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"Just Preservation" Favors the Intrinsic Value of Animals

The concept "just preservation" recognizes the vital importance of all nature.

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A couple of months ago I had the pleasure of reading a very interesting and forward-looking essay, available online for free, by Adrian Treves, Francisco Santiago-Ávila, and William S. Lynn called "[Just Preservation](#)." I was eager to learn more about how this very thoughtful and forward-looking piece came to be and also about why the scholars wrote it. I asked if they had the time to answer a few questions about their joint effort, and gladly they agreed. Below is how our interview went.¹



Eyes of a wolf Source: Pixabay free download

Why did you write "[Just Preservation](#)?"

First off, thanks Marc for asking us to do this interview with you and share our ideas with your readers. Our [motivation](#) for this and other work is two-fold. First, we are trying to help jumpstart critically needed reforms of conservation theory and practice. In the main this involves leavening its science with ethical and legal principles, with an eye to increasing the transparency and accountability of the values being served (or not) by conservation.

Second, we are sharing the reasons and evidence for why conservation should recognize the intrinsic value of

animals and nature. Another way to say this is that we believe conservation has a direct duty to recognize the interests of other animals and their own well-being. One outcome of this recognition should be an ethics of care for both individual animals and the entire community of life – something we encapsulate in the phrase “people, animals, and nature”. Another is a commitment to a multispecies justice in our treatment of future generations (which includes today’s youth) as well as nonhuman animals.

What are your major messages in the article?

Novel views of conservation, preservation, and sustainability are surfacing in the wake of consensus about our failures to prevent extinction or slow climate change. This is driven in part by the failures of traditional conservation to protect biodiversity, as well as conservations failures to adequately address the moral dimensions of how we ought to treat animals, or think about the future of people, animals, and nature.

We argue that the interests and well-being of nonhumans, youth, and future generations of both human and nonhuman beings (futura) have too long been ignored in consensus-based, anthropocentric conservation. Consensus-based stakeholder-driven processes disadvantage those absent or without a voice, almost always exclude futura from consideration, and allow current adult humans and narrow, exploitative interests to dominate decisions about the use of nature over its preservation for futura of all life.

constitutional authority. There we can defend intergenerational equity, basically the fair and equitable treatment of future generations alongside current ones. Intergenerational equity is a common moral and policy concept when thinking about issues of sustainability. It is even codified in many nations' constitutions including in the preamble to the U.S. Constitution. The innovation we give to that insight in “Just Preservation” is our proposal to also grant legal standing to current and future generations of nonhuman life so courts can consider their interests in preservation.

Finally, we urge practitioners and scholars of conservation to disavow implicit anthropocentric value judgments in their work. And whether they hold a speciesist worldview or not, their value judgements should be made transparent and explicit. We trust the sunshine that comes from explicitly examining our value judgements will help transform conservation towards a more comprehensive worldview that grants future life on earth fair representation in humanity's decisions and actions today.

What spurred you to write the article?

Apart from the motivations noted above, “Just Preservation” is part of our years of work to find the optimal mix of just, ethical, and scientific insights to prevent extinction and ecological degradation. It is also part of a three-way dialogue with authors who published in the same journal this same year. To their credit, these two teams critique the anthropocentric status quo of conservation overall. Even so their ideas about non-anthropocentrism fall short of ours by not creating justice between humans and nonhumans, or by unjustly disprivileging individual animals beneath collectives such as lineages or populations or species. Thinking about the well-being of individual animals is often considered as antithetical to conservation.

As we state: “Ethical impartiality requires the well-being of all – people, animals, and nature – be equitably considered simultaneously, and the well-being of both humans and nonhumans can certainly be considered and implemented alongside one another.” We are advocating for authentic, multispecies justice for the entire biosphere into the future, not just current humans with political power. Anything less than this is anthropocentric and illegitimate. Conservationists are frequently at odds with narrow interest groups looking to exploit nonhumans and nature more generally. We argue that we can similarly think of the current system as responding to the narrow interests of current humans with political power, rather than the broad interests of all life today and into futurity.

We are also motivated by our work on trusteeship. Namely that democratic governments (which are the only potentially legitimate forms of governance in our view) are morally and legally obligated to act as trustees for the broadest public interest in the environment and other public goods. As trustees, governments -- including their elected, appointed, and funded institutions and individuals -- have a fiduciary duty to account for these public interest and goods. In the context of nature and animals, that fiduciary duty is to preserve the community of life for future generations of that community of life – people, animals, and nature. This is done, in part, by regulating current uses of animals and nature to avoid their exploitation.

Do your ethical recommendations fall into a particular school of moral theory?

There is a wide variety of specific moral theories, and lots of infighting among them. We don't engage in that, following the advice of Mary Midgley, Anthony Weston, and others that “it is not who is right, but what they are right about” (see Weston's A Practical Companion to Ethics). Instead we seek insight from a variety of moral theories that produce greater insight together than they do alone.

We hold to the view that ethics should be an open and welcoming conversation about how we ought to live with others, human or nonhuman. We believe ethics at its best is not about absolute moral truths, but rather a process of context-based, case-specific deliberations informed by ethical insights that reveal moral problems and provide guidance about what to do about them. It should be rooted in real world cases, flexible about which moral insights best help us understand particular cases, and attentive to the full range of moral values and worldviews in play. Ethics is thus framed as an act of moral interpretation not dogmatic belief, and seeks to get closer to the moral truth of things. This is what is called “interpretive ethics.”

Intrinsic value applies to both individuals and social or ecological communities. This makes anthropocentric (just the humans) or ecocentric (nature but not animals) of limited use.

Another is the mixed community which is the recognition that humans have always existed in multi-species communities whose members are feeling, thinking, and relating creatures like ourselves. This evolutionary commonality of consciousness between us is what makes human-animal bonds possible, and allows for the spectrum of wild and domestic animals to live with or alongside us.

Still another is multispecies justice, which is to say a non-speciesist approach to fairness in how we treat nonhuman beings. Multispecies justice requires that we give equal consideration to the well-being of others (human and nonhuman individuals), and suggests we have duties to ensure their well-being. This doesn't mean that we treat people and different species of animals all in the same way. Rather it means to try to do right by all given their capabilities and needs.

A final concept to mention is trusteeship. Trustees function as guardians of an estate, resource, or person that need protection from exploitation. The behavior and character of trustees is supposed to be prudent and selfless. We envision trustees for animals and future generations as necessary to ensuring their "voice" in protecting their interests and well-being are heard when environmental or other political, legal, or policy decisions are being made.

Bring these and related concepts together, and you have the conceptual foundation for "Just Preservation".

Can you please give some examples of how "just preservation" would be applied to some current conservation issues?

One of the most straightforward is calling attention to how conservation issues are framed in terms of anthropocentric and speciesist values. Rethinking the meaning and practices of conservation from a non-anthropocentric, non-speciesist point of view is a direct application in and of itself.

To avoid the theoretical weeds, here is a very practical illustration around the concept of trusteeship.

For example, the Natural Resource Board of Wisconsin was advised by a single deliberative body called the Wolf Advisory Committee (WAC), which was constituted with half interest groups with an explicit stated interest in wolf-killing, while other interest groups that opposed wolf-killing were explicitly excluded, and the other half of the committee were government agencies that were legally bound to serve in one or all ways as trustees for the broad public. The NRB and WAC then set the quota for public hunting, trapping, and hounding of wolves at a very high level and the population cap for wolves in the state. Besides the WAC not representing the broad public, it could not fairly represent future generations and sovereign tribes as it was constituted. We recommend the NRB disband the WAC and wholly reconstitute itself as an authentic trustee.

So in a practical sense, the next time any jurisdiction begins to decide whether to use nature and how much, it should weigh the interests of all beneficiaries – not with narrow interest group stakeholders swaying by majority rule or consensus-based processes – and allocate natural resources carefully to assiduously avoid impairment of the trust. Preservation takes priority because future generations of humans are a numerical majority and also because use threatens the interests of all futurity. Therefore, current programs of maximum sustainable yield would be doomed, or permitting killing without careful, transparent measurements of the condition of the asset, would all be inappropriate and challengeable by a majority of the beneficiaries, unless and until an authentic trustee has judged with evidence that the asset in question is over-abundant and thereby impairing other elements of nature.

For instance for a species recently recovered from protections, the trustee would allocate only interest on the principal (e.g., yearly increments) and preserve the principal for non-extractive, non-damaging users and future generations. For species at any risk of extinction, no use would be allowed. For super-abundant species (judged by a transparent, pluralistic, and evidence-based process to be damaging other public interests due to their

..... narrow or local interests. Note we recommend three advocates (at least) to represent (a) all current users, (b) futurity, and (c) non-anthropocentric interests. These 3+ advocates would argue their beneficiaries' interests in front of the trustees (e.g., a constitutional court) and rebut each other's arguments, respond to questions from the trustees, and then wait for a decision based on the law, ethics, and competing claims presented with evidence.

In the case of individual nonhumans and their legal representation, although this is far from settled, there is extensive literature on the topic arguing for codification of certain interests, ever since Christopher Stone's seminal 'Should Trees Have Standing?'. Indeed, independent standing is certainly plausible, and more recent legal literature has made short work of any claims to the contrary. It is certainly not prohibited in the US legal system. That said, legal literature changes as moral and ethical perspectives along with scientific evidence on these topics change. The scientific evidence defines no clear biological or social boundary between humans and nonhumans. We are all animals and part of a mixed-moral community, to use philosopher Mary Midgley's concept. Thus, social justice should include these individuals, albeit according to their own capabilities and interests (not superimposing ours). As we state, there are various alternatives for how to go about implementing such changes, and they should be seriously and promptly considered by both the public and policy-makers.

Why do you think the idea of non-anthropocentric "multispecies justice" hasn't been incorporated into serious discussions of our moral obligations to other animals and into discussions of conservation biology specifically?

The causes of this inadequate dismissal of our moral duties to animals are historical, deep-rooted, and arise from economic, scientific, philosophical, religious and cultural spheres. The concept of anthropocentrism captures this general prejudice against nonhumans, and assumes a hierarchy of value with humans at the top, so as to allow for nonhuman exploitation and dismissal for sometimes even the most trivial human benefits. Thus, humans are erroneously viewed as inherently and qualitatively superior to nonhumans given the possession of some arbitrary quality (like language, or tool use, or math... or unverifiable ones like possession of a soul) that anthropocentrists keep revising whenever scientists find out that we share those qualities with at least certain nonhumans (and we should add certain, non-anthropocentric religions do attribute souls to nonhumans).

But, even if this continuity between humans and nonhumans in capabilities, and thus interests, is acknowledged, there is still the hurdle of why specifically justice instead of only care, for example? Because justice occupies a place in morality that care cannot, in terms of establishing baseline duties we have towards others, to be in right relationship with them according to their capabilities, and to give them their due. In human societies, this takes the form of codification of hopefully increasingly fair terms of relating to others, so as to protect our inviolable rights, and of rigorous evaluation of the interests or claims involved in conflicts. Care is an integral part of morality, but in our relationships with nonhumans, same as our relationships with humans, we need to account for duties that we have to consider all claims fairly, independent of the presence or quantity of care.

In wildlife and conservation-related fields, specifically, these historical yet inadequate assumptions about nonhumans are added to another hierarchy of value, this time of ecological aggregates over individuals. Part of the reason for this is a focus on the intrinsic value of ecological aggregates or biodiversity, and the lack of attention to advances in animal ethics. For ecology and conservation-related fields, the focus on the aggregate has worked against the consideration of the nonhuman individual. We see this in the pervasive subsistence-type management that allows for human-caused animal exploitation and death for recreational purposes as long as populations remain viable. Or on lethal management of individuals considered "non-native" in the hopes of returning to an arbitrary past state. Moreover, the same fields carry a false domestic-wild dichotomy of animals, with wild animals being more valued than domestics, which are usually considered as either harmful to biodiversity or as property that needs safeguarding.

Individual animals have interests and relationships, which is all that is necessary to be owed justice. It is way past time these fields start taking these arguments seriously and directing their science towards coexistence with multispecies justice.

conservation. Compassionate conservation arose in large part because of an allied critique of traditional conservation – it's customary dismissal of the well-being of nonhuman animals as a core value of conservation.

This dismissal has two forms. The absolute form believes individual animals (as opposed to collectives like populations or species) simply don't count from a moral point of view and are not a concern of conservation. The relative form believes that while the well-being of individual animals may be a nice thing, it is towards the end of the line in conservation priorities such as the protection of biodiversity, recreational hunting, resource management for human needs, and so on. Both these forms of dismissal are troubling because they ignore or downplay the intrinsic value of individual animal lives.

We see compassionate conservation is one of many alternative paradigms of conservation that have arisen over the last several decades. Most of the alternatives are firmly committed to human exceptionalism which involves some variant of dominionism (i.e., the earth was created for the use of human beings), anthropocentrism (i.e., the belief that we are the only morally valuable creatures on earth), and/or speciesism (i.e., that other animals don't count or countless ethically, we people have a right to treat other animals unjustly). New conservation, political ecology, and social nature are all examples of new conservation paradigms that de-emphasize our direct ethical responsibility to animals and nature.

Compassionate conservation, like rewilding before it, takes a different moral outlook. It understands that all people, animals, and nature have an intrinsic value that is not reducible to the instrumental uses humans have for each other, other animals, or the natural world. In this sense compassionate conservation is an ethics-informed even ethics-led form of conservation. And while it is not an ethic per se, it is open to a variety of ethical perspectives that can help us do better and do right by the nonhuman world, and in particular to those sentient (feeling), sapient (thinking), and social (relating) creatures with whom we share the entire earth.

"Just Preservation" shares in all these ideas and the larger spirit of compassionate conservation. Where it may push the boundaries is in its insistence on considering intergenerational equity and multispecies justice as part of compassionate conservations developing self-understanding. We also push the envelope by critiquing the term "conservation" as its origins lay in the concept of "wise use," something that historically has rarely been about wisdom and more often about using animals and nature. We recognize this is not the meaning envisioned in compassionate conservation where the term references our relationship to and management of the nonhuman world. Still, we believe it is important to criticize the term conservation on functional grounds for its over-emphasis on use rather than preservation, which we argue, via ethics, law, and science, should be the priority today. In this sense, advocates for compassionate conservation might want to embrace compassionate preservation!

Can you please say more about "intergenerational equity." You write, for example, that you "and embrace a more comprehensive worldview that grants future life on earth fair representation in humanity's decisions and actions today." I see it as a concern that future generations will not inherit as rich and magnificent planet as, say, current adults, and that we have an obligation to leave them the very best we can.

We believe we need to make transformative changes to leave humanity's future generations a livable as well as verdant home. This concern for future generations (or "futura") has been a staple of environmental ethics for decades. But the future is not only for humanity. Animals as individuals and groups (families, populations, species, ecological communities) as well as the community of life have both a stake in and right to their own livable and verdant futures.

This is one way the article breaks new ground. We specifically include other animals and nature in the concept of futura, and do not restrict it to human beings alone.

Intergenerational equity also reflects the use of our term "equitable consideration", which we should do right by morally relevant beings and entities (e.g. animals and nature). Nonhumans deserve an equal measure of consideration for their well-being, especially when the impacts that human thought and behavior negatively affects them. This doesn't mean we would treat people, animals, and nature in exactly the same way. People can

What are some of your current projects?

Adrian is particularly interested in the role of trusteeship as a preservation-oriented concept in public policy, and its application to questions of both wildlife management and global climate change. He is also focusing on identifying and removing junk science from the conservation literature in order to improve [decision-making](#). Along with others, Fran and Bill support Adrian's work as we can.

Bill and Fran are concentrating on allied work emphasizing the role of a non-speciesist ethics in the formation and implementation of public policy. This has wide applicability to such topics as wildlife management, the meaning of sustainability, new conservation paradigms like compassionate conservation and rewilding, as well as to conservation ethics itself. Adrian and others are partners with us in this endeavor.

Also, as part of his Ph.D. dissertation, Fran is evaluating the effects that management interventions and policies have on human-carnivore conflicts and human-caused mortality.

If you'd like to look at some of our other work, here are a few suggestions.

Treves, Adrian, Kyle A. Artelle, Chris T. Darimont, William S. Lynn, Paul Paquet, Francisco J. Santiago-Ávila, Rance Shaw, and Mary C. Wood. 2018. "[Intergenerational Equity Can Help to Prevent Climate Change and Extinction](#)." *Nature Ecology & Evolution* 2, 204–7.

Treves, A., Chapron, G., López-Bao, J. V., Shoemaker, C., Goeckner, A., & Bruskotter, J. T. (2017) "[Predators and the public trust](#)." *Biological Reviews* 92, 248-270.

Santiago-Ávila, F. J., Lynn, W. S., & Treves, A. (2018). [Inappropriate Consideration of Animal Interests In Predator Management: Towards A Comprehensive Moral Code](#). In T. Hovardos (Ed.), *Large Carnivore Conservation and Management: Human Dimensions and Governance* (pp. 227-251). New York, NY: Routledge.

Lynn, W. S. (2018). [Bringing Ethics to Wild Lives: Public Policy for Barred and Northern Spotted Owl](#). *Society & Animals: Special Issue on Wildlife* 26(2), 217-238.

Is there anything else you'd like to tell readers?

To paraphrase Aristotle, politics and policy are “ethics writ large,” and this expressly includes both animal and conservation policy. The values we hold dear drive public policy of every sort. It is certainly true that the science is important for understanding how the natural world works and for getting our facts about it correct. No policy is worth its salt if it ignores the facts of science. At the same time, ethics is equally if not more important. Its through ethics that understand what values are at play, and how those explain how society works. The ethics and science thus partner to keep both our facts and values transparent and accountable, and in so doing, allow us to make better political and policy decisions about every aspect of our lives, including animal protection and environmental conservation. We can't create a sustainable future without both ethics and science.

Thanks to you all for your detailed and comprehensive answers to my questions. I hope that your essay receives a broad global audience because nonhuman and animals need all the help they can get all over the world, and we need to be sensitive to all forms of suffering. (See "[Why People Should Care About Animal and Human Suffering](#).") The bottom line seems to that we need a non-anthropocentric ethic that favors freedom and justice for all, and the idea of "just preservation" clearly works for this goal.

Note

¹The abstract reads "We are failing to protect the biosphere. Novel views of conservation, preservation, and sustainability are surfacing in the wake of consensus about our failures to prevent extinction or slow climate change. We argue that the interests and well-being of non-humans, youth, and future generations of both human and non-human beings (futura) have too long been ignored in consensus-based, anthropocentric

incorporate multispecies justice are needed for a legitimate, deliberative, and truly democratic process of adjudication between competing interests in balancing the preservation and use of nature. Legitimate arenas for such adjudication would be courts that can defend intergenerational equity, which is envisioned by many nations' constitutions, and can consider current and future generations of non-human life. We urge practitioners and scholars to disavow implicit anthropocentric value judgments in their work – or make these transparent and explicit – and embrace a more comprehensive worldview that grants future life on earth fair representation in humanity's decisions and actions today."

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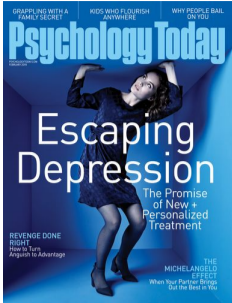
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