

Article

The Other Animal: Levinas at the Juncture of 'Rights' and 'Welfare'

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Abstract: There is a growing number of Levinasian scholars who are interested in examining if Levinas's ethics could also be applied to problems in animal ethics, discerning in what ways it could contribute to this discourse. This article aims to define how Levinas would lodge himself between the two popular movements in normative animal ethics: animal rights and animal welfare in view of defining the contribution of the Levinasian framework of ethics of otherness when applied to the nonhuman (nh) animal. I proceed in three parts: discuss three case problems in animal ethics and define how the animal rightists and welfarists would pose their ethical questions on them; criticize the difference of the value principles of rightists and welfarists from the point of view of Levinas's idea of otherness of the nh animal; and identify the uniqueness of Levinas's ethical stance and mark down what domains of research would support him. My conclusion is that Levinas would be ineffectual in answering directly the practical problems for conflictual situations in normative animal ethics, but he could point out the *a priori* meaning of ethics that should subtend normative animal ethics.

Keywords: Levinas, animal ethics, animal rights, animal welfare

The history of animal ethics is spurred by two groups which I characterize into two paradigmatic forms: the wing of animal rights and that of animal welfare. Morton Silberman writes that in the history of animal ethics, the consciousness for the cause of animals began with the movement for animal welfare as an offshoot of husbandry. "One movement is that of the traditional humane interest groups who feel that their goals

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embody an enhancement of animals' life quality."¹ The welfarists are concerned about raising the quality of life for animals in husbandry, for those who serve as aides to humans, and for those who serve as companions or simply live within urban environs. They house stray animals, monitor nutrition and comfortable dwelling conditions for livestock, and guard against animal abuse and torment. Silberman says that "The second movement centers around those groups advocating animal rights."² While the welfarists group would permit the use of nh animals for human benefit, i.e., companion, labor, meat, clothing, and medicine, provided that welfare regulations are followed; the rightists group would *not* allow such utilizations because they believe in the concept that animals have rights. Most nh animals, in as much as they have life and sentiency, have an interest for their own ends, and thus, have rightful claims not to be killed, not to be used for labor or as natural resources for products, nor to be kept as companions or workers. To be sure, there are denominations and admixtures of belief positions lodged between these two groups, but I choose to hold the wedge of difference not only because of their prevailing prominence in the animal ethics discourse but for the special purpose of characterizing them from the unique character of Levinas's concept of the other when applied to the nh animal.

In this article, I am interested to ferret out the unique contribution of Levinas's concept of otherness to animal ethics, particularly, in the discourse of animal rights and welfare. This discussion will proceed in three parts: *first*, I will present three cases of how animal rights versus welfare is problematized in specific animal ethics discourses in order to characterize their structural value formations; *second*, I intend to analyze the difference of the framework of animal rights and welfare discourses from the point of view of Levinas's concept of otherness; and, *third*, I would conclude by pointing out the uniqueness of Levinas's perspective and eke out what trails of research could support a Levinasian animal ethics.

Problematizations of Animal Rights versus Welfare

The aim of this part is to employ particular case problems in animal ethics to determine how the rightist and welfare groups would pose their questions in order to draw out their value premises. These three cases are

¹ Morton S. Silberman, "Animal Welfare, Animal Rights: The Past, the Present, and the 21st Century," in *The Journal of Zoo Animal Medicine*, 19: 4 (December 1988), 161, <<https://doi.org/10.2307/20094884>>.

² *Ibid.*

chosen because the ways the rightists and welfarists would pose their problems will correspond to three significant aspects of Levinas' issues about classical normative ethics: its subscription from systemic ethics that has forgotten the other; the problem about an ethics of freedom and equality; and, the problem of competition of claims in the rule of justice.

The *first* case is proffered by Clare Palmer who presents the situation of the American Pika living on the talus rock slopes of the American West. The American Pika is on the IUCN's³ red list of the indicator species affected by climate change. They "suffer from chronic heat stress and risk of hyperthermia at temperatures of 78F and above 52 and they have specialist habitat needs making their ability to self-relocate extremely limited."⁴ From the general principles of climate change ethics, humans have obligations to nh animals being harmed by the effects of anthropogenic climate change; otherwise said, these Pikas have a positive right to claim aid from humans who caused the climate harms if expert and competent assistance could be made available. Palmer mentions the possibility of assisted-migration or relocating these lagomorphs to colder habitats.

Animal welfarists would interrogate the aspect of the health and life risks involved in the relocation of individual Pikas. Their question is precisely if "assisted migration jeopardizes the negative rights to life, health and subsistence of the pikas being relocated, and 'hinges on whether we can justify imposing risks on animals in order to prevent rights violations further down the line.'"⁵ Animal rightists would, for sure, consider the same question but their difference from welfarists is that the latter would interrogate the fundamental right of individual animals to be used instrumentally as adjustment species who will suffer to renegotiate their territory and food (against other species already inhabiting the new habitat they are thrown in) in order to pave the way for the future breeding of their own species line, whether or not this project succeeds.

Levinas would, instead, investigate the motivation for preserving the lives of these lagomorphs: why care about these Pikas? There is a need to investigate the motivation of ethics: is it because we feel obliged to make reparation for the fault of anthropogenic climate change or is it because there is now cognizance of nh animal rights as a result of the awakening that they are more intelligent than what they seemed? The idea here is that Levinas has

³ International Union of Conservation of Nature

⁴ Claire Palmer, "Assisting Wild Animals Vulnerable to Climate Change: Why Ethical Strategies Diverge," in *Journal of Applied Philosophy*, 38: 2, (May 2021), 189, <<https://doi.org/10.1111/japp.12358>>.

⁵ *Ibid.*, 190.

something to offer about the meaning of ethics that may have been sidestepped by the normative classical animal ethics discussions.

The *second* case is a report by Alasdair Cochrane that in September of 2013, “Nottinghamshire police force in the UK announced an innovative new policy. They decided that their service dogs were to get state pensions upon retirement.”⁶ Cochrane says that one of the primary beneficiaries of this new policy was Rossi, an 8-year-old Belgian Shepherd who heroically saved the life of his human by lunging at someone who attacked him with an axe. Rossi, as well as other service dogs, would receive £500 a year from government funds as a contribution to their aging care expenses.

I surmise that this policy had been prodded by welfarists for the cause of service animals who have grown too old for their jobs, i.e., as bomb and drug sniffers for the police, firefighters, companion aides for the handicapped, etc. Welfarists would interrogate: shouldn’t these animals receive retirement compensation just like human workers? Cochrane shies away from the term ‘animal welfare’ and prefers the term ‘humane animal use’ in order to provide more stringent grounds for the use of the nh animal that do not simply cancel out cruelty and suffering. This suggests a more fundamental matter that animal rightists, most especially the abolitionists would stress: if humans at all have the right to use nh animals for labor.

Levinas would pose his question this way: does animal ethics flow from rights, or labor rights, for this matter? The idea here is to reinvestigate the common notion that rights are inherent in the substance of one’s person which subtends an obstinate debate advanced by both welfarists and rightists. Humans, by the very fact of being ‘person,’ have rights, and arguably, if nh animals are shown to share the same substantial qualities as that of being a person, should also have the same rights. But if Levinas would be able to show that the meaning of ethics does not originate from the possession of rights, then, what should motivate ethics in general, and subsequently, animal ethics?

The *third* case I draw from an article by Ian Campbell which discusses the problem of invasive species within the debate between animal rights and environmental ethics. He tells about “the feral goats on San Clemente Island—originally left on the island by Spanish explorers—whom the U.S. Fish and Wildlife Service asked the U.S. Navy to systematically slaughter

⁶ Alasdair Cochrane, “Labor Rights for Animals,” in *The Political Turn in Animal Ethics* (London: Rowman and Littlefield, 2016), 261.

because of the threat they posed to three of the island's endangered endemic plant species."⁷

In this situation, both the animal rights and welfare groups would protest the killing of the goats but from different frames. The rightists would problematize the inherent right of each individual animal not to be killed most especially since their evolution into an 'invasive species' is due to an anthropogenic intervention. The welfarists, who operate on the plane of utilitarianism, and thus, value sentiency, would scrutinize why the life of endemic plants has been valued over non-endemic but sentient animals; in short, plants will not suffer in being killed but animals will. In any case, if the welfarists concede to the extermination of invasive species, they would insist on the ethical issue of finding the most humane method for slaughter, however painstaking, as preferable over downright systematic slaughter.

Levinas would interrogate in this way: what justifies 'just killing?' What this implies is that the ethical justification to expend one species for the 'convenient' existence of another species, for Levinas, is atrocious.⁸ But what is missing for him is for animal ethicists to ask what makes that question even possible.

Levinas and the Animal-Other: A Critique of Rights and Welfare as Ethical Bases

This part will accomplish the aim of criticizing the concepts of rights and welfare of animals as ethical bases for animal ethics from the point of view of Levinas's ethics of the Other. Levinas would criticize, upon three axes, principle-based or rationalist normative ethics⁹ to which the value concepts of rights and welfare belong.

⁷ Ian Campbell, "Animal Welfare and Environmental Ethics: It's Complicated," in *Ethics and the Environment*, 23: 1 (Spring 2018), 51, <<https://doi.org/10.2979/ethicsenviro.23.1.04>>.

⁸ Levinas did say, "We do not want to make the animal suffer needlessly," which implies that Levinas does allow sacrificial suffering when it has responsible meaning. See Emmanuel Levinas, "The Animal Interview" in *Face to Face with Animals: Levinas and the Animal Question* (New York: Suny Press, 2019), 4. I am interpreting 'convenient' existence in the utilitarian value of happiness in terms of sentient comfort and since plants are non-sentient, the argument for their convenience does not apply. The argument for the life principle does apply but not 'convenient' existence. Only the goats as sentient animals, could argue for convenience.

⁹ I define 'principle and rationalist-based' normative ethics to be an ethics in search of (mostly, universal philosophical) reasons to justify certain moral actions as 'right' or 'wrong.'

The Search of an Ethics for the Other.

The *first* reason that puts Levinas at odds with the rightist and welfarist concerns about the mathematics of risk in assisted-migration and the ethics of instrumentalized breeding is that they are preceded by something more fundamental: why care about the Pika at all? Is it motivated by guilt and shame for anthropogenic climate change and the desire to make reparations in the name of justice? Is it for the altar of human or nh animal dignity?

I begin with a significant statement that Levinas said in his interview in *Ethics and Infinity* when asked if the ethics he is constructing begins from experience. Levinas said:

My task does not consist in constructing ethics; I only try to find its meaning. In fact I do not believe that all philosophy should be programmatic ... One can without doubt construct an ethics in function of what I have just said, but this is not my own theme.¹⁰

This suggests that there are many ethical systems constructed for different purposes, i.e., virtue ethics, for inculcating good habits; utilitarianism, for evaluating values using happiness and wellness as standard; Kantian ethics, aiming for the standard of the universal and subjective in the act of duty, etc. There is no doubt that they are profound reasons for guiding moral action. The only caveat of Levinas is that these forms of ethics tend to elide the Other when the focus of the discourse is on the rationality of philosophical principles. For example, the interrogations of animal rightists and welfarists are pegged on the mathematics of risk in the implementation of assisted migration and the 'right' of particular animals cannot be instrumentalized even for their own species propagation. It may be argued, of course, that all these concerns underscore the invaluable life of the Pika, which is none other than valuing the other. Animal ethics, in that sense, does remember the nh animal other. What, then, does Levinas mean that an ethics has to 'remember the other' or is truly 'for the other?'

Why care for the Pika? What Levinas criticizes in this frame of questioning is if the Pikas gained value not because of who they are to humans but only because the principles of goodness that dictate moral action for the upholding of 'human dignity' dictate that we render justice for

¹⁰ Emmanuel Levinas, *Ethics and Infinity: Conversations with Philippe Nemo* (Quezon City: Claretian Publications, 1985), 90.

anthropogenic climate change. In short, this being good is still all about *us*. In the thought of Levinas, the motive of ethics is not the search for the truth about the good, and in this sense, not philosophy. This means that the reason why the human philosophizes is to be good to the Other; not to search for the truth of goodness (as an onto-theological principle) nor to become good for the sake of self-perfection.

In what does the good consist? The good is not in nature, and it is not in the preachings of the prophets, either, or in the great social doctrines, or in the ethics of the philosophers. But simple people bear in their hearts the love of all living things; they love life naturally; they protect life.¹¹

Levinas says that the good is not a representation. This implies that in as far as moral values are principles of generalized representations of the good, then the rumination of the good is not the event of the ethical. For Levinas, the event of the ethical is when the other, without even one's choosing, ambushes for help and pressures one to turn away from oneself toward the other. This event arrests one's freedom and spontaneity and puts it into question. It wounds one's ego and renders one vulnerable to the other. Levinas says:

The Good cannot become present or enter into a representation. The present is a beginning in my freedom, whereas the Good is not presented to freedom; it has chosen me before I have chosen it. No one is good voluntarily ... And if no one is good voluntarily, no one is enslaved to the Good.¹²

Vulnerability, exposure to outrage, to wounding ... trauma of accusation suffered by the hostage to the point of persecution, implicating the identity of the hostage who substitutes himself for the others; all this is the self, a defecting or defeat of the ego's identity. ... It is a

¹¹ Emmanuel Levinas, *Alterity and Transcendence* (London: The Athlone Press, 1999), 107.

¹² Emmanuel Levinas, *Otherwise than Being or Beyond Essence* (Dordrecht: Kluwer Academic Publishers, 1991), 11.

substitution for another, one in the place of another, expiation.¹³

Levinas has a problem about the notion of ethics as a preoccupation with moral integrity (also called 'dignity') which refers to the habitual ability of one to act accordingly to one's moral principles, and as an effect, constructs and fortifies an edifice of the moral self and affirms the moral universe that surrounds it. Levinasian metaphor is the opposite: he does not speak of integrity but woundedness—the 'I' is always fractured for the other.

The difference this metaphor of woundedness makes is that it welcomes the nuance of the dynamism of the moral life; that one's moral self and universe is never whole because they are always broken by the questioning of the other. For example, as an objective principle, one has always valued the integrity of human life (that is above the life of a dog). But what happens if one has a dog who is considered a 'significant other?' In a unique situation, one may prefer to save one's dog over one's (human) life. The moral imperative that dictates that humans should never sacrifice their lives for nh animals because the human species has more value weight may proceed from an objectively held philosophical principle but it could be interrogated by the living emotional relation between one and one's dog. This may appear immoral from a societal moral standard, or even an act of folly. But this is what Levinas means by the richness of an ethics which proceeds directly from the encounter of the other that is the pristine moment before established moral principles. That a beloved animal could be worth dying for: would that be acceptable for a moral constellation that places a higher value on human life above other species?

The above pokes at a reality of the human-nh animal relations that precedes the moral evaluation of the risks of assisted-migration or instrumental breeding. But normative ethics of climate change justice focuses on technical questions that miss relationships that are at the center of ethics. These may not even be the formulations of the problematic when it proceeds from human-nh animal relations, i.e., the animals concerned may not even be Pikas or may not be viewed 'as a species' but a community of different living beings in place with whom mountain dwellers or indigenous peoples may have established relations. Proximity to the nh animal may also bring in the marginalized question of whose expertise is considered in saving the lives of wild animals under anthropogenic climate change: biologists only? politicians only? What about ethologists, mountain dwellers, indigenous peoples, or Pika-afficionados who have rescued some of them in the past?

¹³ *Ibid.*, 15.

What this interrogates is: why is the authority on this subject almost always the scientific experts? In other words, the moral landscape differs when the moral motivation is informed by neighborly relations with particular animals who would not even regard them as a 'species.'

The Problem of an Ethics of Freedom and Equality

The *second* reason why Levinas would not consider rights and welfare as bases of ethics is because these concepts suckled from the libertarian ethics that champions freedom, equality, and fraternity. The problematic with this is that it begs the discourse of comparative analyses between humans and non-human animals which is already exhausted, and the nagging issue remains: yes, non-human animals are slaughtered but Treblinka is still something else; service dogs guide the blind but Amistad is still something else. The conclusion is predictable: that humans are still the highest species and so their suffering is incomparable, but certain concessions could be made for certain animals whose sufferings are somewhat comparable to humans. What Levinas offers is an alternative way of looking at the animal as 'face' and 'other' which transcends agential comparisons.

In Levinas's ethics, only the justice that proceeds from third-party institutions permits such analyses of agential qualities in moral subjects but the face-to-face encounter with the other does not permit this analytical hesitation; otherwise, it would be a shortcoming in the ethical response. Levinas wants the intuitive aspect of the ethical response to be unconditional and untainted by historical conditions. He describes this intuitive cognizance of otherness in the phenomenology of the face of the other. He says that the otherness of the other is recognized as a face:

You turn yourself toward the Other as toward an object when you see a nose, eyes, a forehead, a chin, and you describe them. The best way of encountering the Other is not even to notice the color of his eyes! When one observes the color of the eyes one is not in social relationship with the Other. The relation with the face surely cannot be dominated by perception, but what is specifically the face cannot be reduced to that.¹⁴

Levinas uses the face as a metaphor for the other. Generally, in social decorum, it is taboo to stare at the faces of strangers. I could, of course, look

¹⁴ Levinas, *Ethics and Infinity*, 85-86.

intently at the faces of people I am talking to but the 'soft' gaze in conversations carries the demeanor of respect which is not the look of a psychopath. It is also impolite to look at the person in a way as if to show that a part of her body sizes her up, i.e., the head-to-toe assessments of fashion and social class, lascivious glances on the breasts or bum of a woman. Levinas mentions that the look of respect is one that does not betray social definitions: it is the regard for the invisible, which for Levinas, means the infinity of the other.¹⁵ Levinas also mentions that the ethical regard of otherness in the face is what makes it difficult to kill someone while looking straight at the face, which explains why in many practices of penal executions, the face of the condemned is covered when being put to death.¹⁶ The statement, is precisely, that the otherness of the other is not perceived (the meaning of perception here is knowledge that has cultural and social wrappings) but is intuited as a metaphysical category. A Filipino citizen, an ignominious person, or Madame President is something perceived but 'the other' is metaphysically intuited when greeting a stranger, giving way for her on the road, or making space in the bus seat.

This is an example of what happens when the ethic of equality rules in the moral consideration for the nonhuman animal. Mark Rowlands cites the case of Tommy the chimpanzee who starred in the 1987 film *Project X*, and who had been living in an isolated car lot in Groversville, Texas. The Nonhuman Rights Project filed a petition of the writ of *habeas corpus* for Tommy to grant him the status of a legal person for protection of rights under the law but it was denied in 2015 by Justice Karen Peters on the ground that chimpanzees cannot be legal persons because they "cannot bear any legal duties, submit to societal responsibilities, or be held legally accountable for their actions."¹⁷ The way to explain the place of the Levinasian intuition of otherness here is that before the rationalist assessments of agential qualities in the human and nonhuman animal are made, many people encountered 'something' in Tommy that goes beyond the cultural and scientific categories of what 'chimpanzee' or 'animal' is. That is what Levinas meant by a recognition of face and other. It is that intuitive moment of the meeting of the face-to-face that rallied the people who brought the case to court.

But what is it in rationalist qualitative comparisons that Levinas is uncomfortable with? It is not that they are wrong or nonsensical or even less

¹⁵ This is why in institutions like the military and the monastic religious, it is an established decorum not to look straight at the face of the superior, as an act of respect.

¹⁶ Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority* (Pennsylvania: Duquesne University Press, 1969), 197.

¹⁷ Mark Rowlands, *Can Animals Be Persons?* (New York: Oxford University Press, 2019), 6.v.

ethical: but that we have identified the entirety of ethics with that intellectual enterprise. The discourse of ethics is big on words like ‘justice,’ ‘fairness,’ ‘rights,’ and ‘obligation,’ but are defined by principles. It has forgotten the face of the other.¹⁸

The essence of otherness is that it cannot be contained in any category. The other is infinite and infinitely other. This is what Levinas means by a difference that is not only a mere difference under a mutual category but a radical difference to which he ascribes the term ‘alterity.’ Levinas says:

The Other is not other with a relative alterity as are, in comparison, even ultimate species, which mutually exclude one another but still have their place within the community of a genus- excluding one another by their definition, but calling for one another by this exclusion, across the community of their genus. The alterity of the Other does not depend on any quality that would distinguish him from me, for a distinction of his nature would precisely imply between us that community of genus which already nullifies alterity ... The Other remains infinitely transcendent, infinitely foreign; his face in which his epiphany is produced and which appeals to me breaks with the world that can be common to us ...¹⁹

To return to Cochrane’s case about the service animals who will get retirement pay from the government, we remember that rightists and welfarists would either fight for equal labor rights as well as/or for the equal integrity of the nh animal not to be used as a means for labor. So how would Levinas criticize this ethic of equality based upon his ethic of alterity? The criticism may scrutinize the approach of classical animal ethics in demonstrating that the nh animal deserves equal rights if it could be proven

¹⁸ In Levinasian animal ethics discourse, there is a big question concerning the possibility of all animals having faces. In the animal interview, Levinas actually scoffed at the idea that a flea has a face. Levinas makes a statement that all animals deserve moral consideration. See Levinas, “The Animal Interview,” 4. He has also said that embodiment alone which is subject to suffering and immortality could serve as a face, which implies the inclusion of all animals. This means that even a flea (and other insects) cannot be hurt or killed irresponsibly. But I do agree that intuition of face in animals is not as direct as that among humans; the experience varies but may not always be dependent upon agential qualities of the nh animal (i.e., more intelligent animals relate more easily to humans) but also upon the uniqueness of life orientations.

¹⁹ Emmanuel Levinas, “The Trace of the Other,” in *Deconstruction in Context: Literature and Philosophy*, (Chicago: University of Chicago Press, 1986), 194.

that it could be a moral agent. In Hobbes' social contract theory, one is entitled to rights only when one is a moral agent. A moral agent is defined as having the capacity to respect equally the rights of others.²⁰ Animals cannot be moral agents and so the solution of animal ethicists is to use the obscurity of the species overlap argument (that many animals are 'like' children who do not have moral maturity and yet have unquestionably many equal rights as adults). The premise of species overlap is used to differentiate between moral agents and moral patients to come up with the idea that animals, like children, are not exactly moral agents, but could nevertheless have rights, even as mere moral patients.

Levinas would trailblaze an alternative approach in proving not via an agency or an ethic of equality but via otherness. The problem that ensues is what proves that the nh animal has otherness that would not purely depend on subjective mystical intuition nor the objective path of scientific definitions of agential qualities, and yet, could offer a firm ground that could generate a strong people's veto. Levinas would not tread the path of biology but of social scientists in focusing on the emotional toll the nh animal other impresses on the human, specifically, behaviors that are self-sacrificing and self-abnegating. In other words, the testimony to the otherness of the other animal is how the human expends resources, undergoes risks not only to save the nh animal but to testify to the value of who the animal is to one's life at the stake of one's peace and reputation, and thus, wounding one's self-dignity. The idea is that the extent to which one forgets the self and risks self-dignity and comfort for the nh animal other becomes the very act of witnessing that the other animal is really other and that this relation is invaluable.

Hanoch Ben Pazi employs as a foil Sontag's idea of photography as witnessing in order to explain Levinas's philosophy of ethical testimony. The modern technology of pictures allows a person to become a witness to things, places, and events, as a detached spectator. He says:

Consider, for example "nature photographs, in which man stands on the other side of the camera, protected by technology, and, in a certain sense, conquers nature by acquiring and retaining its image. It is an appropriation of nature, yet one that is not achieved by venturing forth into the wild but rather by placing it in a guarded box that is kept at home—a collection of pictures that others

²⁰ Thomas Hobbes, *Leviathan with Selected Variants from the Latin Edition of 1668* (Indiana: Hackett, 1994), 22 and 88.

photographed that document the phenomena of nature. It is a form of bearing witness that is silent and does not take risks.²¹

Pazi focuses on the defining moment when the witness is 'tempted to witness,' as this is the moment in which the witness is willing to expose the truth, and for that reason, must bear responsibility for what she says. In a sense, an outside observer becomes privy to the event herself; she shares the dark secret. She enters into the interior zone of the crime but does not remain within the safe zone of subjectivity; she speaks for the victim and suffers the social risks in doing so.

What I am aiming at here is a turn away from the analyses of what is *in* the nonhuman animal toward research studies on the sacrificial acts and testimonial risks that individual humans and human communities take to bear witness to the reality of who the other animal is. The *who* refers not to agential qualities but the emotional worth of the other animal's relation to the human. The event of ethics is when the suffering of the other animal evokes the human to suffer willingly to ease the suffering of the other animal. He calls this giving meaning to the meaningless suffering of the other which opens the dimension of the interhuman:

The suffering for the useless suffering of the other, the just suffering in me for the unjustifiable suffering of the other, opens suffering to the ethical perspective of the inter-human. In this perspective there is a radical difference between the suffering in the other, where it is unforgivable to me, solicits me and calls me, and suffering in me, my own experience of suffering, whose constitutional or congenital uselessness can take on a meaning²²

Classical animal ethics studies and measures what is *in* the nh animal but does not pay attention to what the human sacrifices for the nh animal, i.e., human companions of animals who stay in disaster and war-stricken countries refusing to leave their beloved wards behind, ordinary civilians who risk their lives to rescue animals, the ALF or Animal Liberation Front,

²¹ Hanoch Ben Pazi, "Ethical Dwelling and the Glory of Bearing Witness" in *Levinas Studies*, 10 (2015), 227, <<https://www.jstor.org/stable/26942974>>.

²² Emmanuel Levinas, "Useless Suffering" in *Entre Nous: On Thinking of the Other* (New York: Columbia University Press, 1998), 94.

judged by many as a pack of ‘crazy terrorists.’ This approach could be used in establishing the nh animal as deserving of moral consideration that does not wallow in the obstinate classical normative animal ethics argument about the dignity of the nh animal based upon agential qualities. Yet, this approach is not an established one in normative animal ethics.²³

The Problem About Justifying Claims of Rights

The *third* reason why Levinasian ethics turns away from discussions of rights and welfare is that it misconstrues ethics with just partitioning of claims on which peace stands, and conversely, when it is absent, war occurs. In short, it paints a picture of a world of egos in competition with one another, kept at bay by treaties. This is not Levinas’s picture of what ethics should be. He describes the origin of ethics in his own version of the Genesis myth. Levinas describes a kind of mythical history wherein the ‘I’ takes a place in the sun and lives in a paradise of nourishment. This enjoyment of the world of givens is what he calls *jouissance*.²⁴ It is a moment of innocence. This innocence is destroyed when the other enters into the turf and calls to question the freedom of the ‘I’ to be: this is the advent of ethics: “We name this calling into question of my spontaneity by the presence of the Other ethics.”²⁵ Before the other came, there is no ethical life; there is no need for it. In short, the origin of ethics is not the virtuous ‘I’ nor is it produced from the principles of goodness and the good.²⁶ The other entered into one’s otherwise

²³ This approach could have many creative forms of analyses. For example, Sophia Efstathiou makes an analysis of cultural vestments and gestures of scientists in the laboratory who do animal experimentations that betray their inner conflicts and disturbance in what they are doing. See Sophia Efstathiou, “Facing Animal Research: Levinas and the Technologies of Effacement,” in *Face to Face with Animals*, 139-166.

²⁴ Emmanuel Levinas, *Time and the Other* (Pennsylvania: Duquesne University Press, 1987), 63.

²⁵ Levinas, *Totality and Infinity*, 43.

²⁶ To be sure, virtue ethics, Kantian ethics, and consequentialism cannot function without first, the entry of the other. Virtue ethics is focused on the goodness of the giver and both Kantian and consequentialist ethics are negotiated on rational principles. Levinasian ethics is not geared at cultivation of virtue in the self nor at a rumination of principles which underscore duties, justice, and egalitarianism. The idea is that the ethics that passes through rationalization asks questions like: do I have an obligation or not? If so, what is my obligation? And what are the obligations of others vis-à-vis mine? Levinasian ethics does not take this attitude. Levinasian ethics is primarily focused on addressing the needs of the other in a non-negotiable kind of demand (he describes it like a hold-up by a robber) and is experienced in a radical solitude (I am the one called to help, not another; their succor is their prerogative). Levinasian ethics is very much attuned to the suffering body of the other in which urgent succor is non-negotiable on principles or reasons; the attitude it takes is very much like that of a mother on her crying child. The ethical response is ambulatory.

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self-centered world and rescued one from the solitude of being. Thanks to the other and the otherness that the other brings: the world became rich and infinitely meaningful.

This is what makes 'rights' and 'welfare' in Levinas misfitting concepts. In Levinas, what we call the 'Rights of Man,' the 'I' that makes claims for freedom, is originally the rights of the other.²⁷ The meaning of goodness in Levinas is not a quality, virtue, or principle. Goodness is the act of hospitality. The image that Levinas gives is one who gives away the bread that one is about to put in one's mouth. Levinasian hospitality emphasizes sacrifice: feeding the other by one's fasting.²⁸ One does not say "I also have a claim, so we divide, to be fair." That is not Levinasian hospitality, even though it is reasonably justified.

The common world wherein rights and welfare are ethical axioms always paints a picture that the natural world is finite in resources, and so people make certain pacts of partitioning based upon claims. The land is divided, and food is distributed equally. In the Levinasian ethical universe, what is emphasized is that the world is a paradise not because resources are infinite, but that benevolence is infinite. There is some wisdom in the saying that "the world has enough for everyone's needs but not for everyone's greed."

Returning to Campbell's case about the feral goats who were all summarily slaughtered to protect the existence of the endemic plants which are their prime diet, I pointed out that the question of the rightists and welfarists would be: who gets to be killed and upon what grounds? I would like to call attention here that many thought experiments on dilemmas in animal ethics take the structure of the either/or: whom to rescue, humans or non-human animals? whales or the fishermen's livelihood? pigs or the CAFO workers? ²⁹ the cow's integrity or the Swiss national culture of eating fondue? The departure of Levinas would be faith in personal goodness.³⁰ The challenge is

²⁷ Levinas, *Alterity and Transcendence*, 149.

²⁸ Levinas, *Totality and Infinity*, 56. This also settles the problem of meat in animal ethics. The American and Canadian dietetic associations have published their statements that proper management of the vegetarian diet is sufficient nourishment to the human body at any age, whether ailing or not. See ADA Reports, "Position of the American Dietetic Association and Dietitians of Canada," in *Journal of the American Dietetic Association*, 103: 16 (June 2003), 748-765. <<https://doi.org/10.1053/jada.2003.50142>>.

²⁹ Concentrated Animal Feeding Operations.

³⁰ The basis for this is the quote of Levinas from Vasily Grossman's *Life and Fate* wherein he extolls the resistance of individuals from totalitarianism in order to help victims. He is a testimony to this because he is a Jew whose family had been saved from the holocaust by Catholic nuns. "The only thing that remains vigorous is the goodness of everyday life. Ikkonikov calls it the little goodness," Levinas, *Alterity and Transcendence*, 109.

the exhaustion of self-sacrifice and the resourcefulness it necessitates to keep everyone on the boat; not either/or fatalistic choices.

The either/or is a trap of a false dichotomy. The attitude of infinite benevolence is there are always alternatives to keep everyone on the lifeboat, if the participants concerned would perform generous adjustments in self-comfort. I am referring to the revisioning of ethics that is not justifying claims but the freedom of forging new arrangements of relationships in order to escape the sameness of choices within the lifeboat traps. When the false dichotomies presented by the lifeboat trap are not transcended, then this is the failure of the ethical. In short, the failure is not whether the choice made is indeed a higher or lower value but the ability to make new social arrangements so that fatal choices could be transcended.³¹

Conclusion: The Other Nonhuman Animal

Levinas does not answer the practical questions of the welfarists and rightists because they prioritize rationalist modes of thinking in which the experience of the other is elided. Classical normative ethics operate on the level of thinking, definition, and abstraction and this informs the distribution of justice by third-party institutions. This is not to say that these kinds of ethics are not ethical nor just but that the ethical life has a dynamism that requires ongoing conversations with the face of the other. The infinity of the other always changes frameworks of questioning and upheavals in established personal, social, and global moral constellations.

The utilitarian calculation of health and life risks in assisted-migration is motivated by the justice afforded by human (and nh animal) dignity. The theme of dignity belongs to the discourse of the intactness of the subjective ego. Levinas stands at the crack of the vulnerability of the human for the nh animal which reminds us that the origin of justice is the face-to-face relation and not human virtue (nor does nh animal dignity proceed exclusively from agential subjectivity). But when the ethical prioritizes relations and the care for the animal, the question about the risks of assisted migration is thwarted by the more fundamental question: why care at all? What happened to that care for the nh animal (and to the rest of the natural world) which should have been there in the first place?

This prods the significance of the social sciences that study human and nh animal relations, but they seem to play second fiddle to the biological

³¹ Levinas would call this pursuit of novelty in relationships 'fecundity' or 'filiation.' "The relation with such a future, irreducible to the power over the possible, we shall call fecundity." Levinas, *Totality and Infinity*, 267.

sciences when it comes to solving problems in animal ethics. Classical animal ethics does not realize the importance of and does not consider the authority of biographical accounts of relations with and love for animals; critical histories of animal contributions to human civilization, cognitive and psychoanalytical development; animal-inspired poetry and literature, etc. These research fields would explain the disappearance (or negation) of the animal in ways of thinking and valuing and cultivate ways of reversing it.

The abolitionist question about the rights of animals against all exploitative use arises from an ethics of equality whereas Levinasian ethics prioritizes the other over oneself and values the sacrifice of the self for the other. In Levinasian ethics, there is no equality: the ethical concern of the other is higher than one's self-maintenance. This prompts animal ethics to turn away from approaches that call upon comparisons of human and nonhuman animal agential qualities and a focus on research that question human standards of excellence. The idea is to magnify how much nonhuman animals have informed human existence in more fundamental ways that are not all about meat, fur, wool, and leather. For example, anthropological studies show that nonhuman animals participated in the formation of human language and cognition. The sounds of nonhuman animals contributed to the basic syllabication of language in the same way that thought relied on dynamically lived human-nonhuman animal relations. Nonhuman animals are co-thinkers in the evolution of the human mind.³² But this also puts to question that abstractive thinking is the highest form of intelligence. Nonhuman animal kinesthetic intelligence that is intimately related to the environment, the kind that leads salmon to go back to their birthplaces which we simply call 'instinct' in the derogatory sense, may cultivate new pathways of relearning how to relate to the nonhuman animals so that to die for the love of dogs or mountains would appear as ordinary and ethical as dying for persons, peoples, and cultures.

The question about which species to expend in lifeboat situations, a common structure of argument in classical normative animal ethics, stems from an ethics of justice that distribute goods accordingly and measure the weight of claims one over another. This is not to say that this is wrong but what is being emphasized here is that this is not the origin of ethics. Animal ethics is a satellite of an ethics of justice. In the ethics of Levinas, the question of who should be served first is replaced by the question of hospitality: of giving, not claiming. A world that has finite resources is multiplied by the infinity of everyone's benevolence which is the true picture of ethics.

³² Merlin Donald, *Origins of the Human Mind: Three Stages in the Evolution of Culture and Cognition* (London: Harvard University Press, 1991), 332.

Relative to this that is worth citing is the research of Carol Gilligan about the gendering of ethics. In her experiment, two child respondents were presented the famous Heinz dilemma about whether or not to steal medicine from the drugstore owner to help a poor man who cannot afford the medicine to save his dying wife.³³ The boy respondent answered that the man should steal the drug, thus falling into the either/or dichotomy. The girl reimagined the dichotomy: the man should not allow his wife to die but should not steal either, implying that the owner of the drugstore could be talked into some kind of arrangement. The idea it proffers is that when the ethics of care rules over justice, the either/or structure disappears, and ethics becomes a conversation between faces rather than a ruling of claims; yet animal ethics takes the latter kind. The imperative this demands on the practice of animal ethics is the focus on multiplying local systems of succor for all natural beings who live in particular ecosystems, instead of smithing out global or national principles of justice in the ruling of claims between species. For example, members of human communities could be trained and educated such that when they choose to live within a place, and thus an ecosystem, they should contribute and cooperate in the personal and communal care of the biodiversity within that specific environment.

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³³ Carol Gilligan, *In A Different Voice: Psychological Theory and Women's Development* (London: Harvard University Press, 1993), 26–38.

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