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**A Critical Examination of the Moral Status
of Animals, with Particular Reference to the
Practices of Factory Farming and Animal
Experimentation**

A thesis submitted in partial fulfilment of the requirements
for the degree of Doctor of Philosophy

**School of English, Communication and
Philosophy
Cardiff University
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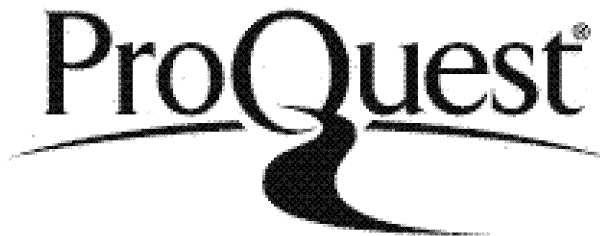
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CONTENTS

Acknowledgements	i
Declaration and Statements	ii
Summary	iii
Chapter One – Introduction	
1.1. Background, Importance and Aim	1
1.2. Central Research Questions	4
1.3. General Outline	9
1.4. Presentational Details	13
Chapter Two – Speciesism, Value and Moral Judgments	
2.1 Typology	17
2.2 Animal Discrimination as ‘Speciesism’ by Analogy	19
2.3 An Analysis of Speciesism	22
2.4 Value, Moral Consideration and Moral Significance	27
2.5 Attitudes and Obligations	32
2.6 Impartiality, Partiality and Moral Judgments	35
2.7 Objectivity and Animals	41
2.8 Speciesism Revisited	44
Chapter Three – The Principle of Equal Consideration	
3.1. Equal Consideration not Equal Treatment	49
3.2. Comparative Judgments	55
3.3. Morally Important Distinctions	58
3.4. Coherence Theory	61
Chapter Four – Contractarianism	
4.1. The Veil of Ignorance	67
4.2. Contractarianism and Animals	76
4.3. Indirect Duties	79
4.4. Rationality and Moral Agency	85
4.5. Desensitization, Compartmentalization and the Imagination	87
4.6. Science and Morality	96
4.7. Virtue Ethics: the manifestation of virtue	103
4.8. Social Stability and the Slippery Slope	114
4.9. Contractarianism Revisited	121
Chapter Five – Rights, Interests and Suffering	
5.1. Animal Rights	130
5.2. Interests	135
5.3. Sentience	142
5.4. The Argument from Existence	148

5.5.	Suffering and Pain	152
5.6.	Conclusions	155

Chapter Six – Language, Communication and Scepticism

6.1.	Suffering and Awareness	162
6.2.	Language as Conceptual	167
6.3.	The Concept of Death and Reflective Understanding	170
6.4.	Animal Communication and Language	175
6.5.	Scepticism and Language	181
6.6.	Perceptual Faculties	188
6.7.	Conclusions: revisiting Leahy’s views	194

Chapter Seven – Human Concerns: The Environment, Hunger and Health

7.1.	Sustainability and the Global Environment	201
7.2.	Human Health	208
7.3.	Practical and Aesthetic Concerns	214
7.4.	Intervention in Predation	217

Chapter Eight – Links Between Animal Ethics and Environmental Ethics

8.1.	The Principle of Nonmaleficence	225
8.2.	The Life Criterion	231
8.3.	Biocentrism: the good of beings and independent value	236
8.4.	Anthropocentrism: against the value of nonhuman beings	239
8.5.	Ecocentric Objections to the Life Criterion	244
8.6.	Remarks on Further Objections	245
8.7.	Considerations of Life Interests	247
8.8.	Moral Conclusions: the ethics of factory farming and animal experimentation	250

Chapter Nine – Moral Feelings, Concepts and the Imagination

9.1.	Compassion, Pity, Empathy, and Sympathy	260
9.2.	The Concept of Dignity	264
9.3.	Living Creatures and the Imagination	277
9.4.	Concepts: application, meaning and the role of literature	280
9.5.	Concepts: the role of the body	284
9.6.	Sentimentality	289

Chapter Ten – A Re-evaluation of Anthropomorphism

10.1.	Anthropomorphism and Cartesian Dualism	300
10.2.	Instinct and Consciousness	305
10.3.	Human Language as Paradigm	310
10.4.	Problems with Animal Communication Studies	313
10.5.	Language Redefined: meaningful communication as language	318
10.6.	Animal Consciousness: a problem concerning description and language	329

Chapter Eleven – Conclusions		340
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Bibliography		350
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DECLARATION AND STATEMENTS


Declaration

This work has not been previously accepted in substance for any degree and is not concurrently submitted in candidature for any degree.

Signed  (Candidate) Date 24.8.2010


Statement 1

This thesis is being submitted in partial fulfilment of the requirements for the degree of PhD.

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Statement 2

This thesis is the result of my own independent work / investigation, except where otherwise stated. Other sources are acknowledged by explicit references.

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SUMMARY

There is extensive literature that indicates animals suffer considerably in the practices of factory farming and animal experimentation. In the light of the evidence of this suffering there is an urgent need to answer the question whether our current use of animals is ever morally justifiable. The aim of this thesis is to provide a critical examination of the moral status of animals and of our treatment of animals in these practices. My objective is to assess whether these practices are ever justifiable and whether we have a moral obligation to revise our attitudes towards our use of animals.

Animals are often denied moral standing on the basis that they lack certain capacities, such as rationality, language and the ability to think. Further, it is often thought that animals' supposed lack of such capacities could be used as a defence for our use of them in intensive farming and animal experimentation. Thus, in examining the moral status of animals this thesis also examines animals and their capacities in order to determine whether any of the arguments given against the moral standing of animals are sound. In seeking to discover the extent of our moral obligations towards animals and the necessary conditions for moral standing, I will demonstrate that, although animals used in factory farming and experiments do have moral standing, the only consistent course is to extend moral standing to all living things (not just animal life or sentient life). I will conclude that although the possession of certain much-prized capacities is not necessary for moral standing, many animals do indeed possess such capacities, including the ability to use language. Centrally this thesis calls for a re-evaluation of our attitudes towards animals, particularly in respect of our beliefs about animals used in factory farms and experiments.

CHAPTER ONE

INTRODUCTION

1.1. Background, Importance and Aim

Millions of animals are used every year in experiments and the intensive rearing industry. This figure increases to billions for certain animals, such as chickens. While some animals used in experiments may endure little suffering, for many of the animals used in the practices of factory farming and animal experimentation their lives are ones afflicted by perpetual suffering, frustration and discomfort.

This thesis then begins from the premise that factory-farmed animals and many experimental animals endure significant suffering. There is much evidence to support this claim.¹ However, this thesis will not focus on proving this to be true (I will only look at the evidence of animal suffering where the context demands it, for example, in the case of arguing against Michael Leahy in chapter six), or outlining in detail the ways in which animals are used in such practices. Since this is a philosophical thesis, not a scientific one, neither will it include an enquiry of the neurophysiological details of animals. Doing all this would be beyond the scope of this thesis. So I begin in the knowledge that such animals suffer, although I sometimes argue this point where the context necessitates it. Indeed, that such animals do suffer considerably in these practices gives me the personal impetus for writing this thesis, as well as a deep feeling of repugnance over such suffering.

My method of enquiry will be largely analytical following the Anglo-American tradition, with the aim of conceptual clarity. The objects of analysis in this thesis include (though are not limited to) principles (see, for example, an analysis of the principle of equal consideration in chapter two), arguments and claims made by various philosophers (see, for example, an analysis of the arguments of Peter Carruthers, R. G. Frey, and Michael Leahy, in chapters four, five and six respectively) and concepts (see, for example, an analysis of the notion of dignity and its application to animals in chapter nine).

My overall aim is to examine the moral status of animals and our treatment of animals in current practices. In doing so I further aim to analyse the justifications given for such widespread suffering in order to discover whether any of those justifications are valid ones. These aims will be delivered by tackling three central research questions, the answering of which will be aided by further tackling three supplementary questions (see 1.2. below).*

* A brief account of what I mean by ‘moral standing’ and ‘moral status’ is needed here (since I use both these terms throughout the thesis). The word status means ‘a person’s position in society’, or ‘degree of importance’ (Collins English Dictionary (Glasgow: HarperCollins, 1996)). Similarly, talk of ‘moral status’ is talk of a thing’s moral position in society and is likely to involve discussions about the degree of moral importance that thing has. (I say ‘thing’ in order to include inanimate objects, since we can talk of the moral status of, say, rocks, even if they lack moral standing, and even if they have no, or little importance in the moral sphere.) For example, when one talks about whether an animal ought to be *included or not* among that class of entities which is normally taken into (moral) account, one is already talking of the moral status of animals. Discussions of the moral status of animals may, for example, involve questions concerning how animals should be treated or whether their interests and lives are morally important or the degree of importance of their interests in respect of our moral decisions. In this sense, one can talk about the moral status of animals and, at the same time, deny that they have interests or deny that they have interests which are morally important. One may argue that the moral status of animals is subordinate or of lesser importance than, say, that of humans, but one would still be presenting an argument about the moral status of animals.

The term ‘moral standing’ could be seen to be less general than ‘moral status’. A being has moral standing if that being ought to be taken into consideration for itself. In this sense, beings that have moral standing are beings ‘to whom principles of morality apply from, so to speak, the other end—from the standpoint not of the agent but of the “patient”’ (G. J. Warnock, The Object of Morality (New York: Methuen, 1971), p.148, cited by Goodpaster, ‘On Being Morally Considerable’, in Journal of Philosophy, 75, 1978, p. 308). We may further enquire, as G. J. Warnock does, into the *criterion* for moral standing: ‘What... is the condition of moral relevance? What is the condition of having a claim to be considered by rational agents to whom moral principles apply? (Warnock, *ibid.*, p.148, cited by Goodpaster, *ibid.*, p.308). In answer to this, a being has moral standing *if* that being has *interests* that we ought to (morally) take into account. A being has moral standing if it ought to be included among

There does seem to be an entrenched attitude in society that regards animals as dispensable and as objects that can be justifiably used to benefit humans whatever the cost to the animals. We only have to reflect upon how animals are used in society, or walk around animal housing shelters, to recognise this. Their treatment in experiments and factory farms is generally accepted as the norm, and in this way somehow established as defensible.

Since we readily inflict suffering on animals we should at least be prepared for a moral debate that questions their use and seeks to discover whether or not their use (in factory farming and animal experimentation) is defensible. History has long taught us that just because a practice is accepted as the norm, this does not make that practice right.

The treatment of animals certainly poses ethical dilemmas that should be taken seriously for the sake of the animals themselves and if we are interested in being a morally progressive society. In other words, if we are interested in acting in the right way we have an obligation to answer the animal question, which I believe takes the form of ‘Is our treatment of animals in modern day practices ever justifiable?’ (When I refer to ‘modern day practices’ or ‘current practices’ I will mean ‘the practices of factory farming and animal experimentation’.) Indeed, the majority of people rarely question the use of animals in society and this in itself raises a moral dilemma.

Many people feel repugnance when confronted with images of the way

that class of entities which is normally taken into (moral) account. Such inclusion would, of course, require that it has interests which are morally relevant.

By contrast, a being could be seen as having moral status *whether or not* it ought to be included among that class of entities which is normally taken into (moral) account; it may, for example, be said that although we have some responsibilities with regard to animals, they nevertheless do not have moral standing. (Michael Leahy, for example, examines the moral status of animals, and strongly suggests that animals do not have value in their own right. Nevertheless he claims that we should be concerned about animal abuse (Leahy, Against Liberation: Putting Animals in Perspective (London: Routledge, 1991)).

animals are made to suffer in current practices. I believe that these reactions are morally relevant ones, which should be taken seriously. As such, emotional responses to animals' suffering will be a topic of this thesis (chapter nine). Unfortunately, these reactions are rarely considered in day-to-day life, and images of how animals are treated in current practices are pushed aside when we buy factory-farmed meat or a product tested on animals.

There does seem to be a conflict in our thinking about animals. On the one hand, we tend to feel a deep distress (and some feel outrage) when confronted with the hard facts, in the cruel light of day, about the treatment of animals in current practices. On the other hand, we actually support this treatment in day-to-day life. This conflict seems to be connected to a paradigm about animals and their treatment; the current treatment of animals is accepted as the norm and this somehow validates their suffering, yet we still feel uncomfortable about this suffering. But if our use of animals is unjustifiable then not only is there a need to reform current practices, but also a need to change people's attitudes about animals.

1.2. Central Research Questions

It is not clear that all suffering is unjustifiable or should be prevented, and neither do I think that it is or should be. What is clear is that animals do suffer and there are serious questions that need to be asked about their use. Some of these questions will stand as the primary research questions of this thesis and are as follows:*

* The content of this thesis does not consist solely of *direct* answers to these questions or to the supplementary questions (see below for these latter questions). In the process of answering such questions I will examine other interesting and related issues; issues which on their own would not provide answers to these questions yet are relevant and within the scope of this thesis. For example, chapter six examines the idea that animals have a sixth sense and chapter ten looks at the idea of meaningful communication as language. These ideas are relevant to animals and their capacities and interestingly related to question (4) below. Thus direct answers to the research questions do not form the entirety of this thesis. Also, it should be noted that answers to some of the research questions appear sometimes to overlap. In particular, answers to question (2) may go some way towards answering question (3), for it may be, for example, that our obligations towards animals should *involve* the reformation or abolition of current practices. Although I have attempted to indicate the various

(1) Do animals have moral standing and if so on what basis?

Chapter two ('Speciesism'), which focuses on sentience, chapter four ('Contractarianism'), which discusses rationality and moral agency, chapter five ('Rights, Interests and Suffering'), which examines interests and rights, and chapter six ('Language Communication and Scepticism'), which looks at language in relation to animals and their moral status, all investigate the necessary and sufficient conditions for moral standing. The chapter 'Towards Environmental Ethics' gives some final conclusions in relation to this question.

(2) If animals have moral standing what are our obligations towards animals?

The chapter on 'Speciesism' (particularly section 2.5.: 'Attitudes and Obligations'), and section 6.7. in the chapter on 'Language, Communication and Scepticism' provide some answers to this question. Sections 8.7., and 8.8., of the chapter 'Towards Environmental Ethics', look at the extent of our moral obligations.

(3) What are the implications of this for practices that cause substantial suffering, in particular factory farming and animal experimentation?

This question is largely addressed in section 8.9., 'Moral Conclusions: the ethics of factory farming and animal experimentation', although chapters two, four and six also provide some answers to this question.

The notion of moral standing can be used to talk about those beings whose interests we ought (morally) to take into consideration. Of course, not many people would deny that animals have interests (though we will see in chapter five that a few do

chapters and sections of the thesis in which each of the primary and supplementary (see below) research questions is largely tackled, answers to these questions are not strictly exclusive to these chapters or sections only.

deny this), yet those same people may deny that they have moral standing and / or that those interests are ever important enough to override human ones. Indeed, in order to justify current practices many people deny that animals' interests are morally relevant.

The important issue then, in connection with question (1), seems to be whether animals have interests of the kind that we have an obligation to take seriously and, if so, whether those interests are capable of overriding human ones. If animals do not have interests of this kind, then this paves the way for a reasonable defence of current practices. If, however, they do have morally relevant interests capable of overriding human ones then we should be alert to the possibility that current practices may be unjustifiable.

In examining the moral status of animals this thesis inevitably examines animals and their capacities. The reason why this is inevitable is because, in examining whom we have obligations to and why, we first need to ask 'What makes a being the kind of thing to which we have obligations?' or, in other words, 'What characteristics qualify as those which a being must possess if it is to be recognised as having moral standing?'² Thus this thesis seeks to answer the primary research questions by examining a supplementary research question:*

* Since this question has an operative function in enabling me to answer the primary questions, theoretically it would seem that all answers to this supplementary question should be presented in the thesis before any answers to the primary questions can be advanced. However, in practice this is not the case. After a particular characteristic or property (in relation to this question) is examined, conclusions will be drawn about the bearing that this characteristic or property has on moral standing. For example, chapter two looks at the idea that sentience is a characteristic which must be possessed if a being is to qualify as one to which we have (or can have) moral obligations. This chapter also considers the idea that having certain relationships is necessary if a being is to qualify as one to which we can have obligations. Chapter two further considers the bearing sentience and relationships have on moral standing, and concludes (in 2.6.) that neither sentience nor having certain relationships is a necessary condition for moral standing. These conclusions then are directly relevant to research question (1). Chapter four discusses rationality and moral agency in respect of moral standing. Chapter five further extends the theme of sentience and examines the claim that sentience is a necessary condition for having interests. One of the conclusions of chapter five is that sentience is a sufficient (though not necessary) condition for having interests and, thus, having moral standing. So it is not the case that (in having an operative function) an exploration of question (4) will occupy, say, the first half

(4) What characteristics or properties is it necessary for a being to possess if it is to qualify as a being to which we have or can have obligations?

Chapters two to six look at characteristics or properties in relation, and relevant to, this question, including sentience (chapter two), moral agency and rationality (chapter four), interests (chapter five), and language and awareness (chapter six).

This question is important since not only will it allow us to go some way towards seeking answers to the primary questions (and in this sense has an operative function), but those who argue against the moral standing of animals usually do so by appealing to capacities that animals supposedly lack, and thus animals' lack of certain capacities is given as a reason for not seriously considering their interests.

Animals' supposed lack of rationality, moral agency and language are just some of the reasons why animals are denied moral standing (and reasons which will be analysed in this thesis). Of course, many people do appeal to economic considerations as concerns that should override animals' interests in, say, not suffering, yet such appeals could be used as an attempted justification for human slavery and other exploitative practices. As such, this thesis will not focus on such appeals (though there will be a need for some mention of them, particularly in 4.3. and 4.7.). Instead, the focus will be on an examination of arguments that exclude animals from moral concern by appealing to capacities that animals supposedly lack. The capacities of humans are somewhat put on a pedestal in this world compared to those of animals which are often berated. In examining the moral status of animals, this thesis examines how true to life this juxtaposition of animal and human capacities really is, for the berated capacities of animals are often used as a reason for exploiting

of the thesis, while answers to the central questions will occupy the second half. It may seem that this should be the case, but conclusions will have to be drawn and links to the other research questions and to other issues will be made accordingly.

them.

Such considerations call for two further supplementary research questions, which I will seek to answer in this thesis:

(5) Is it really the case that animals have ‘lesser’ capacities than humans?

The chapters ‘Moral Feelings, Concepts and the Imagination’ and ‘A Re-evaluation of Anthropomorphism’ address this question and discuss animal mentality. The chapter ‘Language, Communication and Scepticism’ also addresses this question and discusses the perceptual capacities of animals.

(6) Even if we suppose or discover that they do, does this constitute a justification for excluding them from moral standing and inflicting considerable suffering upon them in current practices?

In the chapters on ‘Contractarianism’ and ‘Language, Communication and Scepticism’ I argue that the lack of certain capacities is no justification for excluding animals from moral standing.

This thesis will challenge the anthropocentric idea of animals as creatures whose interests are always less weighty than human ones. The central arguments should be clear: I argue that it is reasonable to suppose that animals do possess some of those capacities that are deemed by some philosophers to be necessary for moral standing, and that even if we suppose that animals do not possess such capacities, they still have moral standing. It is also argued that we have strong obligations to the animals used in current practices; obligations that require us to make massive changes to the way we currently treat animals. Controversially, I further claim that there are reasons to suppose that some animals may actually possess the capacity for one of those characteristics which it is commonly assumed they do not possess: language.

1.3. General Outline

There are some common themes for discussion that run throughout this thesis, which include (though are not limited to) the principle of equal consideration of interests, and the themes of suffering, rationality, language, and the capacity for thought. While these themes are touched upon in many chapters, I have endeavoured to tackle the main issues of each topic in a specific location or chapter. The themes, however, need not stand alone and will be interlinked with other sections of the thesis. What follows is an outline of the main topics of each chapter.

The term ‘speciesism’ is often used in animal ethics, and it seems that once the term was initially used it was thereafter deemed a meaningful one. Some philosophers claim that current practices are speciesist, whilst others claim that they are not. But before one can claim such things, it is wise to analyse the concept of ‘speciesism’ in order to discover whether it is a concept that should be retained and used in an examination of the moral status of animals and a critique of current practices. Chapter two aims to provide such an analysis. Further, in discussing intra-human discrimination and discrimination against animals, this chapter will analyse whether it is right ever to be partial in our judgments. This chapter will also briefly introduce the accusation of anthropomorphism in preparation for what follows in chapter ten.

Since the concept of speciesism is intimately connected to the principle of equal consideration of interests, which is introduced in chapter two, chapter three gives an analysis of this principle and its relevance to animals. In particular I will refute the idea that equal consideration is equivalent to equal treatment. This chapter also outlines the model of justification for moral judgments that will be employed throughout the thesis.

The idea that rationality and moral agency are necessary for moral standing will be analysed in chapter four. Contractarianism excludes animals from moral standing on the basis that they lack such capacities, and this exclusion of animals will be examined for its coherency. In particular, this chapter focuses on Peter Carruthers' contractarianism and John Rawls' veil of ignorance. Chapter four also examines the claim that we have indirect duties towards animals that are derivative from duties to humans, rather than direct duties to animals themselves. It has been claimed that being kind to animals manifests a virtuous character and encourages us to be kind to humans and that this is the reason why we should exercise constraint in our treatment of animals. This virtue ethics approach will be analysed and found to be deeply problematic.

In discussions about virtue I will illuminate links to relevant ideas (such as the idea of science as a special sphere) and issues (concerning the imagination, desensitization and compartmentalization). In connection with the idea that science is a special sphere, issues concerning consent, with special reference to animals used in experiments, and the suggestion that animals are vulnerable participants will be raised. Also, the accusation of sentimentalism, as a charge directed at those who argue against current practices, will be introduced in this chapter in preparation for following chapters (particularly chapter nine).

Chapter five introduces animal rights via discussion of R. J. Frey's arguments against the moral standing of animals. The idea that sentience is necessary for moral standing will be analysed, as well as the claim that animals have not been shown to have interests. Chapter five also examines the argument from existence; it has been argued that the distress caused to animals in current practices is the price they pay for existing. Similarly, Michael Leahy claims that factory-farmed animals are

compensated for their premature death by the fact that they exist. The argument from existence is a common one and deserves (and receives) consideration in this chapter.

Michael Leahy's further claims will be analysed in chapter six, in particular his claims about self-awareness, animal knowledge, the concept of death, and language in relation to animals and their suffering. It is appropriate that the sceptic's position with regards to animal minds is discussed here too, since some of the sceptic's arguments are closely connected to Leahy's claims about language. Chapter six also discusses the communicative skills of animals, as these are relevant to what animals can know. This chapter, in many ways, is a preliminary analysis of issues that are intimately connected to themes and problems raised in chapters nine and ten (see below).

Factory farming and animal experimentation give us cause to raise legitimate concerns related to the environment and health; concerns which are relevant to the ethics of such practices. These concerns will be discussed in chapter seven. Anthropocentric approaches to animal ethics and the environment will be analysed and found wanting. Also Leahy's arguments will be expounded further in order to introduce the argument from predation; it has been argued that if current practices are wrong because they cause suffering then it follows that we should interfere with predation, since predation too causes suffering. Obviously this argument has ecological implications and so it is appropriate that it should be discussed in this chapter.

If chapter seven deals with environmental concerns, chapter eight is an appropriate place to examine links between environmental ethics and animal ethics and analyse alternatives to anthropocentrism. This thesis is ultimately concerned with questions about our obligations towards animals, and answers to these questions may

go some way to providing answers to questions concerning the extent of our obligations towards the environment. The reason for this is that both environmental ethics and animal ethics attempt to shed light on the sorts of things that have moral standing. A biocentric theory, that extends moral consideration to all living things, will be favoured as a cogent ethic that can be used to attain clarity about the ethics of current practices. This chapter also discusses the principle of nonmaleficence and its application to animals. Ethical principles that we readily apply to humans may extend to other beings too.

Chapter nine returns to a discussion of the imagination (a theme initially introduced in chapter four), but further relates the imagination to what I call 'moral feelings'. I will give an explanation as to why I think emotional responses are relevant to ethical judgments and how they can inform our understanding of how we should treat animals; an explanation which will be related to what has been said in the previous chapter about all living things having moral standing. I will also analyse how certain concepts, particularly that of 'dignity', can be applied to animals and how this concept can inform us of actions that harm animals. I will return to the sceptic's belief (first discussed and refuted in chapter six) that we are unjustified in ascribing certain concepts that denote mental states to animals, and explain the role of the body in ascribing concepts to animals. The accusation of sentimentality is relevant to this chapter, since people who have strong emotions about animals and ascribe mental concepts to animals are often charged with being overly sentimental. This charge will be examined and found to be misplaced.

Chapter ten concludes by bringing together important themes from previous chapters, including scepticism, communication, language, concepts and the role of the body in relation to animal mentality. The idea that some animals are capable of

language will be analysed further (an idea initially examined in chapter six), and problems concerning animal consciousness and the possibility and acquisition of knowledge of such consciousness will be reinterpreted and found to be problems concerning something of quite a different nature; that is, problems concerning language and the *description* of animal mentality.

This chapter aims to challenge how we ordinarily view language. I will highlight problems with studies (some of which are discussed in chapter six) that attempt to reveal the language skills of animals. While such studies, arguably, have given us the best indication yet that animals are capable of language, and their findings should give good reasons for the sceptic to at least reconsider or question her beliefs about animals, I argue that even these studies do not go far enough in examining the true extent of animals' capacity for language. Using the ideas of Vicki Hearne I will controversially conclude that some animals, particularly domestic ones, do have command of language and have more extensive language skills than those animals which are evolutionarily closer to us (such as apes).

In the light of the analyses presented in these chapters it will be found that although the possession of certain capacities is not necessary for moral standing, sentient animals are much more complex than many philosophers suggest, and possess many of the capacities that (I argue) are sufficient for moral standing. It will also be found that many of the mental concepts that we use to describe human thoughts can be used to describe animal ones too, and that charges of anthropomorphism are often misplaced.

1.4. Presentational Details

Some technical points about my chosen methods of presentation should be briefly explained. I have made endnotes and footnotes two separate series. Endnotes are used

purely as a method of referencing. Footnotes have been used to refer the reader to points that could be understood in conjunction with the main text and, as such, they are best placed at the foot of the page for ease of reading. These footnotes complement, and are relevant to, what has been said in the main body of the thesis. They are used as a method of providing further supporting explanations, making relevant connections to other issues and areas in philosophy, and referring the reader to relevant texts, but are not used as a method of referencing as such. I should also say that I will italicise words that I wish to emphasise and underline titles of texts.

At times I have used words such as ‘exploited’, ‘frustration’, and ‘stress’ in relation to animals. I recognise that some people may not find these words to be neutral ones, but the use of these words is often appropriate and indispensable. Besides, we readily use these words in relation to humans. Indeed, that the use of certain words is questioned when they are used with reference to animals, but not with reference to humans, is itself part of the subject matter of this thesis (chapters nine and ten).

I have chosen to discuss the views of Leahy, Carruthers and Frey, as main objectors to the moral standing of animals, since one finds in their views many of the main themes and criticisms deployed against the moral standing of animals, and thus it seemed appropriate that their views could be utilised as building blocks to analyse the criticisms to their fullest extent and determine whether there are any cogent justifications for our use of animals in current practices. Indeed, I am grateful for the arguments of these philosophers in allowing me to gain greater clarity about the whole range of arguments given against the moral standing of animals.

There is much literature on the moral status of animals and this thesis is largely an integration of the main themes and relevant views. However, the reader

will find a certain measure of distinctiveness in the way that these themes and views have been integrated and interconnected; an example is the way that the language theme has been approached and further extended (partly through the use of Hearne's ideas). The originality of this part of the thesis lies in the way in which I have situated the ideas of Hearne and of scientists studying the language skills of animals within the context of philosophical debates about animals and, in particular, how I have integrated ideas about language within an examination of the moral status of animals and its bearing on the ethics of factory farming and experimentation.

Further, the views of scientists (such as Sue Savage-Rumbaugh et al), animal trainers (such as Vicki Hearne), and philosophers (including David DeGrazia, Robin Attfield and Peter Singer) have been synthesized in this thesis to form a systematic and reflective examination of animals and their moral status. Moreover, ideas surrounding dignity in relation to animals (chapter nine) are relatively new ones. Of course, the reader will see that Suzanne Cataldi, the Swiss Ethics Committee on Non Human Gene Technology and the Swiss Committee on Animal Experiments have published insightful work about the dignity of animals but, while such work has been helpful in allowing me to form my own ideas, there has been little written till now about how the concept is applicable to animals.*

Whilst it will be obvious that I find there to be deep problems in the way that animals are treated in current practices, I do not claim to see the solution to these problems. The main aim is to gain clarity about the problems in order that, in the first instance, one *can* see them. That people are *able to see* the problems is of utmost importance in challenging people's attitudes to animals and their use in society.

* Whilst I have endeavoured to draw the reader's attention to some of the original aspects of this thesis, there are other aspects which have a certain degree of individuality (like, for example, the way I have approached the accusation of anthropomorphism; in particular, I have suggested a re-evaluation of anthropomorphism in the light of an analysis of issues concerning animal mentality).

Endnotes

1. For evidence of animal suffering in factory farming and animal experimentation see Ruth Harrison, Animal Machines: The New Factory Farming Industry (London: Vincent Stuart, 1964), Richard Ryder, Victims of Science: The Use of Animals in Research, revised edition (London: National Anti-Vivisection Society Ltd, 1983), and information provided by campaign groups, such as Compassion in World Farming (CIWF), and People for the Ethical Treatment of Animals (PETA). For evidence that indicates animals can suffer see, for example, Stephen Walker, Animal Thoughts (London: Routledge and Kegan Paul, 1983), Donald Griffin, Animal Thinking (Cambridge: Harvard University Press, 1984), and Marina Stamp Dawkins, Animal Suffering: The Science of Animal Welfare (London: Chapman and Hall, 1980), cited by Peter Singer, Animal Liberation (London: Pimlico Press, 1995), pp.13 and 270.
2. Tom Regan, 'Introduction', in Animal Rights and Human Obligations, eds. Tom Regan and Peter Singer (New Jersey: Prentice Hall, 1976), p.8.

CHAPTER TWO

SPECIESISM, VALUE AND MORAL JUDGMENTS

2.1. Typology

Examining the animal ethics literature, one finds a wide range of arguments employed by both sides of the debate. On the one side of the debate we find arguments against the moral standing of animals. Such arguments include the indirect duties approach to animal ethics. Immanuel Kant and Peter Carruthers have argued that we have no direct duties to animals, but have indirect ones stemming from duties to humanity (cp.4). Other arguments on this side of the debate are those presented by R. J. Frey, who argues that animals do not have interests (cp.5). Many arguments against the moral standing of animals focus on the importance of language for having morally relevant interests. For example, Michael Leahy argues that animals do not have the capability of becoming aware of their sufferings or mental states, since they lack a certain type of consciousness that only language users can possess. It is on this basis that Leahy defends our use of animals in current practices (cp.6).

On the other side of the debate one finds the animal rights and animal liberation positions, advocated by Tom Regan and Peter Singer respectively. Regan argues that (some) animals are subjects of a life and have inherent value, and as such have a right to life.¹ (Rights are discussed in cp.5 below.) Singer is best known for his view that animals' interests should be given equal consideration to the like interests

of humans. Thus he argues that we should apply the equal consideration of interests principle to animals (2.2.). For philosophers on this side of the debate, animals have interests that are morally relevant, and as such we have direct duties towards animals; that is, we should take animals' interests into account for the sake of the animals themselves. Regan argues that our use of animals in current practices is wrong on the basis that the animals' rights not to be harmed are unjustifiably overridden.² For Singer, our use of animals in current practices is unjustifiable on the basis that animals' interests are not properly taken into account and given due consideration (2.2.).

The current moral orthodoxy regarding animals and their moral status is less of a radical position than those outlined above and can be seen to take a middle ground amongst the debates. The moral orthodoxy is that whilst animals have some moral status, and we should not treat animals in any way we please, their interests can be overridden if doing so enables humans to gain (what are deemed to be) significant benefits. Thus on this view it is thought that whilst we have direct duties towards animals (a view that is reflected in animal protection legislation), animals' interests are considered to be less weighty than human ones.

As such, unlike Singer's position, the moral orthodoxy would not advocate weighing or considering similar human and animal interests equally. Human interests usually take moral precedence on this view, especially where those human interests are deemed to be significant. Indeed, applying the equal consideration of interests principle to animals is inconsistent with the current animal ethic or moral orthodoxy, as it is with the other positions which attempt to exclude animals from moral standing, such as the indirect duties position. (See chapter three for further discussion about the principle of equal consideration of interests and its application to animals.)

However, the principle and its application to animals can be consistently employed by many of those philosophers who adopt an animal rights or animal liberationist position. Indeed, Singer is best known for utilising this principle in his arguments and for his use of the term 'speciesist' to describe the current moral orthodoxy. Singer's arguments will be discussed in what follows.

2.2. Animal Discrimination as 'Speciesism' by Analogy.

The term 'speciesism' was first used by Richard Ryder,³ but was brought to the forefront of the animal liberation movement in 1975 by the publication of Peter Singer's Animal Liberation.⁴ Singer believes that the treatment of animals in factory farms is analogous to the racial and gender discrimination of the past. Sexism and racism are the prejudices that favour one's own sex and race over and above another's sex and race. Discrimination, unfair or unreasonable treatment, or a dislike, preference or devaluation, based on a person's race can be called 'racism'. Racism usually involves the idea that one race is superior, or more valuable, than another. Such an idea is based on the belief that inherited differences or race determines human ability or cultural achievement.

In the same vein, discrimination, unfair or unreasonable treatment, or a dislike, preference or devaluation based on a person's sex can be called 'sexism'. Sexism is usually directed at women, as in restricted job opportunities and lower wages. Singer argues that our treatment of animals is analogous to this discrimination. Speciesism, for Singer, is the prejudice that favours one's own species over and above another species.

The equality of human beings rests on the principle of equal consideration of interests. The principle requires that our moral treatment of others is not based on their sex, or race, or on intellectual capacities which some beings might possess or

lack. These factual differences do not entitle us to disregard their interests. Obviously everyone is different and everyone has different capacities, regardless of race or sex, but this does not entitle us to exploit people for our own self-interest, and it does not mean that their interests should not be considered. As Singer says,

The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality does not require equal or identical *treatment*; it requires equal consideration. Equal consideration for different beings may lead to different treatment and different rights.⁵

Racists are prejudiced against those people who are outside their group* or race.

When their interests conflict with the interests of those outside their group they give more weight to their own interests.⁶ Their prejudice then is partly connected to their self-interest. Similarly speciesists are prejudiced against beings that are outside their own group or species, and favour their own interests over those outside their species. For Singer, factory farming and animal experimentation are clear examples of speciesism. The assumption is that the farm animal's interest and the experimental animal's interest in not suffering, is of less importance compared with the desire humans have to eat meat, or have certain products available.⁺

Factual differences in human beings do not justify any difference in the consideration we give to their interests. *'The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat human beings'*.⁷ Similarly the fact that animals are of a different species, have different capacities, or may have lower intelligence than some

* By a 'group' I take Singer to mean beings that are characterised by certain factual attributes, abilities, or physical or mental characteristics that differentiate them from other beings.

+ Products tested on animals include, for example, cosmetics, household cleaning fluids, medicinal drugs and herbal remedies.

humans does not justify any difference in the consideration we give to their interests.

The principle of equal consideration of interests requires us to take the interests of nonhuman beings seriously:

The argument for extending the principle of equality beyond our own species is simple, so simple that it amounts to no more than a clear understanding of the nature of the principle of equal consideration of interests.⁸

Singer argues that we should extend the principle of equality of consideration to nonhuman beings and that their interests be given equal consideration as the like interests of human beings.

In the words of Jeremy Bentham, ‘the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?’⁹ Bentham argued that the sufferings of animals should be given equal moral weight to the sufferings of humans. Singer’s argument does not actually go any further than Bentham’s, in that both claim that it is the suffering of a being that is to be taken into account in our moral considerations. Sentience, or the capacity to suffer, is the characteristic deemed necessary for inclusion in the moral sphere. That is, for Singer, sentience is a necessary and sufficient condition for moral standing, since it is a characteristic that he believes is needed in order to have any interests.*

Being free from pain and suffering seems to be an interest that sentient beings have equally. However, it is not just the avoidance of pain and suffering that beings have an interest in. All sentient animals have an interest in life or living, even if they do not seem to take an interest in life or living, and therefore every individual sentient

* Contrary to Singer, sentience is a sufficient condition for having interests, but it is not necessary. Whilst having interests entitles a being to consideration in the moral sphere, it is not just sentient beings that have interests. Nonsentient beings have interests too. Therefore, their interests should be given moral consideration. (See chapter five for discussion of the claim that sentience is not a necessary condition for the possession of interests, and see chapter eight for the argument that nonsentient beings have interests.)

being's life has value. Although, as Singer says, it does not follow that those lives have equal value. A human being may stand to lose more from death than, say, a cat, and a dog may lose more from death than, say, an ant. It is true that a dog's life, or a human's life, is all that he or she has, but it does not follow that they are of equal value. I do not think anyone would seriously want to say that as a chicken's life is all that it has its life is therefore of equal value to one's own. And what is of varying value may not only be life:

If the goods that my freedom permits are, on the whole, more prudentially valuable than what a bird's freedom permits, then equal consideration does not confer equal moral weight on my freedom and the bird's.¹⁰

As David DeGrazia says, 'For A's interest X and B's interest Y to be relevantly similar, A and B must have, in some sense, the same thing at stake with X and Y'.¹¹ Comparative claims can be made whilst taking into account the principle of equal consideration of interests. Those comparative claims or judgments can be not just about life, but about other interests, such as an interest in freedom, and an interest in being free from pain.

2.3. An Analysis of Speciesism

I believe Singer's analogy between racism and so-called 'speciesism' is a mistaken one, but I can sympathise with Singer, and understand from where he draws this analogy. We are prejudiced in our treatment of animals, and can also be prejudiced in our treatment of humans. These prejudices often lead to the exploitative treatment of animals and humans. Just as morally irrelevant differences are used to justify the exploitation of animals on factory farms and in experiments, so too are they used to justify the exploitation of, say, woman in the labour force. But discrimination, including racism and animal discrimination, *is* unfair treatment on the basis of irrelevant difference. So, to say that animal discrimination and racism are analogous

as they are both attitudes and behaviours that focus on irrelevant differences, to justify unfair treatment, is tautological. This merely repeats something already stated, which is that animal discrimination and racism are both forms of discrimination, rather than stating a relevant analogy.

While we may be prejudiced against species other than our own, and we may be prejudiced against races or the sex other than our own, it does not follow that the prejudiced treatment of animals is analogous to racism or sexism, or that it is correct to call the prejudiced treatment of animals 'speciesism' in the *same way* we term the prejudiced treatment of females 'sexism', and the prejudiced treatment of black people 'racism'. While factory farming and racism are both forms of discrimination, this is not to say that they are analogous.

It seems that speciesism amounts to the same thing as the refusal to apply the principle of equal consideration of interests to animals. For Singer 'it is in accordance with this principle that the attitude that we may call "speciesism," by analogy with racism, must be... condemned'.¹² That is, it is through analogy with racism that Singer calls the discriminatory treatment of animals 'speciesism'. But while it seems fair to say that most practices involving the use of animals do not take into account the principle of equal consideration of interests (and, in this respect, many animal practices are discriminatory), is it right to describe attitudes towards animals used in these practices as 'speciesism' by analogy with racism? While much animal discrimination should be condemned in accordance with the principle, it is not entirely correct to call such discrimination 'speciesism' by analogy with racism, for there is an important aspect of equality that should be considered.

Equality among human beings is not based solely on the principle of equal consideration of interests, but largely upon the idea that every person should be

treated as a human being and that all humans should be seen as equals. A problem, therefore, arises when one tries to call the unfair discrimination of animals 'speciesism' in the same way that the unfair discrimination of, say, women and black people are called 'sexism' and 'racism', for there are a number of disanalogies between the objectionable nature of animal discrimination (on the one hand) and racism or sexism (on the other) in relation to equality.

Firstly, most people would agree that all humans should be treated as equals, irrespective of race, sex or gender. Most, however, would not say that all animals should be treated as equals irrespective of species membership. Even if we just consider the class of sentient animals (in line with Singer's argument), most people would not say that all sentient animals should be treated as equals regardless of species. Furthermore, most people would not say that all animals should be treated as equal to all humans.

Secondly, the objectionable nature of the racism and sexism of the past is as much to do with the fact that people of a certain race or sex were not treated as human beings as it is to do with the fact that unfavourable discrimination, based on race or sex, is indefensible. One reason why we object to sexism and racism is because they are discriminatory attitudes and behaviours that do not see, or treat, those people being discriminated against as human beings. That is, expressed in this hostile behaviour is the belief that factual differences are a justification for refusing to treat people of a certain race or sex as *human* beings. Everyone should be seen as equal and treated as a human being whatever their gender, colour, or race. But why term animal abuses, or animal discrimination, speciesism? It is not as if humans can be accused of not treating animals as if they were human, or of not treating a particular species as animal. The racist, however, can be accused of not treating individuals of a

certain race as she would treat individuals of her own race, and of not treating a certain racial group as human.

While there may be relevant disanalogies between racism and animal discrimination, it should be made clear here that such disanalogies do not make Singer's argument for the application of the principle of equal consideration of interests to sentient animals implausible. But further discussion of the principle and its application to animals (below) should serve to elaborate on why racism and the discrimination of animals are not sufficiently analogous (that is, not sufficiently analogous to call the latter 'speciesism' by analogy with racism).

Equality in practice does not require equal treatment, but equal consideration of interests. The principle of equality applied to humans requires that we treat all humans as equals, not equally. The principle of equal consideration of interests applied to animals does not require that we take the life of an animal as of equal value to the life of a human being (and Singer would agree with this). Other things being equal, the lives of many human beings have greater value than the lives of many animals. The principle of equal consideration of interests does require that the pain and suffering of a being be given equal consideration to the like pain and suffering of any other being. But interests may be overridden and, all other things being equal, the value of a human life will, normally, outweigh the value of, say, a cat's life.

Indeed, Singer recognises that the lives of different animals will be of varying value. But these differences in value point to a relevant disanalogy between racism and animal discrimination. Other things being equal, the lives of human beings are of equal value, irrespective of race or sex and this is why racism and sexism are unjustifiable. That is, opposition to, say, racism is based on the idea that, all other things being equal, the lives of individuals of a certain race are of equal value to the

lives of individuals of another race. (This is one reason why genocide is wrong.) The racist does not treat people of a certain race as she would treat other human beings. However, all other things being equal, the lives of different species will vary in value. Therefore, there is a distinction between racism and animal discrimination: a distinction that concerns the value of human life and the life of other species.

It should be said that although, all other things being equal, human lives are of equal value, this is consistent with recognising that, all other things being equal, the lives of different species or animals are not of equal value. That the lives of different species or animals have different value (other things being equal) is obviously in stark contrast to the equality that exists between human beings.

This is not to deny that the principle of equal consideration of interests can take account of the differing values of different species. Nor is it to deny that the principle is applicable to animals or that both animals and humans can be discriminated against by a refusal to apply the principle. But accepting these things is not the same as saying that animal discrimination and racism are relevantly analogous. That is, through recognition of the applicability of the principle to animals it does not follow that animal discrimination is closely analogous to racism.

Because of the varying value of the lives of different species it seems that animal discrimination and racial discrimination are not sufficiently analogous to call the former 'speciesism' in the same way that the latter is called 'racism'. But Singer's use of the term 'speciesism' is based on an analogy with racism. Thus, 'speciesism', as a concept or term, is empty and meaningless unless it is shown that animal discrimination is sufficiently analogous to racism.

To be sufficiently analogous to racism, so that it would be appropriate to call animal discrimination 'speciesism', all animals or species (other things being equal)

would need to have approximately equal value or worth. The racist can be condemned for refusing to treat people of another race from herself as humans or people of equal worth or value to herself. But since animals or different species are not of equal value (something Singer recognises) people can hardly be condemned for not treating animals as if they were of equal value (as the racist can for not treating humans as of equal worth). The principle of equal consideration of interests can accommodate varying values of different beings, but it does not follow that since racism and many forms of animal discrimination are not in accordance with this principle that, therefore, the latter discrimination is relevantly analogous to the former.

There are then some relevant disanalogies between animal discrimination and racism that should be taken into account if one is to call animal discrimination 'speciesism' by analogy with racism. To call someone a 'speciesist' is a derogatory accusation and gives the impression of someone who does not take the interests of animals into consideration. However, if 'speciesism' is actually a misconception then the accusation cannot be made without sounding absurd. If Singer's use of the term 'speciesism' is mistaken, and is not relevantly analogous to racism, then it is incorrect to describe the unjustified exploitative treatment of animals as 'speciesism'.

2.4. Value, Moral Consideration and Moral Significance

While the principle of equal consideration of interests forces us to see the similarities between animals and humans, it should also force us to see the differences. The recognition of such differences and similarities would partly be used to make comparative judgments. Though the differences between humans and animals are not as great as some might think, this is not a reason for supposing that we should value humans and animals equally, or that it is unjustifiable not to value humans and animals equally, but it is a reason for supposing we should treat animals more fairly

and with due moral consideration. That we do not value animals as we do value humans is seen in our treatment of animals and our direct relationships with animals.

We would not say that we would be wrong if we took the family dog to be euthanized, and buried him or her at the bottom of the garden, but many would feel uncomfortable about doing the same thing to a human relative.* We tend to have quite elaborate burial practices for dead humans compared to those for animals. We value human and animal life differently, and, because of this, we feel that even in death this difference in value should be portrayed.†

Whether we like it or not, consensual intuitions do play a part in informing us of the value of human and animal life. Most people would do everything in their power to obtain money that was needed to pay medical fees for their children, but would not do the same for their pets.¹³ If someone sold all that they owned to pay for their cat's vet treatment it might be fair to say that that person was misguided in some way or other, or even insane. The fact is that we do value animals and humans differently. We do not see eating animals as the same as eating humans. We do not stop on the motorway for a dead bird, but we would for a dead human.

Of course animals play a complex role in our lives. They participate fully in family life and we grieve for them when they die. Some people grieve more for their pets than for humans. But, as Gaita says, we do not have complex mourning ceremonies for dogs or cats. We do not attend to their graves or burial sites, or light

* Of course different cultures do have different burial practices for the dead, and in Western cultures today some people are opting for eco-burials and burying their dead in places other than consecrated burial sites in order to save space and for the benefit of the environment.

† We feel justified in using different words to describe our life with animals and our life with humans. We use the words 'put down', or 'put to sleep' to describe the mercy killing of animals, and the word 'euthanasia' to describe the mercy killing of humans. We do this because we feel that the two acts, although being somewhat physically the same, actually *mean* something different. The fact that people say that we 'commit' euthanasia is suggestive of the strong feelings people have about the mercy killing of humans. We do not feel it makes sense to say that a vet 'committed' euthanasia on a cow.

candles for them after they have gone.¹⁴ We do not remember them at weddings or birthdays. We do give our pets names and bestow on them a certain individuality. But seeing dogs in shelters without names, just numbers, does not provoke in us the same reaction as when we see humans who are not given names, just numbers.¹⁵ As Gaita points out, to be a vegetarian is not necessarily to believe that eating meat is to play a part in a murder. Indeed, it is unlikely one can ever seriously believe this. One would not respond to seeing dead animals on the table for Sunday lunch as one would respond to seeing dead humans on the dining table.¹⁶

One can consistently say that killing animals for food, or eating animals, is not wrong per se, but that their treatment on factory farms is wrong and, therefore, that eating factory-farmed meat is wrong. Likewise, it is possible to say that while many animal experiments are wrong, using animals in extremely important medical research is not necessarily wrong. We can hold that factory farming and most experiments are wrong, while still holding (as Singer does) that the killing of a human being is a greater tragedy than the killing of an animal.

These judgments regarding current practices might best be examined by looking at the difference between moral standing and moral significance. Moral significance 'aims at governing comparative judgments of moral "weight" in cases of conflict'.¹⁷ There will obviously be cases where the interests of humans will override the interests of nonhumans. However, the opposite may also be the case. That is, the interests of nonhumans may override the interests of humans. We can recognise a nonhuman being's moral standing even if we do, for example, eat meat. But that nonhumans deserve moral consideration has to be distinguished from whether, for example, a dog has lesser moral significance than, say, a human. In cases of conflict it will often be the case that the moral significance of humans will be greater than the

moral significance of nonhumans. This does not mean that humans are of sole value, but, in cases of conflict, that they are often of greater value than nonhuman beings.

However, although we normally attach greater moral significance to humans in cases of conflict, often this attachment of greater significance is unjustified on the basis that the relatively weighty interests of animals are overridden by our own relatively less important interests. For example, the case for factory farming and animal experimentation puts the human pleasure in eating meat and the possibility of gaining increased knowledge over and above the basic welfare interests of animals, interests which include an interest in not suffering. Most would say that a human's interest in not suffering and in being free to live life without being confined are more important than a human's interest in pursuing knowledge at all costs and in eating factory-farmed meat. But, like humans, farm and experimental animals are sentient and can be harmed through confinement, and, by the same token, their interests to be free from suffering and to live life without being confined should override a human's interest in eating factory-farmed meat and pursuing knowledge at all costs.

The interest in enjoying a certain food (that is, a recreational interest) and the interest in pursuing knowledge are relatively weak compared to the interest in avoiding massive suffering (8.8.). The basic welfare interests of animals are sacrificed for the less weighty interests of humans. Animals are caused injury, pain and frustration, and are restricted from exercising their natural tendencies. Our own relatively weak interests are put before animals' relatively strong ones.

In other cases the greater moral significance we attach to humans is justified. For example, it may be possible that some experiments will have a high probability of being beneficial to humans and may involve pain free procedures on rats whose basic physical and mental needs are provided for in the laboratory. We can give greater

moral significance to animal interests or human interests and still be justified in seeing human life as of greater value. Attaching greater value to human life does not entitle us to give human interests greater moral consideration than the interests of animals, and it does not follow that, in cases of conflict, the interests of humans should always override the interests of other beings.

Some animal welfarists may make the accusation of anthropocentrism here. They may say that the view that human life has greater value than animal life places mankind at the centre of the universe and there is no justification for this. Mankind, they may argue, does not hold any particular significance in the general scheme of things. Human beings are not set over and above everything else that exists. However, holding that human life has greater value or significance than animal life does not commit one to the above human-centred view of the world. On this anthropocentrism everything in nature exists for the sake of humans, and so all nonhumans may be used as we please. This anthropocentrism is obviously unsound, for it would mean that the unnecessary sufferings of animals could actually be justified by any trivial human desires, benefits or pleasures.*

As said above, the principle of equal consideration of interests requires that the interests of any being be given the same consideration as the like interests of any other being. Since farm and experimental animals have interests, at least an interest in not suffering, these interests should be taken into account. Value does not belong to humans alone. They are not the only beings on this planet with interests. One can consistently hold that much human life is of greater value than much animal life and still give animals due consideration.

However, it should be said that it is not life as such that we value but a certain

* For a further critique of anthropocentrism see 7.1. and 8.5.

kind, or quality, of life. And while we may be able to say that, all other things being equal, human life is of greater value than animal life, there are some forms of human life that are of such low quality that we might not want to say that, in cases of conflict, such forms of human life should always take moral precedence over some forms of animal life. In these cases it may be that the quality of human life is much lower than some forms of complex animal life. But we may have a moral obligation to give all life moral standing, however low its quality or complexity (cp.8). We can do this while giving certain kinds of life more moral significance than others when conflicting cases arise.

2.5. Attitudes and Obligations

Kenneth Goodpaster points out that while we should recognise the moral standing of all living things, and give all living things moral consideration, it may not be possible psychologically (or, one should add, practically) for us to do the latter.¹⁸ One could apply this to the practices of factory farming and animal experimentation. Even though farm animals have moral standing it may not be psychologically possible for everyone to stop eating factory-farmed meat. And even though experimental and farm animals have moral standing it may not be practically possible for all animal experiments to come to an end, or for all factory farms to close down, although factory farming and animal experimentation could be phased out and replaced with more humane methods of farming and research. For example, if we assume, for argument's sake, that factory farming and animal experimentation are unjustifiable, or morally wrong, it does not follow that people will automatically recognise this and accept moral responsibility or that these practices will be banned, even if it does follow that people should accept responsibility and that these practices should be banned.

It may be that, in the present moral climate, the only consensus we can reach is that we should make a genuine effort to employ alternatives to animal experimentation wherever possible and that we should prohibit the use of, at least, some animals in experiments whilst aiming for the majority of animal experiments to be replaced by experiments that do not use animals. As far as factory farming is concerned, people are not willing to just give up eating meat and so free-range methods of farming could be reintroduced to replace intensive methods. While changes are being introduced we may be able to reach a consensus that we should enact more laws which allow for animals in farms and experiments to live better lives; lives which are natural to their own kind. We could do all this in the hope that, eventually, most experiments would be abolished and factory farming would be banned due to their moral unjustifiability.

Most people have more of a connection with eating meat than they do with animal experiments. Meat is part of most people's daily routine, habits and lives. Many people feel that eating meat is just part of who they are. Many habits are, after all, second nature. Not only this but also many people sincerely 'love' the taste of meat. Changing one's dietary habits certainly requires changing one's mindset or thoughts about food.

As Bernard Rollin says, one could put forward the most coherent and justifiable theory that clearly illuminates the moral wrongness of factory farming, but this would not necessarily put everyone off eating meat:¹⁹

[W]e all know of people (sometimes ourselves!) who have been admonished by physicians to cut down on meat for the sake of our health, as we are serious risk for a heart-attack and stroke [sic]. People do not do so for the sake of prolonging their own lives; *a fortiori* most people will do not do so—let alone become full vegetarians—because Singer has advanced a solid moral argument in favour of vegetarianism.²⁰

Indeed, many people see eating meat as an action that is merely one of autonomous choice that carries no moral implications. They just do not see it as a moral issue.

Meat is packaged, labelled and placed on the shelves of supermarkets. The end product is far removed from the actual production process, just like any other product on the shelves. However, there is obviously a huge difference between meat products and other products, the most obvious aspect being the fact that the meat packaged and placed on the shelves were, at one point, living, sentient creatures, whilst the other products were, and still are, mere inanimate things or vegetables. But, while meat products prevail and permeate every shop, restaurant and high street on every corner of the world, factory farms are hidden, slaughterhouses are concealed and intensive rearing methods are hushed up and often blatantly denied. Idyllic images of farm animals roaming around in the sunshine and in the fields are the norm in most people's minds.

If one knows about methods of intensive rearing or engages one's imagination and thinking to see, in the mind's eye, how factory meat is actually produced one may be able to empathise with farm animals and may be able to see the bigger picture.* This then may lead one to go in search of free-range alternatives. However, free-range alternatives are considerably higher priced than mass production meat and most people just cannot afford to buy them. Many people then have only two choices in this situation—buying cheap, factory-farmed meat, or not buying meat at all, and the former usually prevails over the latter. The choice one thought one had between buying factory-farmed meat and buying free-range meat was not actually a choice at all. One, in fact, could not afford the free-range meat, and, as not eating meat at all is often not an option for the person who is habituated to meat or feels that they have to

* A fuller discussion of the imagination in relation to animal ethics will be reserved for chapter nine.

eat meat, that person, standing in the supermarket, far removed from the factory farm, can easily psychologically remove herself from moral responsibility and close her mind's eye to factory farming methods.*

The point is that if attitudes to animal practices are to change at all what is needed, in practice, is more than elaborate theory. As Rollin says, changing attitudes is as much about psychology as it is about philosophy.²¹ So, although we may have an obligation to ban factory farming, stop eating factory-farmed meat, and end most animal experiments, what is actually possible, in practice, is often dependent on the moral climate and on psychological factors. A coherent ethic should take into account such problems, and, at the same time, recognise that animals have value in themselves and deserve our moral concern.

2.6. Impartiality, Partiality and Moral Judgments

It is not always possible to be objective or impartial when discussing moral relations. In moral life we form relationships in which we show partiality in our actions. We form bonds between ourselves and other humans, and between animals and ourselves. Some relationships, like the relationship between parents and their children, or between pets and their owners, confer strong positive obligations. (For further discussion of positive obligations see 5.4.). We have special relationships (*in the sense that we have strong obligations and bonds*) with some human beings, and we have relationships with humans that are different from our relationships with animals. Of course we also have special relationships and bonds with animals, particularly when those animals are our pets. Pets share our lives and become part of the family.

* Of course, if factory farming was banned and free-range farming became widespread the price of free-range meat would naturally fall. At the moment very few people opt to buy free-range meat, and very few people can afford it. However, if the same number of people who now buy factory-farmed meat bought free-range meat then farmers of free-range meat would not need to price their meat so highly.

Recognising the differences in our relationships with animals and humans, and acting in accordance with the differences in those relationships is not wrong or unjustified.

One can do this while giving equal consideration to the interests of both humans and animals, and giving animals the moral consideration they deserve.

Leslie Pickering Francis and Richard Norman are just two, among many, philosophers who argue that human interests should be given greater moral importance than animal ones because of the relationships that exist between human beings. That animals lack certain relationships, it is argued, is a reason for giving them less than equal consideration to the like interests of humans.²² However, such an argument is implausible. Many humans lack the capacities necessary to form certain relations, but their lack of certain relations with other beings does not determine how we should treat them. Also, contrary to Francis and Norman, some humans do have certain complex relationships with animals; they have certain relations to animals that they do not have to humans. Indeed, as Robin Attfield has said, ‘the criterion of standing in particular relationships cannot in itself be other than arbitrary’.²³ If the criterion for proper moral consideration is grounded in certain relationships, and if animals are excluded because they lack such relationships, then, to be consistent, some humans need to be excluded too. If all humans are included, then, to be consistent, animals need to be included. Saying that having certain relations is the criterion for having one’s interests considered equally to another’s is just as arbitrary as drawing the line for moral consideration at rationality or moral agency* (4.4.; 4.8.; 4.9.). Having relationships, while being a sufficient condition for moral standing, is not a necessary condition.

* The argument that neither rationality nor moral agency is necessary for moral standing will be reserved for chapter four.

Likewise, and contrary to Singer, sentience is a sufficient condition for moral standing, but it is not a necessary condition. It is interests that should be taken into account in accordance with the principle of equal consideration and, therefore, a lack of relationships or a lack of sentience would not be a reason to deny a being moral standing if that being has interests.*

Cora Diamond sees all and only our relationships with humans as of a 'special kind'.²⁴ Human life, she argues, is special or distinct in a way that sets it apart from other forms of life. In this sense, humans have significance in a way that animals do not. For Diamond, there is a difference between humans and animals that is related to a notion of human life far removed from any biological notion. Through, for example, their culture, ethics, literature, language and ancestors humans have made something of the difference between human and animal life.²⁵ By means of such things, it is argued, we have come to understand humans as 'special' in a way that animals are not. This 'specialness'+ (which humans have and animals lack), Diamond argues, is fundamental to our understanding of the different treatment of humans and animals.

However, while it may be justifiable to see some humans as special, just in the sense that we have greater responsibilities towards them than other humans, and it may be justifiable to value human and animal life differently, it does not follow that we are somehow justified in seeing all and only humans as special or distinct.

Animals share similar interests and capacities to humans, so it is not entirely correct to say that the differences between species justify the claim that humans are distinct.

Of course we have special relationships with some humans, particularly family

* For further argument that sentience is not a necessary condition for moral standing see 5.3. and 8.2.

+ 'Specialness' is the word used by Diamond to characterise a peculiarity that is supposedly present in the lives of humans and our relationships with humans. See Diamond, *The Realistic Spirit* (Cambridge, Massachusetts and London: The MIT Press, 1995), pp.348-53.

members, so we may indeed place greater value on those humans than we do on other human beings. But we certainly do not have special relationships or moral relations with all and only human beings. Indeed, many humans place greater value on their relationships with animals than they do with humans. For those people, their relationships with certain animals will be special in a way that their relationships with some humans will not.

Besides all this, as said above, relationships (whether they are ‘special’ or not) are not necessary for moral standing. Having a relationship may be a sufficient source of moral concern, but it is not a necessary one. It should be said that although many people, including Diamond, do see humans as special, this can be consistent with recognising that animals have moral standing and giving them moral consideration (as Diamond does).

One should also add that the language of ‘specialness’ is different from the language of value and moral obligation. While the value we attach to different beings may be based upon relevant objective considerations, such as appeals to potentiality or other capacities, judgments of ‘specialness’ are expressivistic in that they serve to express a certain feeling or attitude* (though Diamond may choose to say otherwise).

While we can recognise that there are some beings to which we show partiality in our actions, it does not follow that since we show partiality in our actions we cannot be objective or impartial in the justification of those actions:

[P]artiality in action and deliberation is often compatible with impartiality at the level of ultimate justification... certain forms of partiality can be regarded as impartially valid. *Any* parent—absent special circumstances... should regard their child as demanding his or her special care and attention.²⁶

* In the present context, the language of ‘specialness’ expresses an attitude or feeling about human beings.

We can appreciate that much moral life is informed by close relationships with other beings, and in these contexts partiality is important, but we should also recognise that in other contexts our moral life is not informed by such close relationships. A prime example of this is animals in factory farms and laboratories.

The justification of moral actions and deliberations requires giving reasons that are not just plausible from the point of view of one person, but plausible to other people. Partiality is not sufficient in the *justification* of our judgments and actions, whether the actions themselves are partial or impartial:

[T]he practices of moral justification suggest an impartial standpoint. The most adequate justification counts as a justification from everyone's perspective, not just one's own; the justifying reasons could be accepted from any point of view. (Of course, by "everyone" I mean everyone who is morally serious and committed to achieving a coherent ethical view.) In this sense partiality... amounts to failure to achieve the sort of social validity sought in morality. That is not to say that certain forms of partiality... could not be accepted from everyone's point of view.²⁷

Partiality in practice then is compatible with being impartial when it comes to the justification of moral judgments or actions.

DeGrazia cites an excellent example that deserves mentioning, as it is enlightening. A husband wants to obtain a certain drug for his wife who is critically ill. (We could imagine that the drug may save her life or significantly prolong her life and ease her suffering.) However, he cannot afford to buy the drug, and the pharmaceutical company does not give out free drugs. (To make the example analogous to the UK we could imagine that it is not available on the NHS):

Heinz, after all, should steal the drug because it is *his* wife [caring partiality]; and his wife should get the drug because *any* human life is more important than any avaricious pharmacist's desire to make some extra money [impartiality].²⁸

Heinz's conviction that the right action to take is to steal the drug is justified partly through partial considerations concerning the fact that it is his own wife who needs

the drug, and partly through impartial considerations concerning ideas about the value of a human life in general.

So, therefore, Heinz's justifications for stealing the drug are tied to both an ethics of care perspective on the situation and a more rational universalizability perspective. Not only should justifications of moral deliberations be impartial, but, according to DeGrazia, justifications should be tested by appeals to universalizability* in order to detect whether the reasons given as justifications for actions are biased ones,²⁹ for example, they are self-interested, and therefore not actually impartial at all.⁺

It is sometimes believed that if someone has been influenced by certain emotions or feelings (such as concern or compassion), which are judged as being partial, or has taken into account subjective details when making moral deliberations

* Here universalizability should be taken to mean the sort endorsed by Hare (DeGrazia, Taking Animals Seriously (Cambridge: Cambridge University Press, 1996), p.50), where judgments are universalizable in the sense that they require identical moral judgments in identical circumstances (R. M. Hare, Moral Thinking: Its Levels, Methods and Point (Oxford: Clarendon Press, 1981), p.108). For example, if I claim 'X should not lie' in certain circumstances, then, universalizability requires that, in similar circumstances 'Y should not lie'. To say that X should not lie, but Y should requires that there be a relevant difference between X's and Y's circumstances (DeGrazia, op.cit., p.50).

⁺ Perhaps the sense in which moral judgments are objective could be clarified here by mention of Kant's categorical imperative. The imperative may be formulated as an objective principle of universalization and states that moral action requires one to act in a way that one would want, or will, others in the same situation to act. Although, for Kant, moral actions should be impartial and objective, the formulation of right action will always have, at some point in time, a subjective basis: 'A maxim is a subjective principle of action, a principle which the subject himself makes his rule (how he wills to act). A principle of duty, on the other hand, is a principle that reason prescribes to him absolutely and so objectively (how he ought to act)' (Kant, The Metaphysics of Morals, 6:226, in Practical Philosophy: The Cambridge Edition of the Works of Immanuel Kant, trans. and ed. Mary J. Gregor, intro. Allen Wood (Cambridge: Cambridge University Press, 1996), p.380). The question 'What should I do?' concerns a subjective rule or maxim and can be answered subjectively. However, to answer the question 'Is what I am contemplating doing right or wrong' one needs to think in terms of the categorical imperative. One needs to 'act only in accordance with that maxim through which you can at the same time will that it should become a universal law' (Kant, *ibid.*, p.73). So, for Kant, the question 'What should one do?' is impersonal, and directives for right action are objective, but, in order to answer the question 'What should one do (for right action)?', one firstly needs to think 'What should I do?', or 'What would I do?' and this is subjective. Kant's categorical imperative is indeed objective and impersonal, but the 'maxim' is a subjective principle that, when asking the question of whether an action is right or wrong, should be judged by the moral law or categorical imperative. That is, to ask the question 'What should one do?' is always to first ask the question 'What should I do?' Whether the answer to the subjective question of 'What should I do?' is right or wrong in the moral sense is to be judged by the categorical imperative and its more impersonal question of 'What should one do?'

then those moral deliberations themselves will, inevitably, be partial or biased.*

However, this is not necessarily the case. Not taking the particulars of a situation into account or exercising feelings (such as concern or compassion) could actually lead to wrong actions or misguided judgments. Indeed, in the moral sphere we value judgments made with concern and compassion for those involved. We suspect that these are, more frequently (though not always), the right ones (9.6.). Moral judgments need not be impersonal or made from nowhere in particular³⁰ in order to be justifiable or free from bias (cp.4). We expect people to take into account the subjective particulars of the situation when making moral judgments.†

2.7. Objectivity and Animals

It is often thought that, in order to be objective in our discussions of animals and our moral relations with animals, we should refrain from using anthropomorphic language, or from using concepts and words that we ordinarily use to describe

* For example, consider the following quote (cited by Mary Midgley): ‘The ammunition consists largely of several rounds of *emotion* followed by a quick burst of *uninformed* allegations about costs... For some people, the subject will always be an *emotive* one. Birds which cannot spread their wings or indulge their instincts arouse public indignation and sympathy. Yet... many consumers have been quite ready to accept the benefits of factory farms’ (Article in the Guardian, 24th Oct. 1979, cited by Midgley, Animals and Why They Matter: A Journey Around the Species Barrier (Harmondsworth: Penguin, 1983), p.33). Also, consider the following quote from a letter in New Scientist: ‘The trouble with wildlife conservation today is the same as when it first gained impetus as a movement in the late 50s, namely that it draws *emotive* opinions into what should be *objective discussions*’ (New Scientist, 10th Jan. 1980, cited by Midgley, *ibid.*, p.34). (The emphasis in these quotes, provided by the use of italics, is Midgley’s.) Linda J. Nicholson states that ‘According to Unger, a liberal worldview structures our experience around the following dichotomy. On the one hand stands the order of reason, thought, form,... and means. On the other exists the order of desires, feeling, content,... and ends. Similarly, the order of ideas stands opposed to the order of events as objectivity is opposed to subjectivity’ (R. Unger, Knowledge and Politics (New York: Free Press, 1975), p.27, cited by Nicholson, ‘Women, Morality, and History’, in An Ethic of Care: Feminist and Interdisciplinary Perspectives, ed. Mary Jeanne Larrabee (New York and London: Routledge, 1993), p.93).

† For example, we feel that a doctor should take into account her patient’s wants and values (subjective considerations), whether or not she decides to put what the patient wants as top priority in regard to what she believes would be the best treatment for that patient. She may believe that what the patient wants is not in the patient’s best interests (objective considerations). The patient may be mentally ill, or on drugs, and, therefore, may not know what is in his best interests. We feel it is not right for a doctor to act without compassion, or without full knowledge of her patient’s wishes. Moral deliberation often requires one to take into account the subjective particulars of a situation, and moral feelings often play a role in informing us of right conduct (see chapter nine). Indeed, we often distrust those who act without the appropriate feelings, or who act merely because they are forced into action. (A fuller discussion of moral feelings, like compassion and sympathy, will be given in chapter nine.)

humans (cp.10).^{*} Discussions of animals that make use of anthropomorphic language are often accused of not being objective and of not providing sufficient evidence of animal life or our moral relations with animals.⁺ It is believed that claims which are not objective and for which we have no empirical evidence are just mere assumptions. It is said that the only things we can claim to know are things that we can see directly without any preconceptions of how those things are, and this holds for our claims about animals. The idea is that we should look upon the world from outside in order to make any kind of claims about it.

However, to claim that we must strive for objectivity in our discussions of animals and provide empirical evidence is an assumption in itself. And while there does appear to be a deep distrust of anthropomorphism in achieving objectivity, such mistrust is unfounded. We do apply to animals the same concepts we apply to humans, but this is not necessarily wrong, or does not necessarily lead to false assumptions about animals (9.5.; cp.10). We need to use common sense and recognise that without the application of human concepts we cannot make sense of our relationships with animals. The words we use in everyday language to describe relationships between animals and humans will always be human ones. Of course we cannot try to separate ourselves from the human sense of our concepts. Indeed, if we did try to separate ourselves from the human sense of our concepts, our concepts would then make no sense or have no meaning. But we need not describe animals

^{*} For example, consider the following quote by George Henry Lewes (from his *Sea-side Studies*, cited by Tom Tyler): 'As we are just now looking with scientific seriousness at our animals, we will discard all anthropomorphic interpretation' (Lewes, *Sea-side Studies at Ilfracombe, Tenby, the Scilly Isles, and Jersey* (Edinburgh and London: Blackwood, 1860), cited by Tyler, 'If Horses Had Hands', in *Society and Animals*, Vol.11, No.3, 2003, p.268). As Tyler says, 'Lewes' caution, and his utilization of the term 'anthropomorphism' to identify that caution, was the beginning of a particular kind of vigilance that has endured, and indeed flourished, both in scientific and philosophical discourse' (Tyler, *ibid.*, p.268).

⁺ My aim here is to give a brief introduction to anthropomorphism, but a more detailed discussion will be reserved for chapter ten.

through the use of words and concepts that have no application to human beings in order to be objective. Besides this, many of the concepts that we ordinarily use to describe human life apply to animal life.

Animals participate in our lives just as much as we participate in theirs. It is from our contact with animals, and our relationships with animals, that we come to know them. While our relationships with humans are thought to provide experience that counts as sufficient evidence for knowledge of human beings, our experiences with animals are judged differently. Our relationships with animals are, often, not thought to provide us with experience that is sufficiently objective to count as evidence for knowledge of animals.* That is, our ordinary everyday experiences with animals are not seen to be able to provide sufficiently objective standards of evidence for knowledge. Descriptions of our experiences with animals are accused of being 'tainted' by anthropomorphism.

But to constantly demand standards of evidence for knowledge of our relationships with animals, and knowledge of animals themselves, that are different from the standards of evidence for knowledge of humans, is not only inconsistent (6.4.) but is to miss an important point. It is often those relationships themselves and their very existence that allow us to say that we know something about animals, just as it is often our relationships with humans that allow us to say that we know something about humans. And we cannot separate our relationships with animals from the concepts we use to describe or make sense of those relationships. Many of the words and concepts we use to describe our experience of humans will be applicable to animals (9.5.; cp.10). Consequently, descriptions of animal life and of our relationships with animals that attempt to evade all forms of anthropomorphism

* This raises all the problems of other minds, which will be discussed in 6.4.

will, often, give a distorted understanding of animals (cp.10).

2.8. Speciesism Revisited

It has been found then that taking the subjective particulars of a situation into account is consistent with being objective in our moral judgments. As DeGrazia says, ‘while moral judgments may be particular, each implies a general judgment’.³¹ Not only this, but partiality in our moral deliberations is consistent with impartiality at the level of justification.

While we do show moral partiality to those humans and animals that are close to us, this is consistent with giving all animals and humans moral consideration. That a being has special relationships is sufficient for moral standing, but not necessary. Having interests is what makes a being eligible for moral consideration. Indeed, the principle of equal consideration of interests requires that all beings with interests be given due moral consideration. Since farm animals and experimental animals have interests (including, at the very least, an interest in not suffering) then these interests should be given consideration. The practice of factory farming totally disregards the interests of animals, as does much animal research.

Appeals to objective differences between animals and humans can be no justification for the horrendous treatment of animals on factory farms and in many experiments. Factual differences and similarities between humans and animals will, inevitably, be appealed to when making comparative judgments, but such appeals are unjustified if the interests of animals have not been taken into account and given moral consideration. Animals are both similar to and different from us in more ways than we can ever know. Appeals only to the differences between humans and animals can be no justification for the mistreatment of animals, because the similarities are all too clear. Proper consideration of our treatment of animals will have to take these

similarities into account. Our likenesses will highlight how unfair our treatment of animals in current practices actually is.

Our attitudes to members of species other than our own are prejudiced, and attitudes that some people have to individuals of a different race or sex from themselves can be prejudiced also. Factual or objective differences are used as a justification for the discriminatory treatment of animals, black people and females. While we can say that we discriminate and highlight irrelevant differences in order to justify the exploitation of animals and that we also use irrelevant differences in order to justify the exploitation of some humans, we should be wary of the claim that animal discrimination is thereby relevantly analogous to racism. Indeed, it has been found that there are relevant disanalogies between animal discrimination and racism that may be sufficient to say that they are not relevantly analogous.

We say that people are racist not only because they discriminate against others on the basis of their color, but also because they do not treat people of races other than their own as people with the same human feelings as themselves. They do not treat them as human beings or as individuals in the sense of what we mean when we say that all humans are equal. We mistreat animals used in current practices in ways that are deplorable, but, since we can recognise that animals are not human and that human life (all other things being equal) is not of equal value to animal life, we cannot be accused of not treating members of species other than our own as if they were human, or of not giving animals the same value we give to humans. That is, we cannot be accused of 'speciesism' in the *same way* we can be accused of racism. Racism is largely objectionable because the racist does not treat members of a different race in the way that she treats members of her own race, and does not treat members of a different race *as of equal value* to members of her own race.

Chapter Two

To conclude, the term 'speciesism', called as such by analogy with racism, cannot be applied to the discriminatory treatment of animals, partly because animals are not human and partly because of what we mean when we say that all humans are equal. The conceptual meaning of speciesism is actually based on analogy with racism, but they have not been shown to be sufficiently comparable. Singer's account of the moral unjustifiability of speciesism then has not been established because speciesism itself, as a concept, has not been established. We do use factual distinctions to explain our treatment of animals, and often this treatment is unjustified. But when our treatment of animals is morally unjustified, it is not morally unjustified in the way sexism or racism is morally unjustified.

Endnotes

1. Tom Regan, The Case for Animal Rights (London, Melbourne and Henley: Routledge and Kegan Paul, 1983), cps.7 and 8.
2. Regan, *ibid.*, cp.9.
3. Richard Ryder, Victims of Science: The Use of Animals in Research (London: National Anti-Vivisection Society Ltd, 1983), cp.1, 'Speciesism', pp.1-14.
4. Peter Singer, Animal Liberation (New York: New York Review / Random House, 1975).
5. Peter Singer, Animal Liberation, second edition with a new preface by the author (London: Pimlico Press, 1995), p.2.
6. David DeGrazia, Taking Animals Seriously: Mental Life and Moral Status (Cambridge: Cambridge University Press, 1996), p.44.
7. Singer, Animal Liberation, second edition with a new preface by the author (London: Pimlico Press, 1995), p.5.
8. Singer, Practical Ethics, second edition (Cambridge: Cambridge University Press, 1995), p.56.
9. Jeremy Bentham, Introduction to the Principles of Morals and Legislation, eds. J. H. Burns and H. L. A. Hart (London and New York: Methuen, 1982), p.283.

10. DeGrazia, *op.cit.*, p.234.
11. DeGrazia, *ibid.*, p.233.
12. Singer, *Animal Liberation*, second edition with a new preface by the author (London: Pimlico Press, 1995), p.6.
13. Raimond Gaita, *The Philosopher's Dog* (London: Routledge, 2002), p.27.
14. Gaita, *ibid.*, pp.85-86.
15. I am using Cora Diamond's and Raimond Gaita's ideas about naming and individuality here. See Diamond, 'Eating Meat and Eating People', in *Philosophy*, 53, 1978, p.469, and Gaita, *ibid.*, pp.76-77.
16. I am using the ideas of Gaita to develop my argument. See Gaita, *ibid.*, p.198.
17. Kenneth Goodpaster, 'On Being Morally Considerable', in *Journal of Philosophy*, 75, 1978, p.311.
18. Goodpaster, *ibid.*, p.313.
19. Bernard Rollin, 'Reasonable Partiality and Animal Ethics', in *Ethical Theory and Moral Practice*, 8, 2005, p.107.
20. Rollin, *ibid.*, pp.106-107.
21. Rollin, *ibid.*, p.107.
22. Leslie Pickering Francis and Richard Norman, 'Some Animals Are More Equal Than Others', *Philosophy*, 53, 1978, pp.507-27.
23. Robin Attfield, *The Ethics of Environmental Concern* (Athens and London: University of Georgia Press, 1991), p.179.
24. Cora Diamond, *The Realistic Spirit* (Cambridge, Massachusetts and London: The MIT Press, 1995), pp.348-53.
25. Diamond, *The Realistic Spirit*, *ibid.*, pp.349-51.
26. DeGrazia, *op.cit.*, p.30.
27. DeGrazia, *ibid.*, pp.27-28.
28. Owen Flanagan and Kathryn Jackson, 'Justice, Care and Gender: The Kohlberg – Gilligan Debate Revisited', in Mary Jeanne Larrabee (ed.), *An Ethic of Care: Feminist and Interdisciplinary Perspectives* (London: Routledge, 1993), p.74, quoted by DeGrazia, *Taking Animals Seriously*, *ibid.*, p.30.

Chapter Two

29. DeGrazia, *ibid.*, p.28.
30. Thomas Nagel, *The View From Nowhere* (Oxford: Oxford University Press, 1986), see introduction and pp.68-70.
31. DeGrazia, *op.cit.*, p.50.

CHAPTER THREE

THE PRINCIPLE OF EQUAL CONSIDERATION

3.1. Equal consideration Not Equal Treatment

Here, I will clarify the meaning of the principle of equal consideration of interests, and show that equal consideration is not the same as equal treatment. For R. G. Frey, the principle cannot be applied to our treatment of nonhuman beings since nonhumans do not have interests (Frey's arguments will be reserved for chapter five),¹ whereas for Michael P. T. Leahy, to say that the principle applies to our treatment of nonhuman beings is not to take sufficient account of the differences between animals and humans (some of Leahy's claims will be discussed in chapter six).² Peter Carruthers would argue that the interests of nonhuman beings should not be given consideration equal to the like interests of human beings, as there is no such thing as similar nonhuman and human interests.³ Human interests, for Carruthers, will always outweigh nonhuman interests, even a nonhuman being's interest in not being subjected to a life of pain and suffering. (Carruthers' views will be returned to in chapter four.)

The principle of equal consideration of interests is often assumed to be, in practice, a principle of equal treatment, implying, as in the current context, the equal treatment of animals and humans. However, the principle requires that like interests be considered equally, not that animals and humans be treated the same no matter

how different their interests may be.

Peter Singer effectively challenges the move from equal consideration of interests to equal treatment by considering a practical case of two accident victims who are in pain.⁴ The first victim, say A, has a crushed leg and is agony. The other victim, say B, has a gashed leg and is in slight pain. There are two doses of morphine available. Giving one dose to B would relieve B's pain, but giving one dose to A would do little for A's pain. However, giving both doses of morphine to A would be effective in relieving A's pain, but she would still be suffering more than B. Now considering the pain of both A and B, the equal consideration of interests principle would require one to give both doses of morphine to A. While both A and B have an interest in having their pain relieved, A is in comparatively greater pain than B and giving two doses to A 'is an attempt to produce a more egalitarian result. By giving the double dose to the more seriously injured person, we bring about a situation in which there is less difference in the degree of suffering felt by the two victims than there would be if we gave one dose to each'.⁵ Now if the principle of equal consideration of interests required equal treatment then, in this case, application of the principle would require giving one dose of morphine to A, and one dose to B, resulting in B (who was not in much pain initially) being completely pain free, but leaving A in agony. Thus equal treatment, in this case, produces an inegalitarian and seemingly unfair result.⁶

The principle of equal consideration of interests, properly understood and applied, does not, therefore, require equal treatment. Indeed, interests may be overridden and comparative judgments can be made. A and B could have like interests without the principle implying equal treatment, if (say) B's interests were outweighed by conflicting interests of X.

The difficulty arises when we try to consider what would qualify as like interests of nonhuman beings and human beings. While human beings and nonhuman beings (in the context of this thesis specifically farm animals and experimental animals) have the capacity to feel pain and endure suffering, that is, they are sentient, they also are very different, and have different physical and mental capacities. In the case of both nonhuman beings and human beings suffering and feeling pain, comparative judgments of like interests can be easier to make. But when we consider animals in factory farms the assumption is often made, by the millions of people who contribute to the practice, that the farm animal's interest to be free from pain and suffering inflicted upon them is of less importance than the desire humans have to eat meat. Yet humans would not suffer were they to refrain from eating meat, and since animals do endure a considerable amount of suffering in the current meat eating practice then there can be no justification for continuing to eat meat reared on factory farms. If humans were subjected to the same amount of pain and suffering that animals endure in the factory farming system we would consider this wrong. We would consider this to be unjustifiable even if the suffering humans endured was for the benefit of important human interests, rather than the desire to eat cheap meat.

Prevailing attitudes towards farm animals are self-interested. A justification for the suffering of these animals needs to be given by those who favour their own interests over the vital interests of these animals. The assumption is made that our own interests however trivial, always override the animal's interest in not being made to suffer and until this assumption is challenged and scrutinized the suffering of animals, in factory farms and in experiments, will continue. As Singer says, 'there can be no moral justification for regarding the pain (or pleasure) that animals feel as less important than the same amount of pain (or pleasure) felt by humans'.⁷ If we

apply the principle of equal consideration of interests to the case of factory farming we can see that the animal's interest in not suffering is of more importance than the human's desire to eat meat. Singer's conclusion is that we are unjustified in eating farmed meat, however reared. However, it does not follow that eating meat is always morally wrong, or unjustifiable. One could eat meat reared painlessly, or buy products from free-range farms, as long as the slaughter methods were also known to be painless. Indeed, by learning how to become a more ethical consumer one can change current factory farming practices, and encourage farmers to practice more humane methods of farming. Many consumers are willing to pay extra pennies for cruelty free (or perhaps it would be more precise to say 'pain free') animal products.

When we consider the practice of animal experimentation, applying the principle of equal consideration of interests becomes more difficult. Making comparative judgments of interests is seen to be more difficult as it is believed that there are often important human benefits to be obtained through experimentation, more important than the human's desire to continue eating factory-farmed meat. Many people justify painful and often lethal biomedical experiments on animals by saying that the experiments lead to benefits for humans and serve medical purposes which thereby relieve more suffering than they actually cause. However, there are many experiments on animals that are not being performed for medical purposes. The only benefits from many experiments are a new shampoo or detergent or another product or increased weaponry knowledge. As far as experiments on animals to test cosmetics, cleaning products and other toxic products are concerned, of which the consumer already has hundreds to choose from, then the same argument against factory farming applies. The animal's interest to be free from pain and suffering is of more importance and overrides the human's interest to choose from a different range

of cleaning products or try a different cosmetic.

Not only do experiments like these, which test new products, have no relevance to the circumstances in which humans will use the products, but also the benefits cannot be a justification for the pain caused to the animal as there are no vital benefits at all. In certain fields of research there is no justification for inflicting pain. There is no need to develop new products that might be dangerous and, therefore, have to be tested, as we already have over enough products on the market.

Much behavioural research on animals achieves no newly found knowledge or benefit to humans. Many experiments carried out cause severe pain without the prospect of significant benefits or vital new knowledge. Such experiments include learned helplessness experiments. These involve subjecting animals to persistent electric shocks to the point where the animals 'learn' to become helpless. The first stage of the experiment involves giving animals electric shocks, usually through the bars of a cage, whilst providing an escape route or 'safe' compartment, which the animals can jump or run into. The second stage of the experiment involves administering electric shocks, but blocking off the escape route or 'safe' compartment, usually by means of a wall, or administering electric shocks in the 'safe' area as well as the usual area, resulting in the animals having nowhere to escape from the electric shocks.

During the second stage of the experiment the animals frantically run into the wall trying to escape and show signs of fear and terror—trembling, shaking, urinating and defecating.⁸ These experiments finally end when the animals “give up” and passively “accept” the shock,⁹ but this can take many days or weeks. Such experiments are supposed to contribute to knowledge of human depression, yet it has been argued by Steven Maier (a previous advocate of these experiments) that it is

‘unlikely that learned helplessness is a model of depression’.¹⁰

The outcome of many experiments is often known beforehand. Social isolation experiments involve the ‘separation of infant animals from their mothers or confinement of individuals, sometimes in small boxes or in dark soundproof chambers’.¹¹ Professor Harlow, who conducted many social isolation experiments, stated that ‘sufficiently severe and enduring isolation reduces these animals to a social-emotional level in which the primary social responsiveness is fear’.¹² It is common sense that such experiments will induce fear, stress, psychological illness and death.

The above experiments are all unjustified on the equal consideration of interests principle. Even where the results of tests are not known beforehand, the likelihood of the results being beneficial to humans, or directly extrapolated to humans, are extremely low. Most experiments are carried out without a reasonable probability of the results benefiting human health in some way or another.

Higher mammals, such as dogs, cats, and primates, are often made to endure very intense physical and psychological suffering. Bigger animals are often preferred favourites to use in certain experiments because of their size, enabling tubes and electrodes to be implanted. The psychological effects of experiments can be recognised more easily in these larger mammals, and, therefore, these animals are seen as more useful when carrying out behavioural studies. (Anyone with a pet dog will be able to recognise when it is feeling depressed.) Some experiments last for hours, or continue over days, even years. Primates are kept for their lifetimes in AIDS experiments, or held in restraining devices for months at a time. Cats and dogs are mutilated, poisoned or burned in tests. On the principle of equal consideration of interests, if we are not prepared to subject humans to similar pain and suffering, for

similar reasons, such as the discovery of new knowledge, then in general our willingness to use these higher mammals is morally unjustified. If we seriously consider the interests of animals such severe suffering of larger mentally complex animals can never be justified, no matter what human interests may be at stake.

3.2. Comparative Judgments

It is important to recognise here that giving animals' interests equal consideration to the interests of humans is compatible with taking into account the morally important differences between different cases. It may be the case that an experiment causes little pain to an animal and that there is a high probability that the results from the experiment will be so beneficial to humans that they would greatly reduce human suffering. If we apply the principle of equal consideration of interests to such a case then an animal's interest in being free from a small amount of pain would be overridden by a human's interest in being free from great suffering.

Equal consideration of interests for animals then requires giving equal moral weight to the like or similar interests of humans. A healthy adult human being's life, other things being equal, is different from a healthy adult dog's life. Relevant differences should, and can, be taken into consideration. A dog's behaviour can be indicative of boredom, purposive behaviour, loyalty to its owner, and depression. We would say that a dog possesses many characteristics that humans possess, and has its own interests. We would say that it has interests in life, and could say that it takes an interest in its life (4.8.). But we would not say that a dog reflects upon its interests or mental capacities, or reflects upon its life as a whole. We would say these things of a human. But there are also many moral similarities between nonhumans and humans. In the case of a dog, the relationship of mutual respect between the dog and its owner would not be possible if similarities in capacities did not exist.

Similarities and differences should be taken into account when making comparative judgments between cases. Consideration of the similar and different interests of nonhuman and human beings will often mean that a nonhuman interest, for example, an interest in not suffering, will override a human interest, for example, in buying cheap meat, and gaining new knowledge. However, consideration of the differences, between humans and animals, may have the consequence that an animal's interest, for example, an interest in being free from slight, momentary pain, is overridden by a more important human interest, for example, an interest in an extremely beneficial drug, which has a high probability of being discovered through a certain animal experiment. It may also be the case that consideration of differences between humans and animals may have the consequence that a human's interest, for example, an interest in discovering knowledge of a species through observation of an animal, is overridden by a more important animal interest, for example, an interest in being free to live in its natural surroundings or niche, or being free to exercise. Also, one animal's interest, say to be free from slight, momentary pain, may be overridden by another animal's interest, say in advancement in veterinary science which would greatly reduce animal suffering. The same applies in the case of humans. One human's interest, say an interest in freedom, may be overridden by another human's interest, say an interest in being safe from physical harm.

Taking the interests of animals into serious moral consideration involves taking account of the different capacities and mental lives of different animals. As far as larger mammals (with complex interests, needs and mental lives) are concerned, then a justification is needed for why their important interests, like the interest to be free from pain, or an interest in fulfilling instinctive tendencies, are being overridden. This justification needs to be a morally important one, not one that relies on profit or

pleasure. Otherwise, we are not giving these animals equal consideration, and are not taking their interests seriously. Appeals to profit or pleasure will always be self-interested, prima facie or unreflective justifications. Such appeals are not justifications concerning right action or the basic interests of beings. If the interests of these animals were seriously taken into moral consideration, and not overridden by human self-interest, then the majority of the experiments in which they are used would have to come to an end, as they would be seen to be morally unjustifiable. Also, if the pain caused to these animals is so intense or severe that we would consider it atrocious to use humans in the same experiments, even if there were important human interests at stake, then our readiness to use higher mammals in such experiments has to be justified. In practice and in reality, if we take into account the principle of equal consideration of interests, it seems that there can never be a justification for such experiments. This is a conclusion that some people find difficult to accept. But treating animals as moral patients, and not just as things we can do whatever we want with in the name of humanity, will require us to change our attitudes towards our treatment of animals, and recognise that some actions are morally prohibited, whether we like it or not.

Indeed, even if there were important and overriding human interests that justified a considerable amount of pain for animals, once we take into account the actual experiments in the laboratories, and the conditions animals are housed in, it turns out that they may not be justified after all. In order for the experiments to be justified radical changes would have to be made to the housing conditions of the animals, particularly the larger animals. Animals are usually kept in barren cages in which they are prevented from exercising their capacities. Their essential instinctive needs are not met in these conditions. The conditions in which they are housed cause

suffering and discomfort apart from the suffering caused by the experiments. If there are overriding human interests which seem to justify some animal experiments (and, in reality, it looks as if such a justification is going to be hard to find if the experiments are on larger mammals and involve considerable suffering), then the animals used should be housed comfortably. Their suffering should not be intensified through a barren, boring, and lonely existence. Many animals, particularly dogs and cats, need human or other animal contact, just like human beings. That is, they are social animals.

So, comparative judgments are possible, and we can recognise animals' moral standing, give moral consideration, and take into account the principle of equal consideration of interests, but also apply intuitions and common sense to our judgments. We can recognise that, in some cases, animal interests may be overridden and given less importance than human interests, while, in other cases, human interests may be overridden and given less importance than animal interests. The interests of humans and animals both deserve serious consideration, but, inevitably, it will usually be the case that one interest will have to be overridden by another.

3.3. Morally Important Distinctions

We can then give animals equal consideration while recognising the differences between animals and humans. That is, we can give animals moral consideration and recognise that animals have moral standing, while also recognising the morally important differences between animals and humans, and between different cases.

Goodpaster informatively points out that there are four distinctions to be made when making comparative judgments between those beings that have moral standing.¹³

Firstly there is a distinction between moral rights and moral considerability.

Something can have moral standing even if it lacks rights. For example, although we

have obligations to future people, whoever they may be,¹⁴ it probably makes no sense to say that they have moral rights. We do not have to attribute rights to something for that something to have moral standing. Because of this it is preferable to talk in terms of moral standing, or moral considerability.

A second distinction is that between moral considerability and moral significance. Whether trees, for example, deserve moral consideration is a question that must be distinguished from whether a tree deserves greater moral significance than a sentient animal. Likewise, whether rodents deserve moral consideration is a question that must be distinguished from whether a rodent deserves greater moral significance than a human being. In cases of conflict the moral significance of an entity, for example, a human, may override the moral significance of another entity, for example, a cat. The reverse may also be the case. Singer's argument from suffering and the principle of equal consideration of interests only require that *like* pain and suffering of a being be given equal consideration as the *like* pain and suffering of another being, *all other things being equal*. The pain and suffering of a being can be overridden if more important interests are at stake. These important interests must be morally relevant ones, not interests grounded in vanity or profit. We can pay respect to something's interest and well-being, that is, we can recognise something's moral standing and give it moral consideration, even if we do, for example, eat meat from this kind of animal or have an impact on its part of the environment.

A third distinction is between regulative consideration and operative consideration. We all have our own moral thresholds and limitations:

An agent may, for example, have an obligation to grant regulative considerability to all living things, but be able psychologically and in terms of his own nutrition to grant operative considerability to a much smaller class of things.¹⁵

Moral considerability of an entity is operative when this moral considerability is psychologically possible for a person. Moral considerability of an entity is regulative if this moral considerability is defensible on all grounds independent of operativity. Although we have an obligation to give sentient farm animals and experimental animals regulative considerability, psychologically, operative considerability may only be possible. We could also say, in addition to Goodpaster, that *practically* operative considerability and nothing more may be possible. Moral considerability may be psychologically possible, but not practically possible. Taking into account what is possible in practice is extremely important in regards to reducing the suffering of farm and experimental animals. Even though these animals have moral standing and deserve moral consideration, it would be practically impossible to stop everyone eating meat and bring all animal experiments to a halt, even if it were possible, psychologically, for people to think that we have a moral obligation to stop eating meat and bring animal experiments to an end. What is psychologically and practically possible is to give farm animals and experimental animals moral consideration by gradually phasing out factory farming methods and replacing them with more humane methods of farming, and using existing or newly discovered alternatives to animal experiments. Human patients are often refused opportunities to try experimental treatments that offer a chance of success. Also, healthy people are sometimes willing to volunteer in behavioural studies.

Many charities exist which work towards the goal of an eventual elimination of all animal experimentation by an increased introduction of alternative methods rather than an outright ban on the use of animals. For example, the Fund for the Replacement of Animals in Medical Experiments (FRAME) considers a total ban on animal experimentation to be a practical impossibility and too unrealistic. It works

with the government and academic institutions to devise new methods of experimentation that can effectively and efficiently replace, refine and reduce specific procedures on animals.¹⁶ FRAME then advocates the implementation of the 3 R's approach to animal experimentation, the concept of which was first introduced by William Russell and Rex Burch in The Principles of Humane Experimental Technique.¹⁷

A fourth distinction is that between questions of intelligibility and questions of normative substance. We cannot assume that we can separate the question of what sort of things can be said to deserve moral standing, or are believed to have moral standing, from the question of what things do, as a matter of fact, deserve moral standing. It is hard to separate the two. We only have to look at history to recognise this. In the past the fact that black people deserved moral consideration was denied, just as now many people deny the moral standing of farm animals and experimental animals. Most people who deny these animals moral standing do so for reasons of self-interest, like profit made from experiments and meat. Those people who denied black people moral standing often did so for the same reasons, that is, profit made from exploiting black people. An analysis of what things deserve moral standing should seek to remain normative and not conceptual only, that is, it should deal with things that actually do deserve moral consideration, as opposed to merely being believed to be potentially eligible for moral consideration.

3.4. Coherence Theory

It is often possible to test whether our moral judgments are justifiable or not and test whether actions are actually right or wrong, as opposed to actions merely being believed to be right or wrong. One way to do this is to strive for a state of reflective equilibrium or coherence in our moral judgments, a method first outlined by, most

notably, Henry Sidgwick and later by John Rawls and Jonathan Glover.¹⁸ More recently, David DeGrazia puts forward a coherence model of justification that is illustrative of the way in which we should approach moral judgments.¹⁹ In this model justification involves taking into account judgments about principles, cases, persons, actions, rules, theory and consequences. Scrutinizing other judgments and carefully examining counter-arguments tests the validity of these judgments. Only those judgments that we have good reason to consider reliable will be initially considered and tested. Judgments based on obvious self-interest and bias will be dropped from the beginning and not taken into account as judgments to be considered. Our judgments must hang together, or link together, in a coherent system. Lines of reasoning and judgments that seem unconnected must be given an explanation for their lack of coherency, and be backed by plausible reasons. For example, if different judgments or rules apply to the treatment of animals and humans then this must be given an explanation,²⁰ and, again, this explanation may be tested vigorously by scrutinizing other principles, judgments, rules or even theories within the system in order to check for inconsistencies, contradictions or just a lack of plausibility.

DeGrazia argues that intuitive judgments, that is, judgments made on the basis that they just seem or feel right, should be recognised as important but should be used sparingly. However, one very important quality that a model of justification should take into account is compatibility. Judgments and intuitions should be compatible or coherent with '*whatever else we know or reasonably believe*':²¹

Suppose that Descartes' conviction that it was morally permissible to perform surgery on unanesthetized dogs depended on his belief that dogs were not conscious creatures and therefore could not suffer. The falsity of his factual belief would then undermine his ethical judgment, since the latter depended on the factual assumption.²²

Judgments and intuitions then must be compatible with consensual knowledge and

consensual intuitions. We should further add that this is not to say that those consensual intuitions or that consensual knowledge itself cannot be scrutinized and tested, for it may be that some consensual knowledge and intuitions are unjustified and wrong. We must remember that, on DeGrazia's theory of justification, judgments based on self-interest or bias should be dropped. It is important to try and pinpoint biases. Yet it must be said that this may not always be easy. Again, unconnected judgments and intuitions must be given an explanation. Judgments and intuitions that do not fit in with a coherent system should be treated suspiciously and are likely to be dropped.

Considered judgments, then, are those that, on great reflection and scrutinization, we find to be justifiable. However, considered judgments can always be revised if found to be incoherent (in the above sense of failing to cohere) and, with further reflection (hence the term 'reflective equilibrium'), they can be changed or rejected on the coherence model. Of course our beliefs and judgments can be false and 'knowledge' that we thought we could be certain of, beyond reasonable doubt, can sometimes prove us wrong. This is why theories and arguments must be vigorously tested. I agree with DeGrazia that what we should strive for is theoretical clarity in ethical judgments and illumination over a coherent system.²³ DeGrazia argues, more specifically, that we should strive for 'global illumination'²⁴ over the whole of ethics.

Why strive for *system*—as demanded by global illumination, fully achieved—rather than contenting ourselves with piecemeal ethical argumentation, left unconnected to some broader system?... It is no doubt that we will usually "do" ethics—as philosophers or just reflective persons—piecemeal, working on particular issues or areas of concern, not explicitly connected to a greater system. But there is value in holding the idea of a complete system as an *ideal* and seeking global illumination... There are compelling reasons, then, for seeking broad coherence in ethics... Appeals to coherence in our sense give content to the intersubjective conception of ethical

objectivity.²⁵

Ethics, then, cannot forever be divided into, say, human ethics, animal ethics and environmental ethics. Such subjects are not isolated from each other and, at some point, will ideally come together to form a whole, rounded ethical system that is not cut off from the rest of the world. This linkage is an example of what I take DeGrazia to mean by 'global illumination'.

Animal ethics is ultimately connected to, among other things, environmental ethics, questions concerning how human beings should live and questions concerning the moral status of beings. It may be that what we first thought were considered judgments about animal ethics, that is, judgments that after great reflection and scrutinization formed a plausible coherent system, may not be justifiable at all when considered judgments about environmental ethics are further reflected upon and taken into account. For example, it may be that considered judgments about animals may be proven to be self-interested or biased when we identify and take into account considered judgments from other ethical areas. Hence the importance of interdisciplinary discussions. If DeGrazia is correct then the separation of questions concerning animals from questions concerning the environment and human beings may in part contribute to some of the inconsistencies in the attitudes that we have today towards animals and the environment, or, if it does not contribute, may help to preserve the status quo.

Never linking considered judgments in animal ethics to considered judgments in environmental ethics may result in ethical inconsistencies, which could be resolved, continually manifesting themselves.* More worryingly the practical

* One should consider the possibility that some animal welfarist judgments (for example, judgments against all culling) are wrong when considered in their environmental context. This just emphasises the importance of taking into account judgments from both disciplines, that is, animal ethics and

consequences of this could be that considered judgments about, say, the actions of human beings, continue to be justified, but would be unjustifiable in relation, or with reference to, other considered judgments about, say, the environment or animals. It follows that the unjust exploitative treatment of, say, animals and the environment, would likely continue, and not only this, but such exploitations would be believed to be justified. Striving for a coherent system, then, with the ideal of global illumination, involves accepting conclusions and judgments that, although justifiable, may be judgments that we do not really want to accept. The reasons why we may not want to revise misguided judgments may be practical, psychological or self-interested, but a coherent ethic should highlight biases rather than be designed so as to conform to our biases.

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CHAPTER FOUR

CONTRACTARIANISM

4.1. The Veil of Ignorance

Why is it that current practices, which involve blatant suffering of animals, continue to be supported by the majority of people? What are the justifications given in support of these practices? For it is these justifications which ultimately underlie the Western tradition of extensive animal exploitation. In order to answer these questions it is necessary to discuss the arguments that justify the exclusion of animals from any genuine moral concern, and thus support the use of animals in these practices. Many arguments rely on differences between species to justify the exclusion of animals from the moral sphere. The idea that only beings capable of rationality and moral agency deserve consideration is just one of the pretexts that is used as a justification for animal exploitation.

Indeed, John Rawls' contractarianism excludes animals from deserving fair treatment on the basis that they lack the capacity for moral agency. Only rational humans can enter into his contract, whereby questions of justice are answered by those who are impartial in their decision making, and can make moral deliberations behind 'a veil of ignorance'.¹ For Rawls, only humans can be represented in the sphere of justice, humans being the only species capable of moral agency. Since

animals lack a sense of justice they are excluded from being beneficiaries of principles of justice.²

Nevertheless, Rawls certainly believes that we have at least some duties towards animals, and that we should not treat them in any way we please, but claims that the moral treatment of animals is an area of enquiry outside the scope of a theory of justice:

We should recall here the limits of a theory of justice. Not only are many aspects of morality left aside, but no account is given of right conduct towards animals... A conception of justice is but one part of a moral view... Certainly it is wrong to be cruel to animals... The capacity for feelings of pleasure and pain and for the forms of life of which animals are capable clearly imposes duties of compassion and humanity in their case. I shall not attempt to explain these considered beliefs. They are outside the scope of the theory of justice, and it does not seem possible to extend the contract doctrine so as to include them.³

However, Rawls' exclusion of animals from principles of justice is not without its problems and has implications for animal ethics. Rawls' theory is a liberal one, and liberalism is very much committed to the idea that each person should have the freedom to form their own conception of the good and live by their own moral rules, as long as their moral rules and conception of the good do not harm other humans.⁴

Now, if our treatment of animals is an area of enquiry restricted from principles of justice and relegated to a broader sphere of morality where people are free to pursue their conception of the good with minimum interference, then it could be that, as Robert Garner points out, 'the treatment of animals becomes a matter of individual moral choice rather than a matter of justice. Thus, my conception of the good might include a commitment to the well-being of animals, but I am not entitled to impose it upon others, and likewise, others must respect my conception of the good whilst not having to follow it themselves'.⁵ It appears then that there may well be a

tension between Rawls' liberalism and his belief that we should not treat animals in any way we please, for liberal theories may not be able to offer sufficient restrictions on the way animals are treated (restrictions which could be seen to properly protect animals' interests).*

More recently, Peter Carruthers has developed a case against the moral standing of animals based on Rawlsian contractarianism, that is, the theory that a system of rules chosen behind a 'veil of ignorance' by rational beings would be a just and fair one.⁶ The rational beings in the contract would not have any knowledge of their own interests or preferences, and so the rules would be impartial. This position limits moral consideration to rational contracting individuals, which excludes animals (and also those humans unable to enter into the contract, such as babies, comatose and severely mentally impaired humans).

Although Rawls and Carruthers are contractarians, there are important differences between their views. While Rawls' contractarianism focuses only on justice and (as said above) Rawls believes that we may well have direct obligations to animals, Carruthers adopts a contractarian approach to morality, which excludes animals from being direct beneficiaries of moral deliberations altogether.

Carruthers' exclusion of animals is objected to by animal welfarists. Animals do have interests and, as such, they should be given consideration. They argue that contractarianism could extend moral consideration to animals by appointing rational beings into the contract to act as representatives of animals' interests. Carruthers sees this as a problem because, firstly, as representatives are supposed to make choices behind a veil of ignorance it would lead to representatives having to have a prior bias

* For further discussion of the implications of Rawlsian liberalism for animal ethics see Ruth Abbey, 'Rawlsian Resources for Animal Ethics', *Ethics and the Environment*, Vol.12, No.1, 2007, pp.1-22 [accessed at www.britannica.com/.../RAWLSIAN-RESOURCES-FOR-ANIMAL-ETHICS, on 07/07/2010].

in favour of animals and animals being given equal rights with human beings, and this is not the 'common-sense view of animals'.⁷ The so-called 'common-sense view', for Carruthers, seems to be that animals are not important in comparison to humans and, therefore, should be treated as such.

Carruthers' idea of the contract is that rational agents choose rules impartially. If agents act as representatives of the interests of animals, impartiality no longer exists, since this implies that the agents have a partial belief in the moral standing of animals. Moral rules are no longer chosen behind a veil of ignorance and the original idea of what constitutes morality no longer exists.⁸

Secondly Carruthers sees representatives speaking on behalf of animals as a problem because once animals' interests are included it becomes difficult to find a reason why other things should not be included. Where then do we draw the boundary for those things that are included and those things that are not? Do we also have to include trees, stones or viruses?⁹ Again, including such things, for Carruthers, is not the common sense view.

In response to this latter objection, one could reply to Carruthers by pointing out Goodpaster's argument that only living things have interests and moral standing, and that the distinction between moral significance and moral standing prevents recognition of the moral standing of living creatures generating counterintuitive implications (8.2.).¹⁰ Indeed, if it is only living things that have interests and moral standing, trees could be said to be included among those things that have moral standing as they have interests, while stones and other inanimate things could be excluded as they have no interests (8.3.). So some boundaries can be drawn. As far as viruses are concerned it could be said that, as living things, they do have interests, and, therefore, moral standing, but that their moral significance is far lower than other

nonsentient animals (3.3.; 8.6.).

In response to Carruthers' first objection, that including representatives of animals' interests would lead to bias and to animals being treated equally to humans, Carruthers needs to establish, first, that including representatives of the interests of animals would lead to those representatives being biased in favour of animals, and that this would lead to animals being treated the same as humans. One can act in favour of animals without being biased in one's judgments. Besides, if humans are impartial in their decision making, as Carruthers says they should be, then there should be no problem of a bias in favour of animals. Indeed, for Carruthers, the whole point of the veil of ignorance is that individuals in the contract should not be biased or subjective in their decision making. If contracting individuals can be biased in favour of animals then they can be biased in favour of humans too, and contractarianism, with its 'veil of ignorance', would not be coherent.

Also, recognising the interests of animals should not lead to the similar treatment of humans and animals. Taking into account animals' interests would actually lead to different treatment of animals and humans, as they have different interests. Extending moral consideration to animals would not mean treating them in the same way we treat humans, recognising that they have the same rights as humans, or, indeed, recognising that they have any rights at all. Carruthers himself insists on common sense and common sense tells us that while there are similarities between humans and animals, there are also differences, which would include different interests.

Contractors under the veil of ignorance or in the original position will need to have some idea of the needs and preferences of humans in order to answer questions of justice. For Carruthers and Rawls, contracting individuals in the original position

do have some general knowledge of human society, including general knowledge about economics, psychology and social organisation. What they do not have is more specific knowledge, including knowledge of their own mental or physical capacities, knowledge of their own ideas of what counts as a good life, knowledge of their own economic place in society, or knowledge of the particular features of their society. Also the contractors will not know what their mental and physical capacities will be once deliberations of justice have been made.¹¹ They have no knowledge of their own position or prospects. As contractors they should strive to create a society that is just and fair, if not for everyone else then at least for themselves, for it may be that they are in a disadvantaged position in society.

There is a real problem within Rawlsianism in contracting individuals representing anyone and not being merely egoistic. The contractors are not actual people, adjusted to society. They are imaginary, non-bodily, prospective people, and are not yet embodied. Decisions that are just, for Rawls, are those that a rational, autonomous individual would choose. The contractors in the original position are to recognise individuals as rational, autonomous agents, just like themselves. Just rules are those that the contractors themselves consider to be just. But how are those in the original position supposed to make rules on behalf of others from such an abstract position? The contractors are assumed to act in their *own* best interests, and assumed to be self-interested, that is, they are to choose rules of justice that any rational, autonomous agent, much like *himself* or *herself*, would choose.

Seyla Benhabib argues that the contractors are 'disembodied and disembedded' from actual concrete reality, and that such an abstraction ignores differences, like gender differences.¹² The problem is that the contractors are to make rules based on decisions as to what 'I', as a contracting individual, would choose were

I, say, in a disadvantaged position in society, yet the 'I' has no knowledge of such a position. Benhabib believes that we need a less abstract account of the self if we are to take seriously the interests of individuals.* We can only make just and fair decisions from a concrete, embodied position.¹³

The Rawlsian conception of justice proceeds from an assumption that rationality requires abstracting oneself from society in order to obtain an impartial viewpoint, but, in doing so, it ignores difference and diversity among individuals, cultures and, one should add, species, and thus the Rawlsian goal of equality becomes somewhat unattainable from such a disinterested position.

It should perhaps be said that, for Rawls and Carruthers, the particulars of the situation can be taken into consideration at some point in our moral deliberations, but only *after* rules have been made from the unencumbered position. Decisions are

* Susan Okin has interpreted the contractors in the original position as being motivated by empathy, sympathy and benevolence (Okin, 'Reason and Feeling in Thinking About Justice', *Ethics*, Vol.99, No.2, 1989, p.229-49). For Okin, Rawls' original position is one in which feelings play an important role in making decisions of justice. Rawls does say that 'the combination of mutual disinterest and the veil of ignorance achieves much the same purpose as benevolence' (*A Theory of Justice* (Oxford: Oxford University Press, 1999), p.128). But the question needs to be asked as to how such a combination can achieve this purpose. It is not the case that those in the original position are moved by benevolence, but rather that the original position is supposed to have the same function as benevolence. There is then a problem as to how disinterestedness can serve the same purpose as benevolence. Indeed, it is difficult to see how one can be sympathetic or empathic, yet, at the same time, remain disinterested. Rawls says that 'the sense of justice is continuous with the love of mankind' (Rawls, *ibid.*, p.417). But he goes on to say that the 'difference between the sense of justice and the love of mankind is that the latter is supererogatory, going beyond the moral requirements' (Rawls, *ibid.*, p.417). For Rawls, moral feelings are independent of our rational choices: 'Our moral sentiments display an independence from the accidental circumstances of our world, the meaning of this independence being given by the description of the original position and its Kantian interpretation' (Rawls, *ibid.*, p.416). Emotions then are independent of decisions made in the original position. They do not influence the disinterestedness of the contracting parties. Besides this, to empathise requires knowledge of a person's life situation. But those in the original position do not have such knowledge. Even if one accepts that those in the original position are not egoistic, they are still far removed from concrete reality. They are still, as Benhabib says, 'disembodied' (Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (Oxford: Blackwell, 1992), p.152). Indeed, Benhabib quotes Okin as saying 'But what sense does it make to talk of mutually disinterested individuals pursuing their interests when... they have no knowledge of them?' (Okin, *op.cit.*, p.242, quoted by Benhabib, *ibid.*, p.166). While Okin's interpretation of Rawls' theory is insightful in giving one a fuller understanding of the role of the emotions, one should not underestimate the dominance of the role of rationality and disinterestedness. If moral feelings, such as empathy, do play a role in Rawls' theory then it is only within the context of taking the particulars of a situation into account and, thus, only after moral deliberations have been made from the original position.

made, first, by the abstract individuals under the veil of ignorance and then applied to society, and it is at this point that the particulars can be taken into account. But without prior, specific knowledge of other beings or of oneself, decisions made by those individuals in the contract carry the risk of being unjustified and, to a large degree, dangerous.

While the contractors have general knowledge of what is good for people, specific knowledge of humans would also need to be considered if one is to make decisions in the best interests of the individuals concerned and society. For example, it is wrong generally to restrict humans from the freedom to move around. But it may be the case that it is not wrong to confine someone, and this is an example of when specific knowledge should be considered when making decisions of justice. Also, it is hard to imagine how non-bodily, prospective people, with no experience or knowledge of their own interests, could come to make just moral decisions about the interests of others (even if they did have general knowledge). If we were thinking of real rather than imaginary people, we would normally hold that life experience and knowledge of oneself and one's own interests would contribute to an understanding of the interests of other people.*

* This is not to say that in obtaining knowledge of others we begin from our own interests, or consciousness, and make inferences to the interests of others (or that Rawls would agree with this), but to say that it is hard to conceive of the notion that things which are disembodied from concrete experience (that is, things which are not embodied subjects of experiences) could actually come to know about the interests of actual persons (or other beings). The contractors are not actual persons, and Rawls certainly does not see them as such. Peter Strawson says that our concept of a person is such that it is an entity with both states of consciousness *and* bodily characteristics (Strawson, Individuals: An Essay in Descriptive Metaphysics (London: Methuen and Co Ltd, 1959), cp.3, 'Persons'). Further, Strawson argues that if we ascribe states of consciousness and experiences to ourselves, we must also, at least, be prepared to ascribe them to others (Strawson, *ibid.*, p.99). As he says, 'the ascribing phrases are used in just the same sense when the subject is another as when the subject is oneself' (Strawson, *ibid.*, p.99). For Strawson, 'the strictly disembodied individual is strictly solitary' (*ibid.*, p.115). As such, it is difficult to see how such individuals, like the contractors in the original position for example (who are not subjects of experiences), could ever come to know about the states or experiences of persons, let alone come to have knowledge about persons that would enable them to make rules on behalf of persons' interests. As Strawson says, 'One can ascribe states of consciousness to oneself only if one can ascribe them to others. One can ascribe them to others only if one can identify other subjects

However, Rawls makes decisions and deliberations of justice made by individuals who have *no* specific knowledge of themselves or other beings definitionally just. What counts as just, for Rawls, is based on fundamental assumptions about justice; justice being whatever rational, autonomous, disinterested agents would choose. But a theory of justice based on such assumptions runs the risk of being very unjust.

Contrary to Carruthers' belief, in order for the moral contract to be a fair one it is important that the particulars of the case in question be taken into account. Not all humans have the same interests and needs. The same would apply in the case of animals. For agents to act on behalf of animals they would need to have prior knowledge of themselves, and some sort of specific prior knowledge of animals. They would need to have knowledge of the species-specific interests of different animals, not just the basic interests of animals. Confining some animals may not actually do them any harm, while confining other animals may be detrimental to their well-being. What counts as confinement for some animals may not count as confinement for others. Finding out what does count as confinement would mean finding out about the animals concerned and their species. Decisions that promote the well-being of one animal may not promote the well-being of another.

It seems then that answering questions of justice can never be possible without some knowledge of one's own case and of the other relevant individuals, and is not as simple as making decisions from behind a veil of ignorance. Having no knowledge of the particulars of the interests of humans or animals would result in no fair decisions being made. Indeed, it seems that the contrary is actually the case. Acquiring

of experience. And one cannot identify others if one can identify them *only* as subjects of experience' (ibid., p.100). Being disembodied the contractors remain isolated, solitary individuals, incapable of ascribing states of consciousness to others (and, thus, themselves), incapable of identifying subjects of experiences, and incapable of identifying bodily subjects.

knowledge of the interests of humans and animals (knowledge that is both specific and more general), is all-important if one is to act as a representative of those interests.

Thus, the Rawlsian framework of justice should be rejected. That we can make decisions of justice from such an abstract position as the veil of ignorance seems unlikely at best, incoherent at worst.

4.2. Contractarianism and Animals

Mark Rowlands tries to rescue contractarianism from this problem of coherence.¹⁴ He argues that ideas about contractarianism's 'original position' have been misunderstood. Being in the original position is not about being able to disembodiment oneself or imagine oneself as disembodied. It is about being able to recognise most of one's interests, beliefs and preferences, while, at the same time, being able to withhold the recognition that one has certain specific beliefs, interests or preferences. Being in the original position is about being able to restrict one's reasoning about oneself and morality.¹⁵

This process of reasoning looks something like this: 'As a matter of fact, I have property p. But what if I did not have property p? What principles of morality would I want adopted if I didn't have p?'... [B]eing in the original position is not a matter of being in a logically, metaphysically or physically possible position. It is simply a matter of allowing one's reasoning about morality to be guided by the above sorts of restrictions.¹⁶

When Rowlands talks of a 'property' of a human being I take him to mean a characteristic, interest, need, or preference of a human being. For Rowlands, contractors in the original position need to imagine *that* they do not have a particular property, or interest. They do not have to imagine *what* it would be like not to have any interests, preferences, or other properties all at the same time.

The rational beings in the contract choose rules by imagining what they would

want those rules to be if they did not have certain properties. In this way those in the original position are debarred from knowledge of their characteristics, and also (or so Rowlands suggests) from any knowledge of their species. When making decisions from behind the veil of ignorance those in the original position do not know that they are men or women, human or nonhuman. If they can imagine, say, that they are not men, it is also possible for them to imagine that they are not human. Furthermore, it is not necessary for the contractors to imagine what it would be like, say, not to be man, or not to be a human, in order to imagine that one is not a man, or not a human.*

Rowlands applies his view of contractarianism to the ethics of factory farming, and it could be applied to the ethics of animal experimentation too. The bad consequences humans would have to endure if they were to become vegetarians, and animal experiments were phased out, can be compared with the bad consequences animals have to endure from the practices of intensive rearing and animal experimentation. Humans would actually suffer very little by becoming vegetarians and by a phasing out of animal experiments compared to what farm animals and experimental animals actually suffer through intensive rearing methods and animal research:¹⁷

Vegetarianism, then, does not ordinarily require humans to give up

* I believe that Rowlands makes the distinction between imagining that one does not have a certain property and imagining what it would be like not to have that property in order to somehow try and counteract the abstractness of the veil of ignorance and to reply to a common objection to including representatives of animals interests, the objection being that we cannot include representatives of animals' interests because we do not know what it is like to be an animal. It is often argued that since we cannot imagine what it would be like to be an animal, we cannot, therefore, represent animals' (or that animal's) interests. This argument is implausible because we do not need to try and imagine what it is to be an animal in order to have a general idea of its interests. The claim that we cannot know what is in an animal's interests is a way or instance of avoiding responsibility for actions that harm animals. Common sense, something Carruthers insists we use, can sometimes tell us what is in an animal's welfare, and specialized knowledge can give us a fair idea of an animal's interests. Veterinary surgeons are trained to help animals and act on behalf of their interests. What would be the point of vets if they did not know what was in an animal's best interests? It is interests that are supposed to be accounted for in Carruthers' contract, and since animals have interests these too can, and should, be given consideration.

their life or health... [T]he principle thing that humans would have to give up would be certain pleasures of the palate... [W]e have to weigh up humans' loss of certain pleasures of the palate against what the animals we eat have to give up because of our predilection for meat... [T]hey have to give up their lives, and all the opportunities for the pursuing of interests and satisfaction of preferences that go with this. For most of the animals we eat, in fact, death may not be the greatest of evils. They are forced to live their short lives in appalling and barbaric conditions, and undergo atrocious treatment.¹⁸

Given that the beings in the contract make choices behind a veil of ignorance they would not know which species they were a member of. (It may be that they are nonhuman, rather than human.) And given that animals suffer enormously in these practices compared to what humans would suffer if they were abolished the most rational choice would be a world where widespread vegetarianism was put into practice and factory farming and animal experiments were phased out.

The contractors in the original position do not know what species they belong to and if one does not know whether one is a human or an animal subjected to suffering in the practices of factory farming or animal research then the most sensible choice for humans would be a large scale implementation of vegetarianism and funding into other methods of research.¹⁹ In Rowlands' own words,

If one did not know whether one was going to be a human or an animal preyed on by humans... the rational choice must be to opt for a world where vegetarianism was morally obligatory for humans. And if this is the rational choice in the original position, then, if contractarianism is correct, it is the moral choice in the actual world.²⁰

Rowlands' would-be rescue of contractarianism and inclusion of animals is creditable but unconvincing, as the notion of rational choosers of indeterminate species is barely coherent. Again, if we had no knowledge of our needs or species then it would be impossible to make any kind of moral choices.

How is one to make rational choices if one has to, at the same time, imagine

that one is not rational? This does not seem possible. Also the distinction between imagining that one does not have a certain property and imagining what it would be like if one did not have that property is a false dichotomy. When one imagines that one is not, say, female, one automatically imagines what it would be like if one were not female. Indeed, to imagine that one does not have a certain property *is* to imagine what it would be like if one did not have that property. It is hard to see how the two imaginings are so distinct.

The only way to rescue contractarianism from the problem of coherence is to move away from the original position as the starting point upon which moral deliberations are made and move towards a more coherent position whereby rules of justice are made by those who have knowledge of the particulars and not just generalized knowledge. For the contract to be a just and fair one interests need to be represented and, for interests to be represented, differences and diversities need to be recognised, and this includes animal interests and species differences. Ignoring the diversity of interests would result in no just or fair decisions being made.

4.3. Indirect Duties

Carruthers' contractarianism is based on the idea that rationality is the characteristic deemed necessary for inclusion in the moral sphere and that only humans are capable of rationality. It seems that, for Carruthers, only those that are capable of moral agency are able to enter into the contract, for those entering the contract should be able to make moral deliberations, choose moral rules, or understand and act under moral principles, and as rationality is required for moral agency it follows that only humans are included in the contract.* Similarly to Rawls' theory of justice,²¹ the

* Carruthers is not the first to claim that rationality is necessary for moral standing and that only humans are capable of reasoning. This view goes back as far as Aristotle, for whom (supposed) less

parties in the contract appear to be moral persons.

Carruthers argues that we only have indirect duties towards animals that stem from human interests.* Many people care about animals and what happens to them, and are upset at the sight of animals suffering, and we should, therefore, not treat them in any way we please. For Carruthers, it is not because of the moral standing of the animals themselves that we should not inflict unnecessary suffering upon them, but because 'suffering to an animal would violate the right of animal lovers to have their concerns respected'.²²

It is in the interests of humans that we should be constrained in our treatment of animals. The mistreatment of animals in public is therefore prohibited as it upsets humans. For Carruthers, this indirect duty is in line with our common sense view of

rational beings (which, for Aristotle, included animals, slaves, and women) were thought to be naturally inferior to more rational ones (Aristotle, The Politics, trans. T. A Sinclair, revised and re-presented by Trevor J. Saunders (London: Penguin Group, 1981), pp.53-69). Saint Thomas Aquinas argued that we only have moral duties towards rational beings. For him, rationality belongs exclusively to humans and to God. Animals, lacking rationality, were viewed as subordinate to humans and as mere instruments for human use (Aquinas, Summa Contra Gentiles, Book 3: Providence, Part 2, translated, with an introduction and notes, by Vernon J. Bourke (Garden City, New York: Image Books, 1956), Chapters 111-14, pp.114-24; Aquinas, Summa Theologiae, Volume 38, 'Injustice' (2a2ae. 63-79), (London: Blackfriars, in conjunction with Eyre and Spottiswoode, and New York: Blackfriars, in conjunction with McGraw-Hill, 1975), Question 64, Article 1 and Article 2, pp.21-23). It was Descartes who rekindled these views in the early Seventeenth Century when the analysis of human consciousness became very important to philosophical discussion. The Cartesian view has had a great impact on the ethical treatment of animals (see chapter ten). For Descartes, the existence of thought or consciousness is a specifically human characteristic indicated through speech or language. Since animals cannot speak they cannot have thoughts, or consciousness, and since they cannot think they cannot possess rationality. Animals, lacking language, exist purely mechanistically as do the parts of a clock. Unlike humans, animals have no souls and are not conscious. As animals are mere material things, like machines, with no souls, humans may use them as they please (Descartes, Discourse on the Method, in Key Philosophical Writings, translated by Elizabeth S. Haldane, edited and introduction by Enrique Chavez-Arviso (Hertfordshire: Wordsworth, 1997), Part 5, pp.97-109).

* Aquinas, and Kant too, would argue that we are not obligated to treat animals kindly for the animals' own sake, but for the sake of our fellow human beings who may be negatively affected by cruelty towards other species (Aquinas, Summa Contra Gentiles, Book 3: Providence, Part 2, translated, with an introduction and notes, by Vernon J. Bourke (Garden City, New York: Image Books, 1956), Chapter 112, p.119; Immanuel Kant, 'Duties Towards Animals and Spirits', in Lectures on Ethics, trans. Louis Infield (New York: Harper and Row, 1963), pp.239-41). The idea is that those who are cruel to animals are likely to treat humans in the same way, because being cruel to animals manifests a sadistic character, and this is what makes cruelty to animals wrong. In this way we only have indirect duties towards animals. However, if animals are outside morality how can we be cruel to them? The words 'sadistic' and 'cruel' make no sense in the context in which they are used.

morality, which is that although we should not treat animals as we please, the interests of humans will always override those of animals, that is, '[animals'] lives and interests cannot be weighed against the lives and interests of humans'.²³ Such a constraint does not prohibit the practices of factory farming or animal experimentation, as Carruthers sees these as involving necessary suffering for important human interests, and, since these practices should all be hidden from the public, distress caused to people by seeing the animals suffer is where possible ruled out.²⁴

I do not know why or how animal suffering supposedly violates the rights of animal lovers. Indeed, if animals do not matter in themselves why would anyone get upset about animals suffering? Claiming that we do not even have an indirect duty to constrain our treatment of farm animals simply because their suffering cannot be seen by the public is absurd. For whether we can see their suffering or not the fact remains that the suffering still occurs.

On Carruthers' view it follows that we can treat animals as we please as long as there are no humans who will become upset at the sight of animals suffering. It also follows that it is unreasonable for humans to campaign against the suffering of animals in other countries, as the campaigners cannot see the suffering taking place. The suffering of animals in countries other than one's own would not be wrong because it cannot be seen. For example, it would be unreasonable for the British to oppose bull fighting in Spain, dancing bears in India, and bear bile farms in China.

Pet animals, too, can be abused at will on Carruthers' view. It follows from this view that it is not wrong for us to kick our pets as long as no human, who may be upset at the sight of this cruelty, sees what we are doing. There is obviously a serious contradiction here. Pets are by definition cared for and, because of this, in line with

Carruthers' view, they should be given some protection in the interests of humans. However, on the other hand, this view actually permits unlimited cruelty to pets.

His view also implies that if we hear someone being cruel to an animal we should not interfere in any way, because, although we can hear the cruelty going on, we cannot see it, and, therefore, it is not wrong. It would also follow that media exposures of practices that cause suffering to animals are all immoral. However, this is absurd. People should perhaps in reality recognise more of an obligation to have tighter restrictions on the treatment of animals in the private domain, as they will probably suffer more abuse where their suffering can be hidden from the public.

We may regard human life as of greater significance than animal life, and we may give human interests greater significance than animal interests, but this does not mean that animal interests should not be taken seriously, or given moral consideration, and it certainly does not follow that the suffering of animals is permissible if this suffering cannot be seen. Another problem with this indirect duty is that most people believe that it is wrong to inflict suffering on animals because of what is done to the animals themselves independently of human concerns. It is true that most people do not like seeing animals suffer unnecessarily, or necessarily, but this is because the animals themselves are caused pain and distress, not because these people feel that as animal lovers, they should be respected.

Further, if animals are of no moral worth are there even indirect duties to them? Indeed, is it possible or rational to say that we could be cruel to something that has no moral value, or does not matter? It would be classed as irrational for people to be concerned about animals if the animals themselves did not matter. It is as if one could say, "Why are you getting upset over the sight of that dog whining in pain? The dog doesn't matter, and is no concern of yours. Indeed, how can you get upset over

such a thing? It is irrational to get upset over it, just as it irrational to get upset over a stone being kicked down the road. Stones don't matter either. They have no value in themselves and cannot suffer". Is it that Carruthers denies that animals can suffer, as well as denying that they have value in themselves? He does not seem to deny that animals can suffer and feel pain. But how does he suppose that people can care about animals if animals do not matter in themselves? Such feelings would seem to be extremely unreasonable. Carruthers' position is, overall, absurd.

Most people believe that we have duties towards animals whether the animals are in the public eye or not. Carruthers' reply to this problem is that animals that are suffering in the private domain may, for some reason or another, be exposed to the public resulting in the upset of humans.²⁵ This consideration does not even touch upon the problem of animals suffering in the private domain. It is not that Carruthers refuses to accept that animals may have interests of their own, but that he just denies that their interests are important.²⁶ He cannot fathom the actual common sense view which is that the unnecessary suffering of animals is wrong per se, not wrong because of the fact that humans might feel distraught by the suffering. Animals are valuable in themselves, and not just valuable to human beings.

It seems that, for Carruthers, though we have obligations towards animals, the costs of abolishing the practices of factory farming and animal experimentation simply because of the feelings of animal lovers would be too high as it '*would* be interfering with morally significant purposes, namely the purposes of earning a living'.²⁷ Since human interests always override the interests of animals, the human's interest in making money (in order to earn a living) overrides the animal's interest not to suffer. For Carruthers the profit resulting from current practices, and the fact that some people earn a living from them, are enough to justify their continuance.

But it is hard to see how the profit from these practices can take moral precedence over the immense suffering of farm and laboratory animals. The profit that is made from current practices does not make those practices right. Profit cannot be used to justify the existence of immoral practices or their continuance. It should be noted that profit was used to justify piracy and slave owning too. While Carruthers would say that these practices are unjustified as they exploit humans, not animals, it can still be said that the justification used for the continued existence of these practices is money, just as the justification used for the continued existence of factory farming and animal experimentation is, often, money.

All this just goes to show that while some practices may make a lot of money this fact does not make their existence somehow right. Money may support their existence practically and financially, but it does not do so ethically. Indeed, the money made from many practices which cause suffering and death, like, for example, drug dealing, is what supports their existence and continuance, and so making this money is itself a wrong. It does not justify their existence or continuance.

Carruthers completely ignores the principle of equal consideration of interests and refuses to acknowledge that a being's interest not to suffer should always override another being's interest in making a profit. Carruthers fails to see that the use of animals in current practices involves asking moral questions which cannot be answered by appealing to money making. For Carruthers, moral questions only apply when we are considering human interests. That modern day practices involve moral issues is something that Carruthers fails to acknowledge.

Concerns of animal lovers exist because animals can suffer. The concerns are not some sort of unreasonable emotional response to something that does not matter, or some kind of free-floating anxiety. The concerns are not generated by the people

themselves, from inside themselves, so to speak, with no reference to anything external that has value. The concerns are not sentimental ones based on an exaggerated emotional response about something that does not matter.

This accusation of sentimentalism is popular among those who support current practices (9.6.). They charge those who ask moral questions about the treatment of animals in laboratories and on farms with being over-emotional. Moral questions are accused of being simply the expression of soft-hearted feelings. But one need not feel soft-hearted towards animals or even like animals in order to pose moral questions about their treatment, or be morally concerned about them. Indeed, one need not be an animal lover to believe that it is wrong to cause animals to suffer unnecessarily. One may actually detest animals, yet still hold that it is *prima facie* wrong to cause them needless suffering. The concerns of animal lovers are not based on any sort of love of animals. The concerns are moral ones.

People do obviously have passionate feelings about the use of animals in current practices. Some people feel disgusted and outraged that animals can be used and disposed of as if they were inanimate objects, and not living beings with a life of their own. One need not have these feelings in order to care about what happens to animals, but one often does. But it is not these feelings themselves that matter. These feelings are a reaction to the injustices done to animals. The accusation of sentimentality takes it as given that the issues arising from the instrumental use of animals are unreasonable emotional responses, and not genuine moral concerns. But this assumption should not be granted and should be rejected (9.6.).

4.4 Rationality and Moral Agency

The differences between animals and humans are used as a justification for their use in current practices and as a justification for not giving them the moral consideration

we give to humans. In fact, objective differences are appealed to as a justification for not giving animals any moral concern at all.

The problem with this is that animals do have interests. At the very least sentient animals have an interest in not suffering (see cp.5). Indeed, the reason why researchers use sentient animals in their experiments is because they are so similar to us. Like us, they can feel pain, warmth or coldness. They can become depressed, bored, distressed or frustrated. They suffer from similar physical illnesses and ailments to humans. If this were not the case then the results of medical research could never be extrapolated to humans. Researchers would be unable to claim that experiments on animals can tell us things about humans, or give us new, beneficial medical knowledge if they were not like us. They assume the obvious fact that animals feel pain. Therefore animals have interests. This is what makes them objects of our moral concern and gives them standing in the moral sphere.

Appeals to differences between 'them' and 'us', like, for example, ones based on rationality or moral agency (as justifications for such practices), will just not do. Obviously there are many humans whom we would not consider rational or moral agents, such as babies or severely mentally disabled people. However, we would think it wrong if we did not give such humans moral consideration. So why use this as the criteria that make it justified to cause, or not to cause, suffering?

Also, how is one to judge what level of rationality entitles a being to be an object of moral concern? And if we assume we can make such judgments there is the further problem of how one is to judge levels of rationality between individual members of species. And how is one to compare the rationality of one species with the rationality of another? There are, then, problems concerning the quantification of rationality.

If we define 'rational' as capable of reasoning and 'rationality' as the capacity for reasoning in thinking out a problem, or reasoning in the choice of means to an end, then many animals have a greater degree of rationality than many humans.*

Whether the level of rationality has to be high or low for moral entitlement there will always be some animals that will qualify. How can we experiment on animals because they have a lesser degree of rationality than most humans when we would see experimenting on a newborn baby as morally wrong? If rationality is the criterion for moral standing, how can we say that babies, or the insane, are to be given the same moral consideration as healthy, adult humans? I do not think we can. Also, how can we say that all humans should be given equal consideration, irrespective of objective differences, such as degree of rationality? We cannot do this either if we base moral considerations on the capacity for rationality.

4.5. Desensitization, Compartmentalization and the Imagination

Carruthers suggests that becoming desensitized to animal suffering is not necessarily a bad thing as long as people do not become desensitized to human suffering because of the former desensitization. (And, for Carruthers, there is little reason to suppose that a person who has become desensitized to animal suffering will become less responsive to human suffering.) Why does Carruthers believe that desensitization to the sufferings of animals is not wrong, but desensitization to the sufferings of humans is wrong?²⁸ For Carruthers, we should be kind to animals only because it manifests a virtuous disposition in humans. Animals themselves do not matter, and do not have moral standing. Their interests, however important these may be, should always be overridden by human interests. Our treatment of animals poses no moral questions,

* According to The Cambridge English Dictionary 'rationality' is defined as 'The quality of being rational; the power of reasoning', while 'rational' is defined as 'Endowed with reason' (The Cambridge English Dictionary (London: Grandreams Limited, 1990), p.336).

and, therefore, becoming desensitized to animal suffering is not wrong. Our treatment of humans, on the other hand, does pose moral questions, and becoming desensitized to human suffering is wrong.

However, becoming desensitized to the suffering of animals would mean not being receptive to their feeling, and not responding to their pain. This is not kind treatment. One would have to become uncaring and hard towards animals in order to become desensitized to their suffering. Believing that this desensitization is acceptable paves the way for all sorts of animal abuses. How is one to treat animals kindly if one has become desensitized to their suffering? Since the process of desensitization would not involve treating animals kindly or with respect it is hard to see how people who have become desensitized can acquire a virtuous character. (Carruthers' virtue ethics will be discussed in more detail later.) Being desensitized to animal suffering means that one overlooks that suffering, does not recognise that suffering, or does not see that suffering as important. One cannot be kind to animals and, at the same time, overlook their suffering. The desensitization to animal suffering in laboratories and on farms cannot be justified by appeals to practicality, or 'getting on with the job'. Such appeals ignore the moral problems concerning the treatment of animals in these practices, and allow cruelty to be overlooked.

Why then do some people think that, for those who work directly with the animals in laboratories and on factory farms, becoming desensitized to the suffering of farm and laboratory animals is not morally wrong? If you or I were to keep dogs in cages in our homes for experimental use, or keep a sow in our back garden, confined in a cage so small that she could not turn around, we would be accused of cruelty. Even if we were trained farmers or animal researchers we would still be accused of cruelty. We could even say that we were keeping the animals for food, or for the

benefit of medical progress. I think we would still be condemned. We might try to answer the accusation of cruelty by saying something like, “No, it’s not cruel. I have just become desensitized to animal suffering”. We would then be seen as insane at best, barbaric at worst. Why is it that certain moral judgments can be brought to bear on the ordinary public, but not on researchers or factory farmers?

In respect of animal research, one answer to this question might be that science is often viewed as a special sort of field, with a different status to other fields of work, and is, therefore, separated from moral values. The laboratory is seen as a place where miracles are performed, and is, therefore, sacred, and is a place outside of the moral arena. But the idea that certain pursuits are above and beyond moral condemnation, because they work towards the attainment of human goods or new knowledge, is indefensible, if only for the reason that it is so dangerous:

It is a complete non sequitur to argue from the desirable results of scientific investigations which have used animals, or which have involved deception, to the desirability of continuing to view scientific investigation as an activity insulated from certain kinds of moral criticism. Is it the idea that we should probably have far fewer valuable scientific discoveries if scientists were encouraged... to resist the temptation to view research as a special sort of sphere, morally insulated in the way I have been discussing? If that is the idea, I do not see that it has ever been seriously argued for.²⁹

Such a view permits unlimited cruelty to animals granted that it upholds human interests, however trivial or important these interests may be, and this is untenable as a moral theory. As Ernest Bell once wrote, ‘power without sympathy is a danger and a curse. It is consciousness of power divorced from purer intuition that is at the root of most human ills’.³⁰ (This idea that science is a special sphere will be discussed in more detail in 4.6.)

In psychology desensitization is defined as, ‘a method to reduce or eliminate an organism’s negative reaction to a substance or stimulus’.³¹ It happens when ‘an

emotional response is repeatedly evoked in situations in which the action tendency that is associated with the emotion proves irrelevant or unnecessary'.³² On this definition then animal suffering would be termed a 'stimulus' and becoming desensitized to that suffering would involve eliminating one's negative reaction to the stimulus, or to the suffering. The emotional response to animal suffering in situations other than the laboratory or factory farm is, normally, an empathetic or at least sympathetic one. However, sympathy or empathy is not extended to animals in factory farms and laboratories. Here such feelings or emotions are seen as unnecessary or irrelevant. Once one repeatedly sees the normal emotional response of sympathy as irrelevant in the laboratory or farm situation then one will eventually become desensitized to such feelings and to the stimulus that evokes those feelings.*

The practices of factory farming and animal experimentation allow for compartmentalization. They separate the judging of the treatment of farm and experimental animals from the judgment of the treatment of other animals. Animals used in these practices are to be seen differently from, say, pet animals, or wild animals. Compartmentalization, then, allows the researcher or the factory farmer to see animals as they would not usually see them in everyday life:

Vivisection would be impossible had people in general the power to

* Dave Grossman outlines the training methods used by the military as an example of desensitization: 'Brutalization and desensitization are what happens at boot camp. From the moment you step off the bus you are physically and verbally abused: countless pushups, endless hours at attention... while carefully trained professionals take turns screaming at you... This brutalization is designed to break down your existing mores and norms, and to accept a new set of values that embrace destruction, violence, and death as a way of life. In the end, you are desensitized to violence and accept it as a normal and essential survival skill' (Grossman, "'Trained to Kill": The Methods in this Madness: Desensitization', Killology Research Group: The Psychological Cost of Learning to Kill [accessed at web page entitled, 'Desensitizing the Mind to Violence', at www.killology.com/art_trained_methods, on 27/01/2006]). Soldiers are conditioned to accept violence in certain situations as normal. Their emotional response to violence in situations within the military context is conditioned and reduced or eliminated. The emotional response they would have to violence outside the military context is deemed unnecessary within the military context. They become desensitized to violence occurring in military combat, whereas their reaction to the same violence occurring in civilian life may be one of horror. Desensitization then allows for violence to be judged differently depending on the context or situation in which that violence occurs.

see it in imagination as it really is. Who could stand by and see an animal writhing in pain in the public streets without making practical protests against the cruel torment, but when it is in a laboratory away from sight it is practically impossible to make people realize it...³³

What is done to the animals is not analysed, or even thought about, because it is part of the job. Animals are not seen as they really should be. They are not seen as sentient beings, but as nonsentient instruments for humans to use. Viewed in this light no moral questions arise that might prevent one from getting on with one's job.

Those that work in the practices would probably argue that such compartmentalization is necessary and justified because the practices involve the production of human goods. It is argued that if one were not able to get on with one's work, and had to constantly judge one's actions, then many humans would suffer as a result. Fewer experiments would be carried out and many factory farmers would simply close down their farms. Experiments are done in the hope that they will produce knowledge that might be used to alleviate human suffering, while factory farming produces cheap meat for the enjoyment of humans. It is argued that factory farming and animal experimentation are not wrong because they aim to reduce human suffering and increase human pleasure, and human suffering and pleasure are more important than animal suffering.

Experimenters and factory farmers, then, it is argued, are actually compassionate people because their work has humanitarian ends. Such a view is all too common amongst those argue in favour of these practices, but it is also inaccurate, as well as indefensible. Many animal experiments 'lack any scientific validity and reliability in regard to humans. They only serve as an alibi for the drug manufacturers, who hope to protect themselves thereby':³⁴

[A]nimal experimentation can make experimenters callous by

encouraging a compartmentalization of mind in which the experimenter can simply get on with the job. Once you have accepted this sort of compartmentalization, you simply do not look at the treatment of animals in science as you otherwise might... Our powers of imagination and judgment are not brought to bear on the case; and this (it is suggested) is a form of callousness. We do without fully thinking what we do.³⁵

The idea that compartmentalization and desensitization are justified because they enable researchers to 'get on with the job' should be rejected, as this idea indirectly promotes callousness and the abuse of nonhuman beings in experiments.

There was a time when humans were made to endure suffering and pain and even killed in the name of science. The Nazis conducted atrocious experiments on human beings in World War Two. I make this point not to somehow compare the suffering of humans in the hands of the Nazis in World War Two with the suffering of animals today in current practices. The point is made to emphasise that such experiments were conducted in the name of science, and were conducted by not just Nazi businessmen, but doctors; people who had spent years learning to care for people. I mention such atrocities not just as an example of the idea of science as a 'special activity', exempt from moral considerations, but to illustrate that the humans in the experiments were not seen as they should have been seen, and here is where the analogy to animal experiments lies. They were not seen as fully human. In the pursuit of knowledge they were reduced to subjects for the experimenter to manipulate at his will. They were seen as subjects with no real or concrete life of their own. Their lives were denied and taken away from them:

When you take an idea or a concept and turn it into an abstraction, that opens the way to take human beings and turn them, also, into abstractions... I once read a dissertation... by a psychiatrist who maintains that the sense of morality was not impaired in these killers. They knew the difference between good and evil. Their sense of reality was impaired. Human beings were not human beings in their eyes. They were abstractions.³⁶

Like these humans, animals are turned into abstractions of their real selves.

What they are in reality as warm blooded sentient animals with their own pains, pleasures and lives is separated from what they are in the experiments, as subjects for the experimenter:

This is the legacy of the Nuremberg Tribunal and the Nuremberg Code. The respect for human rights demands that we see persons as unique, as ends in themselves... [W]e must not see any person as an abstraction. Instead we must see in every person a universe with its own secrets, with its own treasures, with its own sources of anguish, and with some measure of triumph.³⁷

Embedded in the Nuremberg Code is the idea that humans should not be treated merely as a means to an end. However, this should hold for nonhuman beings as well as human beings. Experimental animals and factory farm animals have interests similar to human interests. Whatever use they are to humans in experiments or as food, they are still animals as we are, and have value in themselves separate from the value humans give to them.*

Knowing this, and knowing of alternatives to animal experiments we would do well to extend the Nuremberg Code to include animals. Of course point two, which states that 'The experiment should be designed and based on the results of animal experimentation',³⁸ would have to be changed. We have a moral obligation to treat animals with the respect they deserve. They too are beings with their own lives who can suffer as we do. Also, we know now that the results of animal experiments cannot always be safely extrapolated to humans. Therefore, the word 'animal' in point two should be changed to 'alternative'. It would then read, 'The experiment should be designed and based on the results of alternative experimentation', and this would then take into account that animals, like humans, are also ends in themselves and should be

* Assuming that animals have rights, their having independent value does not of itself confer inviolable or infeasible rights, but neither does the independent value of humans confer this.

treated as such. Of course, wherever humans are included in the code then animals would also likewise have to be included. However, even if the code were extended in this way to include animals the meaning of point one would have the consequence that no animal experiments should ever be allowed and could never be justified:

The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion.³⁹

However, a total ban of animal experiments would be undesirable, as would a total ban of experiments conducted on humans who could not consent. In some cases there may be justifications for experimenting of humans who cannot consent, and, similarly, there may be cases where one is justified in experimenting on animals.

Indeed, humans who cannot consent are given special protections in research and are seen as 'vulnerable' participants.⁴⁰ But, just as we would give such humans special protections, so too should we give animals special protections, rather than use the fact that animals are unable to consent to exploit them. Rather, like those humans who cannot consent, animals too should be seen as 'vulnerable' participants in experiments.

The National Bioethics Advisory Commission lists different types of vulnerability of participants in experiments. A participant is communicatively vulnerable when she is unable to express decisions or comprehend information and is socially vulnerable when others place little or no value on her interests and welfare. Participants are institutionally vulnerable when they are subordinate to another person.⁴¹ However, humans are not the only beings that can be vulnerable participants in research. It seems that animals satisfy at least some, if not all, of the criteria

considered valid for special protections, yet they remain the most exploited / abused group in society.

James Dubois gives a list of guidelines for research conducted on humans based on the Belmont report.* Below are just a couple of those guidelines:

First, the anticipated benefits of research should be significant enough to justify conducting the study... Benefits to participants should be given special considerations, especially in greater than minimal risk research involving vulnerable participants... Second, brutal or inhumane treatment of human participants is never morally justified. The Nazi experiments provide rare but compelling examples of such research, including high altitude, freezing, mustard gas, typhus, [and] poison... experiments conducted without consent and with harms intentionally inflicted (T. Taylor, 1992). This guideline treats a prohibition on intentionally maleficent behavior as a greater than prima facie norm. Inhumane treatment should not be tested for justification; it should be ruled out absolutely.⁴²

When waiving informed consent then, research on humans should not involve more than minimal risk to the subjects or affect the welfare of subjects.⁴³ This should apply to animals too, since animals have similar interests to such humans. There is no justifiable reason why the above guidelines (stated by Dubois) should not apply to animals. As the Belmont Report recognised, 'when people are not able to protect their interests by exercising informed self-determination, then... others have a heightened duty to protect them'.⁴⁴ But animals should be classed as beings that are not always able to protect their interests through informed consent and we therefore have an obligation to protect them as research subjects.

Consent then is considered to be a significant point in considering whether an experiment is justifiable or not. Great emphasis is put on this to protect those vulnerable individuals in society. We should remember this in our dealings with

* National Commission, The Belmont Report: Ethical Guidelines for the Protection of Human Subjects (Washington, DC: Department for Health, Education and Welfare, 1979). This report provided new regulations in the US, between 1974 and 1978, in response to the unethical treatment of humans in research.

animals. Perhaps if we extended all of the points of the Nuremberg Code to include animals maybe then we could begin to repay the great injustices done to them in the name of science.

4.6. Science and Morality

Those that see modern day practices as involving no moral issues see animals as mere things that can be treated as a means to an end. Animals are viewed as beings that have no value whatsoever, apart from instrumental value. It is the beneficial goods that are produced from our use of animals that are valued, not the animals themselves. Cora Diamond links the belief that the use of animals in experiments involves asking no moral questions to the idea that science is, somehow, all important, and has some sort of special status. She believes that this idea of science is just one of the things that underlie the belief that using animals poses no moral problems.⁴⁵ While Diamond is certainly right to highlight an extremely lax attitude to the use of animals in scientific investigation, the attitudes, on the other hand, to experimenting on humans are not so laissez faire.

In March 2006 human subjects consented to be used in drug trials to examine the effects of a new drug for leukemia, but the experiments went horribly wrong. After the drugs were tested on animals, and produced no obvious negative side effects on the animals, it was presumed that the drugs would have the same effects on humans. However, this was not the case, and the humans that participated in the drug trials were seriously harmed by the drugs to the extent that they were not only in extreme pain, but were close to death.⁴⁶ There was great moral outrage and anger over the trials, and the story made front-page news.

However, in the UK alone such experiments take place on millions of animals every year, and, apart from dedicated animal welfarists, it seems that no one bats an

eye-lid except to object to the 'outrageous' attitudes of the animal welfarists.

Experiments on animals hardly make the news. While outrage over human experiments that cause suffering is considered to be normal, outrage over animal experiments that cause suffering is considered to be abnormal. Those that express outrage over human experiments are praised and labelled 'humane', while those that express outrage over animal experiments are themselves labelled as 'outrageous' and 'sentimental'. But expressing outrage over the suffering of humans only, simply because they are human, could be seen as a form of sentimentalism (see 9.6.).

There is not so much free enterprise in the scientist's use of humans. Attitudes to genetic engineering and cloning of humans are often engulfed by feelings of moral condemnation and disgust. If the genetic engineering and cloning of humans is not seen as morally wrong it is, at the very least, seen as morally problematic and as presenting profound moral difficulties. Attitudes to the use of animals in science, on the other hand, are not filled with such moral condemnation. Genetic engineering and cloning animals to produce, say, identical laboratory animals for more efficient drug tests, or cows with a greater capacity to yield more milk, is seen as permissible because it is done to animals for human gains and benefits. The cloning of Dolly the sheep was only seen as morally problematic in so far as it had implications for humans. The concern about Dolly was not concern about the cloning of animals, but fear that the techniques used to clone her would be used in the future to clone humans.

The genetic engineering and cloning of animals may have benefits for humans, but the negative impacts such techniques may have on animals, the environment and humans are largely unknown, and those negative consequences that are known, such as a reduction of genetic diversity, the production of animals with fewer capacities,

and the production of animals who are going to be caused pain and suffering throughout their existence, are largely ignored:

The objectionable nature of much possible genetic engineering... is much more clearly objectionable on consequentialist grounds, concerning the wrongness of generating lives which are not worth living, of causing suffering or other harm, or of reducing the range of capacities and realizations.⁴⁷

It is recognised that the benefits that genetic engineering and cloning of humans may have for human beings do not erase or provide an answer to the moral dilemmas or questions that arise about the use of such techniques. However, it seems that the use of animals in scientific investigation, genetic or otherwise, in order to produce benefits for human beings, seems to raise little moral concern at all.

The idea is then that science holds a privileged place in society, and that 'anything goes', or anything is permissible, as long as it is for scientific purposes, and it involves the use of animals rather than humans. This certainly seems to be the case when we consider how many experimenters refuse to properly answer moral questions on the treatment of animals in experiments. Moral questions often are given nonmoral answers. For example, if one were to ask whether the housing conditions of dogs in laboratories could ever provide enough stimulation to ensure their well-being, the answer would probably be that housing conditions need to be cost effective for the government, and practical for the experimenter. It would be argued that if they were not practical and cost effective then experiments would not be able to be carried out, and, if they were not carried out, then there would be no possibility of gaining beneficial medical knowledge for humans.

Such answers ignore the moral question that was being asked. The question was not about practicality or cost effectiveness, but about the animals themselves, and whether their welfare is adequately considered, independent of cost. Indeed, as

Diamond suggests, as long as minimal standards are met by scientists it appears that they believe there to be no moral considerations to take into account.⁴⁸ The fact that animal experiments are hidden from public eyes and are largely kept secret suggests that those involved see their work as beyond the judgment of ordinary people. The considerations of the experimenters themselves are the only considerations taken into account when the experiments are conducted. Of course, the idea that some pursuits deserve special status and are above moral judgments is very worrying, to say the least. From this idea it follows that people involved in such pursuits can do anything they please, and that their actions are beyond condemnation.

Appeals to practicality are often given as replies to moral questions concerning animal use. Diamond sees practicality as the virtue behind the scientist's belief that experiments on animals involve no moral problems.⁴⁹ For the experimenter it is what is involved practically in the use of animals that is important, not what is involved morally. In Article 5 of the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (1986)* it is recommended that 'Any restriction on the extent to which the animal can satisfy its physiological and ethological needs shall be limited as far as practicable'.⁵⁰ It is also stated that 'A procedure shall be performed under general or local anaesthesia or analgesia or by other methods designed to eliminate as far as practicable pain, suffering, distress or lasting harm... unless... the use of anaesthesia or analgesia is

* In March 1986 the Council of Europe introduced legislation in the form of the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (ETS 123), which was designed to implement provisions in order to protect animals used in scientific experiments. Legislation provided by this convention was later strengthened and the convention was revised and introduced as a directive, specifically the Directive of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the member states regarding the protection of animals used for experimental and other purposes (86/609/EEC). Directive 86/609/EEC, which is based on Convention ETS 123, was introduced into UK law by the Animals (Scientific Procedures) Act (1986). (The text of the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (ETS 123) is very similar to the text of an earlier act introduced into UK law, specifically Scientific Procedures On living Animals (1983).)

incompatible with the aim of the procedure'.⁵¹ Welfare needs, then, are sacrificed for practicality.

At first glance of the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (1986) it looks as though there are tight restrictions on what can be done to animals. On closer inspection, however, it turns out that there are few restrictions at all. Many of the restrictions can be removed if they are 'incompatible with the objective of the procedure'.^{52*}

Fortunately, in spite of the lack of restrictions, statistics for 2004 published for the Home Office show that the number of larger animals, like dogs, cats, nonhuman primates and horses, used in experiments has gradually declined since 1995, although Home Office statistics for 2005 show that the total number of animals used in experiments from 2004 to 2005 rose by 1.4 % and primate use (from 2004 to 2005) rose by 11%.⁵³

However, disclosure of animal experiments is not forthcoming. Animal experimentation is, overall, still a secretive practice. The Animals (Scientific Procedures) Inspectorate Annual Report 2004 is the first ever published report about the inspectorate's work.⁵⁴ The Inspectorate is supposed to ensure compliance with the Animals (Scientific Procedures) Act (1986). Animal inspectors are, from time to time, supposed to visit laboratories and check that the conditions animals are kept in is suitable, the benefits of the experiments outweigh the suffering caused to the animals,

* For example, Article 5 states that 'Any animal used or intended for use in a procedure shall be provided with accommodation, an environment, at least a minimum degree of freedom of movement, food, water and care, appropriate to its health and well-being'. But Article 10 states that 'During a procedure, an animal used shall remain subject to the provision of Article 5 except where those provisions are incompatible with the objective of the procedure' (Council of Europe, European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (Strasbourg: Council of Europe Press, 1986, reprinted 1993), pp.24-25).

the experiments use the fewest animals and involve the least amount of suffering, and that the welfare of the animals is being looked after. The fact that the Inspectorate has been required by law since the Animals (Scientific Procedures) Act (1986) and that this is the first published report since 1986 just goes to show how secretive the practice of animal experimentation actually is. It has taken the Inspectorate almost twenty years to eventually publish a report on its findings.

The use of animals is merely a practical pursuit for the benefit of humans. The achievement of knowledge for human benefit is what is of utmost importance. The experiments themselves are not important. The experiments are what need to be done in practice for the achievement of knowledge, animals are the means for this achievement, and humans are the ends. Experiments on animals are seen as a pure practicality, and something that just has to be done. Similarly, intensive rearing methods are seen as the best practical way to farm animals, and as something that has to be done if we are to produce vast amounts of cheap meat in the shortest possible time. Indeed, those that campaign for reforms in factory farming and experimentation are seen, by those who support the practices, as an impediment to the practicalities of what intensive rearing and animal experimentation involve. Proposals for reform, with a view to a better deal for animals, are seen as an obstacle that needs to be overcome. Reform is not seen as something beneficial for the animals, but as something which prevents the relevant humans from getting on with their work:

[I]mpatience at restrictions on animal experimentation is sometimes combined with similar impatience at those restrictions on human experimentation (requiring consent, say, or barring experiments on children or prisoners) which may seem to be mere hindrances to the achievement of great good, and unethical on that account.⁵⁵

For many people who directly work with animals in current practices, their work with animals is just a job. Questions concerning the morality of the practices are for other

people to contemplate. Nothing moral whatsoever needs to be considered about the treatment of animals. This is, of course, unacceptable. One cannot continue to insist that factory farming and animal experimentation pose no moral questions when animals have interests that should be taken into account. After all, they suffer considerably in these practices.

One need not overlook overwhelming moral problems in order to be practical. Practicality and efficiency are no justification for overlooking a being's important moral interests, whether that being is human or nonhuman. If they were a justification then all sorts of human and animal abuses would be ignored. That the causing of pain and suffering can be viewed as the mere practicalities of experimentation or intensive rearing, and not as real moral problems, shows a ruthless attitude. Moral problems do not just disappear in the practicalities of work, and should not be ignored simply because they are obstacles to the achievement of human benefits. Moral problems exist in all areas of life, not just in the public arena, and science is not immune to these problems. The fact that scientific research can provide important benefits for humans does not mean that it is only these important ends that should be considered in the pursuit of knowledge. The ends do not justify the means used to achieve them. One can reasonably hold that, all other things being equal, a human's life is of greater value than an animal's life. One can also reasonably hold that, after the human's and the animal's interest in not suffering have been given equal consideration, the human's interest in not suffering may outweigh the animal's interest in not suffering because other interests are often at stake. But it does not follow that animals have no moral claims on us.

The similarities between 'us' and 'them' are obvious. They have interests like us, and are sentient like us. These interests give them standing in the moral sphere.

There are also differences between ‘them’ and ‘us’, but appealing to a certain characteristic that animals lack and humans possess is no justification for the infliction of unnecessary suffering on animals, or for not taking their interests into account. There will always be some humans who lack that characteristic and we would think it wrong if we used this characteristic to justify treating them in the ways we treat animals. Obviously, it may be the case that an animal’s interest may be overridden by a human’s interest. It may also be the case that a human’s interest may be overridden by an animal’s interest. But interests should be given equal consideration before comparative judgments are made, and the animal’s interest to be free from pain should be given equal consideration to the human’s interest to be free from pain. Recognition that factory farming and animal experimentation are practices that involve moral issues concerning the treatment of animals is the first step in actually giving the animals used moral consideration. Failing to recognise moral problems and ask moral questions do not make the moral issues disappear. It just makes them more profound and the answers even more urgent.

4.7. Virtue Ethics: the manifestation of virtue

This section returns to Carruthers’ view that we have indirect duties towards animals, analyses his virtue ethics approach in the light of the above related discussions (specifically, in the light of arguments presented in 4.3., 4.5. and 4.6.), and presents an alternative virtue ethics approach which claims that we have direct duties towards animals. Carruthers argues that we also have indirect responsibilities towards animals because treating them humanely manifests a good disposition of character: ‘Animals thus get accorded indirect moral significance, by virtue of the qualities of character that they may, or may not, evoke in us’.⁵⁶ Thus Carruthers’ contractarianism embraces aspects of virtue ethics. Mistreating animals manifests a cruel and sadistic character

whereas treating animals kindly manifests a sympathetic and compassionate character. Treating animals with respect is indirectly virtuous in the sense that not only does it allow humans to acquire a virtuous character, but it also manifests, in humans, a disposition to treat fellow human beings with compassion and care. Whether an act displays a good character or not ultimately depends on the context in which that act is performed and the motives for that action. For one to be virtuous it is usually said that one needs to have the right motives for action.

For Carruthers, although people who work in the practices are working in an environment where suffering is inflicted upon animals it does not follow that these people are cruel or will be cruel to humans since they are working in the practices in order to earn a living and provide for their families. They have the right motives for action. In this context they become desensitized to animal suffering, but not necessarily to the suffering of humans.⁵⁷ For Carruthers then since the motives people have for working in factory farming and animal research are not trivial and the suffering caused to the animals is necessary for such employment there is no reason to believe that they will acquire a bad character. However, this can be objected to.

Firstly, people who work in current practices do so either for employment purposes, and making money, or because they feel that their work contributes to human goods, or benefits. While their work may not be trivial to them, it does not follow that the practices they work in are justified. That a person believes she has the right motives for action and that her work is not trivial, does not entitle her to use any means in order to achieve those goods that may result from her pursuits. Indeed, profit, employment, and human benefits are the reasons people work in the practices of factory farming and animal experimentation. These reasons are no justification for not considering the interests of those beings involved in the practices, whether those

beings are human or nonhuman (4.3.). The principle of equal consideration of interests requires that the pain and suffering of animals be given equal consideration to the like pain and suffering of humans. This pain and suffering may be overridden if more important interests are at stake. But these interests must be moral ones, not the interest in making money, or the preference for eating meat. Many animal experiments have no foreseen benefits for humans, and may actually cause more harm than good. The practical application of the principle of equal consideration of interests would, inevitably, mean that factory farming would be shown to be unjust, and should be abolished. It would also mean that most animal experiments would be shown to be unjust, and should be abolished, or, at least, phased out.

Secondly, arguing that the suffering of animals is necessary for one's employment is no justification for that suffering. This is like saying that cruelty to animals is permitted because it creates new jobs for people who want to work for the RSPCA. This is ludicrous. The idea that we are permitted to inflict suffering on animals for employment purposes is truly barbaric. Again, employment and the need to make money are not justifications for disregarding a being's important moral interests (4.3.).

Thirdly, if animals' interests are not of direct moral concern why is it a virtue to treat them kindly? We would not say that it is a virtue to be compassionate towards things that do not matter morally. We act compassionately and sympathetically towards beings that have interests which are morally important, such as an interest in life or an interest in not suffering. We do not act compassionately towards things that do not have interests and are not morally considerable, like stones.

Of course, it is sometimes argued that people should respect some inanimate objects. For example, we might want to say that we should not vandalize public toilets

for aesthetic reasons, or for reasons relating to public property or public use. We might also want to say that we should not destroy mountains or certain rock formations because of, again, maybe aesthetic reasons, or because of the role that the natural landscape plays in the lives of many living things. Natural rock formations and mountains are the home to many different species of plants and animals, and the existence of such formations or landscapes are necessary for their survival. Rocks, sand and mountains may be part of an animal's niche in which that animal lives and survives.

So, we could say that there are instances in which we can respect inanimate objects, but not because those objects have moral standing, but in virtue of the fact that there are other beings, which those objects relate to, that have moral standing.* The objects themselves do not have interests. The humans affected by vandalism, and the seabirds living in the cliffs, however, do have interests. Showing respect to something or some object is different from showing compassion to something on the basis that it is an object of moral concern.† There are reasons, therefore, for not

* For a fuller discussion of the moral considerability of inanimate objects see W. Murry Hunt, 'Are *Mere Things* Morally Considerable?', in *Environmental Ethics*, Vol.2, No.1, 1980, pp.59-65 and K. Goodpaster's reply to Hunt, 'On Stopping at Everything: A Reply to W. M. Hunt', in *Environmental Ethics*, Vol.2, No.3, 1980, pp.281-84.

† Mountaineers often talk of paying respect to the crag and see climbing as fundamental to their well-being: 'Even when the need to climb is justifiably called a spiritual need, in which other needs for, say, self-knowledge are transformed by an almost mystical love of the beauty of the world realized in the mountains, that need can show itself in one's attention to the use of pitons or bolts or even in how one climbs. Shame that one allowed oneself because, for example, one is unfit or because one lacks the climbing skill, to be dragged up the face, second on the rope, like a sack of potatoes, can go well beyond personal pride. It can be an expression of respect for the mountain. No one who climbs a mountain because of its beauty would climb it like that. Climbing it properly, with some grace and without excessive use of aids, can be an expression of love for the mountain, rather than an expression of the need always to perfect one's standards' (Raimond Gaita, *The Philosopher's Dog* (London: Routledge, 2002), p.151). Whilst the safest option for climbers is the use of stainless steel bolts, some climbers find their use offensive in areas of spectacular natural beauty. Thus, the aesthetic value of the crag and the views of nature lovers come into conflict with the practical necessities of climbing a mountain. However, the reasons why many mountaineers climb crags in the first place is often the love of the landscape and to spend time in wild places: 'Many mountaineers speak of their relationship to the mountains in words normally used in speaking of relations to persons—they speak of respect... of gratitude that though they were reckless... the mountain had let them off lightly. Sometimes they speak

treating inanimate objects any way we please. These reasons may be reasons pertaining to aesthetic value, personal well-being, respect for nature or the recognition of the moral standing of beings (for whom inanimate objects form part of their habitat).

Returning to Carruthers' virtue ethics we reach a fourth objection. It is questionable as to whether those humans involved in current practices do have the right motives for action. Providing for one's family and earning a living are certainly good things to do, but they do not necessarily justify the means used in order to do these things. Besides, to be virtuous it is not enough that one has the right motives for action. One may have the right motives for action, but the action itself may be immoral. Again, the ends do not justify the means. While most people working in current practices cannot be called cruel as such, just as most animal lovers cannot be called sentimental, the motives for their work cannot be called virtuous either. Much of the effort put into the attainment of knowledge from experiments is a quest for status and prestige by the experimenter, rather than the achievement of anything immediately beneficial or useful. As long as minimum standards or restrictions are met when conducting the experiments, no other issues arise for the experimenter. The animals are an instrumental tool for the possible attainment of some sort of knowledge or benefit for humans, which, subsequently, the experimenter will be given credit for,

obsessively of it as a foe to be vanquished. But of course, no mountaineer believes that mountains are persons. Mountaineers speak in metaphors that enable them, sometimes in powerful ways, to express the fact that their will is limited by necessities that are nothing like the rules of the game and seem like nothing that a group could impose, and that they are driven by necessities whose nature is to be explained by things external to themselves. It is of course true that one cannot rationally feel guilty towards a mountain. No one rationally feels remorse for placing more pitons than he should have. Mountains cannot be wronged' (Gaita, *ibid.*, pp.152-53). The challenge of climbing a mountain or of living in the wilderness awakens one's sensory perceptions and allows one to be solely in the present moment, connected to the landscape. People do place value on nature, not only because of its aesthetic beauty, but because we are, fundamentally, connected to nature and this often escapes our imagination and being when we find ourselves cut off from it so severely and so frequently in our hectic daily lives.

leading to a higher status among his colleagues and other people working in his profession. Higher status means more money for the funding of further experiments, and for the experimenter himself.

Those who pose moral questions about the ethical treatment of animals in experiments are seen as a threat to the jobs of researchers, and a threat to vested commercial interests. E. J. H. Moore has said that 'The pressure on young doctors to publish and the availability of laboratory animals have made professional advancement the main reason for doing animal experiments... Sadly, young doctors must say nothing, at least in public, about the abuse of laboratory animals, for fear of jeopardising their career prospects'.⁵⁸ Being virtuous may require the right motives for action, but prestige and status are certainly not the right motives. One may try to attain a higher status while being extremely cruel and barbaric in the process and this cannot be said to be virtuous.

However, it should be said that that the motives for many experiments are not status and prestige, but the attainment of new, beneficial knowledge, and the progress of medical science. But the search for knowledge is not sufficient justification for any action, and actively pursuing means to the achievement of knowledge is not necessarily a virtuous activity. For the search for knowledge to be sufficient justification for an action one has to look at the context in which that knowledge is pursued, and also the means used to pursue such knowledge (4.6.).

The idea that the attainment of knowledge is more important than anything else, and justifies any means used to achieve it, is downright dangerous. This belief that knowledge is more important than anything else is embedded in science. But science in itself is not a justification for what we have done to animals, and are continuing to do to them. Look at what we have done to the planet, and to human

beings, in the name of science. The belief that knowledge, or truth, is more important than anything else is foolish at the very least. As far as factory farming is concerned the motive for continuing the practice is purely profit. All those who work in the practice do so purely for employment or money. It is important for all those people with vested interests that current practices continue to run smoothly. Their aim is to continue making a profit. But money is no justification for the infliction of suffering on animals. Again, the ends do not justify the means.

For Carruthers, anyhow, it is the treating of animals kindly that manifests a good character, as well as the right motives for action. But, if this is the case, it is hard to see how those working in the practices of factory farming and animal research can ever manifest a good character by these means alone, as it is far from clear that they have the right motives for action and, further, it is part and parcel of these practices that animals are not treated kindly (4.5.). The suffering inflicted upon animals is immense, and this is not kind, or even reasonable. If people were going to be kind to factory-farm and experimental animals then the practice of factory farming would have to stop, as would many experiments, because intensive rearing and much animal experimentation involve not being kind to animals. They involve using animals in ways that are the most effective and efficient in terms of cost.

Factory farming means intensive rearing. If farm animals were not crammed into crates, overfed, prevented from exercising, injured, confined, and restricted from fulfilling their natural tendencies (all in order to produce cheap meat), but were reared more humanely, then this situation could not be said to be an example of factory farming. Similarly, if animals were not poisoned, injured, confined, prevented from exercising, and restricted from fulfilling their natural tendencies then the practice of animal research, as it exists today, would be unrecognisable. Animals used in these

practices cannot be treated kindly due to the very nature of these practices. Due to the fact that animals are not treated kindly, and that the motives for action are not virtuous ones, Carruthers' argument does not work. The treatment of animals in these practices does not produce the desired effect Carruthers was hoping for. Animals are treated harshly and with no respect. Therefore, if treating animals kindly and with respect allows a human to develop a virtuous character, the humans working in the practices of factory farming and animal experimentation will not be participants in the development of this virtue. Besides this, we saw earlier that, for Carruthers, it is not wrong for humans to become desensitized to animal pain and suffering. However, if being kind to animals allows humans to acquire a virtuous character, and mistreating animals manifests a cruel character, then those that have become desensitized to animal suffering would, on this view, not be virtuous in the relevant respect, and would manifest a cruel character. Carruthers' virtue ethics then and his ideas about desensitization contradict each other.

Moreover, as suggested above (in this section), Carruthers' virtue ethics is problematic in itself, since he adopts an indirect duties position, and there is no reason why treating animals kindly is virtuous unless it recognised that their interests are of direct moral concern (see 4.3. for further discussion of the indirect duties position), something the indirect position fails to recognise.

Rosalind Hursthouse adopts a more coherent virtue ethics approach to animal ethics that could be seen to recognise direct duties to animals. While 'Virtue ethics assesses actions as right or wrong in terms of what a virtuous agent would... do', it 'draws attention to the motives or reasons for an action and the feelings that accompany it, as well as to what is actually done. Whether someone acted... kindly or cruelly (and hence rightly or wrongly) on a particular occasion depends not only on

what they actually did, but on their reasons and how they felt about doing it. So, for example, taking one's cat to the vet would count as acting kindly only if one did it for the cat's sake, and with regret; to take it to the vet in order to make it suffer, or to enjoy its suffering, would be acting cruelly'.⁵⁹ On her theory, acting virtuously in respect of animals 'involves focusing on the good of the other animals as something worth pursuing, preserving, protecting, and so on'.⁶⁰ The virtuous agent, '*qua* virtuous', is concerned with what is good, worthwhile or harmful to others, and acting virtuously towards animals necessarily involves having a certain degree of 'practical wisdom'.⁶¹ Such wisdom enables the virtuous agent to exercise appropriate virtues in certain circumstances.

For example, not taking into account the immense suffering of factory-farmed animals can be seen as callous. In the light of the suffering involved and the fact that we do not need to eat meat, the practice of factory farming can be seen as cruel. As Hursthouse says, the virtuous agent cannot be party to such a practice and, at the same time, be seen as compassionate, but rather may be seen as self-indulgent:

I can no more think of myself as compassionate while I am party to such cruelty than I could think of myself as just if, scrupulously avoiding owning slaves, I still enjoyed the fruits of slave labour... Pursuing the pleasures of consuming meat, in the teeth of the claims of compassion, is just plain greedy and self-indulgent'.⁶²

Hursthouse also argues that some 'experiments can be rightly condemned as cruel simply on the grounds that the knowledge gained was for too insignificant to justify the experiments'.⁶³

So whilst our treatment of animals can be assessed as right or wrong by looking at what the virtuous agent would do (the virtuous agent being one who exercises virtues, such as compassion and sympathy, and avoids vices, such as callousness and cruelty), the virtuous person, *qua* virtuous, recognises that what is

done to animals is morally important and a serious matter and can give reasons for her actions; reasons which directly consider the good of animals. Being indifferent to the good of animals and their sufferings may be seen as callous, and inflicting suffering of animals for insignificant purposes may be seen as cruel. Animals have direct claims on the virtuous agent at any rate within the virtue ethics of Hursthouse.

But what of the non-virtuous agent? Do animals have direct claims on her? Virtue ethicists, such as Hursthouse, may argue that the non-virtuous agent may not recognise such claims, but should seek to develop the virtues, as they are essential for human flourishing. This may be, but there are no doubt some people who do not display the appropriate virtues in certain circumstances and may be seen to be non-virtuous. Of course, the virtue ethicist is entitled to criticise such people's actions by appealing to, for example, their self-interestedness, or callousness, and can claim that anyone who is interested in acting ethically should seek to cultivate the virtues.

But one could object that one may act rightly (or wrongly) irrespective of whether one displays virtues (or vices). For example, one may dedicate one's life to caring for a loved one, and may do so through a *sense of duty*, even though one may feel bitter and resentful that one is 'bound' by such a duty. One may even begin to feel hatred towards the relevant loved one. While such an act of duty may be right, there is a sense in which one could undertake such care whilst exercising what are commonly thought to be vices (hatred, or bitterness, etc). Of course, the virtue ethicist may see such dedication as generous, kind, or self-sacrificing, irrespective of negative feelings that may arise; in acting virtuously an agent is not required to be an exemplar of virtue.

But there is perhaps a more serious objection that should be raised.

Hursthouse's virtue ethics is neo-Aristotelian in the sense that exercising the virtues is

a necessary part of human flourishing or eudaimonia.⁶⁴ Hursthouse says of virtue ethics that ‘the virtuous agent [is] at the centre of its theory’.⁶⁵ The virtues are needed to flourish or live well and *this* is why we should endeavour to cultivate and exercise the virtues. At first glance then this seems like a self-interested theory; I am to cultivate the virtues required for *my* flourishing. This raises an ethical problem in respect of its application to animal ethics, for what if I do not consider treating animals kindly to be conducive to *my* flourishing? But Hursthouse argues that exercising the virtues ‘necessarily involves *not* focusing on oneself... but on the rights, interests, and good of other human beings’, and likewise, in respect of our treatment of animals, ‘the exercise of compassion and the avoidance of a number of vices, involves focusing on the good of the other animals’.⁶⁶

This is all well and good, but this does not solve the problem of what character traits are to count as ‘virtuous’. One person’s conception of the good life may not involve treating animals kindly, and thus kindness to animals may not be a virtue that one sees as essential for one’s flourishing or a virtue that one believes it is necessary to exercise. It could be objected then that virtue ethics theory is susceptible to problems related to moral relativism. This is a criticism that Hursthouse is aware of, but she notes that this is a problem for other ethics theories too, and that, just as other theorists can provide rational arguments for their claims, so too can the virtue ethicist give reasons for saying that certain character traits are virtues or vices.⁶⁷

While this virtue ethics approach is more plausible than Carruthers’, I shall argue in chapter nine that ‘moral feelings’, such as feelings of compassion and empathy, are not necessary for right action, and neither are such feelings—and one should add here, neither are the virtues or vices—in themselves, what makes certain actions right or wrong. The rightness or wrongness of actions can be assessed

independently of moral feelings (9.1.; 9.6). Further, virtue ethics' strong emphasis on human excellence and flourishing appears to sit uncomfortably with taking animals' interests into account for their own sake.⁶⁸

4.8. Social Stability and the Slippery Slope

Contractarianism is often objected to because by restricting members of the contract to rational humans it therefore denies moral consideration to non-rational humans, such as babies or the severely mentally disabled. This goes against our common sense beliefs that although such humans are non-rational they still deserve moral consideration. However, if babies and the severely mentally disabled are included in the contract it is hard to justify excluding animals since many animals are more rational than these humans. (It is a merit of Mark Rowlands' position (4.2.) that he effectively recognises this.) If contractarianism is to work as a coherent theory then animals, as non-rational beings, fail to qualify as candidates for moral standing. But if, to be coherent, contractarianism excludes animals because they are non-rational then non-rational humans need to be excluded too, such as babies and the severely mentally disabled.

Carruthers' slippery slope argument and his argument from social stability are an attempt at solving this problem, and give moral standing to all humans while, at the same time, excluding animals. Carruthers argues that there are no clear criteria to distinguish which humans count as rational and which do not. As Carruthers says, 'there are no sharp boundaries between a baby and an adult, between a not-very-intelligent adult and a severe mental defective, or between a normal old person and someone who is severely senile'.⁶⁹ Carruthers is arguing that if we do not ascribe moral rights or moral standing to all human beings then it could lead to abuses of those beings who are, in fact, rational, and since there are no clear distinctions

between the rational and non-rational it is far less dangerous to ascribe moral rights or moral standing to all human beings. For Carruthers denying moral standing to some humans because they are not rational may have the consequence that people start to look for other qualities or biological differences that separate some humans from others, such as race, sex or intelligence; thus the slippery slope argument. For Carruthers, however, there are clear distinctions between animals and humans. The distinction here is that animals are not members of the human species. Excluding animals from moral standing does not have 'the same practical threat to the welfare of rational agents' that excluding humans may have.⁷⁰

Carruthers' slippery slope argument is undeniably human chauvinistic. It ascribes moral rights or moral standing to non-rational human beings simply in virtue of the fact that they are human, and it is simply not true that there are no sharp distinctions between babies, the severely mentally disabled and normal adult human beings. It could be argued that the distinctions between (say) babies and adult humans are a lot clearer than between adult humans and adult higher animals. The behaviour of many adult higher animals certainly shows signs of autonomy, planning ahead, great awareness of their environment, and developed social skills; abilities which babies and some humans lack. Normal adult humans use reasoning skills, such as problem solving, as do many nonhuman beings, but newborn babies and severely senile persons do not do this. So it could be said that, in respect of abilities, many humans have more in common with some higher animals, than they do with babies, the severely mentally disabled and senile persons. While humans and animals are members of different species it is just not true that there are always clear distinctions between humans and animals. Species differences are less than we previously thought, and may, in fact, be more of a difference in degree rather than a difference in

kind (6.4.). That is, the differences between species are more to do with differences in the extent and complexity of mental and physical capacities rather than fundamental differences between species themselves.

Indeed, it may be that there are fewer differences between an adult chimp and an adult human than there are between a human baby and a human adult. Indeed, I could argue that I have more in common with my dog, Craig, than I do with a severely mentally disabled human or newborn baby, though some will probably be offended by this. Even if that baby were my own child it could still be said that I have more in common with or more similarities to my dog than I do to my own child.*

I could justify my claim that I am more similar to Craig than I am to some humans by referring to some of the abilities that Craig and I have in common. A few of the things we have in common are great awareness of the environment we live in, recognition or identification of familiar humans, the ability to recognise certain dangers (such as an imposter in the home), knowledge of our basic needs, like food, shelter and water, and the ability to satisfy those basic needs ourselves by, for example, hunting for food, finding shelter, and searching for water. Of course, newborn babies are totally vulnerable and are completely dependent on some other person for the fulfillment of their basis needs and for their survival. Obviously when they develop into infants they become more complex beings. But newborn humans are completely lacking in the abilities of most fully-grown adults, whether those be from their own species, or from other species.

I also have a better understanding of my dog, and he has a better

* It is perhaps important to bear in mind here that saying that one has more in common with a particular individual than another, or one has more similarities to a particular individual than another, is very different from saying that one has a bond with that individual, or that one values or loves that individual more than another.

understanding of me, than we both have of our neighbour. I could also argue that my dog, Ziggy, is more trustworthy, friendly and less aggressive than the woman who lives next door. My reason for this claim could be that I have frequently witnessed extremely violent behavior from the girl next door; behaviour that I have never witnessed in Ziggy. I could provide evidence for my claim by inviting you around to my home to meet Ziggy, and, of course, to meet the woman next door. Indeed, I would rely on my dog to protect my property, and respect my home more than I would rely on some humans to do the same.

Just because a being is human it does not follow that I am always justified in saying that I have more similarities to that human being than some nonhuman beings, whether these similarities are in mental capacities, like autonomy and problem solving, or more specific characteristics, like friendliness, trust and reliability. While there are differences between animals and humans it need not be the case that the differences are always negative in animals and positive in humans. While some humans possess some capacities that animals lack, like the ability to do algebra, some animals possess capacities that some humans lack, like the olfactory powers of dogs, or the running speed of a cheetah. All members of *Homo sapiens* have different capacities and abilities, as do members of different animal species. Such capacities though are not necessary for moral standing.

Therefore there is no justifiable reason for supposing that non-rational humans should be included as candidates for moral standing while animals are excluded. Carruthers simply assumes that the lives of humans are of more value than the lives of any animals. It can be argued that it is not just any kind of life, or life as such, that we value, but a certain quality, or kind, of life, and that the lives of fully developed mammals are of more value than the lives of those humans in a vegetative state. There

are some lives that are not worth living. Therefore, if we include these humans as candidates for moral rights or moral standing we are obliged to include animals as well, and if animals have moral standing then we are obliged to take their interests into account and, therefore, we have a direct obligation to take into account the suffering of animals in farms and laboratories. If we are not prepared to inflict upon non-rational humans the suffering that we inflict upon animals in rearing them for meat and using them in experiments then our use of animals in current practices is unjustified. Therefore Carruthers' slippery slope argument as a case against the moral standing of farm and laboratory animals fails.

Carruthers uses an argument from social stability to include non-rational humans as deserving of moral consideration. The argument from social stability states that excluding some humans from moral standing would have an undesirable effect on society. It would cause anxiety amongst the community of rational humans. Humans care about what happens to them. They care about the treatment of their children and relatives who perhaps, through age or disability, are not fully rational agents. To say that such humans do not have moral standing would imply that we have no obligations in respect of our treatment of them, and this could therefore lead to their abuse. The effect would be that rational beings would feel insecurity and this would cause instability in society. As Carruthers says, 'The only way of framing rules that we can live with, then, is to accord all human beings the same basic rights—that is to say, moral standing'.⁷¹

However, it is not only humans that care about what happens to them. Sentient animals care about what happens to them too. By this I mean that they take an interest in what happens to them as opposed to merely having an interest in what happens to them. They do mind whether they are in pain, or whether they are cold, hot or

uncomfortable, or if their young are being threatened. They care about what happens to them, and about what happens to their young. That is, they take an interest in what happens to them and their offspring. They will avert painful situations, seek warmth when cold, seek comfort when uncomfortable, and go to great lengths to protect their young from danger. To take an interest in something is to care about something or to mind about something, and is distinct from having an interest in something. However, to take an interest in something or another it is necessary to have an interest, whereas to have an interest it is not necessary that one takes an interest in something or another. The behaviour of sentient animals strongly suggests that they care about their situation in much the same way as humans do, even if they do not philosophize about it.

It is not just humans who interact in a society. Many animal species, particularly the so-called higher mammals, form social groups. They form close bonds with other members of their group, and the death of a member of the group often has a profound effect on the rest of the group. They form friendships, or make enemies. They can become depressed by the loss or death of a member of their group. Animals also form close bonds with humans. They are part of our society. Humans and animals often live side by side. The very fact that this can happen at all should be an indication of the similarities between humans and animals. Our society is not just a human society. It is a society that includes both animals and humans. Indeed, it should be said that some animals contribute more to society than some humans do. For example, guide dogs and dogs for the disabled help to give many incapacitated people a better quality of life, whereas some humans, such as sex offenders, actually ruin many people's lives. They often wreck the life of not just the person to whom they have committed the offence but the lives of family, friends, and neighbours of the victim.

The role that animals play in society and in our personal lives is often played down and rarely celebrated. We are similar to animals in more ways than Carruthers would like to believe. Therefore, the argument from social stability, as an argument that attempts to exclude animals from the moral sphere, should be rejected.

Also, the same objection as was made to the slippery slope argument applies to the argument from social stability. We are given no good reason why animals should be barred from having moral standing. Some animals are more rational than some humans in that they can exercise the faculty of reason and are capable of reasoning about means to ends. Some humans cannot do this. If these humans are included as candidates for moral standing then animals should also be included.

Besides, many animals have communicative abilities similar to humans and may even have the cognitive capacities required for language (6.4.; 6.6.). Such capabilities enable them to enter into a community of humans and animals. In the light of their developed communicative and cognitive capacities (see above; also see 6.4. and 6.6.) it is reasonable to suggest that, contrary to Carruthers, some animals could indeed be seen as part of a rational community, albeit one consisting of both humans and animals. As such, a contractarian could include some animals as beneficiaries of moral deliberations (or beneficiaries of principles of justice) on the basis that they are part of a rational community, although this is unlikely to be conceded since animals are not rational *moral* agents. But, of course, including some animals on this basis would not give one reason to include other animals that cannot be seen to be part of our community, such as wild animals or possibly animals that do not display complex communicative capacities that enable them to enter into a community of humans and animals. Besides, considering that some humans cannot be seen to have as complex communicative, cognitive, or reasoning capacities as some

animals, it is in any case problematic to exclude animals from a contractarian theory of morality whilst including marginal humans.

4.9. Contractarianism Revisited

We saw earlier that Carruthers closely follows Rawls' contractarianism to develop a theory of morality. Carruthers argues that only humans can be represented in the moral arena, humans being the only beings capable of exercising the rationality required for moral agency. By restricting members of the contract to rational humans capable of moral agency it would seem (initially) that contractarianism denies moral consideration to non-rational humans who lack moral agency. But Carruthers uses his slippery slope argument and the argument from social stability as a means of including all humans in the contract.⁷²

However this leaves contractarianism open to the question of why animals should be excluded from the contract. If humans that are not capable of agency or rationality can be included in the contract, then contractarianism must also include animals as suitable candidates, otherwise Rawls' theory of 'justice as fairness',⁷³ seems very unjust and unfair. Besides this, contractarianism has not shown that animals are not rational. If humans who are not capable of rationality are included it is hard to justify excluding animals.

If contractarianism is to work as a consistent theory then animals and humans not capable of rationality fail to qualify as candidates for moral consideration. However, the suggestion that these humans should be excluded is unacceptable to most contractarians. But there is no justifiable reason for supposing that humans not capable of rationality should be included as candidates for moral consideration while animals are excluded. Since contractarianism includes these humans then, to be coherent, it also needs to include animals.

However, contractarianism's lack of consistency in its treatment of humans and animals is not the only reason why the theory is problematic. The idea that contractors can make moral and just decisions from under a 'veil of ignorance' is barely coherent. It seems impossible that any individual could make just rules from such an abstract position. A coherent theory of justice needs to seriously consider individual interests, and this would require acquiring knowledge of those interests, including animal ones.

Carruthers' position also needs to recognise direct duties towards animals. Saying that our obligations to animals are really obligations towards animal lovers is not plausible in the least.

Arguing that babies and the severely mentally disabled have moral standing in virtue of the fact that they are human and that animals do not have moral standing because they are not human, can be objected to as an argument against the moral standing of animals. However, the claim that all humans have moral standing is not based on appeals to social stability, the slippery slope, or rationality. There are differences in rationality between individual human beings, but we still recognise the moral standing of all humans. The possession of rationality, or the lack of it, is not a significant issue in considering whether a being has moral standing or not. When we say that all humans are equal we mean that they are equal irrespective of whatever objective distinctions there may be. We do not say that all and only rational humans are equal, or all and only humans capable of moral agency are equal. All humans are given equal moral consideration in virtue of the fact that they are beings with interests, who are capable of being harmed or benefited, not in virtue of the fact that they belong to the species *Homo sapiens*. We do not say that torturing people is wrong because they are members of the *Homo sapiens* species. It is wrong because

they are beings that will be harmed if they are tortured. They will be harmed because they are sentient beings.

Similarly, the moral standing of animals is not based on species membership, just as the moral standing of humans is not based on the fact that they belong to the species *Homo sapiens*. We do not say that it is wrong to inflict pain on a dog because it is a member of a certain species. It is wrong because it is a sentient being capable of being hurt by the pain inflicted upon it. Although objective distinctions between species will, inevitably, be used when making comparative judgments between different cases, such objective distinctions are not necessary for moral standing, though they may be sufficient. All sentient beings have interests, whatever their objective characteristics or species membership, and having interests is necessary as well as sufficient for moral standing.*

It has been found then that although rationality and moral agency are characteristics that are often appealed to as justifications for current practices, such appeals can be refuted, since it is clear that many humans also lack these characteristics. However, we would find it morally abhorrent if we started exploiting such humans in ways we exploit animals on the basis that they lacked reason, or the capacity for moral agency.†

* Also, when faced with different beings we never see those beings as just beings with certain qualities or characteristics. The creatures that we encounter are involved in an intricate web of relationships with other humans and / or animals. These relationships play a part in our preferential treatment of some animals and humans in the moral sphere. While these relationships may sometimes justify preferential treatment of one being over another, whether that being is human or nonhuman, it is not necessary for a being to be involved in such relationships in order to have moral standing (cp.2), though it may be sufficient (but only if it also has interests).

† It might help to remember that, in the past, reason and moral agency have been used as justifications for experimenting on those humans that lacked such characteristics. Such humans included the insane, prisoners, and children. Experimenting on such people was not always seen as a moral problem. (For unethical research on humans see James Dubois, Ethics in Mental Health Research: Principles, Guidance, and Cases (Oxford: Oxford University Press, 2008), pp.14-16; H. K. Beecher, 'Ethics and clinical Research', New England Journal of Medicine, 274, 1966, pp.1354-1360, cited in Dubois, *ibid.*, p.16; J. Katz, Experimentation with Human Beings (New York: Russell Sage Foundation, 1972), cited

Besides, appealing to species differences as a justification for animal exploitation is detrimental, in particular, to the case in favour of experimentation. For if there are significant differences between species, how is one to extrapolate research results from animals to humans? If one argues that animals are experimented on because they are so similar to humans, then how can one justify experimenting on animals but not humans? If animals are so similar to us in terms of mental and physical characteristics our readiness to use them in experiments is unjustified. One cannot argue that animal experiments are justified because animals are so different from humans, and then say that similarities between animals and humans allow us to extrapolate research results to humans. One cannot have it both ways.

Appeals to objective characteristics cannot be used as a means for the justification of current practices. The possession of particular capacities, such as rationality or agency, is not what gives a being standing in the moral sphere. It is a being's interests that make that being an object of moral concern. Farm and experimental animals have interests. At the very least they have an interest in not suffering. They, therefore, qualify as candidates for our moral concern. Whether their interests may be overridden or not is a different question. But the fact that they have interests means that there are moral questions that should be asked about our treatment of them in modern day practices.

Endnotes

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in Dubois, *ibid.*, p.16; R. Whitaker, Mad in America (Cambridge, MA: Perseus, 2002), cited in Dubois, *ibid.*, p.21; S. E. Lederer, Subjected to Science: Human Experimentation in America Before the Second World War (Baltimore: John Hopkins University Press, 1995), cited in Dubois, *ibid.*, p.125.) Indeed, today, there are many people who do not see animal experimentation or factory farming as involving moral questions, only questions of economics and human benefits.

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3. Rawls, *ibid.*, p.448.
4. Robert Garner, 'Political Ideology and the Legal Status of Animals', in Animal Law, Vol.8, 2002, pp.88-89.
5. Garner, *ibid.*, p.88.
6. Peter Carruthers, The Animals Issue: Moral Theory in Practice (Cambridge: Cambridge University Press, 1992), pp.37 and 98.
7. Carruthers, *ibid.*, p.99.
8. Carruthers, *ibid.*, p.100.
9. Carruthers, *ibid.*, p.99.
10. Kenneth Goodpaster, 'On Being Morally Considerable', in Journal of Philosophy, 75, 1978, pp.308-25.
11. Carruthers, *op.cit.*, p.98; Rawls, *op.cit.*, pp.118-19.
12. Seyla Benhabib, Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics (Oxford: Blackwell, 1992), p.152.
13. Benhabib, *ibid.*, p.170.
14. Mark Rowlands, Animal Rights: A Philosophical Defence (London: Macmillan Press, 1998), cp.6, 'Contractarianism and Animal Rights', pp.120-58.
15. Rowlands, *ibid.*, p.136.
16. Rowlands, *ibid.*, p.136.
17. Rowlands, *ibid.*, p.149.
18. Rowlands, *ibid.*, p.149.
19. Rowlands, *ibid.*, p.150.
20. Rowlands, *ibid.*, p.150.
21. Rawls, *op.cit.*, p.17.
22. Carruthers, *op.cit.*, p.107.
23. Carruthers, *ibid.*, p.107.

24. Carruthers, *ibid.*, p.107.
25. Carruthers, *ibid.*, pp.108-109.
26. Carruthers, *ibid.*, pp.168-69 and 193.
27. Carruthers, *ibid.*, p.167.
28. Carruthers, *ibid.*, pp.159-61 and 164.
29. Cora Diamond, *The Realistic Spirit* (Cambridge, Massachusetts and London: The MIT Press, 1995), p.361.
30. Ernest Bell, *Superiority in the Lower Animals*, quoted in *The Extended Circle: A Commonplace Book of Animal Rights*, ed. Jon Wynne-Tyson (New York: Paragon House, 1989), p.12.
31. Wikipedia: the free encyclopedia, 'Desensitization' [accessed at www.en.wikipedia.org/wiki/Desensitization, on 27/01/2006].
32. 'Desensitization', *ibid.*
33. Ernest Bell, *Superiority in the Lower Animals*, quoted in *The Extended Circle: A Commonplace Book of Animal Rights*, ed. Jon Wynne-Tyson (New York: Paragon House, 1989), p.14.
34. H. and M. Stiller, 'Animal Experimentation and Animal Experiments', 1977, quoted by Campaign to End Fraudulent Medical Research (CEFMR), 'Why Animal Research?', campaign leaflet (London: CEFMR, 1993).
35. Diamond, *op.cit.*, p.355.
36. Elie Wiesel, 'Foreword', in *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation*, eds. George J. Annas and Michael A. Grodin (Oxford: Oxford University Press, 1992), p.ix.
37. Wiesel, *ibid.*, p.ix.
38. The Nuremberg Code, in *The Nazi Doctors and the Nuremberg Code*, *ibid.*, p.2.
39. The Nuremberg Code, *ibid.*, p.2.
40. James Dubois, *Ethics in Mental Health Research: Principles, Guidance, and Cases* (Oxford: Oxford University Press, 2008), pp.110-13.
41. National Bioethics Advisory Commission, 'Ethical and Policy Issues in Research Involving Human Participants', a report (Bethesda, MD: National Bioethics Advisory Commission, 2001), cited by Dubois, *ibid.*, pp.111-12.

42. Dubois, *ibid.*, pp.113-14. Dubois cites Telford Taylor, 'Opening statement of the prosecution, December, 1946', in The Nazi Doctors and the Nuremberg Code, eds. George J. Annas and Michael A. Grodin (Oxford: Oxford University press, 1992), pp.67-93.
43. See Dubois, *ibid.*, p.65.
44. Dubois, *ibid.*, p.77.
45. Diamond, The Realistic Spirit (Cambridge, Massachusetts and London: The MIT Press, 1995), p.360.
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56. Carruthers, The Animals Issue (Cambridge: Cambridge University Press, 1992), p.154.

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58. E. J. H. Moore, 'Animal Experiments', in The Lancet, Vol.327, Issue 8487, 26th Apr. 1986, p.975. (The Campaign to End Fraudulent Medical Research (CEFMR) quotes Moore in 'Why Animal Research?', campaign leaflet (London: CEFMR, 1993). In this leaflet the CEFMR claims that Moore is the founding Vice-president for Doctors in Britain against Animal Experiments.)
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60. Hursthouse, 'Applying Virtue Ethics to Our Treatment of the Other Animals', in The Practice of Virtue: Classic and Contemporary Readings in Virtue Ethics, ed. Jennifer Welchman (Indianapolis: Hackett Publishing Company, Inc., 2006), p.153.
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62. Hursthouse, 'Applying Virtue Ethics to Our Treatment of the Other Animals', *op.cit.*, p.142.
63. Hursthouse, *ibid.*, p.144.
64. Hursthouse, 'Normative Virtue Ethics', in Virtue Ethics, ed. Stephen Darwall (Oxford: Blackwell, 2003), p.188; Hursthouse, 'Applying Virtue Ethics', 1995, *op.cit.*, pp.67-68; Hursthouse, 'Virtue Theory and Abortion', in Virtue Ethics: A Critical Reader, ed. Daniel Statman (Edinburgh: Edinburgh University Press, 1997), pp.227-29.
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71. Carruthers, *ibid.*, p.118.

Contractarianism

72. Carruthers, *ibid.*, pp.114-18.
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CHAPTER FIVE

RIGHTS, INTERESTS AND SUFFERING

5.1. Animal Rights

This chapter will assess some of R. G. Frey's arguments against the moral standing of animals and some of Michael Leahy's arguments in favour of current practices.* In his book Interests and Rights Frey uses Leonard Nelson's argument (which links interests to rights) in an attempt to refute the claim that animals have interests or rights.¹ His discussions are directed against the claim that animals have moral standing in virtue of them having rights or interests. Frey criticises claims that animals have rights or interests, arguing that such claims have not been established, and that, therefore, a case for the moral standing of animals based on such claims has not been established either. (I will discuss Frey's claims that animals have not been shown to have rights nor interests in turn.)

Frey begins his attack on the belief that animals have rights by discussing Leonard Nelson's argument for animal rights:²

All and only beings which (can) have interests (can) have moral rights;
Animals as well as humans (can) have interests;
Therefore, animals (can) have moral rights.³

While this argument is undeniably valid, for the conclusion to be true the premises

* I will discuss Frey's arguments in this section, 5.2. and 5.3. Leahy's arguments will be reserved for 5.4. (Some of Leahy's arguments are also discussed in chapter six.)

must also be true, and Frey disputes that they are true.* Therefore, it is the soundness of the argument that Frey is disputing. He objects to both the major and minor premise of Nelson's argument.

Before we continue with his objections we should distinguish here between a weak sense of rights and a strong sense of rights. If a being has a right in the weak sense this can be said to refer to nothing more than a moral reason to take its interests into account in the appropriate way and give that being due moral consideration. Talking of a being's moral rights in this sense is talking of a being's moral standing or talking of an obligation to take that being into moral consideration. (Perhaps Nelson would use the term 'moral consideration' or 'moral standing' if he were writing his argument today. 'Rights' was the only term that was available to him at the time he was writing.⁴) By contrast, if one says that a being has a right in the strong sense one can be said to be referring to an *overriding* reason to take that being's interests into account in the same situation.⁵ Talking of moral rights in this sense is talking of interests that should always take moral precedence; rights, in this sense, are inviolable. While there are rights in the weak sense, I am sceptical about rights in the strong sense (see below for further discussion of this scepticism). But it is rights in the weak sense that I will interpret Nelson as referring to, and it will be this sense of rights that I will refer to when assessing Frey's claims against Nelson.⁺

Let us now turn to Frey's attack on Nelson's argument. Firstly, Frey objects to

* While the argument focuses on rights, one could replace the word 'rights', in Nelson's argument, with the word 'standing'. The argument would then stand as one that would probably be endorsed by those people who link animal interests to the moral standing of animals. In refuting the claim that animals can have interests, Frey's discussion of Nelson's argument is directed at not only those philosophers who link interests to rights, but those who link interests to moral standing, or moral consideration, too. It may be appropriate then if we consider that the words 'moral rights' could be replaced by 'moral standing'.

⁺ For discussion about moral and legal rights see R. M. Hare, Moral Thinking: Its Levels, Method, and Point (Oxford: Clarendon Press, 1981), pp.150-57.

the major premise, as he believes that it is not true. (The major premise states that all and only beings which have interests have rights.) Frey believes that Nelson merely assumes it to be true. However, disputing this is highly implausible. As Regan says, ‘Most of us do not think that *things* can have rights, and this seems to be because we do not think that they can have any interest in what happens to them’.⁶ It does seem that one can only have rights if one has (or can have) interests. Joel Feinberg cites two reasons for this. Firstly, ‘a right holder must be capable of being represented and it is impossible to represent a being that has no interests’. Secondly, ‘a right holder must be capable of being a beneficiary in his own person, and a being without interests is a being that is incapable of being harmed or benefited’.⁷

Indeed, it seems plausible that all ‘beings capable of being beneficiaries can deserve moral consideration’, or can have moral standing, and that all ‘beings who have (or can have) interests are capable of being beneficiaries’, and that, therefore, all ‘beings who have (or can have) interests can deserve moral consideration’, or can have moral standing.* It does seem then that all and only beings with interests have rights,⁸ and, taking ‘rights’ to mean rights in the weak sense, Frey appears to be wrong in his denial of the major premise.

Secondly, Frey argues that Nelson’s major premise assumes that there actually are rights. Frey doubts whether there are rights, whether these be human or animal rights. However, doubting whether there are rights does not make the major premise false. Even if one doubts that there *are* rights it can still be true that only beings with

* This argument is adapted from K. Goodpaster’s interpretation of Feinberg’s argument (linking interests to rights). I have replaced the word ‘only’ (in Goodpaster’s interpretation of Feinberg’s argument) with the word ‘all’, though I am not thereby claiming to be interpreting Feinberg, but merely using the argument differently (Goodpaster, ‘On Being Morally Considerable’, in *Journal of Philosophy*, 75, 1978, p.318; Feinberg, ‘The Rights of Animals and Unborn Generations’, in *Philosophy and Environmental Crisis*, ed. Blackstone (Athens: University of Georgia, 1974), p.51). See chapter eight for further discussion of the claim that all beings with interests have moral standing.

interests can have rights (*if there are rights*), and this appears to be a conceptual truth. (Frey's objection to the Nelson's minor premise will be discussed in section 5.2.)

Besides, Frey cannot disallow our use of rights in the weak sense, and he provides no argument as to why rights should not be interpreted in this way or an argument against the view that there *are* beings with rights in *this* sense (where 'rights' should be taken to mean 'moral standing'). (Indeed, Frey suggests that there *are* beings to which we have obligations to take their interests into moral consideration.⁹) Construed in this sense, and contrary to Frey's doubts about rights, it does seem that there are beings that have rights, and that all beings with interests have rights (cp.8).

Indeed, I am inclined to share Frey's doubts about rights (interpreted in the strong sense), though not his doubts about the truth of the major premise (since this premise should be construed to refer to rights in the weak sense). Saying that a being has a right does not mean that there are overriding reasons to take that being's interests as having moral precedence over another being's interests.

It should perhaps be said here that entities can have moral standing without anything about their having rights being held to follow, where (as Kenneth Goodpaster argues) moral standing should be interpreted 'broadly to include the most basic forms of practical respect (and so is not restricted to "possession of rights"...)'.¹⁰ When we speak of beings having moral standing we are speaking of beings to which 'principles of morality [should] apply',¹¹ irrespective of particular rights that they may or may not have. The case for extending moral consideration to animals is independent of rights talk. In particular the case against current practices argues for the moral standing of animals, and no reference to rights is required for this case to be made. Current practices involve the massive suffering of animals, and this,

in itself, requires that we take animals' interests seriously and give them due consideration. Such moral consideration may require that modern day practices be abolished or phased out. Even if we assume that animals do not have rights (in the strong sense) it would not mean that current practices that involve the immense suffering of animals are justified.

Consideration of a being's interests, of what it means to cause a human or an animal to suffer, or to degrade a human, is independent of rights talk. Reflection on interests and obligations can tell us why actions are wrong, or what makes our actions unjust. Rights talk just tends to tell us that they are unjust. An appeal to rights in the face of an unjust action need not necessarily prevent that action, or stop it occurring or continuing. The success of an appeal always depends upon the state of mind, or tolerance, of the person to whom the appeal is made. The appeal need not provoke feelings of duty or obligation.¹²

Indeed, an action may violate a being's rights without actually being wrong. In some instances it may be necessary to violate someone's rights, if they exist that is. For example, we would think it right to violate a rapist's right to freedom. Sometimes it may be more of an injustice not to violate a being's rights. In some cases, then, rights talk cannot tell us whether an action is just or unjust, and it cannot always tell us if an action is right or wrong. Whether an action is just or unjust, then, is to some degree independent of rights talk. Even if animals do lack rights this does not justify modern day practices.*

* 'Rights' may be enshrined in law in the UK, but they are readily overridden depending on the context or situation, and this could be held to indicate that they cannot tell us much about whether an action is justified or not. Rights tend to be either revered or discounted depending on what will best promote the interests of the individuals involved. Frey, then, shares this scepticism about rights talk. (In the UK there is increasing scepticism about 'rights talk'. Although appeals to human rights are, *legally*, invaluable in the context of genuine human abuses, many people believe that rights talk is increasingly used as a means to the unfair claiming of huge compensation rewards.)

In spite of this scepticism surrounding rights talk and, in particular, scepticism about rights in the strong sense, Nelson's major premise is still true, since 'rights' in Nelson's argument should be meant to refer to rights in the weak sense. Such scepticism does not make Frey's objection any less implausible. The proposition 'All and only beings which (can) have interests (can) have moral rights' should be upheld as true.

5.2. Interests

However, it is not so much the major premise of Nelson's argument that concerns Frey, but rather the minor one that states that animals have interests. One way Frey analyses the claim that animals have interests is by considering H. J. McCloskey's denial of this claim and Tom Regan's criticism of this denial.¹³ While Frey's position on animal interests does not depend on McCloskey's views,* he believes that a close consideration of McCloskey's views will show that it has not been established that animals have interests and thus also show that Nelson's argument (linking interests to rights) has not been established as sound.

For McCloskey, to say that something is in a being's interests has both evaluative and prescriptive connotations:⁺

[I]nterests are distinct from welfare, and are more inclusive in certain respects—usually what is dictated by concern for a man's welfare is in his interests. However, interests suggest much more than that which is indicated by the person's welfare. They suggest that which is or ought to be or which would be of concern to the person/being. It is partly for this reason—because the concept of interests has this evaluative-prescriptive overtone—that we decline

* There are other reasons why Frey does not think it has been shown that animals have interests; reasons that have nothing to do with McCloskey's argument (see Frey, *Interests and Rights* (Oxford: Clarendon Press, 1980), cps.3-11). Some of these reasons will be discussed in the following sections of this chapter (see 5.3. and 5.6.).

⁺ Since McCloskey does not give a definition of what he means by 'evaluative' and 'prescriptive', I will assume that, for McCloskey, 'evaluative' concerns judgments of value and 'prescriptive' concerns by contrast (a) judgments about what ought to be done and (b) directives for action or judgments of obligation.

to speak of the interests of animals, and speak rather of their welfare.¹⁴

I agree with Regan that what McCloskey means by 'evaluative-prescriptive overtone' is far from clear. Frey says that the evaluative meaning of 'X will be in A's interests' can be conveyed as 'X will contribute (or is thought to contribute) to A's welfare, or well-being', whereas the prescriptive meaning of 'X is in A's interests' can be conveyed as 'A ought to care, or be concerned about X'.¹⁵ Regan interprets McCloskey similarly to Frey. For Regan, the evaluative meaning of 'X will be in A's interests' can be characterised as 'X will (or we think X will) benefit A' and the prescriptive meaning can be characterised as 'X ought to be of concern to A', or 'A ought to care about X'.¹⁶

It must be said here, before we continue, that 'X will contribute to A's welfare, or well-being' is not a judgment of value or an evaluation. But it is not clear what judgments of value are for McCloskey and he does not define what the evaluative element of interests is. That 'X will contribute to A's welfare' is, in fact, Regan's and Frey's interpretation of what McCloskey means when he says that talk of what is in a being's interests has evaluative connotations.

Indeed, McCloskey himself does not say what the evaluative connotations are and finding this out turns into an interpretive exercise. But it does appear, from McCloskey's quote above, that the evaluative meaning of what is in a being's interests is (somehow) related to talking of 'that which is indicated by the person's welfare' and that the prescriptive meaning of interests is related to 'that which... ought to be or which would be of concern to the person/being'. So, while Regan and Frey seem to be right in thinking that, for McCloskey, the evaluative meaning of 'X will be in A's interests' can be characterised as 'X will contribute to A's well-being' it should be pointed out that, although McCloskey may consider this an evaluation, it

is not what is usually called an evaluation or value judgment.

Let us return to Regan's attack on McCloskey's view. For McCloskey we cannot speak of what is in an animal's interests because talk of what is an animal's interests has a prescriptive and evaluative meaning. Regan firstly points out that talk of what is an animal's interests need not have a prescriptive meaning. That is, we can ask 'what is in A's interests?' without issuing a prescription. Regan cites John Searle,¹⁷ who argues that we can say 'X is good' (or we can make an evaluation about X) without thereby saying 'I commend X' (or issuing a prescription related to X). Saying that we do not have to issue a prescription when we say 'X is good', or that the evaluative statement 'X is good' does not necessarily have a prescriptive meaning, is a valid point in response to McCloskey and Regan is correct in saying that a prescriptive meaning need not be given to the statement 'X is in A's interests'.

At first glance it seems that this reference to Searle may give an explanation as to why 'X will contribute to A's welfare' is supposedly evaluative. However, on closer inspection, it is less than clear what relevance Regan's reference to Searle has to McCloskey's view and, in particular, to his belief that saying 'X will be in A's interests' has an evaluative meaning, characterised as 'X will contribute to A's welfare', and a prescriptive meaning, characterised as 'A ought to be concerned about X', because, unlike the statement 'X is good' (the evaluative statement that Searle uses in his argument), the statement 'X will contribute to A's welfare' is not an evaluative statement in the ordinary sense of the phrase. While 'X is good' is obviously evaluative, 'X will promote A's welfare' is not; so alluding to Searle's argument is fruitless until it is known *why* McCloskey believes that the latter statement is evaluative (since Searle argues that we need not attach a prescription to

an *evaluative* judgment).*

However, the main points that Regan is trying to make, by referencing Searle, is that a prescription need not follow an evaluation, and interests need not have a prescriptive element (even if we go along with McCloskey and assume that they have an evaluative element). So, if we apply this to the context of animal interests, animals can have interests even though they (or anyone else) do not have to do anything about those interests; that is, animals can have interests without there necessarily being a prescription relating to those interests.

Despite Regan's fair point that talk of what is in a being's interests need not have a prescriptive element, for the sake of argument Regan goes on to assume that such talk does indeed have this element. Regan interprets McCloskey as believing that animals do have a well-being, and so it must be the prescriptive meaning of 'X is in A's interests' which casts doubt on the claim that we can talk of what is in an animal's interests.¹⁸ Since animals are not the sort of beings which ought to do something about X, and they are not the sort of beings which ought to be concerned about anything, it follows that we cannot speak of what is in an animal's interests.¹⁹ However, why do we have to say, 'A (the being with the interests) ought to be concerned about X?' Instead, why not say, 'B (another being) ought to be concerned about X?'

If X is conducive A's welfare or A's interests and A is not the sort of being that ought to do anything about X (say, for example, a baby, an animal or a severely mentally disabled person), then we should say that B (another being, say, a moral

* For a fuller discussion of Searle's argument see Searle, 'Meaning and Speech Acts', The Philosophical Review, Vol.71, No.4, October 1962, pp.423-32. Also see R. M. Hare's attack on Searle's argument in 'Meaning and Speech Acts', The Philosophical Review, Vol.79, No.1, January 1970, pp.3-24. Both these articles are cited by Frey in Interests and Rights (Oxford: Clarendon press, 1980), p.19. The former article is cited by Regan, 'McCloskey on Why Animals Cannot Have Rights', in The Philosophical Quarterly, Vol.26, No.104, July 1976, p.255.

agent or a relevant someone) ought to do something about X, or 'B ought to be concerned about X', not 'A ought to do something about X', or 'A ought to be concerned about X'. So, if, say, eating food is in a baby's interests, then, we should say that someone ought to do something about that food. That is, if X (food) is in A's (the baby's) interests, then, B (the guardian or some other relevant person) ought to do something about X (food). It is not the case that if we judge that X is in A's interests, then the judgments for action concerning those interests should always be prescribed to A.

Prescriptions for action are prescribed to moral agents. They are not always prescribed to the being whose welfare is being evaluated. That being might be incapable of taking any action to safeguard its interests. The being might be a baby, or a senile person. It might be an injured animal, or an animal trapped in a cage. So, instead of saying 'A ought to do something about X', we should say 'B (another being) ought to do something about X'. Indeed, if one were very sick in hospital, say, with an amputated leg, and pain relief was in one's interests, no one would expect one to administer the pain relief oneself, but another person would be expected to do it. This is just common sense.

Regan also rejects McCloskey's argument. He too points to the fact that there are also some humans who are not the sort of beings that ought to do something about X; they are not the sort of beings which ought to be concerned about anything. Examples include marginal cases, such as babies and the severely mentally disabled. Thus, on the prescriptive meaning of 'interests', as interpreted by McCloskey, we cannot speak of what is in these humans' interests. Both these humans and animals in general will be ruled out as beings that can have interests.²⁰ However, most would reject the idea that we cannot speak of what is in a baby's interests, or in the interests

of a severely mentally disabled human being. Regan argues that although animals and these humans are not in a position to do anything about securing their interests we can nevertheless speak about what is in their interests. For instance, we can say that it is in the interests of a baby that he or she sees a doctor when showing signs of illness. We can speak of something being in a being's interests whether or not that being is capable of doing anything about their interests. When we say this 'the prescription *can* only be directed to some *other* competent person'.²¹

Frey believes Regan's case to be implausible, and argues that for animals and such humans to have interests ultimately depends on the existence of other humans, that is, other competent people to see to it that their interests are provided for. For Regan, when we say that it is in the interests of a baby that he or she sees a doctor the prescription (if any) applies to other people. But Frey believes that it follows from this that if no other people exist then the baby has no interests, and, for Frey, this conclusion is highly implausible.²² For animals and these humans to have interests then depends upon the existence of other people implausible as this may be.

Frey interprets Regan's position as implying that if others do not exist then there can be no interests at stake:

The effect of Regan's argument... is to tie the existence of animal interests... to the existence of human beings; for the unique feature of Regan's argument is that the prescriptive overtone to interest-ascriptions... is directed at and applies to (competent) human beings.²³

However, Frey's interpretation of Regan's argument is not correct. That other people need to exist for animals to have interests is not what Regan implies. If no humans exist then we can still talk of what is in an animal's interest; it is just that we can no longer give this talk a prescriptive meaning. Since animals are not the sort of beings which ought morally to do anything about their interests any prescription would need

to be directed at someone else and, in Regan's own words, 'there is no "someone" who ought to do anything';²⁴ but it does not follow that, in the absence of someone else, the interests of animals cease to exist. It is just that if no one else exists there will be no one else to prescribe or direct the obligation or action to. It follows that speaking of what is in an animal's or a baby's interest still makes sense. Therefore, on the criterion that interests are necessary for the possession of rights 'both will qualify as possible possessors of rights'.²⁵

McCloskey's claim then that we cannot speak of the interests of animals should be rejected. Regan has shown that even if we assume, for argument's sake, that talk of what is in a being's interests has a prescriptive meaning, we can still speak of the interests of animals. Frey has attempted to uphold McCloskey's claim by providing a counter-argument to Regan, but Frey's argument should be rejected as he completely misinterprets Regan with the result that his (rather than Regan's) counter-argument reaches some unwelcome conclusions. Frey's discussion of McCloskey's argument has failed to show that Nelson's minor premise (that animals as well as humans (can) have interests) is not true. Frey's denial that animals have interests is extremely implausible, as is McCloskey's. It seems then (on the basis of the above discussions only) that Frey is wrong in his denial of both Nelson's major premise (all and only beings which (can) have interests (can) have rights), and his minor one (animals as well as humans (can) have interests). Contrary to Frey, Nelson's argument is sound and Frey's doubts about the truth of the premises, and, therefore, his doubts about the truth of the conclusion are unfounded.*

* As said earlier (5.1.), we should be aware here that we could replace the word 'rights' in Nelson's argument with 'standing'. The argument would then go through as before, and the same conclusions about Frey's claims would apply.

5.3. Sentience

Frey attacks the adequacy of the argument from suffering as a moral basis for vegetarianism. In particular he attacks Peter Singer's argument that suffering is a necessary and sufficient condition for interests. For Singer, in so far as animals can suffer they have an interest in not suffering. Given that they have this interest we should take it into moral consideration. Animals have moral standing because they have the capacity to feel pain, that is, they are sentient. It is on this basis that animals ought to be given moral consideration.²⁶

Sentient beings have interests and, therefore, do qualify for moral standing. For Singer, nonsentient beings supposedly have no interests and, therefore, do not have moral standing. The principle of equal consideration of interests requires that an animal's suffering be taken into account and given moral consideration.* The pain of a being should be given the same consideration as the like pain of any other being.²⁷ Singer argues that since current practices involve immense suffering we have a moral obligation to become vegetarians and abolish those experiments that cause unnecessary suffering. Vegetarianism and antivivisectionism, then, have a moral basis.

Frey argues (and I believe rightly) that although the argument from suffering argues against modern methods of farming it does not require vegetarianism for, as we saw earlier (3.1.), one could eat meat from animals that had been reared painlessly, while still being opposed to factory farming and the suffering which it involves.

Singer would maintain that our trivial interest in eating meat is satisfied at the

* Here it must be noted that we can talk about giving a being equality of consideration without talking about rights, and we can recognise suffering and respect the moral standing of animals whether they have rights or not.

unacceptable expense of immense animal suffering. We, therefore, have a moral obligation to consider the interest of animals in not being subjected to suffering as of more importance than our interest in satisfying our taste buds. For Singer remaining free from prejudice would force us to make changes to our diet. As people can live healthily without eating meat the pleasure of taste has to be set against all this suffering. Factory farming is, therefore, wrong and we ought to become vegetarians. For Singer, complete abstention from meat is the only way we can be certain of not supporting the demand for factory-farmed meat. It is this demand that makes the continuation of this barbaric practice possible. It needs to be noticed that Singer's case is not concerned with the killing of animals, but rather with their suffering.

But, Frey is right to argue that, from Singer's case it does not follow that we should refrain from eating all meat. His utilitarianism* permits eating a farm animal that has been accidentally run over. Also one can pay respect to a being's interest to be free from suffering, and consistently support Singer's case against the suffering of animals in factory farms, if one eats only meat that is free-range and has not been reared by intensive methods.

It must be said here that a being may have more interests than just being free from pain and suffering. For example, they may also have an interest in not being killed. If one were to give the interests of animals serious and equal consideration, including the interest to live, then it may be that we are usually unjustified in eating most meat, including meat reared on free-range farms and meat from hunted animals. However, judgments about the eating of animals that are hunted in the wild by, say, tribes in the Amazonian Rainforest, would be different from judgments about the

* Singer gives a utilitarian account of the moral standing of animals. On this theory one ought to act in a way which results in the best possible consequences, which is to say (granted standard interpretations) that an action is right if it produces the best possible balance of happiness, or pleasure, over unhappiness, or pain.

eating of farm animals. The interests of the tribespeople in not going hungry would have to be taken into account. Other considerations may include the scarcity of protein foods in the jungle, and the quality of life the hunted animals have before they are killed. Obviously, for Eskimos to eat meat is not wrong. If they did not eat meat they would starve to death. Food cannot be grown in the snow.

Considerations to be taken into account in the case of farm animals would include the alternative sources of protein food available in the West, the fact that most Westerners overeat rather than go hungry for great lengths of time and, again, the quality of life the farm animals live before they are slaughtered. But if one refrained from eating all meat that had been reared through intensive rearing methods this would both drastically reduce the number of animals killed for their meat and greatly reduce animal suffering. This move alone would be a major breakthrough for improving animal welfare standards, and is perhaps the most important step anyone can make in giving animals the respect they deserve. The argument from suffering is enough to justify the abolition of factory farms. This argument stands alone without the need for an argument against the killing of animals.

However, Frey's main attack at this argument is concerned with the connection between animals and the principle of equal consideration of interests. He believes that Singer has not provided an adequate argument to show that animals have interests. But do we necessarily have to talk about interests? It could be said that if a being is sentient then we have an obligation not to cause unnecessary suffering to that being, whether we talk about interests or not and so Frey's objection would in any case be beside the point.

For Singer, suffering is a necessary condition for having interests at all. Frey argues that, on the contrary, 'being able to feel pain is not a necessary condition or

pre-requisite for the possession of interests'.²⁸ Frey gives examples of humans who are comatose or in such a vegetative state that they cannot feel pain. On the argument from suffering it would follow that these humans do not have interests. However, this goes against our moral intuitions, for most would say that although these humans cannot feel pain they do have interests so here, Frey seems to be right. But, for Frey, the reason we see these humans as having interests is because of the fact that they are humans, and, as humans, they have a 'genuine stake in certain things... and what we deem them to have a genuine stake in, we deem them to have an interest in'.²⁹ Therefore, for Frey, in order for an entity to have interests it must be human, whether it is capable of feeling pain or not.*

On this view the principle of equal consideration of interests cannot be related to animals, since to have interests is to be human and only humans have a certain stake in things. Because animals are not human they do not have a stake in things and so, since having interests involves having a stake in things, animals do not have interests. Suffering has been shown not to be a necessary condition for the possession of interests, and, for Frey, since there is no link between the moral principle of equal consideration of interests and animals, vegetarianism and antivivisectionism are denied a moral basis:

Since we do not deem pigs and chickens to be human beings (or, for that matter, if one wants to distinguish, to be persons), we do not on this view concede them interests.³⁰

Frey makes the distinction between taking an interest in something and having an interest in something. For example, future humans or the comatose can be said to

* Frey is perhaps proposing a conceptual revision of interests. For Frey 'interests' should really mean 'human interests'. On such a revision, the equal consideration of interests principle would, obviously, be irrelevant to animals, except that the principle was not intended by Singer to be used in this revised sense. But Frey cannot deny us some other term (to replace 'interests'), for example, eligibility to costs and benefits, in which the Equal Consideration Principle could be re-expressed. (The argument of Singer would then go through as before, with the revised wording.)

have an interest in what happens to them without actually being able to take an interest in what happens to them. As Frey says, ‘though Karen Quinlan* cannot take an interest in what happens to her, it does not follow... that she does not have an interest in what happens to her’.³¹ However, one might object that the same can be said of animals, for although they may not take an interest in what happens to them they do have an interest in what happens to them, particularly an interest in not being subjected to unnecessary suffering. Frey, however, would dismiss this on the grounds that they are not human, and therefore can have no interests.⁺

One might reply to Frey by arguing that although the ability to feel pain is not a necessary condition for having interests it is a sufficient condition since animals feel pain and so have at least an interest in not suffering. Frey, however, would reject this claim as a mere assumption which is not argued for.³² Frey argues that the assumption that pain is a sufficient condition for having interests is based upon the value judgment that pain is an intrinsic evil, and, of Singer, he says, ‘If... we seek for the argument by which he shows that pain *is* an intrinsic evil, we shall seek in vain; there is not one to be found’.³³ Frey asks the question, ‘Why *should* unpleasant sensations be regarded as intrinsically evil?’³⁴ Of course, not all pain is intrinsically evil, and in any case, some pain is necessary for survival. But the pain endured by animals in

* Karen Quinlan was 21 years of age when she fell into a coma after collapsing at a party. Tragically, she came to be in a persistent vegetative state. She was kept alive for years through the use of feeding tubes and a respirator. Her parents eventually requested that medical intervention to sustain her life be withdrawn. After numerous battles in court, Karen’s parents won their fight to have the respirator removed from their daughter. However, Karen continued to breathe unassisted after the respirator was removed. She was again tube-fed and continued to live in a persistent vegetative state until her death nine years later. Her case raised many ethical issues relating to the right to die, the preservation of life and medical intervention (Wikipedia: the free encyclopedia, ‘Karen Ann Quinlan’ [accessed at http://en.wikipedia.org/wiki/Karen_Ann_Quinlan, on 06/07/2010]; Tony Long, ‘June 11, 1985: Karen Quinlan Dies, But the Issue Lives On’, Science: Discoveries [accessed at www.wired.com/science/discoveries/news/.../dayintech_0611, on 06/07/2010]).

⁺ It should be said that I am not claiming that animals cannot or do not take an interest in what happens to them, but merely supposing for the sake of argument that this may be the case. Indeed, I argue in 4.8. that some animals do take an interest in what happens to them (as opposed to merely having an interest in what happens to them).

modern intensive rearing and animal experiments is not the sort of pain that is necessary for survival. The suffering they endure in factory farms is unnecessary, and is inflicted upon them for the purpose of eating meat. It is possible to eat meat without inflicting the pain and suffering which animals endure through intensive rearing. Free-range farming is a much more humane way of producing meat.

In respect of animal experiments, many experiments that cause substantial suffering are conducted without the real probability of there being beneficial results that can be extrapolated to human beings and many are conducted purely for reasons of vanity or profit. It is often common sense what the results of some experiments will be. One hears all too often of learned helplessness experiments, where the outcome of inflicted trauma and suffering can easily be known beforehand by applying a little common sense (see 3.1.). For example, one can easily judge what the results will be if a baby is deprived of its mother during the early months of its life. Such suffering is unacceptable.

Denying pain is an intrinsic evil does not refute the claim that pain is a sufficient condition for having interests even if not a necessary one. Also, what does Frey mean by saying that humans have a stake in certain things? Frey suggests that to have interests a being must have a stake in things, but what is meant by this is far from clear. We would not, after all, say that one has an interest in having a stake in certain things. We would say that one has an interest in not suffering.

Frey's claim then that the ability to feel pain is not a necessary condition for having interests is plausible. However, contrary to Frey, the claim that pain is a sufficient condition for having interests need not be grounded in the conviction that pain is an intrinsic evil, and Frey has not shown that being able to feel pain is not a sufficient condition for having interests.

5.4. The Argument from Existence

In his book Against Liberation Michael Leahy puts forward a case against the moral standing of animals. He presents an argument that is often used as a defence of current practices, which appeals to the existence of the animals used in such practices as a justification for those practices. Leahy states that if animals were not intensively reared for food they would not have existed at all. He says that ‘a large number of animals would not otherwise have lived were they not destined to die prematurely’.³⁵ The same argument is often used to justify the use of animals in experiments. Living conditions for animals in factory farms are reminiscent of life for animals in laboratories.

However, it could be argued that it is not mere existence as such that we value. We do not value just any kind of life. It is not any existence whatsoever that we value, but an existence that has value. It is the flourishing and quality of life that we morally value, and this is what makes life worth living. There are some lives that are of such low quality that they are not worth living or having as a form of existence. Such lives include the lives of animals in the factory farming system and much experimental research. Leahy fails to see that there is a difference between being alive and having a life.

Those who try to justify the unnecessary pain caused to animals in factory farms and laboratories sometimes similarly argue that the distresses the animals endure are the price they have to pay for existing, for without being subjected to the factory farming system or animal experimentation they would not have existed at all. The person who uses this argument could also use the same argument to justify the most vicious forms of slavery and other types of human exploitation. The same argument would also justify the cruel treatment of children by their parents on the

grounds that were it not for their parents then they would have not have been born at all. The immense distress of farm animals and experimental animals cannot be compensated for by their existence. The existence of these animals is no justification for their suffering. As Stephen R. L. Clark says (and I believe rightly), he who endorses such an argument has ‘merely underestimated the distress of farm animals’,³⁶ and this goes for laboratory animals as well. If a being’s life or existence is not worthwhile then it cannot compensate for her pains and distresses. And if a being’s life or existence is worthwhile then to kill that being and end her existence is to injure her.³⁷

Henry Salt’s entitlement of the argument from existence as the ‘Logic of the Larder’ is apt.³⁸ His ironic words get to the heart of the matter in illuminating the necessarily illogical nature of the logic of the larder. The philosophy, in such logic, makes the animal to be eaten a beneficiary of humanity. But how might the animal, or, as Salt imagines, the pig, respond to such an argument?:

“Revered moralist,” he might plead... “to my porcine intellect it appeareth that having first determined to kill and devour me, thou hast afterwards bestirred thee to find a moral reason. For mark... that in my entry into the world my own predilection was in no course considered, nor did I purchase life on condition of my own butchery... but though thou hast not spared my life, at least spare me thy sophistry. It is not for his sake, but for thine, that in his life the Pig is filthily housed and fed, and at the end barbarously butchered”.³⁹

The Pig’s logic is also the logic of any person who can see the illogical nature of the argument from existence. As Salt says, and rightly so, ‘The logic of the larder is the very negation of a true reverence for life; for it implies that the real lover of animals is he whose larder is fullest of them’.⁴⁰ A case made in favour of animal exploitation on the basis of animal existence is a poor one.

Clark agrees with Singer that animal pain and suffering cannot be prevented or

alleviated unless the prevailing attitudes towards animals are challenged and ‘without questioning the whole principle of animal exploitation’.⁴¹ As F. Fraser Darling says, ‘We are degrading animals in our day by the methods of reproduction and rearing we are now employing. De-beaked hens, cooped-up calves fed on antibiotics... constitutes a degradation not only of the animals but of ourselves’.⁴² By a ‘degradation... of ourselves’ I take Darling to mean that we are disgracing ourselves in our conduct towards the animals we use. We should be ashamed and mortified by such contemptible behaviour. Unlike Leahy’s claim to the contrary, it might be fairer to say that it would have been better for these animals had they not been born at all, rather than be born into such a pitiful life. Perhaps their lives are examples of existences that are not worth living.

It is important here to recognise the distinction between negative obligations and positive obligations, or between moral obligations *not* to act in a certain way or not to bring about certain outcomes and moral obligations to act in a certain way or to bring about certain outcomes. For example, saying that we do not have an obligation to bring into existence future beings does not mean that we do not have any obligations to those future beings that may exist.

As far as some future beings are concerned, say animals in factory farms or laboratories, we may have a negative obligation *not* to bring them into existence when we know that their existence will be one of pain, suffering and misery. Bringing lives into existence is a serious moral act, and those that decide and act to bring beings into existence have a strong responsibility for the quality of life of those beings; a responsibility that carries with it strong and positive obligations. As Robin Attfield says,

It is wrong to generate creatures which lead lives more truncated than ones which the same agents could have brought into existence

instead... When people become responsible both for the quality of life liveable by animals and for the identities and to some degree the natures of the animals who live, this confers strong obligations, and does not give them *carte blanche* to manipulate as they please. Even creation has its ethics.⁴³

We would consider it wrong if we brought into existence people who were to be purposely confined, fed a diet unnatural to them, fattened to the point where their bones broke and forced to live a life in darkness and misery for our own benefit, and the same logic applies to animals.

Indeed, we do not see people that do not have children or do not decide to have children as having a positive obligation to bring into existence children,* but we do see people that have children and decide to have children as having positive obligations with regard to the quality of life that those actual, future or possible children have or will have. We see those obligations as being strong ones; ones which bestow weighty responsibilities. We know that certain actions may bring benefit or prevent harm to future and present beings and, in this respect, we may have positive obligations to purposely carry out those actions.

We also know that certain actions will harm future and present beings, so, in this respect, we do have negative obligations not to cause those beings harm. Those negative obligations will, obviously, be obligations *not* to perform or carry out certain actions. We all have negative obligations in some form or another, whether these be not destroying the rainforests, or not burning other people's property. Indeed, one of those obligations may be, for example, not to bring into existence beings that will be purposely made to endure a life of misery and suffering.

Negative obligations then play a significant role in our moral make-up because

* Saul Smilansky, however, argues that, in certain circumstances, some people could have responsibilities to have children. See his article, 'Is There a Moral Obligation to have Children?', in Journal of Applied Philosophy, Vo.12, No.1, 1995, pp.42-53.

they prevent harm being done to other beings, while they involve no action on the part of the moral agent.* Not all of our obligations are positive ones, but when they are they can often confer strong obligations and responsibilities. Not all morality is about positively acting in such and such a way, but rather is significantly about *not* acting in such and such a way, and this applies to the ethics of existence, whether this be human existence or nonhuman existence.

We have found then that individual farm animals cannot be compensated for the conditions they live in by their own existence or by the existence of other farm animals. That humans purposely cause farm animals' existence is no justification for causing the suffering of such animals. Indeed, we may have negative obligations not to bring such animals into existence when we know that their lives will not be worth living. The argument from existence (as an attempt to justify factory farming) should, therefore, be rejected. Attempts to justify animal experimentation by use of this argument should also be rejected. The same objections apply to the argument whether it is applied to the practice of intensive rearing or animal experimentation.

5.5. Suffering and Pain

Although Frey rejects the argument from suffering on the basis that such an argument relies on the premise that animals have interests, and, he argues, it has not been shown that animals do, in fact, have interests, there are some people who reject the argument from suffering on the basis that it has not been shown that animals, in particular factory farm and experimental animals, do actually experience suffering.

Indeed, Leahy expresses qualified scepticism about the alleged pain and

* Preventing harm may not always involve not performing certain actions. The difference between positive and negative obligations is not always completely clear. Not acting in a way that will harm may involve purposely acting in a way that prevents that harm. For example, if we want to preserve a forest we may have to put up signs, fences, etc. If we know that certain actions will harm we may have to take preventative measures to reduce or eliminate that harm and this may involve acting in a certain way, and doing certain things.

suffering that factory farm and many experimental animals are said to endure.* He states that if one is to argue against the practice of intensive rearing one 'needs to establish both that the alleged abuses are as stated and that they are endemic to the practice; thus *unavoidable*'.⁴⁴ Leahy would argue that such abuses need to be established in the case of arguments against animal experiments too. He believes that 'there are serious questions to be asked about the extent and nature of the alleged suffering'.⁴⁵ Even if we take this latter claim as true there is sufficient evidence already, particularly evidence produced by the campaign groups Compassion in World Farming and Friends of Animal Under Abuse, which show the enormous extent of the suffering of animals on farms and in laboratories. The behaviour of the animals is itself indicative of frustration and pain.

Stephen R. L. Clark argues that physical pain present in sensations, for example, the pain we would feel if someone stuck a needle in us, is not the only form pain can take.⁺ There can be different types of pain other than sensations, including frustrations and the distress caused by the deprivation of a being's natural tendencies.⁴⁶ Suffering should not just be defined as the infliction of pain. Discerning

* For example, he states that 'In most of the accounts of animal abuse, be they in factory farms or primate laboratory, even the more sensitive monkeys are portrayed in similar ways: comatose, agitated, even neurotic, often with serious injuries, but not necessarily *in pain*' (Against Liberation (London: Routledge, 1991), p.218), and that '[suffering] need not be an *experience* at all. Plants suffer from too much sun or too little water, or a watch from rough handling. This must not be dismissed as mere metaphor since it could also be true of the reader, for whom a health check might reveal their having suffered from a range of complaints in blissful ignorance. An animal obviously can also suffer in this way, although like plants and watches and *unlike* the reader, the fact can never be brought to their attention' (Leahy, *ibid.*, p.223). In some respects Leahy's views about animal mentality could be seen to be neo-Cartesian. As Michael Murray says, 'Central to neo-Cartesian explanations [for animal pain and suffering] is the idea that nonhuman creatures, even if sentient, lack some human characteristic essential to conscious suffering' (Murray, Nature Red in Tooth and Claw: Theism and the Problem of Animal Suffering (Oxford: Oxford University Press, 2008), chapter 2, 'Neo-Cartesianism', p.43).

⁺ As Clark says, 'Pain is whatever we are distressed by, seek to avoid, squirm at enduring. Pains... are frustrations, blockages, threats to certain deeply ingrained natural wants. To say that some creature cannot be in distress, or the victim of injustice, because he has no special sensations... is like saying that one cannot be bored because one hasn't got pins and needles. But even if (some) pains were sensations, it does not follow that only sensations deserve our pity' (Clark, The Moral Status of Animals (Oxford: Clarendon Press, 1977), p.55).

that farm animals and experimental animals are in pain is obvious when such animals have physical injuries. 'Obvious wounds, broken bones, blisters, and other such injuries present few problems of recognition',⁴⁷ as Andrew Johnson points out. But to restrict a being from exercising its inherited behavioural patterns and disregard its basic welfare is also a harm.

Inherited tendencies are all too obviously restricted on factory farms. For example battery hens often go through the motions of making a nest or dust bathing even in their barren wired cages, overcrowded, and with no straw. The dairy cow will often roam around bawling for days after her calf has been taken from her. Veal calves will continuously lick their coats, or anything metal they might be able to reach from the confinement of their crates, craving for the iron that has been removed from their diets. Straw is not provided, as their craving for iron would make them eat it. The elimination of iron from their diets is done purposely to produce white coloured meat.

The frustration of a being's natural drives is, in itself, a form of suffering. In factory farms animals perform abnormal behavior patterns known as stereotypy, which is a clear indication of distress.⁴⁸ Through boredom and frustration, and because they are so confined that they are unable to do anything else at all, sows continuously chew on the bars in front of them or take one step back and forth repeatedly. Close confinement leads pigs to chew on each other's tails, while it leads chickens in broiler sheds to peck each other. Such behaviour does not occur where animals are given the space to move around. The farmer's solution is to dock the tails of pigs and de-beak chickens. These are just a few examples of how animals in factory farms are deprived of any natural pleasures.

It is in the nature of the practice of animal research that it causes suffering to

the animals used. Animal experiments cannot be carried out without inflicting a certain amount of distress of the animals. Animals 'are used in horrific and pointless experiments. They die knowing nothing but pain and misery'. Indeed, it is 'ironic that beagles are used for vivisection because of their kind and trusting nature'. Further, 'Up to 80% of primates captured from the wild die before they even reach the laboratory'.⁴⁹ Many of the animals are kept in barren environments with no stimulation, or exercise, let alone affection. The lives of many animals that exist in laboratories are lives permeated with distress and discomfort. They are prevented from fulfilling any natural tendencies, or capacities, proper to the kind of animals they are.

Depriving an animal of the fulfillment of a life proper to its kind is, in itself, a great injury:

It cannot be too often emphasized that 'life', as Aristotle observed, has many meanings, that a lion's life is not an ox's, that they are differently programmed, that their capacities are differently realized, and that to deprive them of their proper context is to emasculate and corrupt them. Happiness according to their kind is proper fulfillment of such capacities and wants as constitute their being in that kind.⁵⁰

The good life for a being, then, cannot be characterised simply as a life free from pain—pain in the sense of painful sensation. Depriving a being of fulfilling its potentialities is, in itself, a wrong. This is what we are doing if we continue to eat meat from factory farms and support the current practice of animal research. We only have to look at the animals in factory farms and laboratories to see for ourselves that they are prevented from fulfilling any such potentialities.

5.6. Conclusions

For Frey then the argument from suffering, as a case against factory farming, fails because the claim that animals have interests has not been established, a claim on

which the argument from suffering and the argument for animal rights both supposedly depend. Frey concludes that ‘animals have neither interests nor moral rights, with consequent effect upon some alleged moral bases to vegetarianism’.⁵¹

However, Frey’s claim that animals do not have interests has not been shown to be true. His attempt at showing this, through reference to McCloskey’s argument (5.2.), failed. Also, Frey’s denial of the truth of the claim that all and only beings which (can) have interests (can) have rights (5.1.) is highly implausible. Nelson’s argument should be construed to refer to having rights in the weak sense or something like warranting moral consideration, and construed in this way Nelson’s proposition, that all and only beings which (can) have interests (can) have rights, is true.* Contrary to Frey’s belief then, both Nelson’s minor premise (animals as well as humans (can) have interests), and his major premise (all and only beings which (can) have interests (can) have moral rights) are true, and, therefore, Nelson’s conclusion (animals (can) have moral rights) is also true. So, Frey’s objection that Nelson’s argument is not sound (5.1.; 5.2.) is incredible.

Besides this the argument from suffering does not depend on the claim that animals have interests. As argued in 5.3., we do not have to talk about a being’s interests in order to talk about obligations not to cause suffering. I agree with Frey that suffering is not a necessary condition for the possession of interests. However, Frey’s objection to the argument from suffering depends on the implicit and implausible denial that being able to feel pain and suffering is sufficient for having interests. It, therefore, should be rejected.

* Even if one doubts there are rights, as Frey does, or even if there were no beings having rights, or no beings having interests, it can still be true that only beings that (can) have interests (can) have rights (5.1.). Of course, this is not enough to uphold the ‘all’ variant of the major premise, which says that *all* beings which have interests have rights. However, this variant has been supported and upheld as true in section 5.1.

To claim that only humans have interests, because of the fact that they are human, is circular and implausible. Frey assumes that which he wants to argue for or prove. That is, he assumes that only humans have interests in order to argue or prove that only humans have interests, and he is, therefore, guilty of begging the question. Frey's conclusion that only humans have interests (because they are human) is, supposedly, supported by the premise that members of the human species are the only beings that have interests. But this premise is identical to the conclusion; hence the circularity of Frey's argument.

Humans have interests, not because they are members of the species *Homo sapiens*, but because they are living beings with needs and feelings, just as animals are. The claim that a being can be sentient, and at the same time have no welfare interests is just moral blindness. It is as if Frey is willing to say anything that will totally exclude animals from the moral sphere while elevating humans to the status of sole beneficiaries of moral concern.

Moreover, the argument from existence, as a method of justifying current practices, has been shown to be indefensible. Indeed, the same argument would justify rearing humans as slaves (5.4.). It is worthwhile life that is of value, not any kind of life or mere existence. As Attfield has said, 'if we simultaneously facilitate life and eliminate that prospect [the prospect of worthwhile life], we do evil and not good'.⁵² Purposely depriving a being from living a worthwhile life and a life proper to its kind (5.5.) is unjustifiable.

Vicki Hearne believes Frey's argument that animals do not have interests is very naive. She quotes from his Interests and Rights with the intention of illustrating the naivety of his thinking:

'Now in the case of my dog, can anything like a ranking of rational desires be achieved?... When I put food before him my dog eats it;

when I throw the stick he fetches it. Both he does unfailingly, unless he is distracted by some stronger impulse... several times, I have tried putting food before him and throwing a stick at the same time; each time he has sought neither the food nor the stick but stood looking at me'.⁵³

Here Frey is trying to convince us that animals do not have preferences or beliefs. I agree with Hearne that the arguments Frey gives to show that animals do not have interests are remarkable. Perhaps Frey's dog is wondering what Frey wants him to do. But I suppose, for Frey, this would not be possible as this would mean his dog would be thinking of second rate desires, or desires about desires. It would mean that his dog would be thinking about what to do, and, at the same time, thinking about what his owner wants him to do. Or perhaps the dog is not thinking about what his owner wants him to do, but wondering about what Frey is actually doing? Again, Frey would not consider this to be a possibility. I think it more likely that Frey's little experiment tells us more about him than it does about his dog, and that perhaps his argument that animals do not have interests can best be described, in Hearne's own words, as 'just plain old lunacy and ignorance'.⁵⁴

Endnotes

1. R. G. Frey, Interests and Rights (Oxford: Clarendon Press, 1980).
2. Frey, *ibid.*, p.5.
3. Leonard Nelson, A System of Ethics, trans. Norbet Guterman (New Haven: Yale University Press, 1956), Part I, Section 2, cp.7, pp.136-44.
4. Robin Attfield usefully made this relevant comment about Nelson after a paper I presented at Cardiff University of Wales on 26th November 2008.
5. Attfield implicitly employs the distinction between a weak and strong sense of rights. See Attfield, Value, Obligation and Meta-Ethics (Amsterdam: Rodopi, 1995), pp.142-44, and Attfield, 'The Place of Rights in Normative Ethics', lecture handout for Cardiff University, 2002. The two senses of rights I have referred to in this chapter are based on Attfield's distinction.

6. Tom Regan, 'McCloskey on Why Animals Cannot Have Rights', The Philosophical Quarterly, Vol.26, No.104, July 1976, p.253.
7. Joel Feinberg, 'The Rights of Animals and Unborn Generations', in Philosophy and Environmental Crisis, ed. Blackstone (Athens: University of Georgia, 1974), p.51.
8. See James Rachels, 'Do Animals Have a Right to Liberty?', Donald VanDeVeer, 'Defending Animals by Appeal to Rights', and James Rachels, 'A Reply to VanDeVeer', in Animal Rights and Human Obligations, eds. Tom Regan and Peter Singer (New Jersey: Prentice Hall, 1976). See also H. J. McCloskey, 'Rights', The Philosophical Quarterly, Vol.15, No.59, Moral Philosophy Number, April 1965, p.115-27.
9. Frey suggests that we have moral obligations to some beings, specifically human beings. See Frey, op. cit., pp.10-13 and 145-50.
10. Kenneth Goodpaster, 'On Being Morally Considerable', in Journal of Philosophy, 75, 1978, p.309.
11. G. J. Warnock, The Object of Morality (New York: Methuen, 1971), p.148, quoted by Goodpaster, 'On Being Morally Considerable', in Journal of Philosophy, 75, 1978, p.308.
12. Raimond Gaita, The Philosopher's Dog (London: Routledge, 2002), pp.200-201.
13. Frey, op.cit., p.18.
14. H. J. McCloskey, 'Rights', The Philosophical Quarterly, Vol.15, No.59, Moral Philosophy Number, April 1965, p.126 [accessed at www.jstor.org/stable/2218211, on 27/05/2008].
15. Frey, Interests and Rights, op.cit, p.19.
16. Tom Regan, 'McCloskey on Why Animals Cannot Have Rights', The Philosophical Quarterly, Vol.26, No.104, July 1976, p.255.
17. John R. Searle, 'Meaning and Speech Acts', The Philosophical Review, Vol.71, No.4, October 1962, pp.423-32, cited by Regan, *ibid.*, p.255.
18. Regan, 'McCloskey on Why Animals Cannot Have Rights', op.cit., pp.251-57 [p.254], cited by Frey, op.cit., p.19, and Regan, 'Frey on Interests and Rights', Philosophical Quarterly, 27, 1977, p.335.
19. Tom Regan (interpreting McCloskey, op.cit.) in his article 'Frey on Interests and Rights', Philosophical Quarterly, 27, 1977, p.335.
20. Regan, *ibid.*, p.335.

21. Regan, *ibid.*, p.336.
22. Frey, Interests and Rights, *op.cit.*, p.23.
23. Frey, *ibid.*, p.23.
24. Regan, 'Frey on Interests and Rights', *op.cit.*, p.336.
25. Regan, *ibid.*, p.337.
26. Peter Singer, Animal Liberation, second edition with a new preface by the author (London: Pimlico Press, 1995).
27. Singer, *ibid.*, p.8.
28. Frey, Interests and Rights (Oxford: Clarendon Press, 1980), p.144.
29. Frey, *ibid.*, p.148.
30. Frey, *ibid.*, p.156.
31. Frey, *ibid.*, p.157.
32. Frey, *ibid.*, p.158.
33. Frey, *ibid.*, p.160.
34. Frey, *ibid.*, p.161.
35. Leahy, Against Liberation: Putting Animals in Perspective (London: Routledge, 1991), p.210.
36. Stephen R. L. Clark, The Moral Status of Animals (Oxford: Clarendon Press, 1977), p.59.
37. Clark, *ibid.*, p.59.
38. Henry Salt, 'Logic of the Larder', in Animal Rights and Human Obligations, eds. Regan and Singer (New Jersey: Prentice-Hall, 1976), pp.185-89.
39. Salt, *ibid.*, p.187.
40. Salt, *ibid.*, p.188.
41. Clark, *op.cit.*, p.45.
42. F. Fraser Darling, Wilderness and Plenty (London: British Broadcasting Corporation, 1970), p.80f.
43. Robin Attfield, 'Intrinsic Value and Transgenic Animals', in Animal

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44. Leahy, *op.cit.*, p.210.
45. Leahy, *ibid.*, p.217.
46. Clark, The Moral Status of Animals (Oxford: Clarendon Press, 1977), p.55.
47. Andrew Johnson, Factory Farming (Oxford: Basil Blackwell, 1991), p.110.
48. Johnson, *ibid.*, p.113.
49. Consort Beagle Campaign, 'Consort Bioservices: Dealers in Death', campaign leaflet (Birmingham: Consort Beagle Campaign, 1996).
50. Clark, *op.cit.*, pp.56-57.
51. Frey, *op.cit.*, p.167.
52. Robin Attfield, 'Some 'Sophisms of Carnivores' and Replies', Lecture Handout for Cardiff University, October 2002.
53. Frey, *op.cit.*, p.137, quoted by Vicki Hearne, Adam's Task: Calling Animals By Name (New York: Alfred A. Knopf, 1986), p.11.
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CHAPTER SIX

LANGUAGE, COMMUNICATION AND SCEPTICISM

6.1. Suffering and Awareness

While the evidence of animal suffering in factory farming is extensive and it is generally held that animals are sentient, some philosophers, such as Michael Leahy¹, claim that animals either do not suffer through certain factory farming methods and conditions or that the practice poses no moral issues, or both. In the light of the evidence of animal suffering and sentience, on what basis are such claims made?

In connection with factory farming, Leahy argues that animals do not experience certain sufferings or have certain states, such as fear and distress, on the way to the slaughterhouse, and also do not experience such sufferings or have such states when, at the slaughterhouse, animals are slaughtered in full view of other animals awaiting the same fate. Leahy claims that animals do not experience fear and distress because, unlike humans awaiting death at a concentration camp, they are unaware of their fate:

Animals must, and can only, remain unaware of their fate since to be even possibly otherwise would involve an understanding of dying, and its implications for one's desire to continue living.²

For Leahy, awareness is necessary to experience certain sufferings, or have certain states, like fear and distress. Leahy claims that since animals lack language they are unaware of their fate and, thus, do not experience such states.³ He argues that only

those beings that have language can have an understanding and awareness of death, and only humans possess language. For Leahy, it is not correct to say that farm animals can be afraid or distressed, since this involves having an awareness or knowledge *that* one is afraid or distressed, and involves being *aware* of *what* one is afraid of or distressed about.⁴ Indeed, Leahy even seems sceptical about claims that farm animals actually do suffer through intensive rearing methods.⁵

Yet it could actually be argued that since animals are unaware of their fate the scene at the slaughterhouse causes more fear in the animals than it would in humans in analogous circumstances since the animals lack a full understanding of what is happening. The claim that animals need a language in order to understand death is extremely dubious as the behaviour of many species of mammals at the sight of the death of other members of their group or species certainly suggests that this is not so. On arrival at the slaughterhouse the farm animals often show signs that they are terrified and confused. Evidence shows that many die in fear and agony:

They are already in a state of shock due to poor transport conditions. Yet they are treated with no compassion and no regard for their fear. Animals do not go to their death easily or happily so slaughterhouse workers randomly beat, kick and shout at the animals... many animals are not properly stunned and go to their death merely paralysed.⁶

There is substantial evidence to show that, contrary to Leahy's belief, during the transportation to the slaughterhouse and actually at the slaughterhouse animals undergo considerable suffering and stress, whether they are aware of death or not.

Investigators for Compassion in World Farming (CIWF) followed British lambs being exported to Greece. They have reported that

[T]wo trucks were left waiting 48 hours in Bari [in Southern Italy]... Throughout this time the sheep were left without water. After two days the animals were in a terrible state; they were exhausted, dehydrated and heat-stressed and were desperately panting and gasping for air. Eventually, after repeated pleas from

our investigators, the Italian authorities decided the animals should be unloaded... A large number were already dead or dying.⁷

Deplorably, the cruelty and neglect of these lambs did not stop at Bari. The lambs were then transported to Greece by ferry, which took a further two days. More lambs perished on the ferry and, on arrival in Greece, investigators reported scenes that provide further evidence of brutality, neglect and suffering:

There had been an appalling tragedy on the top deck. The majority of lambs had either died, or were laid down close to death. They had taken the brunt of the sun's blistering heat, and had literally been cooked alive... All around me, tangled bodies of lambs... slowly, one by one, I cradled a dying lamb... There was work to be done... The stuff of nightmares. My colleagues would carry the lambs down the steep walkway and I would go back for more. We all did. We had to...⁸

In total, 115 British lambs and 45 French sheep died. Reports of animals either dead or dying awful deaths are far too frequent.

Horses fare no better during live export. Again, CIWF investigators followed the export of these animals from Eastern Europe to Italy, a journey lasting 80 hours or more:

By the time they get to Hungary, which is just halfway through their journey to Italian abattoirs, the horses are in a dreadful condition. Many are exhausted and dehydrated. Some are injured. Others are dying or dead. Horses that collapse are sometimes brutally beaten to force them to their feet. Many of the horses that survive as far as the Italian border still have to face long journeys.⁹

Donkeys suffer a similar fate:

Tiny donkeys, too, are brought in their thousands from Romania to Italy to be slaughtered for salami. These poor creatures suffer terribly during the long journeys and are treated with great brutality. Some collapse, and get trampled to death.¹⁰

It has also been reported that the behaviour of animals in laboratories, when approached by the researchers, displays apprehension, fear, and comprehension of what is about to happen. Campaigners against vivisection and factory farming

frequently film and photograph animals inside laboratories and factory farms in order to expose the reality of life for the animals involved in these practices. Such films and photographs are then displayed to the public as evidence of the horrific suffering that occurs.

Sarah Kite took a picture of a beagle when she worked at Huntingdon Life Sciences in the 1980s. The campaign group Stop Huntingdon Animal Cruelty has claimed that Kite 'describes how the beagle... was rooted to the spot with fear'.¹¹ Other photographs of animals in laboratories show monkeys with what can only be described as 'The look of despair and torment',¹² and 'pitiful terror'.¹³ Some pictures show animals so mutilated that it would be impossible to imagine or describe their sufferings. Stop Huntingdon Animal Cruelty describes a film that shows 'animals screaming in agony whilst workers joked and primates being cut open whilst they were still alive'.¹⁴ Evidence of the acute suffering and torment of animals in laboratories is frequent, up-to-date and forthcoming, and is not solely provided by campaign groups but by reporters, police, vets and the government:

On November 12th 2004, The Times newspaper reported that the Police had investigated a case of cruelty against a leading professor at Oxford University. The article stated that the professor had refused to have a monkey that was suffering put out of its misery because he described it as an 'asset'. This intransigence persisted despite pleas from the university's own vet to end the animal's suffering. It was only after a direct intervention from the Home Office that this poor creature's torment was ended.¹⁵

The behaviour then of animals in factory farms and in laboratories is certainly indicative of fear, terror, despair, pain and suffering. Evidence of this behaviour is overwhelming.

Besides this, however, it may be that animals' senses give them some awareness of what is happening to them, even if they cannot understand, as humans, what is happening to them. Indeed, it may be that because they cannot fully

understand what is happening (even though they have an awareness of what is happening) that they can become more terrified than humans would be in the same situation. Even in concentration camps humans can think through what is happening as a way of coping and accepting the situation or getting on with the circumstances at hand. However, animals may not have the understanding that is so often used as a coping mechanism in humans and a way of dissipating fear. Their instincts may tell them that they are in danger, through smell and hearing, etc, and this creates fear, but they may have no way of coping with this fear. In the wild they would be able to run. Obviously in the laboratory and slaughterhouse they do not have this opportunity.

So, if one assumes that animals cannot understand the situation (at the slaughterhouse or at the laboratory), one may also assume that they have no way to deal with their fear, as humans would, and that this may make them more fearful than humans would be in the same situation, and thus, such a lack of understanding may cause them to suffer more.

Moreover, animals' senses, particularly their sense of smell and hearing, are often a lot more finely tuned than humans' and, because of this, it may be that they feel more fearful than humans would feel in comparable situations. Their senses may make the experience more physically intense, particularly if they are only aware of themselves in the present moment, that is, particularly if they cannot anticipate the future or remember past events. Being aware only of things or events that exist or occur in the present moment, may lead to more intense feelings of fear.

Humans, on the other hand, are able to imagine the future moment. We are often able to escape from our feelings, particularly unwanted ones, such as fear, anxiety and worry, by thinking of other things, forming a narrative in our minds, and imagining the future. Indeed, it could be said that humans spend much of their lives

and time trying to escape from unwanted feelings, and construct and initiate diverting mental processes in order to do this. Animals may not have this capacity. They may have to live with whatever feelings arise or are evoked and may have no means of dispelling them. Again, it may be that they have to rely on their senses to inform them that a threat no longer exists, and that they no longer need to feel fear, and until this happens they are consumed with terror, shock and panic.

All these things then, animals' reliance on their senses, their living in the present moment, and their not being able to anticipate future events or form narrative thought processes in the mind may contribute to animals suffering more than humans, and feeling more frightened than humans, in comparable situations.

Contrary to Leahy then, it is just not clear that animals' lack of awareness of death or the future makes them less susceptible to suffering than humans. Leahy merely assumes that animals are not capable of understanding or awareness and that a lack of such capacities makes them suffer less. There is an extensive amount of evidence that shows that, in contrast to Leahy's claim, farm animals suffer considerably at the slaughterhouse and during transportation to the slaughterhouse. Evidence also suggests that animals in slaughterhouses and many animals in laboratories experience fear, suffering and stress, *whether or not they are aware of their fate*. The same is true of farm animals subjected to the gruelling transportation methods of factory farming.

6.2. Language as Conceptual

The use of language is central to Wittgensteinian philosophy:

One can imagine an animal angry, frightened, unhappy, happy, startled. But hopeful? And why not? A dog believes his master is at the door. But can he also believe his master will come the day after to-morrow?—And what can he not do here?—How do I do it?—How am I supposed to answer this? Can only those hope who can talk? Only those who have mastered the use of language. That is to

say, the phenomena of hope are modes of this complicated form of life.¹⁶

For Wittgenstein, 'this complicated form of life' is a life with spoken and written language. The phenomena of hope and grief are, then, modes of a life with this language. They are different from bodily sensations like anger, happiness, or sadness. Such sensations exist independently of whether the being who has them can master a language. Hope and grief, on the other hand, are intricately connected to the formation of the human language and their existence is dependent, not only upon mastery of language, but also upon a life of a being that uses the language of humanity.

Wittgenstein argued that for a being to experience physical or bodily sensations, like pain and fear, it is not necessary for that being to have a language. For a being to experience mental states, like hopes, grief, or beliefs, however, it is necessary for that being to have a language. Animals can have physical or bodily sensations, like fear, happiness, and sadness, but they cannot have mental states, like hopes, grief, or beliefs. For an animal to have hopes and beliefs a life with language is necessary, and they do not have such a life. Not only this, but a life with language consists of a life of certain thoughts, and having such thoughts requires concepts and related emotion.

It follows that, for Wittgenstein, animals, lacking language, lack thought and emotion too, since thought and emotion are phenomena that are dependent upon having a life with language and having certain concepts. In order to hope or believe one must possess concepts, and for one to possess concepts one must have a language. Animals, for Wittgenstein, have neither of these things. Leahy, then, follows Wittgenstein in arguing that language is essential for thought and emotion and for the possession of certain concepts.

But is it really the case that animals lack the thought and emotion necessary for conceptual thought? The evidence certainly suggests otherwise. Some animals have the ability to form sortal concepts and the concept of sameness and difference (6.4.). Such abilities should be a clear indication that some animals can have thoughts and emotions, and, therefore, can have a life with language even if that life is not our life with language. Other types of communication besides human communication are possible. The fact that two-way communication is possible between dogs and humans suggests that dogs comprehend aspects of our communications or language, and that we can understand aspects of their communications. And if animals do possess concepts then, on the Wittgensteinian view, it is not out of the question that they can also have hopes, beliefs and grief.*

Besides this, research conducted by the psychologist Jean Matter Mandler reveals that babies can form pre-verbal concepts. They can think long before they acquire language. Her studies also reveal that babies can make inductive inferences and remember past events.¹⁷ This suggests that the acquisition of language is not necessary in order to think logically or have memories. However, characteristics of human language seem in fact to be shared by some other species, or, to put it another way, characteristics of animal communications or language seem to be shared by human beings (10.4.; 10.5.).

There does often appear to be a problem in describing animal communication as animal language; the problem being that these communications will be prone to be compared to the spoken and written language, and will then be deemed unfit to be called 'language'. Pietro Perconti illustrates this problem clearly:

* Al-Hafiz Basheer Ahmad Masri claims that 'The emotions of animals and of human beings are, no doubt, the same, even though we may differ in our respective needs and in degree. They feel pain and joy, they fear and feel relief, they experience an advanced sense of fun—just as human beings do' (Masri, *Animal Welfare in Islam* (Leicestershire: The Islamic Foundation, 2007), p.43).

[T]he hypothetical 'gavagai' language would still be a natural language and, even if there were no manual for translating from the native language to another one, we could still base ourselves on sharing with the natives the expressive bases of human language, as well as a common perceptive system, motor system and so forth. But in the case of other animals the 'radical-ness' of the translation is greater and increases in proportion to the evolutionary distance from the species in question.¹⁸

We have no other way of describing animal communications than by using human language. The translation of animal signals into human language is actually 'only a descriptive expedient to which excessive weight must not be attributed'.¹⁹ The description of animal communication in terms of language does not actually mean that animals possess human language, but means to convey that there are forms of communication other than the linguistic form. Communication need not be defined in terms of linguistic skills. After all language is a means of communication, and there are other ways to communicate, ways that we may or may not understand.

Obviously, for thousands of years, people have been able to communicate without being able to read or write. However, it does seem implausible that someone could be able to write without being able to read, or that someone could be able to write without being able to communicate or use language. Being able to communicate or use a language is necessary, in the first instance, if one is to be able to read, and reading does seem necessary, in the second instance, if one is to be able to write. But, again, such linguistic skill is not necessary for communicative skill or communicative understanding, but rather communicative skill or understanding is necessary for linguistic skill.

6.3. The Concept of Death and Reflective Understanding.

Many of Leahy's claims about what animals can know and believe are reminiscent of Wittgenstein's beliefs about animals. Leahy argues that in order to be aware of death, or believe or know that one is going to die one must have a concept of death.

Raimond Gaita emphasises the difference between the ‘practical awareness and the reflective understanding of death’.²⁰ Animals, he argues, do have an awareness of death and can have knowledge that they are about to die even if they cannot reflect upon this awareness and knowledge. The behaviour of farm animals at the abattoir and of experimental animals in the laboratory is certainly indicative of an awareness of death. Animals struggle, act frightened and scared. They shake, tremble and cower when faced with the researcher’s needle. In the face of danger animals do not happily go to their deaths blissfully unaware of their fate. Animals act knowingly in the face of imminent danger, or when their lives are threatened.

While they may not be aware or have knowledge of their deaths at some future point in time, this does not mean that they are not aware of imminent death in the face of present danger. If they could not be aware of death, in some way or another, then most animals could not survive, particularly wild animals. If animals had no awareness of death they would be continually walking into all sorts of dangerous situations. It is a well-known fact that many animals go off somewhere quiet and dark to die. This strongly suggests that they are aware of their failing bodies, and know that they are going to die. Many people who have had pets would lay claim to this.

As a matter of fact, when my own dog, Ziggy, was dying she went into a cool, dark room at the back of the house where she had never usually gone before. When I saw her lying in the dark, in that room, I knew that something was not quite right. Indeed, so did she. She had gone there because it was dark, quiet, and cool. She died shortly after. But while I am certain, from her behaviour and from coming to know her for over seventeen years, that Ziggy knew she was going to die, I am also sure that she did not wonder about her death. She did not reflect at what time she would

pass away or wonder about what she could have done differently in her life or wonder whether she should have chosen a different room in the house to die in.²¹

There is then a difference between knowing that one is going to die and reflecting upon one's death. This is the distinction Raimond Gaita draws between the 'practical awareness of death and the reflective understanding of death'.²²

Gypsy [a dog] believes Yael is coming home when she hears the sound of her car and runs to the back door, but when she lies on her mat she doesn't wonder when Yael will come home or whether she will be late again. If it is sometimes right to say she is aware of death, it is never right to say that she wonders when she will die, whether it is inevitable or whether it would be better or worse to live forever.²³

Animals can believe or know something without ever having a reflective concept of that something. My dog may sit at his food bowl at dinnertime and hope that his food is coming or that I will feed him, or he may believe that he will be fed at this time.

But in order to believe this, or hope that, he need not wonder whether I have any food in the house, or whether I will be feeding him chicken or biscuits, or whether I will be feeding him at the same time tomorrow. And he need not have a reflective concept of food at all in order to know, hope, or believe that I will feed him. Perhaps all he needs is an empty stomach and an awareness of my daily routine. If he was hungry and had no belief or hope that I would feed him, then he would not sit by his bowl, but would probably remain hungry or saunter around sniffing out food.

Similarly, when he scratches at the door and looks up at me he hopes that I will let him out or believes that I will know that he wants to go out. He hopes that his door scratching will provoke a response in me and I will open the door for him. He can hope and believe these things without having a reflective concept of the door, or of the garden outside. He can know or believe the door is the way out, and hope that his scratching will cause me to open the door, without having a reflective

understanding of me opening the door. He need not wonder whether I actually will open the door, and he need not wonder whether the door is locked or unlocked, or whether I may not be able to open it because I am busy doing something else.

Animals, or at least the larger mammals, it seems, can believe, hope and know things whether or not they are capable of complex conceptual thought, or have complex concepts. Unlike Leahy's claim to the contrary, farm animals and many experimental animals are aware of death and can believe or know their fate. They do not need to have a reflective understanding of death in order to be aware of it.

Animals can believe this or hope that without reflectively wondering about this or that, or having a conceptual understanding of this or that. Anyhow, the two-way communication possible between dogs and humans suggests that dogs can form some concepts, such as sortal ones and the concept of same and different, whether or not they can reflect on these concepts.*

Besides this, even if animals were not aware of their imminent deaths in abattoirs and laboratories it does not follow that they do not suffer, suffer very little, or do not experience fear and distress in their deaths (6.1.). The deaths of animals at slaughterhouses and of many animals in laboratories are not painless. It is in the nature of the practices of factory farming and much animal research that the animals used will inevitably suffer a painful death through slaughtering methods and experimentation. The deaths of animals subjected to intensive rearing methods and of

* A famous example of a dog whose behaviour was taken at face value and as evidence that he had knowledge and beliefs is Bobby of Greyfriar's cemetery, also know as Greyfriar's Bobby. Bobby was a Skye terrier dog and John Gray was his master back in the 1800s. When Gray died he was buried in Greyfriar's cemetery in Scotland. Bobby spent the next fourteen years of his life at his master's graveside, only leaving to be fed at a restaurant near the cemetery. Not many people would like to deny that Bobby knew and believed his owner was at Greyfriar's cemetery. It is true that Bobby could have come to know this through chemical smells, but it is still difficult to deny that he did know and believe that his owner was there whichever way he came to know or believe it. Most people have gone further than this and said that it was Bobby's loyalty that was most extraordinary, and, as a tribute to his loyalty, a statue of Bobby stands in Edinburgh in front of Greyfriar's cemetery.

many animals used in experiments will always involve a certain degree of suffering and distress. So farm animals and experimental animals do suffer in death, and experience sufferings or states (like fear and distress) that Leahy assumes are experienced by human beings only, whether or not they have a concept of death.

It has been found then that animals can be aware of death even if they cannot think of the future. Contrary to Leahy, animals need not have a conceptual understanding of death in order to be aware of it. Animals can believe, know and be aware of something without having a reflective understanding of that something. Further, Leahy's claim that animals do not experience certain sufferings, like fear and distress, at the slaughterhouse or during transportation to slaughter, because they do not have awareness and understanding of death, should be rejected. Leahy has not shown that that an understanding of death is necessary for these animals to experience fear and distress when subjected to slaughtering methods and conditions. (As was shown in 6.1., animals suffer considerably while at the slaughterhouse and during transportation, whether or not they have an understanding of death.) Indeed, he has not shown that experiencing or having such states (that is, fear and distress) is dependent upon having awareness or understanding of *that* which one is afraid of or distressed about.

Also, Leahy's view that the possession of language is necessary for an awareness of death is implausible. Linguistic skill is not necessary for communication, awareness or knowledge. While his view is based on the Wittgensteinian belief that language is necessary for the possession of certain concepts, including the concept of death, the complex communicative skills of some animals suggest that they can indeed form concepts, despite a lack of linguistic skill. Besides, it does seem that some animals are capable of, of least, understanding

language (see below).

6.4. Animal Communication and Language

As seen in the previous section, the idea that humans are the only beings capable of language, and that language is necessary for thought and emotion, underlies Leahy's underestimation of the capabilities of animals. However, contrary to what Leahy suggests, animals' capacity for understanding and awareness is neither limited nor nonexistent. Many animals have complex communicative skills, which allow them to acquire knowledge and understanding of the world and be acutely aware of what is happening around them. Leahy shows a complete unawareness that the communicative skills of animals have a direct impact on what they can know and understand. This section will look at some of those communicative skills.

It should perhaps be said first though (in response to the view that language is necessary for thought and emotion) that the behaviour of many animals strongly indicates that they do have thought processes (6.1.; 6.2.; 6.3.), whether or not they can be said to possess the capacity for language. Indeed, it is impossible to fathom how animals could communicate and interact with other beings if they could not think. It should also be said that much animal behaviour is not only indicative of thought, but of emotion and feeling too.

That animals can express their emotions or feelings through their behaviour makes common sense when we look at evolutionary theory. Darwin certainly believed that animals could convey their feelings and emotions through their behaviour and facial expressions as is evident from the title of his work, The Expression of the Emotions of Man and Animals:

With social animals, the power of intercommunication between the members of the same community,—and with other species, between the opposite sexes, as well as between the young and old,—is of the highest importance to them... Any one who has watched monkeys

will not doubt that they perfectly understand each other's gestures and expression, and to a large extent... those of man... [T]he power of intercommunication is certainly of high service to many animals.²⁴

It is thought that nonverbal communication of humans and animals, in the form of expressive facial behaviour, is innate. Children who are deaf and / or blind still have the same facial expressions as normal children, and the fact that these children are not able to see and / or hear suggests that some expressive facial behaviour is not learned but instinctive.²⁵ Some of the facial expressions made by children who are deaf and / or blind include 'open-mouthed play face, smiling, and eye-fixation toward the mother. The complexity of these expressions, along with the eye fixation suggests that these behaviours are instinctive'.²⁶

Although animals cannot talk it does not follow that they cannot understand or do not have a language of their own that is specific to their species (10.4.; 10.5.). Leahy ignores the complexity of animal life. There is a sense in which whether animals have a syntactic language is beside the point. Different species (whales among them) have their own different forms of language and communication irrespective of whether or not they have linguistic skills or complex conceptual thought processes. Many animals have communicative skills that enable them to enter into relationships with humans that are complex and fulfilling, where understanding is reciprocated both ways. Besides this, animals have their own communicative language that is rich and complex, and allows them to communicate with members of their own species, and members of other species too. If they did not they would not survive in the wild, or would not be able to enter into relationships with people as domesticated animals.

When we think about communication we usually think about the ways in which humans communicate. We think of communication as involving visual and

auditory perceptions, or the spoken language. However, the use of visual and auditory organs and the use of words are not the only methods, or means, by which an animal can communicate. The olfactory power of dogs is well known and is one of the reasons why they are used to track down objects and people in police work and as rescue dogs. Animals often use these highly developed olfactory abilities as a means to communicating with members of their own species as well as members of other species.

Some animals draw boundary lines around their territory by secreting odours. These odours act as signals to other species that they are on or near another animal's territory and may be attacked if they go over the boundary line.²⁷ Dogs will spray urine not only to mark their territory but to signal their size and strength to other dogs. '[M]ales carry out regular odour duels, each one endeavoring to put his own odour mark above, and if possible much higher than that of the previous dog'.²⁸ There is increasing evidence that pigeons make use of their olfactory sense as a method of navigation.²⁹ Echolocation is another form of communication. This is the main form of communication used by bats and dolphins.³⁰ They have the ability to hear echoes and sounds that are of such high frequency that they are not audible to the human ear. Echolocation enables animals to locate prey and measure distances accurately. Birds have a much more developed sight than humans. Indeed, there is evidence that pigeons can see into the ultraviolet domain, can perceive the polarization of light, have a combination of normal, long, and short-sighted vision and can see a seed of 0.3mm at a distance of 50cm.³¹

The alarm calls made by vervet monkeys, in Robert M. Seyfarth's, Dorothy L. Cheney's and Peter Marler's research in 1980,³² are a frequently cited example of a semantic system of animal communication. The monkeys produced different calls or

sounds as a response to different predators:

Vervet monkey use different alarm calls for leopards, snakes, and eagles. Human words refer to different objects, events, and ideas. The referential method of communication is, therefore, not unique to human language.³³

Irene Pepperberg's work with Grey parrots spans over two decades and also provides evidence that humans are not the only species that use the referential method of communicating. She found that not only can Grey parrots form categorical classes, or concepts, but they can also learn the concept of sameness and difference.³⁴ So the evidence provided by studies of some birds and primates suggests that while the differences in communication between some animals and humans may be obvious, say in the case of bats and humans, it is not so obvious with other animals and humans, say between primates and humans. Indeed, it does seem that some animals use similar methods of communication to our own, even if they do not use spoken language.

Furthermore, the communicative and mental capacities of some animals may be more developed than those of some humans (4.8.),* and in cases of conflict, although both humans and animals could be said to have moral standing, the possession of such developed capacities by animals may enable one to justifiably accord greater moral significance to the interests of the relevant animals than to the interests of humans. (For further discussion of the distinction between moral standing and moral significance see 2.4., 3.3. and 4.1.)

Sometimes differences in communication may be more to do with differences in the degree to which a certain form of communication is used, say chemical communication, rather than differences in the kind of communication used. This is

* As suggested in 4.8., there is no obvious qualitative difference between the mental capacities of all humans and of other animals.

not to deny that there are big differences of kind (for example, the use of predication, negation and tenses). Different species then use their own species-specific forms of communication, but this does not mean to say that certain forms of communication are necessarily unique to the species that use them. Seeing the spoken language as the only form of communication is extremely biased considering the fact that members of other species communicate with other members of their species perfectly well.

Marc D. Hauser points out that if ‘human language represents a fundamentally unique form of communication, much like echolocation represents a unique form of communication for... bats and dolphins, then we are presented with a significant evolutionary challenge in uncovering its origins’.³⁵ He suggests that we approach this challenge by looking at ‘whether animals have the conceptual apparatus needed to acquire language even if they can’t acquire the formal structure of language, its semantics and syntax’.³⁶ He believes studies, particularly those conducted by Tetsuro Matsuzawa,³⁷ provide evidence that chimpanzees have the capacity to understand concepts like sameness and difference, number and colour, the capacity to understand symbols and the ability to produce symbols.³⁸ Indeed, the evidence provided by these studies, and other studies, such as Pepperberg’s research on Grey parrots, certainly does seem to suggest that animals have the conceptual equipment needed to acquire language.

There is an extensive amount of literature on the communicative skills of animals and due to the limit and scope of this dissertation it will be impossible to look in detail at all the evidence available. However, there is one piece of evidence that is particularly impressive and deserves to be looked at more closely, as it may serve to highlight some of the biases humans have with regards to animal communication and provide an opening in which humans may be able to reassess (or at least think about

reassessing) their beliefs about animals.

Kanzi is a bonobo ape whose communications were discovered almost by accident when his mother, Matata, was sent to a different location to breed with his father. Sue Savage-Rumbaugh and her colleagues had been training Matata and Kanzi had always remained on the sidelines, hanging around his mother whilst she was being studied and trained. In the absence of Matata, Savage-Rumbaugh began to notice that Kanzi had learned everything that she had been trying to teach Matata. Kanzi soon began using the computer keyboard to communicate his needs and intentions, and also began using the keyboard to name things.³⁹ Kanzi's communications became more and more complex as he got older and he began to use combinations of symbols to indicate his desires and ideas:

Kanzi had learned to comprehend and use printed symbols on his own without special training. He had also learned to understand many spoken words, even though he could not speak. He knew that words could be used to communicate about things he wanted or intended to do, even though those actions were not happening at the time of the communication. He could also purposely combine symbols to tell us something... we would have had no way of knowing otherwise. He recognized that two symbols could be combined to form meanings... He used this skill to communicate novel ideas that were his own... [W]hether or not he could be shown to possess a formal grammar, the conclusion remained that Kanzi had a simple language.⁴⁰

Kanzi's communication skills, including his ability to understand grammatical sentences, were shown to be as good as, if not better than, a two and a half year old child, Alia.⁴¹ Although Kanzi then could not speak he could understand what was being said, and had picked up the human spoken language by being exposed to it at a very young age. The communicative abilities of Kanzi show that humans do not have their own language that is exclusively human, and that they are not the sole possessors of language (10.4.; 10.5.).

6.5. Scepticism and Language

Although the studies of Kanzi do somewhat undermine the belief that animals cannot possess or acquire language, many scientists still refuse to revise their beliefs about the communicative skills of animals. They refuse to accept that apes have the ability to acquire language skills, and are even less willing to accept that apes have the ability to understand a semantic and syntactical language comparable with a human being's language. After the results of the studies of Kanzi's and Alia's communicative skills why are humans so willing to attribute language to Alia but not to Kanzi?⁴² The person who denied that animals can communicate would be seen as a sceptic, whereas the same person who denied the same thing of other humans would be seen to be devoid of all common sense. Why is language not so readily accepted in animals, and why are those people who do not accept language in animals not seen as lacking common sense, as they would be if they denied language in humans?⁴³

The answer to these questions firstly lies in the sceptic's claim⁴⁴ which is that, while it is possible to know what other humans are thinking and that they do think, it is impossible to know what animals are thinking, or if they do actually think. With regards to knowledge of human minds, we can make the inference that since one knows what one is thinking oneself and that one can actually think oneself then it is probable that other people can think too, and that we can also come to know what they are thinking. Humans are able to tell us through speech that they are thinking and what they are thinking, whereas animals are not able to do this. Certainly, most humans are able to communicate their thoughts and experiences by the use of language. While a person's behaviour can be an indication of his or her thoughts, the shared public nature of language makes it possible for a person to confirm, to another, what he or she is thinking. Thus, the public nature of language gives humans a

'common-world' in which they are able to communicate their thoughts and experiences.⁴⁵

The sceptic argues that, with regards to animal minds, we are unable to make inferences that would allow us to gain knowledge of animal thoughts. It is also argued that while animals' behaviour may be suggestive of thought processes, we have no method by which to confirm that we are justified in this belief, since, unlike humans, animals lack the capacity to use a shared language. On the sceptic's view then we can be certain of the content of human minds in a way that is not possible with regards to the content of animal minds (10.1.; 10.6.).

It is often argued that all animal behaviour and communication is instinctive, or stimulus-response behaviour, and that this is unlike human communication in that it is not intentional or conscious in any way (10.2.). But it could also be argued (albeit with comparable implausibility) that all human behaviour and communication can be given a stimulus-response explanation and is not as intentional or conscious as we would like to believe. Both animal and human behaviour can be given a mechanistic and neurological explanation. However, the latter argument is not widely held. But why not? If people are so willing to see all animal communication and behaviour as instinctive why are they not equally willing to see all human communication and behaviour as instinctive?

An explanation for this lies, again, with the sceptic. Introspection, it is argued, whilst allowing us to infer that other humans have mental states, does not allow us to infer that animals have mental states. Knowledge of our own thoughts, intentions, and conscious experiences allows us to infer that other humans have similar experiences and intentions too:

The reason we tend to reject a strictly stimulus-response explanation of our own behaviour is that we are convinced of our

own intentions. Most of us accept the existence of mental experience and conscious intention in our fellow human beings even though our only source of information about them comes through the imperfect channel of introspective reporting.⁴⁶

This idea that we come to know about the mental experiences of other humans largely or mainly through introspection and inference is implausible, as it ignores the importance of human action (and the related concepts) and the public nature of language in allowing us to talk about the content of other human minds. Not only this, but, contrary to the sceptic's claim, just as we come to know about the experiences of humans through their behaviour, so too can we come to know about the experiences of animals through animals' behaviour, regardless of considerations of linguistic abilities. Many action-concepts, such as walking and leaping, apply to animals as readily as to humans.

The sceptic claims that we can always ask humans what they are thinking to reconfirm our beliefs about other human minds, and that we cannot do this with animals. Relatedly, it is argued that if animals cannot think, they cannot possess language, whereas humans, on the other hand, can think and can possess language. Language, therefore, is deemed unique to human beings. Of course this argument is circular in that thought is required for speech, and speech is supposedly required for thought. What is more, the increasing evidence of animal communication does suggest that there is a need to reassess the dichotomy we have created, and insist on maintaining, in our thoughts and beliefs about animals on the one hand, and humans on the other. However, the scientific community still, generally, accepts this pervasive Cartesian view and has, consequently, formed negative or low opinions about the language skills of animals, while forming positive or high opinions about human language skills. But the sceptic's view of animals is difficult to defend when one genuinely considers the growing bulk of evidence of the communicative skills of

other animals besides ourselves, skills that are not so dissimilar to our own.

The second reason for the willingness to attribute language to humans but not to animals, and the reason why the sceptic's claim is so readily accepted can be found by looking at the ways in which animals are used by humans in modern society.⁴⁷ The main use of animals is for food and for scientific experimentation. Millions of animals are used every year for these purposes. Factory farming and most animal experimentation involve subjecting animals to a life of misery and considerable pain and suffering, in which animals are restricted, if not prevented, from exercising their capacities, whether these are physical capacities or mental ones:

[R]ejection of that skepticism about animal abilities... would not sit at all well with the ethical presuppositions of our treatment of animals as exploitable sources of food, free labour, clothing, cleaning agents... and so on. How could we possibly believe that Kanzi... does in fact have all the abilities that we might 'loosely' speak of him as having... yet continue to treat him as a being without rights and to act as if it is we who have the right to do with him whatever we choose?⁴⁸

Animals are used as a means for the production of so many goods in society that to stop their use would mean having to employ other means to produce the same goods: means that would not be free or so cheap. Accepting animals as beings that are able to think, acquire knowledge and beliefs, and communicate would mean having to accept animals as beings that have similar mental capacities to our own, and accepting that humans are not unique in their ability to communicate. If we did accept such things then our present treatment of animals in current practices, like factory farming and animal experimentation, would be seen to be unethical, and would have to be completely reformed, if not abolished.

As Savage-Rumbaugh et al argue, the sceptic's view fits in nicely with our current treatment of animals.⁴⁹ The idea that animals are mindless beings, unable to communicate, and lack capacities that are anything like humans ones, such as

language, is used as an attempt to try and justify subjecting them to painful procedures and a life of suffering. However, if animals are not seen like this, but are believed to be beings that can think, are able to communicate and have their own language then how could we continue to treat them as we do now? The idea that nonhumans are dumb animals could no longer be used as an excuse for using them in experiments or in factory farming. Although it is used as an excuse it is not a justification in the first place anyway.

What then would count as evidence of communicative skills in animals for the sceptic and, indeed, for all the scientific community, that is sufficient to say that an animal understands language? Savage-Rumbaugh et al attempt to answer this question in Apes, Language and the Human Mind.⁵⁰ They informatively point out that the criterion of what counts as sufficient evidence of communicative skills must apply to both humans and animals. If a different criterion is used as sufficient evidence of communication in humans, on the one hand, and animals, on the other, then different methods of evaluating are taking place. Human behaviour is being evaluated one way, and animal behaviour is being evaluated in another way; thus the criterion that counts as evidence of communication in humans will be, say, X, and the criterion that counts as sufficient evidence of communication in animals will be, say, Y. It follows that if the criterion used for animals is different from that used for humans then it may turn out that although you are talking about criterion X, and I am talking about criterion Y, we are both actually talking about the same thing, that is, criterion Z. Also when we do not use the same methods of evaluation for humans and animals, criteria become useless and illogical. The use of criteria as a sufficient standard of evidence will not make sense.

Savage-Rumbaugh et al attempt to make sure that this does not happen when

making claims about apes by insisting on two requirements that must be fulfilled. The first requirement they call the 'Equality Requirement'⁵¹ which states that when evaluating claims made about apes and humans the methods of evaluating must be the same. Not only this but everyone who decides whether or not it is justified to make a certain claim must use the same method of evaluation. There are to be no exceptions. This is what they call the 'Commonality Requirement'.⁵²

Savage-Rumbaugh et al only talk about these requirements applying to apes and humans, but I propose that such requirements should be extended to include, at least, all sentient nonhumans; otherwise the same problems arise when people are evaluating communication in other animals. If methods of evaluation are different, criteria for evaluating claims will also be different, with the result that no real assertions can be made about animals or, for that matter, humans. Comparisons become useless, and words used to describe humans and animals become empty. If criteria used for evaluation claims about animals and humans fulfilled Savage-Rumbaugh et al's two requirements then it would be difficult to deny a certain claim about animals while accepting the same claim about humans (if both animals and humans satisfied the criteria).

To summarize then, criteria that are to count as sufficient evidence to justify a certain claim must apply equally to humans and animals, that is, 'the same methods of evaluation must be applied'.⁵³ Also, not only must the same methods be used for animals and humans but the same methods must be used by every person who endeavours to take on the task of finding out the communicative skills of animals and humans. Most sceptics would not be satisfied with these requirements and would insist that claims about humans and animals are just made differently, and that we can confidently make claims about humans in a way that we cannot do about animals.

Savage-Rumbaugh et al illustrate the problem of finding a method of evaluating claims about humans and animals that can be applied equally:

[R]hetoric of metalinguistic discourse places the onus *on the skeptic* to establish that someone who acts like he understands a sentence does not *in fact* understand it. However... rhetoric inclines us differently when the subject is not a human but an ape... That is, even if Kanzi acts like he understands it... the onus is placed not on the skeptic, but rather *on the ape language researcher* to establish that he *in fact* does understand it.⁵⁴

As Savage-Rumbaugh et al say, ‘rhetorically the two claims, and so also the two justificational tasks, are quite different. In other words, we “are inclined” to see them differently’.⁵⁵ Finding an agreed method by which claims about humans and animals can be made and assessed, and using this method to assess those claims equally is a hard task when we consider that not only are the claims seen by the scientific community as completely different, but the objects of those claims, that is, humans and animals, are also seen as completely different.

This problem is indeed a grave one, particularly for animals who get the raw end of the deal. But if studies of Kanzi and other animals prove one thing it is that animals are capable of a communicative language. Communication can take many different forms, including auditory, visual or chemical. In the Collins English Dictionary language is defined as, among other things, ‘symbols for communicating thought’, ‘the ability to use words to communicate’, and ‘any other means of communicating: body language’.⁵⁶ If we use these definitions then most mammals have their own language that is specific to their species even though they cannot speak:

It is difficult to think of any aspect of human behavior that is really unique. Although language is seemingly a unique aspect of behavior, qualitatively different from the communication system of any other living animal, the difference may be only a quantitative phenomenon. Qualitative behavioral differences can be the result of quantitative structural differences. Both an electronic desk

calculator and a large general-purpose digital computer may be constructed using similar circuits and memory devices. However, the distinctions between the problems that can be solved using one device or the other will be qualitative as well as quantitative.⁵⁷

The fact that animals do not use the spoken word is no justification for the claim that they cannot communicate with members of their own species or another species. The type of communication used by animals will ultimately depend on environmental factors, such as whether one lives in a field or a rainforest, and survival necessities, such as whether one is prey or predator. The way then different species, including humans, communicate depends on a whole range of evolutionary factors. What is needed for survival in their physical and social environment turns out to be intimately connected to their perceptual skills, as is argued in the coming section.

6.6. Perceptual Faculties

Although studies of Kanzi do provide evidence that apes are able to acquire human language, this ability is not necessary to have a language. The olfactory powers of dogs are well known. They communicate mainly through their noses. But we would not say that we human beings need to possess the chemical, communicative or olfactory skills of dogs in order to have language; so why should we say that dogs need to possess the communicative skills of humans in order to have a language? This seems awfully unfair. We cannot possess these olfactory abilities, just as dogs cannot possess the ability to speak or write. Seeing the spoken and written word as the only form of communication that is to count as evidence of language is highly discriminatory. Why not use the olfactory powers of dogs as the criterion for language, or why not use the echolocation abilities of bats and dolphins as the criterion? We are not able to acquire the powers of these animals, just as they are not able to acquire the power of speech:

We need another and wiser and perhaps more mystical concept of

animals... We patronize them for their incompleteness, for their tragic fate of having taken form so far below ourselves. And therein we err and err greatly. For the animals shall not be measured by man. In a world older and more complete than ours, they move finished and complete, gifted with extensions of the senses we have lost or never attained, living by voices we shall never hear.⁵⁸

Different species have very different perceptual powers that make their communicative skills very distinct. That is, their communicative skills are specifically related to those powers of perception.

Just because animals cannot communicate through speech it does not follow that they cannot communicate through other means. Similarly, just because humans cannot communicate through, say, smell, it does not follow that we cannot communicate through other means:

Though none will argue that any animal has the full capacity for language, none should deny that at least some animals have quite impressive competencies for language skills, including speech comprehension.⁵⁹

This may be, but again, why is it necessary to focus on speech and comparable skills?

By focusing on speech and related skills as the criterion for language we are only focusing on what we as humans value as important in our environment and for our survival. Skills of speech are no help if you are living high in the canopy of the jungle. For a dog smell is more important. But, again, we are quick to say that because dogs do not have the same powers of speech as us their capacity for communication is much less than ours, even though we do not say that because we do not have the same power of smell as dogs our capacity for communication is much less than theirs. Dogs use their olfactory skills for communication. Smell has a function for dogs that the spoken language does not. By parity, humans use their speech-related and writing-related skills for communication. The spoken and written language has a function for us that smell does not.

By describing all animal behaviour as instinctive the assumption is made that animal actions are unintentional, unplanned and without reason or reflection:

[W]hen an ape convinces forty other apes that it would be wise to travel to location A, a trip of three hours travel time, because fruit should be ripe there, we are likely to dismiss this feat as... simple “instinct.” Even more troubling is the fact that anything an animal does that receives the label “instinct” is deemed at once to be a form of behavior that has no reasoned premise. Such is the power of words that a complex act of our own species can be seen as intelligent even in an individual known to be deficient by all normal standards of human behavior. But complex behavior in our ape relatives can be termed “instinctive” and dismissed without further ado.⁶⁰

It is as if we habitually view all animal behaviour as instinctive, even when common sense tells us otherwise, and we view all human behaviour as ‘some sort of “higher-order” intelligence... even if the person is socially inept in all other aspects of life’.⁶¹

But our insistence that human language is the most superior form of language, and the only criterion by which we judge other types of communication (10.3.), may be holding us back in our studies of communication and communicative skills. Indeed, an experiment conducted at Cambridge University tested the olfactory powers of dogs. The Cambridge team used urine samples from people with bladder cancer and prostate cancer and, by first giving the dogs a sample to smell, they tested the dogs to see if they could detect the samples that came from people with cancer. The results were extraordinary. Each time the experiment was conducted the dogs detected the cancer eight out of ten times. The Cambridge Team has no doubt that the dogs can smell prostate and bladder cancer.* They believe that the dogs could be used

* A similar experiment has been carried out at the Pine Street Clinic in Florida. Five ordinary domestic dogs were trained to distinguish, through smell alone, between breath concentrate obtained from people with lung and breast cancer, and breath concentrate obtained from healthy people. During the trials the dogs detected the cancer quickly time after time. They accurately detected lung and breast cancer in its early and later stages, and were swiftly able to distinguish the cancers from the healthy controls. The Pine Street dogs’ accuracy was ninety-seven percent or more. After the dogs achieved such startling results in the trials the doctors at the clinic decided to conduct a more difficult test. They used a five-year-old breath sample from a woman who had died of lung cancer. Coby, the dog, was

to diagnose prostate cancer earlier and better than current methods.⁶² That such a study is able to be effectively carried out is partly due to dogs' understanding of some characteristics of human language. Training dogs to understand a smell as significant, and to detect objects, which have that same significant smell, is largely dependent on humans and dogs sharing some of the same aspects of a language (10.5).⁶³

Our continual use of human language as the paradigm upon which all other forms of communication are to be evaluated has resulted in an underestimation or devaluation of the perceptual faculties and communicative skills of animals.

Knowledge and awareness of the world, obtained by animals through perceptual faculties (such as olfactory powers) can, as the above studies show, be communicated through behaviour. In this way, if language is defined as the 'expression of thought and feeling in any way',⁶⁴ then some animals can be said to have their own species-specific language. As seen in section 6.1., animals can and do have thought processes (whether or not their thoughts are reflective), and their thoughts can be expressed through their behaviour.

In the article 'Basic Instinct', written after the Tsunami, for the Mail On Sunday's supplement magazine Night and Day, it is reported that most of the animals on Sri Lanka and Thailand knew of the impending disaster before it happened.⁶⁵ In this article Jo Wiltshire looks at a television programme made for 'Animal Planet' called Tsunami: Animal Instinct, and tells of how investigators for the programme

able to detect the five-year-old sample out of numerous other samples. The Pine Street doctors believe that dogs are able to detect the earlier stages of disease better than technology (BBC4, Can Dogs Smell Cancer?, television programme for BBC4, 2006, reporting on a Pine Street Foundation Study at Pine Street Clinic, Florida. For published results see Michael McCulloch, Tadeusz Jezierski, Michael Broffman, Alan Hubbard, Kirk Turner, and Teresa Janecki, 'Diagnostic Accuracy of Canine Scent Detection in Early- and Late-Stage Lung and Breast Cancers', in Integrative Cancer Therapies, Vol.5, No.1, March 2006, pp.1-10). If we could be more open minded we could be on the verge of a radical way of eradicating disease. Such experiments just go to show that we have not even begun to explore the outer boundaries of a dog's capability. We do not even know where the boundaries are. With these olfactory skills dogs may be able to communicate to us more than we ever thought possible.

found that people were reporting that many animals fled just before the disaster, and exhibited behaviour indicative of a disaster that was impending:

A lighthouse lookout reported seeing a herd of antelope at a wildlife sanctuary in southern India stampeding from the shoreline to nearby hills before the monstrous waves crashed into the area. Flamingos abandoned their low-lying breeding areas in Thailand to flee; elephants screamed, broke their chains and ran for higher ground before the tsunami was visible. And at Malaysia's national zoo, animals reacted before the event by rushing to their shelters and refusing to come out.⁶⁶

H. D. Ratnayake, the deputy director of the National Wildlife Department in Sri Lanka, has claimed that while over 30,000 people died in the disaster, all the elephants and deer survived. And in one Indian animal sanctuary only one animal out of 2,000 died.⁶⁷ Richard MacKenzie, the film-maker of Tsunami: Animal Instinct, has said that, 'While people died in horrific numbers there were often situations where animals in the same area were not killed. In Yala National Park in Sri Lanka, there were no signs of animals dying in large numbers, yet people died there in huge numbers'.⁶⁸ The researchers for the programme found that in Khao Lak, one of the badly affected areas, the behaviour of elephants was suggestive of warning signals. They were said to have trumpeted three hours before the disaster, when the tsunami was hundreds of miles away, and 'At the fishing village of San Suk, birds started frantic squawking. Villagers took heed and ran, and all 1,000 escaped unharmed'.⁶⁹ Jo Wiltshire claims that there is also evidence of birds, crabs and buffalo behaving strangely before the disaster struck.⁷⁰

For a long time the Chinese have believed that the abnormal behaviour of animals can be used as a good indication of impending earthquakes. An article written for the United Press International has reported that recently China has been exercising this belief by using animal observation as a means of predicting earthquakes.⁷¹ In 1975 observations of animals resulted in the evacuation of Haicheng, in China, before

an earthquake hit. The number of people killed was small compared with the estimated 150,000 or more that would have been killed had the city not been evacuated.⁷²

However, the United States Geographical Survey (USGS) has reported that a connection between animals behaviour and impending earthquakes has never been found.⁷³ Although the USGS have conducted a few surveys on the supposed link between abnormal animal behaviour and imminent earthquakes, no studies have been conducted by the USGS since the 1970s.⁷⁴ More recent studies, conducted by Rupert Sheldrake, reported evidence of abnormal animal behaviour before major earthquakes, including the Northridge California Quake in 1994, and the earthquakes in Greece and Turkey in 1999. Sheldrake is convinced that the reports from all over the world of the strange behaviour of animals before quakes would be too much of a coincidence not to be sufficient evidence that animals can somehow predict earthquakes, or, at least, know that something major is about to happen.⁷⁵ When hurricane Ivan hit in 2004 the animal casualties were extraordinarily small in number. Dave Pauli, director of the Northern Rockies Regional Office, reported that the cats and dogs were mainly accounted for. He said, 'It's hard to say why there have been so few animal issues in an area that was so heavily impacted by Ivan'.⁷⁶

All this evidence certainly suggests that animals can sense some natural disasters. But do they have a 'sixth sense'? The most likely explanation for the abnormal behaviour of animals before natural disasters is that, due their finely tuned and sensitive perceptions, they can feel vibrations from the earth that it impossible for humans to feel. The perceptual skills of some animals may be so developed that they are able to receive signals from the environment of changes in the earth. In comparison to animals, many of the perceptual skills of humans are fairly

underdeveloped.

The evolution of communication has rendered speech and the written word as the most important form of communication in the world for humans. This has put our perceptual abilities somewhat in the shade next to our linguistic abilities. I agree with Mackenzie that perhaps there is a lesson to be learned from all this evidence. 'I guess the lesson is that we have to take animals more seriously and not be afraid to wonder what they're doing, why they're doing it and what they might be trying to tell us'.⁷⁷ And, one should add, taking animals seriously is still important even if they are not trying to tell us anything.

6.7. Conclusions: revisiting Leahy's views

Leahy's conclusion is that the arguments in favour of the moral standing of animals, and arguments that emphasise the immorality of the practice of factory farming, are unfounded:

They can only succeed with the help either of opportunistic flights of fancy such as inherent value or *theos* rights, or... obscuring the differences between creatures like ourselves, who use language, and those that do not. The result of doing so is the... error of seeing little or no moral difference between the painless killing of chickens and that of unwanted children.⁷⁸

Leahy's conclusion is based on pure prejudice against those beings that do not use spoken language. Although animals do not speak they do have systems of communication of their own, particularly the higher mammals whose communicative behaviour is seen to be very complex. There are many humans who do not use language and we would object to using and abusing them in the ways we treat animals reared for their meat and in experiments. These humans still deserve our moral consideration. If language were necessary for moral standing we could be justified in excluding many humans, such as babies, or severely mentally disabled humans, from our moral concern. Indeed, if language were necessary for thought and emotion, as

Leahy seems to think, then these humans would be seen as not being able to think or have feelings, and since language, for Leahy, is necessary for having certain states, like fear or distress, it would follow that these humans are not capable of having these states either. However, this is just not true. These humans can have certain states, like fear or distress, which Leahy associates with language users only. They can have thoughts and emotions too. The ability to use language may be a sufficient condition for moral standing but it is not a necessary condition.

If we use animals for our own benefit then we should at least be recognised to have a moral obligation to treat them humanely and cause as little suffering as possible. Leahy fails to make the distinction made earlier between moral standing and moral significance (2.4.).⁷⁹ Of course chickens and rabbits should not be treated exactly the same way as children. In most cases children carry more moral significance than chickens or rabbits, but as far as the suffering of these animals is concerned the human's desire to eat meat or buy a new brand of detergent will have less moral significance than the chicken's or rabbit's interest to be free from pain. Recognising the moral standing of farm and experimental animals requires that their interests be taken into account (particularly their interest not to suffer). It does not require that they be treated the same as humans. Leahy's arguments then, in support of current practices, fail. They are indefensible.

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CHAPTER SEVEN

HUMAN CONCERNS: THE ENVIRONMENT, HUNGER AND HEALTH

7.1. Sustainability and the Global Environment

Peter Carruthers argues that the cost of abolishing current practices would be too high insofar as it would focus more attention on the interests of animals and less on the interests of humans. He believes that it would divert attention from more important issues facing humans such as hunger and poverty in the Third World, and divert attention from environmental problems facing humans.¹ 'For we ought to be able to see clearly that it is only the sufferings of humans that have moral standing'.²

Carruthers' view is clearly anthropocentric in that only humans are recognised as having value and moral standing. He has a largely consumptive attitude towards nonhuman beings; proposals for restrictions to be placed on our treatment of farm and experimental animals are to be seen largely in terms of economic costs.³ For Carruthers then, with regard to animals, economic considerations should always override welfare concerns.

However, this strong anthropocentrism is hardly an adequate theory on which to approach environmental problems. As Bryan Norton says,

Strong anthropocentrism... takes unquestioned felt preferences of human individuals as determining value. Consequently, if humans have a strongly consumptive value system, then their "interests"

(which are taken merely to be felt preferences) dictate that nature will be used in an exploitative manner.⁴

In contrast, weak anthropocentrism takes into account ‘the full range of human values not just economic ones’⁵ and ‘recognizes that... preferences can be either rational or not’.⁶ It is this latter form of anthropocentrism that Norton endorses. Human interests, on this view, are said to be sufficiently diverse to include an interest in protecting the environment and its nonhuman inhabitants. The nonhuman world is seen as a source of spiritual well-being and diversity. In this respect, weak anthropocentrism recognises that human interests are intimately connected to the interests of other things, including animal interests. This is something that Carruthers’ anthropocentrism fails to recognise.

Norton argues that weak anthropocentrism will advocate similar environmental practices and policies to nonanthropocentric theories.⁷ It must be said that the problems facing humans will, most probably, be tackled by a sensitive Norton-like theory. But, as Katie McShane says, ‘anthropocentrism... isn’t primarily a claim about what actions and policies to adopt and why, but rather a claim about what has value and why’.⁸ Indeed, if anthropocentrism and nonanthropocentrism do propose the same actions, then they will do so for different reasons. It is these reasons that will provide the defence for those actions, and, in turn, any defence given will be based upon claims as to what has value and moral standing: ‘Claims about what has value and why are... the grounds for our claims about how to act’.⁹ Since it is not the case that only humans have interests, or that only human interests are important in the moral sphere, we should be wary of the implications and consequences of a theory that considers justifications for actions to be defensible only if they appeal to human interests.

Weak anthropocentrism may propose actions that are right, but if the reasons

given for those actions are discriminatory or unjustifiable then it is not sustainable as a theory that aims, in practice, to solve environmental problems. Indeed, it is likely that our discriminatory attitudes towards the nonhuman world are, at least partly, responsible for today's environmental problems. In the light of this, we would be prudent not to foster or promote such attitudes through application of a theory that values only human interests. McShane argues that, '[E]thics legitimately raises questions about how to feel, not just about which actions to take or which policies to adopt. From the point of view of norms of feeling, anthropocentrism has very different implications from nonanthropocentrism; it undermines some of the common attitudes... that people think it appropriate to take toward the natural world'.¹⁰

It is not clear that weak anthropocentrism can provide sufficient protection for nonhuman species and the environment. On weak anthropocentrism, the nonhuman world is protected in so far as it promotes human interests. But species that are unidentified (for example, many species in the rainforests) cannot be said to promote human interests and, therefore, weak anthropocentrism provides no grounds for protecting undiscovered plant and animal life.¹¹ Not only this, but if the majority of people do not care about certain habitats or animals, or feel that the protection of certain habitats or animals will not promote their interests, then, it is unlikely that weak anthropocentrism can provide sufficient grounds for protecting those animals and habitats.¹² (For further discussions and critiques of anthropocentrism see 8.5. and the citations in the footnote below.*)

* See the dialogue between Katie McShane and Bryan Norton:

- McShane, 'Anthropocentrism vs Nonanthropocentrism: Why Should We Care?', Environmental Values, Vol.16, No.2, May 2007, pp.169-86 [accessed at www.environmentalphilosophy.org/upcoming/katie_mcschane_anthropocentrism_vs_nonanthropocentrism, pp.1-11, on 15/06/08].

- Norton, 'Convergence, Noninstrumental Value and the Semantics of 'Love': Comment on McShane', Environmental Values, Vol.17, No.1, February 2008, pp.5-14 [accessed through www.ingentaconnect.com, on 15/06/08].

Anthropocentric theories then imply that we need not be restricted in our use of the environment, as long as it is in our own interests and does not, in any way, adversely affect other human beings. But an adequate environmental ethic needs to recognise the moral standing of all living things, sentient and nonsentient (see cp.8).¹³ Indeed, Carruthers' consumptive view of the nonhuman world fails to acknowledge the negative effects factory farming has had on the environment, and the relation between intensive rearing and Third World hunger. (Weak anthropocentrism, however, could contend with these problems if it was in the human interest to do so.)

The whole idea that factory farming produces more food at a lower cost is in any case an illusion. The environmental costs borne from intensive rearing methods, and the costs paid by people in the Third World, are enormous:

Already more than one third of the world's grain is used to feed livestock. As a way of feeding billions it is highly inefficient. China, which used to be an exporter of grain, now imports it. It also uses up a lot of water. Lester Brown of the Worldwatch Institute has calculated that it takes around 180 litres of water to produce one battery egg and around 25,000 litres per kilogramme of beef. I find these figures astonishing and I suspect many people will. If they, or anything resembling them, are accurate, how much water does it cost to rear the 20 million more pigs born each year in China?¹⁴

Large amounts of cropland are given over to producing food, not for people, but for animals. 95% of world soya bean production is used for animal feed.¹⁵ In the UK, 39% of wheat, 51% of barley, and 75% of the total agricultural land is used to feed animals.¹⁶ Producing feed for animals consumes scarce resources of water and fuel. Animal farming is also a major source of the greenhouse gases methane and nitrous oxide. 80% of the annual increase in nitrous oxide¹⁷ and 16% of the methane

- McShane, 'Convergence, Noninstrumental Value and the Semantics of 'Love': Reply to Norton', Environmental Values, Vol.17, No.1, February 2008, pp.15-22 [accessed through www.ingentaconnect.com, on 15/06/08].

See also Robin Attfield's critique of anthropocentrism in his book, Environmental Ethics (Cambridge: Polity Press, 2003), pp.65-73.

production comes from agriculture.¹⁸ These emissions are associated with animals' manure and the use of mineral nitrogen fertilizer used to grow animal feed. Intensive rearing causes extensive pollution to water and soil due to the use of large amounts of fertilizer used on crops, the manure produced by the farm animals, and the ammonia gas emitted from the manure and slurry.¹⁹

The conversion of a huge amount of plant protein into a comparably small amount of meat protein is extremely wasteful. Not only does it deplete the global environment, but it withholds vast amounts of grain that could be used to feed a large number of starving people. This grain would, of course, have to be effectively distributed. (Problems concerning distribution are too large to mention here.) In the West it is not necessary for us to eat meat. Without it we would not starve. We have an unnecessary and wasteful diet. As Stephen R. L. Clark says, even vegetarians and vegans in the West eat more food than they need.²⁰ Intensive rearing needs enormous amounts of soil space to grow crops in order to feed the massive numbers of animals reared. Consequently, tropical forests and countrysides are cleared to provide space to grow soya crops. These crops are then grown for the purpose of feeding the animals that we, in turn, then eat. Local people, who before the introduction of soya crops produced 15 tonnes of food per hectare, are pushed out of their settlements. They often move to the city slums or further out into the rainforest. Once settled in the forests they do not know how to farm in such tropical environments. More forest is cleared for the production of soya crops, leaving more destruction behind, and pushing locals further on.²¹

While all this is happening modern soya crops are producing less than half of what the local farmers produced:

The modern plantation produces six tonnes per hectare and that is all. The Indian grows a mixed crop—among his corn stalks, that

also serve as support for climbing beans, he grows squash and pumpkins, sweet potatoes, tomatoes and all sorts of vegetables, fruit and medicinal herbs. From the same hectare he also feeds his cattle and chickens. He easily produces more than 15 tonnes of food per hectare and all without commercial fertilizers or pesticides and no assistance from banks or governments or transnational companies.²²

With the world population rising and crop production falling then modern farming methods are not as efficient as they are made out to be. Indeed, we should be encouraging sustainable methods of farming, not moving away from them. The situation looks even worse when we consider that a large proportion of the crops produced in the Third World are actually used as feed for livestock. Such is the ludicrous situation that has occurred through modern agricultural methods. Not only this, but ‘when the landscape is cleared of its traditional peasants we have cultural genocide’.²³

Intensive rearing is no longer just a threat to the environment or to the poorer peoples of this world, but has actually brought devastation and desolation to humans, animals, and the environment simultaneously. Forests are obliterated, more people are left homeless and hungry, and animals are made to endure wretched existences. It seems then that nobody and nothing benefits from modern farming. If this is so, who or what supports its continued existence? Who or what actually benefits from modern intensive farming methods?

The only reasonable answer seems to be that it is big business, or global corporations that benefit from such methods. The financial benefits of a global farming system are tremendous. Global corporations benefit from the international free trade rules of the World Trade Organization (WTO). These rules are not made in the interests of animals or the environment, but are made solely with the view to making profit. It is these rules that support the continued existence of factory farming: ‘The WTO has rules that take away each government’s right to stop imports of cruel

products and their right to refuse to export their animals on long journeys to slaughter abroad'.^{24*}

Not only this, but policies aimed at a move towards sustainable agriculture are potentially vulnerable to challenges from the WTO,²⁵ as are policies aimed at providing greater protection for animals used in human practices. Indeed, the WTO has prevented governments from introducing new reforms in animal welfare. For example, 'The EU passed a Directive which would have stopped the sale of cosmetics tested painfully on animals... Due to fears of a WTO challenge, this [Directive was]... dropped'.²⁶ So the WTO rules then play a part in preventing improvements in standards of animal welfare in the practice of animal experimentation as well as the practice of factory farming. There are human victims of these rules too. The WTO will not allow countries to ban the import of some products that are made through cruel forms of child labour.²⁷

So the onus to make changes to the lives of factory farm and experimental animals is not solely on consumers, farmers, and laboratory technicians, but on the big players in factory farming, that is, big businesses and the WTO. Solely blaming experimenters and farmers for poor animal welfare standards will just not do and is

* The WTO may, of course, reply to these criticisms by claiming that, with the world's population at six billion, we could not feed people without factory farming and that, therefore, they are right to advocate rules that maintain intensive methods. However, such a claim is implausible. As said above, factory farming is unsustainable as a method by which to feed the world's population. In Third World countries an increasing amount of land is used to grow cereal crops that are exported as animal feed: 'Other than in areas where animals are fattened predominately on grazing land that could not easily grow food crops for direct human consumption, or else where they eat primarily crop residues or other waste products, livestock farming actually wastes resources. This is because grain-fattened animals take more energy and protein from their feed than they return in the form of food for humans' (Mark Gold, 'The Global Benefits of Eating Less Meat', report by Compassion in World Farming Trust, foreword by Jonathan Porritt (Hampshire: Compassion in World Farming Trust, 2004), Part Two, 'Feeding the World', p.22). The irony of the claim that factory farming can feed the world's population is that people suffering from hunger and malnutrition are growing crops in order to sell them for animal feed. It takes a massive amount of grain to produce animal meat, and much of this grain is not converted directly into meat, but is used to maintain the lives of farm animals (so they can reach slaughter weight) before they are killed. Contrary to factory farming methods being able to sustain the world's population then, it seems that they actually do the reverse, and free-trade rules, rather than promoting sustainable food resources, undermine the goal to reduce hunger.

not really very fair. The bigger picture is all-important and needs to be taken into account if real changes are to be made.

7.2. Human Health

Intensive rearing methods also present real health risks to those who eat the meat produced. Animals are crowded together on filthy, excreta-coated floors. Disease amongst the animals is rife. Therefore, it is not surprising that meat can become contaminated with salmonella, or E coli, bacteria that can prove to be fatal in the elderly or the very young. The animals' feed may contain genetically modified cereals, or even meat protein. It seems that the feeding of animal protein to animals that are by nature herbivorous, in order to reduce costs, is partly responsible for the incidence of BSE in cattle. BSE infected meat is thought to be the cause of CJD, the human form of the disease. It is still inconclusive as to how many people will eventually develop this terrible disease as there is no way of knowing who has eaten infected meat. One would have thought that after the discovery of CJD in humans steps would have been taken in the form of an improvement in animal welfare standards in order to try and prevent further threats to life and health from eating meat.

Not only this, but the diets of people living in the industrialized countries are often high in animal protein, and are a major cause of heart disease, cancers and obesity. Multinational food companies, like McDonalds, open more and more stores across the globe. Many people eat meat-based fast food as a regular part of their diet. In the West, buying fast foods and convenience foods, like frozen meat meals, is the norm. However, such food lacks significant nutritional value. It is high in saturated fat, sugar and salt, and low in vitamins, minerals, and fibre. The over-eating of unhealthy convenience foods can be a main contributing factor in the cause of heart-

disease, obesity, diabetes and many cancers; hence the high rates of these illnesses in the West. Many people in the West have become habituated to eating such artery-clogging food, and considering the fact that cases of obesity in children are rising at an alarming rate, this tendency does not seem likely to stop in the near future.

Carruthers' claim then (7.1.) that the human cost of abolishing factory farming would be too high to ever justify such a move is unfounded. It seems that abolishing factory farming would actually benefit humans and the environment too, as well as benefiting animals. Not only does factory farming cause destruction and devastation of the environment, but it also poses significant threats to human health.

Animal research is also a practice that causes immense animal suffering, and takes significant risks with human health. Carruthers claims that abolishing animal research would direct attention away from the interests of beings that have moral standing (namely, humans), and focus more attention on the interests of beings that do not have moral standing (namely, animals).²⁸ (I am not advocating comprehensive abolition (as opposed to partial abolition), but merely responding to Carruthers' claim about total abolition). However, neither a total nor a partial abolition would result in human interests being given less consideration than animal ones, but both would involve making known the human costs borne from experiments on animals. That animal research causes animal suffering is not the only reason why people advocate either a partial or total abolition of the practice. Animal experimentation also takes significant risks with human health, and these risks are often appealed to as a reason for having concerns about the practice. So, far from animal welfarists diverting attention from humans by being concerned about animal welfare, many are very much concerned about human interests and well-being.

Indeed, an increasing number of scientists are claiming that animal

experiments actually stop the advancing of cures for the relief of human suffering as testing on animals may cause us to miss out on products which could be valuable to human beings, but which have adverse effects on nonhuman beings. Penicillin is a valuable medicine that would not have been used for the relief of human suffering if it had been tested on animals. (It has dangerous effects on some animals.) Also insulin is another product that has different effects on humans from animals. It causes birth defects in animals, but not in humans.²⁹ Animal testing provides no *hard* evidence that the products tested are safe for humans to use. On the other hand, it should be said that animal experimentation does produce *some* evidence; and bad effects on animals are surely evidence against using a drug on humans.*

Nevertheless, diseases in laboratories ‘can never be compared [properly] to those arising spontaneously in humans’.³⁰ There is extensive evidence that shows that many animal experiments are not only unreliable, but also dangerous to humans to whom the results are extrapolated. Drug tests in animals do not provide complete protection for human beings. Indeed, the drugs that are tested on animals could well have adverse effects on humans.

Thalidomide caused approximately 10,000 birth defects in humans. Osmosin, an anti-inflammatory drug, caused 20 deaths, and 650 reported serious side effects. Opren, an anti-arthritic drug, caused ‘more than 70 deaths in Britain and 3,500 other serious side effects, including damage to the skin, eyes, circulation, liver, [and] kidneys’. Flosint, another anti-inflammatory drug, caused 7 deaths, and a reported

* A total abolition of animal research is not the only means by which to prevent the unjustifiable suffering of animals used in experiments, nor is it the only means by which to avoid the significantly adverse affects on human health that the extrapolation of animal research, to humans, may have. Abolition of only those experiments that unjustifiably cause animals to suffer (that is, partial abolition) would significantly reduce animal suffering, and extrapolating some research to humans may be of minimal or no risk to human health. Just as some research involving human participants may be justifiable, so too may some research involving animals be justifiable.

217 adverse side effects. Eraldin, a heart drug, was withdrawn after serious side effects were reported, such as blindness and joint problems. Clioquinol, an anti-diarrhoeal drug, 'Caused 30,000 cases of blindness and / or paralysis in Japan alone'.³¹

For every drug or product that has been tested on animals and has been proven to have beneficial effects on humans, there is another drug or product that has been tested on animals and has had disastrous effects on humans. Indeed medical science has in general progressed in spite of animal experiments, not because of them.³² Anaesthetics were discovered without the use of animal experimentation. Drugs for heart failure, angina, malaria, blood pressure, and pain relief were all introduced without animal experiments. Surgical procedures, the identification of insulin for diabetes, and many other achievements have all progressed without animal testing.³³ Much medical progress has been achieved without animal use.

In the light of this, one could raise doubts about the advantageousness of animal experiments. Scepticism about the usefulness of animal research, if justified, has implications for the ethics of animal experimentation, for if it can be found that generally animal research produces little benefit to humans or animals (and it seems as if this may be the case), then there is good reason to argue for at least a partial abolition of animal experiments. Arguments for partial abolition based on the disutility of animal experiments are consistent with the belief that animals should be given less than equal consideration. Thus, even for one who accepts the moral orthodoxy (that while animals have some moral status their interests can be overridden for significant human benefits (2.1.)) there appears to be valid reason to argue against animal experimentation. Of course, such an argument does not prohibit those experiments that can be seen to produce vital benefits for humans, and those

who accept the moral orthodoxy cannot consistently argue against such experiments.

However, even for one who holds that animal interests should be given equal consideration to like human interests, some animal experiments (and some human ones) may be justifiable if, for example, the interests of animals, say, in not experiencing momentary pain, can be justifiably overridden by the interests of humans in not experiencing intense and chronic pain. Of course, one who argues in this way has to be prepared to accept that some experiments on humans may similarly be justifiable. Indeed, the principle of equal consideration allows for one to make comparative judgments and, as said in chapter two, those judgments can be about interests in not suffering, interests in life, interests in freedom, and so forth (2.2.). (See chapter three for examples of how one might apply the principle of equal consideration of interests to animals used in experimentation.)

The Dr Hadwen Trust makes known that there are many alternative methods of research that do not use animals. Such methods include the use of micro organisms, human cell cultures, volunteer and population studies, molecular research, and computer models.³⁴ Scientists are increasingly coming to the understanding that animal use in medical research hinders, rather than helps, medical progress. Abolishing or phasing out animal use would, consequently, pave the way for funding being used in ways other than animal experiments, and force alternatives upon experimenters. The process of phasing out animal experiments would also involve the exposure of animal experiments as they really are, which is, as a hindrance to human progress, not an aid to human progress. It would involve focusing on the real benefits that can be obtained through alternative methods and not on unreliable 'models' of humans in the form of animals.

Intensive rearing may provide cheap meat, but, as we saw earlier, it has a

human cost. Cheap meat means more fast food outlets, and the eating of fast food is one of the main causes for the rise in obesity. The more meat is produced the more grain is needed to feed the animals. The majority of this grain comes from Third World countries, and is transported to the West as food for livestock. So, while more meat may make Westerners fat, it can also be said to contribute to Third World hunger, not to mention the degradation of the environment.

Many people may consider human problems to be of more importance than animal ones, but it does not follow that animal problems are not important or that animals do not matter. It is not the case that to be more concerned about humans than animals one has to disregard animal suffering. One can see human suffering and human life as more important than animal suffering and animal life without treating animal suffering and animal life as trivial or instrumental. Indeed, one can be opposed to factory farming and animal experimentation because of the suffering they involve, while still holding that some forms of human suffering may deserve more moral significance than some forms of animal suffering. Such a view involves being able to recognise that human beings do not have sole value in the universe.

Being more concerned about humans than animals then does not require seeing animals as of no moral concern. The opposite is also true. Being more concerned about animals does not require seeing humans as of no moral concern. Being humane requires giving the interests of animals and humans serious consideration. Indeed, giving proper moral consideration to animals would actually draw attention to many environmental problems and important human issues, such as hunger and poverty. For example, taking into account wild animals' interests would require giving due consideration to the habitats and environments in which they live. It would require us to respect those environments, and not solely consider the human

benefits that might be obtained by exploiting them. As far as animal experiments are concerned, taking into account animals' interests would require looking at, and providing funding for, humane methods of research. Alternative methods are increasingly thought to be superior to the age-old use of animals as models of the human body. Not only are they more reliable, but also they can make a significant contribution to the fight against human illness while sparing the lives and misery of millions of animals.

7.3. Practical and Aesthetic Concerns

Michael Leahy argues that the enormous effects on humans are enough to show that the costs of abolishing factory farming are too much to bear and that it would be totally impractical. Not only would many people face unemployment resulting in hardship for many families, but also whole economies, which rely on intensive rearing for stability, would collapse. His argument could be applied to animal experimentation too. 'A huge industry of pharmaceutical and chemical companies, researchers, cage manufacturers, animal suppliers, feed producers and instrument makers profit from vivisection'.³⁵ Also, for Leahy, it is too much to ask that people change their ingrained lifestyles and habits. As far as factory farming is concerned, for some people refraining from eating meat would be too difficult. Also 'the idea of the European countryside, valuable to many as a source of beauty, history, and national pride would also be transformed',³⁶ for no longer would people be able to see animals grazing on open fields, an experience which many people see as holding aesthetic value.

Animal welfarists would obviously object to these arguments. The pleasure of eating meat and inconclusive results from experiments do not carry more weight than an animal's interest to be free from unnecessary suffering. The conditions and

procedures inflicted upon animals in many laboratories cause animals to suffer substantial pain and distress. Likewise, animals subjected to intensive rearing methods are forced to endure enormous suffering and the argument that refraining from eating meat is too much to bear carries little weight. Also one could consistently eat meat whilst supporting the abolition of factory farms since one could eat meat from animals that had been reared humanely.

Anyway, it is not actually true that factory farming preserves the countryside. Leahy's ideas about what factory farming actually is seem to be very confused. He seems to believe that factory farming involves animals grazing in open farms, and that such methods somehow sustain the environment. Factory farming is not sustainable farming. It actually destroys the countryside and causes local, as well as global, environmental destruction. As we saw earlier, the effects of factory farming on the environment are far from beneficial:

It needs space for its monoculture crops so it rips out hedges and trees. It needs hybrid or genetically engineered crops for uniformity and yield, so it dismisses the vibrancy of biodiversity. It abandons natural soil fertility for addictive mineral fertilizers. It has taken the poison gas technology developed over two world wars and turned it loose on the insect world and indirectly on to us as consumers of multi-sprayed plants. It has taken drugs like antibiotics, originally developed to cure human infections, and applied them often indiscriminately to the animals in our factory farms. How else could thousands of chickens or pigs survive to slaughter weight in their crowded sheds, how else could yield be maximized?³⁷

Slash and burn techniques are used to clear forests to provide more space for cattle or to grow more crops for animal feed. The biodiversity of animal and plant life is reduced while the number of animals reared is increased. Not only this, but factory farming causes a vast amount of pollution as well as decreased soil fertility. Unlike Leahy's claim to the contrary, factory farming methods do not preserve the countryside, and are not sustainable. Furthermore, unlike free-range farming, factory

farming methods allow for only cattle and sheep to graze in fields.*

But behind this image of grazing cattle and sheep other things need to be kept in mind, such as the horrific slaughter techniques and the horrendous conditions cattle and sheep endure when they are exported. Factory farming does not just involve cattle roaming around in green fields. This is an idyllic image. Leahy seizes upon this image in order to promote factory farming as a justified method of farming. In fact if one really appreciated the aesthetic value of animals roaming in open fields one would be better off promoting free-range farming. Then one would see pigs, and even poultry, in fields. Conversion to free-range systems of farming would ensure that animals still roamed the countryside, and thus the aesthetic pleasures derived from the image of animals roaming fields would be retained. Not only would a picturesque countryside be retained for those who enjoy this sort of thing, but free-range farming is sustainable farming, and this means less destruction of the environment, increased soil fertility for sustainable use, less pollution, and less animal suffering.

Animal experiments could be gradually phased out, with an increase in the practising of and funding for alternatives. Also the principle of equal consideration of interests requires that we take seriously animals' interests in not suffering. These important interests override the interests of humans to make money or profit from unnecessary suffering. Fear of falling profits is no justification for the continuance of factory farming and animal experimentation.

Notice that Leahy's argument that abolishing factory farming would have too much of an impact on economies could also be used to defend slavery, the international drugs trade, and other exploitation. Profit is no justification for suffering (4.3.; 4.7.). Like Carruthers, Leahy fails to see that the continued existence of

* However, zero-grazing is becoming an increasingly used method of rearing cattle intensively.

practices which cause extensive suffering to sentient beings requires us to ask moral questions about those practices, irrespective of whether or not those practices make a profit (4.6.). Leahy argues that factory farming is a 'practical necessity' because without using intensive methods it would be 'impossible to meet the present demand for meat and dairy products'.³⁸ However, this is no justification for factory farming. That there is a demand for something does not necessarily make it justifiable to use any means to satisfy or meet that demand. And, even if we assume that it is impossible to meet the present demand for meat without factory farming, that demand is not unalterable. Demand for meat could be reduced. Indeed, vegetarians campaign for others to eat less meat in order to reduce this demand.

Also, in the light of the fact that there are many people starving in the world, one could present a more plausible, yet analogous, claim to Leahy's and state that it is impossible to meet the present demand or need food through intensive rearing methods. While there is, admittedly, a high demand for meat, there is also a high demand and great need for food (in general), which has to be met in order to reduce hunger, and (as has been shown above) intensive rearing does not provide a means by which to feed the starving population of the world.* And besides factory farming methods being unsustainable and wasteful, traditional agricultural methods may produce a higher crop yield than intensive methods (7.1.).

7.4. Intervention in Predation

Leahy also suggests that the argument that factory farming is wrong because of the suffering it inflicts upon animals could imply that we should interfere with predation, since animals are also killed and suffer in the wild. For Leahy the problem raised by

* While I claim that factory farming is not the solution to the hunger crisis, I am not thereby claiming that abolishing factory farming will solve this crisis. There are obviously massive food distribution problems, discussion of which is beyond the scope of this thesis.

arguing that such a practice should be abolished 'is the fact of a creation in which animals kill each other'.³⁹ Leahy also implicitly suggests that the same problem arises when one considers arguments against animal experiments (arguments based on the suffering of animals).⁴⁰ Thus Leahy utilises the argument from the inevitability of predation to criticise the arguments against the suffering of animals in factory farms and experiments. Animal welfarism certainly does not imply that we should interfere with predation. Peter Singer suggests that, as far as wild animals are concerned, we should adopt a policy of noninterference. Different animals have different interests and, therefore, will require different treatment. Indeed, the same applies to human beings. We would not treat an adult the way we treat a child. Domestic animals need to be treated differently from wild animals. (As far as the suffering of wild animals in captivity is concerned, for example, bears in bear bile factory farms in China, we have an obligation to put pressure on governments for change, and for the release of these animals into an environment, or sanctuary, which is natural to them.) So not all animals should be treated the same.

Leahy's suggestion that the animal welfarist position could imply we should interfere with predation is unsatisfactory, as it reveals a failure to understand what counts as unnecessary suffering. That animals suffer in the wild is not unnecessary suffering, but is part of a natural ecological process that sustains all life. If animals in the wild did not kill each other then they would starve to death and the ecological balance would be turned upside down, causing disastrous consequences for both humans and animals. The life and death cycles of wild animals are part of a natural order, and we would be foolish if we tried to prevent animals from killing each other. Leahy says himself that the fact that animals kill each other is a 'fact of creation'.⁴¹ However, the suffering and death of animals in factory farms is not a fact of creation.

Factory farming and animal experimentation are not necessary to preserve the ecological balance of nature.

The killing of animals for food will always cause a certain amount of suffering and pain, but the pain inflicted upon factory-farmed animals is not necessary in order for us to eat meat. We could eat free-range meat or opt for vegetarian alternatives. Also, the idea that vivisection is a necessary part of medical and non-medical research is an argument created in order to justify the suffering of the animals used, defend the amount of public funds used for the experiments, sustain vested financial interests, and reduce the threat to jobs and the advancement of careers. The suffering and death of animals in many experiments and in intensive rearing is immense, and it is also not necessary. We can eat meat without relying on factory farming methods, and medical science would not collapse if many animal experiments stopped. If there were no animals on the earth to use in experiments would this mean that medical science would cease to progress? Hardly. Also, as soon as we find ways of alleviating one illness another one always rears its ugly head, in spite of research on animals, and some illnesses, like, for example, diabetes and HIV, are becoming more and more widespread. Animal experiments have not reduced the number of humans suffering with such illnesses.

Interference with predation would actually cause suffering, not alleviate it. To interfere with predation would cause suffering, as it would prevent animals from fulfilling their natural tendencies and potentials. However, this is what the practices of factory farming and animal experimentation actually do. They cause suffering and prevent the animals from exercising most of their instinctive capacities. Animals involved in these practices live in overcrowded conditions, suffer a high mortality rate, and have no exercise, and no mental stimulation.

The argument from predation then ignores the complexity of animal life in the wild and the surrounding ecosystems. That predatory animals kill prey to survive is not a wrong. It is an instinct essential for survival, and to prevent starvation. That humans inflict atrocious suffering on animals just to satisfy their taste buds is a wrong because we can reason about right conduct, and if we did not eat meat we would not starve.

Experiments are often unnecessary and conducted for trivial reasons. Research is often conducted where the results are already conclusive. Abolishing just these experiments would have a great impact on the reduction of animal suffering. Our very capacity to reflect on current practices, it seems, gives us less of a justification for upholding them, not more of a justification.

Like many other philosophers of animal ethics, Leahy fails to recognise that not all suffering is wrong. It is incredible that many people fail to differentiate between dogs kept in barren conditions, in concrete pens with no bedding or exercise, or calves kept in total darkness in cruel veal crates, and rats killed by panthers in the rainforests or wild boar killed by indigenous peoples for food. Vicki Hearne highlights this failure pointedly in Animal Happiness:

[T]he “new” philosophers of animal consciousness were no more interested in what the [animal] trainers had to say than more “traditional” writers had been... they seemed more aggressively unwilling to distinguish between boar hunting for sport, the greed that builds appalling feedlots for pigs and calves and high school dressage for horses.⁴²

It is difficult to fathom how one cannot see that the use of animals in factory farming and experimentation pose many moral questions that the use of domestic animals in competitions, the keeping of pets, and the hunting of animals for food do not. This is partly to do with the fact that the suffering of animals in factory farming and animal experimentation is so immense and barbaric. Such practices are widespread and

global, and the numbers of animals used are so huge as to be unimaginable. Also, keeping pets and hunting wild animals for food does not involve the rearing of the animals involved in horrendous conditions for the whole of their lives. Before they die, or are killed, they could be said to have had a life that is worth living and a life that has allowed them to exercise their species-specific tendencies. Factory farming and animal experimentation, on the other hand, allow for none of these things. It is partly the prolonged suffering of animals in these practices that makes their suffering so immense and the practices themselves so objectionable. Not only this, but intensive rearing methods are increasingly being used to farm different species of animals, not just for food, but also for other purposes. (For example, foxes and mink are farmed by intensive methods for their fur, as are bears for the extraction of their bile. Animals reared for their fur and for bile endure truly barbaric treatment and conditions. There is no doubt that these animals endure tremendous suffering at the hands of humans.)

The use of animals for the satisfaction of taste buds, the fashion in wearing fur, or the production of bear bile products,* is not in aid of human welfare, but human vanity and commercial profit. Even if it was proven that these practices provided significant benefits for humans, such appalling treatment and horrific cruelty can never be justified.

It is difficult to see how one can oppose, say, fox hunting, or hunting for food, while also supporting practices that cause the most immense and extensive suffering of animals, like factory farming and animal experimentation:

[T]he question about the cruelty of dog fights is premature in a culture in which debates about dog fighting take place over the lusty pastime of consuming the flesh of animals who have suffered a

* Bear bile is used to make many products, including, for example, shampoo, wine and ointments.

great deal more than any fighting dog ever does.⁴³

Talk of these forms of supposed animal cruelty do seem untimely and ill-considered in a world where the majority of people involved in such debates support the status quo of factory farming and animal experimentation. When you consider the numbers of animals used in these practices, and the treatment that they endure, these practices undoubtedly cause the most suffering.

Endnotes

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CHAPTER EIGHT

LINKS BETWEEN ANIMAL ETHICS AND ENVIRONMENTAL ETHICS

8.1. The Principle of Nonmaleficence

In recent years awareness of animals reared in factory farms and used in experiments has increased and there appears to be a growing concern for the welfare of such animals. Most people accept that we have a moral responsibility to our pets and with recognition and reflection of the fact that farm and experimental animals are animals that may be much like our pets, there is an increasing uneasiness about the use of animals in current practices.

However, legislation and reform to improve the welfare of animals used in experiments has been virtually non-existent, although legislation and reform for farm animals has been successfully introduced, largely through the efforts of non-governmental organisations, such as Compassion in World Farming. This is not to say that efforts have not been made in the case of animal experimentation. Campaign groups fight tirelessly to improve life for animals in experiments. Rather, the reason why the practice of animal experimentation does not welcome legislation and reform is, in part, connected to the idea of science as separate from public and moral considerations, and that science alone is a justification for animal experimentation

(4.4.).*

Moreover, in spite of increasing uneasiness about the suffering of animals in factory farms, in the West the majority of people eat factory-farmed meat. It is part of their lifestyle and something they take pleasure in. Consistently standing in opposition to factory farming would mean having to restrain one's eating habits and change one's lifestyle, something that many people are just not willing to do. The majority of people are just not willing to oppose something, the opposition of which would have an impact on their lives and lifestyles. In the West there seems to be a food culture, or way of life, which involves being able to eat what one wants, whenever one wants, even to the detriment of one's health. There appears to be a belief that one has some kind of right to be able to eat whatever one chooses.

Whereas meat was once seen as the luxury part of the meal, meat is now so commonplace in Western diet that it could be seen as the staple food for many people.

In spite of advancing and existing new technologies, animal experiments have actually increased and, with the Western food culture as it is, the practice of factory farming looks to be a permanent fixture and the main system of farming in the future. In the light of this, the future looks bleak for animals destined for the factory farm and the laboratory, and it is arguably our urgent duty to seriously ask, 'What is the moral status of animals reared in factory farms and used in experiments?'

In order to answer this question one firstly needs to ask, 'What are the necessary and sufficient conditions for X to have moral standing?'¹ Reflections concerning the moral standing of animals then are also reflections concerning

* For example, under the Protection of Animals Act, 1911, it is an offence to cause unnecessary suffering to any animal, ill-treat, torture, or frighten an animal, but animals used in experiments are excluded from the act (Protection of Animals Act, 1911, cited by British Union for the Abolition of Vivisection (BUAV), 'Campaign to End Animal Experiments: Legal Cruelty' [article by BUAV accessed at www.buav/law/cruelty, on 13/07/06]).

environmental ethics, since the emergent environmental crisis also requires us to ask this very question, that is, ‘What are the necessary and sufficient conditions for X to have moral standing?’

We can see that answers to questions concerning the extent of our moral responsibilities towards animals may also provide answers to questions concerning the extent of our moral obligations towards the environment, and vice versa, since both involve ethical reflections that attempt to throw light on the extent of moral standing. In this respect, at a more fundamental level, environmental ethics and animal ethics merge, and, rather than being viewed as two distinct fields of ethics, should form one coherent ethic (3.4.). Thus, they are both based on issues arising from answers to the question as to what kinds of entities can be said to have moral standing.

So, let us return to the question, ‘What then are the necessary and sufficient conditions for X to have moral standing?’ Indeed, we saw earlier that, for Peter Singer, only those beings that can suffer can have interests and only those beings with interests have moral standing. Since nonsentient beings cannot suffer they are deemed not to have any interests and are, therefore, excluded from moral consideration. For Singer then sentience is a necessary and sufficient condition for X to have moral standing.

Interests and harms are intimately connected, since interests belong to those beings that can be beneficiaries, or can be harmed and benefited.² It is reasonable to suppose that we can make ethical judgments about how animals are treated by considering the ways in which they can be harmed. While there seems to be some dispute about whether the interests of animals are morally important, there is less dispute about the ways in which animals can be harmed. If one considers how

animals are harmed in the light of specific interests it should enable one to see why those interests are morally relevant. It seems appropriate then to consider another principle in ethics that specifically takes harms into account: the principle of nonmaleficence. This principle could be seen to complement the principle of equal consideration in providing a framework in which the interests of animals, and the ways in which they can be harmed in the light of those interests, can be thoroughly evaluated.

The principle of nonmaleficence 'states a prima facie duty not to harm'.³ Obligations naturally arise from this principle, and arise from reflection on the ways in which beings can be harmed. As David DeGrazia says, the most obvious way in which sentient animals are harmed is through suffering; and in his view, arising from the principle of nonmaleficence are 'obligations not to cause unnecessary suffering'.⁴ Since animals can be harmed this principle should apply to them.

What counts as necessary is, of course, debatable. But if we combine obligations not to cause suffering with the principle of equal consideration, a principle that requires that we '*Apply equally any standards that allow the causing of suffering*', then, 'coupled with reasonable assumptions about the ethical treatment of humans, it has very far reaching implications for animals'.⁵ Since animals can be harmed and have interests, any adequate ethical assessment of the use of animals in current practices will have to take interests and harms into consideration.

There are obvious ways in which sentient animals can be harmed. DeGrazia says that we have 'obligations, flowing from nonmaleficence, regarding... freedom (or liberty, the lack of constraints), functioning, and experiential well-being considered instrumentally'.⁶ Freedom, functioning and well-being are basic interests that have an instrumental role and value in that they allow sentient animals to lead

satisfying lives⁷ and exercise species-specific tendencies.*

In terms of an animal's interest in freedom, what counts as harmful confinement for one may not be harmful for another. But, generally, confinement that restricts an animal from exercising its natural tendencies constitutes a harm. DeGrazia defines confinement as 'the imposition of external constraints on movement that significantly interfere with one's ability to live a good life'.⁸ Injuring or disabling an animal so that it cannot function properly constitutes a harm. DeGrazia defines disabling as 'damaging someone's ability to function in a way that significantly interferes with her ability to live a good life'.⁹ Further, being free from aversive states is essential for one's experiential well-being. Causing an animal to feel prolonged aversive states, like pain, stress, and discomfort, prevents an animal from feeling well and interferes with its ability to live a good life and, in this way, constitutes a harm.

Animals on factory farms and in many experiments are harmed significantly from the type of confinement they endure. The very nature of factory farming and experimentation requires that the animals used be confined in some form or another. Factory farm animals and many experimental animals are confined in ways that restrict them from fulfilling their natural tendencies. Such animals are also significantly harmed through injury and disability. Injury and disability of animals occur frequently on factory farms, often due to confinement, while, again, the very nature of experimentation requires that the animals used are injured or disabled. Taking into account such harms and taking into account the principle of equal

* Similarly, Robert Heeger and Franz Brom stress the value of an animal's feeling well, functioning well and leading a natural life (Robert Heeger and Frans W.A. Brom, 'Intrinsic Value and Direct Duties: From Animal Ethics Towards Environmental Ethics?', in *Journal of Agricultural and Environmental Ethics*, Vol.14, No.2, 2001, pp.241-42). However, whether one says that an animal should feel well, function well and lead a natural life (as Heeger and Brom do), or that an animal has an interest in freedom, functioning and well-being (as DeGrazia does) is of little significance. If one pays attention to an animal's feeling well, functioning well and living a natural life, one necessarily has to consider an animal's interest in freedom, functioning and well-being, and vice versa.

consideration of interests, it is hard to see how factory farming or the majority of experiments can be justified.

As regards to experiential well-being, given the fact that the animals are harmed through confinement and injury and are made to endure aversive states, such as fear, distress and prolonged suffering, it is clear that animals on factory farms and in many experiments are most certainly prevented from feeling well. Given this, and given the principle of equal consideration, we can make the credible judgment that our treatment of animals in factory farms is wrong and should be condemned, as should many animal experiments. Factory farming methods and many animal experiments do not even take into account the basic interests of animals, that is, interests in freedom, functioning and well-being.

But freedom, functioning and well-being are not the only interests sentient animals have. Sentient animals have an interest in living, or life, and are, therefore, harmed by death. Indeed, as far as animals on factory farms and many animals used in laboratories are concerned, death may not be the thing that harms these animals the most. We can see from reflections about human beings and cases of euthanasia that worse things than death can harm humans. Taking into account the principle of equal consideration of interests we can recognise that one being's interest in living, or life, may be different from another being's interest in living, or life. All lives are not of equal value, and death may be a greater harm for some animals than for others.

Indeed, as DeGrazia says, 'How one understands the strength of the presumption against killing normal members of a particular species will depend, to some extent, on one's interspecific value theory'.¹⁰ However, whatever one's value theory, there are obligations, that arise from the principle of nonmaleficence, against killing sentient beings. Since sentient animals are harmed by death we have a prima

facie duty not to kill them. DeGrazia gives a definition of such an obligation in the form of a principle, which is ‘Don’t kill sentient animals unnecessarily’.^{11*}

8.2. The Life Criterion

Applying DeGrazia’s sentientism to the ethics of factory farming and experimentation would have massive implications for the future of such practices. However, although sentience is a sufficient condition for moral standing, sentientism is not sufficient as an ethical theory, as it does have a narrow understanding of what is good and bad, and should, at best, be incorporated into ethical theory, or, more specifically, into an environmental or animal ethics theory.

Indeed, on DeGrazia’s sentientism, it follows that we can treat nonsentient beings as we please, since lacking sentience they also lack interests. For DeGrazia, while we may be able to speak of what is harmful to nonsentient things, we cannot say that such things have interests that should be taken into consideration:

It sounds fairly natural to speak of harm to a plant, but not to speak of its welfare. If the sentience requirement is right, while it might not be incorrect to speak of what is good or bad, beneficial or harmful, to plants and nonsentient animals, these terms are not correctly applied to these beings *in any sense relevant to morality*.¹²

However, this goes against our intuitions. We do feel that we can wrong nonsentient things in a moral sense. Consider humans who are in a vegetative state or comatose. Many people in these states lack the capacity to feel pain or pleasure, and are also not conscious or concerned about their life. Their individual welfare is not important to them because they do not know that they have a welfare, but this does not mean they

* Again, what is deemed to be a *necessary* sacrifice of animals’ interests (specifically, here, their interest in living) is controversial. However, what is deemed a necessary human death is perhaps not so controversial, and perhaps we should consider that our preparedness to kill animals for any human purpose, and for whatever benefit (however trivial) might obtain, may be unreasonable and may indicate a bias in our thoughts about animals on the one hand, and humans on the other. In order to consider what counts as the necessary death of animals we should seriously consider all interests that are at stake, human as well as animal interests, rather than just suppose that any human interest should always take precedence over an animal’s interest.

do not deserve our moral consideration. Whether they are sentient or not they do seem to have interests. We can affect them for better or for worse by our actions. And what about entities such as trees and plants? They also have some interests that we can further or damage by our actions.

It does seem that whatever has interests is deserving of moral consideration, and that all and only living things (present and prospective) have interests. From a moral point of view the good of entities must be taken into account whenever those entities can be affected for better or worse by the actions of an agent.

Joel Feinberg suggests that to have interests a being must be capable of being harmed or benefited. A being that has no interests does not possess this capability. As he says, 'a being without interests is a being that is incapable of being harmed or benefited, having no good or "sake" of its own'.¹³ Feinberg also suggests that only those things that have interests and a good of their own have moral standing.¹⁴

Goodpaster argues that Feinberg seems to believe that "mere things" are incapable of being harmed or benefited¹⁵ because they have no interests to take into account and no good of their own. (I agree with Goodpaster that this seems to be true.) Indeed, Feinberg does state that a 'mere thing... has no good of its own'.¹⁶

Now, Feinberg accepts that trees and plants 'are not "mere things"' and 'are capable of having a "good"', but he denies that they have interests.¹⁷ However, this denial is paradoxical in the light of his view that interests belong to those beings capable of being harmed and benefited (or capable of having a good), and that mere things cannot be harmed or benefited (or have a good of their own). To overcome the paradox of his denial that trees and plants have interests, Feinberg also needs to deny that they are capable of having a good. While Feinberg is right to argue that plants are not mere things, this all but implies that they do have interests. Yet Feinberg denies

such an implication.

However, trees and plants do have interests, that is, they can be harmed or benefited by moral agents. They are not mere things, but living things, and as such they have certain interests. Goodpaster argues, and I believe rightly, that Feinberg should accept the conclusion that all living things have interests, and therefore deserve moral consideration. His criterion effectively commits him to this view but he rejects it.¹⁸

Feinberg goes on to talk restrictively about interests. He argues that interests belong to beings that have certain 'conative' characteristics, such as hopes, drives, goals, aims, desires, urges or impulses.¹⁹ Mere things, Feinberg claims, have no conative life and, as such, have no interests. A being then only has interests if it has aims, desires, wants, etc. This excludes 'mindless creatures'²⁰ like plants. (This is obviously in tension with his claim that plants are not mere things; a claim that all but implies they do have interests.)

However, while it seems fair to say that trees do not have a mental life, Feinberg includes 'latent tendencies, direction of growth and natural fulfilments' as characteristics deemed sufficient for the possession of interests,²¹ and, as Attfield has indicated, trees and nonsentient animals do have such characteristics, which suggests they do have interests (although Feinberg denies that they do).²²

Indeed, Feinberg's claims are quite contradictory. On the one hand he claims that the possession of certain capacities, including, for example, 'direction of growth', are sufficient for having interests, and that plants lack any characteristics deemed sufficient for the possession of interests. On the other hand he claims that plants have 'inherited biological propensities' and 'natural growth'.²³ As said above, while trees and plants do not have a mental life, they do possess some of the characteristics that

Feinberg believes are sufficient for having interests.

Moreover, Feinberg fails to notice that by excluding 'mindless creatures' from the moral sphere he is also excluding many nonhuman animals and some humans. However, all human and nonhuman beings need to be included if Feinberg is to be consistent, for all can be said to be capable of being harmed and benefited and, thus, all can be said to have interests.

Feinberg goes on to suggest that the interests of plants are really human interests, and thus gives plants an instrumental value. But the interests of living non-conscious things, like trees, are the interests of the living things themselves. Trees maintain and heal themselves. They have the capacity for self-repair, growth and reproduction, and so it is hard to deny that they have interests. As Robin Attfield says,

[A]ll individual animals and plants have interests... all have a direction of growth, and all can flourish... There is no need to hold that trees have unconscious goals to reach the conclusion that trees have interests... The growth and thriving of trees does not need to be regarded as a kind of wanting, nor trees as possible objects of sympathy, for us to recognise that they too have a good of their own.²⁴

Trees then do have a good of their own and interests of their own. Some nonsentient things have moral standing because they are living. They do have interests that we should take into account.²⁵ In the light of this it follows that 'X's being a living thing is both necessary and sufficient for moral considerability so understood, whatever may be the case for the moral rights that rational agents should acknowledge'.²⁶

Feinberg's theory then, that only those beings with interests have moral standing, needs to expand moral considerability to all living things, or needs to restrict moral considerability to only those beings with sentience-related capacities, which is problematic. It actually follows on both Singer's and Feinberg's arguments

that since beings with interests deserve moral consideration, and since all living things have interests, that all living things deserve moral consideration.

Goodpaster points out that there is an essential link between beneficence and morality. Those things that can be harmed or benefited will naturally deserve moral consideration. Living things are capable of being beneficiaries. Inanimate objects though, such as rocks, cannot be benefited or harmed, and so have no place in morality. Goodpaster suggests why there is a reluctance to see nonsentient things as candidates for moral standing. If one's conception of morality or the good is essentially hedonistic, that is one views only pleasure as of intrinsic positive value and only suffering as of intrinsic negative value, one will recognise only sentient beings as capable of being beneficiaries and will not see nonsentient things as having any interests, and therefore as deserving of moral consideration.²⁷

Nonsentient things may have less moral significance than sentient beings, but this does not bar them from having moral standing. As we saw earlier (2.4.; 3.3.), moral considerability must be distinguished from moral significance. Comparative judgments of moral significance can also be made when giving moral consideration to the conflicting interests of nonhuman beings and human beings. However, a being's basic interest in not being subjected to unnecessary suffering should always override, or be given more moral significance than another's less basic interests. There is little reason to think that the pain or suffering of a nonhuman being is less unpleasant and less painful than it is for a human being. The interests of animals and the interests of humans will obviously be different so they will require different moral treatment. Sometimes the interests of humans will be given more significance than the interests of animals. At other times the interests of animals will be given more significance than the interests of humans. But, as far as pain and suffering is concerned, the

interests of both humans and nonhumans should be given the same moral consideration, and the principle of equal consideration of interests still applies (see 3.3.).²⁸

Sentience is a characteristic that confers strong positive obligations. But sentience on its own is not morally significant. Sentience is not a free-floating faculty. It has to belong to something that is living, and it is that living entity that has moral standing. Being sentient just makes that life more morally significant.* So, we may have stronger or greater moral obligations to some things than others in virtue of the kind of things they are, or in virtue of the kind of life they lead as living things and in virtue of our own moral relations to those things.

8.3. Biocentrism: the good of beings and independent value.

In extending moral consideration from sentient beings to nonsentient beings, and, further, to all organic life we have thus embraced biocentrism. Those who object to this biocentrism ask the question of why the boundary for moral considerability is drawn at life. Why not include rocks, rivers, mountains, and other nonliving entities? Why not also include other inanimate objects, such as cars and machines? If we accept the life criterion how far do our commitments extend?

The reply to these questions is that inanimate objects and nonliving objects do not have a good of their own. They have no interests of their own. To say that living things have a good of their own is to say that they have 'a nonderivative independent good, typically involving their healthy functioning as living systems'.²⁹ The good of nonhuman living things will be 'distinctive and peculiar to the capacities with which their own kind is endowed'.³⁰ The good of machines is not an independent good but

* The life criterion does not commit us to the view that mere existence has value. As we saw earlier (5.4.), we do not value mere existence as such.

the good of their users or manufacturers. Rocks and mountains also do not have a good of their own. Trees by contrast do have a good of their own independent of the value ascribed by humans. An analogy can be made between non-conscious living things, like trees and plants, and those conscious things that are widely held to have moral standing, like the so-called 'higher' mammals. Trees have interests and capacities similar to those beings that we consider to have moral standing. They have the capacities for reproduction, growth, self-repair, and self-preservation just as sentient things do. There is then an analogical argument for holding that trees do have moral standing. The analogical argument only applies to those things that have interests, as only those things with interests have moral standing.

There are however disanalogies that can be made between conscious things and non-conscious things. Trees have no desires or feelings. They are not interested in what we do to them in the sense that they do not have thoughts. However, the disanalogies do not hinder the fact that they do have interests and a good of their own.

As Paul Taylor says,

The idea of a being having a good of its own, as I understand it, does not entail that the being must... take an interest in what affects its life for better or for worse... It may, indeed, be wholly unaware that favourable and unfavourable events are taking place in its life. I take it that trees, for example, have no knowledge or desires or feelings. Yet it is undoubtedly the case that trees can be harmed or benefited by our actions.³¹

Rather than the disanalogies excluding such nonsentient things from having standing in the moral sphere, they point to the different moral significance of such things, not moral standing.

We can then talk of what is in a being's interests or good, whether or not that being can take an interest in its life or reflect upon its own good. As said above, the good of living things lies in their flourishing in a way that is natural or distinctive to

their species.³² That a living thing can thrive or flourish does not depend on that living thing being able to take an interest in its own life.

While the good of living entities in general can be seen in terms of their flourishing, the good of sentient creatures may best be seen in terms of their well-being. Indeed, Attfield argues that well-being and flourishing are ‘states of affairs’ that are independently or intrinsically valuable.³³ Such states are good-in-themselves, rather than good-in-relation to other things.³⁴ That is, the good, well-being or flourishing of living things is good or of value in itself.³⁵

Richard Routley’s Last Man example or thought experiment allows us to reach conclusions about intrinsic value by referring to common judgments which most people would form in the face of such examples. Imagine a case where there is one surviving man left on the earth. (One could imagine that all other sentient beings have died out due to a nuclear bomb or their death is certain due to nuclear fallout.) Does the survivor do wrong if he needlessly destroys every living thing left on the planet?³⁶ Further imagine that there is one tree left. Does the survivor do wrong if he needlessly chops down the last tree? The last tree could multiply if left alone.* Most people would suggest that he does do wrong. It must be then that there is something about the tree that counts. There must be something good that can happen to the tree that counts as a reason against chopping it down. The judgment that it is wrong to destroy the tree unnecessarily implies that there is something about the tree that is of nonderivative value:

[O]ur judgments about the Last Man example suggest that the good or the flourishing of trees... is of intrinsic value, and embodies... one of the reasons why they should not be needlessly destroyed, and

* This further imaginary scenario is one presented by Robin Attfield in his ‘The Good of Trees’, in *Environmental Philosophy: Principles and Prospects* (Aldershot: Avebury, 1994), p.168 (though it is, of course, derived from Routley’s Last Man example) and for present purposes it will be used to examine some judgments about the value of trees. Routley’s original example will be returned to shortly.

why such destruction would be wrong.³⁷

It appears then that trees count because they have a good of their own and interests of their own. Their good lies in their thriving in a way that is natural to their own species. Such thriving is of independent value.*

Both non-conscious and conscious living things then have a good of their own. The good of nonsentient or non-conscious things, like trees, lies in the flourishing of their capacities. The good of sentient or conscious things lies not just in their flourishing, but also in their well-being. Flourishing and well-being can be seen to be states that are intrinsically valuable;³⁸ that is, they are valuable for their own sake.

8.4. Anthropocentrism: against the value of nonhuman beings.

John Benson discusses anthropocentric⁺ responses to Routley's Last Man example.³⁹ There are some anthropocentrists who claim that the last man does nothing wrong and destroys nothing of value.⁴⁰ However, such claims contradict our judgments about the last man. They seem to be implausible and until supported they should ideally be rejected. Indeed, such claims would permit us to destroy all life on earth if such life was of no benefit to humans, something that most of us would regard as appalling.

Others, such as John Passmore, argue that although the last man does wrong it is not because there is something about nonhuman life that has independent value, but rather because what he shows is the vice of vandalism.⁴¹ This suggests that the destruction by the last man is seen as a deficiency in his character.⁴² The last man

* One of the best ways for addressing intrinsic value is by thought experiments. See Robert Nozick's Experience Machine (Nozick, *Anarchy, State, and Utopia* (Oxford: Basil Blackwell, Basic Books, 1974), pp.42-45). See also Donald Scherer's Planet Lifeless and Planet Flora (Scherer, 'Anthropocentrism, Atomism and Environmental Ethics', in *Ethics and the Environment*, eds. Donald Scherer and Thomas Attig (Englewood Cliffs, New Jersey: Prentice-Hall, 1983), pp.73-81).

⁺ For further discussion of anthropocentrism see 7.1.

does wrong because he is exercising a bad disposition of character, that is, a disposition towards havoc. For Passmore then it is the wrongness of vandalism that accounts for our judgments about the last man.

However, Benson argues that there has to be something independent of vandalism that makes vandalism wrong. Our reason for regarding it as wrong is that it leads to the destruction of things that we value, that is, it destroys things of value to human beings. If this is what makes vandalism wrong it should not matter that the last man is destructive as there are no other humans to suffer from the loss of what he destroys or suffer from his bad disposition of character.⁴³ Vandalism has to be doing harm to something of value for it to be vandalism, whether this be aesthetic value or independent value.

Benson's own response to the last man is that in destroying all nonhuman life he does harm human interests, for he harms himself. In this respect he undermines his own interests⁴⁴ and this is why he does wrong. Benson then denies that the last man's action harms no human, and denies that the last man destroys nothing of use or value to humans. Benson appeals to well-being as a reason why the last man undermines his own interests. The appreciation of the natural world, Benson argues, is essential for his well-being.⁴⁵ Bryan Norton makes a similar claim. He argues that humans have an ecological need to interact with the natural world, and that nature is important to us as humans as it increases the quality of our lives.⁴⁶ To destroy the natural environment and its inhabitants is wrong because of the 'loss of richness from the human experience'.⁴⁷ For Norton then bio-diversity enriches the quality of our lives (7.1.).

However, Benson's appeal to well-being is very dubious. It is not certain that we all have a need to appreciate the natural world. Likewise, the claim that experience of the natural world is an evolutionary need, passed on through

generations, is unconvincing. Even if some humans do have such a need it is not clear that all humans do, especially when we consider city dwellers who hardly ever see any forests or other uncultivated natural environments and do not feel the need to do so either.⁴⁸ As Routley says, 'ethical principles if correct are universal',⁴⁹ and it is unlikely that Norton's evolutionary need is a universal need. It is even more improbable that the last man would have such a need. For Norton and Benson to plausibly suggest that the last man does wrong because he undermines his evolutionary need, this specific need has to be watertight as a universal need. However, can we be confident that the last man does undermine his interests by destroying nature and thus destroying the potential for fulfilling his evolutionary need? I do not think we can. It seems then that it is not the value of human interests that make the last man's act wrong, but rather the independent value of the good of nonhuman entities themselves.

Benson does discuss extending his anthropocentric ethic to include all sentient beings, not just humans. On this extension the last man does wrong as he harms (human and nonhuman) sentient beings, and destroys what is of use and value to those beings.⁵⁰ This is an improvement to Benson's objectionably human-centred ethic. However, it is still too narrow as an adequate environmental ethic as it excludes all nonsentient life.

Actually, Benson himself recognises that some environmentalists would object to this extended ethic on the ground that it is indeed too narrow. He notices that Routley could provide a counter-argument (as an objection) to this extension by arguing that the last man is the last sentient being and he goes about destroying all nonsentient life on earth. In the light of this counter-argument, it could now be objected that on the extended anthropocentric ethic what the last man does is

permissible,* whereas on an environmental ethic what the last man does is still wrong.⁵¹ The extension of the human-centred ethic could also be objected to because its extension to include all and only sentient life excludes nonsentient human life, such as human beings who are comatose, and in this way it undermines itself if it supposed to be a variant on a human-centred ethic.

It should be said that in discussing extending the anthropocentric ethic to include all sentient life, Benson does not actually wish to extend *his* ethic in such a way that it would recognise the moral standing of all sentient beings. In his further discussions it becomes apparent that, in discussing the extension, he seeks to show that sentience-based arguments can be founded on anthropocentric values. As he says, supporters of sentientism 'argue that the reasons we have for granting independent moral status to (most) human beings oblige us, in consistency, to grant it to (some) nonhuman animals'. Benson further claims that sentience-based arguments 'rely upon drawing out unexpected consequences from moral ideals that we already have',⁵² moral ideals which relate to why we value human beings. However, contrary to Benson, sentientism can recognise the value of all sentient beings independent of considerations of what we value about humans. That is, supporters of sentience-based arguments need not derive their conclusions from premises based on the value of *human* beings.

Benson believes that anthropocentric values alone can provide adequate protections for the natural world and its inhabitants, and we do not need to embrace an extended or a new ethic. For Benson, adequate environmental principles can be

* In discussing this anticipated counter-argument of Routley's, I do not think that Benson is thereby conceding that the last man's act here is permissible (though his reasons for not conceding this would have nothing to do with the wrong caused to nonsentient beings themselves). On Benson's anthropocentric ethic, as said above, in killing all life on earth (both sentient and nonsentient) the last man does indeed do wrong, for he harms what is of value to human beings or, at least, to the last man himself.

founded on anthropocentric ones. However, even if we go some way with Benson and suppose that the nonhuman world can be protected by an anthropocentric ethic (though not sufficiently so), the practical consequences of adopting an ethic which is more inclusive and not derived solely from human value would be abundantly different from the consequences of adopting an anthropocentric ethic such as Benson's (that is, one which attempts to provide protections for the nonhuman world by deriving its value from the value of humans only). An ethic which recognises the value of, say, all nonhuman animals, independent of what we value about humans, would have massive implications for animals. For example, adopting such an ethic (in practice) may mean that sometimes animals' interests would take moral precedence, even when there are human interests at stake, or that species that are unknown to us (and have little or no value for humans) would be given due consideration.

So, while Benson may seek to show (through his discussion of the extension of anthropocentrism to include all sentient life) that sentience-based arguments for protecting the environment are founded on anthropocentric principles, it is just not true that these arguments are always founded on such principles. Further, the consequences of adopting an ethic which is more inclusive would be vastly different from adopting an ethic which is derived solely from what we value about human beings and what is of value to human beings.

Perhaps in discussing the extension and particularly the anticipated counter-argument from Routley, Benson also means to reveal the inadequacies of sentientism (which supposedly fails to take account of nonsentient life) as opposed to anthropocentrism (which he believes can indirectly take account of nonsentient and nonhuman life). However, sentientism could take account of nonsentient life by arguing that its survival and protection is of paramount importance for the flourishing

of sentient beings. Besides, the extended ethic that Benson discusses is certainly a more inclusive ethic than anthropocentrism, since its adoption would afford genuine protections for all sentient beings, whether or not there are human interests at stake. (But as noted earlier in this section and in 8.3., it is not without its problems. For example, we could imagine that there are no sentient beings left on earth, but there exists much nonsentient life. On sentientism, directing a nuclear bomb at the earth that was powerful enough to kill all life on the planet would be permissible, whereas on an environmental ethic this would be wrong. Sentientism then still poses problems in being too narrow as an environmental ethic, in that it only considers sentient beings and their experiences as having value.*)

8.5. Ecocentric Objections to the Life Criterion.

Those who take an ecocentric view of environmental ethics hold that systems have value. They argue that if all life is taken as having moral standing then it is possible to include larger systems, like the biosphere as a whole, as having moral standing. Those who support this view hold that our own value as individuals is neutral until we explain how we contribute to systems. Systems have moral standing and independent value. Biocentrism would resist the suggestion that systems have moral standing and independent value. On the biocentric view the good of an ecosystem consists in the good of its members as individuals. It is the states of the individuals themselves that are of intrinsic value, not the system that supports them. Indeed, those things that are of value do exist in the biosphere, and their existence does depend on the biosphere and its systems as a whole. But it does not follow that the biosphere and its systems are of intrinsic value. The biosphere and its systems have instrumental

* For another thought experiment that discovers value in the flourishing of nonsentient things see Donald Scherer's Planet Lifeless and Planet Flora (Scherer, 'Anthropocentrism, Atomism and Environmental Ethics', in *Ethics and the Environment*, eds. Donald Scherer and Thomas Attig (Englewood Cliffs, New Jersey: Prentice-Hall, 1983), pp.73-81).

value in preserving its members.

Defenders of ecocentrism also support the view that species have intrinsic value and moral standing. However, the notion of a species is an abstract notion and a species does not have interests or intrinsic value. Rather it is the individual members of a species that have interests and the well-being or flourishing of individuals that has intrinsic value. Just as a crowd does not count as having moral standing because it is the individuals which make up the crowd that have moral standing, the same is true of a species group.⁵³ What is wrong about eliminating a species is that it cuts off future members of that species, and future members of a species do, or rather would, have a good of their own and moral standing.⁵⁴ Just as we have obligations regarding future humans, whoever they may be (that is, without knowing their identity⁵⁵), we also have obligations towards future creatures, whatever their identity may be.

8.6. Remarks on Further Objections.

Returning to biocentrism then, one objection to this view is that it is not even possible to live if you accept such an ethic. One would have to morally consider all life, even the life of, for example, mosquitoes and bacteria. One would have to live by Albert Schweitzer's ethic of reverence for life.⁵⁶ According to Albert Schweitzer all life is sacred and should be treated as such. The objection can be met though by pointing out the distinction between moral considerability and moral significance (2.4.; 3.3.). We can pay respect to the interests and well-being of animals, or the interests of, say, trees (that is, we can give these things moral considerability) even if we do, for example, eat animals, or cut down trees for our own use. The objection to biocentrism then seems to mistake moral significance with moral standing. Plants and bacteria could have moral standing and at the same time have very little moral significance.

There is also the distinction to be made between regulative and operative moral

consideration. As said in 3.3., moral consideration is operative when that consideration is psychologically possible for an individual. Moral consideration is regulative when that consideration is justifiable independent of operativity or independent of whether or not it is psychologically possible for an individual.⁵⁷ Plants and other non-conscious living things do have moral standing and this should be taken into account as a regulative consideration:

The regulative character of the moral consideration due to all living things asks, as far as I can see, for sensitivity and awareness, not for suicide (psychic or otherwise).⁵⁸

Although we have an obligation to take into account the moral standing of all living things as a regulative consideration, in reality, it may be only psychologically possible for us to grant operative considerability to non-conscious living things, like trees, because otherwise the life criterion would be impossible to live by.

We have reached a conclusion then that moral considerability belongs to whatever has interests. Interests belong to those things that have a good of their own, and only living things (including future actual and possible ones) have interests.*

Although some living things may have more or less moral significance than others, all have moral standing. Life⁺ then (as a criterion that includes future actual and

* It has been said that companies or corporations can have interests (see Robin Attfield, Value, Obligation and Meta-Ethics (Amsterdam: Rodopi, 1995), p.24). However, I am inclined to agree with Joel Feinberg that the interests of companies should be seen in terms of the interests of the people who work for those companies. As Feinberg says, 'corporate interests... are... analyzable into the interests of its numerous flesh and blood members' ('The Rights of Animals and Unborn Generations', in Philosophy and Environmental Crisis, ed. William T. Blackstone (Athens: University of Georgia, 1974), p. 57). The argument then against the moral standing of species and systems is similar to the argument against the moral standing of corporations (see 8.4.).

⁺ Here, 'life' should be interpreted to mean being a living thing, rather than having a life. I make this distinction since the latter interpretation could suggest having consciousness or non-vegetative life. (As said in 4.8., there is a difference between being alive and having a life.) If this latter interpretation were given then the life criterion would exclude much nonsentient life, like trees. Kenneth Goodpaster says that 'being alive', 'life' or 'being a living thing' is a necessary and sufficient condition for moral considerability (Goodpaster, 'On Being Morally Considerable', in Journal of Philosophy, 75, 1978, p.309-25). It seems to matter though whether one uses the words 'being alive', 'life' or 'being a living thing' to state the criterion for moral standing. The use of these words is relevant here. If one uses the words 'living thing' to state the necessary and sufficient condition for moral considerability then (following Goodpaster's view) this would mean that all and only living things are capable of being

possible life) is a sufficient and necessary condition for something to have moral standing.⁵⁹

8.7. Considerations of Life Interests

Through an assessment of the above questions (8.1.) we discover that having interests is why animals used in current practices have moral standing—and not just animals. It follows that other things that have interests will have moral standing too. Therefore, a coherent ethical theory about our moral obligations to animals or towards the environment will have to take into account and include all living things and, in doing so, it will follow that animals used in farms and experiments are strong candidates for moral standing.

Considering that all living things have moral standing and that animals with greater capacities arguably carry greater significance just makes our obligations to animals used in current practices stronger than our obligations to many other living things. Animals used in factory farming and in experiments are sentient, conscious, and aware beings. They not only have interests, and can be affected for better or for worse, but are also beings that have a life, rather than just being alive.

Moreover, even if factory farm and experimental animals cannot reflect on their lives and can only remain unaware of their impending deaths (cp.6) it does not follow that they are not harmed by death or do not have an interest in living. Some sentientist animal welfare positions tend to underestimate or fail to acknowledge an animal's interest in continued existence; an existence which would enable them to fulfil a life

beneficiaries and, as such, of having moral standing. This criterion could include future possible beings, by stipulating that they are included (as I have done). Future possible beings will or may be, at some point, living things. If, however, one talks in terms of 'being alive' or 'life' as a necessary and sufficient condition for moral considerability then this could suggest that all and only beings that *are alive* or *have a life* are capable of being beneficiaries and, as such, of having moral standing. The words 'are alive' could imply that future beings are excluded from moral considerability, while the words 'have a life' could imply that vegetable life is excluded, although I do not think it was Goodpaster's intention to do so, and he certainly wanted to include all living things (including vegetative ones) in the moral sphere. However, I have stipulated above that by 'life' I mean being a living thing (whether present or prospective).

natural to their own kind and exercise their species-specific tendencies. Singer, for example, considers the lives of many animals (who are not persons) to be replaceable.⁶⁰

However, death for animals can be seen as a deprivation, although it may not be what harms these animals the most. For the individual animals that are killed in current practices, *their* lives cannot be replaced by *other* lives. For some sentientists it would seem that as long as current practices did not cause animals to suffer, they would be justifiable, irrespective of the fact that they do not take into account animals' life interests or an individual animal's interest in continuing its *own* existence. Many animals have an interest in living their lives relatively autonomously, in the sense that they have an interest in living a life free from coercion and control that is not conducive to their good (9.2.) and which will result in their enforced deaths.

As living, sentient beings, which can be harmed by death, farm and experimental animals qualify as beings to which we have strong obligations, especially in virtue of the fact that we alone are responsible for the quality for their lives. Further, considering that all living things deserve moral consideration, these animals may well have greater moral significance than many other animals. Being sentient just gives them stronger claims on our moral obligations.

That all living things have interests and, therefore, moral standing is what accounts for many of our intuitions and reflections that we can harm nonsentient beings, whether they are human beings, such as comatose humans, or nonhuman beings, such as trees. Looking at the Last Man example (8.4.) it seems that trees do deserve moral consideration. How much moral significance we give to different living things is a different matter. But it is hard to justify giving more moral

significance to a human embryo than to an animal used in a factory farm or an experiment. Here is where we can make comparative judgments. But, again, this is a different issue.*

So, we do have to give consideration to, say, trees in the rainforest. They are in the moral sphere. But the sentient animals living in the trees have a stronger claim on us as they can suffer. However, the animals living in the trees give us a further obligation regarding the trees. If they (the trees) are cut down we will cause suffering to those strong candidates for moral standing (the sentient animals). So, in virtue of this, even if the trees did not have moral standing we would still have obligations regarding them because we have moral obligations towards the animals that live in them.

We may have to accept that all living things deserve our moral consideration and that by giving just sentient animals consideration we are being prejudiced and biased. As we saw earlier (3.4.), taking ethics seriously involves accepting conclusions that our biased reasoning and judgments may not want us to accept. It involves using morality as judge and not using morality to defend our own biased judgments. Ethical theory needs to be just and to be just it needs to include all living things, not just those things we *want* to have moral standing. A coherent ethical system needs to include all life, even if it is not psychologically⁶¹ or practically possible to do this all of the time (2.5.; 8.4.).

* That all living things have moral standing is why we say that abortion or using human donor eggs or cloning are moral issues. We are dealing with things that are living, and, as such, they have interests (although they may not have a life as such). However, it does seem premature to talk of the sanctity of human life, whatever its kind or quality, in a world where the practices of factory farming and animal experimentation, that cause immeasurable and widespread suffering on a global scale, are accepted as the norm. What about the lives of these animals? Their lives not only matter in respect of having moral standing, but matter to the animals living them.

8.8. Moral Conclusions: the ethics of factory farming and animal experimentation.

On a coherent ethic then factory farming can never be justified, and, indeed, it does seem as if nearly all current farming, including most free-range farming, is unjustifiable.* I say ‘nearly all’ and ‘most’ since free-range farming may be justifiable in some circumstances (see below). In factory farms animals’ basic interests are overridden by the human preference in eating a particular diet, and this preference does not seem weighty enough to override basic interests.

Often the reply is given that, although animals suffer in factory farms, the suffering humans would have to endure if they could not eat meat overrides the animals’ interest in not suffering. Such an argument, however, will just not do. Having to experience a diet without meat is not suffering. The majority of the world’s population eats very little meat. Eating meat is usually about satisfying taste buds, rather than satisfying basic needs. Indeed, if one were starving or malnourished, and not getting enough food, then this would constitute suffering and it may be justifiable to eat free-range farmed meat if there were no other food available, or if food were scarce. But even then (that is, even if one were starving) it would still not be justified to *factory-farm* animals for their meat. Suffering is suffering whatever being experiences it.

However, it does not follow that since factory farming is wrong all farming is always wrong. Singer’s conclusion, that we have an obligation to boycott all farming and become vegetarians, does not follow from his argument against factory farming. As we saw earlier, we would not say that it is wrong for Eskimos to eat meat (5.3.).

(Indeed, Singer would argue that it is not wrong to eat meat to survive.⁶²) So, perhaps

* Although free-range farming is certainly less morally problematic than factory farming (if only because it causes less suffering), animals have interests other than interests in not suffering. In particular, they have an interest in life, and such an interest should be taken into account in our moral considerations. Indeed, this interest will be considered in what follows.

not all meat eating is wrong, that is, perhaps eating meat is not wrong per se.

Certainly, different beings do have different interests, including an interest in life, and the principle of equal consideration allows for comparative judgments to be made. So, maybe some current farming is justifiable.

For example, we can compare an animal's life interest with a human's interest in certain pleasures of the taste buds. Humans in the West do not usually eat meat to survive, but only to add taste to the palate, and most people do not eat meat because they are starving. Indeed, many people in the West do not even eat meat because they are hungry. So, the human's pleasure in eating meat might best be described as a preference, rather than an interest. Whatever it is described as, an interest or a preference, it is certainly not a life interest. In this case, the animal's life interest should override the human preference for meat.

Now, consider a woman in the Third World, desperate to feed her family. She may have a small number of farm animals, such as a goat and a few chickens. (Indeed, many people in very poor parts of the world rely on their livestock for sustenance and as a food source.) The life interests of the woman and her family override the life interests of the goat and the chickens, and we can see that in this case the farming of the animals or the eating of the animals is not necessarily wrong.

It seems reasonable to suppose that in this situation the life interests of the humans have greater moral significance than the life interests of the chickens or the life interest of the goat, perhaps because humans have more complex lives and greater capacities than chickens or goats. In respect of their capacities and potentialities, it appears that humans (arguably) stand to lose more from death than chickens or goats.

However, even though the life interests of the humans override the life interests of the animals, it could still be said that it would be unjustifiable to rear the animals in

the conditions of a factory farm, as although the humans and animals have different life interests, they both have similar interests in not suffering in life. We can then compare human life interests and animal life interests.

If we consider just two of the most basic interests of animals, that is, an interest in not suffering and an interest in life, these suffice to show that most farming of animals is wrong, and factory farming is certainly always unjustifiable (see below). However, eating meat and certain forms of free-range farming may be justifiable in certain circumstances, for example, where there is limited or little protein available, or where food is scarce. On a coherent ethic then most current farming is wrong, and so too are most experiments.

If one, firstly, takes into account interests in not suffering, informed by the principles of nonmaleficence and equal consideration of interests, even some experiments that cause little suffering and those methods of killing and farming animals for their meat, that cause the least suffering, still appear unjustifiable. If the suffering of animals is given equal consideration to the like suffering of humans, then the suffering of animals cannot be justified by a preference for eating meat, the possibility of acquiring knowledge (however remote), or the need to test a new cosmetic. We consider it indefensible to inflict suffering on humans for such reasons, although it may be defensible to inflict a minimum degree of suffering on humans if it were for weighty interests. (Indeed, sometimes we consider it justifiable to inflict some suffering on humans in experiments if there is a high probability that the experiments will be beneficial to humans.) It seems that only in these cases (where weighty interests are stake) would we be justified in inflicting suffering on animals, as long as we would be prepared to inflict like suffering on humans for the same reasons.

It is reasonable to suppose that, when considering conflicting human interests, *basic* needs or interests (such as freedom, functioning, well-being, or life) should take moral precedence over preferences, enjoyments or interests in pursuing certain activities. There is no reason to suppose that this should not be the case when we consider conflicting interests that involve animals. That is, when the conflict involves the basic interests of animals and, say, the preferences of humans, the basic interests of the animals should take moral precedence.⁶³

Considering, secondly, life interests, the killing of animals, for their meat or in experiments, is usually wrong. Only in certain circumstances may such killing be justifiable. Despite the fact that animals reared on free-range farms or used in some experiments *may* have had a good life and *may* be killed painlessly, such animals have interests other than an interest in not suffering. Most importantly, they have an interest in life or living; a basic interest that is not being considered on free-range farms or in laboratories. A preference for eating meat, the need to test a new product, and the curiosity of scientists are not weighty enough reasons to override a life interest. Interests, however, may be overridden. But such basic interests should not be overridden by appeals to the human preference for eating meat.

In respect of animal experimentation it is often thought that appeals to new knowledge or benefits for humans are enough to override an animal's interest in life. But appeals need to be backed up and justified. They do not stand alone. Indeed, in order for such an interest to be justifiably overridden by human benefits or new knowledge we would have to identify the human or humans involved in that benefit, show that the humans involved had life interests which were of greater moral significance than the life interests of the animals involved, and that those human life interests would be directly affected for the worse if such experiments were not carried

out. Such appeals would also have to show that any suffering of the animals involved was justifiable and that such suffering would be justifiable if inflicted upon humans with similar life interests.

As far as experiments on animals are concerned, on a coherent ethic, most animal experiments are unjustifiable, bar those ones we would be justified in also doing on those humans who, like animals, cannot consent. There may be some experiments we are prepared to do on humans who cannot consent and, in such cases, experimenting on certain animals may be justifiable (4.5.). It may be that some human experiments may drastically reduce the suffering of those very humans being experimented upon, and therefore may be justifiable. Likewise, it may be that some animal experiments may drastically reduce the suffering of those very animals being experimented upon, and therefore may also be justifiable.

Since sentient animals have an equal interest in not suffering, this rules out most animal experiments. The arguments against animal experiments are similar to those against factory farming, and similar considerations of basic interests are relevant to them. Taking into account the principle of equal consideration, and considering interests in freedom, functioning, well-being and life it appears that, although the majority of experiments carried out every day in laboratories are unjustifiable, some experiments may cause more harm to some animals than others. Considering the life interests of different beings, although all sentient beings have an interest in not suffering, not all beings have an equal interest in life and, therefore, some beings may be harmed more by death than others. But it is not the case that all humans have a greater interest in life than all animals. It may be the case that some animals may have a greater interest in life than some humans and that, in such cases,

such animals should be given greater moral significance.*

Such considerations may be hard to undertake by the dedicated meat eater or vivisection supporter. They may argue that you cannot compare human life to animal life. Human life, they may say, is special or distinct. However, as argued in 2.6., the claim that all and only humans are special is implausible. We may have close relationships with or increased responsibilities to some humans, but this does not justify the claim that humans are special in a way that animals are not. Besides, many people have closer relationships with animals than humans. As suggested throughout this thesis, the gulf between animal and human life is not as great as some may think. In spite of this, many people continue to see humans as special, but this can be consistent with giving animals moral consideration and recognising their moral standing.+

We have found then, through a critical examination of ethical theories, that suffering is not the only thing that informs our moral relations with animals. Animals have other interests, one obvious one being an interest in life or living. Undoubtedly, it is not just sentient animals that have interests. Nonsentient and non-conscious

* Memory and foresight may supplement the interests of some creatures (often humans) in not suffering. On the other hand, and absence or virtual absence of such capacities may contribute to, or intensify, the suffering of some creatures (6.1.).

+ While ascribing value can be objective, judgments of 'specialness' should best be seen as expressivistic. (See 2.6. for a fuller discussion of 'specialness'.) In this way the language of 'specialness' is subjective. Risieri Frondizi helpfully points out that there is a distinction to be made between objective and subjective value: 'Value is objective if its existence and nature is independent of a subject. Value is subjective if it owes its existence... to the feelings or attitudes of the subject' (Frondizi, *What Is Value? An Introduction to Axiology* (La Salle: Open Court, 1971), p.19, quoted by Leena Vilkkä, *The Intrinsic Value of Nature* (London: Rodopi, 1997), p.88). Indeed, if nothing of independent value existed then there would be an infinite regress of valuation judgments with no real value ever being established and no foundation for those judgments. As Frondizi says, 'If there were no values, what would we evaluate? To confuse valuation with value is like confusing perception with the object perceived' (Frondizi, *ibid.*, p.ix., quoted by Vilkkä, *ibid.*, p.90). Subjective value can be seen as a valuation, such as the valuation that humans are special, whilst objective value exists independently of any valuer, such as the moral or intrinsic value of the good of animals. The ethical theories of philosophers like Goodpaster, Attfield, Singer and DeGrazia are important in that they allow us to distinguish between those things that actually do have moral standing and independent value, and those things that our biased judgments and valuations merely legitimise as worthy of our concerns and considerations.

things or creatures have interests too. Indeed, it has been found that interests belong to all living things. Having interests is a sufficient and necessary condition for moral standing, and since all and only living things (present and prospective) have interests* it follows that being a living thing (whether present or prospective) is a necessary and sufficient condition for having moral standing.⁶⁴ Such conclusions are of utmost importance for animal ethics and environmental ethics and, if taken seriously, have weighty implications for the practices of factory farming and animal experimentation.

Endnotes

1. Kenneth Goodpaster, 'On Being Morally Considerable', in Journal of Philosophy, 75, 1978, p.309.
2. Joel Feinberg, 'The Rights of Animals and Unborn Generations', Philosophy and Environmental Crisis, ed. William T. Blackstone (Athens: University of Georgia Press, 1974); Kenneth Goodpaster, 'On Being Morally Considerable', Journal of Philosophy, 75, 1978, pp.308-25.
3. David DeGrazia, Taking Animals Seriously: Mental Life and Moral Status (Cambridge: Cambridge University Press, 1996), p.259.
4. DeGrazia, *ibid.*, p. 262.
5. DeGrazia, *ibid.*, p.264.
6. DeGrazia, *ibid.*, pp. 268-69.
7. DeGrazia, *ibid.*, pp.268-69.
8. DeGrazia, *ibid.*, p.269.
9. DeGrazia, *ibid.*, p.271.
10. DeGrazia, *ibid.*, p.265.
11. DeGrazia, *ibid.*, p.265.
12. DeGrazia, *ibid.*, p.227.

* As said in 8.4., I recognise that some philosophers argue that human collectives can have interests too, but am inclined to say that the interests of collectives are reducible to the interests of their members, and the argument against the moral standing of species applies also to the moral standing of collectives.

13. Joel Feinberg, 'The Rights of Animals and Unborn Generations', in Philosophy and Environmental Crisis, ed. William T. Blackstone (Athens: University of Georgia Press, 1974), p.51.
14. Feinberg, *ibid.*, p.51.
15. Feinberg, *ibid.*, p. 51., cited by Goodpaster, *op. cit.*, p.319.
16. Feinberg, *ibid.*, p.49.
17. Feinberg, *ibid.*, pp.51-52.
18. Goodpaster, *op.cit.*, p.319.
19. Feinberg, *op.cit.*, p.49.
20. Feinberg, *ibid.*, p.53, cited by Goodpaster, *op.cit.*, p.319.
21. Feinberg, *ibid.*, p.49.
22. Robin Attfield, 'The Good of Trees', in Environmental Philosophy: Principles and Prospects (Aldershot: Avebury, 1994), p.157.
23. Feinberg, *op.cit.*, p.51.
24. Attfield, 'The Good of Trees', *op.cit.*, p.157.
25. Attfield, *ibid.*, pp.153-70.
26. Goodpaster, *op.cit.*, p.313.
27. Goodpaster, *ibid.*, p.321.
28. Peter Singer, 'All Animals are Equal', in Environmental Ethics: Readings in Theory and Application, ed. Louis P. Pojman, (Boston and London: Jones and Bartlett, 1994), p.36.
29. Attfield, Value, Obligation and Meta-Ethics (Amsterdam: Rodopi: 1995), p.20.
30. Attfield, *ibid.*, p.20.
31. Paul Taylor, 'The Ethics of Respect for Nature', in Environmental Philosophy: From Animal Rights to Radical Ecology, eds. Michael E. Zimmerman et al (Englewood Cliffs, New Jersey: Prentice Hall, 1998), pp.72-73.
32. Attfield, Value, Obligation and Meta-Ethics, *op.cit.*, p.20.
33. Attfield, *ibid.*, pp.36-39.

34. Leena Vilkka, The Intrinsic Value of Nature (London: Rodopi, 1997), p.21.
35. Attfield, Value, Obligation and Meta-Ethics, op.cit., pp.29-39.
36. Richard Routley, 'Is There a Need for a New, an Environmental, Ethic?', in Proceedings XV, World Congress of Philosophy (Bulgaria: Varna, 1973), p.207.
37. Attfield, Value, Obligation and Meta-Ethics, op.cit., p.33.
38. Attfield, *ibid.*, pp.36-39.
39. John Benson, Environmental Ethics: An Introduction with Readings (London: Routledge, 2000), pp.21-23.
40. Benson, *ibid.*, p.23.
41. John Passmore, Man's Responsibility for Nature, second edition (London: Duckworth, 1980), p.217.
42. Benson, op.cit., p.22.
43. Benson, *ibid.*, p.23.
44. Benson, *ibid.*, p.23.
45. Benson, *ibid.*, pp.33-35.
46. Bryan Norton, 'The Cultural Approach to Conservation Biology', in John Benson, Environmental Ethics: An Introduction with Readings (London: Routledge, 2000), pp.143-51.
47. Norton, *ibid.*, p.149.
48. Attfield, Environmental Ethics (Cambridge and Malden, MA: Polity, 2003), pp.69-71.
49. Routley, op.cit., p.207.
50. Benson, op.cit., p.24.
51. Benson, *ibid.*, p.24.
52. Benson, *ibid.*, p.24.
53. Robin Attfield, 'Environmental Ethics and its Contribution to Ethical Theory', a seminar given for MA Degree (in Ethics and Social Philosophy) at Cardiff University, November 2000.
54. Attfield, Value, Obligation and Meta-Ethics, op.cit., pp.24-25. See also,

Attfield, Environmental Ethics (Oxford: Polity Press, Blackwell, 2003), p.40.

55. Derek Parfit, Reasons and Persons (Oxford: Clarendon Press, 1984), Part Four, cp.16.
56. Albert Schweitzer, 'Reverence for Life', in Environmental Ethics: Readings in Theory and Practice, ed. Louis P. Pojman (Boston and London: Jones and Bartlett, 1994), p.65.
57. Goodpaster, op.cit., p.213.
58. Goodpaster, *ibid.*, p.324.
59. Goodpaster argues that 'being alive', 'life', or 'being a living thing' is both a necessary and a sufficient condition for moral standing. Only those beings that satisfy this criterion are capable of being beneficiaries and of being harmed. See Goodpaster, *ibid.*, pp.310, 313 and 316.
60. Peter Singer, Practical Ethics, second edition (Cambridge: Cambridge University Press, 1995), pp.119-34.
61. Goodpaster, op.cit., p.313.
62. Singer, Practical Ethics, second edition (Cambridge: Cambridge University Press, 1995), p.134.
63. Robin Attfield, Value, Obligation, and Meta-Ethics (Amsterdam and Atlanta, GA: Rodopi, 1995), p.91.
64. See endnote 59 (above).

CHAPTER NINE

MORAL FEELINGS, CONCEPTS AND THE IMAGINATION

9.1. Compassion, Pity, Empathy, and Sympathy

Before contemplating, through reasoned reflection, if certain actions are morally justifiable or not, we often *feel* that certain actions are wrong or problematic. So far I have made little mention of what I will call ‘moral feelings’, such as compassion, pity, empathy and sympathy. The reason for this is that, while such feelings* can be important in being able to immediately inform us of harms that we or others may be in danger of generating, they need to be legitimised or justified by an appeal to some objective state of affairs (such as a creature’s suffering or welfare, or the fact that a being is harmed, etc). However, moral feelings can make us sensitive to actions that harm others and, for this reason alone, it is appropriate to acknowledge their role in ethics.

* Anthony Kenny highlights differences between feelings, on the one hand as sensations, and on the other as emotions: ‘The most important difference between a sensation [such as hunger] and an emotion [such as shame] is that emotions, unlike sensations, are essentially directed to objects’ (Kenny, *Action, Emotion and Will* (London: Routledge and Kegan Paul, 1963), p.60). Indeed, what I shall call ‘feelings’ (such as compassion and empathy) could be characterised as emotions (see Kenny’s chapter on ‘Feelings’, *ibid.*, pp.52-75). However, it is not incorrect to call compassion, sympathy and empathy ‘feelings’, since, as Kenny says, we use ‘the verb “to feel” in reports both of emotional states and perceptions. We feel compassion [what Kenny would call an emotion], and we feel lumps in the mattress [what Kenny would call a sensation]’ (Kenny, *ibid.*, p.52). As such, I will continue to characterise compassion, sympathy, etc as feelings in the recognition that they could also be characterised as emotions, and can be differentiated from those feelings which are best characterised as sensations. (It should perhaps be said here that while emotions are feelings, attitudes (such as resentment, arrogance and pessimism) are less obviously so. Yet attitudes can be feelings. However, I will not be looking at those feelings which could be said to be attitudes, but rather feelings that can be characterised as emotions.)

That all living things have interests and moral standing, and that sentient creatures often have greater moral significance than nonsentient ones, goes some way towards explaining feelings of compassion, empathy, sympathy and pity. We do not usually feel compassion for nonsentient things, since feeling compassion for a being usually requires that a being be able to suffer, and that a being has come into some misfortune or other which results, or will result, in its suffering or distress.

Sympathy and empathy are also feelings that are usually reserved for sentient beings. Sympathy is an ability to show understanding of another being's feelings and concerns: an ability to identify with, and share another's, problems and sorrows. Empathy is an ability to put oneself in the position of another being and understand that being's feelings as if they were one's own: an ability to put oneself in another's shoes, so to speak. Although empathy and sympathy can be distinguished from one another, they are obviously very similar. Compassion, sympathy and empathy are all similar in that such feelings can all be brought about by the suffering of other beings.

I am not sure if it is quite right to say that we can never experience feelings of compassion or sympathy towards nonsentient things or creatures. Upon reflection it may be possible to empathise with, or feel empathy towards, nonsentient things. We may be able to put ourselves in the position of another being without ever imagining or experiencing that being's feelings as our own (although this strains the definition of empathy). For example, it may be that, in a particular case, empathy requires one to purely be able to put oneself in the life position of another being, rather than experience another's feelings and sufferings as one's own. Compassion and sympathy, on the other hand, do seem to be feelings that are restricted to sentient beings.

I do not want to commit myself to the view that compassion, sympathy or

empathy are feelings that can never be shown to nonsentient beings, but just want to say here that they are feelings which are *usually* shown to sentient beings and that empathy, whilst usually reserved for sentient things, *can* be felt towards nonsentient things too.

Pity, like empathy, seems to be a feeling that can be shown to sentient and nonsentient beings. Pity can be a feeling of deep sadness for either the suffering of another being or the life situation of another being, or both. Raimond Gaita talks of pity for beings as a feeling connected to our sense of common fate with living creatures,¹ and he cites a passage from Bonatti's book, On the Heights, to illustrate this sense of common fate:

I was getting ready to return to the hut when I saw a poor butterfly... which fell helplessly to the snow a few yards away from me with a last beat of its wings. Poor living thing, what bad luck you had to find yourself about to die in this cruel world, whose existence you never even suspected!... In the last beat of its wings I saw before me a human drama... Wretched insect, my brother in misfortune, in this place of death, how much I feel for you and with you.²

Such a passage is insightful in explaining feelings of pity. Insects are creatures that have a life. They are not merely alive or living things, like plants. That is, we can make 'the distinction between what they do and what merely happens to them'.³

Plants, although being alive, are not living *creatures*. We would not feel pity for a plant if we stepped on it. We may feel regret that we stepped on it, but not pity.*

Plants, although being alive, do not have 'a life' as such, unlike living creatures.

Indeed, 'the sense in which a tree lives and dies is too far removed from the sense in which creatures... live and die for us to feel for them what Bonatti felt for the butterfly'.⁴ Things can happen to plants and trees, but they cannot 'do' anything as

* There may be some exceptional circumstances where one may feel pity for a plant. Jonah, for example, felt pity for a plant (Good News Bible (Swindon: Bible Society, Collins, 1976), Old Testament, Jonah, 4.10.).

such.

One need not reflect on the mental states and thoughts of insects, or other probably nonsentient creatures, to recognise them as beings that have a life, just as we also have a life, and thus have something in common with such beings. As Gaita says,

Bonatti's pity for the butterfly could not have taken the form it did if he believed it *struggled* against its entrapment on the ice only in a manner of speaking. To see its movements as a struggle is, I think, the achievement of an imaginative capacity, one that is able to see it as a creature caught up in a drama. And that, I suspect, is not so much dependent on as interdependent with our sense that butterflies and spiders are not only living things, but they also, albeit in a very limited way, have a *life* that we can take an interest in.⁵

That we can see creatures as beings that have a life, and, thus, also as victims of life, accounts for our feelings of pity. It accounts for what we mean and feel when we say that 'we feel sorry for' nonsentient things and creatures. That living things have moral standing is what accounts for our feelings that we can wrong nonsentient beings. This is also what accounts for some people's feelings of pity for, say, insects.

We can see how all these feelings (that is, compassion, empathy, sympathy and pity) are far from distinct and seem to merge into one another. This is to be expected since compassion, sympathy, empathy and pity are all feelings which, in some way or another, either require that one be able to recognise or imagine the sufferings of another being, and see those sufferings as something one should be concerned about, or require that one be able to imagine, understand, or put oneself in the life position of another being. Seeing a being's sufferings as something one should be concerned about is normally* dependent on (or normally requires) being able to put oneself in the position of that being, but putting oneself in the position of a being is not dependent on that being suffering. Indeed, one can put oneself in the

* I say 'normally' since autistic people may be able to see a being's sufferings as something they should be concerned about without being able to put themselves in the position of that being. But for all beings, being able to see another's sufferings as something they should be concerned about requires them to have 'a theory of mind'.

position of another being that is not suffering, or put oneself in the position of a being whilst recognising that it is not the suffering of that being we should be concerned about. Of course, a being may not have the capacity for suffering, but it may have interests that we may be concerned about. These feelings then are all informed by those things that give beings moral standing, such as an interest in not suffering, an interest in life or living, an interest in living a good life or a life natural to its kind, and so forth.

9.2. The Concept of Dignity

The concept of dignity* appears to be connected to those beings that have interests. We often talk of dignity in relation to humans, so why not animals? One of the reasons why we do not usually apply such a concept to animals is because we are tempted to assume that whoever we attach the concept to must understand the concept, and recognise how their dignity can be infringed or violated. Indeed, our understanding of the concept depends upon an understanding of its opposite; an understanding of how a being can be degraded. When we say that someone's dignity has been infringed we usually mean that the person has been degraded or humiliated in some way or another. To attach the concept of dignity to a being it is usually believed that the subject must understand how and when their dignity has been violated or that they have been degraded in some way or another.

However, we do use the concept of dignity to refer to the degradation of human subjects who do not necessarily understand the concept or know what constitutes degradation. So, it is not obvious that it cannot be applied to animals. We speak of "dignity remaining intact", "a violation of dignity", or we say, "She has had

* The word 'dignity' may be used in a presentational sense (for example, we might say "he carries himself with dignity"), or in a social sense (for example, we might say "he fulfilled his duty with dignity or honour"). However, I will not be using 'dignity' in either of these senses. Rather, the sense of dignity I will be concerned with is one that is related to ideas about the value or worth of a being.

her dignity taken away from her". Thus the concept of dignity is connected to, among other things (which will be discussed below), ideas about the wholeness of a being, and to a being remaining intact, physically and mentally. When we speak of a violation of dignity we are speaking of an act, actions or circumstances that infringe the wholeness of a being without that being's consent. That wholeness may be violated through, for example, injury, confinement, disease or illness.

However, talking of just the wholeness of a being is, admittedly, too general to explain the concept of dignity, since the 'wholeness' of one's body may be purposely infringed upon, without consent, but without that infringement constituting a violation of dignity. (For example, performing an operation on an infant to remove an infectious or diseased part of the body (and part of the body that has the potential to further severely harm or kill that infant) would (usually) not be seen as a violation of dignity.) So it does seem that dignity is not just connected to ideas concerning the wholeness of a being. Indeed, when we speak of a violation of dignity we are usually saying that a being's consciousness, feelings or capacities are being undermined in a way that we consider to be morally unacceptable. So here the concept of dignity needs further explanation.

While the concept is usually reserved for humans, its application to animals (in the context of animal experimentation and gene technology) is a crucial part of the Swiss constitution's animal protection law. The Swiss Ethics Committee on Non Human Gene Technology (ECNH) and the Swiss Committee on Animal Experiments (SCAE) have stated that violation to dignity can be caused through (1) intervention in appearance (which includes changing animals' capacities), (2) humiliation or (3) excessive instrumentalisation.⁶ (1) and (3) can readily be applied to animals, both sentient and nonsentient. As the ECNH and SCAE say, in respect of excessive

instrumentalisation,* ‘the interests of individual animals in their own, if perhaps “unconscious”, existence i.e. their synergetic relationship with the environment (development, preservation of existence and reproduction) must be taken into account’.⁷ The ECNH and SCAE admit that ‘the “humiliation” category is very much a human-centric concept’.⁸ Humiliation does seem to be something that only self-conscious beings can experience and I assume this is why the committees believe it is something only humans can experience.

While the current Swiss constitution requires that the dignity of only vertebrate animals be protected, the ECNH argues that, since the dignity of vertebrate animals is to be protected in virtue of these animals having inherent value,⁺ and that, further, all living beings or things (including invertebrate animals, plants and all

* That one can violate an animal’s dignity through using an animal in a way that can be deemed excessively instrumental has connections to Kant’s idea that one should never treat a person merely as a means, but also as an end. (Though Kant would not agree that this idea should be applied to animals.) In ‘The Dignity of Animals’ the ECNH and SCAE do not give a definition of excessive instrumentalisation, but it does seem that it means being treated *merely* as a means to an end, and something like objectification. And although they do not give a definition, they do give examples of different treatment and usage of animals that seem to be suggestive of excessively instrumental treatment in that the animals’ interests are disregarded to the extent that they are treated as objects for human use, rather than as beings with interests of their own. One such example is that of hairless cats: ‘Hairless cats are bred as domestic animals. Their ability to retain warmth is impaired, and they often suffer from sunburn and other injuries. Comfort behaviour such as licking, as well as their sense of touch and orientation, are restricted. The argument in favour of breeding and keeping hairless cats is that their lack of hair allows people who suffer from allergies to keep a cat. This argument is of minor relevance, given the existence of other domestic animals which do not cause allergies. Moreover, the damage and injury to the animals’ interests is significant’ (ECNH and SCAE, ‘The Dignity of Animals: A joint statement by the Swiss Ethics Committee on Non Human Gene Technology (ECNH) and the Swiss Committee on Animal Experiments (SCAE), concerning a more concrete definition of the dignity of creation with regard to animals’, trans. Nicolette Chrisholm, Swiss Agency for the Environment, Forests and Landscape, Berne, ECNH and SCAE, May 2005). The existence of these cats is indicative of cats being used and seen as objects that can be manipulated for our own benefit, whatever the resultant harm caused to the cats (in this case, the harm can be seen in terms of restrictions from fulfilling potentialities and species-specific tendencies). For the ECNH and SCAE, ‘Living creatures should be respected and protected for their own sake’ (ECNH and SCAE, *ibid.*), rather than protected solely for their instrumental value. These committees would certainly argue that animals should not be treated solely as instruments or objects for our own use, and that animals’ interests should be given due consideration, and in cases where interests conflict a proper evaluation of those interests should be performed.

⁺ The ECNH argues that ‘[r]ecognition of inherent value requires that animals be respected for their own sake, their specific characteristics, needs and behavioural patterns’ (ECNH, in ‘The Dignity of Animals: A joint statement by the Swiss Ethics Committee on Non Human Gene Technology (ECNH) and the Swiss Committee on Animal Experiments (SCAE), concerning a more concrete definition of the dignity of creation with regard to animals’, trans. Nicolette Chrisholm, Swiss Agency for the Environment, Forests and Landscape, Berne, ECNH and SCAE, May 2005).

forms of life) are seen to have inherent value, then they too should be seen as beings or things to which we should show consideration in terms of respecting their dignity.⁹

For the ECNH and SCAE then, in order to recognise what constitutes a violation of an animal's dignity one must refer to certain criteria (that is (1), (2) and (3) above). However, they recognise that in protecting animals from unjustifiable suffering, pain, injury, distress and anxiety one may significantly be preventing them from being degraded.¹⁰

One may ask then as to what role the concept of dignity has that cannot be fulfilled by concepts like 'harm', 'suffering' and 'distress'. The answer to this is that the application of the concept of dignity to animals is supposed to provide more extensive or thorough protections for animals used in experiments and gene technology. Animals, for example, may be harmed through excessive instrumentalisation, a reduction of their capacities, or being restricted from exercising their capacities, although it may not be explicitly obvious that they are suffering or in distress.

While the ECNH and SCAE argue that 'animal distress corresponding to particular criteria (suffering, pain, fear, injury, intervention in appearance, humiliation and excessive instrumentalisation) constitutes an injury to dignity', this does not mean that the treatment of a being that satisfies these criteria is always unjustifiable. As the ECNH and SCAE go on to say, 'the dignity of an animal is respected if violation of its dignity is considered justifiable on the basis of a careful evaluation of interests. However, dignity is violated if the evaluation of interests shows that the animal's interests outweigh the interests of the other parties'.¹¹ For both these committees then there should be a comparable weighting of interests similar to how one would weigh interests in terms of the principle of equal consideration (see cps.2

and 3).

The ECNH and SCAE do seem to give a thorough explanation of the concept of dignity and reference to the ‘excessive instrumentalisation’ criterion may explain why some treatment of animals appears to harm them even though it is not always clear that the animals in question are distressed or in pain. For example, parading a wild animal, say, a monkey, on a lead, down a street, dressed up in a bowtie and ra-ra skirt (perhaps as ‘entertainment’ for tourists), seems to be an example of the kind of treatment that constitutes a violation of dignity, but we could easily imagine that the monkey does not overtly appear distressed at all. Of course, treating a monkey in this way is wrong because it restricts the monkey from fulfilling its species-specific capacities and interests, and living a good life proper to its kind. But there does appear to be another dimension as to why this treatment is wrong. There seems to be something else that is appalling about this treatment (even if the monkey ‘looks like’ it is enjoying itself) that the criterion of excessive instrumentalisation may be able to explain. (However, it is not clear that such treatment would be wrong if it was carried out on, say, a dog, perhaps because treating a dog in this way may not restrict that dog from fulfilling a good life proper to its kind. And if the dog is not treated merely as a means to an end, but is allowed to live in relative freedom and in an environment suitable for living a life proper to its kind, then its treatment may not be completely instrumental or excessively instrumental. Treating a wild animal in this manner though will involve removing that animal from its natural environment, in a way that treating a domestic dog in this manner does not. I do not want to commit myself to saying that such treatment of a dog is not a violation of dignity, but wish only to highlight that what constitutes a violation of dignity to one animal may not constitute a violation of dignity to another.)

Suzanne Cataldi offers further insight into dignity, and its application to animals, by reference to a particular example.¹² She refers to her visit to a Moscow Circus, where bears could be seen whose appearance and behaviour was unnatural to their species-specific natures. In the lobby of the circus there were bears, in individual rooms or coves, which visitors could sit on and touch whilst having a family photograph taken. These bears had clown collars (similar to Elizabethan collars) around their necks and held balloons, by a string, in their paws. In the circus ring bears performed a number of ‘tricks’. One bear, dressed in an apron, walked on its back legs, around the ring, pushing a pram. Watching all these bears Cataldi, quite rightly, began to feel uncomfortable. She thought of how the bears came to behave and be like this. She began to ask questions to herself: Were the bears in the lobby drugged? Had the bears in the circus ring been tortured in order to perform these acts?¹³ While she suspects that the bears had undergone possibly immense suffering in order to be doing these things,* there is something else that she finds appalling and disturbing that she explains through talking of the bears’ dignity:

All ‘broken in’—broken inside—they are like puppets on strings, hollowed out, stuffed animals. Externally controlled and manipulated, with the aid of silly props and costumes, in an unnatural (human) setting... these bears are made to appear weak and ridiculous... [A]t this stage, or on this stage, with their baby carriages and balloons, they really are, really do appear to be, beyond freedom and dignity.¹⁴

The manipulation, control and lack of freedom these bears are forced to endure results in the bears not being able to be the animals they actually are in reality. The circus performance suggests ‘an impoverished view of the value of their own reality, of their being the particular animals they are’.¹⁵ The massive extent to which the bears are

* Trying to get a bear to do something you want it to do, like, for example, walk of its own accord into a den full of food, is no mean feat, and, from my own experience (working with bears at an animal sanctuary for The Friends of Animals, Thailand) extremely difficult to the point of being nigh on impossible.

instrumentalised has forced them to live a life completely unnatural to their kind, and this is what constitutes a violation of their dignity. The fact that they are forced and manipulated is relevant here, for what constitutes a violation of dignity is usually closely connected to actions that are carried out without consent, and dignity, as Cataldi says, is generally related to ‘concepts of freedom and autonomy’.¹⁶ Cataldi refers to Paul Taylor’s idea of freedom in relation to animals: ‘The key, for Taylor, to the meaning of freedom in the case of nonhumans “is found in the idea of an organism’s being able to realize its good in a biologically normal way”’.¹⁷ The bears’ lack of freedom, together with excessive manipulation of their behaviour, not only prevents them from being able to live according to their own good, but further results in behaviour that (in some sense) is not their own. There is obviously a lack of recognition of the bears’ value, but their dignity is compounded by the fact that they are prevented from living their own form of existence or from living a life that allows them to exercise their species-specific tendencies or fulfil their own good. The control really is such that they cannot *be* what they are. Their very Being is, in some sense, ‘beyond freedom and dignity’.¹⁸ As Cataldi says, ‘dignity is related not only to notions of worth or value, but also to ideas of decency. Indecorous behaviour is improper (from *propre*: own), unbecoming or inappropriate—behaviour that does not suit one’s character or status—behaviour that is not one’s own (or specific to one’s species)’.¹⁹

For Cataldi then the dignity of individual animals consists in ‘their being who or what they are’²⁰ in respect of their species-specific lives, and not valuing the individual species-specific lives of beings, or showing consideration for the ways in which they live their lives (including exercising their natural tendencies), may prevent the flourishing or good of those animals.

Of course, the objection may be raised that only those beings that desire dignity and autonomy can be said to be capable of having their dignity violated and that, since animals cannot desire either, it makes no sense to talk of dignity in relation to animals.²¹ However, it is not clear that no animals can desire (something like) autonomy. Of course, most animals may not be autonomous in the sense of being capable of making goals and plans for the future and acting to fulfil those goals and plans. But neither are all humans capable of this and those that are capable do not always fulfil their plans and goals. A broader definition of autonomy could be defined as ‘personal rule of the self that is free from both controlling interferences by others and from personal limitations that prevent meaningful choice, such as inadequate understanding’.²² Some nonhumans, it seems, would be seen as autonomous if autonomy is defined in this way. Of course, whether one wants to say that animals are autonomous or not depends on what one defines as ‘autonomy’, but I think it is fair to say that most animals have an interest in living their *own* lives in relative freedom, free from the sort of coercion and control that would be detrimental to their well-being or flourishing (however we define autonomy). Whether they have a desire to live this way is a different issue, but they could have a desire to live this way even if they do not recognise that desire. Cataldi certainly seems to think that animals do have a desire to live a relatively autonomous life: ‘while I think it is hard to know what animals do and do not consciously experience, it seem to me that they may be as sensitive as we are to something like their own ‘personhood’ and that they do desire to live a dignified, or relatively self-possessed life’.²³ However, even if animals do not have such a desire, all animals have, at the very least, an interest in being free to live a life natural to their own kind.

Moreover, Cataldi argues that the above objection confuses the concept

‘dignity’ with the desire for one’s dignity to remain intact.²⁴ The application of the concept to animals is not dependent on them having certain psychological states, such as the desire for dignity (and neither is its application to humans dependent on this). Rather, it is dependent upon animals having value other than the value ascribed to them by humans. Animals have a good of their own, which is intrinsically valuable (cp.8),* whether or not they have certain desires. Actions that show no consideration for their good and tend to frustrate or undermine could possibly be a violation of their dignity. Besides this, as said above, we do apply the concept ‘dignity’ to humans who lack the desire for dignity. In fact, it is those humans who have limited capacities (whether these are physical or mental ones), compared to healthy adult humans that are most likely to have their dignity violated. In respect of severely mentally disabled humans, their living a life which allows them to flourish, as far as possible (albeit in a limited sense), as severely mentally disabled humans, may be dependent upon other people fulfilling their basic needs and considering their interests (in so far as they are not capable of furthering their own interests and fulfilling their own needs). This makes them extremely vulnerable to treatment that is detrimental to their own good as severely mentally disabled humans. Cataldi would say that preventing such people from living a life that allows them to fulfil their own good, as severely mentally disabled humans, might undermine their dignity.²⁵

While Cataldi’s ontological explanation of the dignity of animals⁺ is appealing in that it offers a reason why certain treatment of animals (such as the treatment of the

* It is unclear whether Cataldi locates intrinsic value in individuals or their states. However, I have argued (cp.8) that intrinsic value is to be located in states, such as thriving or well-being (see Robin Attfield, Value, Obligation and Meta-Ethics (Rodopi: Amsterdam, 1995)).

⁺ For Cataldi, the dignity of animals is related to ‘their being who or what they are’, and in this sense her explanation of dignity can be seen to be ontological (‘Animals and the Concept of Dignity: Critical Reflections on a Circus Performance’, in Ethics and the Environment, Vol.7, No.2, July 2002 [accessed through Expanded Academic ASAP at <http://find.galegroup.com>, on 22/10/08, p.10].

bears in the Moscow circus) is wrong, irrespective of whether or not we know the animals are made to suffer, it is not clear that we need a concept of dignity to explain why certain treatment is wrong. Indeed, she appeals to the good of animals and to the species-specific natures of animals as an explanation of why the treatment of the circus bears is so appalling, and such appeals are a reason in themselves for why such treatment is wrong (cp.8), independent of talk of the bears' Being and irrespective of whether or not such treatment causes suffering.

However, while talk of a violation of dignity may not, in itself, give an adequate explanation for why some actions are wrong, since there will always be an underlying further appeal to other reasons (such as suffering, harm or premature death),* the concept and its application may be able to give us a greater understanding of the complexity of the ways in which animals can be harmed in allowing us to recognise that specific harms caused to animals, and concomitant injuries and frustrations, may constitute or result in further harm. In this sense it may be that 'dignity' should best be seen as an 'umbrella' term that, in the case of the circus bears for example, refers to all the things we perceive to be appalling and heartrending about such treatment; that is, the excessive instrumentalisation, the lack of consideration for the bears' interests or well-being, the lack of recognition of the bears' value, the prevention of the bears fulfilling their species-specific tendencies and the total lack of concern for the bears' good or flourishing.

The notion of dignity seems to be similar, if not the same, to another notion often used in ethics—the notion of integrity:

Integrity goes beyond considerations of an animal's health and welfare, and it applies not only to present but also to future animals. An animal's integrity is violated when through human intervention

* One should say that this applies to humans too. That is, talk of dignity and its violation in relation to either animals *or humans* does not always give an adequate explanation for why some actions are wrong (yet we frequently use the word 'dignity' in relation to humans).

it is no longer whole or intact, if its species-specific balance is changed, or if it no longer has the capacity to sustain itself in an environment suitable to its species.²⁶

Thus, this description of integrity seems to be fitting as a description of dignity too, the only difference being that dignity can be violated not only through human intervention. It can also be violated by circumstances not caused by humans and beyond human control, such as crippling disease and illness.

Indeed, the concept of dignity is very difficult to explain, as is the concept of integrity, but such difficulties do not make those concepts useless in moral discussion:

It is important... not to reject the concept too swiftly because of difficulties in setting out precisely what it involves. In the light of ongoing technological developments we are confronted with dilemmas that traditional moral concepts cannot deal with, and we have a responsibility to try to define our moral thinking and to develop criteria that help us act in a morally justifiable way... The concept thus does not refer to an objective state of affairs, but to one that we feel is important to preserve. Yet we need not regard the concept as completely subjective either. While it does not refer to empirically ascertainable biological facts, we can still establish intersubjective criteria for its application. Through moral discussion, we can reach agreement about what sorts of actions do and do not lead to violations of integrity.²⁷

This quote, from Bernice Bovenkerk et al, talks about the notion of integrity. But the same could be said about the notion of dignity. Whether we use the word 'dignity' or 'integrity' is unimportant. The important point is that concepts, such as these, seem to be the ones that are appropriate in certain circumstances however difficult it is to put such concepts into words.

For example, the treatment of bears in bile farms, and sows in factory farms seem to be clear violations of dignity. We would not hesitate in bringing into the discussion the word 'dignity' if similar things were done to human beings. Apart from talking about the intolerable suffering these animals are made to endure, talking

of a violation of ‘dignity’ seems to be the word that belongs. Since dignity is connected to the disabling and injuring of a being, to the extent that it prevents that being from functioning or living a life natural to its kind, speaking of ‘dignity’ and its violation does seem to capture the unjustifiable and immoral nature of some practices (such as bear bile farming and the factory farming of dogs and cats for their meat), and many animal experiments.

Admittedly, we do not need the concept of dignity to explain the immoral nature of some practices. As said above, concepts like harm, suffering and premature death can explain why some practices are wrong. But this does not make the concept of dignity useless in explaining the unjustifiable nature of some practices. It could be seen to enhance our understanding of the immoral nature of some animal practices, like, for example, bear bile farming, and some cruel treatment of animals, like, for example, forcing bears to ‘dance’ for entertainment or perform acts in circuses.

When we see bears that are forced to dance for entertainment we can understand what it means to say that humans, by their actions, have violated the bears’ dignity. It is not just the suffering of the bears that makes their treatment totally unjustifiable, but also the total lack of respect for the animals’ integrity. Humans, by their actions, are preventing the bears from functioning as they naturally should, and this may be said to be an infringement of their dignity. We need to look at the enormous and intolerable suffering of these bears, and of other unfortunate animals, in immoral practices, like factory farming, and we need to look at this suffering for what it truly is—heartbreaking, appalling and immeasurable—and then, maybe, we will be able to see that dignity and its violation is the notion or concept that applies.

Some characteristic features of actions that violate a subject’s dignity seem to be that such actions are carried out without the subject’s consent, the subject’s mental

and / or physical being is manipulated or disrupted in some way or another, the intervention is unwanted, and the actions do not purposefully aim to benefit the subject.*

It does seem that actions that violate dignity then not only cause harm and show a lack of consideration for a being's interest, but are also done without consent.+ However, some actions may injure or disable a being in some way or another, but cannot be said to violate a being. Some actions that harm may be done without consent, but are done to directly benefit the creature being harmed and to prevent further harm or to increase quality of life. In such circumstances such actions do not violate dignity since such actions show consideration for the interests of the creature concerned. An action may constitute a violation of dignity if it is an action that not only harms a being, but is done without consent *and* is not carried out in order to directly benefit the being that is harmed.

There is then a difference between those actions that harm a being, without consent, yet take into account relevant interests and are carried out to directly benefit that being (actions of this sort cannot be said to be a violation of dignity), and those that, likewise, harm a being without consent, but are significantly different in that they do *not* take into account relevant interests and are *not* carried out to directly benefit that being (actions of this sort may violate dignity). Not all actions then that are not consented to and cause harm can be said to constitute a violation of dignity.

There may be other cases in which actions that cause harm to a being (by disabling or injuring that being in some way or another) do not constitute a violation

* This is not to deny that the criterion of excessive instrumentalisation (as discussed above) may be able to explain why some actions may be said to constitute a violation of dignity.

+ There may, however, be exceptional cases where actions may violate a being's dignity, yet may be done with that being's consent. An example of such a case may be of a disabled human persuaded to take part in a freak show.

of dignity, since it may be that the actions are done to a being with that being's consent.* A person may choose to be harmed for some reason or other. She may choose to harm herself or may consent to someone else harming her. Such actions, since consented to, may possibly not be said to constitute a violation of dignity.

9.3. Living Creatures and the Imagination

I have given a brief outline of the concept of dignity, and what could be called 'moral feelings', like sympathy and pity. Although the notion of dignity (like moral feelings in general) is difficult to articulate, what is certain is that we can only apply such a concept to (and have such feelings towards) things that have moral standing. More specifically it seems that the concept of dignity is only of moral relevance and can only be applied to living creatures, and likewise moral feelings are only of relevance to and can only be felt towards living beings.

If we do have moral feelings towards things lacking moral standing (I will call them 'nonmoral' things) then we may have to recognise and accept that such feelings may be irrational or merely sentimental. Feelings of pity or compassion towards beings with moral value should be distinguished from strong feelings towards nonmoral objects. As Gaita says, 'Love is everywhere distinguished from its false semblances by the way in which one respects the independent reality of what one loves. This is obvious in the case of human beings, but is also true of animals'.²⁸ Real moral feelings are feelings towards real moral entities and require, at some point, being able to respect the independent nature and value of those entities, whether those entities are humans or animals. Such feelings can be distinguished from their false guises, or feelings which appear, at first glance, to be moral, but which are actually directed at nonmoral objects and involve valuing those objects only in relation to the

* Such actions include, for example, giving freely chosen inoculations and tattoos.

value they have for oneself. Feeling for a thing because of its independent reality as a living thing is different from feeling for a thing solely because of its connections to oneself.*

For example, if one were to see a child pulling the wings off an insect, one would not feel pity for the insect if one felt worried only about what sort of psyche that child was developing in doing this sort of thing, or worried about the cruelty aspect of such an act. These are important concerns, but cannot be classed as pity. To feel pity for the insect itself involves feeling 'sorry for' the insect as a living thing. We feel pity because of what is done to the insect, not because of the character of the child (4.3.). Indeed, we may feel regret that a child could act in this way. But to truly pity the insect depends on seeing the independent nature of the insect and seeing it as a creature with a life of its own. It is not the manifestation of bad character in the child that makes the act wrong, but rather the act is wrong because of the harm done to the insect itself (4.3.), and it is this harm that informs our sense of pity.

What also seems clear about moral feelings and the notion of dignity (other than that we can only have such feelings towards and apply such a notion to creatures that have moral standing) is that having these feelings and applying this notion to animals may often require using the imagination to some greater or lesser extent. It may be possible to apply the concept of dignity through reason alone,⁺ but, more often than not, understanding the concept requires being able to put oneself in the position of another being, or understand the sufferings of another being, and this requires imagination.

* That true moral feelings, then, can be distinguished from pure sentimentalities has analogies with Aristotle's idea that virtues should be distinguished from their false appearances. For a fuller discussion on this see Aristotle, *Ethics*, translated by J. A. K. Thomson, revised with notes by Hugh Tredennick, introduction by Jonathan Barnes (London: Penguin, 1976), Books 1-3, pp.63-141.

⁺ Indeed, I have attempted to provide a definition of dignity and its violation (9.2.), which implies that it is a concept that can be applied through reason.

It is true that we indeed can and do have spontaneous moral feelings for other beings, without ever appearing to exercise our imagination, and I do not want to say that we can never have these feelings without imagination coming into play. But, again, I wish to say only that, more often than not, the arousal of such feelings requires putting oneself in the position of another being or thinking about the sufferings of another, and this often requires that one be able to imagine the life position of another being. Also, while it may appear that we have such feelings spontaneously, it may be that we are using our imagination but are doing so without being conscious of it. Having such feelings and applying such a concept often require being able to imagine that and what another being feels, or imagine what another being is going through.

In the case of Bonatti's butterfly (9.1.), Bonatti's pity for the butterfly was dependent on Bonatti being able to put himself in the position of the butterfly. Through knowledge of his own life experiences and his conception of himself as a living thing that can be harmed by death, he can imagine being in the position of the butterfly, and therefore imagine the ways in which the butterfly may be harmed in life. His pity for the butterfly is not dependent on the butterfly being sentient, or dependent on him thinking of the butterfly as a being with thoughts and feelings. It is, however, dependent on the butterfly being a living thing with a life of its own, and on Bonatti being able to empathise with the butterfly.

As Gaita says, Bonatti sees the butterfly as 'a creature caught up in a drama' and sees 'its movements as a struggle'.²⁹ To be able to see this requires imagination:

[T]o see this drama, even to take an interest in it, requires a certain kind of imagination. To see the drama that consumed the butterfly as Bonatti saw it is to possess that kind of imagination in high degree. It is not a speculative imagination, not the imagination that would seek out something hidden inside the insect's head. Everything is on the surface, provided of course one has an

imaginatively rich sense of the surface.³⁰

Bonatti sees the insect as his 'brother in misfortune' suggesting his sense of common fate with the insect as a mortal, living thing.³¹ 'Poor living thing' he exclaims (9.1).³² Many of us, at some time, have no doubt said of an animal 'poor thing', as an exclamation of our sense of pity for an animal. Living things all have an interest in life and can be affected for better or worse by our actions, and this is what accounts for our feelings of pity for creatures, as living things, and accounts for what we mean when we say, as Bonatti did, 'poor living thing'.

Through the cultivation and arousal of moral feelings and the application of the concept of dignity to animals the imagination then can play an important role in informing us of those actions that can harm animals. While judgments as to whether actions are ethical need to be based on rational appeals to interests, rules and the like, our ethical relations themselves are not always based solely on consideration of such things. Pity, empathy, sympathy and compassion allow for another kind of connection to an ethical relationship with animals, and may allow us to immediately recognise those actions that harm animals. Similarly, the concept of dignity may allow for these things. While right conduct is not dependent on having such feelings or upon a conception of dignity (or its application to our lives with animals), moral feelings and the concept of dignity can inform and enhance our understanding of the ways in which animals can be vulnerable to harm.

9.4. Concepts: application, meaning and the role of literature

Indeed, for the concept of dignity to inform our understanding of ethical relationships that concept cannot be separated from the situational context in which the concept is applied (at the time of application). This is why it is so difficult to define such a concept. Being able to apply and use many evaluative concepts is often dependent

upon the depth of one's immersion within the circumstances in which those concepts have relevance. Some concepts only have meaning when they are seen in connection with the situation or experience in which they are used. Only in connection with their rich situational context can they have form.

In the case of the Moscow circus bears (9.2.), one may be able to see their treatment as a violation of dignity by understanding or recognising that it is a whole set of circumstances (seen in their entirety), that these bears are forced to endure, that prevents them from being able to maintain dignity. The situation itself belittles the bears. Every single thing about their situation belittles them. Their 'performances', the fact that they are made to wear frilly clothes (or clothes in general),³³ the massive extent to which they are forced and manipulated to act in a way completely abnormal for bears, together with the audiences' laughter and total ignorance about the bears' deprivation and ignorance about the scale of the abuse taking place, are all aspects of the situation that inform us of the appropriateness of the application of the concept 'degrading' to the bears' pitiful situation.

Raimond Gaita gives an example of where the meaning of certain concepts can only be understood in connection with the context in which they are applied. He talks of the death of his dog, Orloff, and of how he and his father gave Orloff a burial. Gaita remembers how they tenderly laid Orloff in his grave, of how he saw his father cry for the first time, and of how he remembered his friendship with Orloff.³⁴ To bury a dog in this way one needs to have an understanding of what it means to give a dog a burial. One must be able to understand how concepts can be applied to dogs (in this case, the concepts of respecting dead animals and giving animals burials):

What does it mean to do what my father and I did when we buried Orloff? The question about Orloff does not ask how we *felt* when we buried Orloff: it asks how our feelings were affected by our *understanding* of what we were doing in 'giving him a burial'. It

asks whether we have a place in our understanding for the application to dogs of a certain concept—the concept of honouring them when they are dead. Reflecting on that is not a neutral exercise in linguistic or conceptual analysis. It is reflection on how we live our life with this part of language, by which I mean it depends on how the language we use to speak about this might become alive to us, in its creative use, in story or poetry, in theatre or film. Here we often learn, or see sense where we had not before, when we are moved. The person who would try to make me appreciate the meaning of what I intended to do to Tosca* might tell me a story, or read me a poem.³⁵

Only in light of their contextual situation or experiential background do certain concepts have meaning.

For Gaita, stories, literature and poetry can tell us much about animals and can significantly enhance our understanding of ethical relationships with animals. Gaita acknowledges but rejects the common assumption that if we are to learn anything from stories then we must try to separate the objective content from the literary or subjective content and then assess the objective content in order to extract its factual knowledge.³⁶ Such assumptions are exactly what Gaita is arguing against. For him, there are some things (such as certain concepts) of which we can only understand their content when they are examined, or looked at, within a frame of reference. Separating certain concepts from their contextual framework, and thus from their content, distorts the meaning of those concepts and renders them useless as modes of understanding.

We would do well to look at some small sections of the prose, which Gaita cites, from Rush Rhees' Moral Questions.³⁷ Rhees' prose is starkly heartfelt and illuminating and, because of this (that is, because of the transparency and quality of

* Here Gaita is referring to his cat, Tosca. Earlier in his book, Gaita tells us of how Tosca was severely injured by a dog. Gaita ponders over the fact that, after the dog had attacked Tosca, he considered smashing a trowel over Tosca's head to kill her outright and prevent her from further suffering. Upon reflection Gaita believes that to do this would be a violation of Tosca's dignity. Causing pain, he suggests, is not the only wrong we can do to animals (Gaita, The Philosopher's Dog (London: Routledge, 2003), p.35).

the prose), it may help us to understand and see how certain concepts can be applied to the relationship between humans and animals.

In the passage of prose below Rhees is talking about his dog, Danny, whom he tried, but failed, to discipline. The prose informs us of how our understanding of the concept of ‘knowing where one stands’, applied to animals, cannot be separated from the content about which that concept is used.³⁸

I have never been glad that Danny had the crazy nervous temperament that he did have. No more than I’ve been glad of my stupid impatience with *him*. But... we came to know one another. And what I mean by knowing him—or, if you like, what I mean by *him*—is not something I can separate from being face to face, again and again, with his crazy excitability, with his absolute obstinacy and refusal, with his cussedness in a dozen different ways: trying to meet these, trying to get round them, and generally ending up worse tempered than he and throwing the lead at him so that he ran into the house, and when I got in he was looking at me scared from behind the chair. Scared: but only waiting for the first chance I’d give him to come and press his head between my knees hard enough to break his skull and wag his whole backside.—Gradually... we came to know one another in all this. He had come to know where he was with me; and I had come to know where I was with him. And each of us knew this.³⁹

Being able to understand ‘knowing where one stands’ and its application to some animals, in this case, dogs, involves either having a life with Danny, having a life with an animal in which one ‘knows where one stands’ in that relationship and recognises how and when that concept applies, or coming to understand the conception through imaginative reflection on life with Danny made possible through prose, such as that of Rhees.

Gaita talks of Rhees’ profound grief over the death of Danny. He talks of how Rhees grieved for Danny as if Danny were a person.⁴⁰ However, Gaita recognises that Rhees did not actually think Danny was a person. He also recognises that Rhees was not sentimental about Danny:

Normally if we think that someone treats an animal like a person,

meaning that as a criticism, then we mean either that she wrongly attributes to the animal capacities that should only be attributed to (human) persons, or that she is... sentimental. None of this can be said of Rhees. He feels something like the same bewilderment over his dead dog that we feel over dead human beings. He also feels something like the same guilty anxiety that he will be unfaithful to the dog if his grief abates.⁴¹

Through Rhees' prose one may be able to see Rhees' relationship with Danny for what it was, in all its complexity. Indeed, it is possible that one may come to understand a relationship between a man and his dog, or a woman and her dog, by reading Rhees' prose (if one had not understood before):

When I try and get on with working at (trying to understand) the philosophy of mathematics... I realize how, in what I was reading and writing, I made no move without him: how I brought him along in every move. (He was sleeping in the corner or there in front.) And if he is past—how am I supposed to move?—what do I do here now?⁴²

Through Rhees' prose one may be able to understand how love and respect can be applied to the relationship between a human and an animal. Of course, the love and respect between a man and his dog may not be the same as the love and respect between two people, but, nevertheless, the concepts still have meaning. They still make sense.

Stories, then, play an important role in allowing us to grasp the meaning of many concepts. They allow us to see when concepts fit, how they fit and why they fit. Divorced from their content such concepts lose their complexity. They become empty or, at least, shallow.

9.5. Concepts: the role of the body

It must be said here that evolutionary theory can tell us much about animal and human behaviour. Indeed, it is from evolutionary theory that we learn that much human body language has its origins in forms of innate animal communication. (In the context of evolutionary history the spoken language, as a form of communication,

is a fairly recent development.) It is not only animals that have innate behaviour patterns. Humans do too (6.3.).

We also learn that, just as much human behaviour is learned, much animal behaviour is also learned, and while most animal communication and behaviour is bodily or nonverbal, so too is much human communication and behaviour (6.3.).

Indeed, much human behaviour is essentially nonverbal and takes place through eye contact, gestures, and subtle movements:

We need to distinguish between the following...

1. Those nonverbal elements of... interaction which are innate...
2. Nonverbal channels of communication that are learned... (eg., gesture, gaze and vocalization). The second, unlike the first, can be just as much a part of language as words: can serve well to express or communicate what one is thinking or what one intends or believes.⁴³

The role bodily expressions and behaviours play in the ascription of concepts, including concepts like 'intention', and 'belief', should not be underestimated.

Attentive observation of subtle bodily expressions and behaviours, and reactions to those movements, allows one to recognise which concepts can be justifiably ascribed to humans and animals.

Concepts, like 'intention', 'hope', 'fear', and 'belief', can readily be ascribed to animals and are needed to describe their behaviours (many of which can be extremely complex). Animals need not be able to express their thoughts or emotions in words in order for us to say that they intend this or believe that. As Mary Midgley argues, 'human beings with a strong interest in the matter [that is, animal mentality]... spot the difference between fear, anger and other emotions by observing a consistent set of reactions which makes sense only on the assumption of a given belief'.⁴⁴ Indeed, much complex animal behaviour would not be possible if they could not have beliefs or memories. Consider, for example, the behaviour of guide dogs,

elephants travelling in search of food, or even birds migrating. Much animal behaviour is indicative of memory, some sense of time (even if it is not the same sense of time as ours), expectation and belief.⁴⁵

Of course, some people who are sceptical about animal minds question the readiness to ascribe such concepts to animals. Often this sceptical attitude expresses the belief that one cannot have concepts or understanding unless one can speak or use language (cp.6). However, as Midgley argues, much of our understanding of the world is 'pre-verbally determined'.⁴⁶ What she means by this is that our perceptual faculties allow us to understand the world long before we acquire language. Since we share our faculties with other animals (and some of the faculties of animals can be seen to be more powerful than human faculties), there is no reason to suppose that animals cannot understand many aspects of the world. As Midgley says, 'neither with dog nor human do we need words to reveal to us what expressive and interpretative capacities far older and far deeper than words make clear immediately'⁴⁷—that many animals have, for example, beliefs, hopes and intentions.

It does seem rather implausible, in terms of evolutionary history, '[t]o suppose that speech could have originated among creatures which had no understanding, no concepts, no emotions, no beliefs and no desires'.⁴⁸ Besides this, many of our own concepts are 'wordless'.⁴⁹ We can think of a certain thing, or object, without having the name of that thing, or object, before our minds, and without actually knowing the name of that thing. We may 'instantly recognise them [certain objects, symbols, etc] as familiar classes of entities that we are accustomed to dealing with', despite having no idea what they are called.⁵⁰ There is no reason to suppose that animals do not have such concepts too.

The person who argues that animals cannot have thoughts or concepts because

they cannot speak or use language (cp.6), and that we are unjustified in ascribing concepts to animals (concepts that describe thoughts and emotions), has failed to take into account the wealth of evidence about animal mentality (cp.6); empirical evidence which is based on observation of animal behaviour (cp.6). Indeed, one ascribes concepts, like 'intends' and 'believes', to animals through careful observation of their behaviour (10.6.). This is no different in the human case.*

Of course, some sceptics may not explicitly deny animal mentality on the basis that they lack language. They may just express a general suspicion about animal minds and may argue that we just cannot know about the mental experiences of animals and so are unjustified in ascribing concepts, such as 'belief' or 'intention', to them.⁺ While a certain amount of doubt may be natural, since we can never know everything about the mental states of animals, this does not mean that we are unjustified in ascribing concepts to them. Indeed, we ascribe concepts to humans based on observation of their behaviour without claiming to know everything about the inner lives of those humans (10.6.). As Midgley says,

[W]ords like... *alarm, hunger, surprise* and even *pain*, are not the names of small private sensations at all, but refer to much larger slices of life and conduct, which include both public and private aspects... If alarm were only an internal feeling, which was never expressed in conduct, there could be no word for it. But, on the other side, the behaviour alone makes no sense without the inner element [thoughts, feelings, emotions, etc]. In most cases, the only way to select... the appropriate range of behaviour is to identify the right kind of experience first... [I]nner perception and observed conduct go together. Their correspondence, though rough, is good

* Peter Strawson argued that 'one ascribes P-predicates [predicates that describe mental states or states of consciousness] to others on the strength of observation of their behaviour and that the behaviour-criteria one goes on are not just signs of the presence of what is meant by the P-predicate, but are criteria of a logically adequate kind for the ascription of the P-predicate' (*Individuals: an essay in descriptive metaphysics* (London: Methuen and Co Ltd, 1959), p.106). (Strawson only talks of ascribing states of consciousness to 'persons'. He does not speak of animals.)

⁺ I say 'explicitly' since behind this suspicion there often appears to lie the belief that we can be justified in ascribing mental concepts to humans in a way that we cannot to animals because humans are able to give reasons for their behaviour. Humans, it is often argued, are able to tell us (through language) what they are thinking and how their thoughts affect their behaviour (see cp.6).

enough to give us our shared public world.⁵¹

Midgley is quite right to say that concepts, which describe mental states, have both a private and public reference. To say that we cannot apply such concepts to animals, because we do not know what they are thinking or feeling, is to ignore the public aspect of those concepts.

To have certain concepts (beliefs, intentions, etc) *is* to behave (or be disposed to behave) in a certain way, and also *is* to have mental states which can (or could), in certain situations, be expressed or made apparent through behaviour that is public. Inner experiences and thoughts can be expressed through various different behaviours. Midgley claims that ‘to recognise states like anger is pattern-recognition. Such states involve characteristic shifts in the way in which a whole range of other subjective states relate to each other, and also to beliefs and tendencies to action. Commonly, they are marked most strongly by changes in the kinds of action which seem reasonable’.⁵² We can then justifiably ascribe certain concepts to animals by interpreting their behaviour, just as we do human behaviour (10.6.). As Midgley says, ‘to go on using a concept successfully in a wide range of situations *is* to have that concept’.⁵³

It seems that contrary to what some philosophers argue, such as Leahy (cp.6), it does make sense to apply certain concepts (that denote mental states) to animals. In spite of this, those that do so are often accused of being anthropomorphic. This accusation will be discussed in chapter ten. For now, I will discuss another charge (often directed at the animal welfarist), which is that of sentimentality. It should first be said though that these charges (that is, anthropomorphism and sentimentalism) do not seem wholly disconnected. Both accusations are often based on the belief that one has unjustifiably attributed to certain animals capacities that they do not actually

possess, such as reflective capacities.* The roots of these accusations will be discussed further in chapter ten.

9.6. Sentimentality

While moral feelings, and the concept of dignity, can play an important role in our understanding of moral relationships with animals, those who readily exercise such feelings towards animals, or apply ‘dignity’ to animals, are often accused of being overly sentimental about animals (4.3.). This charge is not uncommon.+

Underlying this charge is the idea that one’s feelings can be biased and thus do not provide us with a sufficient reason to condemn certain practices. I tend to agree that one’s feelings can be biased and are not a reason, in themselves, to judge some practices as morally wrong. Without providing objective and impartial reasons against many practices, or actions, there would be no possibility of appraising those practices, or actions, as right or wrong (9.1.), and, indeed, no possibility of providing justifications for implementing reforms with regard to the welfare of animals.

Indeed, John Harris has warned that people’s feelings can be based on mere prejudices and that not all feelings can be justifiably called ‘moral feelings’. He argues that for feelings to be appropriately called ‘moral feelings’ one needs to provide a moral justification for these feelings; a justification that involves an appeal to, say, interests, rights or harms, etc.⁵⁴

However, the accusation of sentimentality is often misplaced. Pity for animals and imaginative reflection on the suffering of animals can give us insight into

* In 6.2. I argue that many animals can and do have thoughts, like hopes, beliefs and intentions, whether or not they have reflective concepts. Indeed, I am not arguing that animals can or do have complex concepts, like dignity, or integrity, but rather that these concepts can be applied to animal life. Animals need not have the latter concepts in order for such concepts to be applicable to their lives. The same is true of humans (see 9.2.).

+ See, for example, Midgley’s analysis of the charge of sentimentalism in her book Why Animals Matter (Harmondsworth: Penguin, 1983), cp.3. See also Michael Hauskeller, Biotechnology and the Integrity of Life (Hampshire: Ashgate, 2007), cp.12.

wrongful actions and practices.⁵⁵ Pity, compassion and empathy are universal feelings. Not everyone has them, but they are still universal. Indeed, not everyone has the same capacity for imaginative reflection or sympathy, but this does not render those capacities useless in informing moral behaviour towards animals.

Indeed, if farming methods and the practice of animal experimentation took into account the importance of those concepts (like dignity) and feelings (like compassion) which can inform our moral relations and provide a mode of understanding animals, then this would result in a huge leap forward for animals, and would be a step in the right direction in providing better standards for animal welfare. Indeed, many non-governmental organisations, like Compassion in World Farming, aim to raise awareness and develop public knowledge and understanding of the interests and welfare needs of animals through educational methods that promote, among other things, concern and compassion for animals.

We should though be aware of sentimentality in our treatment of animals, but we can recognise real moral concern from false concern. Again, Gaita's discussion of Rhee's Moral Questions is informative in highlighting the distinction between real feelings and their counterparts. It also suggests that we should be aware of what we can justifiably say of animals and what we cannot say:

Rhee attributes to animals nothing that looks like the kind of intelligence that shows itself in reflection. And he says that when we speak of the *lives* of animals, we should be aware that this is a sense of 'life' that does not permit us to say that an animal has taken a wrong turning in its life, that it has wasted its life... and so on. At the same time he seems quite untroubled by the possibility that the capacity for reflection is fundamental to our understanding of love and grief, for example, as these apply in human life. We would not, I think, call something love or grief in a human being if it did not admit of the distinction between its real and its counterfeit forms.⁵⁶

It is through an understanding of real compassion and concern for animals that we can come to recognise those feelings that, at first glance, seem to be concern, but can

actually be accused of sentimentality. We would not be able to see some concerns as sentimental if we could not see others as unsentimental.

The kind of concern which is devoid of sentiment is concern for the actual animals themselves as living beings. Sentimental concern usually has its origins in the idiosyncrasies of the person feeling that concern, and it has more to do with that person than it has to do with the subject of concern. Moral concern, on the other hand, is characterised by concern for the actual subject of concern (9.3.). It arises through considerations of that subject, rather than unconscious or conscious personal considerations that are projected onto that subject.

Indeed, it could be said that it is actually anthropocentrism that can be accused of sentimentality rather than animal-welfarism:

[W]e sacrifice other species to our own not because our own has any objective metaphysical privilege over others, but because it is ours. It may be very natural to have this loyalty to our own species, but let us hear no more from the naturalists about the “sentimentality” of anti-vivisectionists. If loyalty to our own species—preference for man simply because we are men—is not sentiment, then what is?⁵⁷

One who expresses concern for animals in factory farms and experiments only has to appeal to the suffering of these animals to show that she is justified in being concerned, and that such concern is not borne through sentiment. One who expresses her unhesitant preparedness to inflict suffering upon animals for whatever little benefit might arise for humans shows her unwillingness to consider anything other than the human being, and shows her preference for humans simply because they are humans. Indeed, such preference is borne out of self-interest and cannot be seen as genuine moral concern for humans, but something more like sentiment. We could imagine that the suffering inflicted upon animals would result in no significant benefits for humans, but would result in only small material benefits, so that there

was no need to feel concerned about the human beings who would stand to gain from such benefits. Expressions of concern for the humans, in this case, cannot be said to be real concern of the moral kind, since there is nothing to be concerned about in relation to the humans, and thus such concerns are just expressions of sentiment. In relation to the animals, however, there is plenty to be concerned about.

We saw earlier (4.5.) how desensitization to the sufferings of animals enables those who work in current practices to ignore moral problems. This further highlights how important moral feelings are in our treatment of animals. Becoming numb to animal suffering means dampening those feelings of pity and empathy that are often awakened through such suffering or through putting oneself in the animal's position. Indeed, when we consider that those people working in the practice of factory farming, and that those people involved in some types of animal experimentation, work directly with animals who are made to suffer in some form or another, at the hands of humans, then the cultivation of moral feelings in practice becomes of utmost importance.

Indeed, if moral feelings can inform us in our moral treatment of animals, and inform our moral understanding, then those people who work in the practices of factory farming and animal experimentation are the very people who should be cultivating such feelings, not subduing them. If it is through the dampening of moral feelings that such people become desensitized to animal suffering and almost blind to the moral problems arising from their treatment of animals, then, maybe, it is through the awakening and fostering of such feelings that moral consideration could be extended to animals in factory farms and laboratories, and the moral problems raised by the use of animals could not be so easily ignored.

It could be argued here that not all people working in factory farming and

laboratories will have feelings of pity, empathy, or compassion, and as these feelings are to be seen as responses that inform us of what actions are wrong, then such people cannot be held accountable for their actions.

However, firstly, while such feelings can inform a moral relationship with animals, they are not necessary for the ethical treatment of animals. Moral feelings can play *a* role in our treatment of animals, but this is not to say that they necessarily play a role (9.3.). Secondly, it is true that not everyone has such responses, but that does not make such responses obsolete or not meaningful. The majority of people do have them to a larger or lesser extent. If they do not have them we often say that those people are somehow not normal. They may be psychopathic or autistic. When a person causes suffering to humans and does so without empathy or compassion we often say that not only have they caused suffering, but, lacking empathy, can be accused of brutality. In some circumstances we do see such a lack of empathy as brutal and sadistic, and a further crime in itself. Indeed, courts are likely to be more lenient on persons who feel sorry for their actions and, afterwards, feel sympathy or empathy for their victims. There is no reason why the above reflections should not be the same in the case of animal suffering.

For example, I once went to a roadside menagerie as part of a research team trying to find out what endangered species were kept at the building. At this menagerie we saw a bird, with a long thin neck (much like a crane) confined in a cage so small that he had no option but to position himself with his neck bent over, forward in front of his body, so that he was looking at the floor. He was basically bent over double. I do not know how long he had been standing in this crooked position.

The menagerie was owned by a Philippino woman. When I asked my fellow teammates, “How could she make an animal suffer like this?” and “How could she do

this?" I was not asking what mechanical movements she went through in order to cause the bird to suffer, nor was I asking how she physically stuffed the bird into the cage. I was asking, "How could she be so lacking in compassion or empathy as to do such a thing?" and "How could she bring her body and being to do such a thing to an animal?" It seemed that she did not see the *meaning* of her actions.

Indeed, I saw the suffering she had inflicted upon the bird as a deficiency in a human being. Her actions showed a lack of feeling in her body and mind. Of course, she may have been a loving mother, wife or successful businesswoman (depending on your definition of success). But the lack of feeling in her behaviour showed her as bad qua human, not bad qua mother, bad qua wife or bad qua businesswoman. The fact that she could contemplate doing such a thing to an animal, further informed by the horror that she did actually do this to an animal, is what I found appalling and cold-blooded. I was appalled by the lack of emotion, or by the lack of those feelings that inform us through emotion, like compassion and empathy.

Of course, the actual suffering of the bird is what makes her actions wrong, and, indeed, the actual suffering of animals in menageries is what makes these establishments wrong. So, the suffering of the bird at the menagerie was not wrong because of my overwhelming feelings of pity and compassion. It was also not the fact that the bird was a member of an endangered species that made his suffering wrong. (Species, as such, cannot suffer. A species can be successful, survive or become extinct, but it cannot suffer as such.) It was the suffering itself (which the bird was caused to endure) that was wrong. None of the bird's interests were taken into account, and the harm caused to the bird could not be overestimated.

Similarly, the actual suffering of animals through intensive rearing methods is what makes the practice of factory farming wrong, irrespective of one's moral

feelings. Likewise, the immense suffering that animals endure in many experiments is what makes much animal experimentation wrong. But compassion and empathy can inform us of when our treatment of animals is wrong, and what treatment of animals is wrong. Hence, a lack of these feelings can often result in actions that cause far more suffering than those actions in which such feelings are present. The concept of dignity, as it comes to be understood through empathy or our being able to see an animal as a being with its own life (9.2.; 9.3.), and being able to put ourselves in the position of a being (9.1.), can also inform us of when an animal is harmed and suffering. However, pity, empathy and compassion, while informing us of suffering, are not what makes that suffering wrong (9.1.), and the same can be said of dignity (9.2.).

We have seen, throughout this thesis, that sentient animals have interests. At the very least they have an interest in not suffering. They can be harmed if their interests are not accounted for. It is these interests that make sentient beings candidates for our moral concern. Moral feelings, though, are important in guiding moral considerations.

Scientific knowledge may be able to help us in our understanding of moral feelings. Compassion, empathy and sympathy, as feelings that inform our moral relations with animals, could be seen as evolutionary responses that enable us to recognise suffering and which actions are right or wrong. Indeed, if this were the case, it would seem that we are not playing out our evolutionary role very well at all. Survival of the fittest would then take on a subtle meaning. We can already see how our treatment of nature is backfiring. Perhaps these moral feelings are a survival

mechanism and our desensitization of such feelings will be our own undoing.*

In the case of the bird at the menagerie it is the right thing to be moved by such suffering. Being moved informs us of our moral relations. Being able to imaginatively reflect on the life of an animal and put oneself in the position of an animal informs our sense of dignity. Actions not informed by such things are seen as more morally problematic. The lacking of such things is what makes it possible to inflict the most appalling cruelty and commit the most horrendous crimes. Indeed, extending moral consideration to animals, and allowing our treatment of animals to be informed by pity, compassion and empathy, would actually allow us to embrace our human feelings, and, thus, our humanity. It would allow us to value animals independently of our personal interests, rather than ignore pressing moral concerns.

Endnotes

1. Raimond Gaita, The Philosopher's Dog (London: Routledge, 2003), p.123.
2. Walter Bonatti, On the Heights (London: Rupert Hart-Davis, 1964), pp.99-100, cited by Gaita, *ibid.*, pp.120-21.
3. Gaita, *ibid.*, p.124.
4. Gaita, *ibid.*, p.123.

* Such suggestions are reminiscent of Philip K Dick's Blade Runner: Do Androids Dream of Electric Sheep (New York: Ballantine Books, 1968). In this book a World War has taken place and many humans have emigrated to Mars as protection from radioactive fallout. Those humans that decide to stay on Earth are classed as 'biologically unacceptable, a menace to the pristine heredity of the race' (Dick, *ibid.*, p.13). It is claimed that Earth is contaminated and, as such, humans who choose to remain on Earth will eventually become genetically affected by such contamination. Dangerous androids lurk on Earth; androids used as weapons of war. These androids are exactly like humans, except there is one important difference. They lack empathy and feeling and, as such, they are capable of many crimes. It is the character Deckard's job to find and destroy them. In order to identify them from humans he must use a test—the empathy test—devised to provoke moral feelings. The test involves recording reactions to various forms of animal suffering. If there is no reaction, then it is concluded that the subjects of the test are androids. Deckard recognises that a small minority of humans, such as the mentally ill, may not respond appropriately to the test, but also that such humans should have already been placed in institutions, unless they have recently become mentally ill and then there would be a danger that they could be immorally killed (Dick, *ibid.*, p.34).

5. Gaita, *ibid.*, p.126.
6. The Swiss Ethics Committee on Non Human Gene Technology (ECNH) and the Swiss Committee on Animal Experiments (SCAE), 'The Dignity of Animals: A joint statement by the Swiss Ethics Committee on Non Human Gene Technology (ECNH) and the Swiss Committee on Animal Experiments (SCAE), concerning a more concrete definition of the dignity of creation with regard to animals', trans. Nicolette Chrisholm, Swiss Agency for the Environment, Forests and Landscape, Berne, ECNH and SCAE, May 2005.
7. ECNH and SCAE, *ibid.*
8. ECNH and SCAE, *ibid.*
9. ECNH and SCAE, *ibid.*
10. ECNH and SCAE, *ibid.*
11. ECNH and SCAE, *ibid.*
12. Suzanne Laba Cataldi, 'Animals and the Concept of Dignity: Critical Reflections on a Circus Performance', *Ethics and the Environment*, Vol.7, No.2, July 2002 [accessed through Expanded Academic ASAP at <http://find.galegroup.com>, on 22/10/2008, pp.1-18].
13. Cataldi, *ibid.*, pp.1-3.
14. Cataldi, *ibid.*, p.3.
15. Cataldi, *ibid.*, p.5.
16. Cataldi, *ibid.*, p.6.
17. Paul Taylor, *Respect for Nature: A Theory of Environmental Ethics* (Princeton: Princeton University, 1986), pp.108-109, in Cataldi, *ibid.*, p.6.
18. Cataldi, *ibid.*, p.3.
19. Cataldi, *ibid.*, p.7.
20. Cataldi, *ibid.*, p.10.
21. Cataldi, *ibid.*, p.9.
22. Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, fourth edition (Oxford: Oxford University press, 1994.), p.121.
23. Cataldi, *op.cit.*, p.9.
24. Cataldi, *ibid.*, p.9.

25. Cataldi, *ibid.*, p.10.
26. Bernice Bovenkerk, Frans W.A. Brom and Babs J. van den Bergh, 'Brave New Birds: The Use of 'Animal Integrity' in Animal Ethics', in The Hastings Centre Report, Vol.32, 1, Jan-Feb 2002 [accessed through Expanded Academic ASAP at <http://find.galegroup.com>, on 27/09/2006, p.10].
27. Bovenkerk et al, *ibid.*, p.10.
28. Gaita, *op.cit.*, p.153.
29. Gaita, *ibid.*, p.126.
30. Gaita, *ibid.*, p.126.
31. Bonatti, *op.cit.*, p.99, cited by Gaita, *ibid.*, p.120.
32. Bonatti, *ibid.*, p.99, cited by Gaita, *ibid.*, p.120.
33. I am applying Cataldi's ideas here. She argues that 'wild animals are belittled... as a result of their circus performances' (Cataldi, *op.cit.*, p.11).
34. Gaita, *op.cit.*, p.15.
35. Gaita, *ibid.*, p.94.
36. Gaita, *ibid.*, p.107.
37. Rush Rhees, Moral Questions, ed. D. Z. Phillips (Basingstoke: Macmillan, 1999), cited by Gaita, The Philosopher's Dog, *ibid.*, p.114.
38. Gaita, *ibid.*, p.114.
39. Rhees, *op.cit.*, cited by Gaita, *ibid.*, p.114.
40. Gaita, *ibid.*, p.115.
41. Gaita, *ibid.*, pp.115-16.
42. Rhees, *op. cit.*, cited by Gaita, *ibid.*, p.116.
43. Sue Savage-Rumbaugh, Stuart G. Shanker and Talbot J. Taylor, Apes, Language and the Human Mind (Oxford: Oxford University Press, 1998), p.135.
44. Mary Midgley, Animals and Why They Matter: A Journey Around the Species Barrier (Harmondsworth: Penguin, 1983), p.59.
45. Midgley, *ibid.*, pp.59-60.

46. Midgley, *ibid.*, p.56.
47. Midgley, *ibid.*, p.59.
48. Midgley, *ibid.*, p.60.
49. Matt Cartmill, 'Animal Consciousness: Some Philosophical, Methodological, and Evolutionary Problems', in American Zoologist, Vol.40, No.6, 2000 [accessed at <http://icb.oxfordjournals.org/cgi/content>, on 04/11/2008, pp.1-19 (p.6)].
50. Cartmill, *ibid.*, p.6.
51. Midgley, *op.cit.*, p.130.
52. Midgley, *ibid.*, p.132.
53. Midgley, *ibid.*, p.133.
54. John Harris, Clones, Genes, and Immortality: Ethics and the Genetic Revolution (Oxford and New York: Oxford University Press, 1998), pp.56 and 59.
55. Cora Diamond, 'Eating Meat and Eating People', in Philosophy, 53, 1978, pp.475-79.
56. Gaita's critique of Rhee's', Moral Questions, ed. D. Z. Phillips (Basingstoke: Macmillan, 1999), in Philosophical Investigations, Vol.25, No.1, January 2002, p.104.
57. C. S. Lewis, The Problem of Pain, quoted in The Extended Circle: A commonplace Book of Animal Rights, ed. Jon Wynne-Tyson (New York: Paragon House, 1989), p.177.

CHAPTER TEN

A RE-EVALUATION OF ANTHROPOMORPHISM

10.1. Anthropomorphism and Cartesian Dualism

Whereas the suggestion that we can have moral feelings towards animals often raises the accusation of sentimentality, the suggestion that we can apply certain concepts to animals often raises the accusation of anthropomorphism. Both accusations have their roots in Cartesian dualism.* The Discourse on the Method reveals Descartes' belief that the mind was the seat of reason and that reason was necessary for language. For Descartes, humans were the sole earthly possessors of mind and, as such, only humans could think rationally and acquire language. Animals, on the other hand, were seen to be purely physical and instinctual beings.¹

Descartes had a thoroughly mechanistic view of the world, and believed that the world and its phenomena could be explained through mechanistic principles. Indeed, his view of the body was entirely reductionist. He saw the physical body as a machine and believed that, just like a machine, bodily functions could be explained in mechanistic terms. Since, for Descartes, animals were purely physical beings, their

* Descartes' dualism made the ontological distinction between the body and mind or soul. The body was essentially physical or material whereas the mind or soul was essentially immaterial. See Descartes, Meditations, in Key Philosophical Writings, translated by Elizabeth S. Haldane, edited and introduced by Enrique Chavez-Arviso (Hertfordshire: Wordsworth, 1997), Sixth Meditation, pp.176-90.

behaviour could be reduced to mechanistic, instinctual movements. Although humans and animals both had physical bodies, the human body could be informed by rational thought. So, while the functions of the human body could be explained in purely mechanistic terms, human behaviour itself, being informed by the mind, could be described through the use of concepts, which refer to mental states, like fear, hope and belief. Humans, Descartes argued, are able to communicate their thoughts through language, by arranging 'different words together and forming of them a statement'.² That is, humans are able to express propositions, such as 'I believe that p', or 'He fears p' (where p is the proposition).

Descartes believed that we could never be certain of knowledge obtained through experience and sensory perception. Reason was the ground upon which genuine knowledge of the world, and its mechanistic workings, could be obtained. The only knowledge we could be certain of was knowledge based solely on rational enquiry.³ Descartes' views suggested a belief in human beings as having a distinct place in the universe. Only they could obtain knowledge of the world, since only they have access to the real world through their reasoning capacities. Descartes' philosophy then also implied a strict discontinuity between animals and humans.

This rationalistic approach to philosophy and scientific practice established strong roots in the Seventeenth Century, even with the onset of empiricism. As a result, it continues to permeate philosophical thought and scientific practice even to the present day. After Descartes, science began to reject common sense and started to develop its own common sense applicable only within its own practice. Many things helped develop what Bernard Rollin calls the 'common-sense of science';⁴ the idea of science as pure, rational, objective enquiry; the idea of the scientist as an all-seeing, all-knowing individual with special access to the world (4.5.; 4.6.); the position of the

thinker as an isolated, rational being looking in on the world from the outside (2.7.); the belief that we can only access truth through reasoned thought; the belief that the emotions, the imagination, and the senses cannot be trusted to give access to knowledge, and may be explained as mechanistic processes which can be seen as distinct from rational thought. All these things allowed for compartmentalization within scientific enquiry (4.5.), the separation of ordinary common sense from the common sense of science, and allowed scientists to see moral questions as meaningless (4.5.; 4.6.). The common sense of science then has its roots in Cartesian dualism.

The effects on animals have been far from benign. Studies of animal behaviour continue to apply Descartes' mechanistic reductivist methods of enquiry to the detriment of animals. While animal behaviour shows that animals do have feelings, intentions, beliefs, rationality and so forth, describing animal behaviour in mechanistic terms has had the effect of reducing all animal mental states to mere behaviour, and all animal behaviour to physical processes. While ordinary common sense suggests that many animals are conscious beings to which we can apply concepts, like memory and belief (9.5.; 10.6.), behaviourism rejects common sense, and, through its mechanistic explanations of behaviour, it denies consciousness to animals. However, the behaviour of animals allows us to see many animals as conscious beings, with feelings, rationality, intentions and so on (6.1.; 6.2.; 6.3.; 9.5.; 10.6.). Common sense does infer mental states from behaviour, and it is commonsensical that we look at behaviour to help us to understand animals, just as we do with humans.

Since psychological phenomena, like intention and memory, are often seen as exclusively human and the corresponding terms as applicable to humans only, the use

of such concepts with reference to animals is often believed to be anthropomorphic (2.7.). This belief is largely based on the idea that we can only know for certain that humans have mental states, and we can never know if animals do (6.4.; 9.5.), and that we, therefore, should not apply such concepts to animals (9.5.). Thus the accusation of anthropomorphism has its roots, again, in Descartes and the problem of other minds.

We would do well here to briefly restate the sceptic's argument (already discussed and refuted in 6.4.) and its application to animals (6.4.; 9.5.). From the fact that one knows one thinks, one can infer that other humans think. We cannot infer that they think from their behaviour alone. It is from one's own knowledge of oneself as a thinking being whose thoughts affect one's actions that one can infer similar processes in humans. The public nature of language makes it possible for humans to confirm their behaviour as being informed by mental states. We cannot do this of animals. Their behaviour is just mere behaviour. There is no possibility for the inference of mental states.⁵ Using words other than mechanistic ones to describe animal behaviour, it is argued, is merely anthropomorphic. To do this is unjustifiably to attribute mental states to animals. Thus, the belief is that we should be wary of committing the pathetic fallacy of describing animal behaviour in terms that we ordinarily use to describe human behaviour. To do this is to attribute to animals those characteristics that can only be attributed to humans.

The assumption is then that in trying to understand animal behaviour the right method is to distance oneself from animals and from one's emotions. One should try to be objective, rather than anthropomorphic (2.7.), by not assuming that animals have mental states. However, doing this, rather than helping us achieve objective knowledge, actually does nothing but misinterpret animal behaviour:

To the extent that the behaviourist manages to deny any belief in the dog's potential for believing, intending, meaning, etc, there will be

no flow of intention, meaning, believing, hoping going on. The dog may try to respond to the behaviourist, but the behaviourist won't respond to the dog's response; there will be between them little or no space for the varied flexions of looped thoughts... If we follow Wittgenstein in assuming the importance of assessing the public nature of language, then we don't need to lock a baby up and feed it by machine in order to discover that conceptualization is pretty much a function of relationships and acknowledgement, a public affair. It takes two to conceive.⁶

Rather than the behaviourist's assumptions about animals actually helping her to achieve objective knowledge, all these assumptions do is give a distorted view of animals. As Sue Savage-Rumbaugh et al have said, 'for two speakers to communicate... each must have a mind; and for any speaker to believe that he or she is communicating, he or she must believe that the other agent has a mind'.⁷ To communicate with the animal the behaviourist has to assume that the animal has a mind and mental states. Without this assumption there will be no communication going on at all.

If we are significantly like animals then crediting animals with human-like mental states and feelings is not completely wrong. If we are not like animals at all then the accusation of anthropomorphism would seem fair. Indeed, the reason why some scientists reject anthropomorphism is because they believe that animals do not have similar feelings or mental states to humans and, therefore, they use technical language to explain animal behaviour rather than anthropomorphic language. Thus, such scientists agree with Descartes that there is a discontinuity between humans and animals. Other scientists believe that anthropomorphic language does not give an objective view of animals, but, again, this belief, I have suggested, has its roots in the former reason given as to why scientists reject anthropomorphism.

However, we know and should accept that we are importantly similar to animals. Therefore, perhaps anthropomorphic language is the right language to use.

We should admit that it may not be completely correct, but to some extent it is the right language. My cat, Arthur, may not intend to go to sleep in his bed in the same way that I intend to go to sleep in my bed. But this is not to say that, therefore, the concept 'intend' does not or cannot apply to Arthur's actions (9.5.; 10.6.). If animals are like us then talking about them anthropomorphically cannot be entirely wrong. There are indeed many properties that we share with animals, and it is just not coherent to say that there is no continuity between humans and other animals.

10.2. Instinct and Consciousness

Contributing to the assumption that we should not apply mental concepts (like intention and belief) to animals is the idea that humans are conscious beings while animals are purely instinctive ones (6.4.; 6.5.). However, the distinction between instinctive actions and conscious ones may not be as great as some may think:

Many scientists have taken from philosophers the belief that consciousness... is a mysterious process that needs explanation. But as Susan Blackmore and others have argued (*New Scientist*, 22 June, p.26), this may be a mistake... [O]ur perceptions are moment-to-moment constructions that emerge from our bodily interactions with the world. A tennis player does not consciously see the ball, and then return the serve. She simply returns it... Cognitive scientists such as Varela... argue that we overrate the importance of consciousness in our lives... Varela argues that many of our mental processes and activities can never be conscious. It is not simply that the tennis player needn't be conscious of what she is doing... If she had time to consciously note her perceptions, the moment for action would have gone... [T]raining will involve conscious learning. But the resulting skill is displayed in action that is too quick to be the result of conscious reflection... [T]his illustrates a wider truth. Our minds are not continuous, unified entities, but collections of activities and perceptions that—as Hume observed—are in perpetual flux and movement. Many of these activities and perceptions are unconscious, and many can never be conscious.⁸

Much human mental life is unconscious.* Indeed, it is just not the case that most of our actions are performed consciously. We may think about our actions, but we are

* By 'unconscious' I mean not being aware of one's actions, behaviours or thoughts, rather than 'unconscious' in the sense of being, say, comatose. I have assumed that this is the sense of 'unconscious' that the quote (above) is referring to.

not always conscious or aware that we are thinking.

There is a distinction to be made between the reflective or self-conscious thought of conscious beings and the unconscious or unreflective thought of conscious beings. The behaviour of most animals is certainly suggestive of the latter, even if it is not suggestive of the former. As Raimond Gaita says, ‘when someone thinks that p, the thought that p need not be before their mind’,⁹ and there is no reason why the same should not be true of animals. (This is not to say that no animals possess the capacity for reflective thought.) Also, conscious beings may have conscious thoughts (thoughts that they are aware of) rather than unconscious thoughts (thoughts that they are not aware of) or reflective thoughts. The behaviour of animals is certainly suggestive of these former (conscious) types of thought too.

Human beings are often seen as distinct from animals because they make conscious decisions and goals in their life. However, while our actions and behaviours may be directed towards decisions and goals we have made, this is not to say that those actions and behaviours are conscious ones even if those goals and decisions we make are conscious. Indeed, it is often our unconscious actions that take us through life, and, indeed, it may be these unconscious actions that inadvertently move the goalposts and make us change our minds about certain things. We are not isolated beings, living with our own introspective, conscious thoughts which are unaffected by the external world. The goals and decisions we make in life may change. We may consciously change them ourselves, or we may unconsciously change them. And we may be conscious of them changing or we may not be conscious of any change. Our behaviours are constantly being affected by, not just our own conscious and unconscious thoughts, but also by the world outside our thoughts. This world changes our thoughts accordingly just as our thoughts change according to our world.

Even if we accept the Cartesian belief that animals are purely instinctive beings lacking any type of thought and humans are rational, thinking beings whose behaviour is informed by thought, it does not follow that the instinctive actions and behaviours of animals are simple processes while the conscious actions and behaviours of humans are more complex processes. The idea that consciousness is a complex process while innate behaviour is a much more simple process may not be entirely correct:

When a human behaviour is said to be “innate,” it means that the propensity to learn a complex skill was already present in the human being prior to being shown how to do the task at hand. Thus we find “human being” to be another word for “cognitive ability,” and “animal” to be another word for “innate stimulus-driven actions”; and we see the category boundaries between humans and animals as immutable and preordained. Only by getting some insight into the mental world of animals can we break down these conceptual boundaries that we ourselves have erected.¹⁰

It does seem to be the case that, with regards to those human behaviours we take to be innate, we see such behaviours as extraordinary and complex, while with regards to those animal behaviours we take to be innate, we see those behaviours as simple stimulus responses of the body (6.4.; 6.5.).

Thus, we reveal a bias in our beliefs about humans and animals. That a human being has a propensity to be good at something, or has been particularly good at something since birth, is seen as a ‘natural gift’, a skill, or a genetic endowment that is to be admired. That an animal has a propensity to be good at something is seen as it being purely instinctive and thus believed to be lacking skill. While there is growing evidence to show that much animal behaviour is learned as well as instinctive there is still a tendency to see such learned behaviour as being derived from innate processes, and to see animal behaviour, both learned and innate, as less complex than any human behaviour (6.4.; 6.5.).

It certainly seems difficult to draw a line between conscious and unconscious thought, or between instinctive actions and conscious ones. Indeed, is it even possible, all of the time, to separate instinctive actions from conscious ones, or conscious thought from unconscious thought? It is not obvious that it always is. Where should we draw the line? Is it fair to draw it between animals and humans? This seems rather arbitrary. And what about drawing a line between the conscious and unconscious thought, or between the instinctive and conscious actions of human beings? The line is not so clear here either. Indeed, is there such a big difference, all of the time, between such thoughts and actions? It certainly does not seem fair to say that all animal actions are instinctive and all human actions are conscious. This certainly oversimplifies things.

This belief then that animals are purely instinctive beings has given force to the accusation of anthropomorphism. However, even if we accept that animals are instinctive it does not follow that they do not have thoughts. Also, as Vicki Hearne says, if we start from the assumption that animals do not possess thoughts then we will be proved right (10.1.), since such assumptions prevent opportunities for communication between ourselves and animals.¹¹ The common sense of science (with its emphasis on remaining at a distance from animals to extract genuine knowledge), scepticism about other minds, and, in particular, about animal minds, together with the assumption that animals cannot have conscious thoughts, or, indeed, any thoughts, has resulted in extreme reductivism within scientific investigations of animals and philosophical analyses of the moral status of animals.

However, there is now a wealth of information and evidence which shows that animals are much more complex than Descartes would have us believe. For a start, it is just not true that animals cannot have aversive states or be harmed. In spite

of this, belief in the Cartesian approach to science and philosophy remains a permanent fixture even to this day. But, just as the Cartesian view of animals is out-of-date, practices that treat sentient animals as unfeeling machines and could be seen to be based on this view, or have their roots in this view, are archaic and morally backward looking. Descartes himself was a strong advocate of painful animal experiments, and factory farming, by its very nature, treats animals as machines.

Although Descartes' philosophy has, for a long time, been shown to be incoherent* it still permeates philosophy and science, along with Descartes' scepticism with regards to describing animal behaviour through the use of words that are readily used to describe human behaviour. In spite of this, the overwhelming evidence of animal mentality and communication is generally not denied by scientists, philosophers, or the general public. Indeed, many people appear to accept animals, including animals used in current practices, as sentient beings capable of having, at the very least, aversive mental states. And although people may not agree as to the extent of mentality of, say, chickens or dogs, there is general agreement that, at least, all mammals used in current practices are conscious creatures, even though they are not usually treated as such. The problem nowadays does not appear to be so much a problem concerning scepticism about animal mentality (though this is not to say that such scepticism does not exist). There, instead, appears to be a problem concerning doubt about how to describe that mentality:

Many of our perplexities about animals are not a function of our uncertainty about the evidence, but of our uncertainty about how to describe the evidence and how it bears on our willingness to apply key concepts.¹²

Admittedly, at first glance there does appear to be deep disagreement about the

* See articles by Jaakko Hintikka, Bernard Williams, Anthony Kenny and Gilbert Ryle in Descartes: A Collection of Critical Essays, ed. Willis Doney (London and Melbourne: Macmillan, 1968). See also A. Kenny, Descartes: A Study of His Philosophy (New York: Random House, 1968).

evidence. For example, one may argue that chickens do not have beliefs in the same way dogs have beliefs. One may argue that dogs do not have beliefs in the same way humans have beliefs. Indeed, one may even argue that chickens or dogs do not have beliefs at all, but one is unlikely to argue the same thing of humans.

However, this is not to say that one is arguing that chickens or dogs are not conscious, or that they do not have any kind of mentality. There appears to be agreement that both are conscious beings with some mental states, even if the mental states of dogs and chickens are somewhat different. And, again, there appears to be agreement that humans have mental states, and that those states are certainly different from the mental states of any other animal.

There is then a deep disagreement as to what we can *say* about the mental states of animals, but there is no disagreement about what we can *say* about the mental states of humans. Even while there is, in general, acceptance of the evidence of animal consciousness, scepticism about animal minds permeates the evidence to the extent that now, rather than rejecting it out-of-hand, we do not know how to describe it, unlike the evidence of human consciousness. It is often held that since humans can speak we can be more confident about our knowledge of human minds than we can about knowledge of animal minds. Thus, human language supposedly leaves less room to doubt what we *say* about human mentality than about animal mentality (6.4.; 9.5).*

10.3. Human Language as Paradigm

Human language is seen as the only form of language. It is used as a paradigm for assessing animal behaviour and communicative skills (6.5.). In spite of this it is believed that no animal is capable of actually having a language (6.1.; 6.2.; 6.4.). So,

* This is not to deny that the problem of other minds remains a large philosophical debate. See K. T. Maslin, An Introduction to the Philosophy of Mind (Malden, MA: Polity, 2001).

even though human language is used as a paradigm for all language, or for all those behaviours and communications that might be called language, it is believed that there is one form of language only and that is the human form.* Why use human language as a paradigm for all language if it is believed that it is not possible for any nonhuman behaviours and communications to be called language anyway? Using human language as the paradigm for all language, while seeing human language as the only form of language, enables language to remain an exclusively human characteristic, and thus the Cartesian gulf between humans and animals is sustained. Although we are willing to compare nonhuman behaviours and communicative skills to the paradigm of language, in order to assess whether they could be called language or are anything like a language, we are just not willing to go any further than this by saying that some forms of nonhuman behaviours and communications actually can be called language.

There is then an unwillingness to let go of the human language as the paradigm for all genuine forms of communication. But the reason why we have problems describing the evidence of animal communication and mentality is that, on the one hand, we use human language as the paradigm upon which we compare the evidence of animal communication and try to describe the evidence, and, on the other hand, describing animal mentality through the use of any words that can be readily used to describe human thoughts is considered foolish or wrong. There is obviously a tension here.

The first, most obvious thing we should perhaps think about doing to ease this conflict is to stop comparing animals and humans and using human language as a paradigm for all behaviour and communication. Indeed, our tendency to compare

* See Daniel Dennet, Darwin's Dangerous Idea: Evolution and the Meanings of Life (London: Penguin, 1996).

humans and animals is often problematic (6.2.; 6.4.):

Even if translation into a natural language helps us to penetrate more easily into the form that we are exploring, actually it is only a descriptive expedient to which excessive weight must not be attributed. In a sense, translating an animal signal into human language means attributing to that animal all the linguistic, perceptive and social network of human beings... Despite these limitations, we have no better resource than language for describing the meaning of animal signals... with translation of an animal signal into verbal language we evaluate that system of communication using an aspect that is characteristic of our language, i.e., the notion of truth. But it is very doubtful whether in animal communication systems there is something analogous to the predicate 'true'^[*].¹³

As we saw earlier (6.3.; 6.5.), scientific studies of animals can tell us much about animal behaviours and communications. But studies that attempt to somehow measure animals' capacities by comparing them to human language skills only illustrate the extent to which those capacities are, to all appearances, very similar to human ones.

To go further than this and say that such studies show the full extent of animal capacities and mentality is a misjudgment. It is one of the merits of Sue Savage-Rumbaugh et al's study of Kanzi (first discussed in 6.3.) that they recognise this:

New researchers coming to the laboratory often took a year or more to become as sophisticated as Kanzi in the use of the keyboard. If one were to measure the communicative ability of adult humans by their conversational facility with the keyboard, one would severely underestimate their intelligence because of the inherent limitations of a keyboard system. Similarly, we were likely to underestimate Kanzi's capacity. We knew that the communicative skills of human adults went far beyond what we saw them say at the keyboard, because they also spoke. Unfortunately, Kanzi could not speak so

[* For further discussion of the applicability of the predicate 'true' to nonhuman systems of communication, Perconti refers us to the works of three authors: D. Davidson, 'Thought and Talk', in *Mind and Language: Wolfson College Lectures, 1974* (Oxford: Clarendon Press, 1975), H. Putnam, *Renewing Philosophy* (Cambridge: Harvard University Press, 1992), and F. Lo Piparo, 'Cosa accade quando capiamo una frase. La verità come regola generatrice di senso', in *Studi in onore di Giuseppe Giarrizo*, ed. S. Sgroi (Catania: Siculorum Gymnasium, 2000).]

we could not use this skill as an independent measure of his true intellectual capacity.¹⁴

It is therefore recognised that, because Kanzi cannot speak, verbal skill cannot be used to measure his true capacities. As Savage-Rumbaugh et al say, ‘we decided to measure Kanzi’s language capacity not by what he could say, but by what he could understand’.^{15*}

10.4. Problems with Animal Communication Studies

On the one hand, Savage-Rumbaugh et al rightly say that one cannot measure the true extent of Kanzi’s capacities through his use of the keyboard. Since he cannot speak we cannot know anything other than what he is trying to say on the keyboard. On the other hand, they say that we can measure his language capacities by his understanding of human language and of what humans say. We get then a sense of the assumption that it is only through an animal’s understanding of the human language that we can measure the true extent of that animal’s mental and intellectual capacities. The extent of a being’s mental capacities is based on that being’s human language skills, or, at least, an understanding of the human language.

Although the Kanzi study does not use what Kanzi *says* as measure of his true capacity, the study still uses what *humans say*, and his understanding of what *they* say, as a measure of his true capacity. The Kanzi study does seem to base animal intelligence on what animals can understand of the human language. In this sense animal intellectual capacities are measured by the extent to which they compare with human linguistic ones.

But we cannot do this without distorting the true extent of animal nature and

* Other Ape Language Studies have tested what apes can be taught to say through training them to use American Sign Language. See Beatrix T. Gardner’s and R. Allen Gardner’s study of Washoe in their article, ‘Teaching Sign Language to a Chimpanzee’, in *Science*, 165, 1969, pp.664-72.

capacities. Animals' capacities are complex, but different from our own. Capacities animals use in the wild are varied and are capacities that we may or may not possess. Scientific studies of animals often take place either in the laboratory or within a human setting and this has the affect of changing their normal behaviours. What these studies show is an animal's understanding of human behaviours and language. The Kanzi study does not go anywhere near to uncovering the extent of actual ape capacities. It just uncovers the extent to which apes have human-like capacities. Being so genetically similar, apes and humans will obviously have some similar capacities. But the extent to which apes have the same capacities as humans is not a full explanation of their mental lives, just as the extent to which humans have the same capacities as apes is not a full explanation of their mental lives. Comparisons between different beings provide us with, at best, an extremely limited indication of the mental lives of those beings.*

In The Alex Studies Irene Pepperberg emphasises the importance of studying animal communication within an environmental and social context. As she says, there is 'a strong case for involving environmental context in the learning process, particularly with respect to communication: Communication is, after all, a social process, and thus acquisition... should occur most readily in a social situation'.¹⁶ Studies of Kanzi and Pepperberg's study of Alex do take place within a certain social and environmental context, but that context is a human one.

This is all well and good for looking at animal communication in comparison to human communication, but a more thorough investigation of animal

* It would be a strange thing if we took a selection of human beings out of their environment and put them in an environment with wild animals, and, further, if we then attempted to measure human mental capacities by the extent to which these humans communicate with the wild animals and understand their behaviours and forms of communication. If we did this, to human beings, we would not be measuring the true nature and extent of human capacities. This does seem to be an absurd scenario, but is analogous to what humans frequently do in order to measure animal capacities.

communication systems will have to look at that communication within its natural setting. To gain knowledge of animals, studies need to be conducted within the social and environmental context *of the animals* under investigation, not the humans conducting the experiments. The environmental and social context in which studies take place will, inevitably, affect the results of those studies. Studies which aim to give a true picture of animals, and see animals as they really are, have to take place within the natural environment of those animals being studied.

As Pepperberg says of birds, ‘something appears to be missing in the overall singing behaviour when it is learned in isolation in a laboratory’.¹⁷ In spite of this Pepperberg states that, ‘I decided to obtain a Grey parrot and begin its training in a laboratory setting’.¹⁸ But even though Pepperberg’s study of Alex takes place within a social and environmental context, Alex is still isolated from his species-specific environmental niche.

Indeed, the dawn chorus of the rainforests can never be emulated in the laboratory. Recordings of the dawn chorus, obtained by going into the jungle, can give us knowledge of singing behaviour and interspecies communication of birds that cannot be obtained anywhere else.¹⁹ We need to study animals from within their natural environments to capture the true nature and extent of animal communication. Studies of wild animals from within human society can only tell us so much. When we bring animals into our world to study them, and further, when we study them through comparisons with ourselves, we limit what we can come to understand of animals. We actually distance ourselves from the animal world and thus from the animals.

What the Kanzi and Alex studies fail to realise is that animals need not be studied in a cage, in a laboratory, or kept in solitude for long periods of time in order

to be isolated from their environment. Even studies which go to great lengths to cater for wild animals' social and environmental needs still isolate the animals from their natural surroundings when they study them in laboratories and within a human environment and social setting. Studies of Kanzi do not really tell us much about bonobos' communications in the wild.

There is a sense in which both studies do the very thing they reject. Alex is isolated from his environment, and Kanzi's cognitive skills are measured by looking at the extent to which his communicative skills can be called language through comparisons to the exemplar of human language. In the quote below Pepperberg criticises studies that attempt to compare animal and human linguistic abilities as a method of obtaining evidence of animal mentality:

Researchers who train animals to use a human-based code in order to study nonhuman cognition often lose sight of the code as an investigative tool and argue instead about the extent to which the code is equivalent to human language (Pepperberg 1993); that is, they compare human and nonhuman linguistic rather than cognitive abilities. Thus data and discussions about relative cognitive capacities are lost amidst open-ended debates about the extent to which a particular animal has acquired "language" or how well particular studies or procedures demonstrate linguistic competence (see, e.g., Premack 1986; K. Nelson 1987; Savage-Rumbaugh 1987; Seidenberg and Petitto 1987; Herman 1989; Schusterman and Gisiner 1989; Kako 1999). Such debates are based on the assumption that the extent to which an animal learns and uses a code indicates its cognitive capacities (Premack 1976; Terrace 1979).²⁰

Actually, both studies seem to hold human language up as the paradigm, and focus on proving that animal communication is very much like this paradigm.

Indeed, for Savage-Rumbaugh et al, the fact that animals cannot speak limits what we can really know about animals. They suggest that we could come to understand animals better by overcoming this limitation:

If Kanzi could produce vocal speech, he would produce many more complex utterances than he currently does. Perhaps in the future, a

way around this limitation can be found.²¹

However, achieving a better understanding of animals would involve studying animals as they really are, and not trying to change them into something they are not (by trying to make them speak).^{*} The suggestion that if we could somehow get animals to speak then we could understand their minds better says more about human beings than it does about animals. The problem is that we just cannot imagine a mode of thought that is not connected to verbal or linguistic language. We cannot imagine thought that is different from our own:

[T]hinking cannot give us the world without language, which is why so many refutations of proposals that animals have consciousness are refutations of animal language, or at least of communications that have a syntax. This means that the picture of animal consciousness is a picture of a creature outside of time, an immortal creature in our terms, since for us syntax is the metric of time.²²

That animals cannot speak may be a problem for scientists, but it is not a problem for animals and it certainly does not limit them as animals. There is a sense in which we just cannot comprehend how we could actually come to understand animals without the use of the spoken or written word. We just cannot accept that our language does put restrictions on what we can and cannot know.

Our view of language is still very much the one that Descartes expressed. For Descartes, humans ‘arrange different words together forming of them a statement by which they make known their thoughts’.²³ If we accept Descartes’ view of language we could define language as the expression of thoughts through concepts and the grammatical arrangement of words. The remarkable thing about the studies of Kanzi and Alex is that Kanzi’s and Alex’s communications and behaviours actually do fit

^{*} Animals do not need to become ‘human-like’ to be whole beings, just as we do not need to become more ‘animal-like’ to be whole human beings. We are as we are, just as animals are as they are.

this Cartesian definition. So, such studies are important as they show that some primate and avian species can tackle many aspects of language, and, in this sense, the studies may open people's eyes to animal communication, and enable them to see such animals (and maybe other animals) as more than just dumb creatures incapable of anything more than grunts and groans. Such studies show animals, or at least some animals, as beings capable of thoughts. This may provoke people to see that humans may not be the only beings capable of language. This is step forward in our thinking about animals, even if looking at animals only in comparison to humans is a limited way of thinking about animals and coming to understand them.

10.5. Language Redefined: meaningful communication as language

So, while scientific evidence challenges our assumptions about animal cognition and communication it should also challenge our assumptions about humans and our ideas about language. However, as said above, scientists continue to measure animals against humans, and, in spite of the evidence, there is still very much a belief that human language is the paradigm against which all forms of communication should be compared. It is believed that the extent of animal cognition depends upon the extent to which animal communications can be said to replicate human language.

However, to constantly compare animal communications to the human language, in its Cartesian sense (see 10.4. above), is to miss some very important points. Gaita points out that sounds can function just as effectively in a system of communication as can words:

Argument about whether signing chimps really are using sign language... will not be settled by observation of them, because what counts as language cannot be settled that way. Nor can it be settled by definition. We know... that cows communicate to one another when they moo, but nobody thinks they are speaking or that 'moo' is another word in cow language... there is a difference between a sound functioning in a system of communication—and it may be a very complex system—and a sound having meaning, of the kind we

attribute to a word. What it is for something to be a word has proved to be a very difficult question to answer and there is great controversy over it, not only in philosophy but in the natural sciences where there has been a long argument over whether chimps who have learnt to sign have learnt language.²⁴

There is then a distinction to be made between those sounds made and heard by beings which function purely as a communicative tool, and those sounds made and received by beings that have *meaning*. The latter can also function as a communicative tool, but, in addition to this, they also mean something to both the beings transmitting the sounds and to the receivers of those sounds.

We might also add that bodily behaviours and expressions serve the same purposes. They may function purely as a communicative tool *and* as movements, in a system of communication, which have meaning. Sounds, other than words, conversations, utterances, and other forms of human speech, can have as much meaning as human words themselves. Indeed, bodily behaviours and movements can also have as much meaning as we give a word.

Hearne's reflections on language are illuminating. For Hearne, all meaningful communication and all behaviours that can be called language need to have syntax and grammar, or, more generally, need to follow the rules of language, but they need not be restricted to human communication and behaviour:

Calling anything in the exchanges between horses and humans or among horses syntactical as well as semantical is problematic, I know... but I have come think of syntax as prior to semantics, or of semantics as requiring syntax, since even a gesture or utterance consisting of a single counter, such as "stop" is meaningful only in context of what comes before and after, and there are rules about what can come before and after, rules there is no reason not to call grammatical. There are vast conceptual differences between what people can do with language and what even chimps and gorillas can do, but worrying about preserving the word "syntax" for use in discussions of parsing human sentences will never enable us to understand them... [A]ll knowledge... requires meaning-in-time, and thus syntax.²⁵

Both syntax and grammar are terms referring to the rules of language. Syntax refers to the way words are placed within a sentence to give that sentence meaning.

Grammar refers to the way sentences are formed and the way words are accentuated to give meaning.

Indeed, Hearne sees some animal behaviours as following such rules of language. Just as words are placed within a structure to form sentences, and those words and sentences are placed within a narrative to give meaning, so too do some animal behaviours take place within a structure and within a larger narrative context and this is what gives such behaviours meaning. Hearne describes the behaviour of her dog, Belle, to illustrate this:

Even in the case of what appears to be a gesture or signal consisting of a single counter, as when Belle barks to be let out to run, the bark or tail-wagging or door-scratching is meaningless without what goes before and after coming in certain ways, in a rule-governed sequence. If she scratches at the door and then settles peacefully to her food dish, which is near the door, the scratching is neither syntactical or [sic] semantic. And relationships require syntax, as anyone who has tried to speak to someone having a severe schizophrenic episode is aware.²⁶

So, Hearne recognises ‘that syntax is prior to semantics—that you can’t have meaningful communication without grammar—without a structure that is embedded in time’.²⁷ For Hearne then it is impossible for behaviours, words, sentences, sounds or utterances to be meaningful without grammar or syntax, or without being integrated within a coherent narrative framework.

Indeed, Hearne views the scent work of dogs as involving meaningful communication with humans and advanced syntax.²⁸ As she says of her dog, Salty, ‘when sent to select one of two or more indicated articles by scent, she can say, “It’s this one (rather than that one)”’.²⁹ So, scent work, in some sense, enables a shared language between humans and their dogs. The olfactory powers of dogs enable them

to know things we cannot possibly know, but communicating this knowledge involves far more than just stimulus-response behaviour.

Hearne also sees the retrieving of objects by dogs as involving complex syntax.³⁰ She talks of how she finally trained Salty to retrieve and how such training enabled new ways of speaking to Salty and deeper modes of communication and understanding:

Now there are all sorts of new ways our language can be projected. I have her retrieve things besides her dumbbell. Perhaps I have her retrieve Uncle Albert. Retrieving can become carrying messages. I can teach a directed retrieve, having her retrieve things I haven't thrown. I can, that is, use "Fetch" to name things, in somewhat the way we use "this" and "that" to name things.³¹

Similarly to scent work then the possibility of teaching a dog to retrieve does seem to depend on the existence of a shared language between humans and dogs. This is not to say though that we need to name things in order to have knowledge of those things or to communicate meaningfully. Putting labels on things, in the form of words, is, as Hearne says, 'an advanced activity of language'.³² And Hearne is not trying to say that dogs, or any animals, need to learn the English language to communicate meaningfully or have knowledge. We have already seen that Hearne believes that behaviours and gestures, embedded within a coherent narrative, can be syntactical and grammatical and thus may be seen as meaningful communications.

If Hearne is correct that meaningful communications can only take place within a narrative context and within a 'structure embedded in time'³³ it would seem that such communication can only take place between beings who have memory, or are able to link past and present. Without memory one would not be able to live a life that was coherent. Life would be unorganised, and lack consistency. Indeed, it is impossible to fathom how we could properly see the world without memory. It is true, as Hearne says, that 'all knowledge... requires meaning-in-time, and thus

syntax',³⁴ and this, in turn, one might add, requires memory. Therefore, if it is correct to say that some animals are capable of meaningful communications then it would follow that such animals also have memory, and I think it would be fair to say that those animals that do have memory must also have some knowledge of the past, present and may be the future. They must have some sense of time even if it is not the same as our sense of time.

Hearne points out that one need not know the past, present and future tenses of verbs to have knowledge of time:

[H]orses have their own grammar of time. They can't say anything that requires past, present or future tense, but that doesn't mean that without us they live in eternity, in the present tense only. Their concept of time might be expressed by saying that the names of their tenses are "not yet, here and gone." You can't make appointments with such tenses, but you can remember, and you can anticipate the future with no little anxiety. That is to say, horses do have some sensitivity to the knowledge of death, and it makes them nervous, just as it makes us nervous.³⁵

Animals can be conscious of the world in their own way. They need not be able to understand tenses, words, labels, alphabets, sentences, numbers or symbols to be able to understand the world or communicate meaningfully within it.

Hearne's ideas about language then are far removed from the Cartesian paradigm for language. Hearne suggests that there are many ways of speaking, and that nonhuman beings, or at least some nonhuman beings, can take part in some of these various ways of speaking. For Hearne, there certainly does not appear to be a paradigm for communications that can be called 'language'. Hearne, then, boldly redefines language:

If we consider... the size and kind of the social space created by language shared by two or more creatures, and if we describe the integrity of a language as the physical, intellectual and spiritual distance talking enables the speaker of that language to travel together, then it looks very much as though the dog and the horse (who are neurologically simpler organisms than chimpanzees and

whose linguistic codes appear simpler) have a greater command of language than chimpanzees do. There is even a sense in which a well-trained dog or horse may be said to have a greater command of language than a human being whose code is infinitely more complex. The dog/dog trainer language is more primitive... than the chimpanzee's language, or the schizophrenic's, but I can go a lot farther with my dog than I can with a schizophrenic, or a Nazi.³⁶

It has to be said that Hearne's definition of language is extremely controversial.

However, there is certainly a sense in which, despite impressive displays of human linguistic skill from Kanzi and Alex, we can communicate much more meaningfully with domestic animals (see below).

It is generally believed that if any communications could be seen as language then it would be the communications of apes, hence attempts to teach apes sign language and the increasing number of Ape Language Studies (the most famous probably being the studies of the chimpanzee, Washoe, in the 1960s³⁷). But, although chimps may be closer to us in evolutionary terms than domestic animals, perhaps we are looking too far away from home in our search to discover the language skills of animals. There is certainly a depth of communication between humans and domestic animals that is missing between human and chimpanzees.

One comes to learn the language of the society of which one is a part and domestic animals are very much a part of our society. Indeed, domestic animals, particularly dogs, come to learn the rules of the society of which they are a part. Our society is not just a human society. It is a society that we share with domestic animals:

A good police dog has not only a large vocabulary but also extraordinary social skills. He understands many forms of human culture and has his being within them. He can be taken to the scene of a liquor-store robbery and asked to search, with handler trusting that he won't molest the customers or other police officers or the clerk behind the counter. He knows what belongs and what doesn't, sharing our community and our xenophobia as well. He can take down a criminal who is attacking his handler on Monday and on

Tuesday play with patients at the children's hospital. These dogs, then, are glorious, but for anyone familiar with working dogs they are not *surprising*, any more than your pet dog is surprising in his or her ability to distinguish between your friends and strangers.³⁸

Dogs learn to know what is expected of them, and in this sense the relationship between a dog and her owner can become one of trust and responsibility on the part of both the dog and the owner. This is not to say that animals have a sense of trust and responsibility as we have a sense of trust and responsibility, or that they can be held morally responsible for their actions, but only that the relationship can become a trusting and responsible one without the need for the animal (or the human for that matter) to be able to reflect on trust or responsibility. Indeed, the human may be held responsible for his or her actions and may break that sense of trust by not fulfilling his or her responsibilities. The animal, likewise, may break that sense of trust for one reason or another, but, unlike the human, cannot be said to be accountable for breaking that trust in the same way that a human can be said to be morally accountable.

But dogs and other domestic animals can come to know what is expected of them, in similar ways that humans can come to know what is expected of them, and this can create a trusting and responsible relationship between a human and her pet. In this sense domestic animals do have a greater command of language (as Hearne defines it) than wild animals.

Wild animals do not, and cannot, share our society, which is the very reason we call them wild:

The wolf... may sit, heel, stay, come when called and so forth. But a wolf doesn't respect our language... The wolf may also become fond of me in some fashion or another, but I can't use him as a guard dog. Not only will he not distinguish particularly between family, criminals and guests, he will not have the courage of a good dog, the courage that springs from the dog's commitments to the forms and significance of our domestic virtues. The wolf's

xenophobia remains his own. With other wolves he may, of course, be respectful, noble, courageous and courteous. The wolf has wolfish social skills, but he has no human social skills,^[*] which is why we say that a wolf is a wild animal. And since human beings have for all practical purposes no wolfish social skills, the wolf regards the human being as a wild animal, and the wolf is correct. He doesn't trust us, with perfectly good reason.³⁹

Wolves cannot come to learn the rules of another species' society. They may have their own language, but cannot come to know another species' language. While they may have some command over another species' language, they can never come to know another species' language to the extent that they can communicate meaningfully with an individual of that species by using that species' language.⁺

However, we may come to learn their language in a way that enables us to communicate meaningfully with them. As Hearne says, there are stories of humans living with wolves and being brought up by wolves, but it is always the case that it is the human who has to learn their language and social rules, rather than the wolves learning ours, and this is indicative that humans are very good users of language.⁴⁰

Evidence of the linguistic abilities of signing chimpanzees is certainly impressive, but when those chimps sexually mature they are kept in cages and not fully integrated into human society, no matter how many words they can say on a keyboard:

[N]o account I know of concerning work with wild animals gives useful advice for dealing with the fact that wolves, lions, tigers, orangutans and chimpanzees remain willing to commit mayhem no matter how large their vocabularies.⁴¹

The extent to which a being can learn a language depends on the extent to which that being can respond accurately and responsibly to the social rules and culture of the

[* Note to reader: at this point in the quote (that is, the point indicted by *) Hearne refers us to a footnote. I will shortly outline what Hearne says in this footnote. See the paragraph directly below this quote and endnote 40 for an outline of what Hearne says here.]

⁺ Although, admittedly, Mark Rowlands says different (Rowlands, The Philosopher and the Wolf: Lessons from the Wild on Love, Death and Happiness (London: Granta, 2008); see p.36 for example).

society that uses that language. As Savage-Rumbaugh et al say, 'Language becomes the glue that binds the individual into the matrix of social expectancies, responsibilities and moral principles', and beings that learn a language also need to learn 'the formal, nonstated and unconscious ways of their society' (which uses that language).⁴² Domesticated animals come to learn the subtleties of the language of the society of which they are a part (that is, human society). But wild animals, including apes used in Ape Language Studies, are just not part of human society. Such apes are not usually studied from within the society of which they are a part (in the wild).

Hearne discusses her visits to a training centre, which houses Washoe and Moja; just two of the chimpanzees used in Ape Language Studies. She is dismayed at the sight of the chimps in cages and about the stories she hears of Washoe and Moja violently attacking their handlers. She is also disheartened at the fact that Washoe is taken for a walk with the use of a tiger hook and a cattle prod. Hearne is asked to watch from a distance and remain very still.⁴³

As Hearne suggests, there does appear to be something missing from the communications between these chimps and their handlers that is not missing between domestic animals and humans. For Hearne, that something is trust. Hearne explains that her observations of the chimps go against her idea that 'language or something like vocabulary gives mutual autonomy and trust'.⁴⁴ However, Hearne admits that their communications are 'some condition of language'.⁴⁵

She does not want to deny them language on the basis that their communications do not enable trust, but stresses that this does indicate the limits of language. She points out that we should not turn to scepticism and deny Washoe and Moja language, but, instead, should bravely face up to and accept the limits of language. Language does not always entail trust and neither does it prevent violence

and murder:⁴⁶

Roger and Ken [ape language trainers] can't prove, on any given day, that it is safe to take Washoe from her cage, but they can "read" her, using the same criteria that I use when I am deciding how much contact it is safe to make with the man approaching me. If Washoe is doing a lot of signing, is willing to talk, that is some sign of safety—one of the ... best, even if it isn't a guarantee... [P]eople who work with the big apes live boldly, trusting language, speaking up in the teeth of the evidence of, as it were, her teeth, knowing that such boldness must fail in the face of Washoe's incomplete assent to the terms of the discussion. This is what we all do.⁴⁷

While language cannot tell us everything about animals, neither can it tell us everything about humans. Also, language without reciprocal trust and respect appears somewhat ineffective.

It does appear that there is a sense of trust that exists between humans and domestic animals that is made possible through the existence of a shared language, and, further, this shared language enables 'mutual autonomy' (see endnote 44 above) or a relationship that is not coercive and in which all those involved are able to live in relative freedom. This is not generally true of relationships between wild animals, like apes, and humans.

This is not to say that the interspecies relationships between apes cannot be reciprocal within the apes' own environment. In the wild apes live in social groups. They come to learn the rules of conduct of their group, and form relationships based on reciprocity. However, stories about apes learning sign language will always be stories about apes outside of their environmental context. More often than not apes are brought into human society as babies, by humans who either want to study them or keep them as pets. When they mature they become stronger and have enough power to kill a man with their bare hands. With no trust in the relationship between the apes and their human 'owners', the apes become impossible and dangerous to

handle. However, it is usually the apes that suffer the most from this relationship—they spend the rest of their lives in cages, zoos or sanctuaries. It is usually the case that the apes have to be given away by their human ‘owners’, if only because keeping them prevents their ‘owners’ from living a well-adjusted family life. The apes become a detriment and a disadvantage to their ‘adoptive’ families, causing havoc and violence. As Hearne says, unlike apes, ‘it is not generally necessary to pension off the family dog for the sake of the marriage!’⁴⁸

So, while many wild animals may appear to have an excellent understanding of human language, using language effectively involves a lot more than just being able to know certain words and how to string sentences together. Coming to understand a language involves being able to live in the society of which that language is part. This is true of humans as well as animals. For example, while I may not be able to speak Japanese, if I am to visit Japan I do need to know something of the country’s social rules and culture, and what is expected of me. I am better off knowing such rules and customs than I am knowing only how to speak Japanese. For even if I could speak Japanese, without knowledge of Japan’s social customs, my communications could be largely ineffective as they could result in me offending people or acting inappropriately.

We do have closer relations with domestic animals than we ever could with wild animals, and relationships are very much a part of meaningful communications:

[H]aving a full relationship with my dog entails my living with limitations, including the fact that the dog can’t read or drive me to the doctor when I’m ill, generally accepting the fact that the relationship is not an incomplete version of something else. It is a complete dog-human relationship. Accepted as such, it provides us both with what it is supposed to provide us with and has integrity—it is not something I need to do anything about. The dog fits. But Washoe doesn’t fit.⁴⁹

Domestic animals certainly can and do fit into our society, in spite of their linguistic

limitations and whatever their physical or mental differences to ourselves. The idea that dogs, cats, horses, or any other domesticated animals for that matter, may have a greater command of language than any of the great apes, or many other wild animals, does not appear to be an idea that is even considered by most scientists studying animal communication.

10.6. Animal Consciousness: a problem concerning description and language.

What seems clear in all this talk of the communicative abilities of animals is that there is deep disagreement about what animal behaviours can be called 'language'. While there does not seem to be much doubt that many animals can have thoughts, there is much doubt about whether these thoughts can be translated into behaviour through language. In this respect, 'The investigation of animal consciousness, like the investigation of human consciousness, is centrally an investigation of language, and this ought to remind us of what an investigation of language is'.⁵⁰

What also seems clear is that we should reject Cartesianism as it is based on the belief that only humans have thoughts, and there is overwhelming evidence that shows that animals do have thoughts. We saw earlier that Descartes believed that we could know humans have thoughts, since they are able to voice their thoughts through the spoken word, that is, through language. So, the uncertainty now is how to *describe* animal thoughts (10.2.), since animals cannot speak.

We can come to know that animals have thoughts through their behaviour. But can we go further than this and say, like Hearne, that some animal behaviour may be seen as a form of language? After all, human language is a form of behaviour through which humans translate their thoughts. If we do describe animal thoughts in the way we describe human thoughts are we committing the pathetic fallacy of attributing human-like thoughts to animals? And further, since we convey our

thoughts through language, if we do describe animal thoughts in the way we describe human ones are we somehow saying that animals have language? All of these questions arise out of worries about how to describe animal behaviour and will be addressed in the following section. What it seems fair to say here, in response to these questions, is that supposed disagreements about animal minds, when closely examined, are (often) actually disagreements with regard to how to describe animal mentality and about which concepts we can justifiably apply to animals, rather than disagreements about the evidence of mentality itself.⁵¹

It certainly does seem that we are in different territory from the philosophy of animal consciousness and we have entered problems concerning the philosophy of language. Not only is there a deep disagreement about whether some animal behaviour can be called 'language'; there is also disagreement about the style of language we should use to actually describe those behaviours.

While Cartesianism rejected anthropomorphism and adopted the use of reductivist mechanistic terms to describe animal behaviour, the use of such terms reflected the belief that animals lacked mentality, but, as said in 10.2., this belief is now (generally) firmly in the past. The scientific way of talking about animal behaviour, in terms of responses to stimuli, is far from a true depiction of animals (though is very much still used), just as the belief that animals lacked mentality was far from true, but there is still a deep anxiety about describing animal mentality through the use of words that we readily use to describe human mentality. Such usage of words is still, unbelievably, denounced as being unnecessarily anthropomorphic (10.2.).

It seems now that no language is ever good enough to describe animal behaviour. On the one hand, describing all animal behaviour in terms of responses to

stimuli gives an inaccurate portrayal of animals. On the other hand, philosophers and scientists alike are sceptical of using words like 'know', 'believe', or 'intend' to describe animal behaviour. What then is one supposed to do? Should we talk in terms of 'doggie belief', and 'doggie intention', or 'horsey belief' and 'horsey intention' so as not to confuse human intentions and beliefs with animal ones? I certainly do not think we should.

But how do we talk without being accused of equating animal thoughts with human-like ones, and without using language that is reductivistic? The problem is that it is impossible to talk about animal behaviour without using words like 'know' or 'intend'. Of course, we could continue to talk in mechanistic terms, but then we would not really be describing animal behaviour as it really is, and would not be giving an accurate description of animal life.

While some anthropomorphic ways of speaking about animals may be incorrect, other supposedly anthropomorphic ways of speaking are not incorrect. While we would not be justified in saying that animals have political intentions or religious beliefs that does not mean that we are not justified in saying that animals have intentions or beliefs. The words we use to describe animal behaviour will always be human ones. But it does not follow that we are somehow more justified in using words like 'belief' or 'intend' to describe human behaviour than we are to describe animal behaviour (9.5.). We cannot know that dogs intend in the way humans intend, and neither can we think in 'doggie beliefs' or 'doggie intentions'.

We can never share the private experiences of animals, but neither can we share the private experiences of humans.⁵² As said in 9.5., we often ascribe mental

states like intentions and beliefs to humans on the strength of their behaviour,* without knowing precisely the inner workings of their minds. Likewise, the behaviour of animals can inform us of when it makes sense to apply certain concepts, which denote mental states, to animals (9.5.). As Midgley says, ‘The physiology of fear... has been explored for the human species as for others and very close likenesses have been found, along with the usual range of equally interesting variations. Physiologists do not throw up their hands when they reach the human case and demand a quite new set of concepts. Nor do zoologists, when observing the behaviour of frightened birds or fish, find that everyday descriptions like ‘alarm’ suddenly lose their application... and that a new set of terms needs to be invented’.⁵³ To use the words, say, ‘intends’ or ‘fears’ properly is to know that they apply to humans in general and also to those beings that display the appropriate behavioural patterns. One does not need to know the inner private experiences of humans or animals in order to be justified in using such words (like ‘intends’, ‘believes’, ‘fears’, etc) to describe their behaviour (9.5.).

Of course, the reason why most people do not deny humans beliefs, intentions and so on, is because the very nature of language (as shared and public), it is argued, allows us to be certain about the content of human minds in a way that we cannot be of animal ones (see 6.4.). We can then, it is sometimes argued, come to know human thoughts through speech.⁺ Also, the majority of people are more familiar with humans and human behaviour and so feel justified in inferring that humans have mental states. However, one who is familiar with animals may feel justified in inferring that animals also have mental states, and it is just not true that speech is our only access to knowledge or a ‘common-world’.⁵⁴ Indeed, speech certainly does not

* Peter Strawson, *Individuals: An Essay in Descriptive Metaphysics* (London: Methuen and Co Ltd, 1959), cp.3, ‘Persons’.

⁺ Of course, as said earlier (10.2.), the problem of other minds continues to confound many philosophers. See K. T. Maslin, *An Introduction to the Philosophy of Mind* (Malden, MA: Polity, 2001).

tell us everything about humans. As Peter Strawson argued, we ascribe mental states to persons on the basis of observation of their behaviour.⁵⁵ One should not underestimate the role of the body (both human and animal) in the application of concepts (9.5.). If it is possible for humans to know about the mental states of other humans then it is possible for humans to know about the mental states of animals.*

Considering the complexity of animal life it is strange to think how one would suppose that animals could survive without having knowledge, beliefs, intentions or memory. Indeed, looking at just domestic animals, how would it even be possible for me to keep a pet dog if that dog could not come to know that I was her owner, and that I would feed her? If the dog had no knowledge then there would certainly not be a reciprocal relationship. Whether a dog can know that she believes something or other, or can think through and recognise her beliefs is a different issue altogether from whether a dog can have knowledge or beliefs. The former reflections would require beliefs about beliefs, but one can have beliefs and knowledge, without having beliefs about beliefs (that is, second-order beliefs).⁺

While animals may not have second-order beliefs or may not be able to reflect on their beliefs this does not mean that they do not have any beliefs. I am not denying that some animals have second-order beliefs here, but only stressing that they could

* Surely no one would deny that it is possible for pet owners to know their pets well enough to recognise when their animals feel sick. The existence of vets and dog trainers goes to show that, outside the philosophical arena, most people do not endorse the sceptical belief about animal minds. Should we go along with the sceptic and say that dog trainers and vets are like clairvoyants working in a field that cannot be proven to be known? I do not think we should.

⁺ For example, I may see a tree in front of me and come to recognise that I believe the tree is there through thinking about my belief. But if I do not think about my belief, I do not recognise that I believe the tree is there. I just see the tree; nothing more, nothing less. Of course, perceptual processes are very complex, but if I had to recognise what I knew about my surroundings all the time it would be so time consuming as to be impossible to live (see 10.2.). We know and believe things without ever recognising that we knew or believed (10.2.). Much of the time we 'just do', and is that not what animals do much of the time too? Surely it is. Similarly, when I put dinner in the oven and wait for it to cook of course I believe that I will be eating dinner, but I do not think about this belief. Of course, I could reflect on my belief that my dinner is coming and may even come to doubt my belief, but this would involve second-order beliefs. As far as I am concerned or as far as I 'know' I am just waiting for dinner and 'believe' my dinner is coming, but I do not reflectively recognise this belief or knowledge. It is not hard to believe that animals do this too.

have beliefs without those beliefs being second-order ones. Indeed, it is likely that dogs have beliefs about their owner's beliefs and intentions.

To deny animals beliefs or knowledge on the basis that they cannot reflect on their beliefs or knowledge is to demand standards for belief and knowledge, for animals, which are too high; standards that we do not even apply to humans. We use the words 'belief' and 'knowledge' to describe human thoughts, whether or not we consider those thoughts to be reflective.

Just as the Cartesian view of animals is outdated, so too is the Cartesian wholesale rejection of anthropomorphism. This rejection is based on the very belief we now deny; the belief that animals lack minds. Since animals do have thoughts there is no reason why we should not suppose that animal behaviour can be properly described in much the same way as our own behaviour. Hearne's mention of Montaigne's thoughts about animals is particularly enlightening. She notes Montaigne's contemplation 'that while our way of talking is to say that one plays with one's cat, there is no reason we shouldn't suppose that it is the other way about, that one's cat is playing with one'.⁵⁶ As Hearne says, 'Montaigne's delicate alertness to such possibilities of grammatical reversal is sadly missing from most modern speculations about language and consciousness'.⁵⁷ There is no reason to suppose that such 'grammatical reversal' is an inaccurate portrayal of an animal's behaviour.

The style of language used by many philosophers and scientists suggests an overbearing mistrust of anthropomorphism, and the sceptical rhetoric common to philosophical language has led to animals not being thought of (in many disciplines and practices) as they actually are in real life, outside of the philosophical arena.⁵⁸ Philosophical language has somewhat obscured our ordinary language and prevented us from saying certain things about animals. But our talk about animals, like talk

about humans, only makes sense and has meaning when we use words that we would ordinarily use (rather than reductivistic ones). The meaning of what we would ordinarily say about animals, in real life (like, for example, “My dog *wants* to go outside”), has been taken away from us by the Cartesian rejection of words like ‘belief’, ‘intend’ and ‘know’ with reference to animal behaviour.

In this sense, fear of anthropomorphism has blown all talk about animals out of relation to what animals are really like (that is, not just as philosophical puzzles), to the point where we have become afraid to say what we really mean or want to say about animals for fear of being ridiculed as sentimental, overly anthropomorphic or unreasonable. Cartesian scepticism, rather than giving us access to the truth, has instead blighted our understanding of the world. It has attempted to fool us into believing that there is no meaning in what we ordinarily say about animals. We should reject the mechanistic reductivist language that has come from the Cartesian view of animals. It does not allow us to use ordinary language to describe animal behaviour. Neither does it allow us speak of pity, empathy, or compassion in relation to animals (cp.9).⁵⁹

What is needed now, I suggest, is a re-evaluation of anthropomorphism. Describing animal behaviour by using words that we use to describe human behaviour involves genuinely accepting that animals have mental states. Attributing mental states to animals by using words like ‘believes’, ‘knows’ and ‘intends’ is the correct thing to do in describing much animal behaviour (9.5.), not to mention the commonsensical thing to do. Scepticism about animal minds has for too long resulted in animals not being thought of as they actually are; as beings capable of mental states. Seeing animals as beings capable of thoughts involves thinking of animals as creatures that exist in the real world, a world of practice and doing, not just as objects

of philosophical debate. Animals are not just philosophical problems.

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17. Pepperberg, *ibid.*, p.18.
18. Pepperberg, *ibid.*, p.12.
19. In particular here I am thinking about my own contributions to research conducted in Pavacachi, Amazon Rainforest, Ecuador, as part of a biodiversity research expedition.
20. Pepperberg, *op.cit.*, pp.34-35.
[Here Pepperberg cites I. M. Pepperberg, 'Cognition and communication in an African Grey parrot: Studies on a nonhuman, nonprimate, nonmammalian subject', in Language and Communication: Comparative Perspectives, ed. H. L. Roitblat, L. M. Herman, and P. E. Nachtigall (New Jersey: Erlbaum, 1993), pp.221-48; D. Premack, Gavagai (Cambridge, Mass: MIT Press, 1986); K. Nelson, 'What's in a name? Reply to Seidenberg and Petitto', in Journal of Experimental Psychology: General, 1987, 116, pp.293-96; E. S. Savage-Rumbaugh, 'Communication, symbolic communication, and language: Reply to Seidenberg and Petitto', in Journal of Experimental Psychology: General, 1987, 116, pp.288-92; M. S. Seidenberg and L. A. Petitto, 'Communication, symbolic communication, and language: Comment on Savage-Rumbaugh, McDonald, Sevcik, Hopkins, and Rubert (1986)', in Journal of Experimental Psychology: General, 1987, 116, pp.279-87; L. M. Herman, 'In which Procrustean bed does the sea lion sleep tonight?', in Psychological Record, 1989, 39, pp.19-50; R. J. Schusterman and R. C. Gisiner, 'Please parse the sentence: Animal cognition in the Procrustean bed of linguistics', in Psychological Record, 1989, 39, pp.1-18; E. Kako, 'Elements of syntax in the systems of three language-trained animals', in Animal Learning and Behaviour, 1999, 27, pp.1-14; D. Premack, Intelligence in Ape and Man (New Jersey: Erlbaum: 1976); H. S. Terrace, 'Is problem-solving language?', in Journal of Experimental Analysis of Behaviour, 1979, 31, pp.161-75.]
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24. Gaita, The Philosopher's Dog, (London: Routledge, 2002), pp.112-13.
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26. Hearne, *ibid.*, p.97.

Chapter Ten

27. Hearne, *ibid.*, p.97.
28. Hearne, *ibid.*, p.74.
29. Hearne, *ibid.*, p.74.
30. Hearne, *ibid.*, p.74.
31. Hearne, *ibid.*, p.74.
32. Hearne, *ibid.*, p.58.
33. Hearne, *ibid.*, p.97.
34. Hearne, *ibid.*, p.153.
35. Hearne, *ibid.*, pp.164-65.
36. Hearne, *ibid.*, p.42.
37. Beatrix T. Gardner and R. Allen Gardner, 'Teaching Sign Language to a Chimpanzee', in Science, 165, 1969, pp.664-72.
38. Hearne, *op.cit.*, p.21-22.
39. Hearne, *ibid.*, pp.22-23.
40. Hearne, *ibid.*, footnote on pp.22-23.
41. Hearne, *ibid.*, p.23.
42. Savage-Rumbaugh, Shanker and Taylor, Apes Language and the Human Mind (Oxford: Oxford University Press, 1998), p.191.
43. Hearne, *op.cit.*, pp.32-39.
44. Hearne, *ibid.*, p.34.
45. Hearne, *ibid.*, p.39.
46. Hearne, *ibid.*, p.39.
47. Hearne, *ibid.*, p.40.
48. Hearne, *ibid.*, p.23.
49. Hearne, *ibid.*, p.38.
50. Hearne, *ibid.*, p.74.

51. Gaita, The Philosopher's Dog (London: Routledge, 2002), p.111.
52. Mary Midgley, Animals and Why They Matter: A Journey Around the Species Barrier (Harmondsworth: Penguin, 1983), p.129.
53. Midgley, *ibid.*, p.129.
54. A. J. Ayer, The Problem of Knowledge (London: Penguin Group, 1956), p.207.
55. Peter Strawson, Individuals: An Essay in Descriptive Metaphysics (London: Methuen and Co Ltd, 1959), cp.3, 'Persons'.
56. Though these are Hearne's words here (in quotes), she is referring to Montaigne's thoughts. See Hearne, *op.cit.*, p.225.
57. Hearne, *ibid.*, p.225.
58. See Hearne, *ibid.*, pp.9-11, and Gaita, 'Animal Thoughts' in Philosophical Investigations, July 1992, Vol.15, No.3, pp.243-44.
59. My thinking in this paragraph has been developed from some of that presented by Gaita in 'Animal Thoughts', Philosophical Investigations, July 1992, Vol.15, No.3, pp.237-38.

CHAPTER ELEVEN

CONCLUSIONS

As said in the introduction, the main aim of this thesis was to examine the moral status of animals and our treatment of animals in current practices. This thesis further aimed to analyse the justifications given for the suffering of animals in these practices in order to discover whether any of those justifications were well founded. These aims were to be delivered by answering the research questions initially posed in chapter one. After careful analysis of these research questions, and after consideration of interesting and relevant related issues, we are now in a position to provide direct answers to these questions in the form of conclusions and thus fulfil the aims of this thesis.

Research question (4) had an operative function in allowing one to go some way towards answering research question (1):

(1) Do animals have moral standing and if so on what basis?

(4) What characteristics or properties is it necessary for a being to possess if it is to qualify as a being to which we have or can have obligations?

While some characteristics or properties, such as having certain relationships (cp.2), moral agency and rationality (cp.4), sentience (cp.2; cp.5), or self-awareness and the ability to use language (cp.6), are sufficient for moral standing, they are not necessary.

Conclusions

It has been found that *having interests* is a necessary condition for moral standing, not having certain distinctive or high-level capacities (such as rationality or the ability to use language), and that all beings capable of being beneficiaries have interests, and further that all living things are capable of being beneficiaries (and thus capable of having interests). Indeed, since animals are capable of being beneficiaries, they have interests, and therefore they are beings that should be recognised as having moral standing. In virtue of the fact that they have interests then, farm and experimental animals qualify as beings to which we have or can have obligations. Indeed, all animals (and all living things) have moral standing in virtue of the fact that they have interests, whether or not they have certain capacities (cp.8).*

In the light of this conclusion that animals have moral standing in virtue of the fact that they have interests, we are now better positioned to answer the following research questions:

(2) If animals have moral standing what are our obligations towards animals?

(3) What are the implications of this for practices that cause substantial suffering, in particular factory farming and animal experimentation?

In respect of current practices, recognising the moral standing of animals involves seriously considering the interests of the animals used in these practices, and this in turn would involve taking seriously the fact that they are made to endure immense suffering for human benefits, and recognising that those benefits are not always weighty enough to justify inflicting extensive suffering on *millions (if not billions)* of animals every year (6.7.). If one takes animals' interests seriously one will find either

* I will indicate in brackets the main chapters in which the research questions are tackled, though the reader will find that chapters other than the ones indicated provide some answers or go some way towards answering these questions.

that changes need to be made to the way animals are treated in current practices or that certain aspects of those practices (or the practices themselves) need to be abolished.

Taking animals' interests seriously also means that consumers have a responsibility to consider that the products they buy do not come without a cost; and a cost that may be completely indefensible. Consumers have an obligation to consider that their interests do not always override the interests of animals, particularly when their interests can be seen as trivial (such as a desire to buy cheap meat or to buy a new cosmetic) in comparison to the interests of animals in not suffering. Saying that human interests always override animal ones seems to be conceit of a dangerous kind and an ill-considered moral judgment. If one *seriously* considers the interests of animals used in current practices (something we have a responsibility to do in virtue of the fact that these animals have moral standing), one will see the enormity of the problem concerning the current treatment of animals in society.

Indeed, we have found that like interests should be given equal consideration, whether those interests are animal or human ones (cp.2; cp.3). Of course interests may conflict, but in the light of the moral standing of animals we have an obligation to recognise animals as possessors of morally relevant interests and recognise that, in cases of conflict, their interests may have greater moral significance, or greater weight than human ones (cp.3; 6.7.). Since animals have interests we have an obligation to take those interests into account whenever our actions can affect them for better or for worse.

Since farm and experimental animals are capable of suffering and we alone are responsible for their quality of life and for providing for their welfare, this confers strong obligations to take their interests in not suffering into account and also

Conclusions

consider any other welfare interests they may have (cp.8). In the light of the atrocious suffering millions of farm and experimental animals endure every year in current practices for the benefit of humans, we have an urgent obligation to give these animals' interests serious moral consideration and to recognise that they should not be overridden by less weighty human interests. It is reasonable to suppose that basic interests should take moral precedence over less weighty interests, such as preferences and enjoyments. We would consider this reasonable when comparing human interests, and there is no reason to suppose that this should not be the case when comparing the interests of different species (cp.8).

In respect of the treatment of animals used in factory farming, their interests in life and interests in being free from suffering should override the interests of humans in buying cheap meat (cp.8). In the light of this it has been found that the factory farming of animals is unjustifiable and should be abolished, although eating meat is not wrong per se (cp.8). In respect of experimental animals, the interests of many of the animals used in experiments are more morally significant than the interests of the humans (or animals) for whom the experiments are carried out (cp.3). The lack of certain capacities is no justification for inflicting considerable suffering on animals in current practices; it is interests that confer moral obligations and it is these interests that should be taken into account in determining whether a particular experiment is justifiable (cp.3; cp.4; cp.8).

Indeed, it has been found that most animal experiments are unjustifiable because the weighty interests of animals in not suffering are usually overridden by the less weighty interests of humans. Animal experiments that cause a minimal amount of suffering may be justifiable in some circumstances, but only if we would be prepared to inflict that same amount of suffering on a human participant in the experiments.

Like interests should be given equal consideration, and if we are not prepared to inflict a certain amount of pain on a human in an experiment for a certain benefit, then we must accept that our willingness to conduct that same experiment on an animal may be unjustifiable and expose a bias in our thinking about animals on the one hand, and humans on the other (cp.3; cp.8).

Factory-farmed and experimental animals then have weighty interests capable of overriding humans ones. (In particular they have an interest in not suffering; a sufficient condition for moral standing.) Basic human interests, such as an interest in not suffering and exercising behavioural tendencies, are usually regarded as more significant than human preferences, desires, and monetary concerns, and there is no reason why animals' basic interests should not be likewise capable of overriding human preferences, desires and monetary concerns. Contrary to what many people who fully support current practices claim, the animals used in these practices are neither thoughtless creatures nor creatures whose interests are so insignificant that they can be undermined by any human interest.

It now seems appropriate to remind ourselves of the final research questions, (5) and (6):

(5) Is it really the case that animals have 'lesser' capacities than humans?

(6) Even if we suppose or discover that they do, does this constitute a justification for excluding them from moral standing and inflicting considerable suffering upon them in current practices?

It is not the case that all animals possess lesser capacities than all humans (cp.6; cp.9; cp.10) and, even if some do, this is not a reason for excluding them for the moral sphere or inflicting considerable suffering upon them in current practices (cp.4; cp.6), since they do have interests that are morally relevant and should be taken into

Conclusions

account, and those interests may well override the interests of humans in cases of conflict (cp.3; cp.5; cp.8).

Indeed, it has been found that not only do all animals have moral standing (whether or not they have certain distinctive capacities) but that some animals may possess certain capacities that some humans lack, or possess them to a greater degree (cp.4), and may actually have their own species-specific language and the ability to use human language (cp.6; cp.10). If there existed any animals, other than humans, who could use language and have the mental ability required for language, it was thought to be primates only, but this thesis has shown why this view may be mistaken (cp.6; cp.10). Indeed, the language capacities of some domestic animals (such as dogs) may be far advanced in comparison to the language capacities of apes (cp.6; cp.10). In the light of the current uneasiness about using apes in experiments, because of their developed mental capacities, the view that some domestic animals may possess certain capacities to a greater extent than even apes poses new ethical dilemmas concerning the use of domestic animals in experiments.

The idea that some animals possess characteristics that some humans lack is significant; if having moral standing requires that one has certain capacities, whether one has moral standing will then depend on *which* capacities are deemed relevant for moral standing, and any choice about which ones *are* relevant can only be arbitrary, and there is no reason to suppose that one should not choose a characteristic lacked by most *humans* as the relevant characteristic necessary for moral standing (rather than choose a characteristic lacked by most *animals*). If one bases moral standing on what are thought to be uniquely human capacities, one will have to explain *why* those capacities *are* the relevant ones, instead of those capacities that animals possess and humans lack. If, on the other hand, one bases moral standing on, say, the ability to use

echolocation, then all humans will be excluded from having moral standing, but basing moral standing on this is just as arbitrary as basing it on any other capacities. Whatever capacities one deems necessary, there will always be some humans (and some animals) that will be excluded.

This is not to say that capacities are not relevant in determining our obligations towards animals. Our obligations to certain animals will often depend upon what capacities they possess. For example, farm animals and animals used in experiments have many interests, which stem from their species-specific capacities, and they satisfy sufficient conditions for moral standing, including sentience. Indeed, fully developed animals used in factory farms and experiments may have greater capacities than some humans (such as babies and severely mentally disabled humans) and, as such, may have more complex welfare interests or interests that are more morally significant than some humans.

Further, any appeal to the supposed 'lesser' capacities of animals as an argument against their moral standing and as a defence for their use in current practices will inevitably backfire, since there will always be some humans who have 'lesser' capacities than some animals, and we would consider it unjustifiable to use such humans in similar practices. If one argues that it is the lesser capacities of animals which gives us a reason for using them in certain experiments then (to be consistent) one has to accept that this gives us a reason for using (and preferring to use) certain humans in those experiments; humans that have lesser capacities than some animals.

Of course, people who do argue in this way are unlikely to condone experimenting on certain humans who lack certain capacities. In fact, when these humans are used in experiments they are seen as vulnerable participants on the very

Conclusions

basis that they lack certain capacities (like, for example, the ability to consent). Indeed, humans who cannot object to how they are treated are usually deemed to be deserving of special protections. Animals, on the other hand, are not deemed to be deserving of such protections. Rather, their lack of certain capacities is regarded as *a reason* to use them in experiments rather than a reason *not to use* them or grant them special protections (cp.4). (Using humans in experiments that cannot consent is deemed to be more morally problematic than using consenting humans. Obviously animals cannot consent, so there appears to be a bias in our thinking about what it is permissible to do to animals and what it is permissible to do to humans.)

Unfortunately, animals are easily exploited. They cannot complain or verbally protest against their use. In the light of this, I see no reason why animals should not be deemed as vulnerable participants in experiments in much the same way that some humans are (cp.4). Indeed, animals are *even more vulnerable* than non-autonomous humans, since their exploitation is seen as the norm and in this way somehow established as justifiable. This means that they will continue to be exploited in current practices, unless we change the way we view animals and seriously consider their interests as morally important.

In spite of this, many people refuse to acknowledge that we have an urgent duty to revise our attitudes towards animals, particularly factory-farm and experimental animals, and refuse to see our treatment of animals as a moral issue that requires serious attention (cp.4). They often downplay the immorality of our use of animals by accusing those people who are concerned about animal welfare of inappropriately attributing human-like mental states to animals or of mere sentimentality. To try to understand animals by applying concepts that we use to understand human life, such as dignity (cp.9) or concepts that denote mental states

(cp.10), we are told, is unjustifiably anthropomorphic (2.7.; 10.1.), and feeling compassion, empathy or pity for animals used in modern day practices, we are further told, is mere sentimentality (4.3.; 9.6.).

However, it has been found that accusations of anthropomorphism and sentimentality are often misplaced (cp.9; cp.10). Pity, empathy and compassion are key feelings that can inform our understanding of animals and our moral relations with them (9.1; 9.3; 9.6.). Likewise, the concept of dignity can play a role in contributing to a richer understanding of animals and their lives (9.2.; 9.3.; 9.4.; 9.6.). Many of our concepts can be used to describe aspects of human and animal life (9.5.). This is why it often makes sense to talk about animals in much the same way we talk about humans (9.5.). We saw earlier (9.4.) that ‘Rhees grieved for his dog as though for a person’, but ‘He did not think his dog was a person’.¹ Grief, in this instance, is the right word to use. We can use the same concept of grief for the loss of an animal as we would for a human, without being sentimental or unjustifiably anthropomorphic.

We can never know everything about the mental lives of animals, but rather than embracing scepticism about all such knowledge (cp.6; cp.10) we should accept that our knowledge about animals may sometimes come to an end. Scientific evidence cannot tell us everything about animals, but there are other ways of understanding the world. Just as coming to have a real understanding of human life involves some sort of imaginative reflection, so too does coming to have a real understanding of animal life involve this (9.3.). Finding the concepts that fit our lives with animals and finding the right words to describe animals and our moral relations with animals is partly an imaginative or contemplative exercise (9.4.), not just a philosophical exercise in analytic neutrality.²

Conclusions

Endnotes

1. Raimond Gaita, The Philosopher's Dog (London: Routledge, 2003), p.115.
2. My thinking in this paragraph has been developed from some of that presented by Gaita, *ibid.*, p.94.

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