

THE ETHICS OF POISONING FOXES

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This essay seeks to explicate several strands of Environmental Philosophy by applying them to a genuine example of environmental conflict. The recent invasion of the Tasmanian wilderness by the European Fox, threatens several critically endangered mammals, not to mention the ecosystem as a whole. The DPIW has begun placing poisoned bait in the Tasmanian wilderness in an attempt to rid it of the fox. Rather than prescribing a solution to this complex problem, this essay tests the capacity of pre-existing ethics to protect the endangered mammals of Tasmania. In elucidating the Utilitarian and Rights Based approaches to ethics, it becomes clear that they harbour highly problematic elements. Following this, the essay explores the benefits of holistic ethics, and ethics based on difference. Ultimately, this essay seeks to discover what an ethical response to the Tasmanian situation would look like.

Cold, delicately as the dark snow
A fox's nose touches twig, leaf;
Two eyes serve a movement, that now
And again now, and now, and now

Sets neat prints into the snow
Between trees, and warily a lame
Shadow lags by stump and in hollow
Of a body that is bold to come

- from *The Thought Fox*, by Ted Hughes

On May 31st of 1998, a fox disembarked from a container ship recently berthed at Burnie Wharf, Tasmania. Although the animal was chased by six employees, it escaped from the wharf complex and hid in the nearby scrub. A month later, fox prints were found on a local beach. This incident, documented in a report prepared by the Invasive Animals Cooperative Research Centre (2006: 15) leaves no doubt that the Red Fox, *Vulpes Vulpes*, is present in Tasmania. Three years later, a fox was shot sixty kilometres inland, on the Symmons plain. An analysis of its stomach contents revealed the remains of *Pseudomys higginsi*, a rodent entirely unique to Tasmania (2006: 13). It is clear that the invasion of Tasmanian wilderness

by the fox poses a threat to its native fauna. Several Australian species, such as the Tasmanian bettong and the Eastern quoll, have recently become extinct on the mainland. The activity of the fox in mainland ecosystems is directly implicated in the extinction of these species, and while they have continued to flourish in Tasmania, it has been in the absence of introduced predators. Given such a dire scenario, The Department of Primary Industries and Water has established a Fox Eradication division. A government report issued in 2002 stated that '[f]oxes are the greatest known threat to Tasmania's wildlife in our time and the eradication of foxes from Tasmania will only occur by the application of a thorough, comprehensive, and extensive program' (Saunders 2002: 9). This program currently consists of raising public awareness about the issue, running a 'fox sighting' hotline (1800-FOX-OUT), and placing poisoned bait in likely fox habitat.

It is fair to say that the Tasmanian government is attempting to prevent foxes establishing by killing them with poison. This course of action is based upon the belief that foxes can be completely eliminated from Tasmanian wilderness through a concerted effort. It has been predicted that, if this effort is not successful, the '[l]osses to Tasmania's lamb and wool industries from foxes would be in the vicinity of several million dollars per annum' (Saunders 2002: 13). While the actions of the State government will probably be determined through economic modelling, it is worth asking whether a regime of systematic poisoning is an ethically sound course of action to take. This essay will attempt to unravel the ethical implications of such actions with reference to some of the main currents of environmental philosophy. The presence of the fox in Tasmania provides a fascinating and practical lens through which we can view environmental ethics. Rather than simply demonising the foxes, as the State government has done, I will attempt to deepen our understanding of the responsibilities, if any, that human beings have toward the Tasmanian wilderness. This investigation will first examine utilitarian ethics, with specific reference to Peter Singer. After that, we will turn to rights based theories, followed by a closing analysis of holistic ethics. Ultimately, this essay seeks to determine what a truly ethical response to this situation might look like.

The European fox was introduced to Australia in 1855 as game to be hunted by wealthy settlers (Saunders 2002: 11). Introducing a foreign predator into an isolated ecosystem may seem incredibly foolish to modern Australians, but at the time, colonists released several

European species in their attempts to 'gentrify' the strange Australian landscape.¹ Of course, being a resourceful species, *Vulpes Vulpes* managed to infest large tracts of Australian habitat by the 1870's. The fox is now present in nearly all Australian ecosystems, excluding the tropical north and Tasmania. It is fair to say that the fox has had a devastating impact on the Australian environment, and that its presence in these ecosystems is nothing other than the result of human folly. Yet, by the time foxes were understood to be detrimental to Australia's biodiversity, it was too late to remove them. Foxes are nocturnal, burrowing animals, and because of this, are notoriously difficult to catch. Consequently, the only effective method of 'control' currently available is poison. Studies commissioned by the DPIW have concluded that poisoning with 1080 (sodium monofluoroacetate) is the most effective means to rid habitats of fox (Saunders 2002: 33). 1080 is a naturally occurring compound found in many species of Australian plant. Because native fauna have generally evolved a higher tolerance for this compound, it is relatively species specific. Furthermore, 1080 is a highly biodegradable substance that does not accumulate in food chains. The DPIW does admit that '[t]here is some debate about the humaneness of 1080', but states that it is 'the most effective vertebrate pest poison currently available'. Symptoms of poisoning include nervous distress, with uncontrollable running witnessed in poisoned canines (DPIW 2008). Given this, it is reasonable to assume that ingesting bait laced with 1080 would cause a fox to suffer a great deal of pain before dying. If the foxes in Tasmania are acting naturally, then it is hard to understand why they deserve to be treated so poorly. After all, the fox did not choose to come to the antipodes, and could hardly be blamed for the environmental degradation they cause. Given this, how is it possible to justify fox poisoning?

One means of justifying such an action would be to refer to 'the greater good'. This is essentially a utilitarian argument, in which the fox's pain is considered, but ultimately outweighed by the interests of others. The renowned bioethicist, Peter Singer, states that '[i]f a being suffers, there can be no moral justification for refusing to take that suffering into consideration' (1979: 54). It is interesting to realise that the roots of this demand reach as far back as the 18th century. Jeremy Bentham's book, *An Introduction to the Principles of Morals and Legislation*, is a political work primarily concerned with putting forth the principles of Utility. However, in a prescient footnote, Bentham asks his readers to consider a future in which animal pain is accorded a similar status to the pain of humans:

¹ For an interesting discussing of this phenomenon please see Kay Anderson, (1995) *Culture and Nature at the Adelaide Zoo: At the Frontiers of "Human" Geography: Transactions of the Institute of British Geographers*, Volume 20 (3) September.

The day may come when the rest of animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. ... It may one day come to be recognized that the number of the legs... is [a] reason ... insufficient for abandoning a sensitive being to the same fate. ... The question is not, can they reason? Nor can they talk? But, can they suffer? (Singer 1979: 56-7)

Elsewhere in the footnote, Bentham refers to the *Code Noir*; a decree issued by Louis XIV that enshrined slaves in French colonies with particular rights. In light of this, it appears that he discerns an expanding circle of moral considerability – that begins to include women, then other races, and eventually all sentient beings – as society progressively discards its prejudices (sexism, racism, and ‘speciesism’ respectively). Such a progression relies upon the spread of a founding tenet of utilitarian ethics: the principle of the equal consideration of interests. Singer states that ‘[t]he essence of the principle of equal consideration of interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions’ (Singer 1979: 19). In this case of poisoning foxes, this means that their pain can not simply be ignored, or dismissed as unimportant. Indeed, for Singer, fox pain must be considered equivocal with the pain of similarly endowed humans, such as infants and the severely disabled. This is because:

Having accepted the principle of equality as a sound moral basis for relations with those of our own species, we are also committed to accepting it as a sound moral basis for relations with those outside our own species – the nonhuman animals. (Singer 1979: 58)

Within utilitarianism, a failure to take the pain of foxes seriously is a symptom of an irrational prejudice against nonhuman species. For an agent to act ethically in this framework, they must weigh the interests of all parties, regardless of species, impartially.

If the interests of all concerned parties in Tasmania are weighed impartially, it becomes clear that poisoning foxes actually is an ethical course of action. While the principle of the equal consideration of interests prevents the fox’s suffering from being ignored, there is a large body of evidence that suggests the presence of the fox in Tasmania will cause far greater accumulated suffering among several different groups (see ‘Risk Analyses’ Saunders 2006). Farmers will suffer economic loss, and their stock will be savagely preyed upon by the fox. The tourism industry will suffer the loss of a unique habitat, as biodiversity will be

diminished by the European predator. Most importantly, native mammals, such as *pseudomys higginsi*, will suffer a form of predation that they have not evolved defences for. Because utilitarianism is an aggregate theory, it is possible to 'weigh' all these competing interests and conclude that while the foxes may suffer from being poisoned, their interests are outweighed by the interests of the other parties. Thus, the capacity to apply utilitarianism to this particular scenario is limited to the conclusion that whilst the government is morally obliged to do all it can to remove the fox from Tasmania, action must be taken to minimise the suffering that the foxes experience. Perhaps, say, an anaesthetic should be combined with 1080.

To me, this conclusion seems reasonable, but it belies the fact that there are serious problems with utilitarian ethics. These problems are not immediately obvious, but become glaringly apparent in hypothetical situations where applying the 'principle of the equal consideration of interests' results in morally reprehensible outcomes. As utilitarianism is an aggregate theory it provides no protection for the rights of individuals. This is because utilitarians perceive the individual as a 'mere receptacle' for potential value. The receptacle itself does not have a value; our ethical considerations should be influenced only by its contents. Thus, in pursuit of the greater good, a utilitarian would be morally obliged to, say, euthanise chronically depressed individuals, or terminally ill cancer patients. That is, beings who contribute nothing but suffering to the hypothetical aggregate total. These questionable obligations have provoked the criticism that utilitarianism focuses far too heavily on consequences, and because of this, fails to adequately respect individual autonomy. In one such criticism, Tom Regan, a prominent animal rights philosopher and activist, states that the principle of utility '... [has] no room for the equal moral rights of different individuals' (2004: 37). In place of an ethical theory which aggregates utility to the greater good, Regan advocates a 'rights based approach' to environmental ethics. His essay, *The Case for Animal Rights*, asks his readers to imagine a hypothetical situation in which an individual is morally obliged to kill a rich, miserable, and ailing aunt so that they can donate the inheritance they receive to a local children's hospital. Because the act results in an aggregate increase in happiness, a utilitarian must conclude that the act is not only justified, but even morally obligated. Regan states that '[t]his same kind of argument, can be repeated in all sorts of cases...illustrating how the utilitarian's position leads to results that impartial people find morally callous' (2004: 31). Essentially, Regan's criticism of utilitarianism lies in the fact that it is a consequentialist theory of aggregates. Once the consequences of an action are considered sufficient cause to justify an action, all sorts of moral atrocities can be committed for the sake of 'the greater

good'. Regan is thus at pains to remind his readers that 'a good end does not justify an evil means' (2004: 42).

The ethical system that Regan proposes is essentially an extension of Immanuel Kant's deontological, or duty based, ethic. In his book, *The Case for Animal Rights*, Regan states that there are two 'nonconsequentialist' ethical theories, Kant's deontological ethic and 'the rights view':

[t]he second nonconsequentialist theory asserts that certain beings have certain moral rights ... independent of utilitarian or other consequentialist considerations; an act is wrong, then, on this view, if it violates an individual's moral rights (2004: 143).

Despite his claim, it is difficult to see exactly how Regan's 'rights based' ethic differs from the Kantian position. This is because 'rights' themselves are derived from the Categorical Imperative. In Kant's view, once an individual is sufficiently possessed of reason, they are morally obliged to act '...in such a way that [they] could also will that [their] maxim should become a universal law' (Kant 1993: 30). If they do, a situation results in which the dignity and autonomy of individuals are respected as 'rights'. Thus, the true difference in Regan's 'rights view' of ethics is that, rather than attributing rights to all rational beings who can enter into a contract to act morally, he attributes rights to all beings whom he describes as 'subjects-of-a-life'. Regan states that 'individuals are subjects of a life if they have beliefs and desires; perception, memory, and a sense of the future' (Regan 2004: 243). Under Regan's ethics, if a being has these qualities, then they possess a distinctive value of their own, and 'are not to be treated as mere receptacles' (2004: 242). Because foxes qualify under the 'subject-of-a-life' criterion, Regan believes that they must be accorded the same dignity as human beings. Thus, in Regan's rights based approach to environmental ethics, the foxes proliferating in Tasmania have as much right to self-determination as you or I.

If we apply Regan's framework to the situation in Tasmania, there can be no ethical justification for the actions of the DPIW is taking. The Department should cease fox control immediately, and the foxes should be left in peace. Regan is quite clear on this point. He states that '[t]hose who accept the rights view must work to bring an end to such predator control programs' (2004: 347). It is unclear what Regan's stance on trapping and relocating the foxes would be, but in this case, the question is irrelevant. Traps placed in the Tasmanian wilderness often catch native mammals because, as mentioned earlier, foxes are notoriously

difficult to trap. Regardless, such a practice would obviously violate the autonomy of the fox, and because of this, would probably be deemed unethical. Unfortunately, Regan's theory doesn't provide any specific protection for the endangered species of Tasmania. Scarcity does not confer any extra rights on a species. This is because rights based ethics are primarily concerned with the autonomy of individuals. Wholes, such as species and ecosystems, do not qualify for ethical considerability within this framework. Regan readily admits this, and states that: '[s]pecies are not individuals, and the rights view does not recognise the moral rights of species to anything, including survival' (2004: 359). Therefore, under Regan's model of animal rights, despite any extinction they might bring about, foxes must remain in Tasmania.

This conclusion seems problematic, but it is unclear exactly where Regan's theory goes wrong. I believe that the fundamental difficulty of rights based ethics is determining which beings qualify for rights. Kant's deontological ethic solves this problem through contractarianism, that is, by stipulating that all beings who consciously behave in an ethical manner deserve to be treated in the same way. Regan, on the other hand, attributes rights to all beings that he has decided are subjects-of-a-life. In doing this, Regan brings two highly problematic elements in to his theory. While Kant's Categorical Imperative depends upon the moral agency of rational beings, Regan is willing to attribute rights to predators which can not be held accountable for their actions. Regan states that 'animals are not moral agents and so can have none of the same duties moral agents have, including duties to respect the rights of other animals' (2004: 357). However, if this is the case, then there is nothing to stop foxes from completely degrading the Tasmanian ecosystem. Indeed, under Regan's theory, such a consequence would be more ethically acceptable than any form of predator control. Furthermore, by ignoring the contractual element to Kant's deontological ethic, Regan prescribes a paradoxical relationship to the environment. Because Regan states that humans qualify as both 'moral agents' and 'subjects-of-a-life', a human surrenders no rights in choosing to act immorally. In this case, there is no reason why humans, qua subjects-of-a-life, should sacrifice their own interests by respecting the rights of other animals. On the other hand, if Regan believes that, as moral agents, humans are obligated to protect the rights of other animals, then it becomes clear that humanity has a completely different kind of relationship with the natural world than that of a 'subject-of-a-life'. As Peter Fritzell points out:

Either we are plain members of the biotic community, on a par with other creatures, or we are not. If we are, then we have no moral obligations to our fellow members or to the community

per se. ... On the other hand, we are moral beings ... precisely to the extent that we are civilized, that we have removed ourselves from nature. ... But then our moral community is limited to only those who share our transcendence of nature (in Callicott 1989: 96).

It is unclear how Regan can resolve this paradox, yet it is not even the gravest criticism levelled against him. Upon examining his theory, it becomes clear that Regan has fundamentally misunderstood the importance of 'wholes' to the health of the environment. Regan's criterion for qualification to 'subject-of-a-life' status excludes a large proportion of the Earth's life forms. He states that he can only be sure that an animal has qualified as a subject-of-a-life, when it is a 'mentally normal mammal ... of a year or more' (Regan 2004: 78). Yet, this criterion dismisses any possibility of rights for flora, fungi, and a great deal of the animal population. Regan seems unable to understand that the health of mammals is dependant upon the existence of a great range of diverse life forms, some of which could never seriously be presumed to have 'rights'.² The narrow scope of this 'mammal rights' ethic is sharply criticised by J. Baird Callicott, who argues for a more holistic approach to environmental ethics. As Callicott points out, solely attributing rights to mammals results in a 'biologically naive' environmental ethic.

Thus, it is clear that there are untenable problems with both utilitarian and rights based approaches to environmental ethics. However, it is possible to find some agreement between the two schools of thought. This concord is noted by J. M. Dieterle in her article 'Unnecessary Suffering'. Dieterle argues that on all sides of the 'animal rights' debate, theorists agree that it is wrong to cause unnecessary pain or suffering. Therefore, she puts this idea forth as an 'uncontroversial moral principle':

[i]nstead of arguing that animals have rights or that animals should be counted equally in the utilitarian calculation, ...we can use a general moral principle as a limiting condition on our behaviour. (Dieterle 2008)

This is a seemingly simple conclusion, but it has far ranging implications. Indeed, Dieterle convincingly argues that '[w]hen we use this general moral principle as a guide, many human activities that involve animals are deemed immoral' (2008). Of course, this principle is meaningless until Dieterle can provide an adequate determination to judge if a pain is 'necessary'. To do this, Dieterle adapts a principle put forth by Peter Singer. In his article

² see Charles Cockell, (2004) *The Rights of Microbes*, [Interdisciplinary Science Reviews](#), Volume. 29 (10) June.

Famine, Affluence, and Morality, Singer proposes that '[p]ain or suffering is *unnecessary* if and only if it can be prevented without sacrificing anything of comparable moral importance' (1972: 231). While this statement still leaves considerable ambiguity regarding what is morally important, Dieterle's position acknowledges that, when confronted with conflicts of interest, humans do often consciously choose to inflict pain on animals. By following the principle of 'unnecessary suffering', a burden of proof is placed upon the actor who causes pain. They must be able to justify why the suffering is necessary by convincingly demonstrating the benefit gained for the cost. To my mind, this principle marks the conceptual limits of an environmental ethic determined by utility. If one truly subscribes to the principle of the equal consideration of interests – each to count for one, and none more than one – then human interests can almost always be calculated to outweigh the interests of other animals; simply by virtue of being greater in number. Dieterle's 'general moral principle' also appears to be the most insightful prescription that rights based theories can offer unless they are able to provide a coherent, and environmentally sustainable determination, of which beings have rights and why.

Thus, instead of considering the issues surrounding individual members of a species, it might be more practical to examine the health of the ecosystem as a whole. Aldo Leopold, an early proponent of this view, argued that it was possible to determine the ethical validity of an action by judging its wider effect on the 'biotic community'. He formulated this rule as follows:

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. (Leopold 1968: 240)

Following Leopold's 'land ethic', it would be easy to justify fox poisoning in an attempt to preserve the integrity of the Tasmanian wilderness. Such an action would be analogous to, say, flicking a bee off a friend's back before it could sting them. This is because, for Leopold, caring for the land is intimately bound to the concept of community. The land ethic dictates that if humanity is to take its proper place in the biotic community, it must work to bring about 'the extension of the social conscience from people to land' (1968: 225). While this is an admirable aim, it also appears to be hopelessly idealistic. Many ordinary human activities that take place in Tasmania could be considered to disrupt its biotic community. There is no doubt that agriculture and tourism do far more than foxes to undermine the 'integrity, stability, and beauty' of the Tasmanian landscape, not to mention the clear felling of old

growth forest. Thus, it is tempting to say that the land ethic leads us to conclude that the best course of action humanity could take, regarding the Tasmanian wilderness, would be to remove themselves from it completely. Yet, Leopold claims this is not the case. He states that within his environmental ethic, 'conservation is a state of harmony between men and land' (1968: 222). Though such a prescription seems vague, it serves as a reminder that humanity is inextricably involved with many natural processes. Though the biotic community in Tasmania may have been more resilient had humanity never set foot on the island, there is a burden of responsibility on humanity to rectify the problems they have created. If this takes the form of removing a disruptive predator from the Tasmanian landscape, through the use of biodegradable poison, then such an action can be considered a small step towards achieving a harmonious relationship.

Yet, because the land ethic states that humanity must judge all of its actions in reference to the biotic community, it has been accused of engendering an 'ecofascist' totalitarian system of environmental ethics (Regan 2004: ix). Such a criticism fails to acknowledge that any sustainable environmental ethic must be holistic. Whereas Regan's 'rights based' ethic seems prepared to sacrifice the health of an ecosystem to preserve the rights of particular individuals, a holistic ethic demands that we realise the health of individuals is dependant of the integrity of the entire system. While it is true that the land ethic is totalitarian system, it is so precisely because the earth is the greatest totality to which humans can meaningfully refer themselves. To describe this relationship as 'fascist' denies the fact that humanity is completely dependant upon the health of the biotic community for survival. The land ethic asks nothing of humanity except that it attempts to find a way to harmoniously sustain a diverse range of life on earth.

However, there is a danger inherent as positioning the biotic community as a glorified life-support system for humanity. To avoid such a domineering, and paternalistic relationship to the environment, it is important to promote an ethic that conceptualises the natural world as an independent entity with its own worth its own. This is argued by the theorist Mick Smith:

Environmental ethics has had to constantly struggle for breathing space against the constrictive coils of a culture that regards all of nature instrumentally, that is, as a resource whose meaning and value lies only in its potential for human transformation and use. (Smith 2007)

For Smith the vital aspect of an ethically should relationship to the natural world is the recognition that nature must be respected beyond the benefits that it provides to humanity. To me, it is clear that a truly ethical understand of the natural world must incorporate a respect for its unfathomable difference from humanity. Such a need is recognised by Iris Murdoch, who writes about the potential for 'unselfing' in the natural world:

A self-directed enjoyment of nature seems to me to be something forced. More naturally...we take a self-forgetful pleasure in the sheer alien pointless independent existence of animals, birds, stones, trees. (Smith 2007)

The sheer fact that life has evolved on earth is incredible. The state of complexity and self-reflexivity that these life-forms have reached is something so astounding it escapes adequate expression in language. This is precisely because the natural world is so profoundly alien, that it escapes adequate expression in language. That nature continues to surprise humanity, demonstrates that it exceeds our understanding. Though humans are born from natural processes, it appears that the environment can not be entirely encompassed by human understanding. Ultimately, an environmental ethic should recognise that while humanity is born from, and dependant upon nature; the biosphere is a system far more complex than we can express. And even though environmental degradation is a far larger problem than the situation in Tasmanian, it is worth doing what we can to preserve the integrity of such a unique, and biodiverse ecosystem.

In conclusion, I believe that attempting to prevent species extinction by carrying out a predator control program is an ethically acceptable course of action for a state government to take. However, such an action should not be taken lightly. It is important to understand exactly why humanity wishes to remove the fox from Tasmanian ecosystems, and it is important to consistently adhere to a coherent ethical system that permits such an action. Utilitarian and 'rights' based theories appear to be inadequate for this role, for the reasons described above. Thus, it is clear that such a system will necessarily be holistic, because ecosystems depend upon wholes for their survival. It is also clear that such a system must incorporate an 'ethics of difference' in deference to the incomprehensible complexity of the environment.

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