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INTRODUCTION

Federal environmental legislation in the United States reflects the “anthropocentric” approach to environmental preservation. The federal Wilderness Act of 1964,¹ for example, makes clear that designated wilderness areas are to be protected for the sake of the benefits such protected lands bring to American citizens. The Act mandates the preservation of these lands “unimpaired” for the continued use and enjoyment of the American people.² Baird Callicott has criticized our system of protected wilderness areas in the U.S., and the very concept of wilderness in our society, in part on the grounds that wilderness preservation rests on an ineffective, anthropocentric foundation.³ Wilderness areas have become essentially large playgrounds, Callicott believes.⁴ Wilderness lands should be protected, he argues, for the sake of preserving native biodiversity, not for human uses that may actually threaten native species.⁵

Within environmental philosophy there has been much effort to determine precisely why we should protect nature. There have been many theories and much controversy. Should wilderness and other natural areas be protected for the sake of advantages provided not only to humans, but also to other species, the “biocentric” approach? Do humans indeed have, as some philosophers have argued, duties or obligations toward nature based on inherent values that lie within nature?⁶

In this article, I will argue that we should adopt a more pragmatic perspective. I believe there are no definite ethical foundations that are essential in our efforts to protect nature. The American public is overwhelmingly in favor of preserving natural areas and native biodiversity. This has been shown in a number of recent opinion surveys.⁷ I argue that the proper foundation for preservation of natural areas in the U.S. is the deep affinity many American citizens feel toward natural areas and native species. Put simply, Americans love nature. Our response to nature is primarily emotional rather than intellectual. As surveys show, citizens believe that natural areas should provide a wide variety of uses. Some favor recreational uses; others believe these areas should be managed to provide habitat for native species. The wide variety of uses desired by citizens should be expected and encouraged in our pluralistic society. There are no incorrect reasons why we should protect natural areas. Environmental policymaking in the U.S. is especially difficult since we must accommodate,

1. 16 U.S.C. § 1131(a) (2006).

2. *Id.*

3. J. Baird Callicott, *Contemporary Criticisms of the Received Wilderness Idea*, in WILDERNESS SCIENCE IN A TIME OF CHANGE CONFERENCE—VOLUME 1: CHANGING PERSPECTIVES AND FUTURE DIRECTIONS, RMRS-P-15-VOL-1 (David N. Cole et al., eds., 2000).

4. *Id.* at 30.

5. *Id.*

6. See Holmes Rolston III, *Environmental Ethics: Values in and Duties to the Natural World*, in ECOLOGY, ECONOMICS, ETHICS: THE BROKEN CIRCLE 73 (F. Herbert Bormann & Stephen R. Kellert, eds., 1991).

7. See section III of this article.

as well as possible, the various uses citizens wish to see provided by federally owned natural areas.

I. ANTHROPOCENTRIC ENVIRONMENTAL POLICY

According to the Wilderness Act of 1964, the policy of Congress is to “secure for the American people of present and future generations the benefits of an enduring resource of wilderness.”⁸ “For this purpose,” the Act continues,

there is hereby established a Wilderness Preservation System to be composed of federally owned areas designated . . . as “wilderness areas”, and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use as wilderness⁹

The Act goes on to specify the uses that must be provided to the American public. Wilderness areas “shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.”¹⁰ Conservation is specified as a use that must be provided, but conservation of wildlife and other species is to occur within the broad context of providing for the “use and enjoyment of the American people.” The Wilderness Act reflects the anthropocentric approach to environmental preservation. In accordance with the Act, wilderness areas are protected ultimately for the sake of the benefits these areas provide to humans: current and future generations of American citizens.

The anthropocentric approach is found, as well, in other federal environmental legislation. The Endangered Species Act (ESA) declares: “The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered and threatened species”¹¹ But the Act declares: “these species of fish, wildlife, and plants [those listed as threatened and endangered] are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people.”¹² Within the ESA, we are to conserve threatened and endangered species, and their habitats, not for their own sake, but ultimately for the many benefits these species bring to the American people: aesthetic, ecological, educational, etc. To be sure, there is no call to actively provide such benefits to people, but within the Act it is understood that preservation of listed threatened and endangered species is ultimately for the sake of benefits enjoyed by American citizens.

The Yellowstone Act of 1872 mandated the creation of Yellowstone, America’s first national park. According to this Act, a vast expanse of public land is “dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people”¹³

8. 16 U.S.C. § 1131(a) (2006).

9. *Id.*

10. *Id.* § 1131(d).

11. 16 U.S.C. § 1531 (2003).

12. *Id.*

13. 16 U.S.C. § 21 (2006).

The Act goes on to require preservation of park resources, but in this context of providing a “pleasuring ground” for the American people.

The later legislation creating the National Park Service is not clearly anthropocentric, however. According to the National Park Service Organic Act of 1916:

The [National Park Service] thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations . . . by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.¹⁴

The Organic Act mandates managing national parks and monuments for the preservation of “natural and historic objects and the wild life therein.”¹⁵ The Act also mandates providing for the enjoyment of park resources by American citizens, and in such manner as will leave resources unimpaired for enjoyment by future generations.¹⁶ In the Act preservation of natural resources is separately mandated, and is not obviously tied to providing for the use and enjoyment of them. As will be discussed, National Park Service policies reflect the Organic Act’s double mandate.

American environmental policy is mixed. Some federal environmental legislation is clearly anthropocentric, while other legislation is not obviously human-centered. The National Environmental Policy Act (NEPA) begins with a statement of Congressional intent:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man¹⁷

The Congress . . . declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments . . . to use all practicable means and measures . . . to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.¹⁸

NEPA calls for harmonious coexistence of people and their environment. The harmonious relationship is to be “productive and enjoyable” for citizens, but this is within the context of preventing or eliminating damage to the environment and biosphere. NEPA goes on to require that the federal government “use all practicable means” to “attain the widest range of

14. 16 U.S.C. § 1 (2006).

15. *Id.*

16. *Id.*

17. 42 U.S.C. § 4321 (2000).

18. *Id.* § 4331.

beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.¹⁹ Human uses are to be curtailed for the sake of environmental protection. This policy is not narrowly human-centered, but takes into consideration the needs of citizens as well as the health or integrity of the natural environment.

In any case, a number of federal environmental laws, including the Wilderness Act of 1964, reflect the anthropocentric approach to environmental preservation. The natural environment and other (non-human) species are to be protected ultimately for the sake of benefits to American citizens. As mentioned, Callicott is highly critical of our system of protected wilderness areas in the U.S. and the very concept of wilderness in our society.²⁰ The basic problem, as he sees it, is that wilderness areas are conceived within the Wilderness Act, and within our society in general, primarily in terms of the human uses they provide.²¹ According to Callicott, as we conceive them, these areas “mainly exist for us to recreate in.”²² Wilderness areas have become essentially large playgrounds, Callicott claims, as people engage in “bourgeois” recreation that may threaten native biodiversity.²³ Callicott argues that wilderness areas in the U.S. should be renamed and rededicated to biodiversity conservation.²⁴ “The most important *raison d’être* of designated wilderness areas,” he writes, “is habitat for species that do not coexist well in close proximity with *Homo sapiens*”²⁵ He adds that wilderness areas should exist solely for the plants and animals “whose homes they are, and for us to manage with their needs exclusively in view or, in some cases, to stay out of altogether.”²⁶ Yet, to be fair, there is no language within the Wilderness Act that sanctions the use of these areas to the extent of degrading habitat and other wilderness resources. To the contrary, the Act calls for maintaining these lands “unimpaired” and mandates managing for their wilderness character.²⁷

Federal agency policies, those that interpret agency responsibilities under federal law, emphasize preservation of wilderness resources over human use. In its wilderness policy manual, the Bureau of Land Management (BLM) has interpreted its mandate under the Wilderness Act of 1964 in this manner:

Manage and protect BLM wilderness areas in such a manner as to preserve wilderness character Manage wilderness for the public purposes of recreational, scenic, scientific, education, conservation, and historic use while preserving wilderness character Effectively manage uses permitted under

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19. *Id.* § 4331(b)(3).
 20. *See generally* Callicott, *supra* note 3.
 21. *Id.* at 29-30.
 22. *Id.* at 29.
 23. *Id.* at 30.
 24. *Id.* at 29-30.
 25. *Id.* at 29.
 26. *Id.*
 27. 16 U.S.C. § 1131(a) (2006).

Sections 4(c) and 4(d) of the Wilderness Act of 1964 while preserving wilderness character.²⁸

These policies also state:

Section 4(b) [of the Wilderness Act] further sets forth the agencies' responsibilities in administering wilderness areas and states that the preservation of wilderness character is the primary management mandate.²⁹

The BLM interprets "wilderness character" as including the properties: untrammled by humans, undeveloped, natural conditions and processes, and solitude.³⁰ According to these policies,

The purpose of the Wilderness Act is to preserve the wilderness character of designated areas. The public purposes shall be administered so as to preserve the wilderness character of the area.³¹

According to agency policies, in the day-to-day management of BLM wilderness areas preservation of wilderness resources, including natural conditions and processes, is emphasized over human use. This is an accurate interpretation of the Wilderness Act.

U.S. Forest Service wilderness policies are similarly protective of wilderness resources. The *Forest Service Manual* provides this directive to agency managers:

Manage the wilderness resource to ensure its character and values are dominant and enduring. Its management must be consistent over time and between areas to ensure its present and future availability and enjoyment as wilderness. Manage wilderness to ensure that human influence does not impede the free play of natural forces or interfere with natural successions in the ecosystems and to ensure that each wilderness offers outstanding opportunities for solitude or a primitive and unconfined type of recreation.³²

These policies add:

Maintain and perpetuate the enduring resource of wilderness as one of the multiple uses of National Forest System land Protect and perpetuate wilderness character and public values including, but not limited to,

28. BUREAU OF LAND MGMT, U.S. DEPT. OF THE INTERIOR, BLM MANUAL 6340 MANAGEMENT OF DESIGNATED WILDERNESS AREAS 1-1 (2012), *available at* http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_manual.Par.22269.File.dat/6340.pdf.

29. *Id.* at 1-4.

30. *Id.* at 1-5 to 1-6.

31. *Id.* at 1-7.

32. U.S. FOREST SERV., DEPT. OF AGRICULTURE, FOREST SERVICE MANUAL 2320 WILDERNESS MANAGEMENT 6 (2007), *available at* <http://www.fs.fed.us/im/directives/fsm/2300/2320.doc>.

opportunities for scientific study, education, solitude, physical and mental challenge and stimulation, inspiration, and primitive recreation experiences.³³

Where a choice must be made between wilderness values and visitor or any other activity, preserving the wilderness resource is the overriding value. Economy, convenience, commercial value, and comfort are not standards of management or use of wilderness.³⁴

Here again, in the day-to-day management of wilderness areas preservation of wilderness resources is emphasized over human use.

The National Park Service's *Management Policies* interprets the agency's responsibilities under the Organic Act of 1916 and the Wilderness Act of 1964 (for management of designated wilderness areas within the parks). According to these policies:

The fundamental purpose of the national park system . . . begins with a mandate to conserve park resources and values The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The enjoyment that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment and inspiration.³⁵

According to the above statement, national parks and monuments are required to conserve park resources, and must also provide for the use and enjoyment of these resources by all Americans. According to these policies, in cases of conflict between preservation and human use, preservation is given higher priority. These policies add:

Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act.³⁶

[P]reserving park resources and values unimpaired is the core or primary responsibility of NPS managers. The Service cannot conduct or allow activities in parks that would impact park resources and values to a level that would constitute impairment.³⁷

33. *Id.* at 7.

34. *Id.* at 11.

35. NAT'L PARK SERV., U.S. DEPT. OF INTERIOR, MANAGEMENT POLICIES 2006 10-11 (2006), available at: <http://www.nps.gov/policy/mp2006.pdf>.

36. *Id.* at 11.

37. *Id.* at 36.

Within these policies, preservation of park resources is considered the “core or primary responsibility” of agency managers.³⁸ This is an accurate interpretation of the Organic Act and the Wilderness Act.

Park Service policies are especially protective of natural ecosystems and native biodiversity within the parks.³⁹ According to these policies:

Natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities. The Service . . . will try to maintain all the components and processes of naturally evolving park ecosystems, including the natural abundance, diversity, and genetic and ecological integrity of the plant and animal species native to those ecosystems.⁴⁰

The National Park Service will maintain as parts of the natural ecosystems of parks all plants and animals native to park ecosystems.⁴¹

Management is necessary . . . to protect rare, threatened, or endangered species.⁴²

Callicott recommends that wilderness areas be renamed and rededicated (within reformulated law and policy) to the preservation of native biodiversity.⁴³ He accepts that limited human use of these areas is appropriate.⁴⁴ But he believes that the agencies should not actively manage these areas for recreation and other human uses, or they should manage for such uses to only a minimal extent. We should manage wilderness areas, he writes, with the needs of native plants and animals “exclusively in view.”⁴⁵ In some cases, he adds, humans should stay out of these areas altogether.⁴⁶ Callicott realizes that his recommendations will be a “nonstarter” politically.⁴⁷

Practically speaking, within our democratic society it would not be possible to altogether exclude recreation and other human uses from national parks, wilderness areas, and other public lands. After all, these lands are owned by all citizens, and their management must reflect the desires of citizens concerning use of these lands. But on the positive side, within Park Service, Forest Service, and other agency policies human uses are considered secondary to resource preservation.⁴⁸ Wilderness management experts have written

38. *Id.*

39. *See id.* at 36-47.

40. *Id.* at 36.

41. *Id.* at 42.

42. *Id.* at 44.

43. Callicott, *supra* note 3, at 29-30.

44. *Id.* at 29.

45. *Id.*

46. *Id.*

47. *Id.* at 30.

48. According to the U.S. Fish and Wildlife Service’s wilderness policies, the Wilderness Act requires that agency managers carry out wildlife refuge purposes in such a way as to protect wilderness character. *See* U.S. FISH & WILDLIFE SERV., 610FW1 GENERAL OVERVIEW OF

extensively concerning how to properly balance human uses with preservation of habitat and other wilderness resources.⁴⁹ There has been much research into this, and agency policies are quite sensitive to the need for a proper balance of use and preservation.⁵⁰ There are problems in the management of public lands, granted. Occasionally managers favor human use over preservation, contrary to policy. But recommendations to rename and rededicate wilderness areas exclusively for the conservation of native species are not politically feasible and are excessive given current agency policies.

Callicott is critical of the explicit anthropocentrism within the Wilderness Act.⁵¹ He would surely be alarmed by the mandate within the Yellowstone Act of 1872 to maintain the park as a “pleasuring ground for the benefit and enjoyment of the people.”⁵² But it is fair to say that the brief anthropocentric language within the Wilderness Act, the Yellowstone Act, the Endangered Species Act, and other federal environmental legislation is consistent with a high degree of preservation. The anthropocentrism is not especially problematic taking into account the policies that govern the management of public lands on a day-to-day basis.⁵³

II. CONTEMPORARY ETHICAL THEORIES

The view that natural areas should be protected for the sake of other species, rather than solely for benefits provided to humans, falls under “biocentrism.”⁵⁴ There are a number of biocentric ethical theories. Those who formulate such theories attempt to answer the deeper question: why protect nature for the sake of other species? That is, why should we be considerate of other species if not for the benefits humans receive? Those who formulate such theories attempt to demonstrate that humans have certain duties or obligations toward other species. Let us briefly consider two well-known and respected biocentric theories. Neither of these theories is successful, in my opinion. We will then consider two contemporary anthropocentric theories that may appear more promising.

WILDERNESS STEWARDSHIP POLICY 1.12 (2008), *available at* <http://www.fws.gov/policy/610fw1.html>. These policies define “wilderness character” as including natural conditions and processes, and add:

Administer wilderness areas to provide a wide variety of public benefits ‘for the use and enjoyment of the American people’ in a manner that is appropriate and compatible with . . . Wilderness Act purposes, and the Refuge System mission; retains wilderness character; is consistent with the nondegradation principle; and leaves the areas ‘unimpaired’

Id. at 1.14C.

49. *See, e.g.*, CHAD P. DAWSON & JOHN C. HENDEE, WILDERNESS MANAGEMENT: STEWARDSHIP AND PROTECTION OF RESOURCES AND VALUES (4th ed. 2009).

50. *See, e.g.*, NAT’L PARK SERV., *supra* note 35, at 36-47.

51. *See generally* Callicott, *supra* note 3.

52. 16 U.S.C. § 21 (2006).

53. The policies of the federal agencies also interpret their responsibilities under the federal Endangered Species Act. *See, e.g.*, NAT’L PARK SERV., *supra* note 35, at 45; U.S. Fish & Wildlife Serv., *supra* note 48, at 1.3.

54. *See* Robin Attfield, *Biocentrism*, in 1 ENCYCLOPEDIA OF ENVIRONMENTAL ETHICS AND PHILOSOPHY 97 (J. Baird Callicott & Robert Frodeman, eds., 2009).

According to Holmes Rolston, humans have duties or obligations toward other species and whole ecosystems based on values that inherently exist in nature.⁵⁵ These values exist in nature independent of humans and our awareness of them. As Rolston writes, nature is a carrier of values.⁵⁶ He adds:

In environmental ethics one's beliefs about nature, which are based upon but exceed science, have everything to do with beliefs about duty Our model of reality implies a model of conduct.⁵⁷

According to Rolston, our acceptance of inherent values within nature (beliefs that “exceed science”) entails obligations we have toward objects in nature. Rolston claims that inherent values attach to individual organisms in nature, and we should therefore not harm any organism without justification.⁵⁸ As a result of natural processes, the inherent value an organism carries can shift to instrumental value as, for example, one organism falls prey to another.⁵⁹ Higher levels of organization—species, communities, and ecosystems—have the most enduring values, according to Rolston, and it is these higher levels to which we are most obligated. They should receive more intense efforts to avoid harm.⁶⁰ As Rolston's view is described: “the good of a species or the good of an ecosystem or the good of the whole biotic community can ‘trump’ the good of individual living beings.”⁶¹

Rolston attempts to persuade us to accept the existence of inherent values in nature. He argues that we discover these values as we experience animals, plants, and other objects in nature. Also, we should accept the existence of inherent values in part to avoid naïve anthropocentric views. He writes:

As we progress from descriptions of fauna and flora, of cycles and pyramids . . . we find that it is difficult to say where the natural facts leave off and where the natural values appear [B]oth values and facts seem to be alike properties of the system.⁶²

There is something Newtonian, not yet Einsteinian, besides something morally naïve, about living in a reference frame in which one species takes itself as absolute and values everything else relative to its utility.⁶³

There is no pressing reason, however, to accept Rolston's claim that nature is populated with inherent values—values that exist independent of humans. There is no compelling argument that inherent values exist in space and time alongside plants, animals,

55. See generally Rolston, *supra* note 6.

56. *Id.* at 93.

57. *Id.* at 95.

58. See PETER S. WENZ, ENVIRONMENTAL ETHICS TODAY 133 (2001).

59. Rolston, *supra* note 6, at 81-82, 95.

60. *Id.* at 84-92.

61. See Sandra Gudmundsen & John B. Loomis, *Tracking the Intrinsic Value of Wilderness*, in THE MULTIPLE VALUES OF WILDERNESS 251, 256 (H. Ken Cordell et al. eds., 2005).

62. Rolston, *supra* note 6, at 95-96.

63. *Id.* at 96.

soils, rivers, and other physical and biological objects. The appeal to inherent values appears to be a less-than-convincing attempt to find a non-anthropocentric foundation for preservation. Others have objected to this theory for the same reason.⁶⁴

Paul Taylor argues that humans have obligations to protect natural areas and other species that rest upon our respect for nature.⁶⁵ Once we accept a set of beliefs he calls the “biocentric outlook,” we will recognize that “the only *suitable* or *fitting* attitude to take toward all wild forms of life” is the attitude of respect.⁶⁶ This attitude brings with it acceptance of the inherent worth of all living things as well as acceptance of a set of duties or obligations toward them.⁶⁷ Adopting this attitude, “[w]e are morally bound (other things being equal) to protect or promote” the good of all wild plants and animals “for *their* sake.”⁶⁸ The biocentric outlook includes the belief that humans are part of nature, that nature consists of a web of functionally interdependent parts, and that humans are not superior in any way to other species in nature.⁶⁹ Taylor attempts to justify each of these claims. Adopting the attitude of respect, he writes, we accept that “animals and plants are equal in inherent worth to humans.”⁷⁰ This theory is considered an example of biocentric individualism,⁷¹ but it applies to species and natural areas in this way. We are obligated to protect species, and their habitats, since in this manner we fulfill our obligation to protect and promote the good of each organism in nature.

This theory is also problematic. The claim made by Taylor that humans are in no way superior to other species is, of course, highly controversial. Even if we accept this claim and the entire biocentric outlook, we are not compelled to agree that each animal and plant has inherent worth, and that we have an obligation to protect and promote the good of every organism in nature. Taylor writes that respect (and all it involves) is the “only suitable or fitting attitude to take toward all wild forms of life,”⁷² but this is debatable. One may reasonably deny the existence of *inherent* worth or value in nature, and insist that our moral obligations to actively protect and promote the good of others extends only to family, friends, and other members of our human communities. Even though we accept that all organisms are functionally interconnected and we are in no way superior to other species, we may reasonably be selective concerning how far our moral responsibilities extend. “We can only do so much,” we may think.

64. See, e.g., Bryan G. Norton, *Environmental Ethics and Weak Anthropocentrism*, 6 ENVTL ETHICS 131, 138 (1984).

65. See generally Paul W. Taylor, *The Ethics of Respect for Nature*, 3 ENVTL ETHICS 197 (1981).

66. *Id.* at 206.

67. *Id.* at 198.

68. *Id.*

69. *Id.* at 206.

70. Paul W. Taylor, *In Defense of Biocentrism*, 5 ENVTL ETHICS 237, 241 (1983).

71. Gudmundsen & Loomis, *supra* note 61, at 256.

72. Taylor, *supra* note 65, at 206.

Biocentric theories have not established duties or obligations toward nature. There is no good, independent reason to accept the existence of inherent values in nature, or inherent worth.⁷³ Resting environmental preservation upon duties or obligations toward nature (I believe) dooms these theories to simply be ignored. Generally, Americans are not especially motivated by considerations of duty. We often lapse in performing duties we already have. And as Raymond Smullyan has pointed out in a delightful book,⁷⁴ efforts to motivate people to behave in the “correct” manner by appeal to duties or obligations often results in contrary behavior. People tend to be rebellious.

Sandra Gudmundsen and John Loomis discuss problems facing biocentrism.⁷⁵ They suggest that we justify our attempts to protect natural areas by appealing to the transformative power of nature, that is, the power of autonomous nature to inspire and transform us.⁷⁶ These authors also refer to this as the “emancipatory power” of nature.⁷⁷ As they acknowledge, they are suggesting a return to anthropocentrism (a “strategic retreat”), although the weak type of anthropocentrism first proposed by Bryan Norton.⁷⁸ “Weak anthropocentrism” does not appeal to inherent values in nature. But it faces the problem that only those who accept the appropriate beliefs concerning nature, and our relationship to nature, will be persuaded by transformative power arguments that natural areas should be protected.

According to this theory, the power of nature to inspire or transform is conceived within the context of a “rationally adopted world view.”⁷⁹ Such a worldview is not characterized precisely, but (as it is described) it must be in accordance with established scientific theories and include rationally supported aesthetic and moral ideals.⁸⁰ Norton provides as examples Hinduism and Jainism.⁸¹ Both are concerned with personal spiritual development, and both forbid killing animals and harming the natural environment. Norton also mentions the beliefs of David Thoreau.⁸² From these examples and Norton’s comments, it appears that, generally, the required worldview must include the ideals of living

73. Laura Westra argues for “holistic biocentrism,” a view that recognizes the interrelationships between humans and non-human nature (their “conaturality” and “kinship”), which implies the “intrinsic value of natural/evolutionary processes.” Laura Westra, *Why Norton’s Approach is Insufficient for Environmental Ethics*, 19 ENVTL ETHICS 279, 293 (1997). She attempts to establish duties or obligations toward nature. *Id.* at 288-89, 290-91, 297. It is perfectly reasonable, however, to acknowledge the existence of interrelationships between humans and non-human nature and yet deny the existence of inherent or intrinsic values in nature.

74. RAYMOND M. SMULLYAN, *THE TAO IS SILENT* 68-85 (1977).

75. Gudmundsen and Loomis, *supra* note 61, at 257-59.

76. *Id.* at 259-60, 265.

77. *Id.* at 262.

78. *Id.* at 259.

79. Norton, *supra* note 64, at 134.

80. *Id.*

81. *Id.* at 136.

82. *Id.*

close to, and in harmony with, nature—not harming plants and animals.⁸³ The required worldview may also include the ideal of pursuing personal spiritual growth along with the belief that nature expresses a deeper spiritual reality.⁸⁴ Within the context of such a worldview, our experiences within nature can indeed inspire and transform us, making us better people in accordance with ideals we accept. Yet those who do not accept such ideals will not find here a compelling argument for the preservation of nature. They may not personally find experiences within nature transformative, and they do not accept the ideals the preservationists appeal to as the latter proclaim spiritual or other benefits. Many citizens in our society are not avid followers of Thoreau, much less Hinduism or Jainism. James White points out that Christianity does not include the required ideals.⁸⁵ In our efforts to protect natural areas, many citizens within our society will not be persuaded by transformative power arguments.⁸⁶

Aldo Leopold’s “land ethic” is presented and defended by Callicott.⁸⁷ According to this theory, humans are genetically predisposed to extend sentiments of sympathy and caring, and feelings of ethical obligation, to members of our communities, which include family, friends, other members of our society, and increasingly all people living on our planet.⁸⁸ As the science of ecology makes clear, however, humans exist in a broad community that consists of whole ecosystems within the entire biosphere.⁸⁹ This is the “biotic community.” As we properly acknowledge our membership in the biotic community, our sympathies and ethical obligations naturally extend beyond our human communities to

83. *Id.* at 135-38.

84. *Id.*

85. James E. White, *Article Review of Environmental Ethics and Weak Anthropocentrism*, 5 ETHICS AND ANIMALS 75, 77 (Summer 1984).

86. Woody Allen is famously averse to nature. Environmental educator David Orr writes, “Allen is known to take extraordinary precautions to limit bodily and mental contact with rural flora and fauna.” DAVID W. ORR, *EARTH IN MIND: ON EDUCATION, ENVIRONMENT, AND THE HUMAN PROSPECT* 186 (2004). Norton claims that those who act to exploit nature will be “judged harshly” by those with the proper ideals. Norton, *supra* note 64, at 136. The exploiters will presumably ignore the critics, dismissing their claims of transformation and their exotic ideals. The “exploiters” themselves have ideals concerning nature and human relationships with nature. Many actions within nature that appear exploitative are performed following “considered preferences” (Norton’s expression), but under different sets of ideals. The problem in environmental controversies is that people on different sides of an issue have different points of view and different ideals, all rationally supported. They all appeal to science, tradition, spiritual beliefs, etc. Many agree that humans should live “in harmony with nature,” but understand this phrase in different ways. Weak anthropocentrism is simplistic, in my opinion, and is not particularly helpful in resolving real environmental controversies. *See id.* at 64, 132, 135, 136, 138.

87. *See* J. Baird Callicott, *The Conceptual Foundations of the Land Ethic*, in *COMPANION TO A SAND COUNTY ALMANAC* 186 (J. Baird Callicott ed., 1987). There is controversy as to whether or not the land ethic is anthropocentric. *See* Eric J. Freyfogle, *Land Ethic*, in 2 *ENCYCLOPEDIA OF ENVIRONMENTAL ETHICS AND PHILOSOPHY* 21 (J. Baird Callicott & Robert Frodeman, eds., 2009).

88. Callicott, *supra* note 87, at 190-92. *See also* Wenz, *supra* note 58, at 156-58.

89. Callicott, *supra* note 87, at 193-96.

all components of natural ecosystems, including individual plants and animals.⁹⁰ But, according to this theory, our obligations should focus primarily on whole ecosystems and the entire biosphere rather than on individual organisms.⁹¹ The core of the land ethic is the general principle expressed by Leopold: “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.”⁹² According to this principle, the welfare of individual organisms is subordinate to the integrity and stability of ecosystems and, ultimately, the entire biosphere. As Callicott writes, “[T]he focus of moral concern shifts gradually away from plants, animals, soils, and waters severally to the biotic community collectively.”⁹³ Callicott calls for enhanced ecological literacy within our society, which will enable us to realize that we are members of broader ecological communities and the entire biosphere.⁹⁴ We will naturally extend our sympathies and caring, and our ethical obligations, to this broader community in which we live.

Callicott finds here a compelling argument for preservation. According to Callicott, given ecological theory we are logically compelled, if we are rational, to extend our sympathies and caring to all members of the biotic community. Reason tells us, he writes, that we “ought to” extend these sentiments this broadly, as ecology informs us that there exists a “social integration of humans and nonhuman nature.”⁹⁵ This is highly problematic. The fact that humans live within a broad ecological community of interdependent parts does not logically compel us to extend feelings of sympathy and caring, and ethical obligation, to all aspects of nature. With increased ecological literacy we may naturally extend our sympathies and ethical obligations this broadly (this is the theory), but we are not logically pressed to do this. Those who remain selective concerning how far their moral responsibilities extend cannot be accused of being unreasonable. They may fairly think: “we can only do so much.” The argument Callicott finds is not compelling or persuasive. Another problem is that (as has been pointed out) the claim that humans exist in a biotic *community* cannot be maintained.⁹⁶ Human communities consist of members that consciously and purposively cooperate with each other.⁹⁷ It is only metaphorical to claim that humans exist within a “community” that includes wild animals, plants, soils, lakes, rivers, etc., and it is not clear that our obligations must extend to such a metaphorical “community.”⁹⁸

The ethical theories discussed above all face serious difficulties. Biocentric theories attempt to establish duties or obligations toward nature, but this effort is not successful and a simple appeal to duty or obligation is too harsh. Within the land ethic there is an appeal to caring and sympathy for nature, as well as obligation, but (for several reasons) there is no

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90. *Id.*
91. *Id.* at 196.
92. *Id.*
93. *Id.*
94. *Id.* at 194; Wenz, *supra* note 58, at 157-58.
95. Callicott, *supra* note 87, at 194.
96. *See* WENZ, *supra* note 58, at 158.
97. *Id.*
98. *Id.*

argument that can compel anyone to protect nature. As discussed, the anthropocentrism within federal environmental legislation is consistent with a high level of preservation. But do we really wish to accept the claim that natural areas and native species should be protected ultimately for the sake of benefits provided to humans, even the potential to transform and inspire us? Such a view seems chauvinistic, morally naïve (as Rolston puts it),⁹⁹ and not truly benevolent. I believe we should set such theories aside, anthropocentric and non-anthropocentric, and adopt a more pragmatic perspective. Let us examine the beliefs of American citizens concerning the preservation of natural areas. Their beliefs are surprising.

III. AMERICAN PUBLIC OPINION

A number of opinion surveys have shown that U.S. citizens overwhelmingly favor preservation of natural areas and native species. The *Los Angeles Times* conducted a nationwide survey in April 2001, and found that 91% of those surveyed indicated that preserving wilderness and open spaces is personally important to them.¹⁰⁰ Of those surveyed, 51% rated preserving wilderness and open spaces as “extremely important,” while only 7% responded that preserving such areas is not important.

The U.S. Forest Service and other federal agencies have been conducting national surveys since 1960 in an ongoing series entitled the “National Survey on Recreation and the Environment” (NSRE).¹⁰¹ Cordell and others discuss the survey conducted during 2006-2007, designed to gauge citizen attitudes toward federally designated wilderness areas.¹⁰² Those participating in the survey were informed, prior to answering questions, that each designated wilderness area is “protected to keep it as wild and natural as possible.”¹⁰³ According to Cordell and others, over 90% of survey respondents indicated that designated wilderness areas are very important or extremely important for protecting air and water quality.¹⁰⁴ Almost 90% of survey respondents indicated that wilderness areas are very important or extremely important for protecting wildlife habitat.¹⁰⁵ Over 80% agreed that these areas are very or extremely important for protecting rare and endangered species, and for preserving unique wild plants and animals.¹⁰⁶ Over 80% agreed that wilderness areas are very or extremely important for their “bequest value,” that is, being available for future

99. Rolston, *supra* note 6, at 96.

100. CAMPAIGN FOR AMERICA’S WILDERNESS, A MANDATE TO PROTECT AMERICA’S WILDERNESS: A COMPREHENSIVE REVIEW OF RECENT PUBLIC OPINION RESEARCH 1 (2003).

101. U.S. FOREST SERV., DEPT. OF AGRICULTURE, NSRE-NATIONAL SURVEY ON RECREATION AND THE ENVIRONMENT (2014), *available at* <http://www.srs.fs.usda.gov/trends/nsre-directory/>.

102. H. Ken Cordell et al., HOW DO AMERICANS VIEW WILDERNESS—PART I (Internet Research Information Series 2008), *available at* <http://wamell.forestry.uga.edu/nrrt/nsre/IRISWild/IrisWild1rpt.pdf>.

103. *Id.* at 3.

104. *Id.* at 4.

105. *Id.*

106. *Id.*

generations to visit.¹⁰⁷ Over 75% of respondents agreed that wilderness areas are very or extremely important for providing scenic beauty.¹⁰⁸ Over 70% indicated that these areas are very or extremely important for providing recreational opportunities, while over 75% indicated that these areas are very or extremely important for their “existence value,” that is, just existing, whether or not anyone visits them.¹⁰⁹ Over 50% of respondents indicated that there is not enough wilderness, while 35% agreed that there is just enough wilderness.¹¹⁰ Only 4% indicated that there is too much wilderness.¹¹¹

In this survey, there was no significant difference in the responses given by people living in metropolitan areas and those living in rural areas,¹¹² and there was not much difference in opinions expressed by people living in different areas of the country.¹¹³ In summary, Cordell and others write:

Two values stand out as highly important reasons to Americans for having federal Wilderness. Over 90 percent of Americans said protection of air and water quality are very to extremely important values of Wilderness. Four additional values also stood out . . . protection of wildlife habitat, knowledge that future generations will have Wilderness to visit (bequest value), protection of rare and endangered plant and animal species, and preservation of unique wild plants and animals.¹¹⁴

As these authors also report, comparing the surveys conducted in 2006-2007 and 1999-2000, the more recent survey shows that Americans are increasingly supportive of federal wilderness areas.¹¹⁵ The percentages associated with the various wilderness benefits were generally higher in the later survey, with significantly higher percentages for preserving unique wild plants and animals, and providing recreational opportunities.¹¹⁶

According to the NSRE surveys, those conducted in 2006-2007 and 1999-2000, Americans think very highly of the many benefits wilderness areas provide, both benefits to people (clean air and water, recreation, scenic beauty, bequest value, etc.), and benefits to other species, including wildlife habitat, protection of threatened and endangered species, and preservation of unique wild plants and animals.¹¹⁷ As Cordell and others state, the purpose of their report is to provide guidance for environmental decision makers and those

107. *Id.*
108. *Id.*
109. *Id.* at 4-5.
110. *Id.* at 9.
111. *Id.*
112. *Id.* at 5-6.
113. *Id.* at 7.
114. *Id.* at 11.
115. *Id.* at 4-5.
116. *Id.*
117. *Id.*

who formulate policy. “[U]p-to-date public values research is essential,” they write, “at any level when Wilderness designation and management are being considered.”¹¹⁸

The National Parks Conservation Association recently commissioned a nationwide survey to measure the degree to which Americans support their national parks.¹¹⁹ Based on survey results, the organization concludes, “[N]ational parks are cherished by Americans.”¹²⁰ When asked about Yellowstone, Grand Canyon, Everglades, and other major national parks, 88% of respondents indicated that it is quite important or extremely important for the federal government to protect these parks.¹²¹ 95% of respondents agreed that protecting the major national parks is an appropriate role for the federal government.¹²² Interestingly, these percentages remained consistently high across party lines (Democrats, Republicans, and Independents).¹²³ 81% of respondents indicated that they have visited a national park at least once in their lives; 86% indicated interest in visiting a national park in the future.¹²⁴ Respondents were asked to indicate the main benefits they associate with national parks. They selected: protecting the environment, natural habitats, plants, and wildlife; allowing people to explore nature and the outdoors; protecting these areas for future generations; and providing good vacation destinations.¹²⁵

A 2011 nationwide poll commissioned by the Endangered Species Coalition shows that the majority of Americans support the federal Endangered Species Act (ESA).¹²⁶ According to poll results, 84% of those surveyed indicated that they strongly support or somewhat support the ESA.¹²⁷ Support for the ESA was consistently high across party lines (Democrats, Republicans, and Independents).¹²⁸ Also, 87% agreed that the ESA is “a successful safety net for protecting wildlife, plants and fish from extinction.”¹²⁹

Finally, a recent nationwide poll commissioned by the Nature Conservancy shows strong and broad support for protecting natural areas.¹³⁰ Approximately 82% of respondents

118. *Id.* at 1.

119. NAT’L PARKS CONSERVATION ASSOC., NATIONAL PARKS POLL (2014), *available at* <http://www.npca.org/protecting-our-parks/policy-legislation/national-parks-poll.html>.

120. *Id.*

121. Hart Research Associates & North Star Opinion Research, STRONG BIPARTISAN SUPPORT FOR NATIONAL PARKS 4 (2012), *available at* http://www.npca.org/assets/pdf/Suvey_Findings_Memo_Final.pdf.

122. *Id.* at 5.

123. *Id.* at 4-5.

124. *Id.* at 3.

125. *Id.* at 6-7.

126. HARRIS INTERACTIVE, ENDANGERED SPECIES ACT SUMMARY (2011), *available at* http://www.defenders.org/publications/endangered_species_act_poll.pdf.

127. *Id.* at 2.

128. *Id.*

129. *Id.* at 6.

130. NATURE CONSERVANCY, CONSERVATION IS PATRIOTIC AND HAS BIPARTISAN SUPPORT, ACCORDING TO NEW POLL (2012), *available at*

agreed with the statement: “[C]onserving our country’s natural resources—our land, air and water—is patriotic.”¹³¹ Agreement with this statement was consistently high across party lines.¹³² 77% of respondents agreed or strongly agreed with the statement: “One of the things our government does best is to protect and preserve our national history and natural beauty through national parks, forests, and other public lands.”¹³³ Agreement was again high across party lines, with only 20% of Americans disagreeing with this statement.¹³⁴ 70% indicated that they would prefer a vacation this summer in “a national park or other public lands like the Grand Canyon or Great Smoky Mountains.”¹³⁵ According to the researchers who conducted the poll, “Americans of every age and region of the country, and irrespective of whether they engage in outdoor recreation or not, are more likely to prefer enjoying some time off on public lands.”¹³⁶ 87% of respondents agreed or strongly agreed with the statement: “our state and national parks, forests[,] monuments, and wildlife areas are an essential part of my state’s quality of life.”¹³⁷ The researchers conclude: “[C]onservation is an issue that unites, rather than divides, the American people.”¹³⁸

The above surveys show that Americans overwhelmingly support protection of national parks, wilderness areas, and other public lands. The extent of the support is surprising. As the surveys demonstrate, citizens associate these public lands with a wide variety of uses.

Americans do not view public lands from a narrowly anthropocentric perspective, believing these lands should be maintained ultimately for benefits to humans. Again, nationwide surveys show that Americans accept the importance of providing habitat for wildlife, protecting threatened and endangered species, and preserving unique wild plants and animals.¹³⁹ The purpose of the Endangered Species Act is, as survey respondents were informed: “to protect all wildlife, plants and fish that are in danger of extinction.”¹⁴⁰ These and other surveys indicate that in American society there is much support for preserving native biodiversity.¹⁴¹ This is arguable, but citizens do not overwhelmingly favor the

<http://www.nature.org/newsfeatures/pressreleases/poll-conservation-is-patriotic-and-has-bipartisan-support.xml>.

131. LORI WEIGEL & DAVE METZ, AMERICAN VOTERS VIEW CONSERVATION AS PATRIOTIC, AND STRENGTHENING ON THE ECONOMY; BROAD SUPPORT FOR CURRENT CONSERVATION LEGISLATION 2 (2012), available at <http://www.nature.org/about-us/june-2012-public-key-findings.pdf>.

132. *Id.*

133. *Id.*

134. *Id.*

135. *Id.*

136. *Id.*

137. *Id.* at 3.

138. *Id.* at 5.

139. Cordell et al., *supra* note 102, at 4-5.

140. HARRIS INTERACTIVE, *supra* note 126, at 2.

141. See also Brian Czech & Paul R. Krausman, *Public Opinion on Endangered Species Conservation and Policy*, 12 SOC’Y AND NATURAL RES. 469 (1999).

preservation of rare, endemic, and endangered species primarily for the sake of human benefits. We all realize that many species are not particularly charismatic (bats, frogs, snakes, newts, beetles, etc.), and many species are so rare they will never be experienced by many people. Yet Americans overwhelmingly favor their preservation, an indication that the preservation of native biodiversity is not essentially tied in American society to thoughts of hunting, fishing, photography, nature walks, and other human uses and potential uses. Based on the above surveys, it seems fair to conclude that American citizens believe that native species should be preserved for their own sake, regardless of benefits these species provide to humans. National parks, wilderness areas, and other public lands are increasingly viewed as biodiversity sanctuaries.

IV. WHY WE SHOULD PROTECT NATURAL AREAS

Edward O. Wilson has proposed the theory that humans have a genetically programmed affinity for other living beings.¹⁴² He calls this innate affinity “biophilia.”¹⁴³ Environmental educator David Orr accepts Wilson’s view.¹⁴⁴ Orr believes that in our modern society we have lost much of our innate affinity or affection for nature, as evidenced by our widespread destruction of nature. “We . . . have reason to believe,” he writes, “that people can lose the sense of biophilia.”¹⁴⁵ Orr suggests practical steps we can take within society to cultivate our feelings of affinity for nature, beginning with properly raising children in natural environments. He writes:

Practically, the cultivation of biophilia calls for the establishment of more natural places, places of mystery and adventure where children can roam, explore, and imagine. This means more urban parks, more greenways, more farms, more river trails, and wiser land use everywhere We will not enter this new kingdom of sustainability until we allow our children the kind of childhood in which biophilia can put down roots.¹⁴⁶

In spite of the destruction of natural areas and loss of species in the U.S., it is fair to say that Americans generally retain their affinity for nature. This is quite apparent in the enormous popularity of national parks, wilderness areas, and other public lands within our society. Indeed, according to experts many of the management problems in the more popular wilderness areas are a direct result of their popularity. These areas are being “loved to death,” so to speak.¹⁴⁷ In surveys, Americans overwhelmingly express interest in visiting national parks and other public lands, and they express support for these areas to the point of willingness to pay higher taxes for their protection.¹⁴⁸ This affinity for nature is probably

142. EDWARD O. WILSON, *BIOPHILIA* (1986).

143. *Id.*

144. Orr, *supra* note 86, at 187, 194-96.

145. *Id.* at 196 (implying that although our affinity for nature is innate, it can be lost if it is not properly nurtured).

146. *Id.* at 205.

147. Dawson & Hendee, *supra* note 49.

148. Weigel & Metz, *supra* note 131, at 4.

culturally based rather than genetic. That love of nature is part of American culture is evidenced by the existence and popularity of protected public lands within the U.S. Much U.S. history is concerned with efforts to explore and live within wilderness, and all American students have heard accounts of Lewis and Clark, Daniel Boone, David Thoreau, and other historical figures associated with wilderness. Love of natural areas is expressed within our literature—the well-loved stories by Mark Twain and Jack London, for example—and is apparent in television shows such as the excellent nature programs on public broadcasting. Affinity for nature is expressed within federal environmental legislation such as the Wilderness Act of 1964 and the Endangered Species Act, and, in this way, is very much part of American culture. As Mark Sagoff has written, federal environmental legislation reflects the ideals American citizens have concerning management of their public lands.¹⁴⁹

In an interesting article, photographer Ira Spring discusses a phenomenon he calls “green bonding.”¹⁵⁰ Green bonding refers to “the emotional ties a person develops while hiking woodland trails, enjoying the flowers, trees, wildlife and views.”¹⁵¹ Green bonding generates a “green constituency,” Spring writes, citizens willing to fight to protect wilderness areas.¹⁵² Of course, green bonding arises within our society not only through outdoor experiences, but also through environmental education, the nature shows on public television, and exposure to American art, history, and literature. There is a substantial green constituency in America willing to support and defend natural areas (see below).

Ethical theories, anthropocentric and non-anthropocentric, are intended to provide intellectual grounding for preservation—fundamental non-relativist reasons why we should protect natural areas and native species. This is the primary goal of environmental ethics. Ethicists are much concerned with “the environmental crisis.” They wish to formulate an argument that will logically compel rational people, including those who do not love nature, to accept the need for preservation. Ethicists distinguish correct from incorrect reasons for protecting nature. According to Rolston, anthropocentric theories are antiquated and naïve.¹⁵³ Inherent values in nature impose obligations to protect nature, he argues.¹⁵⁴ Callicott is highly critical of protecting wilderness areas for recreation and other human uses.¹⁵⁵ Rather, wilderness areas are to be protected and managed exclusively for the preservation of native species.¹⁵⁶ Within environmental ethics more attention is focused nowadays on the thought that natural areas should indeed be protected for the benefits they provide to humans, but these benefits are more subtle: our own transformation or

149. Mark Sagoff, *THE ECONOMY OF THE EARTH* 26-27 (2d ed. 2008).

150. Ira Spring, *If We Lock People Out, Who Will Fight to Save Wilderness?*, 7 INT’L J WILDERNESS 17 (Apr. 2001).

151. *Id.* at 18.

152. *Id.*

153. Rolston, *supra* note 6, at 96.

154. *Id.*

155. Callicott, *supra* note 3, at 29.

156. *See id.*

inspiration.¹⁵⁷ All these theories are problematic, and (to be honest) they are not particularly relevant for practical purposes.

We should adopt a more pragmatic perspective. We should acknowledge that in our democratic society, the wide variety of uses citizens associate with wilderness areas and other public lands must be respected and accommodated to the extent possible. These are lands that belong to all citizens. The wide variation in desired uses should be expected and encouraged in our pluralistic society. There are no incorrect reasons for protecting natural areas. Some citizens favor recreational uses of their public lands, perhaps hunting and fishing, while others favor biodiversity conservation. What is relevant in public lands management and policymaking are the various desires citizens express concerning uses of these lands and, of course, the appropriate scientific knowledge. Some desired uses can be accommodated within relatively pristine natural areas and some cannot. Public lands protection in the U.S. is especially difficult because of the wide variety of uses citizens desire for these areas. As mentioned, much research has been dedicated to the problem of how to properly balance human uses with preservation of wilderness resources.¹⁵⁸ Agency policies are quite sensitive to the need for a proper balance.¹⁵⁹ Spring and others have effectively argued that appropriate recreational uses are indeed essential for the continued protection of wilderness areas in American society.¹⁶⁰ We should appreciate the point Spring makes that effective preservation requires much green bonding and a substantial green constituency.¹⁶¹

The desire of citizens for protecting national parks, wilderness, and other natural areas is not based primarily on anthropocentric considerations. Citizens overwhelmingly favor managing these lands for the purpose of conserving native species. We have gone beyond the anthropocentrism expressed within the Yellowstone Act of 1872, the Wilderness Act of 1964, and other legislation. The desire of citizens for protection of natural areas is not based on duty or obligation. There are no definite ethical foundations essential to our efforts to protect nature. Our response to nature is primarily emotional rather than intellectual. The proper foundation for preservation of natural areas in the U.S., and in other countries as well, is the deep affinity citizens feel toward natural areas and other species, their attraction to and affection for these things. We should protect national parks, wilderness, and other natural areas because we wish to—this is a decision we have made as a society—and more deeply, because we love these places.¹⁶² As Mark Sagoff would express this, these lands have been “claimed by feelings.”¹⁶³ To be sure, there are numerous reasons to protect natural areas, originating from uses citizens desire from these lands: clean air and water, recreational

157. Gudmundsen & Loomis, *supra* note 61, at 259-60, 265.

158. *See, e.g.*, Dawson & Hendee, *supra* note 49.

159. *See, e.g.*, Nat'l Park Serv., *supra* note 35, at 36-47.

160. Spring, *supra* note 150.

161. *Id.*

162. As mentioned, this affinity for nature is probably culturally based, but it is not confined to the U.S. As one indication of this: according to the National Park Service, the national park concept has become the basis of a “worldwide movement” that has “spread to more than 100 countries.” NAT'L PARK SERV., *supra* note 35, at 8.

163. Sagoff, *supra* note 149, at 163 (quoting Alan Gussow).

opportunities, enjoyment of natural scenery, conservation of native species But the underlying reason for protecting these lands is emotional attachment.¹⁶⁴

The power of citizens' affinity for nature should not be underestimated. In his history of the Roadless Area Conservation Rule, Tom Turner writes that the effort to save this rule during the years of the Bush Administration involved "the most extensive national environmental campaign yet waged in the United States."¹⁶⁵ The Roadless Rule survived, he writes, due to a "massive, unprecedented grassroots effort" with support from millions of American citizens.¹⁶⁶ The preservation of natural areas can be enhanced through bringing about social changes recommended by Orr and others that will enhance our affinity for nature, including improvements in childhood education and improved opportunities to interact with nature—creation of urban parks, river walks, etc.¹⁶⁷

CONCLUSION

William Throop has written an interesting article in which he suggests that environmental philosophers should accept a clear division of labor within their discipline.¹⁶⁸ We should recognize the theoretical side: philosophers who focus on theoretical issues.¹⁶⁹ This group includes those philosophers who develop and investigate ethical theories. There is also the practical side: those philosophers who are more interested in real-world environmental problems.¹⁷⁰ According to Throop, the philosophers in this second group are more interdisciplinary in their training; their work is more empirically sophisticated and is of actual interest to those outside professional philosophy.¹⁷¹ For this group, Throop writes, "the political feasibility of a proposal matters."¹⁷² According to Throop, the work of the practical environmental philosophers should not be seen as applying the work of the theoretical philosophers. The two sides are addressing different problems, and they have, and should have, different foundations and different standards of quality.¹⁷³

The important work now, I believe, is practical rather than theoretical. In the work of practically oriented environmental philosophers, there should be no automatic

164. As discussed, according to Callicott, Leopold appealed to emotions: our sentiments of sympathy and caring for nature. Callicott, *supra* note 87, at 194-96. We should accept, however, that sympathy or affinity for nature arises spontaneously through appropriate experiences, and does not depend upon the realization that we are members of a broad ecological community. We simply fall in love with nature: plants, animals, wetlands, forests, waterfalls, etc.

165. TOM TURNER, ROADLESS RULES: THE STRUGGLE FOR THE LAST WILD FORESTS 3 (2009).

166. *Id.*; see also *id.* at 40, 46, 79, 107, and 141.

167. ORR, *supra* note 86, at 205.

168. William M. Throop, A Clear Division of Labor within Environmental Philosophy?, 12 ETHICS & THE ENV'T 147, 148 (Autumn 2007).

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

173. *Id.*

expectation that ethical theories will be applied in attempts to resolve environmental problems. For these philosophers, there is much concern with social and political context (ours is a pluralistic and democratic society), and with the details of environmental policy. Practically speaking, what is needed at this point is not another argument that attempts to establish duties or obligations toward nature.¹⁷⁴ As Orr suggests, we should take steps to enhance the affinity for nature within our society.¹⁷⁵ Also desperately needed are efforts to enable citizens to better live within nature. There is much philosophers can contribute, including insight and clear reasoning, but there are no essential hidden foundations waiting to be discovered.

174. Rolston lays out an argument from aesthetics to our obligations toward nature. The argument proceeds from the fact that the Tetons (for example) are there, to their aesthetic value (“they are beautiful”), to our duty to protect them. Holmes Rolston III, *From Beauty to Duty: Aesthetics of Nature and Environmental Ethics*, in ENVIRONMENT AND THE ARTS: PERSPECTIVES ON ENVIRONMENTAL AESTHETICS 127 (Arnold Berleant, ed., 2002). But why bring in duty? It is enough to emphasize the wonder and sheer beauty of nature and allow citizens to take action as they please. One edited volume published by environmental philosophers in 2008 has the subtitle: *From Beauty to Duty*. On the Internet are recent articles by philosophers attempting to rest environmental preservation on Kantian arguments that establish obligations toward nature. Philosophers are not presenting compelling arguments for preservation, in my view, by telling citizens that they are obligated to protect nature—that this is their duty.

175. ORR, *supra* note 86, at 205.