

**Toward a Case-Based Ethic of the Built Environment:
Contributions from a Revised Approach to Environmental Ethics**

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Abstract

This paper is based on the research for my doctoral dissertation, which advocates adopting a casuistic approach to environmental decision-making, and considers how and why casuistry might contribute to an ethic of the built environment. In the dissertation, I argue that at least since the 1960s, academic environmental ethics has located the source of our present environmental crises in an instrumental approach to the non-human world. Theorists have generally taken one of two main tacks to solving this critical problem. The first, and probably by far the more popular approach, is to shift the locus of our relationship to the environment from one of *use* to one of *value*. Since environmental problems are caused by a modern, western, technical-rational focus on maximizing production, the solution is to recognize and base environmental policy on the intrinsic value of the non-human world, so that it cannot be viewed (and thus used) purely instrumentally.

Theorists differ on just how radical a change this is from the current prevailing view, as well as on their preferred corrective. Within what I broadly term “theories of intrinsic value,” there is a further division between advocates of eco-holism and rights advocates. Eco-holism views include Gaia and Deep Ecology, represented by James Lovelock and Arne Naess, respectively, as well as eco-feminist and eco-justice approaches, represented by Rosemary Radford Ruether, Carol Christ, Karen Warren, Laura Westra, John B. Cobb, Jr., and Larry Rasmussen. Each of these approaches attempt to move from a so-called “anthropocentric ethic” to an eco- or bio-centric ethic, in which humans are demoted from their current place as the sole, or even primary, consideration of ethical theory. It is an attempt to give moral standing to the non-human natural world.

Rights-based theories also give moral standing to the environment, but through assigning it a set of rights, akin to human rights, that would apply in cases of conflict between human desires and the perceived “interests” of the non-human natural world. Holmes Rolston is the pioneering figure in this field, although James Nash has also developed a version of biotic rights. Peter Singer has contributed to claims for animal rights from a utilitarian perspective, and Martha Nussbaum has recently been expanding her capabilities theory to include non-human animals. Assigning rights also gives a basis for legal standing for the non-human natural world.

Not all environmental ethicists lean towards intrinsic value theories, however; some take a more pragmatic, cost/benefit approach. This type of approach includes consideration of the non-economic worth of the natural world *without* granting it moral standing, and appears often in legal and political thought. Full-length studies include Daniel Farber’s *Eco-Pragmatism* and Lincoln Allison’s *Ecology and Utility*. While certainly a minority position in environmental ethical theory, pragmatic and prudential approaches reign in environmental policy and practice.

Over the past four decades, increasingly complex environmental realities have yielded increasingly subtle theory, along with a host of apocalyptic predictions and radical moralizing. But all the theorizing has yet to produce a convincing practical alternative to pragmatic or utilitarian means of decision-making. The field is theoretically fragmented, offering little practical advice on concrete issues of the day (that is, much theory is too abstract). Practically-oriented works offer little guiding ethical framework other than averting the next environmental disaster (that is, much praxis is ad hoc).

My dissertation develops a third approach that has been shown effective in two other applied fields, bioethics and the ethics of war. Rather than re-envision the relationship of humanity, the non-human world, or the divine as a means to resolve our current environmental dilemmas, I argue that the application casuistry to environmental problems yields a suitably practical and flexible approach to environmental decision-making that is also more ethically nuanced than utility or pure prudentialism. Rather than creating a comprehensive vision of the good (as with intrinsic value theories) or a set of inviolable moral rules which are then applied to various cases (as with rights or utility), casuistic ethics starts with specific instances of moral uncertainty. After determining the morally relevant factors of the case, casuists reason analogically from clear-cut cases and general moral principles in order to determine the morally preferable action in contested circumstances. This method is particularly suited to the complexity, variety, and novelty of the problems encountered in the field of environmental ethics. It can also function even when there is disagreement at the theoretical level.

My paper applies this argument to the ethics of the built environment: it considers what a casuistry of the built environment might look like. What might count as paradigm cases? What could serve as the foundational principles? In formulating the answers to these two basic questions, I highlight the work of Frank Lloyd Wright. Wright left not only a highly influential legacy of structures, but also a substantial amount of written exposition of his approach to the built environment. From Wright we can consider where the ethical meets the aesthetic. What can be appropriated from his successes and mistakes? Finally, the paper argues that a case-based approach can also be an effective means for teaching ethics to future professionals, as it has been in law and in medical, business, and environmental ethics more broadly.

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