

## DUTIES REGARDING ANIMALS

Patrick Kain

[Forthcoming in *Kant's Metaphysics of Morals: A Critical Guide*.

ed. Lara Denis. Cambridge University Press]

**Abstract:** A better appreciation of Kant's commitments in a variety of disciplines reveals Kant had a deeper understanding of human and non-human animals than generally recognized, and this sheds new light on Kant's claims about the nature and scope of moral status and helps to address, at least from Kant's perspective, many of the familiar objections to his notorious account of "duties regarding animals." Kant's core principles about the nature of moral obligation structure his thoughts about the moral status of human beings and non-human animals. Kant's commitments in biology, psychology, anthropology and physical geography support his account of the nature of and distinction between humans and non-human animals. This account supports Kant's judgment that we have duties to every human being and significant duties regarding non-human animals, duties which involve direct concern for animals because of their nature. A comparison of Kant's account with some recently proposed Kantian alternatives provides additional perspective on some of the distinctive features, and strengths and weaknesses, of Kant's approach.

## CHAPTER ELEVEN: DUTIES REGARDING ANIMALS

PATRICK KAIN

## INTRODUCTION

In one of the most widely cited, and certainly the most *criticized*, passages from the *Metaphysics of Morals*, Kant infamously insists, in part:

As far as reason alone can judge, a human being has duties only to human beings (himself and others), since his duty to any subject is moral constraint by that subject's will. Hence the constraining (binding) subject must, *first*, be a person; and this person must, *second*, be given as an object of experience, since the human being is to strive for the end of this person's will and this can happen only in a relation to each other of two beings that exist ... But from all our experience we are acquainted with no being other than a human being that would be capable of obligation (active or passive). A human being can therefore have no duty to any beings other than human beings; and if he represents to himself that he has such duties, it is because of an *amphiboly* in his *concepts of reflection*, and his supposed duty to other beings is only a duty to himself. He is led to this misunderstanding by mistaking his duty *with regard to* other beings for a duty *to* those beings. (MS 6:442)<sup>1</sup>

Kant insists that we have duties to all human beings: "a human being is under obligation to regard himself, as well as every other human being, as his end" (MS 6:410). But "a human being

---

<sup>1</sup> Translations in this essay are those of the *Cambridge Edition*, except where noted otherwise, or where a quoted passage is not included in an already-published *Cambridge Edition* work. Here I have slightly modified Gregor's translation of "*kennen*" and "*sich vorstellen*" to better capture technical epistemological features of the amphiboly.

has duties only to human beings (himself and others)” (MS 6:442). While Kant recognizes many moral constraints upon our behavior toward non-human animals, he insists that these are only duties “*with regard to* these animals,” rather than duties “*to* those beings” (MS 6:442-443).<sup>2</sup> “Every human being has a legitimate claim to respect from his fellow human beings and is *in turn* bound to respect every other”(MS 6:462). But animals are “things,” not persons, and “*respect* is always directed only to persons, never to things” (KpV 5:76). This makes it seem as if an animal is no more worthy of our concern than is a turnspit on which we might choose to roast it.

This position on the nature and scope of fundamental “moral status” and its practical implications both for the treatment of so-called “marginal cases” of seriously immature or radically disabled human beings and for the treatment of non-human animals has been a source of much consternation.<sup>3</sup> Prominent philosophers have suggested that one of Kant’s greatest mistakes *überhaupt* was his failure to appreciate the nature of non-human animals and their moral significance.<sup>4</sup> Kant is regularly accused of (i) drawing an arbitrary distinction between the moral status of all human beings and that of non-humans which cannot be reconciled with the actual condition of human infants and severely disabled adults, (ii) a fundamental failure to consider the nature of non-human animals and acknowledge their similarity to humans, (iii) a failure to recognize that the moral constraints on human behavior toward non-humans should be based on the nature of those animals, rather than in incidental effects of our behavior upon

---

<sup>2</sup> In what follows, I will often use “animals” as shorthand for “non-human animals.”

<sup>3</sup> “To have moral status is to be morally considerable, or to have moral standing. It is to be an entity towards which moral agents have, or can have, moral obligations.” Mary Anne Warren, *Moral Status: Obligation to Persons and Other Living Things* (Oxford University Press, 1997), 3.

<sup>4</sup> Responses by Christine Korsgaard and Peter Singer in Vadim Vasilyev’s “International Kant Interview 2004-2005,” [www.philos.msu.ru/community/staff/vasiliev/Kant\\_Interview/Kant\\_Interview.htm](http://www.philos.msu.ru/community/staff/vasiliev/Kant_Interview/Kant_Interview.htm)

humans which turn upon highly contingent features of human psychology, and (iv) a failure to regard animals as the proper objects of human concern in their own right.<sup>5</sup> These charges appear to cut to the heart of Kant's ethics and addressing them has seemed to demand either the outright rejection of Kantian ethics or significant alteration of its trademark focus on human dignity.<sup>6</sup>

A better appreciation of Kant's commitments in a variety of disciplines reveals Kant had a deeper understanding of human and non-human animals than generally recognized and this sheds new light on Kant's claims about the nature and scope of moral status, helping to address, at least from Kant's perspective, many of the familiar objections to his notorious account of our "duties regarding animals." In section one, I will review some of Kant's core principles about the nature of moral obligation which structure his thoughts about the moral status of human beings and non-human animals. In section two, I will consider in some detail Kant's account of the nature of and distinction between humans and non-human animals. With this account in hand, I will turn, in section three, to Kant's case for claiming that we have duties to every human being

---

<sup>5</sup> For example, Alexander Broadie and Elizabeth M. Pybus, "Kant's Treatment of Animals," *Philosophy* 49 (1974), 375-83; Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: Random House, 1975); Tom Regan, *The Case for Animal Rights* (London: Routledge & Kegan Paul, 1984); Martha Nussbaum, *Frontiers of Justice: Disabilities, Nationality, Species Membership* (Cambridge, Mass.: Harvard University Press, 2006); and Warren, *Moral Status*. Elements of these criticisms can be found in the work of Arthur Schopenhauer and Albert Schweitzer, see Heike Baranzke, "Tierethik, Tiernatur und Moralanthropologie im Kontext von §17 Tugendlehre," *Kant-Studien* 96 (2005), 336-63.

<sup>6</sup> For significant concessions by Kantians on some of these points, see Christine M. Korsgaard, *The Sources of Normativity*, ed. Onora O'Neill (Cambridge University Press, 1996); "Fellow Creatures: Kantian Ethics and Our Duties to Animals," in Grethe B. Peterson (ed.), *The Tanner Lectures on Human Values*, vol. XXV (Salt Lake City: Utah University Press, 2005), 77-110; and "Interacting with Animals: A Kantian Account," in Thomas Beauchamp and R.G. Frey (eds.), *The Oxford Handbook on Ethics and Animals*, (Oxford University Press, 2010 [in press]); Jens Timmermann, "When the Tail Wags the Dog: Animal Welfare and Indirect Duty in Kantian Ethics," *Kantian Review* 10 (2005), 128-49; Allen W. Wood, "Kant on Duties Regarding Nonrational Nature I," *Proceedings of the Aristotelian Society, Supplement* 72 (1998), 189-210, *Kant's Ethical Thought* (Cambridge University Press, 1999), and *Kantian Ethics* (Cambridge University Press, 2008).

and significant duties regarding non-human animals that are grounded in their nature. Finally, in section four, I will consider Kant's account in relation to some recently proposed Kantian alternatives.

## 1. THE BASIS OF MORAL STATUS

Kant insists upon a sharp distinction between beings with *dignity* (*Würde*) and those with mere *price* (*Preis*). Price is a kind of relative value, a value something has if it is related in the correct way to something else, in particular to the needs or desires of human beings. By contrast, dignity is a kind of absolute and intrinsic value; something with dignity "is raised above all price and therefore admits of no equivalent," it cannot "be replaced by something else" (G 4:434).<sup>7</sup>

Kant claims that what gives a being dignity and marks it out as an "end in itself" is its innate rational capacity (*Fähigkeit*) for autonomy, a predisposition (*Anlage*) to "personality," the capacity to "legislate" the moral law and to act out of respect for the moral law, "freedom... under moral laws" (G 4:428, 435-36; MS 6:223, 418; RGV 6:27).<sup>8</sup>

A human being regarded as a *person*, that is, as the subject of a morally practical reason, is exalted above any price; for as a person (*homo noumenon*) he is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in itself, that is, he possesses a *dignity* (an absolute inner worth) by which he exacts *respect* for himself from all other rational beings in the world. He can

---

<sup>7</sup> This is not to deny that Kant draws some distinctions within "price." See, for example, G 4:428, 434; MS 6:434.

<sup>8</sup> Kant rejects the possibility that organisms, in general, could be "final ends" or ends in themselves (KU 5:425-35), contra G.F. Meier, *Philosophische Sittenlehre* (Halle: Hemmerde, 1753-1761), §975.

measure himself with every other being of this kind and value himself on a footing of equality with them. (MS 6:434-35)

In Kant's theory there is a deep connection between dignity and moral obligation. In Kant's terms, only beings with dignity are capable of "passive" and "active obligation": only beings with dignity can be obligated or obligate others. "Duty to any subject is moral constraint by that subject's will" (MS 6:442). Moral obligations can be articulated as the demand to respect the dignity and autonomy of every rational being (G 4:428–36). Thus, the second formula of the categorical imperative demands: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (G 4:429). Lest it appear that Kant is simply begging all of the relevant questions about the scope of moral status, we must note that Kant employs the terms "humanity" and "personality" in a technical sense to refer to certain capacities or predispositions of the will, which may or may not turn out to be ascribable to all and only human beings.

Since a "duty to any subject is moral constraint by that subject's will," an obligator (a being *to whom* one can have a duty, a being capable of "active obligation") must have a will that can impose a moral constraint upon the obligated, and the obligated (one capable of "passive obligation") must have a will that can be constrained by the obligator. Thus, Kant isolated two necessary conditions for genuine moral status: we can be obligated only to a being that is both (i) a "person," a being with a free will "standing under the moral law" and (ii) is "given as an object of experience," so that we can recognize that it can obligate us and so that we can, through our actions, have some bearing upon it and/or its ends (MS 6:442).

Regarding the first condition, Kant famously argued that neither "theoretical" philosophy nor empirical investigation can establish that there is *any* such absolute freedom, any "freedom

under moral laws.” “Experience lets us cognize only the law of appearances and hence the mechanism of nature, the direct opposite of freedom” (KpV 5:29). Kant came to insist that the reality of absolute freedom, or freedom under moral laws, can only be established in practical philosophy, by the “fact of reason.” We are each “immediately conscious (as soon as we draw up maxims of the will for ourselves)” of the moral law; the moral law is given to us as “the sole fact of pure reason” and this fact leads us to the concept of freedom and the postulation of its reality in us (KpV 5:29–31). “The categorical imperative proves for morally practical purposes” that at least some of us “human beings” are free” (MS 6:280n).

Yet we must not neglect the second condition and its implications for the determination of moral status. Kant’s insistence that we can only have obligations to persons who are “given as an object of experience” suggests that experience and the biological, psychological, and anthropological theories, concepts, and judgments, through which we make systematic sense of the objects we are given in experience, must play a significant role in helping to determine in a naturalistically respectable way which objects of experience should be considered to be the presentation of the relevant kinds of predispositions; a suggestion confirmed by Kant’s appeal to “experience” and his employment of biological and psychological terminology in the discussion of our duties regarding non-human animals and of the moral relationship between human parents and the children they conceive (MS 6:280, 442). We must investigate salient aspects of Kant’s investigations in these disciplines.

## 2. THE NATURE OF ANIMALS

Kant articulated a naturalistic framework for systematic biological and psychological investigations.<sup>9</sup> Kant insists that, in natural science, we must seek to identify a system of efficient or “mechanical” causal laws responsible for observable regularities, but there are phenomena that resist such an understanding (KU 5:387–88, 372–76, 401–04). To bring such regularities “under laws” a set of teleological concepts are needed, including the concept of an *organism*, a “natural end” which is a teleologically organized and self-organizing whole, organized for life and reproduction (VR 2:429; KU 5:376). When using such concepts, we must still observe the maxim that “in a natural science everything must be explained *naturally*” (GtP 8:178; cf. KrV A544/B572, A773/B801). One should seek a systematic and parsimonious account which relies upon analogies to observed powers and eschews both unnecessary and unhelpful complexity and direct appeals to divine intervention. A “philosophically appropriate,” “naturalistic” explanation of the regularities observed among organisms favors an “epigenetic” theory of the reproduction of organisms combined with a commitment to real biological species and a doctrine of original “predispositions” (GtP 8:168–69; BBM 8:102; GtP 8:178). In reproduction, adult organisms of a species produce a new organism of their species, endowed at conception with the species’s specific organization, a set of “predispositions” (*Anlagen*) and “germs” or “seeds” (*Keime*) that were originally implanted in the species’ first members (KU 5:423).

---

<sup>9</sup> The argument of the next several paragraphs is developed in more detail in Patrick Kain, “Kant’s Defense of Human Moral Status,” *Journal of the History of Philosophy* 47 (2009), 59-102.



In psychology we find an account of animals or “living” organisms, those endowed with “sensation and choice” (MS 6:442), which extends this biological framework. Since animals can perceive and respond to changes in their immediate environment in ways that (most) plants cannot, Kant insists upon judging animal behavior as a product of inner principles (even if less than fully conscious or self-conscious ones): living beings have the capacity to move themselves according to the power of choice, that is, in virtue of their representations. Kant argued that although mental representations can, in general, be cognized and explained naturalistically, neither can be fully explained “materialistically.” The mental representations that are essential constituents of the genuine psychological regularities we observe, Kant argued, must be regarded as states of an immaterial *soul* (though not necessarily a simple, substantial, or immortal soul) (KrV B419–20; KU 5:460). Kant insisted that animals are not “mere machines,” but have souls with a *vis locomotiva*, because the mental representations that guide their behavior cannot be realized in matter (KU 5:457, 464n). In animals, the “faculty of desire” is linked with a “faculty of cognition” or “intuition” which gives rise to representations (via the senses, but also via reproductive and anticipatory imagination) and a “faculty of feeling pleasure or displeasure” in conjunction with a representation (MS 6:211).<sup>10</sup> For systematic reasons, Kant favored an account of animal reproduction and original ensoulment according to which each animal is endowed from its conception with the biological and psychological predispositions of its species.<sup>11</sup> The predispositions and propensities of an animal species, which may underlie or manifest themselves in a

---

<sup>10</sup> See also *Lectures on Metaphysics* [hereafter: VM] 28:115-17, 274-77, 448-49, 594, 690; 29: 906, 1026.

<sup>11</sup> Kain, “Defense,” 82-87.

variety of instincts, acquired inclinations, and habits, serve as causal grounds for the occurrence of certain thoughts, feelings, desires, and behaviors.<sup>12</sup>

We humans can be “immediately aware” of our own representations, especially those representations upon which we act; based on observable similarities between our actions and the behavior of non-human animals, we infer that they have some capacities, analogous to, if yet specifically different from, our capacity to reason and our capacity to act from reason. To take a prominent example:

In comparing the artistic actions of animals with those of human beings, we conceive of the ground of the former, which we do not know, through the ground of similar effects in humans (reason), which we do know, and thus as an analogue of reason, and by that we also mean to indicate that the ground of the artistic capacity in animals, designated as instinct, is in fact specifically different from reason, but yet has a similar relation to the effect (comparing, say, construction by beavers with that by humans). (KU 5:464n)

Animals can represent, perceive and be acquainted with objects through their representations and are capable of subtle differentiations amongst objects.<sup>13</sup> Some animals have more refined external senses than we humans (VM 28:277). In some cases,

---

<sup>12</sup> Patrick Frierson, “Kant’s Empirical Account of Human Action,” *Philosophers’ Imprint* 5, no. 7 (2005), 1-34.

<sup>13</sup> LJ 9:64-65; FS 2:59-60; PS 2:285; HN 15:161-62, 713; VM 28:66-67, 78-79, 98-99, 857. For a careful analysis of Kant’s account of the nature and limits of animal psychology upon which I rely in this paragraph, see Steve Naragon, “Reason and Animals: Descartes, Kant, and Mead on the Place of Humans in Nature,” unpublished doctoral dissertation, University of Notre Dame, 1987, and “Kant on Descartes and the Brutes,” *Kant-Studien* 81 (1990), 1-23. See also, Karl Ameriks, *Kant’s Theory of Mind* (Oxford:Oxford University Press, 1982/2000), 242.

it seems “the acts of animals arise out of the same *principium* from which human actions spring, and the animal actions are analogues of this” (C 27:459). We have no access through our own introspection, however, to evidence that animals have inner sense, concepts, or cognition which we encounter in our own case. Kant thought animals do not possess a capacity for language use, which would indicate concepts and higher cognition, much less a first-person pronoun. As for the observed artistry of beavers, mentioned above, Kant endorsed Bonnet’s contention that beavers always build dams according to a single model or plan, an indication that whatever their artistry and the complex form of social cooperation they employ, they lack the ability to reflect upon, modify and improve their craft or inhibit their instincts.<sup>14</sup> More generally, animals’ behavior appears to be guided by rather determinate and pervasive instincts; they are incapable of impulse control and many are easily duped; their behavior does not progress cumulatively over the course of generations. Parsimony counsels not ascribing more sophisticated mental capacities than necessary to explain the phenomena, so Kant concluded that nothing in their behavior required positing full-blown “consciousness,” a capacity for “inner sense,” for second-order representations, including representations of oneself or one’s entire condition: animals lack concepts, judgment, apperception and self-consciousness, and thus genuine cognition of objects. Unable “to represent to themselves the ground of their movement [*Beweggründe*],” they cannot reflect upon their desires or have “a desire within a desire” (VM 28:99). Unable to conceive of “what is useful or injurious” or

---

<sup>14</sup> VPG-Hesse, 122-123; see also VM 28:117. My thanks to Werner Stark for allowing me access to his transcriptions of the notes from Kant’s “Lectures on Physical Geography,” some of which will be included in volume 26 of the *Akademie Ausgabe* (forthcoming), and his invaluable assistance in working with them. I cite passages from these lectures by name (e.g., VPG-Hesse) and the pagination in the original manuscripts. Translations are my own.

“desirable in regard to [their] condition as a whole,” they are unable to pursue or experience happiness as such. Perhaps most important for present purposes, absent the capacity to represent what is “unconditionally good,” animals must lack the capacity to act upon (or against) the representation of such an unconditional law (KrV A802/B830).

In contrast, we human beings have language, “inner sense” and second order representations, concepts, apperception, self-consciousness, cognition, and capacities for reflection and inhibition in light of general representations. In his *Anthropology* text, Kant claimed that each of humans’ three practical predispositions, the “technical, pragmatic and moral” predispositions, distinguish human beings from all other terrestrial animals. The profound indeterminacy of our instincts and skills, and the connection between our “consciousness” and our technical skill at manipulating things (especially with our hands) itself distinguishes us from all other animals with which we are familiar; our capacity to use other humans in pursuit of happiness and culture and to govern ourselves according to rational principles distinguish human beings yet further (ApH 7:321ff.)<sup>15</sup> This creates an opening, in the human case, for Kant to contend that we have also a capacity for a rational will: to maintain that “the categorical imperative proves for morally practical purposes” that at least some of us “human beings” are free “persons” with the predisposition for freedom under moral laws (MS 6:280n).

It is seldom recognized that, in addition to his interest in distinguishing human beings, and human behavior and mental capacities, from those of non-human animals in general, Kant had a significant interest in animal ethology, comparative morphology, and

---

<sup>15</sup> There is an ambiguous relationship between this description of the practical predispositions and the description found in the *Religion* (animality, humanity, and personality) (RGV 6:26-28).

natural history, as part of a proper “pragmatic” knowledge of the world. Freshly transcribed and edited notes from his lecture course on “Physical Geography” show Kant synthesizing the observations of leading biologists and travelers into characterizations of non-human animals that go beyond the occasional comments in his published works (including the *Physical Geography* text he allowed to be published in 1802).<sup>16</sup>

On the basis of Kant’s comments in the *Anthropology* and the morphological similarities between humans and monkeys (particularly the hand, so emphasized by Linnaeus and Buffon) we might expect Kant to have had particular interest in monkeys.<sup>17</sup> While impressed by their manual dexterity and its deployment for catching mussels, making beds, putting on clothes, and other things, Kant was less than fully impressed, given reports that they steal produce from field and garden and band together to slay lions, tigers, or even humans.<sup>18</sup>

Although the monkeys have an *analogon rationis*, no *analogon moralitatis* will be found in them, as they are always wicked, spiteful and obstinate, and everywhere they go, they wreak havoc.<sup>19</sup>

Wickedness is [the monkey’s] primary attribute; it is never capable of complete trust; with respect to its mental powers, so to speak, the dog and elephant are much to be preferred.<sup>20</sup>

---

<sup>16</sup> The course originally included some anthropological topics (as did the metaphysics course); by the mid-1770s, Kant conceived of “anthropology” and “physical geography” as complementary “pragmatic” disciplines which he then taught alternating semesters (VR 2:443; Br. 10:146) For a brief overview in English, see Steve Naragon’s “Kant in the Classroom” internet resource, [www.manchester.edu/kant/](http://www.manchester.edu/kant/).

<sup>17</sup> ApH 7:322; VPG-Pillau 252, 266.

<sup>18</sup> Kant, *Physical Geography*, [hereafter: PG] 9:336-37.

<sup>19</sup> VPG-Kaehler 405; VPG-Messina 248.

Indeed,

[Dogs] seem to be the most perfect animal, and to manifest most strongly the *analogon rationis*... they carefully look after their responsibilities, remain with their master; if they've done something wicked they become disturbed; and if they see their master angry, try to win him over with a submissive posture.<sup>21</sup>

While dogs may be Kant's prime example of brutes' necessitation *per stimulos* and the lack of impulse control -- "a dog must eat if he is hungry and has something in front of him" (C 27:267) -- Kant notes how dogs learn to howl or open a gate-latch, and how with practice they can learn a rabbit's tricks and outwit a rabbit. Their instinct, by repetition of similar cases, "forms an experience which serves the dog as a guiding thread," despite its lack of concepts.<sup>22</sup>

Kant's greatest sense of wonder, though, is reserved for elephants. "When one observes their strength and their similarity to man, [an elephant] is an animal worthy of admiration [*ein bewunderungswürdiges Thier*]."<sup>23</sup> The elephant's trunk is "the most noble tool," comparable to a hand in its dexterity and sensitivity, and with a wider range of uses as well; an elephant can use its powers more generally than any other animal.<sup>24</sup>

Elephants are very useful, because of their strength and speed on land and in water, and

---

<sup>20</sup> VPG-Pillau 266. The comparison of beavers, monkeys, dogs and elephants seems to have been a common trope, see for example Buffon's discussion in his volume on Elephants.

<sup>21</sup> VPG-Kaehler 401-402. On faithfulness to their master, see also VPG-Hesse 117; MS 6:443; C 27:459.

<sup>22</sup> VM 29:949; 28:116; Kant, *Lectures on Anthropology*, VA 25:1196.

<sup>23</sup> VPG-Pillau 252. The most detailed discussion is found in the parallel Pillau and Barth notes. These are the primary source for the rest of this paragraph, unless otherwise noted.

<sup>24</sup> VPG-Kaehler 397; cf. PG 9:328.

because they are teachable (*gelehrig*) and prudent (*klug*). “Unprovoked, an elephant does no one harm.”<sup>25</sup> “It is often so gentle that one can break coconuts open on its head, although it must be given some or it will avenge itself with its trunk.” They may not only be tamed, but also “disciplined” (perhaps the only animal that is capable of discipline). Kant notes that people in Surinam use an elephant in place of a servant, a role which they carry out well and patiently.<sup>26</sup> In one set of notes, Kant is reported to have concluded his comments on elephants thus:

An elephant is a gentle animal, and seems to be an *Analogon* of Morality.

It understands jokes, but cannot be duped.<sup>27</sup>

Unfortunately, neither the precise basis of such remarks, nor their implications, are further elaborated. Clearly the reports of elephant behavior (or at least the parts that Kant found credible or worth collecting and remarking upon) made a significant impression upon Kant. Rather than emphasize differences between or the distance between elephants and humans, Kant attributes significant mental sophistication to elephants and uses words with significant positive ethical overtones (prudence, good-natured, patience, discipline) without reservation.<sup>28</sup>

This survey of Kant’s systematic, “naturalistic,” and empirical biology, empirical psychology, and pragmatic anthropology and “physical geography” establishes that Kant

---

<sup>25</sup> cf. PG 9:329.

<sup>26</sup> VPG-Kaehler 396; cf. VPG-Messina 238

<sup>27</sup> VPG-Pillau 253. This is an important contrast with most other animals, which Kant thinks are easily deceived (VM 28:116).

<sup>28</sup> Aside from distinguishing discipline from mere learning, Kant does not elaborate. He appears to accept the myth that elephants do not mate in captivity, but does not mention Buffon’s interpretation of this as a form of modesty or self-control (VPG-Pillau 235). Nor does he elaborate an interpretation of elephant’s desire to avenge itself (when a coconut is not shared) or resist being duped.

had a serious account of the nature of animals. While many of the details and assumptions of Kant's account have been superseded by subsequent scientific and philosophical developments, it is not clear that his primary conclusions have been.<sup>29</sup> Kant concluded, as a contingent empirical matter, that human beings have *rational* souls, while no other animals of which we are familiar do.<sup>30</sup> This is the account to which his moral philosophy makes reference.

### 3. MORAL IMPLICATIONS

#### 3.1. *Kant's Defense of Human Moral Status*

As we have seen, on Kant's account, moral status requires the possession of "freedom under moral laws" by something "given as an object of experience." Kant claims that, in our "immediate consciousness" of the moral law "the categorical imperative proves for morally practical purposes" that at least some of us "human beings" are "free" (KpV 5:29; MS 6:280n). Of course humans infants and the severely disabled fail to manifest in their behavior much complex consciousness at all, much less an immediate consciousness of the moral law.<sup>31</sup> In response to charges of arbitrariness in Kant's ascription of moral status to such so-called "marginal cases," I have argued

---

<sup>29</sup> Interestingly, Korsgaard seems independently to arrive at some similar conclusions in "Interacting."

<sup>30</sup> See note 10, above, and Kain, "Defense," 82n70. For additional historical context, see Hans Werner Ingensiep, "Tierseele und tierethische Argumentationen in der Deutschen philosophischen Literatur des 18. Jahrhunderts," *NTM: Internationale Zeitschrift für Geschichte und Ethik der Naturwissenschaften, Technik und Medizin (N.S.)* 4 (1996), 103-118.

<sup>31</sup> It is sometimes supposed that Kant's claims about "personality" suggest a "Lockean" approach to personal identity and moral status, but this is dubious. Kain, "Defense," 65n16.



elsewhere that Kant has a principled basis for his ascriptions.<sup>32</sup> First, Kant's analysis of freedom contends that freedom must be an original and essential predisposition of any being that can possess it. Kant insisted that it must be possible for finite beings endowed with freedom to come into being, since "the categorical imperative proves for morally practical purposes" that at least some of us "human beings" are free, but he argues that it is logically impossible for free beings to be the product of any physical operation. Kant suggested that the most appropriate way to think about the origins of a human being is that rational souls are created endowed with freedom and that these souls are embodied or "brought over into the world" by human parents when they generate and ensoul a human organism (MS 6:280).

Second, Kant's thesis about freedom as a predisposition, taken in conjunction with Kant's biological, psychological and anthropological commitments, provides support for his judgment that every human being possesses it. Kant's biological theory maintains that each organism can be considered the presentation of a being with predispositions, and we must consider them to be such presentations "from procreation" or conception. Kant's psychological theory maintains that each animal gets its soul at the point of its reproductive origin. The practical doctrine of original freedom entails that free rational souls must be *essentially* free rational souls, which implies that moral status attaches as soon as an organism endowed with such a soul is generated or conceived. The patterns of pragmatic and moral development across human populations strongly suggested to Kant that the predisposition to personality should be considered a predisposition of the human species, as opposed to a predisposition of only *some* of its

---

<sup>32</sup> Kain, "Defense," 90-100.

members. “The human procreative faculty is the faculty of a human being, with a human of the other sex, to put a person in the world” (HN 23:357). Kant’s commitments provide a principled, if debatable, basis for his judgment that all human beings, even the apparently “marginal cases,” are intrinsically worthy of respect and each is capable of directly obligating us. Kant’s substantive judgments about human marginal cases may not require the rejection or radical revision of his account of moral status.

### *3.2. Kant’s rejection of duties “to” animals*

In this context, the question becomes whether careful attention to the nature and behavior of any non-human animals provides evidence that it, and by extension the other members of its species, possess the predisposition to personality. Kant’s conclusion was that they do not. Indeed, his judgment was that there was insufficient evidence to even ascribe to non-human animals many of predispositions and capacities which are necessary components of the predisposition to personality: they lack the capacity for concepts, self-consciousness, judgment, and so forth. While it is not clear precisely why he interpreted the behavior of monkeys, dogs, and elephants as he did, absent the manifestation by some of those animals of rather full-blown “Kantian” moral consciousness, or at least the manifestation that such consciousness was developing, this judgment is hardly arbitrary. Animals are “endowed with sensation and choice” yet are “non-rational,” they are incapable of rational cognition and, most importantly, they lack a free rational will (MS 6:442-443). Love, fear, admiration, and amazement are proper for a variety of objects, especially for animals, but the “proper object of respect” is the moral law and those beings with dignity, ourselves and other human beings, with the capacity to

“legislate” the law and to hold it before us (KpV 5:76-78; MS 6:443; G 4:435-36, 440).<sup>33</sup>

This is why we cannot have any duties *to* animals.

Perhaps what strikes many readers as fundamentally objectionable about Kant’s denial of duties to animals is the apparent implication that they are completely devoid of moral significance, mere “things” at best only accidentally distinguishable from any arbitrary hunk of matter. But before jumping to such a conclusion, careful attention must be paid to the details of Kant’s positive account of the place of animals in the moral life.

### 3.3. Kant’s account of duties “regarding” animals

In the *Metaphysics of Morals* and in notes from his “Lectures on Ethics,” Kant identifies a general duty to oneself to refrain from unjustified “violent and cruel treatment of animals,” as well as a number of more particular moral requirements regarding our behavior towards certain animals. After laying out Kant’s core argument for this general duty and considering the basis for some of the particular duties he mentions, we will examine some important and illuminating objections to it.

Kant’s contention in the *Metaphysics of Morals* is that the fundamental moral problem with “violent and cruel treatment of animals” is its rather “intimate opposition” to “a human being’s duty to himself” (MS 6:443). As Baranzke has recently emphasized, Kant’s discussion of duties regarding animals comes at the conclusion of his discussion of *perfect duties to oneself*, before he proceeds to his detailed examination of imperfect duties to oneself or any duties to others.<sup>34</sup> In the *Metaphysics of Morals*, duties to oneself are tied to the ethical requirement to have “one’s own perfection” as an end (MS 6:385-

---

<sup>33</sup> See also, KU 5: 372, 482n; C 27:459; V 27:709-710.

<sup>34</sup> Baranzke, “Tierethik.”

387). The perfect or limiting or “negative duties [to oneself] *forbid* a human being to act contrary to the **end** of his nature and so have to do merely with his moral self-preservation.” In contrast, positive, widening, imperfect duties to oneself “command him to make a certain object of choice his end, concern his *perfecting* of himself... they belong to his *cultivation* (active perfecting) of himself” (MS 6:419). Suicide, for example, is contrary to one’s perfect duty to oneself because of the way it conflicts with the agent’s natural inclination to self-preservation; it involves “renouncing his personality” and “debasing humanity in [his] person” (MS 6:420, 422-23). Because of what the agent expresses about his nature when he violates a perfect duty to himself, such actions are particularly dishonorable.

Kant contends, most fundamentally, that the “violent and cruel treatment of animals” violates a perfect duty to oneself. As Denis has explained, Kant insists that “the ways that we treat animals reflect and affect morally important attitudes and feelings.”<sup>35</sup> This approach emphasizes two points: one about the moral significance of certain of our feelings, the other about the nature of animals and how, given that nature and our own, animals must engage these feelings. First, “certain emotional predispositions are extremely useful natural tools for us as moral beings,” useful both motivationally and epistemically, and they “may also reflect certain moral commitments” insofar as they “can be shaped” by our choices.<sup>36</sup> In particular, Kant singles out the “disposition of sensibility... to love something ... even apart from any intention to use it” and especially the “natural predisposition” to the “shared feeling of [other’s] suffering” as feelings that

---

<sup>35</sup> Lara Denis, “Kant’s Conception of Duties Regarding Animals: Reconstruction and Reconsideration,” *History of Philosophy Quarterly* 17 (2000), 405-23, 417.

<sup>36</sup> Denis, “Kant’s Conception,” 406-407.

may “promote morality or at least prepare the way for it” and are “very serviceable to morality in one’s relations with other people” (MS 6:443).

We might go even further, once we note that Kant recognizes some “feelings,” namely “moral feeling, conscience, love of one’s neighbor [*die Liebe des Nächsten*, *Menschenliebe*], and respect for oneself (self-esteem),” as “moral endowments” that “lie at the basis of morality, as subjective conditions of receptiveness to the concept of duty” (MS 6:399). Although these are not feelings one could have a duty to have (both because their presence is necessary for beings like us and a precondition of duty itself, and because they may not be produced or increased, either *ex nihilo* or simply at will); nonetheless, these feelings ought to be cultivated, and more importantly in the present context, they ought not be degraded, demeaned, or devalued. The two feelings to which Kant directly appeals in his discussion of duties regarding animals and inanimate nature, love and sympathy, are intimately connected with feelings on this list. The general capacity for love as “delight,” (*Liebe des Wohlgefallens*, *amor complacentiae*) “pleasure joined immediately to the representation of an object’s existence” is discussed as part of Kant’s treatment of the “moral endowment” of *Menschenliebe*, which is itself either a special instance or a particular development of this type of feeling (MS 6:402, 449, 450). Although sympathy does not itself appear explicitly on the list of aesthetic preconditions of duty, it seems to have a similar status. “Sympathetic joy and sadness (*sympathia moralis*) are sensible feelings of pleasure or displeasure... at another’s state of joy or pain” (MS 6:456). Humans, Kant claims, have a natural receptivity to such shared feeling, often called humanity or humaneness (*Menschlichkeit*, *humanitas aesthetica*), which is a precondition for the willingness to share in other’s feelings. “While it is not in

itself a duty to share the sufferings (as well as the joys) of others, it is a duty to sympathize actively in their fate; and to this end it is therefore an indirect duty to cultivate the compassionate natural (aesthetic) feelings in us” (MS 6:457). At least for “animals endowed with reason,” such as ourselves, sympathetic feeling is a necessary precondition for moral obligation. In other words, these feelings are not simply morally useful, as merely one means among others or merely useful because of some highly contingent facts about human psychology; they may be “an essential part of the fulfillment of duty itself,” at least for beings anything much like us.<sup>37</sup> These are feelings which we have a perfect duty to ourselves to preserve and neither denigrate nor demean, in addition to be feelings which we have an imperfect duty to ourselves to cultivate.

The second crucial point in Kant’s case for this perfect duty to ourselves regarding animal cruelty is that, on Kant’s account of the nature of animals, animals by their nature properly engage our morally significant feelings. An animal is not only a beautiful and teleologically organized creature, but also a creature that can feel pleasure and pain, that can represent the world and have desires (including desires conducive to its self-preservation, reproduction, and enjoyment), and that can act upon those desires and “principles” analogous to ours. Such a creature is a proper object of our love and sympathy in ways that plants, machines, and crystal formations are not. It is “because of these analogies” between human and animal nature that “the ways that we treat animals reflect and affect morally important attitudes and feelings.”<sup>38</sup> “Many of our morally important sentiments do not discriminate between animals and humans,” and this is no

---

<sup>37</sup> Paul Guyer, *Kant and the Experience of Freedom* (Cambridge University Press, 1993), 390. (Guyer does not endorse this specific analysis, or the point to which I am putting it.)

<sup>38</sup> Denis, “Kant’s Conception,” 417.

accident or psychological quirk.<sup>39</sup> It is love and/or sympathy which we feel, or at least have a predisposition to feel, towards animals as well as human beings, and in many cases, such feelings may be based upon the presence of some of the same, or closely analogous, features present in animals and humans. Choices to deny, avoid, trivialize or cavalierly violate such bonds of love or sympathy (or predispositions to them) express disrespect for ourselves. In general, the violent or cruel treatment of animals (at least when unjustified), is incompatible with respect for ourselves because it essentially involves the disregard, denial or demeaning of these predispositions, feelings, and bonds which are integral to our own nature as moral animals. Animals ought not to be harmed or destroyed “without reason” (C 27:459).

In the case of certain kinds of animals and particular individual animals, Kant suggests a few additional conclusions. An animal’s specific capacities, not just for experiencing pain but for excessive strain, or for loyalty, may come into play, as may its individual history. The kinds of work to which an animal or kind of animal may permissibly put should accord with their capacities, they “should not be strained beyond their capacities” (MS 6:443). Horses and dogs may provide service over many years, and dogs in particular may do so with particular loyalty and attachment to their master, as we have seen. Having done so, they must be rewarded with gratitude, “just as if they were members of the household”; “once the dog can serve no longer, [we] must look after him to the end” rather than “turn him out,” starve him, or have him shot. Failure to do so reveals “a very small mind,” and is contrary to one’s humane or sympathetic feelings (MS 6:443; C 27:459; V 27:710). A dog’s capacities for particular kinds of feelings,

---

<sup>39</sup> Ibid., 407.

desires, and attachments make it the proper object of greater love and sympathy than is appropriate to feel for a grub, and one's own dog's particular devotion makes its especially apt for a significant measure of one's love, sympathy, and gratitude.<sup>40</sup> One can see how Kant's analysis would entail similar, indeed stricter, requirements for the treatment of elephants, given his understanding of their nature, especially their "analogy of morality."

Of course, it is not that feelings of love or sympathy for animals, all by themselves, provide a rule for action. No feeling, not even "moral feeling" itself, plays such a role in Kant's theory, and feelings of sympathetic love, even when directed at other humans, are neither an infallible guide to other's needs nor by themselves a rule for action (MS 6:400; G 4:398). Moreover, Kant explicitly allows the killing of some animals "quickly (without pain)" and even some "agonizing physical experiments" for important ends, though not for sport or pure speculation (MS 6:443; C 27:460). As with other perfect duties, what needs to be determined in each domain is which courses of action, or, better, which maxims of action are incompatible with respect for one's rational nature, in this case, incompatible with one's moral self-preservation. Just as the assumption of some risks to life and bodily integrity are compatible with the prohibition on suicide (and with proper regard for the inclination to self-preservation); so may some use, some killing, even some cruel treatment of animals for important human ends, be permissible or even required.<sup>41</sup> In *The Metaphysics of Morals* Kant intends to outline

---

<sup>40</sup> While this is a duty to oneself, the duty requires *gratitude to the dog*, contra Timmermann, "Tail," 132; or if gratitude proper entails respect, some analogue of gratitude to it (MS 6:454). Kant does condone killing dogs if they become rabid, however (VPG-Hesse 117).

<sup>41</sup> Denis, "Kant's Conception," esp. 413-14. See MS 6: 422-24, 434-37.



some first principles that provide a basic framework for such deliberations and determinations, rather than to provide an algorithm or exhaustive treatment of examples. In this case, Kant's principles may raise significant questions about a wide range of human conduct, from animal research, to our eating and farming practices, to some of our leisure activities; not just any human interest may justify the killing of or cruelty to an animal.<sup>42</sup> There are both general protections for all sentient creatures and various particular requirements regarding specific kinds of animals and specific kinds of human-animal relationships, requirements which depend significantly upon the nature of the animals in question.

Before considering some objections, it is important to note how this core argument differs from the argument often attributed to Kant. It is often thought that Kant's only objection to animal cruelty focuses on the putative psychological *effects* of violence and cruelty toward animals on the human agent that perpetrates it, and especially, the effects on other humans that the agent may subsequently encounter and be more likely to mistreat. While Kant cannot resist endorsing such plausible empirical theses, appeals to the long-term consequences of animal cruelty should not be confused with the particularly "intimate opposition" to one's duties to self that Kant intends to highlight. The more familiar "brutalization argument" is vulnerable to the familiar objection that a single act of gratuitous cruelty may fail to have discernable long-term impact, and to the objection that the contingencies of human psychology upon which

---

<sup>42</sup> For a sketch of some such arguments, see Denis, "Kant's Conception." Without endorsing all of her conclusions, one can see how this approach might address a remarkably wide-range of ethical questions. For further development of this framework and its application to the topic of abortion see Lara Denis, "Animality and Agency: A Kantian Approach to Abortion," *Philosophy and Phenomenological Research* 76 (2008), 117-37.

generalizations about long-term brutalization depend are not deep enough to properly secure significant prohibitions on animal cruelty. But Kant's core argument evades both of these complaints: his focus is upon the immediate disregard for one's morally significant feelings that is integral to the mistreatment of animals, even in isolated instances, and this is independent of many psychological contingencies. Still, Kant's core argument, as interpreted above, must confront some significant objections.

One objection focuses on Kant's characterizations of our duties regarding animals as "indirect" duties (MS 6:443). Timmermann has recently argued that, within Kant's theory, the identification of something as an indirect duty reveals that it is "really no duty, nor part of a duty, but a mere accidental means to fulfilling a duty." Thus, in the case of indirect duties regarding animals, "there is nothing about the animal that makes treating them decently morally good. Treating animals decently is a mere means to taking care of your own moral well-being." "There would be no duty to do it if neglect did not lead to adverse *effects* on our moral capacities."<sup>43</sup> Surely, it is alleged, this fails to do justice to ordinary moral intuitions about the mistreatment of animals. This objection falters on several counts. First, in the present case it misunderstands Kant's position: Kant's emphasis is upon what mistreatment of animals *expresses* about one's feelings and moral perfection, rather than on the effects of mistreatment, for oneself or another, or on the ineffectiveness of mistreatment as a means to one's obligatory ends. On Kant's account, the relevant feelings are also much more than accidental or incidental means to moral compliance. Second, there is indeed something about the animals in question that

---

<sup>43</sup> Timmermann, "Tail," 140, 143n10, 144n11. See also Jens Timmermann, "Kant on Conscience, 'Indirect' Duty, and Moral Error," *International Philosophical Quarterly* 46 (2006), 293-308.

grounds Kant's demands to treat them decently: because of their nature or behavior, animals are the proper object of one's sympathy and love. Again, proper treatment of animals is a necessary condition for and perhaps a constitutive part of one's moral well-being, rather than a mere "instrumental" means to it. Thus, regardless of how other cases may fit Timmermann's general characterization of "indirect" duties, Kant's account of our duties regarding animals does not manifest its objectionable aspects.

A second objection also focuses on the apparent "indirectness" of Kant's account. By focusing, as Kant's account does, on the human agent and her own self-regarding psychological states, it marginalizes, distorts, or attenuates the proper consideration of the animals' nature or proper concern for the animals and their well-being. By focusing on the agent's self-respect, the Kantian account seems to foreground the agent's self-concern (if only for her own integrity or "self-righteousness") and background her concern for the animals.<sup>44</sup> Such an orientation, it is objected, is both psychologically peculiar and ethically deficient. However, this objection may involve a confusion, at least as it is applied to the account outlined above. Indeed, part of what Kant insists upon is the fact that a self-respecting person is directly concerned with the fate of animals: he regards animals as proper direct objects of love and sympathy and he acts in ways that preserve his own disposition to such love and sympathy. To be sure, Kant will insist that one's love and sympathy for animals (similarly as with such feelings when had for other humans) should, in action, be regulated by reason. But, it is not clear that self-respect plays a larger psychological role in the case of duties regarding animals than it does in the

---

<sup>44</sup> Wood, "Duties," 194. Part of Wood's endorsement of this objection may depend upon his acceptance of Guyer's claims that that the duties, on Kant's account, must be only imperfect, rather than perfect, duties to oneself (210n18).

case of duties to other humans; rather, it is simply that there is no need to appeal, in the present case, to the agent's *respect* for anyone other than the agent. Put another way, if the Kantian account of an agent's self-respect leaves sufficient psychological room for genuine respect, love and sympathy for other people when we discharge our duties to them (and manifest love or sympathy for them), then there may be no special problem about having direct love or sympathy for animals when we discharge our duties regarding them.<sup>45</sup>

Understood in its proper context, Kant's insistence upon duties to all human beings and duties regarding animals is reasonably well-grounded and responsive to many familiar objections. Of course, some, including some Kantians, may still insist that animals are due greater regard than Kant allows.

#### 4. TWO KANTIAN ALTERNATIVES

Two distinguished Kantian ethicists, Allen Wood and Christine Korsgaard, have recently proposed modifications of Kant's account, designed to accord animals greater significance in Kantian ethics. It may be instructive to consider these alternatives and a few of the ways they compare with Kant's position as described above.

Wood rejects Kant's claim that all duties must be duties *to some person* or duties to respect rational nature "in the person of some being who has it" (and thus to respect "persons themselves"); Wood contends, "we should *also* respect rational nature *in the abstract*, which entails respecting fragments of it or necessary conditions of it, even

---

<sup>45</sup> Consideration of the general "one thought too many" objection is beyond the scope of this paper.

where these are not found in fully rational beings or persons.”<sup>46</sup> Some of the features of animals (e.g., their capacity for suffering, or for desire, or for caring) constitute “substructures, fragments, and analogues of rational nature”; they are of the sort to be large and rather immediate components of rational nature, at least when possessed by beings with a rational nature. Because of this special relationship these features bear to rational nature, each instance of such a feature deserves respect in its own right.<sup>47</sup> On this account, Kantian duties regarding animals are established without any need for special reference to the agent’s own self-respect (or for his respect for other human beings) and respect is not limited to persons, even while all value is still determined in relation to rational nature.

One point of concern about Wood’s account is that it remains unclear precisely what “respect for rational nature *in the abstract*” is supposed to denote.<sup>48</sup> More importantly, it is unclear why the relationship that substructures, fragments, and analogues of rational nature allegedly bear to “rational nature in the abstract” entails that they are worthy of the genuine respect rational nature is. Indeed, precisely because they are at best only analogues of, or tokens of a type to be components of an instance of rational nature, one might suppose that what they are worthy of is an analogue of respect,

---

<sup>46</sup> Wood, *Kant’s Ethical Thought*, 143; “Duties,” 193, 198.

<sup>47</sup> Wood, *Kantian Ethics*, 100-103; “Duties,” 197. Occasionally Wood seems to suggest that what deserves respect in these cases are *the animals themselves*, rather than the features. Perhaps this is a further inference -- they deserve respect because they are bearers of features that deserve respect.

<sup>48</sup> If it is simply respect for the moral law, considered as an abstract object or principle, that is fine, but, until it is independently determined what the moral law demands regarding animals and their features, it cannot carry much weight in Wood’s argument. If it is some kind of respect for the human species and its historical vocation, it may again be unobjectionable, but would, in any event, constitute a detour much like that it intended to avoid by eschewing appeal to the agent’s own self-respect.

or some instance of a type of attitude that may be a component of respect, rather than full-blown respect. If this is correct, one might note that the resulting view is not far from Kant's own view, as long as the love and sympathy of which he claims they are proper objects are sufficiently plausible "analogues of respect." After all, such love and sympathy are direct forms of concern for the animals in virtue of their analogous characteristics; and they do generate significant constraints on our behavior toward the animals.<sup>49</sup>

Korsgaard argues that Kantians should recognize all animals (and perhaps all functionally organized objects) as "the source of legitimate normative claims... that must be recognized by all rational agents"; animals and their interests "have a direct normative claim" on us, and it is their protection that the moral law demands in a fundamental or ultimate way.<sup>50</sup> On Korsgaard's "constructivist" interpretation of Kant, all norms are constructed by and all value is conferred by our acts of legislative volition.<sup>51</sup> In pursuing my interests, I claim that my interests and my "natural good" are worthy of pursuit by any rational being and I claim that I possess absolute worth, worthy of respect by any rational being; my "legislative volition" confers value upon myself and upon my interests and constructs universal norms for my protection and the promotion of my interests. Of course beings such as animals or human infants that are incapable of or simply fail to exercise legislative volition *ipso facto* do not construct any norms or confer value on anything. Yet, Korsgaard explains, this need not preclude *someone else* from constructing

---

<sup>49</sup> This may be all that Wood's position is intended to capture, since he resists ascribing to animals any moral status equivalent to that of human beings, even most marginal human beings or what he calls "persons in the extended sense." *Kantian Ethics*, pp. 97, 101.

<sup>50</sup> Korsgaard, "Fellow Creatures," p. 95. (See also Korsgaard, "Interacting" and *Sources*.)

<sup>51</sup> *Ibid*, 95, 101.

norms for their protection or conferring value, even fundamental value, upon them. Indeed, if it is my “animal nature, not just [my] autonomous nature, that [I] take to be an end-in-itself” or what is of fundamental value, and if it is on my “natural good” as an animal that I “confer normative value” when I value myself as an end-in-itself, then my acts of “legislative volition” (which must be universal in scope) commit me to endorsing the fundamental normative significance of all other humans and animals and of their interests.<sup>52</sup> So the moral law demands respect for animals and protection for them and their interests, and does so for their sake.

For present purposes, we should focus on Korsgaard’s case for identifying *animal selves* and an animal’s natural good as the objects of fundamental normative significance (and proper direct objects of respect).<sup>53</sup> First, it may be important to distinguish between the normative significance of a particular being or self, on the one hand, and the normative significance of that being’s interests, on the other. Even in the straightforwardly human case, it seems important for Kantians to distinguish between respect for a person and the concern for her interests or even her happiness or well-being as a whole that is rooted in that respect.<sup>54</sup> Second, it is important to recall that Kant’s own account already requires serious concern for the interests of animals, tied to our love and sympathy; what Kant does not allow is concern in the form of *respect for* the animal

---

<sup>52</sup> Ibid, 104. In “Interacting” Korsgaard distinguishes “weaker” and a “stronger” versions of this argument. As far as I can tell, to reach the conclusion that morality requires *respect for animals* themselves, the stronger version is necessary.

<sup>53</sup> For a discussion of Kant’s alleged moral constructivism, see Patrick Kain, “Self-Legislation in Kant’s Moral Philosophy,” *Archiv für Geschichte der Philosophie* 86 (2004), 257-306.

<sup>54</sup> As Korsgaard herself might say, the former has intrinsic or unconditional value while the latter has conditional yet objective value. *Creating the Kingdom of Ends* (Cambridge University Press, 1996), 260-262.

itself.<sup>55</sup> In support of the claim that it is animal nature *per se* upon which we confer absolute value, Korsgaard adopts a thought experiment: “imagine that [you are] about to be deprived of [your] rational nature, but may now settle the question whether [you] will afterward be tortured or not. Can [you] really say: ‘In that case it won’t matter?’”<sup>56</sup> However, even if there is agreement that it would “matter,” this thought experiment does not isolate the precise reason for this concern, whether the reason is the same as in the ordinary case, and this is what is needed to distinguish the accounts of Korsgaard and Kant here.<sup>57</sup> Does torturing “me-sans-my-rational-nature” matter because it is disrespectful to the victim, or because it is painful, or because it is destructive? If it is simply my love or sympathy that is, or should be, engaged in such a case, then I may not conclude with Korsgaard that it must be “my animal self” upon which I confer absolute value, or that, by extension, that all animals must be *respected*.<sup>58</sup>

Consideration of these two alternatives puts us in a position to consider two final points, one critical of Kant, the other complimentary. First, the criticism. Each of these alternatives recognizes the need for a Kantian theory of value that goes, in some respects, beyond what has been found in Kant. Wood argues for the value of substructures, fragments and analogues of rational nature found in animals. Korsgaard appeals to a Aristotelian account of the final ends (or natural good) of animals and insists upon the

---

<sup>55</sup> This is a further reason why Korsgaard’s “stronger” argument may be required.

<sup>56</sup> For a similar argument, see Timmermann, “Tail,” 135.

<sup>57</sup> It is questionable whether it is metaphysically possible to be deprived of one’s nature, or a part of one’s nature, while continuing to exist; it remains unclear whether there is a coherent approximation appropriate for the task.

<sup>58</sup> Other significant questions about Korsgaard’s account concern the precise nature of this respect for animals- if it is substantially the same as that for humans- and whether respect, perhaps equal respect, is also required for plants and machines.



centrality of our animal nature to our practical identity.<sup>59</sup> I have suggested that Kant points in a slightly different direction, in the case at hand, namely to claims about animals as the proper objects of human beings' love and sympathy. But here too, Kant hardly provided an exhaustive account of the distinctive ways in which animals properly engage these feelings, and what he did suggest needs much more philosophical attention than it has received. There are questions about the justification of this account within Kant's system and its philosophical adequacy for the tasks at hand. What a comparison of these alternative highlights is that Kant left many unresolved questions about the nature of non-moral value, its various species, and their precise relations to dignity, and that this presents a challenge for Kantian accounts of duties regarding animals.

On the positive side, Kant's warning about an "amphiboly in moral concepts of reflection" may contain more insight than is generally appreciated. In the *Critique of Pure Reason*, Kant identified an amphiboly, alleging that Leibnizian metaphysical principles mistakenly result from a failure to distinguish properly between two different sources of representations (namely sensibility and the understanding) (KrV A260-292/B316-349). In moral philosophy, Kant suggests a similar confusion amongst sources of cognition is involved when we mistake a "duty *with regard to*" animals "for a duty *to* those beings" (MS 6:442). Carelessness with the rational concept of obligation (which allows the thought of obligation only to persons), combined with a failure to distinguish properly amongst our feelings, generates confusion. Our feelings of love and sympathy do help us to "recognize... something improper" in the mistreatment of animals, but when these feelings are not carefully distinguished from that of respect, we mistakenly

---

<sup>59</sup> If I am correct about Kant's biology and psychology, the former point may be less foreign to Kant than Korsgaard may realize.

“represent to ourselves” that we have duties to animals, even though this is contrary to what “reason alone can judge”: such a relation cannot even be “thought” with such beings, since they lack the relevant predisposition or capacity (V 27:710; MS 6:442). Nonetheless, the strictness of duty and the immediacy of loving and sympathetic concern for an animal make it feel as if we have a direct duty to the animal. Regardless of the particular judgment about animals, given Kant’s moral philosophy and moral psychology, some amphiboly should be expected in moral philosophy. Moral obligations will have some implications for the treatment of beings lacking moral status, and it is only natural that we might misinterpret our feelings in such cases as indicative of duties to such beings. This is why Kantians, such as Kant, Wood, and Korsgaard, might be seen as arguing amongst themselves, at least in part, about *where* the amphiboly occurs. If Kant is right, those not privy to his theory of obligation and his moral psychology may be especially vulnerable to the amphiboly, since it is hard to identify without these philosophical resources. As it turns out, many complaints about Kant’s account of duties regarding animals, especially those coming from theorists who reject his distinction between respect and love or sympathy, may miss the mark because they fail to grasp the amphiboly. While non-Kantians complain on the basis of the amphiboly that Kant trivializes or distorts our duties regarding animals, it is not clear that Kant’s theory demands, at a fundamental level, much less regard for non-human animals than many of its rivals do. Indeed, his account of duties regarding animals endorses direct appreciation of and concern for animals and recognizes significant moral requirements on us that are grounded in and can vary with the nature, behavior, and history of the animals. If this were all that is involved in “moral status” or a duty to something, then there might be

little difference between Kant and many of his rivals. What Kant does argue for is something more, namely respect, for human beings, and this may be something that many of his rivals cannot accommodate. Whatever the outcome of this dispute, careful attention to the claimed amphiboly enables us to distinguish these issues.

## CONCLUSION

Examined carefully in the light of Kant's corpus, Kant's account of our duties regarding non-human animals is less vulnerable to many familiar criticisms than ordinarily thought. Perhaps Kantian theorists, if they are willing to follow Kant's lead and able to integrate contemporary scientific accounts of human and non-human animals into Kantian theory, can defend the foundations of Kantian moral philosophy while both affirming the importance of genuine concern for animals and distinguishing such concern from respect due to human beings.