

Kantian Ethics and our Duties to Nonhuman Animals

Abstract: Many take Kantian ethics to founder when it comes to our duties to animals. In this paper, I advocate a novel approach to this problem. The paper is divided into three sections. In the first, I canvass various passages from Kant in order to set up the problem. In the second, I introduce a novel approach to this problem. In the third, I defend my approach from various objections. By way of preview: I advocate rejecting the premise that nonhuman animals are nonrational.

Consider the following refutation of Kantian ethics:

1. Nonhuman animals are nonrational.
2. If Kantian ethics is correct and if X is nonrational, there are no duties to X.
3. Therefore, if Kantian ethics is correct, there are no duties to nonhuman animals.
4. There are duties to nonhuman animals.
5. Therefore, Kantian ethics is not correct.

Call this the AREF (animal-refutation). Many who reject Kantian ethics do so on the basis of the AREF, whereas many who defend Kantian ethics take the AREF as a serious objection requiring an answer. Thus, Pybus and Broadie assert that "Kantian rationalism must be rejected precisely because it is radically at odds with a sound ordinary moral view concerning our treatment of animals,"¹ whereas Korsgaard recently has expanded her constructivist Kantian framework in a book-length rejection of premise 2.²

In this paper, I advocate a novel approach to the AREF. The paper is divided into three sections. In the first, I canvass various passages from Kant in order to set up the AREF. In the second, I introduce a novel approach to the AREF. In the third, I defend my approach from various objections. By way of preview: although most Kantians reject premise 2 or premise 4 of the AREF, I reject premise 1.

Section 1: Kant on Nonhuman Animals

¹ (Pybus and Broadie, 1974, p. 375), quoted in (Timmermann, 2005, p. 138) and (Birch, 2020, 2n1).

² (Korsgaard, 2018).

All of the following animals make appearances in Kant's *Critique of the Power of Judgment*: birds, cattle, sheep, horses, oxen, asses, swine, dogs, beavers, camels, wolves, tigers, lions, reindeer, maggots, polyps, vermin, and mosquitoes.³ Given the number and variety of animals on this list, it is perhaps surprising that Kant divides them into only two categories for moral purposes: human and nonhuman.⁴ The root of this bivalence emerges from Kant's account of the cognitive differences between human and nonhuman animals.⁵

Kant thinks that humans and animals have representations and, thus, conscious states. In the *Groundwork to the Metaphysics of Morals* Kant says that nonhuman animals "feel...sensible impulses."⁶ Similarly, in *The False Subtlety of the Four Syllogistic Figures* Kant seems to endorse the claim that "an ox's representation of its stall includes the clear representation of its characteristic mark of having a door."⁷ But Kant thinks there is a key difference between the mental lives of animals and humans. This difference emerges in a letter he wrote to Marcus Herz in 1789. Kant ascribes to animals feelings, desires, and orderly representations connected by laws of association. But, he denies them any awareness of these representations:

³ KU, AA 05: 368.2-21, 369.5, 378.6-7, 379.19-26, 411.34, 419.3, 464.20. I am indebted here to (Goy, 2020, 89n1). All citations of Kant are to the standard Prussian academy pagination that runs in the margins of most translations. All translations are taken from the Guyer/Wood Cambridge Editions of the Works of Immanuel Kant.

⁴ Like Aristotle, but unlike Descartes, Kant characterizes humans as animals.

⁵ In the following I am indebted to (McLear, 2020) and (Golob, 2020).

⁶ GMS, AA 04: 460.36; see (Allais and Callanan, 2020, p. 3).

⁷ FS, AA 02: 059.24-25.

...if we are able to make synthetic judgments a priori, these judgments are concerned only with objects of intuition as mere appearances. Even if we were capable of an intellectual intuition...it would be impossible to show the necessity of such judgments according to the nature of our understanding in which such concepts as "necessity" exist. But we are absolutely unable to explain further how it is that a sensible intuition (such as space and time), the form of our sensibility, or such functions of the understanding as those out of which logic develops are possible; nor can we explain why it is that one form agrees with another in forming a possible cognition...It is, however, entirely unnecessary to answer this question. For if we can demonstrate that our knowledge of things, even experience itself, is only possible under those conditions, it follows that all other concepts of things (which are not thus conditioned) are for us empty and utterly useless for knowledge. But not only that; all sense data for a possible cognition would never, without those conditions, represent objects...They could still (if I imagine myself to be an animal) carry on their play in an orderly fashion, as representations connected according to empirical laws of association, and thus even have an influence on my feeling and desire, without my being aware of them (assuming that I am even conscious of each individual representation, but not of their relation to the unity of representation of their object, by means of the synthetic unity of apperception).⁸

⁸ Br, AA II: 051.14-052.17. Similarly, in the *Opus Postumum*, Kant says that I must apprehend the objects of my thought, for otherwise "I would be thoughtless with a given intuition, like an animal without knowing that I am" (OP, AA 21: 082.28-32). Kant thinks that, although animals do not apprehend the objects of their thought, they nonetheless have intuitions and objects of thought. This is corroborated in the student lecture notes from Kant's lectures on logic (V-Lo/Dohna, AA 24: 702).

Kant locates human mental life on a scale of cognitive sophistication between Gods and animals.⁹

Whereas non-animal rational beings (Gods) have intellectual intuition, rational animals (humans) have sensible intuition (space and time). Whereas non-rational animals (birds, cattle, sheep, etc.) have only un-apprehended representations (that are nonetheless connected according to laws of association and are capable of influencing both feeling and desire), rational beings (humans and Gods) are aware of the relation of the unity of representations to their object by means of the synthetic unity of apperception.¹⁰

Descartes thought that animals, because they do not have the capacity for rational discourse, are soulless machines governed entirely by mechanism.¹¹ Kant, in contradistinction, argues that an animal

is not a mere machine, for that has only a *motive* power, while the organized being possesses in itself a *formative* power, and indeed one that it communicates to the matter, which does not have it (it organizes the latter): thus it has a self-propagating formative

⁹ Even more explicit triangulation of this kind may be found in Kants' students' lecture notes (V-Met-Volkman, AA 28: 449-450).

¹⁰ This is corroborated in extant lecture notes from Kant's students. For example, consider the following: "we can imagine beings that have a faculty of outer sense but forgo the faculty of inner sense, and these are animals" (V-Met-LI/Pölitz, AA 28: 276). As Allais and Callanan point out, this passage is important for discussions of whether, on Kant's account, perception of the external world is immediate, or whether it is mediated by inner sense (Allais and Callanan, 2020, p. 5). However, it is perhaps worth noting that, on the previous page of these same lecture notes, animation is said to require "an inner principle which is separated from the object of outer sense, and is an object of inner sense," which, in turn, suggests that all animals have inner sense.

¹¹ See (Naragon, 1990). Callanan claims that, on Kant's account of animal minds, "animal responses *are* automatic causal responses but...these responses just happen to be routed through conscious states" (Callanan, 2020, p. 41). There is much textual support for this claim. But I think such a model of animal minds is problematic both for Kant's attempt to distinguish animals from mere machines and also for his general skepticism regarding the possibility of a science of psychology.

power, which cannot be explained through the capacity for movement alone (that is, mechanism).¹²

Similarly, in a footnote about 100 pages later, Kant asserts that animals "act in accordance with *representations*" and that they "are not, as Descartes would have it, machines."¹³

Nonetheless, the fact that animals do not have apperception entails, on Kant's account, that they do not have understanding or reason and, more, that they do not have cognition or experience in the thick sense developed in the *Critique of Pure Reason*. And this, when coupled with Kant's value theory, entails the profound moral hierarchy reflected in these well-known lines from the *Anthropology from a Pragmatic Point of View*:

The fact that the human being can have the "I" in his representations raises him infinitely above all other living beings on earth. Because of this he is a *person*...i.e., through rank and dignity an entirely different being from *things*, such as irrational animals, with which one can do as one likes.¹⁴

¹² KU, AA 05: 374.21-26. See (Goy, 2020, p. 93) and (Breitenbach, 2009, p. 212). As Goy points out, Kant's reference to a clock in the passage from which the excerpt above is taken makes it clear that Kant has Descartes in mind, for the latter equated animals with clocks (Goy, 2020, 9115). However, in some of Kant's students' lecture notes, the dividing line between animals and machines is different. For example, in one set of lecture notes, it is claimed that "[I]f life means having a faculty for practicing actions in conformity with one's representations" (V-Met-L2/Pölitz, AA 28: 594), and in another the mark of life is taken to be motive power:

...everything in the whole of nature is either animate or inanimate. All matter as matter...is inanimate...When we perceive a mote on a paper, then we look to see whether it moves. If it does not move of itself, then we hold it to be inanimate matter...But as soon as a matter moves, then we look to see whether it moved itself voluntarily. If we perceive that in the mote, then we say that it is *animate*, it is *an animal*. (V-Met-L1/Pölitz, AA 28: 275-276)

¹³ KU, AA 05: 464.26-27. See also V-Met/Dohna, AA 28: 690.

¹⁴ Anth, AA 07: 127.04-10.

This calls into question the dividing line between Kant and Descartes. The metaphysical difference in their respective accounts of animals does not seem to matter for moral purposes. In Ovid, there is an argument for vegetarianism based on the idea that animals and humans have "kindred souls."¹⁵ But, as the passage from the *Anthropology* shows, Kant's rejection of the Cartesian idea that animals are mere machines does not go so far. Although Descartes did not develop a mature system of morality like Kant's, the two seem to be on the same page in taking humans and animals to be different in ways that strip the latter wholesale of both legal and moral standing, as well as the rights and owed duties attendant thereon.

Kant does think that there are duties in regard to animals.¹⁶ But, he emphasizes that these duties are to oneself and other humans, not owed directly to the animals in question, and, as such, Descartes could have endorsed them. The provenance of these duties lies in the psychological fact that behaving otherwise "weakens and gradually uproots a natural predisposition that is very serviceable to morality."¹⁷ And this is what motivates the AREF: many find it counterintuitive that the suffering of nonhuman animals is morally relevant only because it can erode a natural predisposition in humans that is serviceable to morality. In Bentham's famous words: "The question is not, Can they *reason*? [Kant], nor Can they *talk*? [Descartes] but, Can they *suffer*?"¹⁸

Section 2: An Answer to the AREF

¹⁵ (Ovid, 1916, p. 377).

¹⁶ MS, AA 06: 443.16-24. More examples can be found in the student lecture notes to Kant's lectures on ethics.

¹⁷ MS, AA 06: 443.14-16.

¹⁸ (Bentham, 1907, 31111).

Kantians often reject premise 4 of the AREF (the premise that says that there are duties to nonrational animals). For example, Denis, Ripstein, Tenenbaum, and Timmermann argue that the moral phenomena can be saved using a traditional Kantian framework.¹⁹ By way of contrast, Korsgaard, Breitenbach, Wood, and Hay reject premise 2 of the AREF (the conditional: if Kantian ethics is correct and if X is nonrational, then there are no duties to X). According to Korsgaard, rationality requires extending duties of respect to sentient but nonrational beings;²⁰ according to Breitenbach, Kant's teleological view of nature can ground an analogy between nature and reason that in turn grounds viewing nature as an end in itself;²¹ according to Wood, fully to respect rationality entails respecting fragments and precursors of rationality in nonrational beings;²² and according to Hay, we should supplement the Kantian framework with a pluralist account of value to explain how our behavior is constrained with respect to nonhuman animals.²³

To my knowledge, however, nobody in the modern debate about Kantian ethics has challenged premise 1 of the AREF (the premise that nonhuman animals are nonrational).²⁴ The general attitude toward premise 1 is evident in Birch's summary remarks:

Kant's ethics, notoriously, assigns fundamental value to rational beings, where
"rational" is understood in an unusually demanding sense...Even if Homo sapiens

¹⁹ (Denis, 2000), (Ripstein and Tenenbaum, 2020), (Timmermann, 2005).

²⁰ In addition to her 2018 (referred to in note 2 above), see (Korsgaard, 2004, pp. 104 and 196; 2008; 2009a, p. 15; 2009b, p. 5; 2011; 2012a, pp. 22-23; 2012b, p. 13; 2013a, p. 14; and 2013b).

²¹ (Breitenbach, 2009, chapter 9).

²² (Wood, 1998).

²³ (Hay, 2020, esp. p. 186).

²⁴ However, there is historical precedent for my approach. As pointed out by Callanan, in Kant's time some argued for the rationality of nonhuman animals, and some "sought to eliminate the difference between humans and animals not by granting animals rationality but by denying it to humans" (Callanan, 2020, p. 23).

qualifies, non-human animals seem clearly outside the scope of moral obligation...Non-human animals are not autonomous in the relevant sense, and they are not moral agents, so they have no fundamental worth.²⁵

As Birch points out, the Kantian notion of rationality is "unusually demanding." Kantian rationality requires the ability to govern oneself according to the representation of a law, which, in turn, requires a thick sense of self-consciousness that presupposes the capacity for the law-governed unity of experience. For this reason, premise 1 of the AREF is generally accepted by Kantians and nonKantians alike. Thus, although Regan concedes that many animals have psychophysical identity over time and preference autonomy, he asserts that none has Kantian rationality.²⁶ Similarly, although Rowlands thinks that many animals can act on moral emotions, he maintains that none is a moral agent as required for the rebuttal of premise 1 of the AREF.²⁷

Nonetheless, I think that there are good grounds for rejecting premise 1 of the AREF, and my goal now is to canvass the four main kinds of argument in support of this. After that (in the next section of this paper) I confront four objections.

Here is argument 1: humans and animals evolved (and in some instances coevolved) in similar environments and from similar material precursors with similar chemical compositions and similar structures. If we go back far enough in time, it is likely that most animals share ancestors with most

²⁵ (Birch, 2020, p. 1).

²⁶ (Regan, 1983).

²⁷ (Rowlands, 2012).

humans. Moreover, our ancestors, shared and unshared alike, were subject to similar pressures: scarcity of food and water; harsh climate; laws of nature; common environmental pressures; predation and defense mechanisms of prey; and competition for mates. So, it would be surprising if rationality developed in us but not in other animals.

Some might say that argument 1 proves too much. For one thing, it suggests that there should be nothing unique to any animals. But, many animals do have unique capacities and, in particular, unique cognitive capacities. For another thing, it suggests that all animals are rational, which seems implausible. These problems are compounded by the fact that, if evolution proceeds by selection on the basis of random mutations, then we would expect these mutations to accumulate over time as we evolve to occupy our respective environmental niches. So, sharing a capacity as complex as (Kantian) rationality with other animals would be surprising

However, these objections do not withstand critical scrutiny. Argument 1 is supposed to show that it is probable that some (not all) animals other than humans are rational. But, that is consistent with there being reason to think that there are animals that are not rational, and it also is consistent with there being reason to think that there are no animals that are rational. The idea is that similar mechanisms operating on similar substrates in similar environments are likely to produce at least some similar results, notwithstanding the fact that the mechanism involves randomness. These similar results might include rationality, and they might include other capacities (like vision, hearing, smell, taste, and touch) as well. Moreover, the objection about the accumulation of mutations misfires insofar as it neglects (1) the common scaffolding that is subject to selective pressures and (2) the fact that, for all of the specialization that can be accommodated by specialized niches, the overall environment is still relatively similar.

Because the genetic scaffolding on which these mutations are acquired is relatively stable, we should not expect great divergence. Darwin's finches might have evolved different beaks to deal with different seeds. But, they all had beaks.

Argument 2 begins with the twofold idea that (i) rationality is a mental trait, and (ii) mental traits are tied to the brain. Many animals have brains that are similar to ours. We do not know which brain structures are responsible for rationality. But, the similarity between our brains and the brains of our fellow creatures gives grounds for thinking that the mental lives of our fellow creatures are similar to ours, which in turn gives grounds for thinking that our fellow creatures are capable of Kantian rationality if we are.

Now, some might object that this argument, like argument 1, proves too much. Argument 2 suggests that no animal has any unique mental capacity, and it also suggests that any animal with a brain will be rational. This is absurd. So, argument 2 must be mistaken.

The problem with this objection is that argument 2 ties mental capacities to physical structures. This narrows the scope of the argument considerably. Argument 2 is silent when it comes to animals like sea stars and jellyfish, for they do not have brains. Similarly, although we still do not know exactly which structures are relevant to rationality, argument 2 does not suggest that insects are rational, for their brains and nervous systems are so different from ours. However, this still leaves us with a large family of animals that argument 2 suggests attributing rationality to and, in particular, a large family of animals that many would balk at calling rational, including cows, pigs, and chickens, an especially relevant group because these animals are a central part of the modern economy.

Argument 3 builds on the idea that humans and animals behave in similar ways in response to similar stimuli. There is anecdotal evidence for this. But there is also more formal experimental evidence for it. For example, there is evidence that animals are susceptible to perceptual illusions that humans are subject to, like the Müller-Lyre and Kanisza squares.²⁸ This fact about perceptual illusions, of course, does not directly bear on Kantian rationality. But, it suggests that the similar-brain/similar-mental-life inference from argument 2 is on the right track, and it gives evidence that the similar-behavioral-response/similar-mental-life inference in argument 3 is widespread in the literature on animals. More directly relevant to Kantian rationality are experiments on canine learned helplessness. In a series of experiments, researchers showed that dogs tried to escape from electric shocks if but only if they had not been subject previously to electric shocks in circumstances in which they could not escape.²⁹ One reason this is relevant is that learned helplessness is observed also in humans. Another is that the phenomenon seems directly relevant to rationality and, in particular, to the particularly demanding kind of rationality required for Kantian ethics. It is difficult to see how gross violations of autonomy would lead to learned helplessness in a nonrational being. Also relevant to rationality, at least as Descartes conceives of things although arguably also from a Kantian paradigm: it is now a social media trend to teach dogs to communicate using sound buttons programmed with individual words like "more," "scratches," and "now," evincing (i) the possession of complex concepts related to things like time and quantity and (ii) the ability to put these complex concepts together to construct sentences.³⁰ And it has long been known that many animals are capable of deep social bonds with each other and with us and that they are, at times,

²⁸ (Fuss, Beckmann, and Schluessel, 2014) and (Pepperberg, Vicinay, and Cavanagh, 2008). I owe both of these references to (Golob, 2020, 8m38).

²⁹ (Seligman and Maier, 1967) and (Maier and Seligman, 2016).

³⁰ (Sanchez, 2020).

territorial and possessive, evincing some sort of ownership/property awareness. So, there is every reason to believe that animals have models of others' minds that they use to predict others' behavior and govern their own, in accordance with what seems to be the representation of a law, and, further, that they have at least some of the fundamental moral concepts that, on a Kantian account, go hand-in-hand with moral agency.

Some might object that there are experiments demonstrating that animals are not rational. I explain why I am skeptical of such experiments in more detail below. For now, I merely note that this objection faces a dilemma.³¹ On the one side, the evidence for animal rationality must be explained away. On the other, the means of explaining away this evidence must not explain away the evidence for human rationality. The worry is that we are too charitable to ourselves and too critical of animals, a worry that is bolstered by the fourth and final argument I am going to make.

The basic idea behind argument 4 is that believing premise 1 of the AREF (the premise that nonhuman animals are nonrational) is beneficial to us. Taking there to be a morally relevant dividing line between humans and animals arguably provided an evolutionary advantage to our forebears insofar as it facilitated hunting and other practices that are conducive to survival. Taking there to be a morally relevant dividing line between humans and animals arguably provides benefits in modern society insofar as it enables people to continue to benefit economically and hedonically at the expense of our fellow creatures.

Premise 1 of the AREF might be true and we even might be justified in believing it to be so. But, given the human tendency toward self-deception and confirmation bias (and given how culturally sticky these

³¹ As pointed out in (Callanan, 2020, p. 27), this dilemma is raised by Bayle in an earlier iteration of this debate.

biases are once borne and beaten in), the evidentiary bar that must be cleared to get there should be especially high.³²

To summarize: arguments 1-3 (similar origins, similar neurophysiology, similar behaviors) establish a presumption in favor of attributing rationality to animals, and argument 4 (self-deception and confirmation bias) establishes a presumption against assertions to the contrary. That is, argument 4 establishes a presumption against premise 1 of the AREF, and arguments 1-3 establish a presumption in favor of the contradictory of premise 1 of the AREF.

Section 3: Objections

In this section, I am going to consider four objections to the thesis that some nonhuman animals are rational.

Objection 1 builds on the idea that, if animals were rational, then they would be ruling over (or at least with) us; they would not be under our dominion. Moreover, if animals are rational, then why are we the

³² A sad instance of this confirmation bias is the fact that experimental evidence was thought necessary to prove that sow pens are not conducive to sows' happiness. A more subtle instance may be found in the following claim from Hay:

Some philosophers do try to argue that (at least many) animals have something like rational agency. They argue that sentient animals are capable of forming preferences—a cow prefers one patch of grass over another, for example—and this process is, for moral purposes, the same as the process by which we humans set and pursue our ends. There is obviously a difference between what is going on when a cow instinctively eats grass and what is going on when a plant grows towards the sun, but the former seems much closer to the latter than what is going on when a human prefers peas to carrots. (Hay, 2020, p. 183)

I do not share the seeming that Hay refers to in the final sentence here, and I am skeptical of the distance function she mentions. But the point for present purposes is that the comparison Hay makes in the final sentence is irrelevant. By her own lights, Hay should be comparing the human's preference of peas to carrots with the cow's preference of one patch of grass to another; the cow's instinctive eating of grass should not factor in.

only species on earth that is so technologically advanced? If cats were rational, surely they would have invented some sort of device by now, if not *de novo*, then at least by building on ours.

I think there are at least two problems with this objection. One is that not all groups of humans have invented technology like smartphones, nor is it obvious that humans, rather than bugs or bacteria, rule the planet. It is true that humans are driving many animals to extinction. But humans are also driving humans to extinction. So, not only can we question the correlation between ruling, technology, and rationality, but, more, the claims about ruling and technological sophistication turn out to be significantly more complicated than appear at first blush.

The deeper problem with this first objection is that it commits a category mistake. Rationality, at least of the Kantian kind, is a property of individuals, not aggregates. There are capabilities that are relevant to rationality that this objection is picking up on: using tools; learning from others (culture); thinking recursively; constructing abstract theories about how "things" work (for technology); and constructing abstract theories about how "others" work (for ruling). But many animals give convincing evidence that they have all of these abilities. To be sure, they might not have these abilities to the extent that some humans do. We might say that the most capable humans are more capable than the most capable animals. But that is irrelevant. The question is whether there are animals that are sufficiently capable as to qualify as rational. Given the foregoing, I think there are good reasons to say that there are.

Objection 2 appeals to the various tests, like the mirror test, that experimentalists have used to determine whether animals are rational. In the mirror test, an animal has a red spot painted on it while it is sleeping. It is then placed in front of a mirror. If the animal realizes, upon seeing the spot in the reflection, that the

spot is on its own body, then it passes the test; if not, then it fails. If it fails, then it is not self-conscious; it does not have a concept of the "I"; and we are back to Kant's famous lines (quoted in section 1) from the *Anthropology from a Pragmatic Point of View*:

The fact that the human being can have the "I" in his representations raises him infinitely above all other living beings on earth. Because of this he is a *person*...i.e., through rank and dignity an entirely different being from *things*, such as irrational animals, with which one can do as one likes.³³

I want to say three things about this objection. First, many animals pass many of these tests. For example, although dogs typically fail the mirror test, bottlenose dolphins typically pass it. Second, many of these experiments do not have controls. In order to have an adequate control for the mirror test, we would have to raise a human in isolation from mirrors, cameras, paint, and the like. Doing so might show that humans fail the mirror test. Third and most importantly, the interpretation of these experiments is underdetermined. Showing that someone tries to play with their reflection in a mirror does not show that they do not have a conception of themselves. It shows that they try to play with their reflection in a mirror. This is especially problematic for proponents of objection 2 given (i) behavior (like grooming and deception) that indicates that even animals that fail the mirror test have a conception of themselves and (ii) argument 4 above about confirmation bias.³⁴

³³ Anth, AA 07: 127.04-10.

³⁴ I should note that I am *not* saying that being self-conscious in any form (having any sense of "I") is sufficient to meet Kant's standard of rationality. Rather, I am trying to *rebut* the argument that says that if an animal fails the mirror test, then it fails to meet Kant's standard of rationality because it does not have any sense of "I." I would like to thank an anonymous reviewer for *Between the Species* for pressing me to clarify this point.

Objection 3 builds on the idea that morality requires interaction between rational beings to be consensual. There is no way to secure consent from animals, nor do we generally think that such consent is required. So, animals are not rational. This line of reasoning is reflected in the following passage from Ripstein and Tenenbaum:

The kind person who takes the thorn from the lion's paw unconcerned by the lion's uncomprehending stare is obviously treating (rather bravely) the lion as means to her end of helping the lion; had she done the same to a rational agent without securing his consent, she would be assaulting him. But interaction with a lion is neither consensual nor nonconsensual on the lion's part. The virtuous disposition must care for the welfare of non-human animals without the thought of any further end, but can only secure the object of its concern by treating these same animals as means.³⁵

As with the previous objection, I think there are at least three problems with this. First, caring for the welfare of animals without the thought of any further end does not constitute treating these animals as means. Second, morality does not require that interaction between rational beings be consensual. Removing a thorn from the hand of a rational being in the face of her uncomprehending stare need not constitute assault, nor need it involve treating her as a mere means. If Ripstein and Tenenbaum were correct, then much of what (rightfully) passes for routine in emergency rooms would have to be stopped. Third and finally, interaction with animals can be consensual. There are many animals that communicate

³⁵ (Ripstein and Tenenbaum, 2020, p. 152). See also (Miller, 2009, p. 375).

consent quite clearly. A cat can make it clear to his owner that he wants to be stroked or that stroking time is over. A dog can make it clear to her owner that she wants to play chase or that she wants to wrestle.³⁶ And this is only the tip of the iceberg. There is a great deal of communication between animals and humans that is just as meaningful as, and often more profound than, that which occurs between humans.

Objection 4 has to do with the fact that, in Kantian ethics, rational agents not only are owed duties, they also owe duties to others. For example, not only am I owed respect from others, but I also owe respect to others. So, if I am arguing that animals are rational, it follows not only that they are owed duties from us, but also that they owe duties to us (and to each other). This is counterintuitive. Animals sometimes engage in actions that we find distasteful, annoying, or frustrating. But, to blame them for these things, or to say that they are behaving impermissibly, seems anthropomorphic. More, some might take the thesis that animals are rational to entail the absurd result that predation should be eliminated.

I would like to say four things in response to this. First, Kantian ethics does not recommend comparing ourselves with others when it comes to duty-fulfillment, praise, or blame. Rather, Kantian ethics recommends that agents compare themselves with the moral law.³⁷ The moral outlook prescribed by Kantian ethics says to look to ourselves rather than to animals (or other humans). This is especially relevant in this context. Moreover, there is an error theory that might explain why it seems counterintuitive to assert that animals have duties to us. That is, one reason why it might seem like

³⁶ In response, Ripstein and Tennenbaum might try to give a definition of consent that only a small handful of animals (e.g., parrots trained to talk, primates trained in sign language, and dogs trained on sound pads) are able to satisfy. But such a definition will fail to capture much of what counts as consensual interaction between humans.

³⁷ See (Wood, 2008, chapter 15 section 2).

animals have no duties to us is that modern history of human-animal interaction is characterized by gross moral infractions by humans, not the other way around.

Second, to say that animals have duties to us (or to each other) is not to say what these duties are. In the *Metaphysics of Morals*, Kant makes it clear that, although the moral law is *a priori*, determining general duties requires empirical information about human nature:

...we shall often have to take as our object the particular *nature* of human beings, which is cognized only by experience, in order to *show* in it what can be inferred from universal moral principles...a metaphysics of morals cannot be based upon anthropology but can still be applied to it.³⁸

It follows that, if animals have duties, then, to determine what they are, we have to take into consideration the nature of the animals in question.

Third, to claim that a being is rational is not to claim that this being may not eat other rational beings, nor is it to claim that she may not kill or prey on other rational beings. In this paper I am concerned solely with the theoretical underpinning of Kantian animal ethics. I have said very little here about the kinds of duties that follow from applying this framework to anthropology, and I have said nothing about the kinds of duties that follow from applying it to anthrozoology or animal ethnography. Thus, nothing in my argument entails or even suggests that predation in the wild should be eliminated.

³⁸ MS, AA 06: 217.01-08.

One last thing. As noted above, I do not take myself to have provided much reason to think that bugs are rational. And if mosquitos are nonrational, then mosquitos have no obligation to stop preying on us.³⁹ But, if I am right that the arguments in this paper give good grounds for taking pigs, cows, and chickens (among others) to be rational, that suffices to show that many of our current agricultural practices, or at least those that involve *our* ways of preying on our fellow creatures, in addition to being unsustainable and environmentally disastrous, are, at least within a Kantian paradigm, directly immoral.

Conclusion

In this paper I confronted a popular objection to Kantian ethics, the animal-refutation (AREF). I began by setting up the objection. I then tried to answer this objection by arguing that premise 1 of the AREF (nonhuman animals are nonrational) should be rejected. I advanced four considerations in favor of my thesis: an evolutionary argument from analogy; a philosophy of mind argument from analogy; a behavioral argument from analogy; and an argument about self-deception and confirmation bias. I concluded by considering four objections: an objection about ruling and technology; an objection about experimental evidence against nonhuman rationality; an objection about consent; and an objection about active duties. If I am right, then a long-standing argument against Kantian ethics is based on a mistake.

³⁹ Apropos of the point made in the previous paragraph, it is worth noting that the converse of this conditional might not be true.

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