still contribute to a more long-lasting normative value system that promotes, rather than prevents, relationality between both humans and non-humans.

[30] Tănăsescu, "The Rights of Nature as Politics," 75.

[31] See, e.g., Leidenhag, *Minding Creation*, 49–81; Goff, *Why? The Purpose of the Universe*; David Ray Griffin, *Reenchantment Without Supernaturalism: A Process Philosophy of Religion*, Cornell Studies in the Philosophy of Religion (Ithaca, N.Y: Cornell University Press, 2001), 103–17.

[32] Suzanne Simard, *Finding the Mother Tree: Discovering the Wisdom of the Forrest* (London: Allen Lane, 2021).

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