ANIMAL ETHICS

Past and Present Perspectives

edited by
Evangelos D. Protopapadakis

λογος

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To Damianos E. Protopapadakis,
my father.

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Introduction

Philosophy, as Aristotle puts it, originates from wonder.[1] And nonhuman animals have always been a constant source of wonder to humans, especially with regard to the treatment they deserve. Reasonably enough Western philosophy has been concerned with the way we ought to treat nonhuman animals since its origins with the pre-Socratic philosophers. (For convenience, I will simply refer to 'animals' rather than 'nonhuman animals' from now on.) Since there is an 'ought to' involved in this question, we might expect that the issue would have been marked out as a primarily moral one from the beginning. Surprisingly, this has rarely been the case. You see, it is often not the question that conditions philosophical debates and determines which direction meditation takes, but the *first spontaneous answer*, as far as it seems reasonable enough and relevant to the issue. Ever since Pythagoras, by whom this debate was allegedly initiated, the most usual answer to the question concerning the way humans ought to treat animals has been: "According to their nature." This is why the issue has never been exclusively confined to ethics: ontology and metaphysics were invited to enter the discussion right from the start, since we needed, first, to account for the nature of animals. In consequence, ontological tenets and metaphysical speculations have dominated the issue of animal ethics from the dawn of Western intellectual history until the present. Unfortunately, however, this starting point has largely proved to be a dubious guide, companion, or supporter for the discussion of animal ethics.

In the course of time three main traditions concerning animal ethics have been developed, *grosso modo* suggesting respectively that: (i) animals are of an entirely different nature to humans, for they lack a rational as well as a sensitive soul; therefore, they can be of no moral concern to mankind; (ii) animals are of a relatively similar nature to men, for even though they lack rational soul, they surely possess a sensitive one; therefore, they should – if not fully, at least in some degree – be deemed susceptible to moral status and consideration; (iii) animals are quite similar to humans, for they have a sensitive as well as a rational soul; therefore, they should be allowed to participate into the covenant of ethics on a par with humans.

I.

The most distinguished and influential among philosophers who fall under the first category are Descartes and Malebranche (although neither is at all original in their views in regard to animals). Descartes dealt with

animal consciousness by extending his mechanistic theory of the universe to them. He thought of animals as complex natural *automata* (*bête-machines*) devoid of reason and feelings, directly analogous to the mechanic ones man creates. The fact that animals have no language, but just mechanically respond to external *stimuli*, was for him sufficient a proof that they lack a rational soul, for even the most imperfect human being finds a way of communicating what there is in his or her soul, while even the most perfect of animals are not capable of this.[2] As to their capability to feel, Descartes believes that, although animals can perceive external stimuli through their senses, they are in no sense conscious, hence they can not feel. "Feeling", he argues, "is no other thing than thinking"[3]; and again: "the feeling of pain exists only in the understanding"[4]. It is clear that, as far as Descartes is concerned, it is impossible to be cruel to animals.[5]

Descartes's rationalism became a strong influence for Nicolas Malebranche. The latter was mostly concerned with metaphysics, especially with proving that there is an omniscient, omnipresent and just God. For Malebranche, this view was totally incompatible with the possibility of animal suffering. In consequence, Malebranche rejected the idea that animals were capable of feeling in general – and feeling pain in particular. (In a way, this very much resembled Spinoza's rejection of the possibility of evil.) Tagging along with the Stoic Chrysippus – who argued that animals feel only "as it were"[6] – Malebranche suggests that animals' incapability of feeling is a necessary demand of reason: believing that animals *could* feel is to believe that God *could* be unjust, which is unacceptable. If animals could feel, they would be capable of experiencing not only pleasure, but also pain and, in general, suffering. If this were the case, God would have permitted the punishment of innocent creatures, since pain and suffering are nothing but punishments for sinning. Animals, however, have not sinned, for they did not eat from the Forbidden Tree; only man did. *Sequitur*, animals can experience neither pain nor pleasure: "… they eat without pleasure, cry without pain, grow without knowing it; they desire nothing, fear nothing, know nothing."[7] To Malebranche, obviously, the most appropriate way of conclusively settling the issue was to lead the discussion to an *absurdum*.

A scholar of today might object to Malebranche's argument on the grounds that there either might not be a God at all, or that, even if there is one, God might simply be unjust, thus totally removing any absurdity. However, arguments such as these were almost unthinkable to a devoted Christian philosopher of the 17th century. (Exceptions of any kind were rare: Spinoza, a brilliant contemporary of Malebranche, argued that God could not possibly be either just or unjust, unless it is not truly a God. But then

Spinoza was excommunicated from the Jewish community as a heretic.) But this still left a problem: if the experience of pain is out of the question for animals, then how can we explain the fact that they *seem* to react to the pain that is being inflicted upon them? The Cartesian Jacques Rohault – echoing Philo Judaeus[8] – argued that this is not even a presumptive indication, let alone any kind of positive proof, that animals have feelings: when a musical instrument is being played, it usually produces more noise than an animal that is being tortured, yet we are not inclined to suppose that the instrument has feelings.[9] Dom Trethowan, a modern Cartesian, explains this further: a cat is arranged in such a way that every time one pulls its tail, a noise comes out from the mouth.[10]

The Cartesian universe simply does not allow for animal consciousness: animals can be nothing more than *res extensa*. For his part, Malebranche seems more interested in championing specific theological views than in giving an adequate account of animal psychology. Nowadays we can be sure that both arguments fail, mostly due to arbitrary metaphysical biases: animals are at least capable of feeling pain and pleasure. Nevertheless, no matter how unsubstantiated the tradition Descartes and Malebranche initiated might be, it has proved to be an extremely influential one, as well as an excellent justification for callous practices such as vivisection, experimentation on animals, blood sports, and unprovoked cruelty.

II.

The tradition that ascribes a sensitive soul, but not a rational one, to animals begins with Aristotle[11], was elaborated by the Stoics, and was then promptly adopted by Christian philosophers.[12] Aristotle acknowledges no moral standing for animals on the grounds that, although they are sentient beings, since they possess a sensitive soul, they lack rationality.[13] According to Aristotle's psychology, plants possess a nutritive soul, animals possess a nutritive as well as a sensitive soul, and humans possess not only a nutritive and a sensitive, but also a rational soul, which is the most perfect of all.[14] This means that in the hierarchy of natural beings, the *scala naturae*, animals occupy the level between plants and humans: they are superior to plants and inferior to humans. Since according to Aristotle all forms of life exist for the sake of those forms higher in the chain of being, and given that among corporeal beings humans – by dint of their rationality – occupy the highest position, animals exist only as a means to human ends.[15] Although elsewhere Aristotle seems to imply that some animals might be existing for their own sake[16], it is clear that moral standing is reserved for man alone.[17]

The Stoics obviously took after Aristotle; to them, animals are devoid

of reason and, hence, can be nothing more than a means to human ends: "first of all the rational animal, and for its wants the beasts and everything that stems from the earth."[18] Following Aristotle's thread, they elaborated and bolstered this line of reasoning, and it was their overall account that became a determinant of the debate. The Stoics paved the ground for a general theory of rights[19], one that completely deprived animals of moral status and omitted them from any form of moral concern. According to the Stoics *providence* cares for animals in accordance with their nature, to wit less than it cares for humans, since animals are totally devoid of reason. As such, they cannot be members of the moral community; hence, they cannot be the bearers of rights, nor can moral agents be bound to them with duties. *Sequitur*, there exist no legal or moral ties of any kind between humans and other animals. Therefore, humans can do no injustice to them. Although there is a kinship between all beings due to the *pneuma* – or *πύρ* – that has created the world (τὴν τῶν ὅλων φύσιν) in order to inhabit it, Stoic logocentrism limits the moral community only to humans, who are akin due to their *intellectual connection* (νοῦ κοινωνία). Besides, if animals were allowed to partake of reason, there would be no such thing as *justice*, for then men would be unjust whatever they did: they would be unjust to animals if they continued to eat their flesh or use them as means to their ends, but they would also be unjust to themselves if they gave up these practices, since this would render life impracticable and civilization impossible.[20] To the Stoics, then, moral agents cannot afford to allow for such a view, unless they are ready to abandon civilization altogether.

The Stoic approach found its most fervent champion in Augustine, who was eager to refute the Manichaean doctrine that man should abstain from eating the flesh of animals. The Manicheans believed that the divine essence was constantly released from the ground and entered the plants, a fact that allows man to extract it in its purest possible form. When it enters animals in the form of fodder, however, it is being corrupted; hence, the wise man should abstain from eating the flesh of animals. Augustine, formerly a Manichaean himself, severely attacks this *sui generis* early (though not the earliest) approach to vegetarianism by focusing on the fact that brutes have no rational soul, hence they share no common nature with humans. Since they are of no common nature to us, their rights cannot be common to ours. Therefore, animal suffering ought not to be of human concern. Augustine justifies this argument by reference to scripture. As he points out, Christ himself sent demons into a herd of swine, although the poor animals had by no means sinned.[21] "Doeth God take care of oxen?"[22] Apparently God does not. As far as Augustine is concerned, assuming that animals have

moral standing is the height of superstition; the truth is that "by a most just ordinance of the Creator, both their life and their death are subject to our use"[23].

Thomas Aquinas, almost a thousand years after, echoes the same tradition. To him, the way humans treat animals is a matter of indifference. Humans are not bound by moral considerations in their dealing with animals, since God has given men complete dominion over them. Maltreating animals does not make one a villain in the eyes of God, as treating them well does not make one righteous. Humans owe duties only to fellow humans.[24] Even so, treating animals with compassion is of some *indirect* importance: animals are capable of feeling pain, which means that cruelty to them may develop into cruelty for humans. However, Aquinas disapproves only of *unnecessary* cruelty, such as torturing an animal merely for enjoyment; he is not to be taken as objecting to slaying animals for human purposes, such as food or clothing.

Half a millennium later, Kant seems much more eager than Aquinas to condemn cruelty and callousness towards animals, but tagging along with the same Stoic influenced tradition as Aquinas, he finds himself in deadlock. According to Kant, animals do not partake of morality for they are not self-conscious. This means that they cannot be moral agents – only humans can be – and, hence, they cannot be the bearers of rights; conversely, no moral duties are owed to them. The upshot is that animals can only be a means to an end, a human one, of course. Given this, and in order to justify a degree of moral consideration for animals, Kant therefore has to somehow convert any notion of direct duties towards animals, which he regards as nonsensical, to either indirect duties towards humanity or direct duties towards one's self.

As to the *indirect duties* view, Kant maintains that being cruel to animals damages in one's self that humanity which it is [one's] duty to show towards mankind, while tender feelings towards dumb animals develop humane feelings towards mankind.[25] Nothing, of course, could be more wrong than this: Hitler entertained the tenderest of feelings towards *Blondi*, his beloved German shepherd, and was inconsolable when the poor dog died. That, however, had no apparent effect on his feelings towards mankind. Johannes Brahms, on the other hand, according to widespread (though undocumented) rumors, hated cats so much that he would shoot them with an arrow, allegedly to transpose their dying cries into his scores. Even if this is true, he never hurt any person, and he is said to have taken a fancy to buying candy for the children of his

neighborhood. Though it is not easy to think of a philanthropist who is cruel to animals, it is not at all absurd; even less absurd is it to imagine an animal lover who is cruel to humans.

As to the *duties towards one's self* view, Kant suggests that "with regard to the animate but nonrational part of creation, violent and cruel treatment of animals is far more intimately opposed to man's duties to himself, and he has a duty to refrain from this;…", because "it dulls his shared feeling of their suffering and so weakens and gradually uproots a natural predisposition that is very serviceable to morality…"[26]. As Passmore argues, even this slight shift in Kant's approach does not alter the fact that Kant "cannot see how men can be said to have a duty to animals as distinct from a duty *relating* to or *concerning* animals"[27], but primarily directed to humans. In his *Lectures on Ethics* Kant makes reference to Hogarth's famous engravings depicting the stages of cruelty, commending that if one is cruel to animals, one damages "the kindly and humane qualities in himself, which he ought to exercise in virtue to his duties to mankind"[28]. As Hogarth's engravings imply, cruelty towards fellow humans might begin by "pulling the tail of a dog or a cat", then by "running over a child" and "finally the culmination of cruelty in a murder, at which point the rewards of it appear horrifying"[29]. Inurement to the death of animals is also detrimental to our moral sentiments, which is why according to Kant "in England no butcher, surgeon or doctor serves on the twelve men jury, because they are already inured to death"[30].

Kant's views are scornfully summarized by Schopenhauer: "we are to have sympathy for animals only for practice", an attitude which he finds "revolting and abominable"[31], and which he considers to be mostly due to Kant's susceptibility to draw deductions from Christian theology. Schopenhauer, for whom animals – no less than humans – are phenomenal manifestations of the Will, bolsters his rejection of Kant's approach by invoking the fact that "the whole of Asia" thinks differently about the issue. John Stuart Mill seeks safer grounds for rejecting Kant's approach: he focuses on the obvious fact that, since cruelty to animals only incidentally develops into cruelty to humans, it can only incidentally be morally condemned. However, for Mill, cruelty is a moral wrong *per se*, irrespective of the being to whom it is directed: "It is to be regretted that metaphysical scruples… should induce many warm supporters of laws against cruelty to animals, to seek for justification… in the incidental consequences of the indulges of ferocious habits… rather than in intrinsic merits of the case itself."[32] Mill implies that good intentions are not enough, as long as one's ethics is bound to an unjustifiable metaphysical perspective.

Rather than seeking justification in ontology or metaphysics, it might be much sounder to support the view that, while compassion is morally good,

cruelty is morally wrong.[33] Why is the suffering of a being not sufficient in itself to condemn the cruelty inflicted upon it?[34] To Bentham, when it comes to "…abandoning a sensitive being… without redress to the caprice of its tormentor…", then "the question is not *Can they reason?*, nor *Can they talk?*, but *Can they suffer?*"[35]. Maybe "neither the pongo nor the gibbon are man's brother", and man might not be able to "enter into fraternity with the ape"[36], but does this imply – or, even more, necessarily entail – that humans "may use them… may destroy them at [their] pleasure… provided [they] can give a rational account of what [they do]"[37]? Definitely not, says Bentham, since it is totally irrelevant whether animals can enter into fraternity with humans or not, and it is morally insignificant if they have a share in reason, since they obviously have a share in suffering. Causing pain to a creature that is capable of feeling it is morally objectionable *per se*.

III.

If we take animals to possess not only a 'sensitive soul', but also a 'rational soul', then dilemmas concerning their moral status and proper treatment seem immediately to vanish. To the Pythagoreans, for instance, the issue was quite clear: according to the cornerstone of their metaphysics, the transmigration of the souls doctrine, animals are ensouled creatures just as humans are; their bodies are hosting an immortal, divine soul, one that formerly might have been inhabiting a human body. Moreover, for the Pythagoreans, every living being was a potential destination for a divine soul: Empedocles, influenced by the Pythagoreans claimed that he could recall himself occupying the bodies of "a boy, and a girl, and a bush, and a bird, and a fish that jumps from the sea as it swims"[38] during his former lives. Pythagoras himself is also quoted by Xenophanes to have once recognized the voice of a dead friend in the sob of a puppy that was being beaten.[39] Given these kinds of beliefs, there can be no morally significant differences between men and beasts. It is therefore not surprising that the Pythagoreans are the first sect to have been reported as having strictly abstained from flesh on the basis of their ontological principles and metaphysical tenets.[40] Their version of pantheism allowed for nothing else.

Middle Platonists like Plutarch seem also to have embraced these kinds of views. For Plutarch, animals are capable not only of feeling, but also of reasoning: animals do have perceptions, and hence they enjoy some kind of natural reasonableness, a fact that calls for their equal moral consideration.[41] In Plutarch's view, however, this does not necessarily mean that people should give up training and using animals as means to their own ends, for people are also trained and used as means to other people's

ends. Nor does this imply that animals should not be killed when they threaten human lives, for humans are also killed in such circumstances. However, eating the flesh of animals and using them in sport games is morally objectionable, since humans are not used in such ways. This is a conciliatory response to the Stoic's anxiety concerning the sustaining of civilization if animals are allowed moral standing: meat eating and blood sports are by no means the keystones to human civilization, and humans can very well do without them.[42]

To Porphyry of Tyre, a student of Plotinus with a strong tendency to asceticism, animals are not entirely alienated from human nature; they too partake in reason, only in an inferior degree compared to humans. Porphyry wrote *On Abstinence of Animal Food* to present and support his view that "he who extends harmless conduct to animals most closely approaches the divinity"[43]. For Porphyry, justice consists, essentially, in abstaining from injuring anything that is not noxious.[44]

Although Plutarch and Porphyry seem apt to reconcile Pythagorean and Stoic views, the Sceptics were not at all conciliatory. Having always favored inquiring and circumspective approaches concerning every philosophical issue, they could only be vexed by the Stoics' dogmatism in regard to the ontological and moral status of animals. To Sextus Empiricus it is arbitrary to suppose that animals are not endowed with a rational soul and, hence, to conclude that they should be excluded from the covenant of ethics. On the contrary, as far as cognition is concerned, there are many cases in which animals reveal themselves to be plainly superior to humans.

To bolster his thesis, Sextus turns against the Stoics an example first formulated by the latter for opposite purposes, namely the so-called *Chrysippus' Dog* argument: "[Chrysippus] declares that the dog makes use of the fifth complex indemonstrable syllogism when, on arriving at a spot where three ways meet, after smelling at the two roads by which the quarry did not pass, he rushes off at once by the third without stopping to smell. For the dog implicitly reasons thus: 'The animal went either by this road, or by that, or by the other: but not this, nor that, therefore the other'"[45]. Chrysippus, of course, could not by this be conceding that a dog really reasons, but only that it has perceptual appearances.[46] Philo Judaeus had already interpreted the argument that way. Philo rejected the possibility that any dog could reason, by resorting to a *reductio ad absurdum*: if a dog could draw logical inferences when in a *trivium*, then all men in similar circumstances would be able to do the same; that, however, is contrary to common experience. Instead, it is *us* that interpret the dog's instinctive movements as indications of reasoning.[47] Animals are not capable of reflecting upon their options. To

Sextus the argument Philo employs seems not convincing at all: he argues that the Stoics have no justification for denying the possibility that a dog may go through an internal process of reasoning. Judging from evidence, a dog's behaviour points towards the opposite conclusion. The Stoics therefore err in insisting that animals cannot partake in reason – and, therefore, that they should be excluded from moral consideration – on the grounds that they allegedly lack internal and external *logos*, that is, reason and uttered speech, respectively.

As to reason, the Sceptics stress the fact that dogs, for example, seem to be able to distinguish between persons, like *Argos*, Ulysses' dog, which – unlike Penelope's suitors who, unluckily for them, failed to do this – recognized his master despite the fact that Ulysses had been away for so many years[48]; dogs seem also to be able to judge and deliberately choose between alternatives, as Chrysippus' dog does. This suggests that they do indeed possess internal reason (ἐνδιάθετος λὸγος)[49] and that – *prima facie*, at least – they should therefore be included in the covenant of ethics: "They prefer what is appropriate to them and avoid what is harmful; they chase their food and draw back when one raises the whip; they cannot be expelled from morality for, if justice is to give each one one's dues, dogs obviously pay back their familiars and benefactors by guarding them, and they keep away (from) villains and strangers. If they possess the virtue of justice, they might possess other virtues, as well."[50] (There is also a passage in the *Republic* in which Plato makes reference to the philosopher-like virtues of a dog.[51])

As to uttered speech (external *logos*), the Sceptics suggest that the Stoic argument that animals lack rationality since they do not speak is at least poor, for there are also dumb humans, and yet they are not considered to be devoid of reason. Besides, animals such as dogs use different 'voices' in various circumstances to express different feelings. The fact that we do not understand them is no evidence that they do not speak; we also do not understand foreigners, but we do not thereby suppose that they do not speak, but only moan.[52]

Being a Skeptic at the time of Sextus obviously meant having a lot of philosophical enemies – actually, everyone who wasn't a Skeptic – as well as a very heavy schedule. But nothing could be more joyful for a Skeptic than the opportunity to oppose a fundamental Stoic view. Even so, Sextus should be credited for being at one with common experience as far as higher animals are concerned. It is not surprising, then, that Skeptic dubiousness in regard to the Stoics' views on animals continued to be appealing. Centuries after Sextus, Montaigne thinks that it is absurdly presumptuous to believe "conclusively that Man – for all his 'reason' – is in any way higher of the

other animals. They, too, have reasoning powers"[53]. After all, "what kind of human competence cannot be found in animals?"[54] But even if animals lack reason, "yet there is a certain consideration, and a general duty of humanity, that binds us not only to the animals, which have life and feelings, but also to trees and plants"[55].

This Skeptic influenced trend proved even more inspiring for Hutcheson, leading him to the rather high-flying view for his times that animals are capable of virtue of a primitive kind, like that of a child: "Again, 'tis plain there is something in certain Tempers of Brutes, which engages our Liking, and some lower Good-will and Esteem, tho' we do not usually call it Virtue, nor do we call the sweeter dispositions of Children Virtue; and yet they are so very like the lower Kinds of Virtue, that I see no harm in calling them Virtues."[56] Hutcheson's outstanding pupil, David Hume, devoted a section of his *Enquiry Concerning the Human Understanding* to "The reason of animals". To him, apart from abstract reasoning, human and animal minds function similarly: "It seems evident, that animals as well as men learn many things from experience, and infer, that the same events will always follow from the same causes. By this principle they become acquainted with the more obvious properties of external objects, and gradually, from their birth, treasure up a knowledge of the nature of fire, water… and of the effects which result from their operation."[57] An animal can also learn from proper application of rewards and punishments, and it can "infer some fact beyond what immediately strikes his senses"[58]. As to inferences from argument and abstract reasoning in everyday life, these usually escape even the generality of humankind – and children for sure – "since it may well employ the utmost care and attention of a philosophic genius to discover and observe them"[59].

Even so, "no matter how far they [animals] can be said to possess reason", since they obviously lack the ability to compel humans in a covenant of justice, humans are bound by "the laws of humanity" to "give gentle usage to these creatures".[60] This applies not only to animals but also to "barbarous Indians" and to women: "Were there a species of creatures, intermingled with men, which, though rational, were possessed of such inferior strength… that they were incapable of all resistance…; the necessary consequence, I think, is, that we should be bound, by the laws of humanity, to give gentle usage to these creatures, but should not, properly speaking, lie under any restraint of justice with regard to them, nor could they possess any right or property… This is plainly the situation of men, with regard to animals… above barbarous Indians… the female sex", that "…are reduced to like slavery, and are rendered incapable of all property…"[61] Hume obviously was

eagerly concerned for the weak, though not inclined to allow them equal moral standing or consideration. No doubt he was an affectionate master to his dogs, and he would have surely been a tender husband.

IV.

As one can easily tell, philosophers so far seem to have fervently favored a line of reasoning based on a *modus ponens*, namely, an argument of the form: "if p, then q / p / therefore q", or "if animals are of *this* specific nature, then they should be assigned to *this* kind of moral status; animals *are* of this specific nature; therefore, they *should be* assigned to this kind of moral status". This simple rule of inference is often extremely misleading and, in my opinion, entirely inappropriate for moral arguments, especially when an *is* proposition needs to be mingled with an *ought* one in the initial, conditional claim. To make this clear, consider the Stoic line of reasoning: "if animals are irrational beings and lack self-awareness, then they cannot be granted any moral status, nor can they be of any direct moral concern to us; animals are devoid of reason and self-awareness; therefore, they cannot be granted any moral status, nor can they be of any direct moral concern to us." Such an argument may seem to be a properly demonstrative one, but it suffers from a range of problems. First, it can only be valid or invalid (this one is valid), but not true or untrue, since it includes an *ought* proposition, which, as with all moral claims, cannot be verified. Second, one could object – as some do – that, *although* animals are irrational and not self-aware, they should nevertheless enjoy a certain moral status and be of moral concern to humans; indeed, one could even maintain that *because* animals are irrational and not self-aware, they should be included to moral consideration. After all, we consider ourselves to have a range of moral obligations – even an especially high standard of moral obligations – in regard to humans who are irrational or not self-aware, or both, such as infants, comatose patients, the insane, persons who suffer from the Wernicke-Korsakoff syndrome, and so on. Third, we can in any case argue that even certain kinds of *things* are of moral concern, such as natural or artificial monuments, works of art, the corpses of the deceased. Thus, to infer that an entity is ineligible for moral consideration *because* it lacks reason or self-awareness seems to be a typical *non sequitur*. Such an entity might have no possibility of being a moral agent; however, as has now been argued by many ethicists, it is not only moral agents that are of moral concern or deserving of consideration.

This introduction has offered a rough outline of three significant strands in the history of animal ethics. However, the story of animal

ethics does not end here of course. Rather, this introduction represents an invitation to you, the reader, to pursue the story further. The essays in the first part of this book therefore probe pivotal theories and examine key issues of the history of the debates in this area, sometimes shedding new light on past views, sometimes revealing unknown aspects of these previous philosophical reflections. As for contemporary approaches, although the temptation was great, I thought it rather superfluous even to refer to them in this introduction, since most of the major contemporary tendencies in animal ethics are amply represented in the second part of this book, some of them by their very initiators. I therefore wish the reader an enriching journey.

E. D. Protopapadakis
February 2012

Notes

1. Aristotle, *Metaphysics* 982b 12-13: "It is through wonder that men now begin and originally began to philosophize"; Aristotle here seems to quote Plato's *Theaetetus* 155d: "For this feeling of wonder shows that you are a philosopher, since wonder is the only beginning of philosophy."
2. René Descartes, *Discourse on the Method*, translated by F. E. Sutcliffe (London: Penguin, 1968), 5th Discourse, 74. See also Peter Harrison, "Descartes on Animals", *The Philosophical Quarterly* 42 (1992): 219-227, 226.
3. René Descartes, *Meditations on the First Philosophy*, translated by F. E. Sutcliffe (London: Penguin, 1968), 2nd Meditation, 107.
4. René Descartes, *Letter to Mersenne*, 11 June 1640, AT III, 85.
5. John Passmore, "The Treatment of Animals", *Journal of the History of Ideas* 36 (1975): 195-218, 204.
6. Ibid.
7. Nicholas Malebranche, *Œuvres Completes*, edited by G. Rodis-Lewis (Paris: J. Vrin, 1958-70), vol. II, 394.
8. Philonis Alexandrini, *De animalibus*, translated by Abraham Terian (Ann Arbor: Scholar Press, 1981), § 84.
9. Passmore, op. cit., 204.
10. Dom Illtyd Trethowan, *An Essay in Christian Philosophy* (London: Longmans & Green, 1954), 41.
11. Marc R. Fellenz, *The Moral Menagerie: Philosophy and Animal Rights* (Illinois: University of Illinois Press, 2007), 19, 91.
12. Robert Renehan, "The Greek Anthropocentric View of Man", *Harvard Studies in Classical Philology* 85 (1981): 239-259, 253.
13. Aristotle, *De anima* 413b 11 ff; also Aristotle, *De partibus animalium* 641b 8.
14. Aristotle, *De anima* 413a 32 ff.

15. Aristotle, *Politics* I256b I5 ff: "…and that plants exist for the sake of animals and the other animals for the good of man, the domestic species both for his service and for his food, and if not all at all events most of the wild ones for the sake of his food and of his supplies of other kinds, in order that they may furnish him both with clothing and with other appliances. If therefore nature makes nothing without purpose or in vain, it follows that nature has made all the animals for the sake of men."
16. See Aristotle, *Historia animalium* 488a 7-10, where animals such as bees, wasps, ants and cranes are on a par with humans considered as *social animals* that have common activities, and *Politics* 1253a 7-9, where humans are described as of a *more* social nature in comparison to other beings.
17. Aristotle, *Politics* 1253a 10-18: "The mere voice, it is true, can indicate pain and pleasure, and therefore is possessed by the other animals as well for their nature has been developed so far as to have sensations of what is painful and pleasant and to indicate those sensations to one another, but speech is designed to indicate the advantageous and the harmful, and therefore also the right and the wrong; for it is the special property of man in distinction from the other animals that he alone has perception of good and bad and right and wrong and the other moral qualities, and it is partnership in these things that makes a household and a city-state."
18. SVF II 1156 [translation mine].
19. With reference to the Stoics the term *rights* is only used as an anachronism. See Myrto Dragona-Monachou, "Stoicisme et droit l'homme", *Dirscorsi* 2 (1985): 209-236; also her "Zeno's moral and political radicalism", in *The Philosophy of Zeno*, edited by Th. Scaltsas and A. Mason (Larnaka: The Pieridis Foundation, 2002), 325ff.
20. SVF III 373.
21. Passmore, op. cit., 197.
22. Paul, *Corinthians* 9:9.
23. Saint Augustine, *De Civitate Dei*, edited by G. P. Walsh (London: Aris & Phillips, 2006), i, 20.
24. Saint Thomas Aquinas, *Summa Theologica*, Pt 2:2, Q. 64: "Dumb animals… are devoid of the life of reason… they are naturally enslaved and accommodated to the uses of others", and "He that kills another's ox, sins, not through killing the ox, but through injuring another man in his property. Wherefore this is not a species of the sin of murder but of the sin of theft or robbery." See also A. Linzey, *Animal Theology* (Illinois: University of Illinois Press, 1995), 12-15.
25. See Immanuel Kant, "Duties to Animals and Spirits", in his *Lectures on Ethics*, translated by P. L. Heath (New York: Cambridge University Press, 1997), 213.
26. Immanuel Kant, *Metaphysics of Morals*, translated and edited by M. Gregor (London: Cambridge University Press, 2003), 192-193.
27. Passmore, op. cit., 202.
28. Kant, *Lectures*, 212.
29. lbid.
30. lbid., 213.
31. As quoted in Passmore, op. cit., 214.
32. John Stuart Mill, *Principles of Political Economy* (Amherst, New York: Prometheus Books, 2004), 872.
33. See Herbert L. A. Hart, "Legal and Moral Obligation", in *Essays in Moral Philosophy*, edited by A. I. Melden (Washington: University of Washington, 1966), 83.
34. John Laird, *A Study in Moral Theory* (London: George Allen & Unwin, I926), 302.

35. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, edited by Robert M. Baird and Stuart E. Rosenbaum (Amherst, New York: Prometheus Books, 1988), 311.
36. Johann Gottfried von Herder, *Ideas for a Philosophy for the History of Mankind* [as quoted in Paul Hyland, Olga Gomez and Francesca Greensides, *The Enlightenment: A Sourcebook and Reader* (London: Routledge, 2003), 7].
37. John H. Newman, *Sermons Preached on Various Occasions* (London: Longmans, Green and Co., 1908), 80.
38. "῎Ηδη γάρ ποτ' ἐγὼ γενόμην κοῦρός τε κόρη τε θάμνος τ' οἰωνός τε καὶ ἐξ ἁλὸς ἔμπυρος ἰχθῦς..." Diogenes Laertius, *Vitae philosophorum* VIII 77: 5-6; DK 31 B 117.
39. "…καί ποτέ μιν στυφελιζομένου σκύλακος παριόντα φασὶν ἐποικτῖραι καὶ τόδε φάσθαι ἔπος· 'παῦσαι μηδὲ ῥάπιζ', ἐπεὶ ἦ φίλου ἀνέρος ἐστὶ ψυχή, τὴν ἔγνων φθεγξαμένης ἀΐων'". Ibid., VIII 36: 12-15; DK 21 B 7.
40. Ibid., VIII 37:11.
41. See Plutarch, *De sollertia animalium* 961a ff.
42. Ibid., 964a ff.
43. Passmore, op. cit., 207.
44. Porphyry, *De abstinentia* 3, 26: 13-14.
45. Sextus Empiricus, *Pyrrhoniae hypotyposes* I, 69:1-70:1.
46. Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (New York: Cornell University Press, 1995), 25-26.
47. Philonis Alexandrini, *De animalibus* (Chico: Scholars Press, 1981), 102-103.
48. Sextus, op. cit., I, 68:6-9.
49. Ibid., I, 66:2.
50. Ibid., I, 66:1-68:2.
51. See Plato, *Republic* 376a 2 ff., especially 376b 1, where Plato speaks of the dog's "exquisite trait of his nature and one that shows a true love of wisdom (ὡς ἀληθῶς φιλόσοφον)".
52. Sextus, op. cit., I, 72:7-77:7.
53. Michel de Montaigne, *An Apology for Raymond Sebond*, translated by M. A. Screech (London: Penguin, 1988), xxi.
54. Ibid., 19.
55. Michel de Montaigne, *Essays*, translated by J. Cohen (London: Penguin, 1993), 189.
56. Francis Hutcheson, *An Inquiry into the Original of our Ideas of Beauty and Virtue in Two Treatises*, edited by W. Leidhold (Indianapolis: Liberty Fund, 2004), 244.
57. David Hume, *Enquiry Concerning Human Understanding* (New York: Oxford University Press, 1999), 165.
58. Ibid.
59. Ibid., 166.
60. David Hume, *Enquiry Concerning the Principles of Morals* (New York: Oxford University Press, 1975).
61. Ibid., 186.

Mark J. Rowlands*

Virtue Ethics and Animals**

I. The Concept of Moral Virtue

The expression "virtue ethics" denotes a relatively loose tradition of ethical thinking that, in the West, stems from Aristotle and, in the East, has identifiable roots in Chinese philosophy, particularly Confucianism. A virtue is a *character trait* that is deeply entrenched in its possessor and also, crucially, multi-factorial. To say that it is *deeply entrenched* in its possessor is to say that it manifests itself on more than one occasion – indeed on many occasions – and as more than a single type of action. For example, the virtue of honesty will manifest itself not just in the fact that I do not steal from others, but also in the fact that I will do my best to return what others have lost (rather than pocketing it for myself). And these sorts of behaviours are not ones I exhibit sporadically, but are relatively constant through time. All things being equal, I will return lost money not merely today, but on any day that I happen to find some. To say that a virtue is *multi-factorial* is to say that it consists in more than behavioural tendencies or dispositions alone, even if these are stable through time. To have the virtue of honesty, for example, is not just to possess the tendency to do honest things. It is also the tendency to deplore dishonesty in oneself and others, to feel outrage when one witnesses this dishonesty, and to make this outrage known; and so on. In order to be constitutive of a virtue, the stable behavioural dispositions must be located in an appropriate surrounding context of judgments and emotions of this sort. Implicated in the possession of a virtue, therefore, is not simply a disposition to behave in a certain way in given circumstances, but also the disposition to have judgments, emotions, thoughts, feelings and so on that are "appropriate" to these circumstances. The reason for this is pretty clear. A person can have the deeply entrenched tendency to do what is honest and refrain from doing what is dishonest because, and only because, she has the equally deeply entrenched fear of being caught. Since, in this case, the tendency to do what is honest and refrain from doing what is dishonest is not situated in the appropriate surrounding milieu of emotions, judgments

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and other evaluative acts – it is not multi-factorial – her tendency is not part of a virtue of honesty. She possesses no such virtue. Therefore, it would be unwise to attribute to a person a virtue on the basis of observing their actions – even if these actions are consistent through time – if one does not know the reasons for these actions. In the possession of a virtue, actions, judgments and emotions are bound up in an indissoluble whole. Armed with these considerations, we can define the concept of a moral virtue as follows:

> A moral virtue is a (i) a morally good, admirable, or otherwise praiseworthy character trait, where (ii) this character trait consists in a relatively stable set of behavioural dispositions that are (iii) embedded in an appropriate surrounding milieu of judgments and emotions (broadly understood).[1]

The corresponding notion of a moral vice can then be defined as a bad, unworthy, or blameworthy character trait, where we understand the notion of a character trait and surrounding milieu in the same way. The concept of moral virtue is, of course, correlative to the concept of moral vice. To have a moral virtue is, at the same time, to abhor the corresponding vice. Armed with this concept of a moral virtue, we can then define the morally virtuous person as one who has, and exercises, the various moral virtues – understood as defined above. Since having and exercising a given virtue precludes having and exercising the corresponding vice, a morally virtuous person is one who acts according to virtue (and so does not act according to vice). A moral virtuous person, in short, is one who acts morally virtuously. According to virtue ethics, the fundamental moral injunction is for one to be, or become, a virtuous person.

The concept of virtue intersects with philosophical issues concerning the nature and status of non-human animals (henceforth "animals") in two different ways. Firstly, how *would* a morally virtuous person treat animals? This is a transposition, into virtue ethical terms, of a familiar ethical question: how, morally speaking, *should* we treat other animals? The second question is somewhat less familiar. Given the concept of virtue identified above, is it possible for animals other than human to be virtuous? I shall argue that the answer to the first question is: with mercy. While I think the second question admits of an affirmative answer – some animals can indeed be morally virtuous – constraints of space do not permit me to develop this case here. Instead, I shall merely identify some of the problems that this case needs to overcome – problems that I suspect proponents of this view do not

properly appreciate. The claim that they can be overcome is one I defend at length elsewhere.[2]

II. The Virtue of Mercy

In *The Unbearable Lightness of Being*, Milan Kundera, with characteristic sagacity, writes:

> True human goodness can manifest itself, in all its purity and liberty, only in regard to those who have no power. The true moral test of humanity (the most radical, situated on a level so profound that it escapes our notice) lies in its relations to those who are at its mercy: the animals. And it is here that exists the fundamental failing of man, so fundamental that all others follow from it.[3]

Kundera identifies what he thinks of as the "true moral test" of humanity, and at the same time identifies a certain virtue that is crucial to this test: *mercy*. I shall argue that Kundera is correct. The answer to the question, "How would a morally virtuous person treat other animals?" is, I shall argue: *with (the virtue of) mercy*. This virtue and its corresponding vice – mercilessness – are peculiarly salient to our dealings with those who, relative to us, have no power. And, as Kundera notes, animals provide perhaps the most obvious examples of those who have no power. I shall try to show that Kundera is right to allocate to mercy this central role amongst the moral virtues.

In developing this argument, it is crucial to remember the multi-factorial character of the virtues. Bound up in the possession of a virtue is far more than merely being disposed to behave in certain ways in given circumstances, even if this disposition is stable through time. Virtues are not merely dispositions to behaviour. Rather, any such dispositions must be surrounded by, and grounded in, a milieu that consists of the relevant judgments and emotions. This claim is essential to any plausible virtue ethics.

With this in mind, I shall argue that mercy is fundamental to the moral virtues in that it is required for – a necessary condition of – many of the other moral virtues. I shall not argue that it is required for possession of all the other moral virtues. I suspect that it is, but this is not required for the argument I am going to develop. To see why, consider someone who fails to exhibit the virtue of mercy. In the sense of mercy employed by Kundera, this means that the person is, let us suppose, exemplary in their dealings

with those who have power – which we can understand, in a sense that is rough but sufficiently precise for our purposes, as those who are capable of helping or hurting them. However, when they come to interacting with the powerless (i.e. those incapable of helping or hurting them), they fall short of this high standard in some or other respect. Development of this argument does not require us to say what it is for them to be exemplary in their dealings with those who have power, nor does it require us to specify the way in which they fall short of this standard in their dealings with those who do not. With this at least rough-and-ready scenario in mind, let us consider some of the more important moral virtues.

The virtue of kindness is an obvious place to start. We are to try to imagine a scenario in which a person exhibits the virtue of kindness towards those who are capable of helping or hurting him, but fails to exhibit this virtue towards those who are not. This, I shall argue, is not a possible scenario. Such a scenario is *apparently conceivable*; but it is not *genuinely possible*. It is apparently conceivable because we can imagine a scenario that seems, to us, to be one in which a person is kind only toward those who have power. But it is not genuinely possible because we have, in fact, succeeded only in imagining something else. What we in fact end up imagining is a scenario in which the person's behaviour towards those who have power bears all the hallmarks of behaviour that we would call *kind*. However, this is not, as we have seen, sufficient for the possession of the virtue of kindness. For sufficiency, we need to supply the surrounding context of emotions and judgments. However, that is precisely what is not possible in cases of this sort. The person's failure to behave in a similarly kindly way to those who do not have power – for his behaviour to fall short of whatever standard he achieves with respect to those that do have power – seems inevitably to indicate that his, as we would put it, "kindly" behaviour towards those who have power is motivated by something other than kindness. That is, it is motivated by something other than the sort of judgments and emotions that partly constitute the virtue of kindness. The motivation seems coloured by considerations of self-interest – for what else would explain the difference in his behaviour towards those who have power and those who do not? However, if the surrounding judgments and emotions are not in place, then the person's "kindly" behaviour towards those who have power is not in fact a manifestation of the virtue of kindness. All we have succeeded in imagining is a case of apparently kindly behaviour. We have not succeeded in imagining a genuine exemplification of the virtue of kindness. So, the situation in which a person exhibits the virtue of kindness in the absence of the virtue of mercy is not, in fact, a possible situation. It might be apparently

conceivable; but it is not genuinely possible. If this is correct then possession of the virtue of mercy is a necessary condition of the possession of the virtue of kindness.

The same sort of argument can be applied to cognate or closely related moral virtues such as compassion, generosity and benevolence. If one's "generosity" extended only as far as those who were able to help you or hurt you, and was markedly curtailed in the case of those who were not, then the conclusion we should draw is that this is not a "genuine" case of generosity. That is, the behaviour is not an exemplification of the virtue of generosity. It is not a genuine case of generosity because the surrounding judgments and emotions that would make it so are not in place. So, once again, we might think that we can imagine someone who is generous only in her dealings with those in a position to help or hurt her, but falls short of this in her dealings with those who are not capable of these things, but what we think we can imagine is not a possible situation. Neither can we, for essentially the same reasons, really succeed in imagining someone who is benevolent or compassionate only in his dealings with those who have power.

Consider, now, another important moral virtue: *loyalty*. Can we really imagine someone who is loyal only towards those who are in a position to help or hurt him, and falls short of this in his dealings with those who are not? Once again, this does not seem to be a genuine case of loyalty. The obvious question is: what would happen if those who are in a position to help or hurt him suddenly, perhaps through some or other misadventure lose this ability? In the scenario we are trying to imagine, the person would then, in his dealings with these people in their newly diminished circumstances, fall short of the loyalty he previously seemed to exhibit. If this were so, then we should deny that the behaviour he previously exhibited was a manifestation of the virtue of loyalty. The reason is that the surrounding context of judgments and emotions was not in place, and without this the person's behaviour, while ostensibly loyal, was not, in fact, loyal at all. That is, it was not an expression of the virtue of loyalty. One cannot possess the virtue of loyalty if one's seemingly loyal behaviour is restricted to those who have power. And this is equivalent to saying that the virtue of mercy is a necessary condition of the virtue of loyalty.

A similar argument applies, without significant revision, to the virtue of honesty. Someone who is honest only in her dealings with those who have power, but falls short of this standard when dealing with those who do not, is not, we can legitimately say, "really" honest. Their seemingly honest behaviour is not situated in a surrounding context of emotions and judgments required for it to be an expression of the virtue of honesty. We

might think we can imagine someone whose honesty is restricted in this way. But what we are not thereby imagining is a case where the virtue of honesty is restricted in this way. We are imagining a certain sort of behaviour, admittedly; and this behaviour might certainly seem to be a case of honest behaviour. But it is not, in fact, a manifestation of the virtue of honesty. The virtue of mercy is a necessary condition of the virtue of honesty. The same sort of argument applies, again without significant revision, to cognate moral virtues such as integrity.

The virtue ethical defence of animals turns on acknowledging the peculiar centrality of the virtue of mercy. The virtue of mercy is a peculiarly foundational moral virtue in that it is required for – a necessary condition of – many, and perhaps all, of the other moral virtues. As Kundera notes the most obvious candidates for those who have no power are animals. Some humans have no power, and the virtue of mercy will also underpin the virtue ethical case that can be mounted in support of them. But almost all animals are powerless relative to us. Certainly, the ones that we encounter in our everyday "civilized" dealings – the animals we eat, experiment on, and invite into our homes as companions –, are powerless relative to us. In his or her dealings with these powerless beings, the virtuous person will be guided by the virtue of mercy. And anyone who is not thus guided has little claim to being a virtuous person.

III. Can Animals Be Virtuous?

Is it possible for animals – that are not human – to be morally virtuous? This is the second question I shall discuss in this paper. In recent years, the possibility of a positive answer to this question has been enhanced by work in cognitive ethology and cognate disciplines that has amassed a wealth of evidence that shows animals acting in apparently virtuous ways.[4] In this paper I am unable to survey the large and growing body of empirical research that bears on this claim. This work sits in the background – the springboard for a discussion that is rather more abstract and conceptual. But here is a representative example of the sort of behavior I have in mind.

Eleanor, the matriarch of her family, is dying and unable to stand. Grace touches her gently and lifts her back to her feet. She tries to get Eleanor to walk, pushing her gently along. But Eleanor falls again. Grace appears very distressed, and shrieks loudly. She persists in trying to get Eleanor to stand, to no avail. Grace stays by the fallen figure of Eleanor for another hour, while night falls.[5] If Grace were human, we might be tempted to suppose that this behavior is evidence that Grace possesses the virtue of compassion. This evidence would, of course, be defeasible. In line with the entrenched,

multi-factorial, nature of the virtues, to confirm this hypothesis we would have to look at, for example, dealings Grace has with others, and examine whether this supports the presence of the appropriate surrounding milieu of emotions and judgments. Nevertheless, if Grace were human, we would probably suppose that she was at least a "contender" – that her behavior was at least partial evidence in support of the hypothesis that Grace possesses, and acts on the basis of, the virtue of compassion.

However, voices of those willing to even entertain the idea that animals can be morally virtuous are thin on the ground, especially among philosophers. David DeGrazia finds himself in a very small minority when he writes:

> These examples support the attribution of moral agency – specifically, actions manifesting virtues – in cases in which the actions are not plausibly interpreted as instinctive or conditioned. On any reasonable understanding of moral agency, some animals are moral agents.[6]

He is joined in this minority by Steven Sapontzis[7], and also by Evelyn Pluhar, who writes:

> Is it really so clear, however, that the capacity for moral agency has no precedent in any other species? Certain other capacities are required for moral agency, including capacities for emotion, memory, and goal-directed behavior. As we have seen, there is ample evidence for the presence of these capacities, if to a limited degree, in some nonhumans. Not surprisingly, then, evidence has been gathered that indicates that nonhumans are capable of what we would call 'moral' or 'virtuous' behavior.[8]

Among non-philosophers, or among those who are not primarily philosophers, similar claims, although in varying forms, can be found in the work of Vicki Hearne, Jeffrey Moussiaeff Masson, Susan McCarthy, Stephen Wise, Frans de Waal, and Marc Bekoff.[9] Indeed, Darwin claimed that animals can be motivated by the "moral sentiments".[10]

I also belong to this minority group that thinks animals are capable of acting on the basis of moral reasons – as possessors of moral virtues (and vices) broadly understood. However, defending this minority opinion is a rather large undertaking that lies well outside the scope of this paper. Here, I shall simply identify the sorts of problems this minority opinion must be

able to overcome if it is to be even a contender for the truth. This is not an unimportant task: the scope, depth and difficulty of these problems have, I think, been under-appreciated.

A. *THE RESPONSIBILITY PROBLEM*. Both DeGrazia and Pluhar express their claim in the language of agency. However, the concept of agency is inseparable from the concept of responsibility, and hence from the concepts of praise and blame. If animals are moral agents, it follows they must be responsible for what they do, and so can be praised or blamed for what they do. At one time, courts of law – both non-secular and secular – set up to try (and, subsequently, execute) animals for perceived crimes were not uncommon.[11] I assume few would wish to recommend a return to this practice. At the core of this unwillingness is the thought that animals are not responsible, and so cannot be held culpable, for what they do. If this is correct, then their characterization in terms of moral agency should be resisted.

B. *THE REFLECTION CONDITION*. Classic statements of virtue ethics, such as Aristotle's, closely tie possession of a moral virtue to the subject's understanding of what they do. Thus, Aristotle writes:

> But for actions in accord with the virtues to be done transparently or justly, it does not suffice that they themselves have the right qualities. Rather, the agent must also be in the right state when he does them. First he must know that he is doing virtuous actions; second, he must decide on them, and decide on them for themselves; and, third, he must also do them from a firm and unchanging state.[12]

For an action to be an expression of a virtue, it must not simply be an example of what would commonly be regarded as a virtuous action (have the "right qualities"). In addition, the agent must (a) know that he is performing a virtuous action, and (b) perform the action because it is a virtuous action ("decide on them for themselves"), and (c) this decision must be an expression of a stable disposition on the part of the agent.[13] That is, Aristotle imposes what we might call a *reflection condition* on the possession of the virtues:

> For action ϕ, performed by agent A, to be an expression of virtue, V, it is necessary that A (i) be able to understand that

> ϕ is an instance of V, and (ii) A must perform ϕ because he understands that ϕ is an instance of V and wishes to be virtuous.

If Grace cannot satisfy this condition, then she cannot, from an Aristotelian perspective, be regarded as virtuous.

C. *THE PHRONESIS CONDITION*. Closely related to the reflection condition is the *phronesis* or practical wisdom condition. It is common, in the tradition inspired by Aristotle, to think of the moral virtues as arising from a combination of the natural virtues – feelings or sentiments of compassion, for example – and the practical wisdom that allows these natural virtues to be directed towards the right objects, in the right way, in the right amount, and so on. As Aristotle puts it:

> So also getting angry, or giving and spending money, is easy and everyone can do it; but doing it to the right person, in the right amount, at the right time, for the right end, and in the right way is no longer easy, nor can everyone do it. Hence, doing these things well is rare, praiseworthy, and fine.[14]

With regard to Grace, this might give rise to the following sort of objection: what evidence is there that Grace possesses anything more than a natural virtue – rather than its moral counterpart? Attributing the latter to Grace would require also attributing to her a substantial amount of practical – and it is not clear that there is any evidence for this.

I believe, although I shall not argue this here, when we dig down deeply enough into each of these objections, we find a common root. Underlying them all is the idea of *control*. We humans can be morally virtuous because, and to the extent, that we have control over our motivations. Another thing that I believe that I cannot argue here is this: the implicated idea of control is an illusion. These, however, are ideas to be developed elsewhere.[15]

Notes

1. This account of virtue, and supporting considerations, owes much to Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999). I shall take no stand in this paper on the question of what makes a character a specifically moral one – that is: one that is good, admirable or praiseworthy in a specifically moral sense. Nor shall I take any stand on the question of whether all virtues are moral virtues. For what it is worth, the claim that they are – endorsed by some – strikes me as very implausible.
2. See my, *Can Animals Be Moral?* (New York: Oxford University Press, 2012). An earlier

version of this case can be found in my "Animals that Act for Moral Reasons", in *Oxford Handbook of Ethics and Animals*, edited by T. Beauchamp and R. G. Frey (New York: Oxford University Press, 2011).

3. Milan Kundera, *L'Insoutenable Legèreté de L'Etre* (Paris: Gallimard, 1983), 76. Translation is mine.
4. For an excellent summary of this evidence, and a case for the moral agency of animals built on this, see Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago: University of Chicago Press, 2009).
5. Ian Douglas Hamilton, S. Bhalla, G. Wittemyer and F. Vollrath, "Behavioural Reactions of Elephants Towards a Dying and Deceased Matriarch", *Applied Animal Behaviour Science* 100 (2006): 67-102. This case was cited by Bekoff and Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago: University of Chicago Press, 2009), 103-4. For an excellent summary and systematization, see Bekoff and Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago: University of Chicago Press, 2009).
6. David DeGrazia, *Taking Animals Seriously* (New York: Cambridge University Press, 1996), 203.
7. Steven Sapontzis, *Morals, Reasons and Animals* (Philadelphia: Temple University Press, 1987).
8. Evelyn Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham, NC: Duke University Press, 1995), 2.
9. Vicki Hearne, *Adam's Task: Calling Animals by Name* (New York: Vintage Books, 1987); Jeffrey Moussiaeff Masson, *Dogs Never Lie About Love: Reflections on the Emotional World of Dogs* (New York: Three Rivers Press, 1997); Jeffrey Moussiaeff Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (New York: Delacorte, 1995); Stephen Wise, *Rattling the Cage: Toward Legal Rights for Animals* (Cambridge, MA: Perseus Books, 2000); Frans de Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, MA: Harvard University Press, 1996); Marc Bekoff, *The Smile of a Dolphin: Remarkable Accounts of Animal Emotions* (New York: Discovery Books, 2000); Marc Bekoff, *Minding Animals: Awareness, Emotion, and Heart* (Oxford: Oxford University Press, 2002).
10. Charles Darwin, *The Expression of Emotions in Man and Animals* (London: John Murray, 1872). Darwin did, however, stop short of claiming that animals are fully "moral beings". This line is also favored by de Waal, who argues that animals possess some of the building blocks of human morality but denies that they are moral agents in the sense that humans are.
11. See E. P. Evans, *The Criminal Prosecution and Capital Punishment of Animals* (London, Heinemann, 1906) for a wealth of examples. See also, P. Dinzelbacher, "Animal Trials: A Multidisciplinary Approach", *Journal of Interdisciplinary History* 32 (2002): 405-21.
12. Aristotle, *Nicomachean Ethics*, translated by T. Irwin (Indianapolis: Hackett, 1999), 1105a 27-35.
13. This, of course, does not exhaust the psychological complexity of the virtues. A more complete characterization would at least sketch the cognitive and emotional setting in which the action is embedded. The agent must deplore the corresponding lack of virtue, in herself and others, etc. For our purposes, these complications can safely be ignored.
14. Aristotle, *Nicomachean Ethics* 1109a 27-30.
15. See my *Can Animals be Moral?* (New York: Oxford University Press, 2012) and "Animals that Act for Moral Reasons", in *Oxford Handbook of Ethics and Animals*, edited by T. Beauchamp and R. G. Frey (New York: Oxford University Press, 2011).

Stephen R. L. Clark*

The Ethics of Taxonomy: A Neo-Aristotelian Synthesis**

I. Introduction

Taxonomy is the art of classifying entities, and its principal use has been to draw up lists of living organisms, whether by their form or function, their meaning in the social and ceremonial life of the classifiers, or their genealogical relations. The pre-Darwinian biological synthesis assumed that there were distinct types of living organisms, which could – as types - be ranked by their "perfection" (in effect, their similarity to the human form), and – as individuals – by how well they performed their supposed function in the world. Each sort of living thing had its own "*telos*", whose completion served the overarching goal of "nature". This synthesis helped explain particular features of each type, and identified human beings as that for which the whole of terrestrial nature was organized: "we" (that is, we humans) were thought to be "lords of creation".

This was not, as some have supposed, an *Aristotelian theory*, though some fragmentary thoughts of Aristotle were caught up in it. Aristotle's own theory was closer to the Darwinian synthesis: individual organisms have the features that they do because of their ancestry, and those features chiefly help sustain them in the form of life they characteristically follow. All such organisms have something wonderful and beautiful to show us, and – insofar as there is a settled form of life for human beings – it is best shown in admiring and understanding those beauties. The second-best form of life consists in acting virtuously in a world that is often far from beautiful.[1] Aristotle does seem to endorse the notion that the human form is that from which others deviate, but this very notion also suggests that there is a genealogical connection between all earthly organisms, and that it is from such apparently flawed deviations that new possibilities emerge. Even the production of a female offspring is, in a way, a "lucky accident"!

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The post-Darwinian synthesis (though proponents do often still unconsciously rank organisms by their similarity to the human) is both more egalitarian and less inclined to draw strict boundaries between one kind of creature and another. All contemporary earthly living organisms are related, all are equally "evolved", and the divisions between biological *taxa* are always permeable (not least because every eukaryotic organism is itself an alliance between different lineages). It is *useful*, as Aristotle saw, to classify organisms according to their overall similarities, but this is not to show that one species, family or phylum is radically other than another: all are phenotypical expressions of an underlying unity. Once this is fully realized, it is clear that *ethical* distinctions between one sort and another can never be other than *pragmatic* decisions: differences between individuals and types matter for some purposes, but not for all. All of us writing and reading this volume are as correctly described as eukaryotes, vertebrates, mammals, primates as well as human beings. All of us have the problem of how to live peaceably and productively with creatures of many other species, families and phyla than "our own".

II. Semi-Aristotelian Ideas

But this thesis, to be intelligible, now needs expanding. The older biological synthesis, which still influences popular thought in the West, proposed that biological species were natural kinds: that is to say that conspecifics share a distinct, distinctive nature which serves both to explain much or most of what they do, and to serve as a standard against which their individual characters and achievements can be assessed. To be, for example, a dog, *Canis familiaris*, is to be governed by the very same form that governs all others of that kind. Dogs may differ from each other, but those differences, unless they are merely accidental, serve only to rank them by how close they come to "the ideal dog". Dogs alone and only beget dogs: neither their ancestors nor their descendants can be anything but dogs, however much they vary from the ideal, the true, the really doggy dog. Alternatively, dogs might instead be classified as wolves – and their domestic features would then be considered merely accidental, and fairly easily subverted: if they were released from human domination, they would "revert to type", and even in a human household their real identities sometimes triumph over the conventional. Either way, their being *dogs* (or wolves) is at once a matter of fact (that they are of a certain natural kind, grounded in a shared form and nature), and a value judgment (that their virtues are the ones that enable them - fortune permitting - to live as *good* dogs or wolves, and so fulfil their "natural destiny"). The less they live up

to their type, the fewer virtues they have, the less they are anything at all, as their form does less and less to unify and manage the mere matter of which they are composed. To determine what those virtues are, what it is to be a good dog, we must identify what dogs are, and what it is they do: their *eidos,* their *ergon*, and their *telos.*

These latter terms, though they are Aristotelian or Platonic in their origin, do not accurately represent either Aristotle's or Plato's actual thoughts about living creatures. Their use rather reflects a widely distributed folk-biological understanding. Different species of living creature are distinguished not merely by how they look, but by how they characteristically behave. But a dog can't become a cat merely by behaving like a cat, nor by being disguised as one. The underlying nature of the creature, so we assume, is constant, even if it is not immediately apparent. The very fact that a disguised dog's offspring will be *dogs* reveals that its *eidos*, its controlling form, is canine. And actually whatever the dog does will be something that *dogs* do (and nothing else, at least in quite the same way): a dog's *ergon* is (probably) to cooperate with his human-dominated pack in hunting or herding, guiding or consoling. The dog's development, from puppy to mature adult, is directed towards the realization of his potential as, exactly, an adult dog, playing a proper part within the pack: that is his *telos*. Failure to achieve that goal – by premature death, disease or disability – is a failure only because there is such a *telos*, such a proper fulfilment of the dog's given nature. And if they are really wolves, domestication also is an injury (on a par with enslavement).

In the dog's case, of course, such failures are not *moral* failures (or at any rate, we don't usually suppose they are). The dog has not deliberately betrayed his calling – though his human master may have done (that is, betrayed both the dog's calling, and his own). Human beings, it is traditional to suppose, may play an active role in their own failure to live up to the human paradigm. The very nature of humanity is that we have to decide what to do with ourselves: our choices reflect and embody our personal conception of the better life. It is of course possible that someone may have no such conception, but rather drift from one occasion to the next, at the mercy of her own transient desires and fears. Maybe that is the best she could imagine for herself, though she does not *choose* such a life with any set purpose, or with any wish to recommend it to another. But only "natural slaves" and children live like that: mature humans, even if they are sometimes distracted by transient desires and fears, live as they do because that's how they think it right to live.[2] Any advice to human beings – who are the only creatures who will ever ask for it – on how to live, must

therefore begin by suggesting that we should discover what we need to be able to make good choices. "The best life for human beings is a life lived in accordance with virtues, and if there is more than one such virtue, in accordance with the best and most complete."[3] And this in turn requires us to have some grasp of the world in which we live, and of the obvious truth that we are not alone in it.

Neither Plato nor Aristotle quite endorsed the system that I have described. Plato seems to have considered that there was a single, unchanging *eidos* for every real collection of individuals, but it does not follow that every individual belongs wholly and inescapably to a single such collection. On the contrary, it is because sensible individuals are not wholly, inescapably and only reflections of a single *eidos* that he can think them less than wholly real. No individual dog (as we call it) is only and entirely canine: every such organism may be pulled, as it were, in several directions. The sensible world (that is, the world displayed through our senses, which seems to consist of material particulars arranged in three dimensions of space, and one of time) is not wholly obedient to the eternal pattern of *eide*, which later Platonists explicitly identified as ideas in the mind of God. Aristotle too, though he saw no need to suppose that *eide* had any existence separate from the sensible world, would agree that sensible things are not perfectly and entirely ruled by them. Accidents happen, and genetic variations, because the father's *eidos*, transmitted through seminal fluid, does not perfectly master the matter provided by the mother.[4] It is indeed unusual for offspring to look exactly like their father (and one well-known mare was known as Honest Lady precisely because her colts did resemble their fathers![5]). Plato's *eide* constitute ideals to which living things are drawn, and have an intelligible existence, as a coherent system, in the mind of God. Aristotle too supposed that all things were drawn towards "the Unmoved Mover", and later commentators drew the conclusion that this Mover was eternally united to intelligible reality. Everything has its proper place, in principle, within an Aristotelian cosmos, just in that there is somewhere, or some condition, that each thing tends towards, such that it takes a definite effort for it *not* to stay there, once it has arrived. But it does not follow that the cosmos as a whole tends towards a static condition, with the elements exactly distinguished: on the contrary, everything is always being stirred up and kept away from *stasis*, by the revolution of the heavens in their own effort to persist in as much of the divine life, the Unmoved Mover, as they can manage. The cosmos, almost all Greek philosophers concluded, is eternal, but it does not follow that it is unchanging: there are global catastrophes, as well as local ones, and even if there must always be

something like plants and animals in a living world, it does not follow that there must always have been exactly the same ones, nor that all lineages are uniform.

In brief, the classical Greek philosophers were much more open, in principle, to the thought that one creature can change into another, or beget creatures of another sort than itself, than is usually supposed. There are different styles of living, different ideal forms, and even if no other creature than the human consciously *chooses* which style or form to follow, it is possible for individual organisms to deviate from what had been customary in their kind, and possible for whole lineages to change their way of life, and so in the end their physiology. In the modern post-Darwinian synthesis this latter transformation depends on chance variations within the line, which then prove to have a reproductive advantage in their particular context: there is no expectation that favourable changes will occur more often when individuals take to a new way of life, but only that different variations will be "selected" than would have been before. Whether this is true or not is much more contentious than popular presentations of neo-Darwinian theory suggest. It may be instead that a change of life awakens potentialities of which there had been no need before, or that by changing their way of life the creatures find themselves within the influence of another *eidos*, a different "biological attractor", so that favourable variations occur more often than they would "by chance". But that is another story.

The folk-biological picture has a further element, to which I have already gestured. For there to be a living world there need to be all sorts of creatures working together (however little they know they are) to produce it. Soil itself is very much more than dirt: it is a living system, full of prokaryotic and eukaryotic life. The air we breathe has been created and must be sustained by living things (so that we have no need to visit Mars to know that there is no longer any life on its surface).[6] The trace elements we need in our diets are produced and disseminated by creatures of whom most of us have never heard. All of us depend on the continued being of the prokaryotic population, otherwise called eubacteria and archaea.[7] That bacterial population, though we divide it up into species very much as we divide more familiar plants and animals, is really a single population, in which genetic information is widely shared between what seem to us to be different sorts of bacteria. There are of course pragmatic and transient reasons to treat different bacterial forms rather differently: some of them digest our food for us, and others spread toxins in their wake. But those distinctions are transient, and unreliable. The very bacteria that once caused diseases in a virgin population may develop into symbiotic helpers – or of

course vice versa.

Some philosophers, notably those with Stoic sympathies, have concluded that a creature's *ergon* is not only to do what preserves it in its own characteristic activity, but also to serve the larger good. What a dog does, its *ergon*, is not merely to preserve *itself*, but to help preserve its pack – and also the larger world in which predator and prey are mutually dependent. Individual organisms, as much as individual organs, exist within a larger and more complex whole. The question to ask of any particular organism, or of any particular sort of organism, is not merely how its various limbs, organs and behaviour patterns serve that organism's own survival, but what good it does in the larger world (whether or not it means to). "The endeavour (*conatus*) wherewith each thing endeavours to persist in its own being is nothing more than the actual essence of the thing itself."[8] But no individual thing can thus persist merely by itself: it needs an entire world to sustain it, and particularly the local, living world. A creature that damages that larger world does damage to itself. Other philosophers have been unwilling to consider any such external functions: organisms aren't organs, and human beings, especially, aren't tools. It makes sense to say of eyes, ears, lungs, heart, liver, legs and so on that they wouldn't exist at all if they didn't – in general – do some good to their possessors (or at least enabled them to reproduce). It also makes sense to say that dogs, sheep, cattle and so on wouldn't exist – at least in their domesticated forms – if they didn't do people any good. But it does not seem that creatures "in the wild" wouldn't exist unless they did some larger good. Anthropocentrists have traditionally responded that all such creatures do nonetheless exist to do us good: even bedbugs help to get us out of bed![9] Less anthropocentric theorists have preferred to say that the world is not organized simply for *our* good, but for the beauty and integrity of the whole. If there were no wolves, crocodiles, cassowaries, mosquitoes and the like, the world would be distinctly worse, aesthetically or even practically. The whole would be less varied and inclusive, and soon there would be far too many herbivores even for their own comfort. If existing predators were suddenly removed from the system, it would not be long – geologically speaking – before other predators emerged from hitherto herbivorous lines – which is as much as to say that there is a stable pattern to which the living world is drawn.

But this is not enough to validate the earlier synthesis, expressed by William Kirby as follows:

> In our ascent from the most minute and least animated parts of that Kingdom to man himself, we have seen in every department

> that nothing was left to chance, or the rule of circumstances, but every thing was adapted by its structure and organization for the situation in which it was to be placed, and the functions it was to discharge; that though every being, or group of beings, had separate interests, and wants, all were made to subserve to [sic] a common purpose, and to promote a common object; and that though there was a general and unceasing conflict between the members of this sphere of beings, introducing apparently death and destruction into every part of it, yet that by this great mass of seeming evil pervading the whole circuit of the animal creation, the renewed health and vigour of the entire system was maintained. A part suffers for the benefit and salvation of the whole; so that the doctrine of the sufferings of one creature, by the will of God, being necessary to promote the welfare of another, is irrefragably established by every thing we see in nature; and further, that there is an unseen hand directing all to accomplish this great object, and taking care that the destruction shall in no case exceed the necessity.[10]

Maybe there is an unseen hand, but the story nowadays seems neither plausible nor ethically uncontroversial. Far more of our history is down to chance, and to the choices of individual organisms than Kirby supposed.

What does this change about the way we should evaluate individual organisms? Domesticated plants and animals exist both as natural organisms and as means to humanly determined ends. A good dog or a good cereal crop both perform as we wish them to, for purposes we or our masters have selected (and is that also the criterion our masters use for us?). But none of our domesticated servants are only and entirely human artefacts: they are indeed natural organisms, with their own inchoate purposes and their own "functions" in the larger world – functions, *erga*, that most of them would take up again without delay once we were gone. Even wild creatures are often subsumed into the human enterprise. Game birds, deer, and (in the past at any rate) large carnivores have been preserved in order to be hunted. McKibben has a point: "by domesticating the earth, even though we have done it badly, we've domesticated all that lives on it. Bears hold more or less the same place as a golden retriever."[11] But in those cases we remember much more easily that they do indeed have their own purposes, and some of them may look on us as food. Sometimes we may even see them as something wonderful and beautiful, significant elements of the wider world on which we still depend and which we – sometimes – love.

The wider world is imagined, in effect, as a great work of art, constructed out of themes and variations. Whether a particular variant is an allowable, even a welcome, variation or a fault will always be a matter of judgement. The more traditional view will often see faults where others might see lucky accidents, or the beginning of an unfamiliar theme. What we admire, or tolerate, or condemn will depend on our conception of some *proper* form, and there may be a sudden shift in attitude when the object we are assessing slips in our thought from one imagined paradigm to another (whether that paradigm is a real biological attractor or merely a human image). What do we expect of dogs? As long as we hold the image of Faithful Hound, any deviation from that loyalty will mark the animal as a "bad dog". If we recall instead the image of Intelligent Wolf, we may have less reason to be surprised that the dog seeks his own maturity, and companions of his kind. Crudely, domestic dogs are what wolves would be if they did not grow up. What do we think of snakes? As long as we imagine the stereotypical enemy of other, warm-blooded life, we may find snakes, just as such, unappealing. Imagining them instead as images of wisdom, or still better simply as reptilian organisms with as long an evolutionary past as ours, may allow us to see – as Aristotle advised – something wonderful and beautiful in them as also in the smallest and commonest of things.[12] Snakes aren't simply "legless", any more than seals are "deformed quadrupeds". Or rather, their "deformity" or "lack" is relative only to a form, an *eidos* that is not wholly theirs.[13] People have often found apes (or the other apes?) alarming just because they are both like and unlike people: *apes* of humanity. To see them straight requires that we stop judging them to be deformed. Might not the same apply within our own kind? Commonsensically, to be blind, deaf, rather stupid, dyslexic, autistic, dwarfish, ugly or overly emotional are all variously "defects". Oddly, we generally care less – or, rather, academics writing on these topics care rather less – about physical clumsiness, myopia, innumeracy, ambition and personal conceit (which are, rationally speaking, just as much defects)! Might we not wonder instead whether there are some other ideals in action than the ones we insist are "really human"?

> Suppose he [that is, a particular "backward" child] did remain more like a child than the rest of us. Is there anything particularly horrible about a child? Do you shudder when you think of your dog, merely because he's happy and fond of you and yet can't do the forty-eighth proposition of Euclid? Being a dog is not a disease. Being a child is not a disease. Even remaining a child is not a disease.[14]

III. Clades and Classes

The first discovery that there had been other sorts of creature in the past confirmed one long-held suspicion, that there had been other worlds before our own, divided from us by catastrophe. At the same time it seemed to confirm that something like the same abiding forms, or biological attractors, had been at work in different circumstances. There had been almost-trees, almost-birds, almost-carnivora in the long ago, and God or Nature had swept them aside to make way for what were – to us – more natural-seeming creatures. As fossil evidence accumulated the suspicion grew that these long-lost creatures were, somehow, related to the more modern sort. The new worlds did not simply replace the old: they grew from the old. This did not of itself prove anything against the notion that living creatures variously embodied or copied the ideal forms, *eide*. Embodied forms might look different under different conditions, founded on different material, and not all the possible forms of life need be present contemporaneously. If there were no dinosaurs nowadays, it might still be true that being-a-dinosaur is an eternal possibility, a coherent form of life (or rather a set of such lives) within the larger reptilian scheme. Dinosaurs weren't defective, but magnificent examples of reptilian life, even if they had to be removed to make way for another sort.[15] Richard Owen, sometime Director of the British Museum, and inventor of the term "dinosaur", remained adamant throughout his life that the forms of earthly life reflected those ideals, and that variations within their lineages were occasions when they were moved by a different attractor. Charles Darwin consciously replaced these ideal attractors as explanations for the similarities by ancestral connections.[16]

But before Charles Darwin's innovation – an idea that Richard Owen rather ungraciously described as "no very profound or recondite surmise", but that lacked, at the time, any clear empirical basis[17] – there had been another suggestion. In 1833 Charles Babbage constructed a small portion of the calculating engine he had devised, the Difference Engine, and set it to list the integers.[18] It counted up from 1 to 2 to 3 to every number up to 100,000,001. We might reasonably expect that it would continue "in like fashion", adding 1 to each succeeding number – yet the numbers that followed were 100,010,002; 100,030,003; 100,060,004; 100,100,005; 100,150,006 *and so on* until the 2672nd term, when the rule seemed to change again (and yet again after 1430 terms, and again after 950, and so on).[19]

> Now it must be remarked, that the law that each number presented by the Engine is greater by unity than the preceding

> number, which law the observer had deduced from an induction of a hundred million instances, was not the true law that regulated its action; and that the occurrence of the number 100,010,002 at the 100,000,002nd term was as necessary a consequence of the original adjustment, and might have been as fully foreknown at the commencement, as was the regular succession of any one of the intermediate numbers to its immediate antecedent. The same remark applies to the next apparent deviation from the new law, which was founded on an induction of 2761 terms, and to all the succeeding laws; with this limitation only that whilst their consecutive introduction at various definite intervals is a necessary consequence of the mechanical structure of the engine, our knowledge of analysis does not yet enable us to predict the periods at which the more distant laws will be introduced.[20]

A less alert investigator, of course, might simply have concluded that the engine was defective, even if he could not tell how. Babbage's own insight was that the fossil record revealed just such "sudden changes", "programmed in" (as we would say) from the beginning.[21] Robert Chambers, in his *Vestiges of a Natural History of the Creation*[22], amplified the claim: the very same inherited rules can produce apparently dissimilar phenotypes in differing circumstances as a response to those changed circumstances: birds are what dinosaurs beget when the proper moment comes.

Babbage's challenge to all inductive science was apparently ignored. Chambers' explicit application of the notion to evolutionary history was mercilessly attacked by Thomas Huxley (later to be Darwin's bulldog) amongst others. The chief complaint was that this hypothesis was not empirically confirmed: no lineage within our experience gives the appearance of such sudden change (which is hardly a good argument against the possibility). Darwin's thesis was instead that the changes were very small ones of a kind that we do notice here and now, accumulating over many million years, that they weren't *responses* to environmental change, and that they were programmed from the beginning only in the sense that the mechanisms of inheritance, whatever they were, allowed for many unguided variations. The later, neo-Darwinian synthesis has been more hospitable to catastrophic changes – in the environment and in the lineages themselves – than Darwin, and has also acknowledged that some genotypes, as Chambers supposed, have several different phenotypic manifestations, under different conditions.[23] The modern synthesis is also much *less*

sympathetic than Darwin was to the inheritance of acquired characteristics, preferring to suppose that what is strictly inherited through the germ-line is insulated from any of the responses individual organisms make. Strictly, this separation is not complete: mothers may pass antibodies to their offspring, and even eukaryotes can pick up novel genetic information by retroviral infection. There is no need for evolutionary theorists to be ideologically opposed to all the other, superficially non-Darwinian, hypotheses about evolutionary change. Even Owen's biological attractors may be manifested in convergent evolution: plesiosaurs, whales, dolphins, manatees, seals, otters may all be guided by or towards a common form. And ancestral programs may re-emerge after many generations: Pax6, the master gene for eyes, seems to have been invented only once, back in the pre-Cambrian, but not every creature still containing that gene has eyes. Pax6 is necessary, but not sufficient, and where there is no need for eyes, that gene may seem to be surplus. Inferentially, what we consider "junk DNA", not currently expressed, may be stockpiled against some possible future emergency.

What all these evolutionary ideas have in common, however, is that species boundaries – crudely – are unreal.[24] Whether dogs are a different *species* than wolves may once have depended on whether they were of different natural kinds. Nowadays they are a single species insofar as they can breed together – and Chihuahuas and Irish wolfhounds would *not* count as a single species were it not that there is a range of dog-breeds as it were in between the small and large. The barriers against interbreeding (that is, against combining otherwise separate gene lines into hybrid offspring) may be merely geographical, or behavioural, or physiological, or biochemical. And even thoroughly separate species may still share genetic information, by retroviral infection. Species are distinct only in the way that different streams of water are distinct: those streams may divide and reunite, and never *needed* to trace exactly the path they did. There is even some reason to suspect that the separate lineages that led to chimpanzees and hominids merged again before their final (so far) separation.[25]

This was G. K. Chesterton's chief problem with Darwinian theory, that it denied the existence of natural kinds, and any natural division especially between the human and non-human.

> If evolution simply means that a positive thing called an ape turned very slowly into a positive thing called a man, then it is stingless for the most orthodox; for a personal God might just as well do things slowly as quickly, especially if, like the Christian God, he were outside time. But if it means anything more, it

> means that there is no such thing as an ape to change, and no such thing as a man for him to change into. [26]

There was never a first *human* couple, different in nature from their immediate parents. Instead, the lineage grew more human (that is, more like us) only by degrees – and some of our contemporaries, it was easy to suggest, were still less human than ourselves. Slightly less complacent thinkers might agree that modern Western humanity was only a bridge between the sub-human and the super-human.[27] But even they had no doubt of their own superiority over their contemporaries, and no doubt that the super-human would be just like them, only better. And very few drew the other conclusion, that even those we categorize as non-human are our close cousins, just as highly evolved and just as deserving of our care and admiration.

This thesis, that life forms a continuum in which any apparently separate sorts are historical accidents or maybe even merely specious or fashionable divisions, is not without precedent. Aristotle himself suggested as much.[28] It is convenient to group creatures together by their resemblances, but there will always be creatures that seem to belong in more than one class, and there will always be underlying unities even between creatures that are not superficially similar. There are even some signs that Aristotle thought some creatures resembled each other chiefly because they shared an ancestor: whereas Plato's system allows for unrelated creatures nonetheless to reflect or embody one and the same form, Aristotle proposed that form was transmitted only procreatively, from father to offspring. There would have been a better fit with the phenomena he describes if he had not assumed that mothers only provide the matter on which that form can be impressed: strictly both parents pass the information on. Indeed, insofar as it is up to the cells that grow from the maternal ovum to decide which part of the DNA they should read and act upon, it might be better to emphasize maternal ancestry. Either way, the conclusion is that we are all related, all descended from a common stock, all reading from the same genetic pages. One way of bringing this point home is to imagine how the present human population itself might, over time, expand to fill the ecological niches vacated by all the creatures eliminated in the Seventh Extinction. In that imaginable future – rather like the future sketched by Olaf Stapledon in *Last and First Men* – our descendants could be anything from super-humans to sea-squirts. And each of those apparently separate lines could still contain the potential for a further flowering.

Folk-taxonomy still relies on *classes*, whether these are defined by

phenotype or genotype, the visible characteristics or the hidden, inherited, codes. This isn't necessarily any more of an error than is speaking of "sunrise" and "sunset" even though we know very well that it is the earth that revolves, and not the sun that rises and falls through the heavens. Even biologists make use of many different concepts of *a species*.[29] It is sometimes important to distinguish vipers (*Vipera berus*) and grass-snakes (*Natrix natrix*) just because it is vipers that are very much more likely to be venomous. But the reality, from a longer point of view, is that creatures classed as vipers and grass-snakes are all members of a particular *clade*[30], a line of descent (*Serpentes*), which does not necessarily retain any particular distinct character, visible or genetic, through all its generations.

> Since species evolve… they should be treated not as classes whose members satisfy some fixed set of conditions – not even a vague cluster of them – but as lineages, lines of descent, strings of imperfect copies of predecessors, among which there may not even be the manifestations of a set of central and distinctive, let alone necessary and sufficient common properties.[31]

This point is especially evident when we consider fossil species. It is not merely that we don't now *know* where to put the line between – for example *Homo erectus, habilis, heidelbergensis, antecessor, neanderthalensis, sapiens* and so on – but that there is nothing actually to know. All these hominids (and how easy is it to distinguish hominids from other primates?) are descended, probably, from some fairly recent single primate population, just as all modern humans however various they seem are descended from a small band of hominids somewhere, probably, in north-east Africa. Once upon a time (and not that long ago) there were many contemporaneous more-or-less human kinds. Even now there are many distinct populations of *Homo sapiens*: the common idea that evolution has somehow halted is a political and not a scientific thesis.[32] And all primates are likewise descended from a single mammalian population, contemporaneous with the downfall of the dinosaurs. All of them – indeed all living creatures in the world – carry the same core genes, and all are rivulets, as it were, from a single spring. Different clades may carry different selections from the ancestral genome, or accumulate significant variations in their relative isolation. Those differences may be expressed in many different phenotypes, which may also converge upon especially useful forms, so that it will not be immediately evident whether some shared phenotypical character indicates a recent common ancestor, or merely a common situation. Crocodiles are

more closely related to birds than they are to lizards. Oak-trees are closer to daisies than they are to pines.

IV. Conclusions

Biological *taxa* aren't natural kinds. But it might still be true that each individual organism has a definite nature, determining what it can do and suffer. It is possible that each such organism has a unique nature, requiring precisely engineered conditions for its best survival. That indeed may be the current biomedical future: medications designed precisely for each individual gene-set, as that is expressed through nurture and the environment. But it is likelier that we will settle, even there, for a cut-price version, in which drugs, diet and mode of life are recommended on the basis of the individual's membership of a finite set of classes: male, sedentary, elderly Caucasians will get different treatment than female, athletic, youthful Aboriginals (and only occasionally will this be the wrong bet). Even though elephants can swim (and some of their descendants, like their cousins, may someday be marine mammals – or creatures for which we have no present label) present-day elephants do need some time on land. So even though biological taxa don't have quite the weight that folk-taxonomy has given them they may still be important to decisions about how to treat different creatures, and what a good life might be like for creatures of one sort or another.

But despite these concessions to the merits of folk-taxonomy, it is still worth examining the more radical suggestion, that all living creatures are variations on a single theme, inheritors of a single genome, companions in a single enterprise. The moral revolution that gave us humanism as an ideal was founded on the recognition of a common nature, a common inheritance, in human beings of widely differing appearances and capabilities. A similar change in outlook is required for a better informed biocentrism. Humanism is compatible with the understanding that most adult human beings are lactose-intolerant: the variation that allows most adult Caucasians to drink cow's milk is not widely shared. Biocentrism is also compatible with understanding that most animals live commonsensically within their own immediate surroundings: the variation that allows most modern humans (and probably other, extinct, hominids as well as, possibly, extinct creatures of quite another line) to construct and share dream-worlds (so that we live not only in our immediate sense-world but in an *imagined* world, whether that is inhabited by gods and ghosts or by more "scientific" entities) may be responsible for our present dominance (and may be responsible also for our sometime extinction).

Was Chesterton right to be alarmed? He saw in Darwinian theory (as he also might in Chambers' theory) the threat that humanity itself was not a natural kind, and therefore not a kind to be preserved or honoured. Not only was there no clear break between the human and non-human (as there may be no clear break between day and night), the human was not even a single, stable thing (as if daytime itself could not be counted on). "Human nature" turns out to be simply a ragbag of once-useful adaptations and not-too-harmful oddities, and the ease with which we recognize "the human" across the globe, from English villagers to Amazonian tribes, is simply a reminder that our common ancestors were very recent. The fact that European explorers have sometimes thought non-Europeans more alien than they are should not prevent our seeing that sometimes the different human tribes are already much more alien to each other than good liberals prefer. And in that rests a danger.

> The sub-conscious popular instinct against Darwinism was… that when once one begins to think of man as a shifting and alterable thing, it is always easy for the strong and crafty to twist him into new shapes for all kinds of unnatural purposes. The popular instinct sees in such developments the possibility of backs bowed and hunch-backed for their burden, or limbs twisted for their task. It has a very well-grounded guess that whatever is done swiftly and systematically will mostly be done by a successful class and almost solely in their interests. It has therefore a vision of unhuman hybrids and half-human experiments much in the style of Mr. Wells's *Island of Dr Moreau*... The rich man may come to be breeding a tribe of dwarfs to be his jockeys, and a tribe of giants to be his hall-porters.[33]

It was not a fear without foundation, and insofar as evolutionary theory is still taken to have such implications it is understandable that many would rather it wasn't true. This is especially so when Darwin's own theory of natural selection was wrongly interpreted:

> Among the innumerable muddles, which mere materialistic fashion made out of the famous theory, there was in many quarters a queer idea that the Struggle for Existence was of necessity an actual struggle between the candidates for survival; literally a cut-throat competition. There was a vague

> idea that the strongest creature violently crushed the others. And the notion that this was the one method of improvement came everywhere as good news to bad men; to bad rulers, to bad employers, to swindlers and sweaters and the rest. The brisk owner of a bucket-shop compared himself modestly to a mammoth, trampling down other mammoths in the primeval jungle. The business man destroyed other business men, under the extraordinary delusion that the eohippic horse had devoured other eohippic horses. The rich man suddenly discovered that it was not only convenient but cosmic to starve or pillage the poor, because pterodactyls may have used their little hands to tear each other's eyes. Science, that nameless being, declared that the weakest must go to the wall; especially in Wall Street. There was a rapid decline and degradation in the sense of responsibility in the rich, from the merely rationalistic eighteenth century to the purely scientific nineteenth. The great Jefferson, when he reluctantly legalised slavery, said he trembled for his country, knowing that God is just. The profiteer of later times, when he legalised usury or financial trickery, was satisfied with himself; knowing that Nature is unjust.[34]

But as Chesterton recognized, this interpretation of Darwinian theory was mistaken: the race is not to the swift, and certainly not to the tyrannical. And we may suspect that the supposed effects of believing in a biological continuum would also rest on a mistake. Those who accept that there are no rigid boundaries in nature, and that nearly the same gene-set which maintains our own bodily being might, in different circumstances, have had a very different outcome, don't have to believe that we, as individuals, are indefinitely malleable, nor that it would be right to engineer particular outcomes to suit the interests of the rich and powerful. On the contrary, we may both relish the actual outcomes, and remember that there is one and the same nature at work in all of us – from super-humans to sea-squirts. Nor do we have to *imagine* what people who think like this would do: Platonists and Pythagoreans were the ones who more often insisted on respect for other creatures, however little "like us" they might at first appear, while also supposing that the same soul, the same life, was at work in all of them. That is another and still longer story. It is enough for now to understand the dangers, and embrace the opportunities, of a biologically educated biocentrism.

There is a danger that we interpret difference as dangerous, and

therefore either humanely deny the differences, or more aggressively destroy them – but both responses are paying homage to monoculture. There is also a danger, identified by Chesterton, that we might welcome difference, but only where it serves our ends (or our masters'). But this too pays homage to monoculture – a conviction that all is for the best when it is organized toward a single goal. There is a better response, and one that is more in tune with the actual history, so far as we can see, of the living earth. Differences are desirable, in the living earth as much as in human society, since it is only such differences that allow us to survive at all. They are desirable also in that – as we recognize – it is the more varied, colourful world that is the more beautiful, the more worth our worship. Differences are not diseases. And variations are always on a theme.

Notes

1. See my paper "The Better Part", in *Ethics*, edited by A. Phillips-Griffiths (Cambridge University Press: Cambridge 1993), 29-49.
2. See my papers "Slaves and Citizens", *Philosophy* 60 (1985): 27-46, and "Slaves, Servility and Noble Deeds", *Philosophical Inquiry* (Thessaloniki) 25.3-4 (2003): 165-76.
3. Aristotle, *Nicomachean Ethics* 1, 1098a 16-18.
4. See D. M. Balme, "Aristotle's Biology was not Essentialist", *Archive fur Geschichte der Philosophie* 62 (1980): 1-12, and my paper "Is Humanity a Natural Kind?", in *What is an Animal?*, edited by Tim Ingold (London: Unwin Hyman, 1988), 17-34 [reprinted in *The Political Animal* (London: Routledge, 1999), 40-58].
5. Aristotle, *Politics* 2, 1262a; see further Devin Henry, "Aristotle on the Mechanism of Inheritance", *Journal of the History of Biology* 39 (2006): 425–455.
6. See James Lovelock, *Gaia: A New Look at Life on Earth* (Oxford: Oxford University Press, 2000, 3rd edition).
7. Archaebacteria are a distinct kingdom – as distant from eubacteria as the latter are from eukaryotes such as plants, animals and fungi. Both sorts of prokaryote are vital to global – and our own – survival. Eukaryotes may have originated in an alliance between strains of archaebacteria and eubacteria. See Lynn Margulis and Dorion Sagan, *Microcosmos: Four Billion Years of Microbial Evolution* (Berkeley: University of California Press, 1997, 2nd edition).
8. Spinoza, *Ethics* 3.7.
9. See Plutarch, *On Stoic Self-contradictions*, 1044d; *The Hellenistic Philosophers*, edited by A. A. Long & D. N. Sedley (Cambridge: Cambridge University Press 1987), vol.1, 328 (540).
10. William Kirby, *On the Power, Wisdom and Goodness of God as Manifested in the Creation of Animals and in their History, Habits and Instincts* (Cambridge: Cambridge University Press, 2001; first published 1835), vol. 2, 526.
11. Bill McKibben, *The End of Nature* (Harmondsworth: Penguin, 1990), 78 – though it might be as well not to act on that assumption when you next encounter a bear.
12. Aristotle, *De partibus animalium* 1, 645a 15f.
13. See further my *Aristotle's Man: Speculations upon Aristotelian Anthropology* (Oxford:

Clarendon Press, 1975), 28-47.

14. G. K. Chesterton, *Four Faultless Felons* (London: Cassell, 1930), 39
15. So Adam Sedgwick in his "Objections to Mr. Darwin's Theory of the Origin of Species" (7th April 1860), reprinted in *Darwin and his Critics*, edited by David Hull (Chicago: University of Chicago Press, 1983), 159-66: "the reptilian fauna of the Mesozoic period is the grandest and highest that ever lived" (ibid., 162-3).
16. Charles Darwin, *The Origin of Species* (London: Dent, 1971; first published 1859), 413, 420.
17. Richard Owen, "Darwin", in *Darwin and his Critics*, edited by David Hull (Chicago: University of Chicago Press, 1983), 195.
18. Charles Babbage, *The Ninth Bridgwater Treatise*: *A Fragment* (London, 1838; re-issued by Frank Cass: London, 1967), 186ff. The treatise is so called not because Babbage had written eight earlier ones, but because it was a response to the eight Bridgwater Treatises composed by other leading 19th century thinkers.
19. Ibid., 34ff.
20. Ibid., 38f. Babbage's larger Difference Engine was not completed till 1991, and seems to be able to return expectable results up to 31 digits. His imagined "Analytical Engine" has not so far been completed – except that all modern computers are its descendants.
21. Ibid., 44ff.
22. Robert Chambers, *Vestiges of the Natural History of Creation* (1844: reissued by Leicester University Press: Leicester, 1969). See my *Biology and Christian Ethics* (Cambridge: Cambridge University Press, 2000), 22ff.
23. See http://www.biologie.uni-hamburg.de/b-online/e37/37b.htm (accessed 19 February 2011): "*Hieracium umbellatum* [leafy hawkweed], for example, occurs at the Swedish west coast in two different ecotypes. One ecotype is a bushy plant with broad leaves and expanded inflorescences growing on rocky cliffs at the sea. The other is a prostrate plant with narrow leaves and small inflorescences that grows on sand dunes. As the rocky cliffs and the sand dunes alternate along the coast, so does *Hieracium umbellatum* give rise alternatively to its corresponding ecotypes. The plants keep their habitat-specific appearance under standardized experimental conditions. If, however, plants from one habitat were moved to the other type of habitat, they changed their appearance and adapted to the new environment. These experiments demonstrate the profound selective advantage of different genotypes in different habitats. Furthermore, they show that a given genotype has enough flexibility to produce phenotypes that are optimally adapted to the actual environmental conditions through modification." Rather more radically, the implication of Chambers' hypothesis is that birds – were they to be removed to a Jurassic environment – would begin to hatch dinosaurs instead.
24. "Perhaps a less elegant but more apposite title for Darwin's book would have been *On the Unreality of Species as shown by Natural Selection*": Elliot Sober, *The Philosophy of Biology* (Boulder, Colorado: Westview Press, 1993), 143.
25. See http://news.bbc.co.uk/2/hi/science/nature/4991470.stm reporting N. Patterson, D. J. Richter, S. Gnerre, E. S. Lander, D. Reich, "Genetic evidence for complex speciation of humans and chimpanzees", *Nature* 441 (2006): 1103-1108 (accessed 29 June 2006): "Our analysis also shows that human–chimpanzee speciation occurred less than 6.3 million years ago and probably more recently, conflicting with some interpretations of ancient fossils. Most strikingly, chromosome X shows an extremely young genetic divergence time, close to the genome minimum along nearly its entire length. These unexpected features would be explained if the human and chimpanzee lineages initially diverged, then later exchanged genes before separating permanently", http://www.nature.com/nature/journal/v441/n7097/abs/nature04789.html, accessed 20 September 2006).

26. G. K. Chesterton, *Orthodoxy* (London: Fontana, 1961), 34 (first published 1908).
27. "'I was a fish and I shall be a crow', said Tancred": Benjamin Disraeli, *Tancred, or The New Crusade* (London: Henry Colburn, 1847), vol.1, 227. Disraeli was satirizing Robert Chambers' evolutionary ideas, or rather the "progressive" interpretation commonly given (see my *Biology and Christian Ethics,* op. cit., 36-7).
28. Aristotle, *De partibus animalium*, 681a 12f; see my *Aristotle's Man*, op. cit., 31-2.
29. See Richard A. Richards, *The Species Problem: A Philosophical Analysis* (Cambridge: Cambridge University Press, 2010).
30. A clade is defined as the descendants of a common ancestor: how far back that ancestor is to be found determines in practice what level of biological taxon (kingdom, phylum, class, order, family, genus, species) is in question. See Henry Gee, *Deep Time: Cladistics, the Revolution in Evolution* (London: Fourth Estate, 2001).
31. Alexander Rosenberg, *Sociobiology and the Pre-emption of Social Science* (Baltimore: Johns Hopkins Press, 1980), 122-3.
32. See Gregory Cochran & Henry Harpending, *The 10,000 Year Explosion* (New York: Basic Books, 2009).
33. G. K. Chesterton, *What's Wrong with the World* (London: Cassell & Co., 1910), 259.
34. G. K. Chesterton, "The Return to Religion", in id., *The Well and the Shallows* (London: Sheed & Ward, 1935).

Myrto Dragona-Monachou*

Is There Room for Moral Consideration of Animals in Stoic Logocentricism?**

I. Introduction

Richard Sorabji, reviewing the modern one-dimensional defense of animals, gives an excellent and thorough account of another one-dimensional depreciation of them; tracing the debate about the moral status of animals back into ancient philosophy, he remarks: "Unfortunately, the Stoic view of animals, with its stress on their irrationality, became embedded in Western, Latin-speaking Christianity above all through Augustine."[1] It also became embedded in Eastern, Greek speaking Christianity.[2] Referring to Sorabji's book, Martha Nussbaum notes: "Stoicism with its emphasis on the capacity of humans for virtue and ethical choice, exercised far more widespread influence than any other philosophical school in a world of war and uncertainty – but it had a very unappealing view of animals, denying them all capacity for intelligent reaction to the world and denying, in consequence, that we could have any moral duties to them."[3] In fact, although rationality, in a certain sense, became the borderline between humans and other animals since Aristotle[4] – not to mention Alcmaeon[5] –, there were the Stoics who used to speak consistently of "irrational animals" having deified reason (λόγον) and particularly *right reason* (ὀρθὸν λόγον), common to gods and men alone.

In this paper I shall present the most important Early and Late Stoic views of the constitution and the moral status of animals and I shall discuss them from the viewpoint of Stoic ethics, justice and law. Although the core of the Stoic system can be reconstructed from quotations and summaries of the works of the leaders of the Old Stoa, preserved by later authors – often with a critical spirit –, the fragmentary character of our evidence does not always allow us to grasp the rationale of their authentic views. What the Late Stoics have said on this matter in their writings that have come down to us allows us to understand better their respective arguments and "what is meant in practice to be a committed Stoic"[6]. However, given that the Stoics

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unequivocally denied reason to animals, I shall begin my account with the Stoic doctrine of *logos* (λόγος) as a descriptive and normative concept that played a cardinal role on their disputing the moral status of animals. I shall also assess the Stoic version of rationality[7] within the materialist – rather corporealist[8] – ontology and their denial of innate ideas, which renders problematic the rationalistic rather than the empiricist character of the Stoic system.[9] So, I shall quote some fragments of the Early Stoics on animals, and present their most important views of them, culled from the treatises of the Late Stoics, also mentioning some deviations of Posidonius. I shall then try to explain and to some extent justify the Stoic views on the basis of the rigidity and exactness of their logocentric ethics. And I shall draw some hints on the subsequent criticism of the Stoic views by Platonists, Academics, Neo-Pythagoreans and others, just to show that the current debate on the cognitive and moral status of animals has its origin in various attempts to refute Stoic anthropocentricism and logocentricism in Hellenistic and Roman times.

II. The Stoic Concept of Logos

The dictum of St. John in the fourth Gospel "*Logos* was God" has a long history in Greek philosophy, being almost simultaneous with it as a reaction to traditional ways of thinking expressed in myth, poetry, ritual and authority. *Logos* became the key philosophical term in Heraclitus as a cosmic principle, common to all humans, as reason and voice of the world (B 1, 2, 50, 72 DK).[10] Its "linguistic density"[11] perhaps accounts for the ambiguity of the concept of rationality in its subsequent developments and for its central role in philosophical theory and practice. Even in Heraclitus *logos* has many senses: word, account, speech, discourse, reason, common law, ground, measure, proportion, report, fame, rule, argumentation, etc.[12] *Logos* was identified by Socrates with the virtues as prescriptions, i.e. as kinds of knowledge, as we explicitly know from Aristotle[13], and perhaps it is not accidental that because of that and the paradigm of his whole life, the Stoics wanted to be called Socratics.[14] Aristotle had taken right reason (ὀρθὸς λόγος) as almost equivalent to *φρόνησις* and analogous to practical reason[15], thus considered to have initiated the so-called "ethics of right reason"[16], though to a lesser degree than the Stoics.

Logos as the cardinal concept of all philosophical branches, as an alternative description of god and of the divine element in man, shared by gods and men alike, and as the law of Nature, was particularly exalted by Zeno, the founder of Stoicism who designated god as the *logos* of Nature and of the world, and was glorified by his disciple Cleanthes strongly influenced

by Heraclitus in his famous hymn to Zeus.[17] According to Zeno *logos* is the "creative principle of the world", "identical with god" (SVF I 85)[18], who is the "seminal reason of the universe" (I 102). Right reason (ὀρθὸς λόγος) is the "common law of the universe", the *law of Nature,* and a normative code of conduct commanding what is right and deterring from what is wrong (I 160: 162). The Stoics also revived the Heraclitean Fire, but *logos* had preeminent importance in all parts of Stoic philosophy: physics, logic and ethics. Emile Brehier says: "It is one and the same *logos* that connects subsequent propositions to antecedents in dialectic, lays the foundations of a causal nexus in nature and provides the basis for the perfect harmony in actions in matters of conduct."[19] Rightly Max Pohlenz called Zeno's philosophy *Logosphilosophie*.[20] "Living in accordance with Nature", which is the fundamental moral principle in Stoic ethics, is equivalent to "living according to reason", living *ὁμολογουμένως*, i.e., in an etymological sense, "living consistently". This might be taken as a categorical imperative (I 179) since Nature is thoroughly rational, and as such is identical with god (I 182: II 937: 945). Right reason is "the common law, pervading everything and assigning every one his due, prescribing what is to be done and forbidding what is not to be done" (II 1003: III 3, 337, 339). This is how in the last resort morality and justice coincide. Only rational beings are capable of living according to virtue – which for the Stoics is sufficient for happiness (I 187) – and act according to justice, since Nature has conciliated humans with what is *honestum* (I 181). Cicero says:

> For to those to whom nature has given reason (*ratio*), she has also given right reason (*recta ratio*), and therefore also law, which is nothing else than right reason enjoining what is good and forbidding what is evil. And if nature has given us law, she has also given us right. But she has bestowed reason on all, therefore right has been bestowed on all.[21]

Although Aristotle defined man not only as a political animal, but also as an animal possessing reason[22], the Stoics were the first to explicitly define humans as rational (λογικά) animals to distinguish them from the irrational (ἄλογα) ones. Thus, rationality became the definitive mark of human beings.[23]

Given that the Stoics had endorsed corporealism and a monistic psychology, *logos* is not something radically different from sensation and impulse; it is the sum total of the *a posteriori* formed "common notions" (κοιναὶ ἔννοιαι) and "universal natural notions" (προλήψεις); it is formed

by sensations and impressions (φαντασίαι) and is completed when humans reach maturity, i.e. in seven or fourteen years from birth (II 83: 835: 841 III 511). *Logos* is principally situated in the ruling part of the soul (ἡγεμονικόν). Given, moreover, the unitary aspect of the human soul in Stoicism, even emotions (πάθη), usually assumed to be non rational, are also considered erroneous judgments of the reasoning faculty (III 461), also defined as distortions of reason (III 382). In the cosmic sense *logos* is the formative principle of matter pervading it throughout, the generative principle of the world, the efficient cause of all things, *πνεῦμα* or artistic fire, i.e. god, nature, fate and providence (II 580, 599, 937, 1051). Although soul is common to all living beings, it belongs to the nature of rational animals to "move" according to reason, and not according to soul (III 462). From this respect humans are far superior to beasts (III 343). According to Sextus Empiricus:

> Man differs from irrational animals because of internal speech (λόγος), not uttered speech, for crows and parrots and jays utter articulate sounds. Nor does he differ from other creatures in virtue of simple impressions – for they too receive these – but in virtue of impressions created by inference and combination. This amounts to man's possessing the idea of "connection" through which he grasps the concept of signal (σημεῖον). For signal itself is of the following form: "If this, then that." Therefore the existence of signal follows from the nature and constitution of man.[24]

As Sorabji puts it, according to the Stoics animals at least "do not have syntax"[25]. Hence animals are created for the sake of humans (III 658, II 1152, 1153), because animals are devoid of reason (I 515). What is more important is that according to the Stoics man has many affinities with other animals, but he is the only being in the universe that has sense of good and evil because he is rational. Reason is for humans the "craftsman of impulse", given to them by Nature for their most perfect protection. This is how Diogenes Laertius has put it:

> They [the Stoics] say that an animal has self-preservation as the object of its first impulse, since nature from the beginning appropriates it, as Chrysippus says in his *On Ends* book I. The first thing appropriate (οἰκεῖον) to every animal, he says, is his own constitution and the consciousness of this. For nature was

> not likely either to alienate (ἀλλοτριῶσαι) the animal itself, or to make it and then neither alienate it nor appropriate (οἰκειῶσαι) it… This is why the animal rejects what is harmful (βλάπτοντα) and accepts what is appropriate (οἰκεῖα). They hold it false to say, as some people do, that pleasure (ἡδονὴ) is the object of animal's first impulse (ὁρμή). For pleasure, they say, if it does occur, is a by-product which arises only when nature by itself has searched out and adopted the proper requirements for a creature's constitution, just as animals [then] frolic and plants bloom, Nature, they say, is no different in regard to plants and animals at the time when [or in that] it directs animals as well as plants without impulse and sensation, and in us certain processes of a vegetative kind take place. But since animals have the additional faculty of impulse, through the use of which they go in search of what is appropriate to them, what is natural for them is to be administered in accordance with their impulse. And since reason (λόγος) by way of a more perfect management, has been bestowed on rational beings (τοῖς λογικοῖς), to live correctly in accordance with reason comes to be natural for them. For reason intervenes as the craftsman of impulse.[26]

Diogenes Laertius further explains that the end of man "living in agreement with nature" is according to Zeno (I 180) equivalent to "living in agreement with virtue", since nature – by granting humans reason – makes them understand their natures as "parts of the nature of the whole", which includes both individual and universal nature and deters from activities forbidden by universal law, which is right reason pervading everything and identical to Zeus (DL VII 87-9 = SVF III 4).

What we learn from this most informative evidence, answering the question of the title of our paper and summarizing in a certain sense the account of Stoic ethics as given by Cicero in his treatise *De finibus bonorum et malorum*, is that both animals and men have many things in common, which are crucial for their protection thanks to the workings of Nature, but men have the additional privilege to be endowed with reason, a provision decisive for their orientation towards a moral end. The protection of animals is secured by their instinct of self-preservation, their self-endearment and self-awareness through which, by following Nature, they do not pursue pleasure, as the Epicureans claimed, but what is suitable to their own constitution (III 229a). For man, however, who is endowed with reason, following his own nature rightly becomes "living according to reason", i.e.

"according to virtue", thus "living honestly and justly", which means "living morally". Reason is "the craftsman of impulse" which transforms the human end from "according to nature" into "according to virtue", and marks the distinction of humans from other animals. It is because of their gift of reason that humans strive for honesty, justice and perfection. Reason is the sole human prerogative that renders all other natural kinds subservient to men, thus excluding animals from the moral community.

III. Animals in Early Stoicism

An animal is defined as an "animate and sensitive substance" (SVF II 633) composed of "artistic fire" (I 120) and "inherent pneuma" (II 792). In contrast to plants that are governed by nature alone, animals are governed also by soul, and their inherent psychic *πνεῦμα* is drier than that of the plants (II 715-716). There are differences among them: land animals and birds, unlike fish, are breathing the same air with us and their souls are akin to air (II 721). Irrational animals have been created to exercise the rational ones (II 1173), and for the sake of beauty (II 1163). Animals are affiliated to themselves and their off-springs (II 718: III 183: II 1133). They have impulses and form impressions, but they do not share in the logical power which belongs only to the human soul (II 714). They are activated (ἐνεργοῦσι) according to fate, having within themselves the cause of their movement (II 988), and following their impulse (II 979: III 178), but they do not act (II 1002) as do humans alone.[27] Animals are superior to non-animals because they form impressions and possess impulses leading to proper functions (II 844). The proper functions (καθήκοντα) of non-rational animals are different from those of the rational; because their appetite is not a rational impulse, but a kind of an irrational one, since rational impulse needs assent, an activity belonging to rational animals who discern impressions and give their assent to them (III 169: II 714: 991). Nature has not entrusted to animals anything else than their impressionistic nature, i.e. it has not granted them reason to discern impressions, approve or disprove them, reject some and accept others and be guided accordingly in view of good and evil (II 988). Yet, although animals do not possess wisdom and reason, nor do they possess mind, unless a very weak one (I 377), they do have a natural construction (φυσική κατασκευή) created by reason for their salvation (II 725). While appropriate act (καθῆκον)[28] is usually defined in reference to humans as that which has a reasonable justification (III 493), and in most of its versions it is connected with *logos* – though not with *ὀρθὸς λόγος* as is the perfect appropriate act (κατόρθωμα III 501), i.e. the moral action, a Kantian duty –, *καθῆκον* as a proper function is also

ascribed to animals and even to plants (III 493). Animals are also said to have a "principal power" of the soul by means of which they discern food, traps, etc; yet, this is not rational, but natural (II 879). Their soul does not have appetitive, emotional and rational parts (II 905), and perishes together with their body (II 809).

These fragments of the teaching of the Early Stoics testify to the assumption that animals are deprived of reason and reasoning in the strict sense, and this marks their decisive difference from human beings accounting for their exclusion from the moral community. This is corroborated by some fragments on ethics, which fully accord with the best account of Stoic ethics given by Cicero in the third book of his *De finibus bororum et malorum* coinciding in basic lines with Diogenes Laertius' summary of Stoic ethics (DL VII 84-131). Philo asserts that irrational animals do not share with humans of virtue and vice, because they are deprived of mind and reason (III 372). Other authors assert that according to the Stoics animals do not have emotions (III 462), and they behave according to their nature performing proper to their own nature functions (I 230; III 493-4). We are also told that there is not in them genuine sociability (III 346), despite their affection for their off-springs (III 340), nor do they have cities and institutions (III 368). So, there exist no relations of law between them and humans (III 9). Being created for man's sake, they can be used by humans, who cannot be considered liable for committing injustice towards animals (III 371).

However, some critics of Stoic dogmatic rationalism such as Plutarch and Sextus Empiricus allege that the leaders of Stoicism sometimes seemed to oscillate in their contention that rationality is exclusively a human property, and ascribe some sort of reasoning to animals, despite their will. Cleanthes, for instance, who was deemed to have also strongly argued that animals do not participate in reason, is said by Plutarch and Aelianos that, after having watched a long line of ants transporting a deceased ant in a ceremonial way and after having received ransom consigning it to its familiars which led it to its own nest where it was received by its "relatives", he became impressed and felt forced, even against his will, to concede that animals do not come thoroughly short of reasoning.[29]

Yet, more interesting from the viewpoint of the philosophy of mind is the information given by Sextus Empiricus about the so-called "Chrysippus' dog", extensively commented by ancient, medieval, modern and contemporary scholars in reference to logic, ethology, even robotics.[30] Sextus Empiricus in his work *Outlines of Pyrrhonism*[31], discussing Aenesidemus' "ten modes" (logical grounds of doubt) and exhibiting arguments in favor of the relativity of knowledge, he is attacking the Stoic

doctrine of "sign" (σημεῖον), referring to Chrysippus by name and ascribing to him an "apparent" self-contradiction regarding the capacity of animals for logical reasoning. It is perhaps worthwhile to integrate Chrysippus' presumed view within the whole context of the discussion: The first of these modes, also called "arguments" and "positions", is based on "the variety of animals". The first argument is that "the same impressions are not produced by the same objects owing to the differences of animals", i.e. to the difference of their origin and the variety of their bodily structure (I 40). This leads to the conclusion that in need of a judge "we are able to state our own impressions of the real object, but as to its essential nature we shall suspend judgment… also unable to give our own sense-impressions the preference over those of the irrational animals" (I 59-61). In this context Sextus argues against the "dogmatists", particularly against the Stoics who do not compare irrational animals with men, considering such a comparison unequal. He bases his argument on dogs, which are "held to be the most worthless of animals". What he wants to show is that "even in this case we shall find that the animals… are not inferior to ourselves in respect of the credibility of their impressions" (I 63). He argues that "it is allowed by the dogmatists that the dog excels us in point of sensation" (I 64). Yet, according to him dogs are not inferior to humans regarding their reasoning faculty (*logos*), and particularly their internal reason, which has to do with choice of things congenial, and avoidance of things alien, with arts and virtues, such as justice "rendering to each his due", etc. (I 65-68). He then adds:

> According to Chrysippus (that arch-enemy of irrational animals)[32] the dog even shares in their legendary dialectic. At any rate, this man says that the dog applies himself to a multiple "fifth indemonstrable" when he comes to a triple fork in the path, and, after sniffing the two paths which his quarry did not take, sets off at once down the third without even sniffing it. For, the ancient philosopher says, the dog is in effect[33] (δυνάμει) reasoning: "Either my quarry went this way, or this way. But neither this way, nor this way. Therefore this way."[34]

In the sequel Sextus ascribes "comprehension and assuaging of his own sufferings" to the dog, as allegedly "observing prescriptions of Hippocrates", i.e. emotions and virtues that belong to the sphere of internal reason. He also refers to the dog's apprehension of the "sign" (σημεῖον), and to an analogue reaction of a horse, though without naming Chrysippus, but speaking of "some Stoics".[35]

The question is: Is Chrysippus or the Stoics in general contradicting themselves in ascribing to animals internal reason and application of indemonstrable syllogisms? Plutarch, "l' adversaire privilegié des Stoiciens" according to D. Babut[36], has written a whole treatise on "Stoic contradictions" (*De Stoicorum repugnantiis*); yet this is such a radical contradiction to Chrysippus' expressed opinion and the Stoic common creed of the irrationality of animals, that to my mind it is difficult or impossible to have been argued by Chrysippus himself in the way presented by Sextus in the *Outlines of Pyrrhonism*. The crux of the interpretation is perhaps the term *δυνάμει.* Sorabji, attributing this view to Chrysippus, seems to translate *δυνάμει* as "analogous". He says:

> The Stoic Chrysippus produced an example… of a hunting dog which performs the analogue of a syllogism… Of course, Chrysippus did not propose to admit that the dog was actually reasoning or forming *doxai* (beliefs). It was only doing something "analogous". But how could there be any analogy, if its sense perception allowed it only to grasp a scent? If its behavior is to be explicable, it must apprehend the absence of a scent and apprehend it as pertaining to one direction rather than another, all of which involves predication, even negative predication. I think the answer is that the Stoics did after all allow propositional, that is, predicational content to perceptual appearance (phantasia) in the case of animals.[37]

I think an answer to this query may have been given by what Philo says in one of his many quotations comprised in Arnim's collection in reference to animals (SVF II 726, 728, 730, 731, 732, 733, 734). In SVF II 726 Philo is quoted to refer to a different version of the paradigm of the dog without attributing it to Chrysippus. He explains that the dog's attitude recalls the fifth mode of the dialectical argument ascribed by some to it, but he argues that it is we, humans, who interpret the dog's instinctive movement as indication of reasoning. And he concludes that to elevate animals to the level of humans and to grant equality to not equals is the highest injustice. Yet, Philo makes clear that animals do not share any rational disposition.[38] He shares Stoic anthropocentricism, the idea of the *scala naturae*, of man as contemplator of the world, as well as the orthodox Stoic view about animals in general, drawn from Chrysippus and Posidonius. In his debate with Alexander he appears to attribute the *modus vivendi* of animals to the divine providence which "administers the whole Nature", since the animals

themselves are deprived of reason.[39]

This is approximately our main evidence about the Early Stoics on the basis of Arnim's collection. The fragmentary character of the evidence derived mostly from sources inimical or favorable to Stoicism, does not always allow the objectivity and the full understanding of their positions. It is from the Late Stoics that we can understand better the whole range of their arguments, the rationale of their views, what it meant to be a Stoic[40], and what a Stoic life was[41]. What is important is that the core of the Stoic views on animals remains almost the same, even after five centuries of academic activity of the Stoic school.

However, some modifications occured between Early Stoics, particularly Chrysippus, and the great representative of the Middle Stoa and pupil of Panaetius[42], the philosopher-scientist and universal man Posidonius. Most of our little information about Posidonius' views on the status of animals derives from Galen's treatise *De Hippocratis et Platonis placitis*, and marks a certain difference between Posidonius and Chrysippus, since the latter had a unitary aspect of the soul, and did not share with Posidonius and Galen the tripartite Platonic view, although Posidonius agreed with him in considering all animals – except man – irrational. Yet, whereas Chrysippus denied to animals not only reason, but also appetite and emotions, Posidonius made a distinction between bulking animals governed only by appetite, and agile ones governed by *θυμός*.[43] Although Posidonius defined animals similarly to Chrysippus (F 99a) and agreed with him that there are not bonds of justice between them and man (F 39), he adopted a different view from those of the other Stoics in not connecting emotions with rational power, thus attributing them to both animals and children (F 159). He also showed that Cleanthes[44], in his short poem on *logos*, differentiated *logos* from *θυμός* (F 166), despite the fact that he also shared the orthodox Stoic monistic psychology. He also spoke of diversities among animals due to the different zones of the universe (F 49). In any case, Posidonius fully shares Stoic anthropocentricism, as can be deduced from his own definition of *τέλος*: "To live contemplating the truth and order of the universe constructing it together with god without being led by the irrational part of the soul" (F 186).[45] Posidonius exerted important influence on late Stoicism, in particular on Seneca. In the Late Stoics, however, who were probably aware of a certain criticism of rival schools regarding their depreciation of animals, one can discern certain tenderness and mildness towards animals as well as the ascription of some positive characteristic to them, absent from the fragments of the Early Stoics and the testimonies about them. Yet, they still do not grant animals reason or

something analogous to rationality.

IV. Animals in Late Stoicism

a. Seneca

Seneca often compares humans with animals, without underestimating certain properties of the latter: He says: "Humans have more sluggish senses than the other animals"[46]; some humans have souls worse than those of the brutes, in that "they delight to ruin their fellow men, whereas animals may damage humans at the first encounter, but do not further pursue them, goaded only by need, since it is hunger or fear that forces them into a fight", i.e. animals are compelled by necessity, whereas "man delights to ruin man" (Ep. 103, 2). He remarks that, although man, naturally "the gentlest class of being, …is not ashamed to revel in the blood of others, to wage war, and to entrust the waging of war to his sons… dumb beasts and wild beasts keep peace with one another" (Ep. 95, 31). He notices that animals enjoy more fully than men doing what the crowd considers good: food, sex, strength, but have no wickedness, injury to themselves, shame or regret, and they lack the sensitivity felt by humans for their beloved (Ep. 77, 15). They feel strong affection for their off-springs, "but this cools away entirely when its object dies" – whereas humans continue to remember them (Ep. 99, 24) –, since animals do not lack reason only, but also emotions.

Seneca makes an extensive comparison between humans and beasts in his long moral essay *On Anger*[47], "the most hideous and frenzied of all the emotions". After having described the violence, resentfulness, unreasonableness, insanity and inhumanity of anger and the awful marks of an angry person, he remarks that, despite their ferocity and fierceness, wild beasts and animals are not subject to anger, because, "while anger is the foe of reason, it is nevertheless born only where reason dwells". Wild beasts have impulses, madness, fierceness, aggressiveness, but no anger (*De ira* I 3-5). Man proves worse and ungrateful; and, while "beasts are gentle toward each other and refrain from tearing their own kind, men glut themselves with rending one another" (II 8, 3). Speaking of the freedom enjoyed by such beasts as lions and wolves "by reason of their wilderness" (II 15, 4), he does not agree that "the best animals are most prone to anger", as does man, although he "of all other creatures alone comprehends and imitates god" (II 16, 2-3).[48] And he particularly marks basic intellectual and moral differences between humans and animals, substantiating the non-moral character of animals. He says:

> Dumb animals lack the emotions of man, but they have

> certain impulses similar to these emotions. Otherwise, if they were capable of love and hate, they would also be capable of friendship and enmity, discord and harmony; and some traces of these qualities do appear to them also, but the qualities of good and bad are peculiar to the human breast. Wisdom, foresight, diligence, and reflection have been granted to no creature but man, and not only his virtues but also his faults have been withheld from the animals. As their outward form is wholly different from that of man, so is their inner nature; its guiding and directing principle is cast in a different mould… in them the ruling principle is lacking in fineness and precision. Consequently, while it forms impressions and notions… these are clouded and indistinct (I 3, 3-7).

Thus, despite some similarities between humans and animals, despite even the inferiority of humans in some respects when compared to them, man differs radically from animals as the sole animal that has obtained the concepts of good and evil. This is how Seneca develops the doctrine that reason is the main trait of humans and their particular prerogative:

> Everything is estimated by the standard of its own good. The vine is valued for its productiveness and the flavor of its wine, the stag for his speed… in each thing that quality should be best for which the thing is brought into being and by which it is judged. And what quality is best in man? It is reason; by virtue of reason man surpasses the animals, and is surpassed only by the gods. Perfect reason (*ratio perfecta*) is therefore the good peculiar (*proprium bonum*) to man; all other qualities he shares in some degree with animals and plants**.** Man is strong; so is the lion… man is swift; so is the horse. I do not say that man is surpassed in all these qualities. I am not seeking that which is greatest in him, but that which is peculiarly his own (*quid suum*). Man has a body; so also have trees. Man has the power to act and to move at will (*impetum et motum voluntariam*). Man has a voice; but how much louder is the voice of the dog… how much melodious is that of the nightingale. What then is peculiar to man? It is reason (*ratio*). When this is right (*recta*) and has reached perfection, man's felicity is complete… he has arrived at the end intended by his nature… he has reached the end suited by his nature.

> This perfect reason is called virtue (*virtus*), and is likewise that which is honorable (*honestum*) (Ep. 76, 9-10 = SVF III 200a).

Seneca emphasizes the role of assent and makes clear the difference between humans and animals in acting. He says: "Every living thing possessed of reason is inactive if it is not first stirred by some external impression; then the impulse comes, and finally assent confirms the impulse… Suppose that I ought to take a walk: I do walk but only after uttering the command to myself and approving this opinion of mine" (Ep. 113: 18 = SVF III 169).

Seneca's epistle 121 "On instinct in animals" dealing with the animals' morals (*mores* or *character*) is very interesting. In this he tries to convince Lucilius that "whatever deals with morals does not necessarily produce good morals (*non quicquid morale est mores bonos facit*)". He remarks that *mores* are affected in different ways: some things serve to correct and regulate morals, and others investigate their nature and origin. So, in seeking the reason why Nature brought forth man and set him above the other animals, he could not leave the study of morals in the rear (Ep. 121, 2). He considers it is necessary to find out what is "best suited to man", what his nature is, and what he should do and avoid. In trying to answer questions about human and animal nature he turns to an earlier debate he had with Lucilius on "whether all animals had any feeling about their constitution". The fitness and nimbleness of their motions prove, he says, that they do as if they were trained for this purpose, since "every being is clever in its own line"[49], and is agile in all that pertains in the use of its body (5). What art gives to the craftsman, it is given to animals by Nature, and they have come into the world with this knowledge. Some, probably the Epicureans, would have thought that if they moved unnaturally, they would feel pain; hence they do not move in the right direction from will-power (*voluntas*), which is wrong because their motion does not show any fear, as it happens when a child tries to stand before being trained to the demands of nature, or when certain animals with hard shells are turned on their backs (6-8). In facing the objection that it is difficult for both animals and children to comprehend the function of their "ruling power" (ἡγεμονικόν/ *principale*) unless "they are born logicians", he answers that all animals have consciousness of their physical constitution, having come into being equipped with this knowledge. It is not here the case of the definition of their constitution, but of "their actual constitution", as it happens with our soul: "We also know that we possess souls, but we do not know what the essence, the place, the quality or the source of the soul is." It is important that in

this context Seneca speaks of both children and animals, since the former are not rational from the outset. Yet, both have a consciousness of their *ἡγεμονικόν*, by whose agency they feel other things (12). Natural beings are adapted to their constitution due to their endearment to themselves; thus, each age and all natural beings have conscience of their own constitution, and their adaptation to it is the same. Every man is entrusted to himself, and so are animals from their birth; they know what is harmful and try to avoid it. They even have fear of death. They possess understanding (*intellectum*) (19), and avoid what is destructive for them not from experience, but because of their inborn desire for self-preservation (20). Seneca says: "Impulses towards useful objects and revulsion from the opposite, are according to nature (*naturales*)*;* without any reflection (*cogitatio*) to prompt the idea, and without any advice (*consilium*), whatever Nature has prescribed is done" (21). This can be shown from the skill of certain animals in doing their own, i.e., in preserving and protecting themselves (bees, spiders, etc.). Compared with art, Nature's assignment to animals is certain and uniform: the duty of taking care of themselves and the skill to do so from their birth. This instinct of self-preservation works through endearment (*conciliatio*/ οἰκείωσις) and self-love. So, "dumb beasts, sluggish in other respects, are clever at living" (22-24).

Most important, however, from ethological, psychological and moral viewpoint is Epistle 124 "On the true Good as attained by reason", which is very close to Cicero's *On Ends*. In this epistle Seneca discusses the question whether the good is grasped by the senses or by the understanding, with the corollary that it does not exist in dumb animals or little children. He makes clear that the Stoics, not considering pleasure to be the supreme ideal, maintain that "the Good is a matter of the understanding (*intelligibile*), and assign it to the mind (*animus*)". The senses – more sluggish in man than in the other animals – are not arbiters of good and evil, but it is reason that decides about happy life, virtue, honor and, consequently, about the Supreme Good. What is according to Nature, given to us at birth, "is not the Good, but the beginning of the Good, while the supreme Good is attained by the perfected man". "A little child is as yet no more capable of comprehending the Good than is a tree or any dumb beast", because it has not yet reason (8). It is reason that brings Good. There is a certain kind of good in plants, trees and beasts, but as Nature itself produces its good when is brought to perfection, so "man's good does not exist in man until both reason and man are perfected". This Good is "a free mind, an upright mind, subjecting other things to itself and itself to nothing". Then, the good is a matter of understanding (12). All other natural beings have the good that

is in accord with their nature, but "the real Good cannot find a place in dumb animals; its nature is more blest and of a higher class" (13). From the four existing natures, those of the tree, animal, man and god, only men and gods, having reasoning power, are of the same nature, except that the latter are immortal. "All others are perfect only in their particular nature, though not truly perfect since they lack reason" (14). Dumb animals are not happy, they comprehend only the present, "remembering the past only by meeting with something which reminds their senses" and ignoring the future (16). They move according to their nature and have "a certain sort of good, of virtue and perfection", but not in the absolute sense as do the reasoning beings who "know the cause, the degree and the means". Therefore, good can exist only in that which possesses reason (20). The revelation of the Good that is rightly human takes man out of the class of dumb animals, and places him on a level with god (21). This Good is perfect reason (23).[50] Thus all creatures upon the earth, sea and air are destined to pay tribute to men since they were created for man's benefit (*De beneficiis* IV 5, 2-3).

The animal capacities described by Seneca in the above two epistles are determined according to Urs Dierauer[51] by the instinct. The Stoics do not yet use this term, but they have it clearly in mind. They argued that "the animals know what is useful and what is harmful before experience and instruction, innately, and can behave judiciously by nature without reflection, plan, instruction or imitation".[52] Dierauer considers as the great merit of the Stoics that they drew traits that distinguish the instinctive comportment from the reflective one: a) immediacy, i.e. from birth, b) similitude, i.e. animals of a certain race protect themselves from the same enemies and behave similarly, and c) limitation. In all these properties he finds differences from Aristotle, who speaks of something like instinct in his first writings, but afterwards he emphasizes memory, i. e. learning from experience, allowing certain prudence to animals in speaking of prudent animal (ζῷον φρόνιμον), and of a sort of continuity between animal and human worlds. Seneca ascribes to animals memory only in relation to present sensitive experience (Ep. 124, 16).

It is perhaps noteworthy that, when Seneca approached philosophy in his youth, he was influenced by the doctrines of Pythagoras, no less than by those of Sextius, who both abstained from animal food. Sextius did so in the belief that man has enough sustenance and needs not resort to blood, while Pythagoras himself was said to have abstained from animal flesh because of the interrelation of things and the transmigration of the souls, as well as for reasons of purity and frugality. Due to Sotion's (a Pythagorean philosopher) teaching, Seneca began to abstain from animal food and after

one year found it pleasant and easy, but he had to abandon this practice – a foreign rite and a strange cult at that time – at the request of his father, "who detested philosophy" (Ep. 108, 17- 22).

b. Epictetus

Similar views to those of the Early Stoics we find in Epictetus. Yet, Stoic anthropocentricism is nowhere else depicted in such an emphatic way as in the most Socratic Stoic philosopher.[53] This is perhaps due to his deep religiosity, his theonomic orientation[54], since man's favors, which the other Stoics mostly attribute to Nature, Epictetus takes as granted – better, entrusted – to man by god. This is particularly true of man's *προαίρεσις* [55], god's special gift to man, which is invincible even by god himself,

The following passages of his treatise *Of Providence* are perfectly characteristic of the privileged status enjoyed by man, in comparison to that of the other animals, towards which, nevertheless, god is also beneficial. Epictetus notices that, although man has many things in common with irrational animals, he differs from them not only in using external impressions, but also in understanding their use. Because "god had need of the animals in that they make use of external impressions, and of us in that we understand the use of external impressions".[56] For this reason he has endowed humans with the additional gift of the faculty of understanding as the "principle of propriety" (τό κατά τρόπον) in order to achieve their ends. And he explains: "for beings whose constitutions are different, their works and ends are likewise different." Being predestined by god to cover man's several necessities, "irrational animals do not need to differentiate external impressions". But, since "god has brought man into the world not only as a spectator of himself and his works, but also as their interpreter", man should begin where the irrational animals do, but end "where nature has ended in dealing with us", thus having reached "contemplation (θεωρίαν) and understanding, and a manner harmonious with nature" (I 6, 12-22). This view of man[57] as contemplator of the world, gathered from Epictetus' other references to him in contrast to the irrational animals, perhaps does not go so far as Posidonius' version of the end of man to be not only a spectator, but also a collaborator of god in constructing the "truth and order of the universe" (F 186 Edelstein - Kidd). These views emphasize the special status of man in comparison to the other animals due to man's different vocation.

This presumed privileged position of man does not mean that god in his providence was unfairly generous to him neglecting the other animals, since the latter "have been furnished ready prepared by Nature with what pertains to their bodily needs… while humans are in need of all things",

which are necessary for their survival. In terms recalling Plato's *Protagoras* (321c-322c), Epictetus explains that "it was not beneficial" for creatures born "not for their own sake, but for service" – as soldiers ready for service – to have been created in need of the things men have to care for themselves. Providential nature has created animals without a good of their own, because of their servile function, making them ready for use and sufficient for the production of goods necessary for the survival and welfare of men. So, "it is appropriate to the nature of animals to be self-sufficient" (I 16, 1-5). Only man is an end in himself, to recall Kant, endowed with a "portion of the divinity". What is most important for any sort of moral relations with men, irrational animals are also said to have been deprived of the notion of the good. Because, the nature of the good, coinciding with god's nature, is nothing else than "intelligence (νοῦς), knowledge (ἐπιστήμη), right reason (λόγος ὀρθὸς)". The true nature of the good requires not only use of external impressions, but also understanding of their use. Thus, goodness, happiness and unhappiness cannot be sought in plants or in irrational animals, but only in that "which is rational". For this reason we do not speak of the "good" in reference to them, since this moral predicate applies only to god and man, while irrational animals are "not of primary importance", and thus are exempted from the moral sphere. In order to be useful to men, however, animals "have received the faculty of using external impressions", and about that stage there was an end for them. If they had also received understanding of them, "they would no longer be subject to us, nor would they be performing these services, but would be our equal and our peer". This does not mean that animals were not created by god; they were, but not as creatures of primary importance (προηγούμενα), nor as fragments (ἀποσπάσματα) of god as man is (II 8, 1-10). This treatise shows better than any other Stoic document why there cannot be any moral consideration of animals by "divine" humans, who in some respects are equal to god.

However, in emphasizing the benefits of man's kinship with god, which liberate man from any fear, Epictetus brings forward the case of the irrational animals as paradigms of self-sufficiency and freedom, since each one of them "is sufficient to himself, and lacks neither its own proper food nor that way of life (διεξαγωγή) which is appropriate to it and in harmony with nature" (I 9, 9). In considering "how we employ the concept of freedom in the case of animals", he also brings animals forward as paradigms of autonomy and "physical freedom" since these, when they are enslaved, even though they are well fed, strive for nothing else than to escape from their prison, because "such is their desire for physical freedom and a life of independence (αὐτονομία) and freedom from restraint" (IV 1, 27-

28).[58] According to Epictetus, man is not a "wild beast, but a tame animal" (IV 1, 120). This means that man "will never do something fierce, and so will come to the end of his life without having to repent or to be called to account" (Fragment 25). This also amounts to his being "just, high minded, self-controlled, self-possessed, deliberate, free from deceit, self-respecting, free and everything else, the possession of which enables the nature of man to come into its own" (Fragment 28b). To sum up: Men and animals have many characteristics in common regarding their bodies, but differ in very significant respects. Man has "understanding of what he does, is capable of social action, is faithful, has self-respect, steadfastness, security from error, intelligence". These virtues that distinguish humans from animals constitute what is important for man, what is good for him (I 28, 15-28). That which mostly distinguishes man from irrational animals, apart from reason, is his sociability. Although in the treatise IV 11 the social instinct "as a necessary element in the nature of man" seems to be disputed, since it is "the instinct of cleanliness" that constitutes the necessary element that distinguishes man from animals, in fact it is the pureness of his soul that is elevated, "since gods are by nature pure and undefiled, in so far as men have approached them by virtue of reason, just so far are they attached to purity and cleanliness" (IV 11, 3). However, cleanliness of the body proves necessary for the sociability of man, since even animals associated with men – such as horses and highly bred dogs – are not made by nature dirty as are pigs, worms or spiders (IV 11, 31). In the last resort sociability, regulated by relations of justice, proves another trait distinguishing men from animals.

Anthony A. Long, emphasizing the theological orientation of Epictetus' thought and the theonomic foundations of his ethics, which marks his procedure from theology to ethics, has perfectly assessed what distinguishes him from his predecessors in his conception of the good and of human nature. After having shown that, whereas "the early Stoics favoured a 'bottom-up' rather than a 'top-down' procedure for showing that their distinctive ethical principles – the supreme value of rationality or excellence of character, and its sufficiency for complete happiness – are ingrained in human nature", Epictetus chose the top-down procedure. Long says:

> Epictetus' difference from his Stoic authorities can be broadly summed up by saying that he proceeds *from* rather than *to* God. The difference is not absolute, and it is by no means explicit in all of his arguments; but, even if we call his "top-down" procedure only an emphasis, I think we can assume that it was

> strongly motivated by the judgement that it would make Stoic ethics more intelligible and appealing to his students than the traditional starting point in terms of *oikeiosis* and the supposedly natural development from material goals to mental and moral objectives. Like his predecessors, Epictetus is committed to the proposition that human nature is predisposed to grasp… "the moral point of view".[59]

c. Marcus Aurelius

Epictetus' and the Early Stoics' emphasis on human sociability is most impressive in Marcus Aurelius.[60] Marcus, moreover, is the only Stoic who gives instructions for the correct attitude of humans towards animals, emphasizing man's duty to take care of them. Versions of this stand might have been shared by philosophers such as Kant with his "indirect duties" towards animals, as well as by John Rawls who with his second principle of justice, the so-called "principle of difference", favoured the less privileged, as well as by philosophers who are unwilling to speak openly of "animal rights". We read in Marcus' *Meditations*: "Because you have reason (λόγον) and those have none, treat generously (μεγαλοφρόνως) and liberally (ἐλευθέρως) irrational animals and material things; and treat human beings because they have reason in a spirit of fellowship (*sociably*)" (VI 23).[61] This generous and mild attitude towards animals is dictated by the assumption that "a single animal soul is divided among all living irrational animals and a single mind-soul (νοερά ψυχή) is distributed among rational beings; just as this one earth gives form to all things earthy, and just as all of us who have sight and breath see by the same light and breathe the self-same air" (IX 8), a thesis that recalls in some respect Antiphon's argumentation on the similarity of humans as a basis for their equality.[62] Marcus approximates animals to humans perhaps more "ecologically" than the other Stoics, as if he had endorsed a version of "inherentism" due to an intuition of unity with one's own kind in a broad sense and an affiliation with it, not found in plants and inanimate objects. He thus speaks of bees swarming, cattle herding, birds nesting in colonies and couples mating, "because in them soul has already emerged, and in such higher forms of life as their desire for union is found at a level of intensity which is not present in plants, stones or sticks" (IX 9, 6). Animals are not things (*res*) for Marcus Aurelius, nor are they machines, as Descartes claimed. However, in some meditations he shared the orthodox Stoic view that irrational animals exist for the sake of man in noting that, in contrast to beings endowed with rational souls, "the fruit produced by animals is enjoyed by others" (XI 1, 1). In V 16 Marcus

says – endorsing the dogma of the *scala naturae*:

> The purpose behind each thing's creation determines its development; the development points to its final state; the final state gives the clue to its chief advantage and good; therefore the chief good of a rational being is fellowship with his neighbours – for it has been made clear years ago that fellowship (κοινωνία) is the purpose behind our creation. It is surely evident, is it not, that while the lower exist for the higher, the higher exist for one another? And while the animate is higher than the inanimate, the rational is higher still.

David Sedley commenting on this meditation remarks: "*everything* and not just human beings benefits from serving the end for which it was created."[63] So, he not only explains, but he perhaps justifies the Stoic – and in particular Marcus' – view that "communal relations are reciprocal", and an animal's end, for which it was created, "is a symbiotic relation with man".

V. Divine Providence

The religious connotations of the human prerogatives and the inferior status of animals as marked particularly by Epictetus are gathered systematically from the arguments of Balbus, the Stoic spokesman, in the discussion on the divine providence in Cicero's *De natura deorum*, book II. It is argued in this text that the vast system of the world was not contrived for plants, nor for the sake of "dumb irrational creatures", but "for those living beings which possess reason", which is "the most excellent of all things", i.e. for gods and humankind (ND II 133).[64] This assumption fully justifies the right of man to use animals for his own welfare (II 158), as a gift of the gods to man, analogous to that of speech (II 148-9), due to his capacity for the arts and crafts (II 150-152), and his tendency to observe the heavens and worship the gods (II 153). It is interesting to cite here how close to that of the Early Stoics is the human privilege "of the power of understanding" and of "the faculty of conjoining premises and consequences in a single act of apprehension… that enables us to judge what conclusion follows from any given propositions, and to put the inference in syllogistic form, and also to delimit particular terms in a succinct definition; whence we arrive at an understanding of the potency and the nature of knowledge, which is the most excellent part even of the divine nature" (II 147). Reason, understanding and knowledge are human properties and functions distinguishing man from irrational animals. This does not mean that animals have been

neglected by the divine providence. Providence has also cared for them in bestowing "sensation and motion and an appetite or impulse to approach things wholesome and retire from things harmful" (II 34). Animals have the capacity to persist true to their various kinds, are protected by several means, are provided the food suited to them, are bestowed with sensation and desire, the proper means to secure their food and face their foes, and to get associated with other animals. In sum nature implanted in all living creatures a "powerful instinct of self-preservation" (II 121-124). Divine providence displayed much reason to secure the perpetuation of the species of animals in inspiring into them great affection in rearing and protecting their off-spring (II 128-129). Moreover, man's skill and industry "also contributed to the preservation and security of certain animals and plants (what we now call biodiversity); for there are many species of both which could not survive without man's care" (II 130). To man, however, Nature or providence bestowed the additional gift of reason "whereby the appetites might be controlled, and alternately indulged and held in check". And those beings "born by nature good and wise" Nature "endowed from the outset with the innate attributes of right reason and consistency… which is an attribute of god" (II 34).[65]

VI. Morality, Justice and Law

The problem of the moral considerability of animals is usually discussed in terms of law, justice and *οἰκείωσις* in connection with epistemological issues. This is perhaps due to the fact that the relevant section in Arnim's collection of the fragments of the Early Stoics is entitled *Juris communionem non perinere ad bruta animalia* (SVF III 367-376). Of course this does not mean that relevant documentation is missing in other parts of this collection. However, the best way to give a satisfactory answer to the question of the title of my paper is to scrutinize from this viewpoint the Stoic system as a whole, and examine not only the central role of reason (λόγος) in all parts of philosophy and the content of justice, *οἰκείωσις* and natural law, but also to analyze the key concepts of Stoic ethics such as *eudemonia,* virtue, the good, the highest good or end of life (*summum bonum*), all of them defined in terms of reason, i.e. to give a brief account of Stoic ethics. However, Stoic ethics is perhaps the first systematic ethical theory dressed in an extremely technical – sometimes sophisticated – terminology, and is tightly connected with logic and physics. The organic unity of the Stoic system, its solidly welded structure and its remarkable coherence were so impressive in antiquity, that it was said that "the removal

of a single letter would cause the whole edifice to collapse"[66]. The key terms of ethics have extreme semantic density viewed from various perspectives. As such Stoic ethics has received various labels: naturalistic ethics[67], metaphysical ethics, virtue ethics, ethics of right reason[68], teleological ethics, deontological ethics, "an epitome of idealism"[69], etc. Of course, Stoic ethics, following the orientation of Greek ethics since Socrates, Plato and Aristotle, is an eudemonistic ethics indissolubly connected with virtue and *logos,* since to the Stoics virtue is sufficient for happiness (III 49), it is being defined as right reason (III 311), and is knowledge or science (ἐπιστήμη) attained by reason (III 256). Perhaps "ethics of right reason" is the label that best explains and justifies the exclusion of animals from the moral community.

The most important evidence that there is hardly room for moral consideration of the irrational animals in Stoicism is the view of Chrysippus, in the first book of his *On Justice* – cited by Diogenes Laertius – that "there is no justice between us and the other animals because of dissimilarity" (VII 129 = SVF III 367). We are also told by Origen that according to the Stoics we cannot find well regulated cities governed by laws and institutions among irrational animals, as we do among creatures endowed with reason, although "the divine nature has extended to irrational animals, something achieved by imitating (μίμημα) the rational beings" (SVF III 368). And, although certain animals (e. g. sea-pines and pine-guards, ants, bees and storks) act somehow altruistically, "the ties between human beings are far closer; hence we are fitted by nature to form associations, assemblies and states", i.e. we are by nature social (Cicero, *De finibus* 63 = SVF III 369). Sextus Empiricus brings forward Pythagoras and Empedocles "and the rest of the Italian company" who declared that "we have some fellowship not only with one another and with the gods, but also with the irrational animals; for there is one spirit which pervades, like a soul, the whole universe, and which makes us one of them. Wherefore, if we slay them and feed on their flesh, we shall be doing what is unjust and impious, as destroying our kindred. Hence, these philosophers advised abstinence from animal food too…" Sextus then comes to the Stoics and wonders: "Why then do the Stoics assert that men have a certain just relation and connection with one another and the gods", and not a duty towards irrational animals? The Stoic answer is that men "possess that reason which reaches out to one another and the gods, whereas the irrational animals, having no share in this, they have no relation of justice towards them"[70]. Similar is the view attributed to the Stoics by Cicero:

> Though they hold that there is a code of law which binds humans together, the Stoics do not consider that any such code exists between humans and other animals. Chrysippus made the famous remark that all other things were created for the sake of humans and gods, but that humans and gods were created for the sake of their own community and society; and so humans can use animals for their own benefit with impunity. He added that human nature is such, that a kind of civil code mediates the individual and the human race: whoever abides by this code will be just, whoever breaches it is unjust.[71]

The reason why there are not bonds of justice between humans and irrational animals is the fact that animals, as well as plants, do not partake of virtue and vice, because plants do not possess soul, and animals are exempted from mind and reason, which are the *loca* of virtue and vice (SVF III 372). Animals then are not subject to the institution of morality and justice which is not only a single virtue, but in some sense, a universal one, since it constitutes a code regulating the relations of persons with other persons, thus encompassing the whole of morality. Plutarch, well-known for his anti-Stoic positions, in his three treatises *De sollertia animalium, Bruta animalia ratione uti* and *De esu carnium*, disputes the Aristotelian and Stoic connection of justice with reason. He attributes to the Stoics the view that, if we accept that all animals partake of reason, justice is absurd and non-existent; because, if we do not spare them, it is necessary that we are unjust towards them, or, if we do not use them, life is impossible; we shall have to live a life of beasts if we renounce the profits we get from the beasts, which means that we are unjust to humans: thus in either case, justice is non-existent (III 373). Despite their devaluation of pleasure, the Stoics are accused not to abstain from meat-eating in the belief that "there is no justice between them and the irrational animals" (III 374), because non rational animals are deprived of reason (III 375). Yet, we are informed – though without any details – that some younger Stoics granted to irrational animals a share of happiness (εὐδαιμονία) (III 376).

Concerning law we learn from Cicero that, according to the Stoics, law is "the highest reason implanted in nature, which prescribes those things which ought to be done and forbids the contrary. And, when that reason is confirmed and established in men's minds is then law".[72] What mattered for the Stoics was natural, not conventional justice and law, equivalent to Nature and right reason (III 308-9). It is not only right and wrong which are discriminated by nature, but generally all that is honorable is by this means

distinguished from all that is shameful: "For common sense has impressed in our minds the first principles of things, …by which we connect with virtue every honorable quality, and with vice all that is disgraceful."[73] Although the Stoics are attested to have said that "the idea of something just and good is acquired (νοεῖται) naturally" (II 87), thinking is a cognitive process designed for beings endowed by nature with reason, i.e. for moral agents.

This is the main evidence about law and justice in connection with animals contained in Arnim's collection. The reason why the Stoics did not feel morally and legally bound up by duties towards animals was their assumption that animals have no reason, which for them was the necessary and sufficient condition to count them as equals and worthy of respect, and include them in the moral community. The point is how they conceived the so-called "moral point of view". What the Stoic spokesman Cato said on "the end of life", the *summum bonum* in the third book of Cicero's treatise *De finibus bonorum et malorum* is perhaps quite eloquent. Here the "moral point of view"[74] is to attain the *summum bonum,* the *honestum* (καλόν), amounting to the morally good, described here in a more philosophical spirit than in the almost analogous account in the section on Stoic ethics presented by Diogenes Laertius (VII 84-131). We read in Cicero:

> The term "good", used so much in this discussion, may also be clarified by a definition. The Stoics define it in a number of slightly different ways, which none the less point in the same direction…, what is complete by nature. Conceptions of things are formed in our minds by various cognitive processes: experience, association of ideas, analogy, rational inference. Our notion of the good is given by the fourth and last of these. By the process of rational inference our mind ascends from those things which are in accordance with nature to a conception of the good. It is not with addition or extension or comparison with other objects that we have awareness of this good in itself and call it good, but by reference to its own proper quality... The good we are discussing is supremely valuable, but its value is a matter of kind, not quantity. Value (the Greek *axia*) is not counted among goods, nor again among evils, so it will remain in its own category, however much you add to it. Hence the particular value of virtue is distinct: a matter of kind, not degree.[75]

In this quotation it is not accidental that good and just are juxtaposed, since both concern humans endowed with reason.[76] We read further:

> A human being's earliest concern is for what is in accordance with nature. But as soon as he has gained some understanding, or rather "conception" (what the Greeks call *ennoia),* and sees an order and as it were concordance in the things which one ought to do, one then values that concordance much more highly than those first objects of affection. Hence through learning and reason one concludes that this is the place to find the supreme human good, that good which is to be praised and sought on its own account. This good lies in what the Stoics call *homologia*… moral action and morality (*honestum*) itself, at which everything else ought to be directed. Though it is a latter development, it is nonetheless the only thing to be sought in virtue of its own power and worth, whereas none of the primary objects of nature is to be sought on its own account.[77]

Strictly connected with the exclusion of animals from the moral community is the Stoic doctrine of *οἰκείωσις*. We are told that "The 'Zenonians' considered *οἰκείωσις* to be the source of justice", and also that "*οἰκείωσις* is sense and apprehension of what is proper – or what is due" (SVF I 197). This term is translated into English as "affiliation", "self-endearment", "familiarization", "affinity" or "appropriation", genetically determining an animal's relationship to its environment, and particularly rendering it self-aware and well-disposed towards itself according to its natural constitution.[78] As we are told by the Stoic Hierocles in the fragmentary remains of his treatise *Foundations of Ethics,* for humans thanks to their possession of reason, self-love is extended to embrace all humankind. This is how S. G. Pembroke puts it:

> A passage excerpted by Stobaeus from *How to behave to one's relatives,* one of a series of themes which also included behaviour towards the gods, to one's country, parents and brothers respectively, describes man as standing at the center of a series of concentric circles. The first is occupied by himself, his body and anything admitted to the circle to satisfy his physical needs. The second circle takes its parents, brothers, wife and children; the third one contains aunts and uncles, grandparents, nephews, nieces and cousins; other relatives are placed in the

> fourth circle, and outside this, circles are occupied successively by members of his deme, his fellow tribesmen, fellow-citizens, those from neighboring towns and then his fellow-countrymen. The largest and outermost circle is that constituted by the entire human race.[79]

How then is to be understood that *οἰκείωσις* is the source of justice? Sorabji remarks: "The idea is that rational beings like ourselves can extend *oikeiosis* (and hence justice) only to other rational beings."[80] For this reason it is only with rational beings that humans have relations of justice as "giving what is due to everyone", "according to merit " or, better, "according to what is proper" (ἐπιβάλλον, προσῆκον, οἰκεῖον) to him (SVF III 125: 302). Justice is also said to come from Zeus and "from common nature", i.e. from the "similarity" of the rational beings sharing a "common nature" as the starting point of the discussion of good and evil things, i. e. of morality (III 326). As *οἰκείωσις* is natural to humans, so is law, the common law of Zeno's republic (πολιτεία) (I 262), the natural law of all Stoics, which is "the highest reason implanted in nature, which prescribes those things that ought to be done, and forbids the contrary" (III 332).[81]

It should be noted that almost all the leaders of the Stoic school have written treatises on both justice and law emphasizing their moral dimension and either reinterpreting or refuting Platonic and Aristotelian views. The terms *οἰκειοπραγία* and *κατ' ἀξίαν* were in fact adopted by the Stoics, but their meaning and spirit were quite different. The Stoic *οἰκεῖον* has nothing to do with the Platonic *οἰκεῖον* of the parts of the soul and social classes. As we have seen, the Stoics defined justice as assigning to every one according to his merit (SVF III 262-3, 266, 280), or "according to what is appropriate (προσῆκον)" (III 302). Yet, the Aristotelian *ἀξία* was for the Stoics morally indifferent, despite its technical sense (III 124-136), and in the definition of justice (III 125) amounted to "what belongs" (ἐπιβάλλον), or "is due" to every one. Chrysippus defined the morally right act (κατόρθωμα) as a lawful act and an act of justice (III 297). And the Stoic wise man (ὁ σοφός) in doing justice had in mind unwavering equality (III 620). Justice has for the Stoics a broad moral meaning, since it comprises piety, integrity, sociability and good transaction (III 264) with all these virtues analyzed in terms of equality and righteousness (III 295). Although in a certain sense the just is natural (II 87, III 308), justice is defined as "science of what is to be chosen and avoided" (III 265), it betrays a special relationship with man (*quod homo est*) (III 340) and god, and it amounts to practical wisdom, accompanied by piety, fidelity, and benevolence. According to Aristo

justice is a version of the single virtue he advocated, which has to do with transactions and contracts with other men (I 375). Justice is according to Cicero a guarantee of society.[82] The so called "*fundamenta iustitiae*" aim to common utility and avoidance of harm. The social character of justice is particularly emphasized by Marcus Aurelius. Thus with justice taken as a science and a corollary of affiliation of humans *qua* rational beings with themselves, it was to be expected that the Stoics excluded animals from its realm either in terms of social contract, or of reciprocity.[83]

Yet, in a certain sense and up to a certain point, natural law covers both humans and animals. Both share the feeling of endearment with their off-spring and the instinct to self-preservation. This is deduced from the well-known Ulpian's dictum about the *ius naturale.* We read in Justinian's *Digestae* that Ulpian in his *Institutions* accepted three sources of law: *ius naturale, ius gentium* and *ius civile.* He defined *ius naturale* as that "*quod natura omnia animalia docet: nam ius istud non humanae generis proprium, sed omnium animalium, quae in terra, quae in mari nascuntur, avium quoque commune est*".[84] On first sight, it looks as if natural law binds both humans and animals alike. Given, however, that "*ius est ars boni et aequi*" (law is the art of good and righteous), moral relations between humans and animals are excluded. Yet, a Stoic influence on this dictum can be accepted[85], especially if it is supplemented with Diogenes Laertius' reference to *logos* in VII 85-86, which distinguishes the workings of natural law on animals and humans, and Cicero's *De finibus* 3, 62-63. Anyway, Ulpian makes clear that what is common to all animals is the instinct of self-preservation and the procreation and endearment of their off-spring, while what concerns human beings belongs also to the jurisdiction of *ius civile* and *ius gentium*.

As I said in the beginning of my paper, the Stoic attitude towards animals became typical of the Western tradition. Yet, the Stoic view of animals and their exclusion from the moral sphere because of their irrationality did not remain unchallenged. Many scholars[86] – and excellently from the viewpoint of the philosophy of mind and ethics Richard Sorabji[87] – argued that the first discussion on animal rights in the philosophical sphere – inaugurated in a certain sense by Pythagoras[88] and Empedocles – arose as a reaction to the Stoic elevation of rationality and the subsequent normativity, not only as a prerogative of humans, but also as a radical disadvantage of animals forbidding their inclusion in the moral community. In fact, a strong reaction came from some academic Skeptics, Platonists, disciples of Aristotle and Neo-Pythagoreans, such as Plutarch, Sextus Empiricus, Porphyry and others. It has been argued that the Stoics' great emphasis on animals' lack of rationality gave rise to the first debate in the

history of the so called "movement for animal rights". It is true, though, that the Stoics did not overtly deny any sort of rights to animals, since in their time the question of the differences between rational and irrational animals was not put in terms of rights.[89] Stephen Newmyer in particular, considers some anti-Stoic treatises of Plutarch such as *De sollertia animalium, De esu carnium* and *Bruta animalia ratione uti* as anticipating – despite their naivety – some modern arguments in defense of animals, such as those of Peter Singer and Tom Regan. Plutarch – both directly and indirectly – fights the Stoics in his above treatises, either attributing reason to animals, or devaluating rationality as the sole predicament for respect and moral consideration. In fact, one can hardly ignore this ancient debate in reading the views of Frans de Waal, Christine Korsgaard and Peter Singer, collected by de Waal in the very interesting volume on the evolution of morality.[90] All these and many other recent discussions show that the current debate on the moral considerability of animals is not just a modern one addressed by Hume, Bentham, Kant, Schopenhauer and others, but it can be traced back into ancient times beginning with Hesiod and the Pythagoreans, and culminating in the Hellenistic period. All these show from another angle the perennial relevance of Greek philosophy.

Reflecting on Jeremy Bentham's famous dictum about the human attitude towards animals: "The question is not, Can they reason? Nor, Can they talk? But, Can they suffer? Why should the law refuse its protection to any sensitive being?"[91], we can hardly avoid being surprised that the Epicureans – despite their radical disagreement with the Stoics on pleasure and pain as well as on the contractual rather than the natural origin of justice – agreed with the Stoics that there can be no justice to animals, since they cannot enter into contracts (KD XXXII).[92] It is in fact surprising that very late "in the philosophical texts we find explicit statements that the pain and terror felt by animals is a reason for treating them justly", as Sorabji put it, or that "Porphyry may have been the first, if he was not following Plutarch, to appeal to animal pain and terror as reason for treating them differently from plants"[93]. As far as the Stoics are concerned, it is not paradoxical that the suffering of animals would have not dictated a benevolent attitude towards them, which would have led the Stoics to abstain from animal food. The Stoics regarded pain as morally indifferent (SVF III 70, 117). It is a solid Stoic creed that "pain is not a moral evil", and even that "one who counts death an evil, can never fail to be afraid of it" (SVF III 35). Chrysippus said that we should not avoid dolor as something harmful, since we are not alienated by nature from pain; moreover, in case we suffer intolerably we can reasonably depart from life: even death is morally indifferent (SVF III

146: 229a).[94]

F. H. Sandbach has said: "The sharp distinction between man and other animals cannot be accepted today, but to the Stoics this human peculiarity was important, because it allowed man to be treated as an agent responsible for all his actions."[95] Does the Stoic type of rationality amount to the so-called normative rationality? After Max Weber's four types of rationality – such as theoretical, practical, substantive and formal –, after Christine Korsgaard's *The Sources of Normativity*[96], and, particularly, after Alasdair MacIntyre's *Whose Justice, Which Rationality?*[97] and a huge literature on this subject, it is not easy to assess cursorily the type of rationality advocated by the Stoics. Is it a case of "ethical substantive rationality", a "rationality of ends", or rather a "normative rationality"? As I have argued elsewhere[98], rationality "is an essentially contested concept". It has an extreme semantic density, and besides its focal meaning, it has a variety of senses depending on various contexts, functions and applications, i.e., forms of life and language games. Perhaps, "ethical substantive rationality", or "a rationality of ends" are pretty good labels for Stoic logocentricism.

Let me finish this paper with Urs Dierauer's remarks: "The absence of reason in the animal, with all its implications, was never in Greek philosophy expressed more vividly than by the Stoics: The animals have no divine parenthood, no knowledge of gods, no vision of the future, no knowledge of causality, no freedom of decision, no virtue, no happiness, and finally not the gift of speech. …The radical character of the opposition between man and animal in the Stoics makes us think for a moment of Descartes. However, the doctrine of *oikeiosis* makes evident that, contrary to Descartes, the Stoics in no way considered the animal as a machine or an automaton, but rather as a living being, sensible, having an intimate relation with its environment and first of all with itself." [99]

Notes

1. Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca, New York: Cornell University Press, 1993), 2. Among modern one-dimensional theories Sorabji counts satisfaction of preferences, feelings of pleasure and pain, inherent value, etc, and among the ancient ones rationality, belonging (οἰκείωσις), contract and expedience as exclusive "springs of justice", and as the basis for moral consideration (pp. 209-219). He thinks of Mary Midgley's defense of animals – in her *Animals and Why They Matter* (Athens: University of Georgia Press, 1983) – as "free of one-dimensionality".
2. See George Panagopoulos, *Stoic Philosophy in the Theology of Basil the Great in the 4th Century* (Athens: Herodotus, 2009), 79-108.

3. Martha Nussbaum, "The Moral Status of Animals", *Chronicle of Higher Education*, February 3, 2006, 2. Nussbaum adds to Sorabji's account "the fact that Stoic views of animals fit better than others with the Judeao-Christian idea that human beings have been given dominion over animals". On earlier prejudices for Eastern influences on Stoicism cf. Max Pohlenz, "Stoa und Semitismus", *Neue Jahrbucher für Wissenschat und Jugendbildung* 2 (1926): 57-69.
4. For references in Aristotle see Sorabji, op. cit., 12 n. 30, on man as the only animal having reason. Cf. Aristotle, *Histories of Animals* 488a 8, on some animals characterized as "political" (πολιτικά), and 488b 6 on man being portrayed as the "only thinking (βουλευτικόν) and capable of recollecting (ἀναμιμνήσκεσθαι) animal".
5. See Theophrastus, *De sensu* 25: "Because he [Alcmaeon] said that man differs from the others [animals] because he alone understands (ξυνίησι), whereas the others feel (αἰσθάνεται) but do not understand" (14 B 1a DK); cf. Myrto Dragona-Monachou, "Towards Mapping a Pre-Socratic Theory of Knowledge", *Deukalion* 11 (1974): 365-386.
6. See A. A. Long, *Hellenistic Philosophy: Stoics, Epicureans, Sceptics* (London: Duckworth, 1974), 115. On the evidence for Early Stoicism see pp. 115-118. This very influential book was translated into Greek by Myrto Dragona-Monachou and Stelios Demopoulos in 1987.
7. On Greek rationality see my papers "Aspects of Practical Rationality in Ancient Greek Philosophy", *Festschrift for Archbishop Demetrios* (Athens: *Eunomia*, 2002), 331-342, and "Right Reason in Antiquity with Special Reference to Stoic Philosophy", *Theory and Society* 5 (1991): 157-178.
8. On matter and corporeality in Stoicism see A. A. Long, op. cit., 154. Long considers the Stoics *vitalists* rather than *materialists*.
9. On the rationalistic Stoic position of the knowledge arrived at by reasoning in reference to Julia Annas' suggestion that the Stoics were empiricists see Michael Frede, "The Stoic Conception of Reason", in *Hellenistic Philosophy*, edited by K. Boudouris, 50-63 (Athens, 1994), 55.
10. See Hermann Diels and Walther Kranz, *Die Fragmente der Vorsokratiker* (Weidmann-Hildesheim, 2004) – henceforward DK.
11. See Charles Kahn, *The Art and Thought of Heraclitus* (Cambridge: Cambridge University Press, 1979), 89.
12. Academy of Athens: Research Center for Greek Philosophy, *Lexicon of Pre-Socratic Philosophy* (Athens, 1994), 230-231.
13. Aristotle, *Nicomachean Ethics* 1144b 29.
14. See Myrto Dragona-Monachou, *Socrates – The Great Greeks* (Athens: SKAI, 2009), 190-192. Cf. Myrto Dragona-Monachou, "Socrates as a Citizen and the Stoics", in *Socrates: 2400 Years since his Death,* edited by Vassilis Karasmanis (Delphi: European Cultural Centre of Delphi, 2004), 429-448; also Klaus Döring, *Exemplum Socratis* (Wiesbaden: Franz Steiner Verlag, 1979).
15. Aristotle, op. cit., 1143a 8-10.
16. See W. Frankena, "The Ethics of Right Reason", *The Monist* 66.1 (1983): 3-26, 4; also D. P. Dryer, "Aristotle's Conception of *Ορθός λόγος*", ibidem, 106-119.
17. See A. A. Long, "Heraclitus and Stoicism", *Philosophia* 5-6 (1975-6): 133-156.
18. See Ioannes ab Arnim, *Stoicorum Veterum Fragmenta* v. I-IV (Stuttgart: Teubner, 1964), henceforward SVF.

19. Emile Brehier, *The Hellenistic and Roman Age* (Chicago: Chicago University Press, 1971), 7.
20. Max Pohlenz, *Die Stoa. Geschichte Einer Geistigen Bewegung* (Göttingen: Vandenhoeck and Ruprecht, 1972), 32-35.
21. Cicero, *De legibus* I 12, 33= SVF III 317. For an English translation of Cicero's *Laws* I use C. D. Yonge, *M. Tullius Cicero, On the Nature of the Gods…on the Laws* (London: George Bell & Sons, 1907).
22. Aristotle, *Politics* 1332b 5 and *Nicomachean Ethics* 1098a 3-4. See Catherine Osborne, *Dumb Beasts and Dead Philosophers: Humanity and the Humane in Ancient Philosophy and Literature* (Oxford: Clarendon, 2007), 64: "The famous definition of man as 'rational animal' is not actually Aristotle's."
23. See, however, Neil McGregor, *A History of the World in 100 Objects* (London: The British Museum; Allen Lane: Penguin, 2010), XXVII: "it is making things that makes us human", not tools for survival, but works of art.
24. Sextus Empiricus, *Adversus mathematicos* VIII 257ff = SVF II 135: 223 (translated by A. A. Long). For an English translation of Sextus Empiricus' quotations I use R. G. Bury's in the Loeb Classical Library. In some occasions I prefer A. A. Long and D. N. Sedley, *The Hellenistic Philosophers* I (Cambridge: Cambridge University Press, 1987), and I translate shorter texts myself. Here I use Long's translation in *Hellenistic Philosophy*, 125.
25. Sorabji, op. cit., 2.
26. VII 85-86: SVF III 178, translated by Long-Sedley, *The Hellenistic Philosophers*, 346.
27. See also Aristotle, *Nicomachean Ethics* 1139a 20 and *Eudemian Ethics* 1234a 8. Cf. Panagopoulos, op. cit., 95ff.
28. *Καθῆκον* is a term coined by Zeno from the phrase *κατά τινάς ἥκειν,* i.e. "to have arrived in accordance with certain persons" (SVF I 230). On the translation of both the Greek and the Latin term *officium* see Long, *Hellenistic Philosophy*, 188ff. "Proper function" for animals and "appropriate action" for humans seem to me to be good translations. The Stoic concept of "duty" does not correspond to the Kantian *Pflicht,* although Kant was influenced by the Stoics. See Long, op. cit., 208.
29. Plutarch, *De sollertia animalium* 11, 967e = SVF I 515.
30. See the interesting article "Skepticism, Animal Rationality and the Fortune of Chrysippus' Dog", in www.philosophyofinformationet/publicatios/pdf/sar.pdf, and many other papers and comments on this issue. Cf. Panagopoulos, op. cit., 97ff for the views of St. Basil on this matter: "By refuting falsehood we find the true".
31. This quotation (I 69) is missing in Arnim's collection of fragments including only *Adversus mathematicos* VIII 270 (SVF II 797), but is included in K. Hülser, *Die Fragmente zur Dialektik der Stoiker* (Stuttgart-Bad Cannstatt: Friedrich Frommann, 1987). Here I follow Bury's translation in the Loeb Classical Library. Cf. Long's translation of this passage in *The Hellenistic Philosophers*, 36E, 216.
32. Long in his *Hellenistic Philosophers*, 216 obviously adopts Bekk's text *πολεμοῦντα,* whereas Bury prefers *ὁμιλοῦντα* – while Diels adopts *προσέχοντα*. Bury translates on the basis of *ὁμιλοῦντα* "who shows special interest in irrational animals", which seems better to me.
33. Bury translates *δυνάμει* as "implicitly", which might indicate a certain doubt.
34. I 69, translation by A. A. Long.
35. Sextus Empiricus, *Adversus mathematicos* VIII 270 = SVF II 797.

36. D. Babût, *Plutarque et les Stoiciens* (Paris: Presses Universitaires de France, 1971).
37. Sorabji, op. cit., 21.
38. "*Verum tamen rationalis habitus necesse est illa nullam habere participationem.*" Philo, *De animalibus,* in *Philonis Iudaei Paralipomena Armena*, edited by J. B. Aucher (Venice, 1826; reprinted Hildesheim: Universitätsschriften, 2004), 166. On this work of Philo see also Abraham Terian, *Philonis Alexandrini De Animalibus: An Armenian Text with an Introduction, Translation and Commentary*. *Studies in Hellenic Judaism* (Chico, California: Scholars Press, 1981). Cf. Myrto Dragona-Monachou, "The problem of Evil in Philo of Alexandria with special reference on his *On Providence*", *Philosophia* 5-6 (1975-6): 306-353. The full title of Philo's work is *De animalibus adversum Alexandron* or *Alexander vel De ratione quam habent etiam bruta animalia*.
39. Philo, *De animalibus,* edited by J. B. Aucher, 168 = SVF II 733.
40. See A. A. Long, *Epictetus: A Stoic and Socratic Guide to Life* (Oxford: Clarendon, 2002).
41. See Tad Brennan, *The Stoic Life: Emotions, Duties and Fate* (Oxford: Clarendon, 2007).
42. Panaetius did not share the view that plants and flowers are created for man's sake. He is perhaps the first Stoic to speak of "persons" (*persona*), as we know from Cicero's *De officiis.*
43. See L. Edelstein and I. G. Kidd, *Posidonius, The Fragments* (Cambridge: Cambridge University Press, 1972), v. I, Fr. 33.
44. See SVF I 570 on a dialogue between *λογισμός* and *θυμός* preserved by Galen.
45. See Myrto Dragona-Monachou, "Posidonius' Hierarch between God, Fate and Nature and Cicero's *De divinatione*", *Philosophia* (1974): 286-305.
46. See Seneca, *Ad Lucilium epistulae morales*, translated by Richard Gummere in 3 volumes (London: Heinemann, 1967), Ep. 124, 4; henceforward I use this translation sometimes slightly modified.
47. I use the translation of John Basore in Seneca, *Moral Essays* (London: Cambridge University Press, 1970), vol. I.
48. Sorabji, op. cit., 60-61, commenting on Seneca's *De ira* finds in him a redefinition of the emotions in presenting them as voluntary and demanding rational assent. It should be noted that Seneca, more than the other late Stoics, was influenced by Posidonius and also had scientific interests, as his work *Naturales quaestiones* indicates.
49. The Latin text reads: "Nulli non partium suarum agilitas est", which perhaps would be better translated as: "In no animal there is not agility of its own parts", as it is added that "sic animal in omnem usum sui mobile est".
50. It is noteworthy that in Seneca we find the first "moral" argument for the existence of god (from excellence). See Myrto Dragona-Monachou, *The Stoic Arguments for the Existence and the Providence of the Gods* (Athens: Saripolion, 1976), 202.
51. Urs Dierauer, "Raison ou instinct? Le development de la zoopsychologie antique", in *Sous la direction de Gilbert Romeyer Dherbey*, edited by Barbara Cassin et Jean-Louis Labarriere, 3-29 (Paris: Vrin, 1997), 20-22.
52. Ibid, 20.
53. See A. A. Long, *Epictetus: A Stoic and Socratic Guide to Life* (Oxford: Clarendon, 2002). Cf. Malcolm Schofield, "Stoic Ethics", in *The Cambridge Companion to the Stoics*, edited by Brad Inwood, 232-256 (Cambridge: Cambridge University Press, 2003), 232-235.
54. Long, ibidem, 181-206. Cf. Döring, op. cit. 1979, and "Sokrates bei Epiketet", *Studia Philosophica*, Amsterdam 1974, 195-226.

55. This key-term of Epictetus has been translated in many ways, as it has happened with many other Stoic terms. The translation of Epictetus' *Discourses* I use in this paper is that of W. A. Oldfather (London: William Heinemann; Harvard University Press, 1961), who translates *προαίρεσις* as "moral purpose". Long translates the same term as "volition". For the meaning of the word and the wide range of its translations see Long, *Epictetus*, 207-230. Cf. Myrto Dragona-Monachou, "The *Prohairesis* in Aristotle and Epictetus: A Correlation with the Concept of Intention in the Philosophy of Action", *Philosophia* 8-9 (1978-9): 265-310.
56. Long argues: "No other Stoic seems to attribute needs to god" (in his *Epictetus*, 174).
57. Long, *Epictetus*, 233: "Epictetus uses the term human being (*anthropos*) with normative connotations of what members of our species *properly* are."
58. See Myrto Dragona-Monachou, "Epictetus and Freedom: Parallels between Epictetus and Wittgenstein", in *The Philosophy of Epictetus,* edited by Theodor Scaltsas and Andrew Mason, 112-139 (Oxford: Oxford University Press, 2007).
59. Long, *Epictetus*, 184-185.
60. See Myrto Dragona-Monachou, "The Nature of the Whole and Man in Marcus Aurelius' Stoicism from the Viewpoint of Eco-ethics", in *Environment – Society – Ethics,* edited by Elena Papanikolaou, 21-47 (Athens: Aeiphoria, 2010).
61. Here I use – sometimes slightly modified – Maxwell Staniforth's translation of Marcus Aurelius*, Meditations* (Middlesex: Penguin, 1970).
62. See Myrto Dragona-Monachou, "The Similarity of Humans in the Past and Now", in *La difference Anthropologique a l' ére des Biotechnologies*, edited by Jean Ferrari and Jacques Wunenburger, 53-70 (Lyon: Publications de l'Institut de Recherches Philosophiques de Lyon, 2005).
63. See David Sedley, *Creationism and its Critics in Antiquity* (Berkeley: University of California Press, 2007), 237.
64. I use H. Rackham's translation of *De natura deorum* (London: William Heinemann; Cambridge: Harvard University Press, 1967); henceforward ND. The assumption that animals have been created for man's benefit was explicitly recognized by the Stoics. F. H. Sandbach has very vividly put it in his *Ancient Culture and Society: The Stoics* (London: Chatto & Windus, 1975), 80: "Chrysippus said that the pig was given a *psyche* (life) to keep its flesh sweet, and was made fertile to provide man with his meals. The peacock had its tail because both Nature and man were lovers of beauty." On page 107 he also remarks: "Destructive wild animals served the purpose of stimulating bravery among hunters. Even mice and bed-bugs had their use, the former to encourage tidiness and the latter to discourage slothful lying abed."
65. On the divine providence see my long article "Divine Providence in the Philosophy of the Empire", ANRW 2.36.7, (Berlin-New York: De Gruyter, 1994), 4417-4490, and Chapter IV of my book *The Stoic Arguments for the Existence and the Providence of the Gods* (Athens: Saripolion, 1976), 131-160.
66. Cicero, *De finibus bonorum et malorum* III 74.
67. See Lawrence C. Becker, *A New Stoicism* (Princeton: Princeton University Press, 1998). Becker argues in the cover of his book for a "secular version of the Stoic ethical project, based on contemporary cosmology and developmental psychology, providing a basis for a sophisticated form of ethical naturalism". He sees this "New Stoicism" as "eudaimonistic, in identifying the good life or happiness with… being excellent-of-one's

kind", as "intellectualistic, in identifying virtue with rationality – with carrying out the normative propositions of practical reason" and as naturalistic, in its insistence that facts about the natural world were the substance of practical consideration" (p. 6). It is interesting that G. E. Moore, *Principia Ethica* (Cambridge: Cambridge University Press, 1978; first published 1903), 41, 110, who contested the "naturalistic fallacy", considers Stoic ethics "metaphysical", and not "naturalistic".

68. See Frankena, op. cit., 4. It should be noted that virtue ethics is usually ascribed to Aristotle, and some times to Socrates and Plato. Yet, Gregory Vlastos in his *Socrates, Ironist and Moral Philosopher* (Cambridge: Cambridge University Press, 1991), Greek translation by P. Kalligas (Athens: Estia, 1993), 325-327, has shown that the so-called thesis of the identity of happiness and virtue is primarily Stoic.
69. Long in his *Hellenistic Philosophy*, 204, speaks of the Stoic sage and the perfectibility of human nature. On a certain "deontology" in Stoic ethics see John Cooper, "Eudaimonism, the Appeal to Nature, and 'Moral duty' in Stoicism", in *Aristotle, Kant and the Stoics: Rethinking Happiness and Duty*, edited by Stephen Engstrom and Jennifer Whiting, 261-284 (Cambridge: Cambridge University Press, 1996), 277; on its teleological aspect see J. B. Schneewind, "Kant and Stoic Ethics", 285-302 in the same volume.
70. Sextus Empiricus, *Adversus mathematicos* IX 127-131= SVF III 370.
71. Cicero, *De finibus bonorum et malorum* III 67 = SVF III 371.
72. Cicero, *De legibus* I, 6, 18 = SVF III 315, see n. 21.
73. Ibid., I 16 = SVF III 311.
74. See Kurt Baier, *The Moral Point of View: A Rational Basis of Ethics* (New York: Random House, 1965).
75. Cicero, *De finibus* III 33-34 = III 72. For Cicero's text I used the translation by Raphael Woolf in Cicero, *On Moral Ends*, edited by Julia Annas (Cambridge: Cambridge University Press, 2001).
76. The view that justice is a prerogative of man begins with Hesiod, who brings forward a myth according to which justice is given by Zeus only to humans and not to animals (*Works and Days* 277-9). Analogous is the myth of Protagoras in the homonymous Platonic dialogue (320c-322d). Justice as a virtue in antiquity was wider than the modern one, since – as it is well known from Aristotle – it covered "all those virtues that are related to other people", but not men's relations with animals destined to be of use to them (*Nicomachean Ethics* 1129b 30-31, 1161b 2-3, *Politics* 1256b 15-26 and 1253a 8-18). Cf. Sorabji, op. cit., 117-120 on Pythagoras, Empedocles and Theophrastus; these philosophers considered animals as something *οἰκεῖον*, capable of *λογισμός*. Doing justice or injustice amounts to treating somebody rightly or wrongly, which applies only to equal rational beings.
77. Cicero, *De finibus* 21 = SVF III 188.
78. See Long, *Hellenistic Philosophy*, 172.
79. S. G. Pembroke, "*Oikeiosis*", in *Problems in Stoicism*, edited by A. A. Long, 150-173 (London: The Athlone Press, 1971), 125-6. Urs Dierauer, op. cit., 18 commenting on Cicero's, Hierocles' and Seneca's discussion of *οἰκείωσις* remarks that, although the Stoics were emphasizing the fundamental difference between human and animal soul, they, nevertheless, pointed out that Nature cares strongly about the preservation of those animals that behave conveniently. He finds their ideas as zoopsychological examples in their teaching of *οἰκείωσις* and the doctrine on divine providence. Frans

de Waal's "floating pyramid" in his "The Tower of Morality" can be considered as a modern analogue of Hierocles' "concentric circles". He says: "The expanding circle of human morality is actually a floating pyramid viewed from above. Loyalty and duty to immediate family, clan or species serve as counterforce to moral inclusion. Altruism is spread thinner the further we get from the center. The moral inclusion of out circles (All Forms of Life) is therefore constrained by the commitment to inner inclusion." See Frans de Waal, *Primates and Philosophers: How Morality Evolved*, edited by Stephen Macedo and Josia Ober (Princeton: Princeton University Press, 2006), 164.

80. Sorabji, op. cit., 124.
81. See Gerard Watson, "The Natural Law and Stoicism", in *Problems in Stoicism*, edited by A. A. Long, 216-238 (London: Athlone, 1971). Cf. Myrto Dragona-Monachou, "Justice and Law in Stoic Philosophy", *Diotima* 20 (1992): 37-42.
82. Cicero, *De officiis* I VII 20. The whole reference to justice in this section is particularly interesting, but what Cicero says about the Stoic view – obviously inspired by Panaetius – shows better than any other document on what moral grounds Stoics could not accept relations of justice with animals.
83. The Stoics did not discuss the problem of animals in terms of rights, although we do find in Stoicism the roots of the idea of human rights thanks to their theory of the law of nature, their views of natural freedom, moral equality of all human beings and human dignity (*dignitas*). See Myrto Dragona-Monachou, *Philosophy and Human Rights* (Athens: Papazisis, 1986), "Stoicisme et les droits de l' homme", *Discoursi* 2 (1985): 209-236, and "Zeno's Moral and Political Radicalism", in *The Philosophy of Zeno*, edited by Th. Scaltsas and A. Mason, 325-350 (Larnaca: The Pieridis Foundation, 2002).
84. "…that which nature teaches to all animals; because this law is not proper only to the human species, but to all animals that are being born in the land or in the sea, as well as to birds." *Digestae* 1.1.1. 2-3.
85. See T. Honoré, "Ulpian, Natural Law and Stoic Influence", *The Legal History Review* 78 (2010): 199-208.
86. See e.g. Stephen T. Newmyer, "Plutarch on Justice toward Animals: Ancient Insights on a Modern Debate", *Scholia: Studies in Classical Antiquity* 1 (1992): 38–54. Unfortunately I had not access to his recent books *Animals, Rights and Reason in Plutarch and Modern Ethics* (Oxford: Routledge, 2006), and *Animals in Greek and Roman Thought: A Sourcebook* (Oxford: Routledge, 2010).
87. Sorabji, op. cit. 170-207.
88. In fact Pythagoras' direct pupils – if not Pythagoras himself – advocated the similarity and, consequently, the moral equality of all living – better, of all ensouled – creatures due to the doctrine of the transmigration of the souls. Similar were the views of Empedocles and – to a certain extent – Anaxagoras.
89. As I have argued in my works cited in n. 83, in Stoicism we do find the roots of human rights thanks to their doctrine of natural law and the moral equality ascribed to all humans, but not a doctrine of human rights; the idea of human rights is a modern development and an achievement of universal consent.
90. See n. 79.
91. Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*, edited by Robert M. Baird and Stuart E. Rosenbaum (Amherst, New York: Prometheus Books, 1988), 311.
92. See Diogenes Laertius, *Vitae philosophorum* X, Principal Doctrines (KD). Cf. Sorabji,

op. cit. 162.

93. Sorabji, op. cit. 208, 184. His reference to Porphyry is from *On Abstinence from Animal Food* (*De abstinentia*) 3, 19.
94. See Myrto Dragona-Monachou, "Death, Suicide and Euthanasia in Stoic Philosophy", in *Contemplative Life: Festschrift to Professor Dimitris Koutras*, 111-136 (Athens, 2006).
95. See n. 64.
96. Cambridge: Cambridge University Press, 1996.
97. London: Duckworth, 1988.
98. "Aspects of Practical Rationality in Ancient Greek Philosophy", see n. 7.
99. See Dierauer, op. cit., 23-24, n. 46.

Georgios Steiris*

Isidore of Seville and al-Fārābi on Animals: Ontology and Ethics**

Isidore (c.560-636), Archbishop of Seville, is well appreciated as "le dernier savant du monde ancient"[1], although he lived in a medieval, from all aspects, Spain, which had no affinities with the classical Greek and Roman world. Isidore was an ardent Aristotelian, long before the revival of ancient Greek philosophy in the Arab region and in Medieval Europe. In an epic attempt to preserve the knowledge of the ancients, Isidore compiled the *Etymologiarum sive Originum*, an encyclopedia that affected the medieval world for centuries. Al- Fārābi (c.870-c.950), a leading figure of the medieval Arabic philosophy, was the founder of Arabic Neo-Platonism, and the philosopher who introduced the wisdom of the Greeks to the Arab world. He was an original philosopher and not simply a commentator, a rare feature for medieval philosophers. My purpose is to examine and compare Isidore's and al-Fārābi's views on animals so that we understand and evaluate the way medieval Europe and medieval Arab world, in their early phases, perceived animals as beings and agents, besides their different cultural and intellectual milieu.

I. Isidore of Seville on Animals

Isidore dedicated a book (XII) of the *Etymologiarum sive Originum* to the animals. Isidore followed mainly Pliny's classification and not that much the Aristotelian model. He was also influenced by *Φυσιολόγος*, a work of Alexandrian origin (2nd century AD).[2] Isidore suggests that Adam named every animal according to its behavior and the condition of nature which it served.[3] Latin speakers use the word *animal* or *animant* because animals are animated by life (*vita*) and moved by *spiritus*.[4] If the correct translation of the word is "breath", as it is proposed[5], probably Isidore follows the Bible, according to which God breathed into the inanimate body the breath of life. While this passage refers to man, who was created superior to animals, the

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Bible lead us to the conclusion that animals may have the "breath of life", though not an immortal soul in the same sense as humans do.[6] Democritus and the Pythagoreans hold similar views.[7] But if the word *spiritus* is translated as soul, Isidore seems to lie closer to Plato and the Platonists, who support that the soul moves the body[8], although the platonic philosophy is not thorough concerning animals as it is with regard to plants.[9]

On the other hand Aristotle, the other key philosophical figure of the ancient world, supports that self-motion is the main feature of life.[10] Aristotle is ambiguous on what moves the animals. While Aristotle holds that everything is moved by something which is not necessarily something else[11], in other passages maintains that, as to animals, whatever is in motion is caused by something else.[12] In addition Aristotle supports that the soul moves the body.[13] He argues that animals are alive because they are animated or otherwise ensouled.[14] The soul of the animals is characterized by the faculty of originating local movement.[15] The answer to what moves animals is "inasmuch as an animal is capable of appetite it is capable of self-movement; it is not capable of appetite without possessing imagination; and all imagination is either calculative or sensitive. In the latter animals, and not only man, partake".[16]

But in his *De differentiis verborum* (II.98) Isidore explains that there is a difference between the soul (*anima*) and the vital spirit (*spiritus*). The soul itself is a man's life, and presides over the body's sensation and motion; the vital spirit of the soul itself is whatever energy and rational potency it has, through which, by the law of nature, it seems to excel over other animals. For this reason, the soul is the breath of life, making man an animal, but the vital spirit is the force which suppresses carnal desires, and stirs up mortal man for the goal of an immortal life.[17]

Another interesting remark of Isidore's is that every beast lacking human language and appearance should be called *pecus*.[18] Besides the fact that this is the name for edible animals, the phrase needs elaboration. Unless Isidore considers humans as beasts, it is not clear which are the beasts who have human language and appearance. Humans are animated by the breath of God, as are other beasts, as Isidore's text suggests. Another possible explanation would be that Isidore refers to creatures like the sphinx, which other ecclesiastical writers describe as having human language and appearance.[19]

Isidore's views on animals' rights are traditional, and there is no novelty of any kind in his writings. Namely he suggests that humans are allowed to eat animals and have the right to take advantage of animals in any possible way. Animals are obliged to help humans in their labor, while the latter

use animals in warfare and as pray in sacrifices.[20] Isidore does not give any privileged status to bigeneric animals, even if they are half-human, such as Centaurs. Centaurs are half-humans and half-horses. According to Isidore, if a woman looks to a deformed animal during pregnancy, her fetus will be affected and will look like the animal. Procreation is affected by the images the women perceive or create in their imagination.[21] Although Isidore's interpretation of the beasts seems conservative, he nevertheless influenced medieval writers. According to Isidore, all nature is within the will of God. As a result Isidore bequeathed to medieval thinkers the moral evaluation of the monstrous.[22]

After herd animals Isidore discusses the beasts (*bestia*). They are called beasts because they are powerful and ferocious, they enjoy natural liberty, their will is free and their spirit leads them to wander around.[23] Isidore acknowledges that animals have free will (*liberae eorum voluntates*) and spirit (*animus*). The attribution of free will to animals is not so common. In the 13th century Maimonides echoing a certain Jewish tradition suggests that God gave *will* to animals and *free will* to humans. Irrational animals are being moved by their free will, likewise humans.[24] Free will, according to the mainstream Jewish and Christian tradition, is a basic feature of humans, not of animals, as Augustine of Hippo mentions several times.[25] Aristotle, for example, supports that animals lack rational desire or wish; they have only appetite.[26] But in another passage Aristotle suggests that animals' acts are voluntary.[27] The Stoics follow Aristotle and hold that animals do have souls, but they lack reason because their *hegemonikon* remains irrational.[28]

Isidore does not explain further what he means, but it is puzzling why he attributes free will only to beasts and not to other species of animals. It is possible that he connects beasts' free will with their wandering, but Isidore's phrasing does not support clearly such an argument. Despite any possible interpretation, the fact is that Isidore is probably the first high esteemed thinker of the classical and Christian world that attributes *libera voluntas* to beasts.

Moreover Isidore supports the view that natural law is not applicable to all animals. Isidore distances himself from the Roman tradition as expressed by Ulpian.[29] The attribution of free will to animals does not equate humans with animals, because the distinctive feature of humans remains their rational intellect.

Furthermore, in an interesting passage, Isidore mentions serpents, and holds that snakes excel in *vivacitate sensus*.[30] Isidore's source is the Bible.[31] But it is worth noticing that Isidore does not follow the biblical text which attributes *sapientia* to snakes.

II. Al-Fārābi on Animals

The Arabic philosophy is influenced by almost the same traditions that affected Isidore of Seville, with the exception of the Islamic religious element. Muslims, like the Jews and the Christians, hold that humans, while they remain animals, dominate over other animals because they have reason and immortal soul. But Muslims, under the influence of Persian thought, were sympathetic to animals.[32] In fact the proponents of one of the major schools of Arabic philosophy, namely the Mu'tazilah, hold that although there is divine providence, free will is granted to animals, and that they receive reward and punishment in the afterlife.[33] Also Maimonides, as I already mentioned, suggests that animals, in like manner with humans, move about as they will. But their will is the will of God.[34]

Al- Fārābi, the first great philosopher of the Arabic world, was concurrent to the Mu'tazilis. Al-Farabi attempts a thorough philosophical study of the animals. According to al-Fārābi animals are sublunary, compound bodies, and they are divided in animals that lack speech, and animals that possess speech and thought.[35] Animals are a combination of matter and form. Their matter is comprised of the four elements.[36] In the hierarchical order of nature no species surpasses those animals that are endowed with speech and thought. In a lower level there are the animals which lack speech and thought.[37] The animals which lack speech and thought arise as the result of a mixture which is more complex than that of the plants and the minerals.[38]

As for free will, al-Fārābi leads us to assume that animals do not have free will. He supports that the actions of the free natural bodies ought to be performed through acts of rational choice and will. But the offensive actions of animals are a result of their nature, without any apparent gain.[39] In addition al-Fārābi holds that choice as rational desire, the third kind of will according to him, pertains only to man and not to other animals. On the other hand, two different kinds of will can exist even in irrational animals: the first kind is a desire that follows from a sensation; the second is a desire that follows from an act of the imagination. Moral agent is only man, because only man develops the third kind of will. Man chooses between right and wrong, is subject to reward or punishment, and is able to seek or not to seek happiness.[40] Choice is the will that is derived from the practical intellect. Seemingly similar functions in animals, besides man, are not called choice.[41] As a result al-Fārābi argues that irrational animals are not moral agents. They possess will, but their will remains unresolved. Al-Fārābi's view is by far more explicit and articulated than Isidore's of Seville.

It is worth mentioning that al-Razi (864-925/932), a Persian philoso-

pher and a contemporary of al-Fārābi, attributes some sort of reason and choice to animals.[42] In addition al-Razi, when discussing justice, suggests that domestic animals should not be killed. On the contrary, killing and slaughtering of wild beasts is allowed, because they are harmful and dangerous for men. Domestic animals' soul can not escape their bodies. As a result their killing offers nothing to them. Reason forbids their slaughter. While al-Razi is aware that ancient and Muslim thinkers held different views, he considers Socrates as his ally on the forbiddance of the killing of animals.[43] Also the *Brethen of Purity*, a vast encyclopedia written in the 10th century, condemns the suffering of animals. Similar views expresses, among others - mostly Persians - Jalāl ad-Dīn Muhammad Rūmī (1207-1273), a Persian polymath. According to him even animals are aware of the possession of free will; as a result humans must not believe in any kind of determinism.[44]

But, according to al-Fārābi's ontological and hierarchical scale, animals are inferior to humans, although in certain passages he seems to hold that animals exist even for the sake of plants.[45] In addition al-Fārābi writes: "For every animal has a body and senses and a power to discern somehow that by means of which it labors toward the soundness of its body and senses. But it does not have a desire to understand the causes of what it sees in the heaven and on earth, let alone having a sense of wonder about things whose causes it desires to understand."[46]

Moreover, al-Fārābi makes use of animals in order to elaborate his political views. When he refers to the outgrowths of the city, he compares them to the wild beasts, because the outgrowths have bestial nature. The analogy between beasts and outgrowths brings into notice again al-Fārābi's view: animals are inferior to humans, and must be used correlatively.[47]

III. Conclusions

Isidore of Seville and al-Fārābi are two seminal figures of the early medieval world. Although their main interest was not in animals, they left us some interesting views and insights. They both follow the traditional view, namely that animals are ontologically inferior to humans, remaining loyal to the principles of their paradigms. But, on the other hand, their argumentation on animal's free will was of great importance for the evolution of animal rights and, I dare say, much more progressive than those of future philosophers and scholars. I hope that the insights provided in this paper will contribute to the promotion of the study especially of medieval Arabic and Jewish philosophy, both very rich in ideas concerning animals' rights.

Notes

1. Charles F. Montalembert, *Les Moines d'Occident depuis Saint Benoît jusqu'à Saint Bernard* (Paris: J. Lecoffre, 1860), 204.
2. Jacques Andre, *Isidore de Seville, Etymologies, Livre XII. Des animaux* (Paris: Les Belles Lettres, 1986).
3. Isidori Hispalensis Episcopi, *Etymologiarum sive Originum*, XII.I.1.
4. Ibid., XII.I.3.
5. *Isidore of Seville's Etymologies, The complete English translation of Isidori Hispalensis Episcopi Etymologiarum sive Originum Libri xx*, translated by Priscilla Throop (Charlotte: MedievalMs, 2005), v.II, XII.I.3.
6. Genesis, 2:7.
7. Aristoteles, *De anima* 406b 15- 25.
8. Ibid., 406b 26-28; see also Plato, *Timaeus* 36e.
9. Rcahana Kamtekar, "Psychology and the inculcation of virtue in Plato's Laws", in *Plato's Laws, A Critical Guide*, edited by Christopher Bobonich (Cambridge: Cambridge University Press, 2010), 127-148.
10. Aristoteles, *De anima* 406b 15- 25, 404a 9-17.
11. Aristoteles, *Physica* 254b 24ff.
12. Ibid., 254b 30-31.
13. Aristoteles, *De motu animalium* 700b 5ff.
14. Aristoteles, *De anima* 412a 13, 434b 11-14; also id., *De generatione animalium* 736b 13-15; and id., *De partibus animalium* 681a 12-15.
15. Aristoteles, *De anima* 432a 15ff.
16. Ibid., 433b 27-30; see also *On the Soul by Aristotle*, translated by J. A. Smith (Stilwell: Digireads.com, 2006), 94.
17. William D. Sharpe, "Isidore of Seville: The Medical Writings. An English Translation with an Introduction and Commentary", *Transactions of the American Philosophical Society, New Series* 54 (1964): 1-75, 28.
18. Isidori Hispalensis Episcopi, op. cit., XII.I.5.
19. Philostorgius, *Church History*, translated & edited by Philip R. Amidon (Atlanta: Society of Biblical Literature, 2007), 49.
20. Isidori Hispalensis Episcopi, op. cit., XII.I.5-8, 11, 28, 32; also Aristoteles, *Politica* 1256b 16-23; and James Serpell, "Animals and Religion: towards a unifying theory", in *Animals in Philosophy and Science, The Human-Animal Relationship, Forever and a Day*, edited by Francien de Jonge and Ruud van den Bos (Assen: Royal Van Gorcum, 2005), 19.
21. Isidori Hispalensis Episcopi, op. cit., XII.I.43, 60, 61.
22. David Greetham, "The Concept of Nature in Bartholomaeus Anglicus (Fl.1230)", *Journal of the History of Ideas* 41(1980): 663-677, 673.
23. Isidori Hispalensis Episcopi, op. cit., XII.II.1-2.
24. Moses Maimonides, *The Guide for the Perplexed*, translated by Michael Friedlander (London: Routledge & Kegan, 1904), XLVIII, 454, 505.
25. Saint Augustine, *De genesi ad litteram*, XI.13; Michael Bertram Crowe, *The Changing Profile of the Natural Law* (Hague: Martinus Nijhoff, 1977), 67-70; cf. Saint Augustine, *The City of God*, translated by Marcus Dods (Stilwell: Digireads.com, 2009), 307; and Robert Grand, *Early Christians and Animals* (London: Taylor & Francis, 2001), 73-122; also Natan Slifkin, *Man and Beast: Our Relationships with Animals in Jewish Law and Thought* (Brooklyn: Zoo Torah.com, 2006), 123-124.
26. Aristoteles, *De anima* 414b 5-6, 432b 5.
27. Aristoteles, *Ethica Nicomachea* 1111a 25-26; Michael Sweeney, "Philosophy and 'Jihād':

Al-Fārābī on Compulsion to Happiness", *The Review of Metaphysics* 60 (2007): 552.

28. Stephen Newmyer, *Animals, Rights and Reason in Plutarch and Modern Ethics* (New York: Routledge, 2006), 24-25.
29. Robert Greene, "Instinct of Nature: Natural Law, Synderesis, and the Moral Sense", *Journal of the History of Ideas* 58 (1997): 173-198, 175-179; cf. Jean Porter, "Contested Categories: Reason, Nature, and Natural Order in Medieval Accounts of the Natural Law", *The Journal of Religious Ethics* 24 (1996): 207 - 232, 213-214; also Brian Tierney, "Natura Id Est Deus: A Case of Juristic Pantheism", *Journal of the History of Ideas* 24 (1963): 307-322, 311.
30. Isidori Hispalensis Episcopi, op. cit., XII.IV.42.
31. Genesis, 3.1.
32. Patricia Crone, *Medieval Islamic Political Thought* (Edinburgh: Edinburgh University Press, 2005), 354.
33. Lawrence Hoffman, *Traditional Prayers, Modern Commentaries, Tachanun and Concluding Prayers* (Woodstock: Jewish Light Publishing, 1997), 184-185.
34. Moses Maimonides, op. cit., 285.
35. *On the Perfect State, Mabadi ara' ahl al-madinah al-fadilah, Abu Nasr al-Farabi*, translated and edited by Richard Walzer (Oxford: Clarendon, 1985), 4.3.
36. Yves Marquet, "La pensée d'Abū Ya'qūb as-Sijistānī à travers l' 'Itbāt an-Nubuwwāt' et la 'Tuhfat al-Mustajībīn'", *Studia Islamica* 54 (1981): 95-128, 102-103; cf. Walzer, op. cit., 5.1, 5.3.
37. Richard Walzer, op. cit., 6.1-2.
38. Ibid., 8.4.
39. Ibid., 18.3, 18.5.
40. Fauzi Najjar (trans), "Kitāb al-Siyāsāt al-Madaniyya", in *Medieval Political Philosophy*, edited by Ralph Lerner & Muhsin Mahdi (Ithaca: Cornell University Press, 1963), 33-34.
41. Muhsin Mahdi (trans.), "Falsafat Aristutālīs", in id., *Alfarabi's Philosophy of Plato and Aristotle* (Ithaca: Cornell University Press, 1969), 129.
42. Therese Anne Druart, "Philosophy in Islam", in *The Cambridge Companion to Medieval Philosophy*, edited by A. S. Mc Grade (Cambridge: Cambridge University Press, 2003), 114-115.
43. Patricia Crone, op. cit., 355; Majid Khadduri, *The Islamic Conception of Justice* (Baltimore: The John Hopkins University Press, 1984), 118.
44. Imtiaz Ahmad, "The Place of Rumi in Muslim Thought", in *Encyclopaedic Culture of Islamic Culture*, edited by Mohamed Taher (New Delhi: Anmol Publications, 1998), 54.
45. Christopher Colmo, *Breaking with Athens: Alfarabi as Founder* (Lanham: Lexinghon Books, 2005), 35; Philippe Vallat, *Farabi et l'école d'Alexandrie: des prémisses de la connaissance à la philosophie politique* (Paris: Vrin, 2004), 321.
46. Aristoteles, *Ethica Nicomachea* 1177b 17-26; Mahdi, *Falsafat Aristutālīs*, 77.
47. Fauzi Najjar, op. cit., 42.

George Arabatzis*

Animal Rights in Byzantine Thought**

Regarding animal rights, a useful distinction is to be made between formal rights and hegemonical rights; it is quite obvious that the issue of formal animal rights in a medieval society like Byzantium is rather weak. The hegemonical rights on the other hand embrace a crucial debate since antiquity about the intellectual factor as distinctive human feature, in reference to the Stoic *hegemonikon* (the "governing principle") that stands for this kind of mind-majesty. In the light of this distinction, any discussion about the relation of animals and reason in Byzantium belongs to the enquiry about animal hegemonical rights. It must be underscored that Christian philosophy (and the Byzantine thought is greatly indebted to it) clearly exalts the status of the human person over species.

The specifically theological representation about animals includes religious sentimentality and anthropomorphism. The Christian approach to animals appears often unsympathetic in a way that Christian metaphysics seems bound to morals that exclude animals from rights. Yet, in Christian perspective, every living thing embodies some significance by denoting God's presence in the world. Byzantine ideas about living things (animals and plants) carried on a tradition that synthesized elements from ancient Greek philosophy and the Christian religion (especially the philosophy of the Church Fathers). The crucial point is the introduction by Christianity of the theory of the historical creation of the world, from its initial elements to the formation of humans, who were seen as the crown of the universe.

In a rural civilization like Byzantium, proximity to the world of plants and animals produced popular literary works that played with the idea of human primacy over all other living beings, primarily animals, often through prosopopoeia; among these animal fables, the *Physiologus*, the *Pulologus* etc.[1] In the Middle Ages there was a general appeal to the testimony of creatures in order to edify the faithful and correct the morals as part of the technique of sermons.[2] A text like *Physiologus*, written in Alexandria in the third century AD, condenses the symbolic significance of

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every animal so that zoological knowledge will help the understanding of the meaning of the Bible; the natural characteristics of the animals constitute hence an allegory of the meaning of Creation.[3] In Christian discourse, "complex thoughts about soul and body, reason and emotion, salvation and damnation were conveyed by means of animal symbols and metaphors".[4] Still, neither were animal fables unknown to Ancient Greek culture[5], nor did animals simply play a higher role in Christian discourse, where they were often called to represent the "bestial other".[6] In fact, animals possess an ambiguous status in Byzantine culture. We witness this ambiguity in various Byzantine epigrams like the following: "And you also silence the bold passions / when nature turning away from what is right / slips into beastly monstrosities" (Arsenios); and in another version: "And he puts the animal passions to silence / when nature deviating from what is seemly / falls into beastly monstrosities" (Anonymus); the common source of the above two is: "And then our thoughts come to rest, which are like animals / when nature deviating from what is seemly / falls into hybrid forms of bestiality" (George Pisides).[7] The dialectic of the humble and the noble regarding animals is thus present both in the pagan and the Christian world.

The view of animals as godly creatures did not include sentiments that extended beyond Christian piety. The creation of animal parks by Byzantine emperors brings testimony to this: "Liudprand, an envoy of the German emperor Otto I, was entertained in 968 at a state dinner in Constantinople by Emperor Nikephoros Phokas. Phokas could not resist asking Liudprand: does your master have perivolia ("id est briolia", says Liudprand, later using the spelling "brolia"), and in them does he have onagers, that is, wild asses? Liudprand's answer, that naturally his master has a perivolium and in it he has every kind of animal except onagers, evidently gratified Phokas, for he then proposed that he take Liudprand to visit his park and see the asses. A few days later, Liudprand went riding in the park (its location is unspecified), but when he spotted the asses, who were in a herd along with wild goats (*capreis*), he was less than impressed and said to himself that they looked just like the donkeys he could see any day in the market in Cremona. When his escort suggested that the emperor might conceivably be persuaded to give him a few asses to take home to his master Otto, saying that the wild asses would 'bring him (Otto) no small prestige, since he will own something which none of his noble predecessors has ever seen,' Liudprand's disdain (along with his refusal to take off his hat while riding near the emperor's line of sight) must have galled the Byzantines, for Phokas ultimately sent him back not with any of the precious asses but with a pair of goats instead."[8] Exotic animals were also present at the Byzantine court as subjects

of curiosity and marvel well beyond any specific Christian sensibility.

Animals as nourishment were objects of dispute between men, in ways that transcend the simple quest for food supplies as Anna Comnena (12th century) narrates in her historical work *Alexiad* (X.9, 265-266, translated by Elizabeth A. S. Dawes):

> So Bohemund went away to Cosmidium where a lodging had been prepared for him, and a rich table spread for him, laden with all manner of meats and eatables. The cooks also brought in the uncooked flesh of land-animals and birds, and said, "You see, we have prepared the food in our usual fashion; but if those do not please you, see, here is raw meat which shall be cooked in whatever way you like." For they prepared the food and spoke in this way by the Emperor's [Alexius I Comnenus, Anna's father] orders. For he was wonderfully clever in judging a man's character, clever, too, in penetrating to the heart and ferreting out a man's thoughts, and as he knew Bohemund's suspicions and maliciousness, he guessed at the truth. Consequently, to prevent Bohemund suspecting him, he ordered those raw meats to be taken to him at the same time in order to allay any suspicion. Nor was he wrong in his surmise. For that dreadful Bohemund not only refrained from tasting the viands at all, or even touching them with the tips of his fingers, but pushed them all away at once, and, though he did not speak of his secret suspicion, he divided them up amongst the attendants, pretending to all appearance to be doing them a kindness, but in reality, if you look at it aright, he was mixing a cup of death for them. And he did not even conceal his craft, for he treated his servants with contempt. The raw meats, however, he ordered his own cooks to prepare in the usual Frankish way. The next day he asked the men who had eaten the supper how they felt. When they replied that they felt exceedingly well and had not suffered even the slightest discomfort from it, he discovered his hidden thought, and said, "When I recalled my wars with him and that terrible battle I must own I was afraid that he would perhaps arrange my death by mixing poison with my food." So spoke Bohemund. I have never seen a wicked man who did not act wrongly in all his words and deeds; for whenever a man deserts the middle course of action, to whatever extreme he inclines, he stands far away from goodness.

The speculation about vegetarianism in Byzantium is situated in a zone covered by the Neoplatonic heritage, monasticism, and heresy, but the relation of the first with the last two is not so evident. The monks' rejection of meat eating was not due to an ethical disposition, but rather to the establishment of monastic discipline. The heretic vegetarianism, its spiritual sources and range are also far from being clear to scholars.[9] Finally, iconic representation in Byzantium, from quite early times, privileged human figuring over animal symbolism.[10]

Since Byzantine thought draws heavily on Antiquity, the research on animal rights must identify possible sources of any relevant discussion among Byzantine writers. Plutarch's works *De sollertia animalium, Bruta animalia ratione uti,* and *De esu carnium* are of the sources that stand apart.[11] Plutarchean philozoism constitutes a strong refutation of the Stoic positions which emanate from the moralization of Aristotelian zoology and Aristotle's "man alone thesis" concerning human excellence amidst the animal world. So, Plutarch's philozoism opposes the theory of Contractualism or Contractarianism about animals that stems from the Stoic insistence on rationality as a way of separating humans from animals. Contractualism is a form of hegemonical rights theory that reproduces the Stoic fixation on the "likeness to humans" as the basic criterion for moral appreciation. For the Contractualists, harming animals is blamable only as far as people are hurt. However, the idea of likeness is ambiguous since a rational rift between humans and animals is difficult to place.

The Stoic *hegemonikon* involves a powerful relation of reason to meaningful language; Plutarch was strongly opposed to this association. Rationality is a living continuum according to Plutarch, while for the Stoics reason acknowledges only itself. For Plutarch, animal rationality is a question of more or less, but for the Stoics it is a question of *either-or*. Plutarch defends the idea that all animals possess some degree of understanding and reason (*De sollertia animalium*, 960A), and acknowledges in them a certain ability to reason (960F), likeness to humans (961B) and even possession of conceptions (961D); he states that animals have a share in reason (966B). Since antiquity, the hostility towards animals was seen as part of humankind's protection and subsistence and the hunting as a form of just war. Plutarch found here another motive for criticizing the Stoics, turning their *apatheia,* from freedom from passions to mere insensibility and absence of fellow-feeling, which might even lead to delight with animal suffering.

The work of a Byzantine writer that may be productively compared to Plutarch's philozoism is that of the Aristotelian commentator Michael of

Ephesus.[12] In a series of publications I have proposed that Michael of Ephesus elaborated a theory (or proto-theory) of intentionality.[13] Only with this theory we are to understand his commentary on the Aristotelian biology of the *Parts of the Animals* 22.25-23.9, which interprets the Aristotelian praise of empirical science (1.5, 644b 22–645a 31). In this fragment, Michael's argument can be summarized in the following three propositions: (1) Plants and animals speak and ask for the attention of humans; (2) "Philosophy"[14] states that every part of the world has its own share of sublimity; (3) Our attention should focus on organic material (animals and plants) as well, notwithstanding the aversion (pain) that this may cause. In Michael's commentary animals are valued as objects of science – an ambiguous statement as to the rights of animals. Michael compares animals to the noble stars and heavens, and thus he makes them part of a general theory of intellectual dignity. Two points mark a difference between Michael of Ephesus and Aristotle, and deserve further analysis: (1) the personification of animals and plants speaking to humans, which is an innovation of Michael's in relation to Aristotle's text; and (2) the idea that no natural pleasure supports the scientific interest for living things. A possible explanation for this difference between Aristotle and Michael of Ephesus would be that the animals' and plants' appeal is in the mode of "as if", owing, perhaps, to medieval perceptions of the animals' and plants' position in the world as sole manifestations of godly nobility. So the whole question of the difference between Michael and Aristotle may be reducible to different cultural attitudes. I believe that this is not the case. The animal part of dignity does give animals the right to be regarded as possessors of rights? The answer to this question is a constituent of what I have called the hegemonical aspect of a theory of animal rights and especially if, for Michael, the subject of dignity or nobility includes a view of intentionality as a distinctive operation that produces merit. Michael of Ephesus seems to sustain: (1) a general theory of dignity; (2) a perception of the contrast between pleasure and pain; (3) a theory of (intellectual) pleasure.

Michael of Ephesus seems to suggest against the Stoics the likeness of animals to humans as to speech and to moral distress. We have seen that the relation of rationality and language as a basis for moral consideration constitutes a powerful idea since antiquity. Michael of Ephesus allows animals to speak (in the manner of "as if"), but this cannot ensure reason for animals. For the Stoics, the missing linguistic capacity is a characteristic of the imperfect nature of the animal soul. For Michael, animals cannot reason scientifically since they ask for humans to do it, but they can "speak" about their discomfort; they can suffer (morally at least), but they cannot over-

come suffering like humans do. For Plutarch, animal rationality actually exists, it is just not perfectible (963 B); in some aspects, this is also Michael's view. For the Stoics, animal sensations – as conscious phenomena – are in the mode of "as if" (961 F); for Plutarch, the "as if" mode shows that animals can use hypothetical syllogism, while to Michael's view, the "as if" mode refers to the intentional universe.

Animals according to the Stoics are without intentionality and, in this regard, Michael of Ephesus seems to be on the side of animals. Plutarch's interest lies less on the scientific or cognitive level, than on the moral lessons that can be extracted from the animal condition and, in that, Michael's position is quite divergent. If Plutarch criticizes the Stoic *apatheia*, Michael is for another kind of *apatheia*, that of the scientific neutrality, since he demands the overcome of aversion in front of animal parts.[15] Plutarch shows a distinctive Neo-platonic repugnance for meat-eating, and speaks of "dreadful meals of meat" (*De esu carnium*, 993 C), which may be juxtaposed to Anna Comnena's (Michael of Ephesus' alleged mentor) story of meat eating as an element in the quarrelling of the powerful. Michael's work, like Plutarch's, contains some contradiction regarding animals. Plutarch, in his *De amore prolis* (493 F – 494 A), refutes *De esu carnium* claiming the presence of lesser justice in animals. In *Adversus Colotes*, he says that:

> ...animals live the lowly life they do because they have no knowledge of anything finer than pleasure, and do not understand the justice of the gods, caring nothing for the beauty of virtue (1125A).

Respectively, Michael states in his commentary on the *Nicomachean Ethics* that:

> He [sc. Aristotle] says, once the omissions and that which must be supplied from elsewhere are brought together, that in accordance with the assumptions of the Epicurean and later Stoic philosophers concerning happiness, one can attribute a share of happiness even to the non-rational animals, while according to myself and Plato and others who along with us would place happiness in the intellective life, it is impossible for the non-rational animals to be happy in that way...[16]

So it appears that for Michael happiness cannot be granted to animals. Here Michael is setting himself against Aristotle, the Epicureans (an

expected opposition for a Byzantine Christian), and the later Stoa. What marks a difference in this case is the theory of happiness in the later Stoa, one that postulates common trends in Aristotle, the Epicureans and the Stoics. In contrast to the later Stoa, Michael opposes the theory that there is a general pleasure according to nature and, similarly, he distances himself from Aristotelian ethics, where natural pleasure plays a constituting role.[17] Instead, the early Stoics, with whom Michael seems to align himself – or, at least, whose contribution he seems to acknowledge –, stated that living in accordance with nature is living in accordance with reason, and that pleasure is only an accessory to living things.[18] In contrast, "Plutarch's anti-Stoic polemic is directed against the older Stoics, especially against Zeno, Chrysippus and Cleanthes, a position voiced already in Schuster's 1917 study of the *De sollertia animalium*, while Plutarch ignores the milder later Stoics".[19]

Michael of Ephesus distinguishes between humans and animals when it comes to intellectual happiness on the grounds that intellectual happiness is lacking to animals. Even though animals do not have access to intellectual happiness, they can still suffer. Their distance from intellectual happiness is due to the fact that they do not possess the intellect for happiness. However, we cannot defend with philosophical exactitude that animals bend towards bodily pleasure. For Michael of Ephesus, human bodily pleasures are called "body-like", and in that respect animal pleasures cannot be named by this term. For Plutarch, animals mate only for procreation, their sexual desires are moderable (since seasonal), and unlike humans they are not devoted to bodily pleasures; it is only humans who are able to feel unnatural (shameful) pleasures (*De bruta animalia ratione uti*, 987E).

Plutarch believed that animals are capable of feeling pain, thus humans have no right to inflict suffering on them. In the above quoted passage from the commentary of Michael of Ephesus on the *Parts of Animals*, there is no proper suffering of animals, only moral indignation caused by people's scientific agnosticism about them. Michael of Ephesus's argument refutes intellectual pleasure (real happiness) to animals, but not (moral) suffering; most of all, animals cannot overcome pain by intellect and in the hope of future goods. For Plutarch the fact that they flee from anything harmful or painful (*De sollertia animalium*, 960E) is enough evidence of animal rationality; according to Michael of Ephesus, humans can make the distinction between the harmful and the painful, avoid the harmful and face the painful for prospective benefits. Animals have no means to remove a given painful sensation according to Plutarch (961A), and for Michael of Ephesus this frailty alludes to their poor intellectual disposition.

Can we claim that if body-pleasure oriented humans belong to the

sphere of body-like, then symbolic animals are part of the sphere of reason-like? For Plutarch, there is a natural rationality in animals (*De esu carnium*, 997E); nature is reason for animals or, else, nature and reason are compatible in them. This is animal perfection, their nature being not humbler than reason, which is unknown to humans. Plutarch concludes in this way his criticism of the Stoics: animals are more in accord with natural reason. Hence, humans are more counter nature because of human reason, while animals are more virtuous – naturally virtuous. The Byzantine Michael of Ephesus grants no intellectual virtue to animals, but he is disposed to admit that humans are more inclined to vices, bodily pleasures and alienation from knowledge. Animals have the right to be respected as part of the Creation, yet this exigency, for Michael, is embedded in a general appeal to the practice of science.

Notes

1. See Karl Krumbacher, *Geschichte der byzantinischen Literatur* (Munich, 1897), vol. II, section 2.3.
2. Carlos Steel, "Animaux de la Bible et animaux d'Aristote", in *Aristotle's Animals in the Middle Ages and the Renaissance*, edited by C. Steel, G. Guldentops and P. Beullens, 11–30 (Leuven: Leuven University Press, 1999).
3. Ibid., 12–13.
4. Ingvild Sælid Gilhus, *Animals, Gods and Humans: Changing Attitudes to Animals in Greek, Roman and Early Christian Ideas* (London-New York: Routledge, 2006), 263.
5. For speaking animals in Ancient Greek culture and the *Bible*, compare *Iliad* 19.408–17 and *Numbers* 22:28–30.
6. Gilhus, op. cit., 263.
7. See Marc Diederik Lauxtermann, *Byzantine Poetry from Pisides to Geometres* (Wien: Universität Wien, 2003), 205.
8. Nancy P. Ševčenko, "Wild Animals in the Byzantine Park", in *Byzantine Garden Culture*, edited by Antony Littlewood, Henry Maguire and Joachim Wolschke-Bulmahn (Washington: Dumbarton Oaks, 2002), 72-73.
9. See Ken Parry, "Vegetarianism in Late Antiquity and Byzantium: The Transmission of a Regimen", in *Feast, Fast or Famine: Food and Drink in Byzantium: Byzantina Australiensia* 15, edited by W. Mayer and S. Trzcionka (Brisbane: AABS, 2005), 171-187.
10. "The artists are not to portray the Forerunner pointing to a lamb; In some depictions of the venerable icons the Forerunner is portrayed pointing with his finger to a lamb, and this has been accepted as a figure of grace, prefiguring for us through the Law the true lamb, Christ our God. Therefore, while these ancient figures and shadows have been handed down as symbols and outlines of the truth passed on by the Church, we prefer grace and truth, which have been received as fulfillment of the law. Therefore, so that what is perfect maybe depicted, even in paintings, in the eyes of all, we decree that the Lamb of God who takes away the sin of the world, Christ our God, should from now on be portrayed as a man, instead of the ancient lamb, even in icons; for in this way the depth of the humility of the Word of God can be understood, and one might be led to the memory of his life in the flesh, his passion and his saving death, and of the redemp-

tion which thereby came to the world." Canon 82 of the Council in Trullo, translated by Charles Barber in id., *Figure and Likeness. On the Limits of Representation in Byzantine Iconoclasm* (Princeton and Oxford: Princeton University Press, 2002), 42. The Greek text is in *The Council in Trullo Revisited*, edited by George Nedungatt and Michael Featherstone (Rome: Pontificio Istituto Orientale, 1995), 162-164.

11. See Stephen Thomas Newmyer, *Animals, Rights and Reason in Plutarch and Modern Ethics* (London: Routledge, 2006). Much of the subsequent argument here draws on this book.
12. Michael of Ephesus is now thought to be a writer of the twelfth century, one of the circle of the Byzantine princess Anna Komnene's scholiasts of Aristotle, if we accept the position of Robert Browning ["An Unpublished Funeral Oration on Anna Comnena", *Proceedings of the Cambridge Philological Society* 188 (1962): 1–12]. See also Peter Frankopan, "The literary, cultural and political context for the twelfth-century commentary on *the Nicomachean Ethics*", in *Medieval Greek Commentaries on the Nicomachean Ethics*, edited by Charles Barber and David Jenkins, 45–62 (Leiden – Boston: Brill, 2009). For more information on Michael of Ephesus, see George Arabatzis, *Παιδεία και Επιστήμη στον Μιχαήλ Εφέσιο. Εις περί ζώων μορίων* A 1,3 – 2,10 [Paideia and Episteme in Michael of Ephesus. In de Part. Anim., I, 1,3–2,10] (Athens: Academy of Ahens, 2006), 17–36.
13. See George Arabatzis, op. cit.; also id., "Michael of Ephesus on the empirical man, the scientist and the educated man (*in EN* X and in *PA* I)", in C. Barber & D. Jenkins (eds.) op. cit., 163–84; (2009); and id., "Michael of Ephesus and the philosophy of living things (*In De partibus animalium*, 22.25–23.9)", in *The Many Faces of Byzantine Philosophy*, edited by Katerina Ierodiakonou and Borje Bydén (Athens: The Norwegian Institute at Athens, in press).
14. On what "philosophy" meant precisely for Michael we are unable to pronounce in a decisive and conclusive manner; see Arabatzis (in press).
15. Yet, Michael's manner of comparison is very similar to that of Plutarch: "[Plutarch] often uses synkrisis not to demonstrate the superiority of one side of the equation over the other, but rather to explore the issues raised as a whole"; see Tim Durff, *Plutarch's Lives: Exploring Virtue and Vice* (Oxford: Oxford University Press, 1999), 245.
16. In *Eth. Nic.* X 598.19–24, translated by Victor Caston; see *Aristotle Transformed: The Ancient Commentators and Their Influence*, edited by Richard Sorabji (London: Duckworth, 1990), as quoted in Karl Praechter, "Review of the *Commentaria in Aristotelem Graeca*", in R. Sorabji, ibid., 40.
17. See Panaetius' happiness "in agreement with nature" (*Apud Stobaeum*, 2.63.25-2.64.12 = Panaetius fr. 109 van Straaten). See Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca, N.Y.: Cornell University Press, 1993), 139. As to whether pleasure exists according to nature there was already a controversy in antiquity; see Sextus Empiricus, *Adv. math.* XI, 73; also Richard Haynes, "The theory of pleasure of the old Stoa", *American Journal of Philology* 83 (1962): 412–19, 414.
18. Zenon in Diogenes Laertius VII 85. "Diogenes Laertius, VII.4, reports that Zeno had written a treatise on living *in accord with nature*. F. H. Sandbach offers a helpful overview of interpretations of what living 'in accord with nature' may entail for the Stoics. He concluded that it may well have meant living a life that is self-consistent and contains no element of conflict that can hinder human happiness. It necessarily entailed living in accord with reason, which of course, *the Stoics* have denied to animals"; see S. T. Newmyer, op. cit., 128 n. 42; also Francis Henry Sandbach, *The Stoics* (New York: Norton, 1975), 53-59.
19. See Stephen Thomas Newmyer, op. cit., 58; also M. Schuster, *Untersuchungen zu Plutarchs Dialog De sollertia animalium, mit Besonderer Berücksichtingug der Lehrtätingkeit Plutarchs* (Augsburg: Hammer, 1917).

Panagiotis Pantazakos*

Plethon's Views on Animals**

According to G. Plethon, the response to the question "what is the relation between human beings and animals?" is of the utmost importance for our lives. The reason for this attitude is the fact that, unless we examine most meticulously and judge most objectively our similarities to and differences from other living creatures, not only are we unable to so regulate our lives, as to achieve happiness, but, according to Plethon, we shall find ourselves drowning in the abhorrent darkness of ignorance.[1] That is, we shall end up, if so chance has it, the most miserable of beings.[2] Plethon observes that "Some people consider human nature as similar to the nature of other living beings and beasts and believe that the former does not involve anything divine, in relation to the latter. Others, in accordance with their own hopes, raise human nature to pure divine nature, whereas still others hold that the human being possesses and will always possess a position in between divine and mortal nature, that is, a nature encompassing both aforementioned kinds of nature".[3]

For Plethon, those who believe that a human being does not differ in any substantial way from other animals - since they are all subject to the same natural laws - are mistaken, not only in advancing materialism and atheism, which, as is proven by history, have been rejected, as doctrines, from all nations on earth[4], but also because, whereas human beings have the ability to cultivate their virtues and assimilate themselves to God, animals remain in the same condition.[5] The Christian attitude, according to which we have nothing in common with animals, since we are created after the image of god, is judged to be equally astray, for two reasons: firstly, men and animals share the same matter, the same nutrition and the same type of growth; secondly, both men and animals have been created in the same fashion: from the mixture of an immortal nature and matter, which explains why we can be incarnated in different types of mortal bodies, either as hu-

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mans or as animals.[6] Plethon thinks that Christians err in promising us, for the future, a pure immortality, unadulterated, so to speak, by a possible mixture with the mortal element. The truth is, Plethon goes on, that "our souls will never cease to communicate, from time to time, with mortal nature… so that our souls, which remain constant in number, will not stay fixed at the place appointed to them by chance, but will fulfill the purpose of the gods".[7] Plethon thinks that Christians do not, fundamentally, believe in an absolute eternity, either for the universe, or for the human soul, because they maintain that the eternity of beings only exists in one direction, that is from the time the beings come into life onwards. Plethon calls this kind of eternity a "mutilated" eternity, which, if accepted, implies that god has not made the best of the time preceding our birth, and this fact would suggest that god acts in both a perfect and an imperfect way, at once, which is absurd.[8]

According to Plethon, the belief that animals and humans are alike in some respects and differ in others has more truth to it, not only because it is verified by observation and science, but also because the universe could not be brought to a harmonic balance, unless a soul could be incarnated sometimes in human and sometimes in animal bodies.[9] For Plethon, the Christian doctrine regarding the creation of the universe is utterly unacceptable, as it upholds the possibility of creation *ex nihilo*, which is absurd, and also because god cannot create the world by itself, but only in cooperation with other gods. Plethon believes that gods are many in number and differ from one another in degrees of divinity. Those who stem directly from Zeus are higher up in the hierarchy than the adulterated descendants who inhabit Hades (Tartara), namely the Titans. Zeus is the only god who has not himself ever come into being, is the creator of everything else and is himself unalterable, which is the reason Plethon refers to him as "the absolute one" or "the essence of the good".[10] Poseidon comes second in hierarchy, as he was created by Zeus directly, and Hera comes third, as she shares some attributes with Poseidon, only she is passive; she is the one providing matter and alimentation to all other beings, whereas their form and power comes from the male part. From the unison of Hera and Poseidon come all other immortal species, like the Sun and the Moon, whereas from the unison of the latter stem all mortals.[11]

Advocates of animal rights and, in specific, those amongst us who believe that humans and animals are born with equal rights in life may find in Plethon's work many arguments as much in favor as against their theory. True, some of them are tenuous, yet, quite often, they are very interesting. In fact, Plethon could be deemed as a forerunner of animal rights theorists

for six principal reasons:

1. First of all, he defends reincarnation, in the sense that our body is divided in matter and form and, whereas form remains unalterable, matter is alterable, dissoluble and infinitely divisible. He uses two arguments in support of reincarnation. The first one appeals to history, by arguing that the most prominent of nations (Greeks, Hindus, and Persians) and philosophers (Zoroaster, Pythagoras, and Plato) have endorsed this doctrine. The second one purports to be a logical argument, according to which, by discarding reincarnation, it is impossible for the mortal and immortal elements of creation to coexist. He maintains that if the mortal element had always coexisted with the immortal one, then it would have been assimilated to the latter and thus, humans would have ceased to be the boundary between mortal and immortal nature. Likewise, if the unison of the two natures was momentary, then the harmonious connection between them would be lost. What remains, thus, as the best option is for the two elements to communicate with one another in a recurrent unison, which repeats itself eternally. The soul realizes no difference, because its essence remains the same, whether it is incarnated in a human body or in an animal body.[12]
2. Plethon believes in predestination, i.e., he thinks that our fate has been preconceived by gods, in full wisdom. Gods have already planned everything regarding the future, even our mistakes, otherwise they would be either indifferent to the world, or they would constantly change their decisions, which would make them prone to errors of judgment, hence they would lose, presumably, their infallibility. From the recognition of the wisdom of the divine plan, Plethon concludes that respect for life in all its appearances is necessary, and that every action conducive to the death of an animal or the destruction of the environment is going to be punished in the afterlife.[13]
3. Plethon defends freedom of will. He says that the fact that every possible turn of events around us has been specified by a strictly hierarchical system should not for a moment lead us to appease ourselves in the belief that we cannot be held responsible for our deeds. This would make divine punishment unjust. On the contrary, we should consider ourselves the masters of our actions, because there is no divine or mortal being which we can observe to exert upon us any kind of coercion, and because we possess Reason, which, if cultivated properly, can be seen as standing in relation to ourselves as the charioteer to the horse. There is no freedom in not being restricted at all, as regards the way we live, because submission to the good should be desirable in itself. A person who lives freely may by unhappy,

and a person who lives with restrictions can be happy.[14] Thus, we are free to choose our habits in this life and, according to Plethon, it is these habits that will indicate the being in which we shall be reincarnated. This, however, should be seen as bliss, for three reasons: a) because it is better to be reborn in any body rather than not to be born again, b) because man is incapable of self-improvement without divine punishment, given that the latter is aimed at showing us how to correct our mistakes, c) because even if we accept that we can inflict harm on other beings involuntarily, this is not to say that punishment in this case would be purposeless, since it will force us to abide by divine will and will bring to surface that freedom is not tantamount to unaccountability, but demands respect for natural law and peaceful coexistence of all species.[15]

4. Plethon defends the unity and completeness of the universe. In his view, either everything is good in the universe, or there is no god, otherwise we would have to accept that god created the world imperfectly, either through lack of knowledge, or will, or power. Thus, if we condone the fact that the world is created in the best possible way, we ought to refrain from treating other species in a tyrannical way, since our domination of the world is only apparent, but even if it weren't, it would involve protection and care so as to run parallel to the real domination of god.

5. Plethon maintains that everything is fulfilled ideally with our contribution to the attainment of the Good, which emanates from divine will. In our actions, we should praise the gods, since without their help we would not be able to enjoy anything good. He recognizes that it is very difficult to live our lives without ever causing any kind of harm to other beings, because, if anything, we cannot always think correctly. Therefore, we should try to stay on alert, so as to restrict evil in the world through our choices and we should try to increase our knowledge and use it in favour of other people and animals.

6. Plethon dreams of a moral law which demands good to be done on all occasions, and this entails that we should not act as evil, wild creatures, by avenging ourselves against other people or animals, or by displaying cruelty.[16] According to Plethon, we humans share four characteristics with animals: a) our need for food, so as to supply our mortal nature with the elements necessary for the replenishment of its material losses, b) our urge for the perpetuation of our species, c) the creation and use of technical devices which help in our survival, and d) our interest in self-preservation, since no being seeks its self-destruction.[17]

Plethon, however, ought not to be counted amongst advocates of the protection of animals at any cost, but rather amongst advocates of animal

rights: he recognizes that animals have interests just as we do, yet we should, to an extent, give priority to our own. In fact, there are ten reasons why Plethon thinks that animal rights should not be treated on a par with human rights:

1. Animals are inferior in the hierarchical construction of the world, according to the principle: the further away from matter, towards an immaterial existence, the better.[18] Beings can be divided in two categories: those whose relation to nature cannot be resolved, namely all creatures which lack Reason, and those who are dependent upon nature, yet have the power to dominate upon it. A soul cannot be united with the divine element unless it first assumes a human form, because, in animals, the largest part of the energy of the soul remains inactive.[19]
2. Human beings are rational and sociable. Our advantages we owe to the city and the shared religion, hence our duties are first to be directed to the city and the common religion. We are the only creatures capable of understanding and using the capabilities of other animals in our benefit.
3. Whereas all animals have memory, humans also have recollections from previous lives, as well as from the time they have spent in an immaterial condition, in between incarnations. Those recollections which appear in dreams, enable the soul, eventually and with the help of god, to compare different lives and modes of existence and improve itself.
4. If we agree that gods predetermine everything so as to produce the best possible outcome, then we have to accept that even the exploitation of other human beings or animals serves some purpose.
5. Only humans have intelligence. Animals do not possess their own intelligence, but are guided by other intelligent beings, such as the Sun, or Saturn. Thus, they are incapable of "abnormal" behaviour.
6. Amongst humans, incest is forbidden and disgraceful, whereas it is practiced in the animal kingdom. Moreover, sexual intercourse is not performed in public by humans, because it is a sacred action and, like holy mysteries, it should not be seen by undignified people. Again, this is not the case with animals. Humans may behave in a sexually "abnormal" way (abstinence, sexual assault, homosexuality) which is impossible for animals, since, as we said, they lack a self-owened intellectual volition. Humans are also able to control their instincts, through the cultivation of other forms of pleasure. They can be taught to abide by "acceptable" sexual habits, such as monogamy, heterosexuality etc.
7. Humans can philosophize. Our intellectual limitations, in comparison to gods, is no obstacle in our endeavour to understand the divine. Humans who abstain from philosophy spend their lives like animals, incabaple of

experiencing the real happiness, which comes from the use of Reason.[20]
8. Humans commit suicide, whereas animals do not. All species seek their preservation, yet, sometimes, we are capable of acting against our instincts and, by virtue of the divine element within us, destroy our material, mortal nature. "Man", says Plethon, "kills his body as if it were a foreign element, as soon as he realizes that living along with the mortal element is not useful to him, anymore."[21]
9. Our senses play a different role in our lives, than in the lives of animals. The latter use them for the purposes of alimentation and perpetuation of the species, by changing colours, adorning themselves, running fast, smelling etc. Humans also use their senses for the same reasons, but also as coming to grips with the world of the senses, which is a reflection of the world of ideas. That is to say, that some pleasures which come from the senses can be enjoyed for their own sake, as long as they pose no threat to our superior nature.[22]
10. Humans acknowledge and practice fasting for the sake of demonstrating the dominion of the soul against the impulses of the body. Yet, Plethon does not advocate full abstinence from meat-eating.

In order to bring Plethon's views about the relation between human and animals to surface, we may look into the following abstract from the *Laws*: For those actions which animals appear to be conducting with some kind of reason (e.g. the society of bees or the economy of ants), we could surmise that, if this reasoning principle comes from the animals themselves, then it must be either superior, or inferior, or equal to ours. If it were superior to ours, it would function in a superior way in most matters, but it appears not to. If it were inferior, then each of these animals would not be able to focus its attention to performing one skill by doing its best, which, again, it is not the case. If, finally, this reasoning principle were similar to ours, then it would not focus itself in only one skill, nor would it do worse than our reasoning principle in most functions. Hence, we have to conclude that animals are guided by the energy of soul which dominates in our sky and by those abstract mental powers which determine their conduct from afar. In fact, those abstract powers also control the motion of plants (the vine tendrils move upwards if there is no impediment and evolve round thicker branches as soon as they find one). This abstract energy of the soul extends to all parts of the universe and fine tunes everything in accordance with Reason, by combining the things which relate to one another.[23]

In conclusion, we may say that, for Plethon, the moral issues concerning our behavior towards animals could not be solved by secular ethics for two reasons: firstly, because these issues are in essence, of theological

nature. For those who believe in some god, if we believe in our freedom to choose our own moral principles, we have to decide whether everything in our coduct ultimately depends on what religion we espouse, since the religion may have its own concrete view regarding our duties to non-human life and the environment. Secondly, animal ethics only differ in their methods from general ethics and the latter is inextricably bound with the notion of personal freedom to live according to the principles of action one endorses. Yet, secular ethical scientists advance a universal standardizing of human behaviour, by upholding that we all prefer schools from prisons and hospitals from cemeteries, regardless of our religious or political convictions. In reality, however, this is not possible, because no one wishes or should, in fact, relinquish one's right to judge by oneself what is good or not and because one gains a different perspective once one adopts a view of the world "from the above", as creations of the god, instead of seeing things "from below", and feeling as owners and emperors of the world. For Plethon, faith cannot in itself shape every aspect of our lives for three reasons: a. because faith uncoupled by deeds is stale, b) because belief in god and the theological way of understanding life leads us back to an eternal truth, admiration and praise to god and c) because by making peace with other animals and the world as a whole, we gain in freedom, as the law of god unites our consciousness with nature.

Notes

1. G. Plethon, *Νόμων Συγγραφή* [Writing of Laws], translated by D. Hatzimichael (Thessaloniki: Zitros Publishing Company, 2005), 389.
2. Ibid, 87.
3. Ibid, 85.
4. Ibid, 389.
5. G. Plethon, *Περί αρετών* [On Virtues], in J. P. Migne, *Patrologia Graeca* (Athens: Centre for Patristic Publications), vol.160, 865 B.
6. G. Plethon, *Νόμων Συγγραφή*, 391.
7. Ibid, 391, 373; L. Bartzeliotis, *Η κριτική του Αριστοτέλους παρά Πλήθωνι* [The Critique of Aristotle by Plethon] (Athens: Institution for Research and Publication of Modern Greek Philosophy, 1980), 56.
8. G. Plethon, *Νόμων Συγγραφή*, 393.
9. G. Plethon, *Διασάφησις των εν τοις μαγικοίς λογίοις ασαφέστερον ειρημένων* [Clarification of ambiguous sayings of the magic intellectuals], in C. Alexandre, *Plethon* (Amsterdam, 1962), 275- 281; Bartzeliotis, op. cit., 56.
10. G. Plethon, *Διασάφησις των εν τοις μαγικοίς λογίοις ασαφέστερον ειρημένων*, 273.
11. Ibid, 189-191.
12. Ibid, 123.
13. Ibid, 137, 139, 143, 261, 267, 313.

14. Ibid, 149.
15. Ibid, 151, 241.
16. Ibid, 377.
17. Ibid, 379.
18. Ibid, 275, 303, 305.
19. Ibid, 123.
20. Ibid, 247.
21. Ibid, 381.
22. Ibid, 295.
23. Ibid, 153-5.

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Descartes, Christianity, and Contemporary Speciesism**

I. Introduction

As enlightened as we may consider ourselves to be today on the question of animal rights and the question of the nature of animal experience, it has got to come as a surprise that our views and even the methods we employ in examining these sorts of questions are in certain respects pointedly Cartesian.[1] Descartes is widely recognized to have held the view that animals do not in any deep sense have experiences, and it is generally assumed that in one way or another this conviction led Descartes to the proposition that human beings have no moral obligations whatsoever toward animals.[2] Are we today not too enlightened to believe the sorts of things that Descartes took for granted about animals? Have we not disburdened ourselves of the sorts of prejudices that limited Descartes's perspective?

In fact we have not. Even if we might be said to be more sensitive and open to the prospect that animals are not mere machines, our entire way of life and more importantly the very ways in which we tend to *proceed in arguing* about these questions reflect some very Cartesian prejudices. Nowhere are the traces of these prejudices more evident than in contemporary debates about speciesism. Speciesism is a term that gets employed in a variety of ways nowadays, but what remains essential in these various uses of the term is the notion that one species (namely human beings) considers itself superior to other species simply in virtue of the fact that it is different than those other species.[3] This superiority is asserted somewhat dogmatically, much in the way that a racist dogmatically asserts the superiority of her or his own race over other races, or in the way in which a sexist dogmatically asserts the superiority of her or his sex over the other. In each case an implicit claim is made to moral superiority, and the corollary to this claim is the proposition that the beings that claim to be superior are entitled in virtue of their superiority to rights or privileges to

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which the supposed inferiors are not entitled.

Contemporary debates about the moral status of animals very often take the form of controversies about speciesism, and it is a curious fact that even (and perhaps especially) defenders of animal rights in these debates argue in a manner that is strangely reminiscent of Descartes's manner of argumentation about the moral status of animals. Specifically, proponents of each side of this debate tend to argue about (a) whether animals can or cannot legitimately be said to possess certain capacities or qualities that we tend to associate with being human, and (b) whether it can be *proved* that animals do or do not possess these capacities or qualities. The second of these controversies is more uniquely Cartesian than the first: For, notwithstanding the distinctive conception of mind that Descartes develops in his endeavor to capture the essence of being human, Descartes is wholly traditional in his endeavor to deny that animals possess certain human-identified qualities, taking his cue primarily from Aristotle, the Stoics, Saint Augustine, and Saint Thomas Aquinas; what is most distinctive from a methodological standpoint in Descartes's approach is his preoccupation with proof, a preoccupation that is best understood as a corollary of his conceptions of the mind and rational evidence.[4] Nonetheless, in its approach to each of these questions the contemporary speciesism debate shows a clear debt to Descartes.

What I would like to do in the following discussion is briefly sketch out Descartes's views on the nature of animal experience and the moral status of animals, with some specific emphasis on the debt that Descartes's views owe to Christian conceptions of human beings and animals, and then I would like to return to the question of speciesism and try to pinpoint the respects in which this contemporary debate is influenced by Descartes. In the end I would like to propose that the very limits that we so easily recognize in Descartes's treatment of animals are limits that confront the very conceptualization of animals and animal rights in the speciesism debate. Ultimately the endeavor to restore a sense of reverence for animal life should not depend at all on an acknowledgement of human-like capacities in animals such as reason or language; the key to overcoming speciesism and embracing animals as "our companion beings", an ideal sketched out by Thomas Berry in the introduction to *A Communion of Subjects*, depends not on a comparison between animal and human "natures" but instead on the recognition that both animals and human beings make their home together in the one supreme realm of nature that the ancient Greeks characterized as *physis*. It is nature in this sense to which Thomas Berry draws our attention when he speaks of the "inner form" that lies at the core of the world, and it

is nature in this sense that thinkers such as Schopenhauer, Nietzsche, and Heidegger have in mind when they seek to overcome the soul-body dualism of Christianity and Cartesian philosophy toward the prospect of a sense of human belonging to nature. After examining the implications of Descartes's appropriation of Christian soul-body dualism for his understanding of the moral status of animals, I will briefly return to the notion of *physis* and say something about its potential for realizing the ideal of "a communion of subjects".

II. Descartes's Views on the Nature of Animal Experience

Descartes's reputation for hostility toward animals was secured forever when his contemporary Henry More vilified him for "the internecine and cutthroat idea that you advance in the *Method*, which snatches life and sensibility away from all the animals..."[5] Twentieth century commentators have been no less harsh in their assessments; Norman Kemp Smith, for example, endorsed More's assessment when he termed Descartes's position downright "monstrous".[6] What led this tradition of critics to such an assessment is the fact that for Descartes animals are essentially machines, completely lacking in reason and in fact in any kind of inner experience, and as such they are due no moral obligations at all; we may experiment on them, and we may kill and eat them without moral scruple. In order to support this view, Descartes advanced three basic grounds for denying that we have moral obligations toward animals, all of which return us in one way or another to the faculty of reason as the dividing line between human beings and animals.

Descartes presents the first and most fundamental of these criteria in Part 5 of the *Discourse on Method*, where he maintains that non-human animals lack reason and language, and hence are ultimately indistinguishable from machines.[7] Descartes takes the inability to use language in a fully meaningful way – and by this he means to exclude the chattering of magpies and the like – as a sign that animals "have no reason at all" and that "nature... acts in them according to the disposition of their organs. In the same way a clock, consisting only of wheels and springs, can count the hours and measure time more accurately than we can with all our wisdom".[8] This account of the functioning of animals recalls Descartes's conception of the body in the *Treatise of Man* as "but a statue, an earthen machine" whose nerves function in the same way as the tubes in "the grottos and fountains in the gardens of our kings", and whose heart functions like the pipes in a church organ[9]; the difference between animal and human bodies

is simply that God has united the latter with a rational soul.[10] And since the rational soul is the seat of all conscious activity, it should not be surprising that animals are incapable of rationality and language.

A simple and vivid way of understanding this complex claim about animals is to say, as is sometimes done, that for Descartes animals are essentially like trees that learned to walk. Of course there is an obvious objection to such a characterization, one originally advanced by Plutarch and later reiterated by Descartes's contemporary Pierre Gassendi. Plutarch rejected the proposition that animals lack reason and language when he suggested that when dying animals cry out they are "begging for mercy, entreating, seeking justice..."[11] Gassendi slightly recasts this objection when he proposes to Descartes that animals do have a kind of "logos" of their own, even if it is not the logos of human beings:

> You say that brutes lack reason. Well, of course they lack human reason, but they do not lack their own kind of reason. So it does not seem appropriate to call them *aloga* except by comparison with us or with our kind of reason; and in any case *logos* or reason seems to be a general term, which can be attributed to them no less than the cognitive faculty or internal sense. You may say that animals do not employ rational argument. But although they do not reason so perfectly or about as many subjects as man, they still reason, and the difference seems to be merely one of degree. But although they do not produce human speech (since of course they are not human beings), they still produce their own form of speech, which they employ just as we do ours.[12]

In framing the objection in these terms, Gassendi is capitalizing on the rich variety of meanings contained in the Greek term "logos", meanings which range from sentence and proposition to logic to proportion to "account". Gassendi, like Plutarch, is raising the possibility that there is a "logic" or sense to animal experience, even if it is not the same as the logic or sense of human experience. Hence Plutarch and Gassendi call on us to consider whether we are not being unduly anthropocentric in denying "logos" to animals simply because they don't speak, do mathematics, structure their lives in an explicitly teleological manner, etc.

Descartes anticipates this line of reasoning in the *Discourse* when he says that even the best trained animals such as parrots "are incapable of arranging various words together and forming an utterance from them

in order to make their thoughts understood…" Animals "cannot show that they are thinking what they are saying". The actions of animals are due entirely "to the disposition of their organs. In the same way a clock, consisting only of wheels and springs, can count the hours and measure time more accurately than we can with all our wisdom".[13] Descartes's direct response to Gassendi in the *Objections and Replies* to the *Meditations* is of a piece with the reasoning articulated in the *Discourse*:

> I do not see what argument you are relying on when you lay it down as certain that a dog makes discriminating judgements in the same way as we do. Seeing that a dog is made of flesh you perhaps think that everything which is in you also exists in the dog. But I observe no mind in the dog, and hence believe there is nothing to be found in a dog that resembles the things I recognize in a mind.[14]

This is a position that Descartes maintained throughout his life; notwithstanding the suggestion of some commentators that Descartes was eventually to abandon the strict terms of the *bête-machine* hypothesis[15], according to which animals are mere machines and nothing else, as late as one year before his death Descartes would say that "the wagging of a dog's tail is only a movement accompanying a passion, and so is to be sharply distinguished, in my view, from speech, which alone shows the thought hidden in the body".[16]

Descartes articulates a second criterion for distinguishing human beings and animals at the end of Part V of the *Discourse* and in his correspondence, namely that animals lack immortal souls. This criterion is closely related to the first, so much so that it is difficult to establish a definitive boundary between the two. Descartes says that animals have "sensitive" souls, just as Aristotle and Aquinas had maintained; but, along with Aristotle and Aquinas, Descartes argues that animals lack reason and hence "rational" souls. Along with Aquinas, Descartes identifies the rational soul as an immortal soul, and he makes a sharp distinction between the souls of rational beings and the "souls" of beings like dogs and trees. In a letter to More, Descartes outlines his views on animal souls in the following way: We cannot *prove* whether or not animals possess immortal, rational souls, but the "stronger and more numerous" arguments lie on the side of supposing that animals *lack* immortal souls; the most reasonable assumption is that animals possess a "corporeal soul" (*anima corporea*) which is "purely mechanical and corporeal", in contrast with

the "incorporeal principle" that characterizes "the mind (*mentem*) or that soul (*animam*) which I have defined as thinking substance (*substantiam cogitationem*)".[17] Two earlier letters written by Descartes help to bring this conception of "corporeal soul" into relief as something very much like the Aristotelian-Thomistic conception of sensitive soul. In one he says that "the souls of animals are nothing but their blood (*animas brutorum nihil aliud esse quam sanguinem*)", and he argues that "this theory involves such an enormous difference between the souls of animals and our own that it provides a better argument than any yet thought of to refute the atheists and establish that human minds cannot be drawn out of the potentiality of matter".[18] In the other he assimilates the corporeal soul to mechanism: "I would prefer to say with Holy Scripture (*Deuteronomy* 12:23) that blood is their soul (viz., the soul of animals), for blood is a fluid body in very rapid motion, and its more rarified parts are called spirits. It is these which move the whole mechanism of the body..."[19]

Here Descartes follows both Aristotle, who associated *logos* (speech, reason, calculation, etc.) specifically with human beings; and Aquinas, who viewed the rational soul as immortal. When Descartes asserts the immortality of the human soul and the mortality of the sensitive souls of animals, he is drawing out an implication of his soul-body dualism, which asserts that all of nature is inert matter. Since animals are part of nature, and since natural things are not the sorts of beings toward which (on Descartes's and the Western philosophical tradition's view) we have obligations, we have no moral obligations toward animals – and it is then easy to see why Descartes views animals as essentially organic machines.

Here Descartes takes his reasoning from Aristotle by way of Aquinas. Aristotle argued that humans have "calculative" imagination (which enables us to abstract concepts from our particular experiences, and to use these concepts in linguistic formulations like assertions and deliberations), whereas non-human animals have only "sensitive" imagination, which means that they cannot generalize from particular experiences; calculative imagination characterizes rational souls, and sensitive imagination characterizes sensitive souls.[20] Aquinas's account differs from Aristotle's primarily in the introduction of the Christian distinction between mortal and immortal souls; for Aquinas, human, rational souls are immortal, whereas the sensitive souls of animals are corruptible, i.e., mortal.[21]

For Aristotle and Aquinas, the fact that animals are governed by sensitive soul entails that animals cannot discriminate between different objects of desire and make informed choices among them, but instead can only be caused to move toward the objects of their desires by the sheer

presence of the objects to the animals' perception. In Aristotle's account, external objects of desire (rather than deliberation or free choice) are the causes of the actions of animals governed by sensitive soul; similarly, in Aquinas's account, the "inclination of sensuality... has absolutely the nature of law" in animals, whereas in human beings it is reason that has the status of law.[22] To this extent, for both Aristotle and Aquinas, animals do not "choose" in a rationally informed way, and hence it would not make sense to hold them responsible for the choices they make.

From this Aristotle and Aquinas, and Descartes along with them, argue that because animals lack moral obligations, they must also lack moral rights (or: we must have no obligations toward them, if they can have no obligations toward us or toward themselves). This principle was articulated by the Stoic philosopher Chrysippus in terms of the notion of "oikeiosis" or community: Either a being is within the sphere of moral rights and obligations, or it is not; animals are incapable of rationality, so they must lie outside the sphere of moral obligations.[23] Perhaps the most interesting corollary of the Stoic principle of *oikeiosis* is that we have *no obligations whatsoever* towards animals - *nothing* that we do to animals can properly be construed as an injustice.[24]

Descartes's treatment of animals reflects an implicit commitment to this principle. Hence it is curious that Descartes should offer his third ground for denying that we have moral obligations toward animals, namely the supposition that animals are incapable of conscious perceptual states like pain; for if Descartes truly believes that it is not wrong to inflict pain on animals, then he does not need to argue that animals are incapable of feeling pain. Why, then, does Descartes go to elaborate lengths to argue that animals are incapable of conscious perceptual states? The reason, I think, is that the terms of his metaphysical dualism require him to do so; the foundations of his physics lead him to conceive of nature in purely mechanistic, efficient-causal terms, and this leaves no room for "inner", subjective awareness on the part of beings that lack a rational soul. Perhaps unexpectedly, this way of conceptualizing the distinction between the spiritual and the earthly follows from commitments that I take to be Christian in nature; notwithstanding a great deal of contemporary scholarship that argues for a view of Descartes as a secular atheist, I believe that the best way to understand Descartes's conception of bodies as pure mechanism is to see it as an attempt, in effect, to reconcile the Thomistic distinction between material and immaterial beings with Galileo's desire to assert the autonomy of scientific explanation. In other words, Descartes is trying to preserve a Christian commitment to the moral superiority of beings with immortal, rational souls, while at the

same time recognizing the tragic limitations of Aristotelian science.[25]

Given these aims, it should not be surprising that Descartes proceeds in the following way. "Perception" in animals involves no actual awareness, but instead occurs in the way in which we might imagine an infrared beam "sensing" the presence of something in the path of a closing garage door. Descartes offers the following characterization of sight in animals:

> ...animals do not see as we do when we are aware that we see, but only as we do when our mind is elsewhere. In such a case the images of external objects are depicted on our retinas, and perhaps the impressions they make in the optic nerves cause our limbs to make various movements, although we are quite unaware of them. In such a case we too move just like automatons, and nobody thinks that the force of heat is insufficient to cause their movements.[26]

Descartes offers the following example as an illustration of this conception of vision:

> When people take a fall, and stick out their hands so as to protect their head, it is not reason that instructs them to do this; it is simply that the sight of the impending fall reaches the brain and sends the animal spirits into the nerves in the manner necessary to produce the movement even without any mental volition, *just as it would be produced in a machine*. And since our own experience reliably informs us that this is so, why should we be so amazed that the "light reflected from the body of a wolf onto the eyes of a sheep" should be equally capable of arousing the movements of flight in the sheep?[27]

This conception of sensation informs not only Descartes's conception of vision, but also his conception of sensations like pain: "I do not explain the feeling of pain without reference to the soul. For in my view pain exists only in the understanding. What I do explain is all the external movements which accompany this feeling in us; in animals it is these movements alone which occur, and not pain in the strict sense..."[28]

These characterizations of sense-perception point toward what Bernard Williams once called an "all or nothing" view of mental life: "either a creature has the full range of conscious powers, and is capable of language and abstract thought as well as sensation and feelings of hunger, or it is

an automaton, with no experience of any kind."[29] Because animals lack reason and calculative imagination, they must lack all aspects of mental or "inner" experience, including the capacity to feel "pain in the strict sense". Apart from his mechanistic conception of body, Descartes is quite close to Aquinas's views about the human beings and animals; hence it should not be surprising that Descartes's denial that animals can feel pain is not the basis for his denial that animals have moral worth, but instead is a mere corollary of his soul-body dualism and his mechanistic conception of body.

Against the background of this triad of criteria for distinguishing human beings and animals, it is worth considering what Descartes and his philosophical forbears say about the use of animals. Aristotle set the tone for the Western "speciesist" treatment of animals when he said that:

> …after the birth of animals, plants exist for their sake, and… the other animals exist for the sake of man, the tame for use and food, the wild, if not all, at least the greater part of them, for food, and for the provision of clothing and various instruments. Now if nature makes nothing incomplete, and nothing in vain, the inference must be that she has made all animals for the sake of man.[30]

Saint Augustine was to endorse this view of animals seven centuries later in *The City of God* when he said that animals are not "related in community with us" because they lack reason; hence the Biblical Commandment against killing does not prohibit us from killing animals – "by the altogether righteous ordinance of the creator both their life and death are a matter subordinate to our needs..."[31] Saint Thomas Aquinas was in turn to rely explicitly on the authority of Augustine almost a thousand years later when he said: "hereby is refuted the error of those who said it is sinful for a man to kill brute animals; for by the divine providence they are intended for man's use according to the order of nature. Hence it is not wrong for man to make use of them, either by killing them or in any other way whatever."[32] The thread that connects Aristotle, the Stoics, Augustine, and Aquinas is the conviction that beings must be rational in order to merit membership in moral community; as Aquinas argues in the *Summa Contra Gentiles*, if there is any reason to be kind to animals, it is simply that doing so will make us more inclined to treat human beings kindly.[33]

Descartes's views on the moral status of animals bear the deep imprint of Greek and Christian tradition. In a letter to More, after asserting the purely mechanical nature of animal souls and the rational nature of the

incorporeal soul of humans, and after maintaining that animal "life" consists "simply in the heat of the heart", Descartes proceeds to conclude that his view of the nature of animal experience "is not so much cruel to animals as it is indulgent to human beings since it absolves them from the suspicion of crime when they eat or kill animals".[34] This is the basis for Descartes's conviction that animal experimentation is a morally unobjectionable practice. Indeed, in several places Descartes describes with enthusiasm his own forays into vivisection. In a letter to Plemp, Descartes notes that the hearts of fish, "after they have been cut out, go on beating for much longer than the heart of any terrestrial animal"; he goes on to explain how he has refuted a view of Galen's concerning the functioning of cardiac arteries by having "opened the chest of a live rabbit and removed the ribs to expose the heart and the trunk of the aorta. …Continuing the vivisection (*Pergens autem in hac animalis vivi dissectione*), I cut away half the heart..."[35] And in the *Description of the Human Body*, Descartes says that certain of Harvey's views concerning blood pressure in the heart can be corroborated "by a very striking experiment. If you slice off the pointed end of the heart in a live dog, and insert a finger into one of the cavities, you will feel unmistakably that every time the heart gets shorter it presses the finger, and every time it gets longer it stops pressing it".[36] Descartes proceeds to discuss other observations that will need to be made in the course of this experiment, and he also suggests that there are certain advantages to be gained from performing the experiment on the heart of a live rabbit instead of a dog.[37]

Descartes's commitments concerning the use of animals follow from his well known program to use physics to "render men the masters and possessors of nature".[38] His statements manifest none of the concern or hesitation about the exploitation of nature that Saint Augustine expressed when he characterized scientific curiosity as *concupiscentia oculorum*.[39] Notwithstanding this departure from Augustine, in an important sense Descartes's views concerning the moral status of animals are substantially in line with the Christian tradition of thinking about animals, a tradition which, as we have seen, is itself deeply influenced by Aristotelian and Stoic thinking. One way to answer the question why Descartes turned to a mechanistic understanding of nature is to say that he wanted to overcome the limitations of Aristotelian substantial forms in the attempt to predict and control natural processes, and this answer is certainly compelling. But another answer, one that is entirely compatible with the first, is to say that Descartes wanted to draw out the implications for natural science of the Christian distinction between the immaterial and material (immortal and mortal) realms. This desire led Descartes to a treatment of animals

as having no "inner" life whatsoever; and while it led him away from the Thomistic conception of animals as beings capable of feeling, in virtually all other respects Descartes's conception of the differences between human beings and animals is consistent with the Christian philosophical tradition.

III. How Descartes's Views Have Influenced the Contemporary Debate

It is interesting to recognize that the contemporary debate in Western philosophy concerning animal rights takes its bearings almost entirely from the question whether animal experience can be assimilated to human experience. The usual terms of the speciesism debate are that either animals *have* certain rights (a position taken by Tom Regan), or that they should have little or *no* rights at all (Michael P. T. Leahy and others). I would like to propose that there is something curiously Cartesian in the basic terms of this debate; specifically, some sort of Cartesian prejudices about the nature of mind, as well as the question of which beings can be said to have minds or mind-like experience, seem to lie at the center of the contemporary speciesism debate.

Consider first of all the centrality of the notions of rights and interests in the speciesism debate. Arguments against the view that animals possess a moral status equal to that of human beings tend to take the form of arguing that animals are not the kind of beings that can legitimately be said to possess "rights" to anything, and *a fortiori* that they cannot legitimately be said to have the right not to be killed, experimented upon, etc. Virtually all arguments against animal rights rely on the ancient prejudice about rationality or linguistic ability being a sign of human superiority. A good example of this approach is the work of Michael Leahy, who invokes certain Wittgensteinian notions in order to argue that it simply *doesn't make sense* to treat animals as the kind of beings toward which we ought to have moral obligations.

Wittgenstein makes a very telling move when he maintains that "our investigation is therefore a grammatical one"[40]; for it not only sets a methodological tone for everything that follows, but it also determines the outcome of anything like the speciesism debate in advance of any subsequent argumentation. For it reduces the resolution of all philosophical problems to "what we would say" – what *we* would say – and it thereby gives special primacy to the force of cultural and historical custom in the explication and resolution of these problems. One is reminded here of Wittgenstein's debt to Hume who, significantly if rather less famously, argued for the "grammatical" approach to the resolution of philosophical problems well over a century

before Wittgenstein.[41] In doing so, Hume left us with the problem of how to justify our moral claims on the basis of anything more enduring than personal sentiment or popular opinion. So while there is some appeal to the Humean-Wittgensteinian approach as regards the effort to expose certain problems in the history of philosophy as mere pseudo-problems resulting from a simple misunderstanding of philosophical grammar, that approach suffers from the tragic limitation of reducing ethics from a *pre*scriptive to a merely *de*scriptive discipline.

Wittgenstein says that "One can imagine an animal angry, frightened, unhappy, happy, startled. But hopeful? And why not? A dog believes his master is at the door. But can he also believe his master will come the day after tomorrow? And *what* can he not do here? ...Can only those hope who can talk? Only those who have mastered the use of a language."[42] One is reminded here of Aristotle's distinction between calculative and sensitive imagination, and of the traditional view of animals as beings that lack a sense of past, present, and future because they lack the capacity for conceptual abstraction: Only a being that is capable of contemplating the future can meaningfully be said to "hope" for anything; and if animals lack the ability to conceptualize the future, then it would seem absurd to attribute to them the ability to have hopes.

This kind of reasoning gets used to argue that animals cannot be said to have "interests", and hence that they cannot have anything like a "life project". In turn this means that they cannot be said to suffer any kind of loss - hence the claim that it cannot be said coherently that the suffering or death of animals is a regrettable event. Leahy pursues this style of reasoning to the point of claiming that all appeals to notions such as the inherent moral value of animals are nothing but "opportunistic flights of fancy" born of a "sad and mischievous error".[43] What is of signal importance here is the *way* in which Leahy comes to this conclusion: he displays a wide variety of traditional attempts to assimilate animals to human beings on the basis of capacities like the ability to have rights or interests, and he derides appeals to animal rights on the ground that animals are not linguistic beings.

Some thinkers go so far as to draw the following analogy: Imagine a person who experiences excruciating pain, but who is given a drug that makes her/him forget the experience of the pain completely – is there any sense in which the person could be said to have suffered a misfortune? And if not, then is this not comparable to the situation of an animal that feels pain and then has no memory of it afterward? A similar line of reasoning runs in the following way: We know that Lucretius says that death cannot be said to be a misfortune even for a human being, since one must experience

an event in order for it to be a misfortune, and death is an event which we precisely do not experience since we cease to exist in the instant of its occurrence[44]; is not the death or supposed suffering of an animal an event of this kind, to the extent that the animal has no sense of past or future, and hence no sense of an ongoing life project, and moreover that an animal's death cannot be considered a misfortune because it neither "experiences" nor "values" its death?[45] These sorts of arguments, whether they be based in Lucretius or Wittgenstein, are intended to distinguish animal experience from human experience in such a way as to make the proposition that animals have "experience" in a morally relevant sense seem patently absurd.

In opposition to this form of argumentation, contemporary commentators such as Joel Feinberg and Tom Regan argue that animals precisely can have interests. Contemporary proponents of animal rights take their cue from the nineteenth century thinker H. S. Salt, who was the first to argue systematically for a "rights" approach to the problem of animal welfare[46]; and these contemporary proponents argue that in order to have rights, a being must be capable of having interests or "conative life", which includes the capacity to have beliefs, desires, goals, and the like.[47]

But such thinkers attribute capacities to animals that animals simply don't seem to have – like a sense of the future or of their being a being among other beings. Even the most animal-friendly person has to wonder about arguments like this, particularly in the light of Aristotle's insightful distinction between calculative and sensitive imagination; for however we might best characterize the nature of animal experience, it seems dubious to force terms such as "interests", "beliefs", "expectations", and the like into our characterization. Wittgenstein, in other words, seems right to say that it makes no sense to attribute a state such as hope to a dog, at least in the full-blown human sense of anticipation of anything beyond the extremely short term. For hope in this sense presupposes a capacity for conceptual abstraction that animals such as dogs seem not to possess. But as we have seen, this is quite a different matter than the question of the moral implications of denying that animals possess the capacity for language, conceptual abstraction, and the like. Hence one might argue, with H. J. McCloskey, that it makes more sense to argue for human obligations toward animals, and moreover that having an obligation toward animals need not entail that animals have corresponding rights that they may assert (or that may be asserted on their behalf) against us.[48] This approach comes at least somewhat closer to doing justice to the moral terms of the human-animal relationship, since it avoids the mistake of attributing to animals the "at least rudimentary cognitive equipment" that a being must possess in order to be

able to have interests and hence rights.[49] For as Feinberg himself admits, the idea of interests is bound up with the idea of cultivating interests in the course of a whole life, and hence with the idea of happiness; and if we think of happiness in a philosophically rich sense, namely as Aristotelian *eudaimonia* rather than as a utilitarian sum of pleasurable events, then the absurdity of attributing things such as life projects (a notion that is inseparable from the notion of interests) to animals should become readily apparent.[50]

Now what seems clear is that both sides of the argument in the speciesism controversy implicitly accept the traditional Western terms of the debate: they argue about whether animals have capacities that make them sufficiently like humans to be counted in our sense of moral community, and in particular the debate comes down to the question whether animal experience is sufficiently "mind-like" to justify treating animals as quasi-moral-agents. One thinks here of just how much a part of classical liberal political theory terms such as "interests", "rights" and "duties" are; and in turn one thinks of just how indebted liberal theory, with its central notion of the autonomous individual, is to the Cartesian conception of mind.

But is there any other way to try to view the situation? E.g., might it be possible to start with a *feeling* about animals that many people seem to have, namely a feeling that the divinity of nature is expressed through the being of animals? For if we take the Cartesian/Western approach, then we begin with the presupposition that animals are objects, and we face the task of providing rational criteria for assigning moral rights to these objects. It seems to me that in the very formulation of the problem and the method for its solution, this approach makes it entirely too likely that we will fail to find animals worthy of moral respect. In part this failure will be due to the anxiety of influence we face when we try to conceive of non-rational beings as beings with moral worth, and in part it will be due to a comparable anxiety that we face in the attempt to overcome the Christian prejudice that attributes moral worth to beings on the basis of distinctions like immateriality-materiality and immortality-mortality. Both sides of the contemporary debate seem to proceed from a kind of anthropocentrism that either denies to animals capacities such as rationality and the immateriality of mind, or attributes to them capacities such as the ability to "have interests". What is peculiar and questionable about this approach is something that the philosopher Thomas Nagel once observed about our reflections on the experience of animals, namely that because the perceptual encounter that animals have with the world is so fundamentally different than the encounter that human beings have, the nature of the perceptual encounter that animals have with

the world is ultimately largely a matter of speculation.[51] Nagel's analysis suggests that if we try to hold animals to standards that are fashioned in the image of human capacities, then we should not be surprised when animals fall short of those standards; and by extension, we should not be surprised when advocates of animal rights try to argue for claims that seem a little strange, such as that animals have language, or that animals have "interests" in something like the sense in which human beings have interests, etc. It is not clear why we should need to treat animals as quasi-humans rather than treating them, say, along the lines of the Greek notion of *physis* as this notion is retrieved by philosophers such as Nietzsche and Heidegger – namely as beings that are radically "other" in relation to human experience, beings that exhibit a mystery, autonomy and intrinsic worth that is not reducible to anthropomorphic categories and hence is as incommensurable with the terms of the contemporary debate over speciesism as it is with the categories of a thinker as traditional as a Descartes or an Aquinas.[52]

The potential benefit of viewing the question of animal rights in terms of the Greek conception of *physis* is twofold: First, it opens up the possibility of thinking through the issue of animal rights in the context of a view of nature as a space with intrinsic value, in contrast with the traditional Western view of nature as a space that is devoid of intrinsic value because it is not "rational". Here one might think of the work of Hans Jonas in *The Imperative of Responsibility* and his attempt to extend the Kantian notion of moral obligation beyond the realm of rational beings; this would open up the prospect of a model of moral respect and obligations toward an entity (namely nature) from which we demand no reciprocal duties of moral respect.[53] And in turn, viewing animal rights in terms of the Greek conception of *physis* holds the promise of helping human beings to rethink their proper place in the larger scheme of the cosmos, in accordance with the task of what Martin Heidegger conceived as a primordial ethics that seeks to overcome the hegemony of anthropocentrism and re-establish a sense of piety toward and a sense of dwelling in nature.[54] To this extent, the task of rethinking Descartes's presuppositions about the dividing line between animals and human beings becomes the task of rethinking the notion of obligations toward an avowedly non-rational natural world and the closely related task of rethinking the human vocation of dwelling in the earth. In the end, an adequate conception of dwelling may require us to abandon altogether the juridical rights-and-obligations approach that we have inherited from liberal political theory, and to seek in its place a phenomenologically richer conception of being-in-the-midst of nature.

Notes

1. For the sake of linguistic simplicity I shall use the term "animals" in this discussion to refer to *non-human* animal species; in doing so I do not intend to imply that human beings are not animals.
2. It should be noted at the outset that the interpretation of Descartes's views on animals is complicated by a widespread penchant for mythologizing, particularly – but not exclusively – in the direction of demonizing Descartes. For example, Jack Vrooman, Peter Harrison and Keith Gunderson assure us that Descartes was a very kindly dog owner, while Richard Ryder insists that Descartes "proceeded to alienate his wife by experimenting upon their dog" – quite an achievement, given that Descartes was never married. See Jack Vrooman, *René Descartes: A Biography* (New York: G. P. Putnam's Sons, 1970), 194; Peter Harrison, "Descartes on Animals", *Philosophical Quarterly* 42 (1992): 219-227, 220; Keith Gunderson, "Descartes, La Mettrie, Language, and Machines", *Philosophy* 39 (1964): 193-222, 202; Richard D. Ryder, *Animal Revolution: Changing Attitudes Towards Speciesism* (Oxford: Blackwell, 1989), 57.
3. I take as axiomatic Tom Regan's formulation of speciesism as "the attempt to draw moral boundaries *solely* on the basis of biological considerations. A speciesist position, at least the paradigm of such a position, would take the form of declaring that no [non-human] animal is a member of the moral community because no animal belongs to the 'right' species – namely, *Homo sapiens*". Tom Regan, *The Case for Animal Rights* (Berkeley/Los Angeles: University of California Press, 1983), 155. For several alternative definitions of speciesism, see Ruth Cigman, "Death, Misfortune and Species Inequality", *Philosophy and Public Affairs* 19 (1980): 47-64, 48.
4. The primary focus of this paper is the first of these controversies rather than the second; for an incisive treatment of Descartes's conception of rational evidence, see Harry R. Frankfurt, *Demons, Dreamers and Madmen: The Defense of Reason in Descartes's Meditations* (Indianapolis: Bobbs-Merrill, 1970).
5. "Caeterum à nullâ tuarum opinionum animus meus, pro eâ quâ est mollitie ac teneritudine, aeque abhorret, ac ab internecinâ illâ et iugulatrice sententiâ, quam in Methodo tulisti, brutis omnibus vitam sensumque eripiens…" Henry More, *Letter to Descartes*, December 11, 1648, *Oeuvres de Descartes* (hereafter 'AT' plus volume and page number), 12 vols., edited by Charles Adam and Paul Tannery (Paris: Vrin, 1964-74), 5.243. For a translation of Descartes's correspondence with More concerning animal nature that includes the material cited here, see Leonora D. Cohen, "Descartes and Henry More on the Beast-Machine – A Translation of Their Correspondence Pertaining to Animal Automatism", *Annals of Science: A Quarterly Review of the History of Science Since the Renaissance* 1 (1936): 48-61.
6. See Norman Kemp Smith, *New Studies in the Philosophy of Descartes* (New York: Russell and Russell, 1963), 136; see also A. Boyce Gibson, *The Philosophy of Descartes* (New York: Garland, 1987), 214.
7. Descartes, *Discourse on Method*, AT 6.56-60, *The Philosophical Writings of Descartes* (hereafter 'CSM' plus volume and page number), edited by John Cottingham, et. al., 3 volumes (Cambridge: Cambridge University Press, 1984-91), 1.139-141.
8. AT 6.58f., CSM 1.140f.
9. Descartes, *Treatise of Man*, AT 11.120, 130f., 165; *Treatise of Man,* French-English edition, translated by Thomas Steele Hall (Cambridge: Harvard University Press, 1972), 2, 21f., 71. Descartes spells out the specific terms of this mechanistic conception of animals in his letter to Reneri for Pollot, April or May, 1638 (AT 2.39-41, CSM 3.99f.); his letter to the Marquess of Newcastle, November 23, 1646 (AT 4.575f., CSM 3.303f.); and his letter

to More, February 5, 1649 (AT 5.276-9, CSM 3.365f.).

10. AT 11.143, *Treatise of Man*, 36.
11. Plutarch, *De esu carnium* (*The Eating of Flesh*) 994E, in *Plutarch's Moralia* (Greek-English), translated by Harold Cherniss and William C. Helmbold, 15 vols. (Loeb Classical Library, Cambridge: Harvard University Press, 1957), 12.549. It should be noted, however, that Plutarch is not entirely against using or killing animals; he says that "there is no injustice, surely, in punishing and slaying animals that are anti-social and merely injurious, while taming those that are gentle and friendly to man and in making them our helpers in the tasks for which they are severally fitted by nature..." *De sollertia animalium* (*The Cleverness of Animals*) 964, in *Plutarch's Moralia*, 12.353.
12. Gassendi, "Fifth Set of Objections [to Descartes's *Meditations*]", AT 7.270f., CSM 2.189; cf. AT 7.262, CSM 2.183.
13. *Discourse on Method*, Part 5, AT 6.58f., CSM 1.140f.
14. "Author's Replies to the Fifth Set of Objections", AT 7.359, CSM 2.248.
15. See for example Marjorie Grene, *Descartes* (Minneapolis: University of Minnesota Press, 1985), 50f. On the nature and extent of Descartes's commitment to the *bête-machine* hypothesis, see Gunderson, op. cit.
16. *Letter to More*, April 15, 1649, AT 5.344f., CSM 3.374.
17. *Letter to More*, February 5, 1649, AT 5.276f., CSM 3.365f.
18. *Letter to Plempius for Fromondus*, October 3, 1637, AT 1.414f., CSM 3.62. See also "Author's Replies to the Sixth Objections", AT 7.426, CSM 2.288.
19. *Letter to Buitendijck*, 1643, AT 4.65, CSM 3.230. John Passmore is therefore wrong to conclude that Descartes believes that animals "lack... even that sensitive soul which both Aristotle and Aquinas had allowed them". Passmore's mistake was to assume that possession of a sensitive soul entails that animals can feel, and hence that "there could be pain and suffering where there has been no sin". John Passmore, "The Treatment of Animals", *Journal of the History of Ideas* 36 (1975): 195-218, 204; cf. Bernard Williams, *Descartes: The Project of Pure Enquiry* (New York: Penguin, 1978), 287. As should become clear below in connection with Descartes's conception of feeling in animals, there is no reason to suppose that possession of a sensitive soul entails the ability to "feel" in a sense that would pose a problem of theodicy.
20. See Aristotle, *De anima* 3.3, 10, 11 and Gary Steiner, *Anthropocentrism and Its Discontents: Animals and Their Moral Status in the History of Western Philosophy* (Pittsburgh: University of Pittsburgh Press, 2005), chapter 3.
21. Aquinas, *Summa Theologica* I, q. 75, art. 6, resp. *Basic Writings of Saint Thomas Aquinas*, 2 vols., edited by Anton C. Pegis (Indianapolis/Cambridge: Hackett, 1997), 1.691f. and q. 76, art. 3, resp., 1.705f.
22. Aristotle, *De anima* 3.10 at 433a 19ff.; Aquinas, *Summa Theologica* I-II, q. 91, art. 6, resp. (*Basic Writings of Saint Thomas Aquinas*, 2.755f.).
23. See Chrysippus, *Physica*, chapters 4 and 5 and especially chapter 8, section 5, "Animalia (et plantas) propter hominum utilitatem facta esse", in volume 2 of *Stoicorum Veterum Fragmenta*, edited by H. von Arnim, 3 vols. (Leipzig, 1903-1905); vol. 4 with indices by M. Adler (Leipzig, 1924). See also Cicero, *De finibus bonorum et malorum* 3.66f.; Porphyry, *De abstinentia* 1.4, 1.6, 3.1, 3.19-22; and Sextus Empiricus, *Adversus mathematicos* 9.130. For a more detailed discussion of the Stoics' views on animals, see Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca: Cornell University Press, 1993), chapter 10.
24. Porphyry, *De abstinentia* 3.1. This is the position that Plutarch is explicitly at pains to criticize; see *De sollertia animalium*, 963f.
25. Whether this is an authentically Christian commitment has been a subject of great

controversy, especially since Lynn White published "The Historical Roots of Our Ecological Crisis", *Science* 155 (1967): 1203-1207. A discussion of White's argument and its reception goes beyond the scope of the present paper; it is worth noting, however, that if we take the pronouncements of the Fathers of the Church (particularly Augustine and Aquinas) as the measure in deciding this question, a virtually ironclad case can be made in support of White's thesis - as the passages from Augustine and Aquinas cited in the present paper should demonstrate. At the same time it should be recognized that Christianity is a complex tradition with many heterodox voices, and that these voices have often failed to find representation in the pronouncements of Church orthodoxy. From the standpoint of the orthodoxy established by the dominant philosophical voices of the Christian tradition, a sense of deep reverence for material nature as a creation with intrinsic rather than instrumental value is at best heterodox; at the extreme, reverence for nature is not really "Christian" at all, but instead is motivated by metaphysical and moral commitments that are finally incompatible with the doctrines laid down by Augustine and Aquinas. For detailed defenses of this view, see Gary Steiner, *Descartes as a Moral Thinker: Christianity, Technology, Nihilism* (Amherst, NY: Prometheus/Humanity Books, 2004); and id., *Anthropocentrism and Its Discontents: Animals and Their Moral Status in the History of Western Philosophy*, chapter 5.

26. *Letter to Plempius for Fromondus*, October 3, 1637, AT 1.413f., CSM 3.61f.
27. "Author's Replies to the Fourth Set of Objections", AT 7.230, CSM 2.161 (italics mine). Descartes takes the sheep-wolf example from Avicenna and Aquinas. Cf. *The Passions of the Soul*, article 16, AT 11.341f., CSM 1.335: "Thus every movement we make without any contribution from our will – as often happens when we breathe, walk, eat and, indeed, when we perform any action which is common to us and the beasts – depends solely on the arrangement of our limbs and on the route which the spirits, produced by the heat of the heart, follow naturally in the brain, nerves, and muscles. This occurs in the same way as the movement of a watch is produced merely by the strength of its spring and the configuration of its wheels." Cf. also *The Passions of the Soul*, article 38, AT 11.358, CSM 1.342f.
28. *Letter to Mersenne*, June 11, 1640, AT 3.85, CSM 3.148.
29. Williams, op. cit., 284.
30. *Politics* 1.8 at 1256b 14-22, in *The Complete Works of Aristotle*, edited by Jonathan Barnes (Princeton: Bollingen/Princeton University Press, 1995), 2.1995. Cf. 1.5 at 1254b10-21.
31. Saint Augustine, *De civitate Dei* 1.20, in *The City of God Against the Pagans*, Latin with English translation by George E. McCracken (Cambridge: Harvard University Press, 1957), 92f. See also Saint Augustine, *De moribus ecclesiae catholicae et de moribus Manichaeorum* 2.17, in *The Catholic and Manichean Ways of Life*, translated by Donald A. Gallagher and Idella J. Gallagher (Washington, D.C.: Catholic University, 1966), 102 and 105: "...to refrain from the killing of animals and the destroying of plants is the height of superstition...there are no common rights between us and the beasts and trees..."; "...we can perceive by their cries that animals die in pain, although we make little of this since the beast, lacking a rational soul, is not related to us by a common nature."
32. *Summa contra gentiles* 3, chapter 112, *Basic Writings of Saint Thomas Aquinas*, 2.222.
33. Ibid. Kant would later follow this reasoning; see Immanuel Kant, *Lectures on Ethics*, edited by Peter Heath and J. B. Schneewind, translated by Peter Heath (Cambridge: Cambridge University Press, 2001), 198, 212f., 434. See also Steiner, *Anthropocentrism and Its Discontents*, chapter 5, 7.
34. AT 5.276ff., CSM 3.365f.
35. *Letter to Plempius*, February 15, 1638, AT 1.523-527, CSM 3.80-82.
36. AT 11.241, CSM 1.317.

37. AT 11.242f., CSM 1.317f.
38. *Discourse on Method*, Part 6, AT 6.62, CSM 1.142f (translation altered).
39. Saint Augustine, *Confessions*, book 10, section 35; cf. book 10, section 30, in *Confessions*, translated by R. S. Pine-Coffin (New York: Penguin, 1987), 241, 233, where "concupiscentia oculorum" is translated as "gratification of the eye"; and 1 John: 2:16.
40. Ludwig Wittgenstein, *Philosophical Investigations*, translated by G. E. M. Anscombe (New York: Macmillan, 1968), section 90, 43.
41. David Hume, *A Treatise of Human Nature*, 2nd ed., edited by L. A. Selby-Bigge (Oxford: Clarendon, 1981), 262: "all nice and subtile questions concerning personal identity... are to be regarded rather as grammatical than as philosophical difficulties"; 490f: "the ideas of justice and injustice; as also those of *property*, *right*, and *obligation* are, like the genesis of natural languages, matters of *convention*"; and 610: "It belongs to *Grammarians* to examine what qualities are to be entitled to the denomination of virtue..."
42. Ludwig Wittgenstein, op. cit., Part 2, sec. 1, p. 174. For a more complete examination of Wittgenstein's remarks on the differences between human beings and animals, see Michael P. T. Leahy, *Against Liberation: Putting Animals in Perspective* (London/New York: Routledge, 1991), chapter 5.
43. Michael P. T. Leahy, op. cit., 220.
44. Lucretius, *De rerum natura* 3, 830, 870ff., 898ff., 1091.
45. See Cigman, op. cit., 53f., 56f.
46. H. S. Salt, *Animals' Rights Considered in Relation to Social Progress* (London: Bell, 2nd ed., 1922 [1st ed. 1892]). Salt, however, was not the first to speak of the rights of animals; see for example Arthur Schopenhauer, *On the Basis of Morality*, translated by E. F. J. Payne (Providence/Oxford: Berghahn, 1995 [first published in 1839]), 180.
47. See Joel Feinberg, "The Rights of Animals and Unborn Generations", in *Philosophy and Environmental Crisis*, edited by William T. Blackstone (Athens: University of Georgia Press, 1974), 49. Tom Regan bases his view of animals as bearers of rights on the claim that animals are "subjects-of-a-life" with preferences, interests, and "a psychophysical identity over time". *The Case for Animal Rights*, 243. Cf. p. 279. To exclude animals from the sphere of moral rights on the grounds that they are moral patients rather than moral agents is simply "arbitrary in the extreme" and indefensible. See also Tom Regan, "Do Animals Have a Right to Life?", in *Animal Rights and Human Obligations*, edited by Tom Regan and Peter Singer (Englewood Cliffs: Prentice-Hall, 1976), 201.
48. H. J. McCloskey, "Rights", *Philosophical Quarterly* 15 (1965): 115-127, 121 and 125. Cf. W. D. Ross, *The Right and the Good* (Oxford: Clarendon, 1930), chapter 2, app. 1, 48-50, where Ross discusses the prospects for arguing that human beings have certain obligations toward animals even though animals have no corresponding rights that may be asserted on their behalf against human beings.
49. Feinberg, op. cit., 52.
50. One contemporary thinker who seeks to attribute interests to animals while refraining from attributing rights to them is Peter Singer. Singer equates the capacity to experience feelings of pleasure and pain with sentience or consciousness, and hence with the capacity to have interests. Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 2nd ed., 1993), 12ff., 118ff., 277; see also Peter Singer, *Animal Liberation* (London: Jonathan Cape, 2nd ed., 1990). For Singer, a given being's capacity to have interests is a sufficient condition for our including that being in our utilitarian moral calculus; see *Practical Ethics*, 23.
51. See Thomas Nagel, "What is it like to be a bat?", in id., *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 165-180.
52. See for example Martin Heidegger, "The Question Concerning Technology", in id., *The*

Question Concerning Technology and Other Essays, translated by William Lovitt (New York: Harper Colophon, 1977), 10; also Martin Heidegger, *Grundfragen der Philosophie: Ausgewählte "Probleme" der "Logik"*, in *Gesamtausgabe*, vol. 45 (Frankfurt: Klostermann, 1984), 121-131, 137, 178f.; cf. Heidegger's talk of "the Open" in "What are Poets For?" in *Poetry, Language, Thought*, translated by Albert Hofstadter (New York: Harper Colophon, 1975), 106ff. In a lecture course from 1929-30, Heidegger devotes over a hundred pages to a comparative analysis of the relationship that animals and human beings each have toward the world, where "world" is construed in the phenomenological terms developed in the Marburg lectures and *Being and Time*. Martin Heidegger, *Die Grundbegriffe der Metaphysik: Welt – Endlichkeit – Einsamkeit*, *Gesamtausgabe*, vol. 29/30 (Frankfurt: Klostermann, 1983), 261ff., translated as *The Fundamental Concepts of Metaphysics: World, Finitude*, *Solitude*, translated by William McNeill and Nicholas Walker (Bloomington: Indiana University Press, 1995). The preeminent feature of this analysis is Heidegger's scrupulous effort to avoid conceiving of animal experience in (unduly) anthropomorphic terms. See Steiner, *Anthropocentrism and Its Discontents*, chapter 9.

53. Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age* (Chicago: University of Chicago Press, 1984), 4, 8, 202. It should be noted, however, that Jonas's primary concern in this text is not nature itself but rather future generations of humanity. For a more complete discussion of Jonas's views see Steiner, *Anthropocentrism and Its Discontents*, chapter 10.

54. See Martin Heidegger, "Letter on Humanism", in id., *Basic Writings* (New York: Harper and Row, 1977), 235. Of all thinkers in the Western philosophical tradition, it is probably Schopenhauer, in his critique of Kant's ethics, who comes closest to this ideal of dwelling with non-human beings. See Schopenhauer, op. cit., 96 and 175; Schopenhauer moves toward placing animals on a moral par with human beings by appealing to compassion or sympathy as the means for disclosing our inner connectedness with animals, though in the end he argues for animal rights (p. 180) and the permissibility of eating animals (p. 182). The roots of Schopenhauer's argument for our connectedness with animals are to be found in his conception of the world will; see Arthur Schopenhauer, *The World as Will and Representation*, 2 vols., translated by E. F. J. Payne (New York: Dover, 1958) and Steiner, *Anthropocentrism and Its Discontents*, chapter 8.

Filimon Peonidis*

Kant's not so Bad Speciesism**

Speciesism is defined as "the doctrine that moral status derives from consideration of species membership".[1] Since we do not yet know of any other beings who have full cognizance of the species to which they belong and are capable of reflecting on their interaction with the rest of the natural world[2], this doctrine holds that moral status should be ascribed only to humans. This implies not only that individuals are morally accountable for their actions, but that they constitute the only legitimate object of moral concern either as rights-bearers, recipients of obligation, or in some other morally relevant capacity. Nonhuman animals are totally excluded from the scope of morality. Speciesism has been severely criticized by contemporary philosophers to the effect of becoming a pejorative term. It is regarded as unfairly discriminating and prejudicial and has been unfavorably compared to racism. It is reasonable to assume that speciesism is rejected because of (a) the faulty reasoning underlying its basic assumption and (b) its alarming practical implications, the most important of which is that it condones all kinds of treatment of animals including the most harmful and cruel to them.

In this essay I would like to say something in favor of a famous speciesist of the past, Immanuel Kant. It is not my intention to offer a wholesale defense of his views on the moral status of animals, which derive from his rationalistic moral theory and the commonsense belief of his time that animals are devoid of reason, but I am convinced that they deserve a better reputation than the one they enjoy among many contemporary animal and environmental ethicists. In particular, I would like to argue that Kant's position regarding animal welfare, although it goes not so far as to impose an absolute ban on all animal killing, it prescribes the abandonment of many current popular practices involving animals. In addition, I maintain that a particular interpretation of the first formulation of the categorical imperative discards disrespect for the environment in a manner that bears

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certain resemblances to the anthropocentric approach of contemporary environmental ethics.

I.

The primary source of Kant's views on animal ethics is his *Lectures on Ethics*. The problem with this text is that it was not written by Kant himself but by friends and students who were attending his lectures and were taking detailed notes. Thus, if any positions appear undeveloped or questionable, we should not hasten to lay the blame on Kant, as it is possible for his students to have failed to convey the full thrust of his oral argument. Having said that, I start with a crucial passage:

> Since animals are an analogue of humanity, we observe duties to mankind when we observe them as analogues to this, and thus cultivate our duties to humanity. If a dog, for example, has served his master long and faithfully, that is an analogue of merit; hence I must reward it, and once the dog can serve no longer, must look after him to the end… So if a man has his dog shot, because it can no longer earn a living for him, he is by no means in breach of any duty to the dog, since the latter is incapable of judgment, but he thereby damages the kindly and humane qualities in himself, which he ought to exercise in virtue of his duties to mankind.[3]

From this it follows that we have no direct duties to animals, because duties are owed only to beings capable of judgment. However, we have duties to humanity, and these include the duty to respond appropriately to forms of behavior that were beneficial to us, even if the behavior in question is displayed by beings who lack self-consciousness. But how exactly is moral behavior to animals (our *indirect duties* to them) related to the discharging of our duties to humanity? And are there any more duties to animals apart from the limited duty to be kind to the handful of domestic animals which have served us "long and faithfully"? The following passage is quite illuminating:

> It cannot be denied that a hard-heartedness towards animals is not in accordance with the law of reason, and is at least an unsuitable use of means. Any action whereby we may torment animals, or let them suffer distress, or otherwise treat them without love is demeaning to ourselves. We stifle the instinct of

> humaneness within us and make ourselves devoid of feeling; it is thus an indirect violation of humanity in our own person... It is recognized, therefore, that in this there is something improper, which at least can render us immoral.[4]

Here Kant acknowledges a general duty for moral agents to be concerned with what we now call *animal welfare*, which includes not only avoiding causing animals any pain, but also relieving them from any distress they might suffer and treating them with love and affection. It is also noteworthy that, although most of the examples he uses are limited to domestic animals of which humans are very fond and treat preferentially for a variety of reasons, Kant does not draw any moral distinction between kinds of animals. He points out that a closer observation of animals brings to the surface habits of theirs worthy of our admiration. "[I]n such a context", he remarks, "we cannot even contemplate cruelty to a wolf."[5] Moreover, Kant explains that the reason behind this general duty to be concerned with animal welfare is not the harm we may inflict on them through our acts and omissions, but the moral damage *we* suffer by showing cruelty and callousness in our dealings with the animal kingdom.

There is an intrinsic wrongness in this type of behavior even if we do not have a moral commitment to animals. Apart from this, it negatively affects our character as "a person who already displays such cruelty to animals is also no less hardened towards men".[6] This statement does not suggest some kind of necessary correlation. We could imagine someone who is kind to people and cruel to animals, and we have examples of people who treat their pets as human beings, whereas they are mostly dismissive of human beings. What Kant expresses with this statement is his worry about man's widespread inclination towards gratuitous violence. If men are given the opportunity to enjoy violent behavior without any moral censure, they might make a habit of it thus spoiling their character and defying the dictates of the moral law. That's why we should not allow the display of callousness even in our interaction with animals, a field where there are in principle fewer moral prohibitions than those applying to the domain of interpersonal relations.[7] It should not escape our attention that the idea that cruelty or even insensibility to animals manifests a morally blamable and potentially dangerous personality is endorsed by contemporary philosophers[8], and perhaps more importantly, by social scientists and activists engaged in animal protection. In the website of Pawprints and Purrs, Inc., an American organization which advocates animal awareness, there is a quotation from Kant and examples of statistics establishing a correlation between abuse

of animals and violent crimes against people.[9] Modern scientific research has bestowed empirical credibility upon Kant's claim and warns us afresh about the potential social dangers of cruelty to animals.[10] Kant's argument is undoubtedly speciesist, but this does not render every part of it obsolete or wanting.

Now we can raise the question concerning the practical implications of the aforementioned general indirect duty to animals starting with the philosopher's own view:

> [W]hen anatomists take living animals to experiment on, that is certainly cruelty, though there it is employed for a good purpose; because animals are regarded as men's instruments, it is acceptable, though it is *never* so in sport. [Emphasis added] [11]

The only exception he admits to the general duty to show concern for animal welfare is when animals are used in scientific experiments. Here the negative effects on the experimenter's character are negligible, given that her actions serve such a noble cause as the advancement of knowledge and the benefit of humanity and that there was no other way in Kant's time to obtain the desired scientific results. On the contrary, he would be critical of various practices like bullfights, dogfights, rodeos, using animals in circuses and hunting as a recreational activity. He would also be critical of breeding animals for our nutritional needs if this means keeping them in appalling conditions as happens in modern factory farms. As we have seen, the duty to care about animals implies not only killing them painlessly, but also securing for them an environment that does not cause them any distress. There is no doubt that we are far behind Kant's standards for animal treatment. Moreover, as Lara Denis – a philosopher who argues along similar lines – remarked, our duties to animals include a duty not to put up with acts of inflicting suffering to animals perpetrated by third parties. This practically means that:

> If [people] know that the animals whose bodily parts they are buying were killed painfully or were treated harshly while alive, their purchases express support of the morally objectionable cruelty of those who operate slaughterhouses and factory farms. Even eating such meat (purchased by someone else) seems to express support for cruel practices towards animals, despite the meat-eaters' lack of causal efficacy in encouraging further cruelty.[12]

It cannot be denied that the idea of having *direct* moral duties to animals for the simple reason that we can inflict direct harms upon them in a variety of ways is regarded now as closer to our moral intuitions than Kant's endeavor to derive an obligation to be concerned about animal welfare solely from the moral obligations we have to humanity and to ourselves. That's why we have set stricter rules concerning the use of animals in scientific research than the ones Kant was willing to accept. Yet we cannot remain blind to two important facts concerning his speciesism: (a) that one of the arguments underlying his conception still makes sense in a modern context. (b) That his doctrine implies the rejection on moral grounds of many cruel to animals practices we still continue to tolerate. Of course, these facts do not make Kant a supporter of vegetarianism or a member of the animal liberation movement, but, in my opinion, endorsement of views as such should not become the Archimedean point from which we evaluate every view concerning animal ethics that has appeared in the history of philosophy.[13]

II.

Kant also spoke about duties to inanimate objects using a similar argument:

> The human impulse to destroy things that can still be used is very immoral. No man ought to damage the beauty of nature; even though he cannot use it, other people may yet be able to do so, and though he has no need to observe such a duty in regard to the thing itself, he does in regard to others.[14]

The problem with this approach is that it relies on a distinction between the usable and the non-usable parts of nature – although, as the reference to nature's beauty shows, Kant has a very generous conception of usefulness[15] – which is unacceptable to the modern reader who has a holistic understanding of the environment. However, I will suggest that it is possible to draw from Kant's basic moral theory, as it is expounded in his *Groundwork of the Metaphysics of Morals*, a general prohibition of showing disrespect for the environment that is not dependent on the above objectionable dichotomy.

According to Kant the categorical imperative, which has the form "you ought unconditionally to do x", is the form through which we become aware of the commands of the moral law inherent in us. All our maxims,

namely the subjective principles of our will, should be put to the test of the categorical imperative and, if they fail to pass it, they should be dismissed as immoral. He developed three formulations of the categorical imperative, the first of which is the most relevant for our purposes:

> Act in accordance with that maxim through which you can at the same time will that it become a universal law.[16]

Suppose now that I wish to determine the objective moral value of the following subjective maxim: *Act always in such a way that betrays total disrespect for the environment.*

Is my maxim a suitable candidate for becoming a universal law? The only way to answer this question without being disloyal to Kant is by closely examining the examples of maxims the philosopher himself rejects as unsuitable candidates and the reasoning underpinning this rejection. At first sight, improper maxims seem to endorse types of action which, if generalized, would become *self-defeating*.

> Some actions are so constituted that their maxim cannot even be thought without contradiction as a universal law of nature, far less could one *will* that it *should* become such.[17]

Kant gives the example of someone who contemplates whether she could will her maxim of giving false promises to become a universal duty. A simple thought experiment suffices to convince her that it cannot. If everyone starts endorsing this practice, the institution of promising would become pointless. In such a case the agent wants to give false promises – something that normally makes sense if she is likely to be believed – and at the same time she does not want to be believed as she demands from everyone to act as she does.[18] These wants are clearly inconsistent. However, Kant does not exclude only self-defeating actions.

> In the case of others that inner impossibility is indeed not to be found, but it is still impossible to will that their maxim be raised to the universality of a law of nature because such a will would contradict itself.[19]

The philosopher refers to an individual who believes that no one should show sympathy and affection to others when they are in need. There is nothing self-defeating in willing the universalization of such a maxim.

Nevertheless, according to Kant such a will "would conflict with itself", since it goes against its natural wish to receive love and assistance in hard times.[20] The passage in not very illuminating, but Kant seems to imply that we should not want to become universal law any maxim contravening *fundamental and rational desires*, although we are not guilty of any inconsistency in wanting the opposite.

If now one examines the maxim to show disrespect for the environment in this light, one realizes that it cannot pass the test on two grounds: (a) acts of disrespect to the environment are often self-defeating, and (b) if they are not, they run counter to basic rational desires, the fulfillment of which is necessary for enjoying decent living conditions.

For instance, someone raises the question if everyone should be allowed to litter the beautiful beach she visits every summer. There is no doubt that she cannot want such a rule to be established, since the beach would soon become inhabitable for everyone. Thus, other things being equal, littering the beach is morally prohibited as a subjective principle of action. Apart from this, we have now ample evidence that, by not taking into account the environmental effects of our actions and omissions, we not only reduce our standard of living, but we also render uncertain the survival of certain parts of mankind and impose unsupportable burdens on future generations. Practices like uncontrolled CO_2 emissions, depletion of natural resources, extinction of natural species, massive deforestation, water pollution, unreasonable use of pesticides and so forth have started backfiring on us, and we have many indications to believe that the worse is yet to come. In Kantian terms, one cannot want the display of disrespect for the environment to become a universal law (although the opposite attitude is not logically flawed), and this renders this practice morally inadmissible. It flies in the face of basic rational human desires, self-preservation included.[21]

The reasoning behind the above Kantian condemnation of acts of disrespect to the environment has certain affinities to modern approaches to environmental ethics whose basic tenet is that "the nonhuman natural world is best considered ethically in terms of its instrumental values to human beings".[22] Most philosophers working in the field are critical of these approaches, but we should bear in mind that they are still popular among ordinary men and women and they have the edge over approaches which view nature as intrinsically valuable, as for most non specialists it is relatively easy to understand that an unthoughtful treatment of the environment equals self-inflicted harm. Philosophical unpopularity notwithstanding, anthropocentric approaches remain in the agenda of modern environmental ethics.[23]

A verdict pronounced by a contemporary philosopher on Kant's speciesism holds that "[s]uch views are today widely considered to be antiquated, prejudiced, and anathema to champions of animal rights and liberation".[24] The third claim is beyond dispute but, as I argued above, we have grounds to entertain serious reservations concerning the validity of the first one. The second claim is equally questionable. We might agree that Kant was philosophically wrong not to grant some kind of moral status to animals (while Bentham[25] and other thinkers of his time were right) or not to see that the distinction between the usable and the non-usable parts of nature is spurious, but it would be anachronistic to dub his views "prejudiced". Prejudice is always juxtaposed to an "orthodoxy", conceived as a set of established beliefs shared by a wide circle of people, which – as far as our obligations to animals and the environment is concerned – did not exist in Kant's time.

Notes

1. Donald A. Graft, "Speciesism", in *Encyclopedia of Applied Ethics,* vol. 4 (San Diego: Academic Press, 1998), 191-205. The morally objectionable implications of speciesism were highlighted by Peter Singer in the seventies and, along with the thesis that animals have rights (championed by Tom Regan and others), became the philosophical rationale behind the animal liberation movement. For a comprehensive summary of Singer's views see his *Practical Ethics* (Cambridge: Cambridge University Press, 2011, 3rd edition), chapter 3.
2. Primatologist Frans de Waal has argued that certain apes are capable of "perspective-taking" and even of acting for the good of other species. See his *Primates and Philosophers: How Morality Evolved* (Princeton: Princeton University Press, 2006), 30ff. If this position becomes widely accepted, something that it is not yet the case, the notion of speciesism could be potentially extended to another species. One should also take into account that, although it is premature to draw definitive conclusions, Kaneko's and Tomonaga's recent suggestion that chimpanzees possess a sense of self-agency might constitute a turning point in the way we perceive certain primates. See Takaaki Kaneko and Masaki Tomonaga, "The Perception of Self-agency in Chimpanzees (*Pan Troglodytes*)", *Proceedings of the Royal Society B* doi: 10.1098/rspb.2011.0611. Downloaded from rspb.royalsocietypublishing.org on May 5, 2011.
3. *Lectures on Ethics*, edited by Peter Heath and J. B. Schneewind, translated by Peter Heath (Cambridge: Cambridge University Press, 1997), 212.
4. Ibid., 434-5.
5. Ibid., 212.
6. Ibid., 212.
7. This interpretation is supported by Kant's reference (ibid., 212) to a set of four engravings made by Hogarth in 1751 called *The Stages of Cruelty*. Here the artist depicts the didactic story of Tom Nero who as a child started torturing dogs and ended up on the gallows after savagely murdering his lover. For a detailed account of Hogarth's moralistic use

of art, see F. Antal, "The Moral Purpose of Hogarth's Art", *Journal of the Warburg and Courtauld Institutes* 15 (1952): 169-97. Pybus and Broadie seem to underestimate the force of this argument when they claim that the maltreatment of anything that is valued merely as a means "might lead to the maltreatment of people". Elisabeth M. Pybus and Alexander Broadie, "Kant and the Maltreatment of Animals", *Philosophy* 53 (1978): 561. The point is that we have good reasons to believe that individuals who are systematically maltreating animals are, other things being equal, far more dangerous for third parties than individuals who are systematically maltreating, say, their cellular phones.

8. Cf. John Passmore, *Man's Responsibility for Nature* (London: Duckworth, 1980, 2nd edition), 117: "We have already suggested, however, that the condemnation of cruelty to animals does not depend on the presumption that men and animals – let alone men, animal, plants – form a single moral community. It has been a movement of sensibility, a movement based on the growing recognition that not only a positive delight in suffering… but even callousness, an insensibility to suffering, is a moral defect in a human being".
9. Pawprints and Purrs Inc. "Animals Abuse Potential". Last modified April 26, 2011. http://www.sniksnak.com/ac/abuse.html
10. See *Cruelty to Animals and Interpersonal Violence: Readings in Research and Application*, edited by Randall Lockwood and Frank Ascione (West Lafayette, IN: Purdue University Press, 1998) and Linda Merz-Perez and Kathleen M. Heide, *Animal Cruelty: Pathway to Violence against People* (Lanham MD: AltaMira Press, 2003).
11. *Lectures*, op. cit., 213.
12. Lara Denis, "Kant's Conception of Duties Regarding Animals: Reconstruction and Reconsideration", *History of Philosophy Quarterly* 17 (2000): 416.
13. It should be noted that there are various interpretations of Kant's moral philosophy aiming to show that his texts support the derivation of direct duties to animals. See among others Allen Wood, "Kant on Duties Regarding Nonrational Nature I", *Proceedings of the Aristotelian Society Supplement* 72 (1998): 189-210, and Christine Korsgaard, "Fellow Creatures: Kantian Ethics and Our Duties to Animals", in *The Tanner Lectures on Human Values*, edited by Grethe B. Peterson, vol. 25 (Salt Lake City: University of Utah Press, 2005). These efforts are criticized by J. Skidmore, "Duties to Animals: The Failure of Kant's Moral Theory", *The Journal of Value Inquiry* 35 (2001): 541-59, and Heather Fieldhouse, "The Failure of the Kantian Theory of Indirect Duties to Animals", *Animal Liberation Philosophy and Policy Journal* 2 (2004): 1-9. Dean's recent work is characteristic of this approach. He maintains that beings who can act on moral reasons (and against their inclinations to the contrary) possess a superior moral status compared to beings that are for various reasons incapable of moral agency. This assumption, however, does not annul the commitment of beings belonging to the first category, like humans, to treat in morally decent ways beings belonging to the second such as animals. People can feel sympathy for animals, they can realize that they share similar painful experiences and this makes them sensitive to their plight. See Richard Dean, *The Value of Humanity in Kant's Moral Theory* (Oxford: Clarendon Press, 2006), chapter 9. Yet I am not sure that we have sufficient textual evidence to back this construal of Kant. The first assumption would command Kant's assent but not the second, since emotions have only a limited and auxiliary role in his moral theory and they should never be invoked to *justify* substantive moral positions. For Kant sympathy or empathy is conceived as an inclination of empirical origin and as such it does not possess genuine moral value and it can never serve as an acceptable motive of moral action. See Filimon Peonidis, *Autonomy and Sympathy: A Post-Kantian*

Moral Image (Lanham, MD: University Press of America, 2005), 45-7.

14. *Lectures*, op. cit., 213.
15. Cf. Kant's position that the contemplation of nature "cultivates the understanding", ibid., 434.
16. *Groundwork of the Metaphysics of Morals*, in Immanuel Kant, *Practical Philosophy*, translated by Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 73.
17. Ibid., 75.
18. Ibid., 74.
19. Ibid., 75.
20. Ibid., 75.
21. I am not saying that this argument could necessarily be made by Kant himself, since people then had no idea of the complexity and the fragility characterizing ecosystems and, with the exception of deforestation, the most damaging to the environment practices had just started being used. My point is that there are Kantian reasons to scrutinize here and now all our actions and omissions that have an impact on the environment.
22. Clare Palmer, "An Overview of Environmental Ethics", in *Environmental Ethics: An Anthology*, edited by Andrew Light and Holmes Rolston III (Oxford: Blackwell, 2003), 18. For sophisticated anthropocentric approaches see Passmore, *Man's Responsibility*, op. cit.; Bryan G. Norton, "Environmental Ethics and Weak Anthropocentrism", in *Environmental Ethics*, op. cit., 163-74 and Janna L. Thompson, "Preservation of Wilderness and the Good Life", in *Environmental Philosophy*, edited by Robert Elliot and Arran Gare (University Park and London: The Pennsylvania State University Press, 1983), 85-105.
23. For this point see Robin Attfield, *Environmental Ethics: An Overview for the Twenty-First Century* (Oxford: Polity, 2003), chapters 1 and 3.
24. Fieldhouse, "The Failure", op. cit., 1.
25. *An Introduction to the Principles of Morals and Legislation*, edited by J. H. Burns and H. L. A. Hart with a new introduction by F. Rosen (Oxford: Clarendon Press, 2005), 282-83.

Gary Steiner*

Animal Rights and the Default of Postmodernism**

In a footnote to the essay "L'animal que donc je suis (à suivre)", Derrida suggests that one could "destabilize an entire tradition" by admitting the possibility that animals are capable of responding.[1] By now much has been written about Derrida's views on animals. In particular, much has been done to retrace and elaborate his steps through the anthropocentric limitations of thinkers such as Descartes, Kant, Heidegger, Lacan and Levinas. All of these thinkers, we are told, impose silence on animals in the sense that they all exclude *a priori* any possibility of meaningful experience on the part of non-human animals, and any exchange of meaning between human and non-human animals. The assertion of an essential gulf between humans and animals has functioned historically as a theoretical justification for what Derrida calls a "suspension of [our] compassion" when it comes to animals.[2] We simply do not value animal suffering as we at least purport to value human suffering, hence we feel fewer if any compunctions about suspending or withholding our compassion in the face of animal suffering. Derrida sees in this refusal an "immense disavowal" of characteristics that we share intimately with many non-human animals, namely, the struggle for existence, the need for recognition, and the profound suffering that Schopenhauer recognized to be inseparable from the process of willing.[3]

But while contemporary thinkers have devoted a great deal of attention to the terms of Derrida's critique of traditional anthropocentric prejudices, a good deal less attention has been devoted to the implications of his endeavor to "destabilize an entire tradition" by means of a deconstruction of the putative human-animal divide. It is this destabilizing moment in Derrida's approach to animals, and in his approach to philosophical ideas and questions generally, that I believe stands in need of careful consideration. Specifically, for anyone who cares about the fortunes of animals at the hands of human beings, it is very much worth asking

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whether a deconstructive approach holds the least promise of restoring and substantiating the sense of compassion that Derrida considers to be essential in our response to the predicament of animals. And for anyone who cares about philosophical values such as consistency, validity, and soundness, it is worth asking whether at a simple logical level the position that Derrida articulates regarding animals makes coherent sense. My own answer to both questions is no: I do not believe that Derrida's approach holds any special promise of inspiring compassion for animals, and I do not believe that Derrida articulates a coherent view regarding animals and their moral status. Derrida's efforts to destabilize the tradition are so radical that he deprives himself of the conceptual tools that would be needed in order to make sense of the very idea that we ought to have compassion for animals.

Consider first the question whether Derrida offers anything distinctive in the endeavor to awaken a sense of compassion toward animals. Derrida, like many contemporary thinkers of a much more traditional stripe, believes that Jeremy Bentham's formulation of the question about the moral status of animals "changes everything" by shifting the terms of the question from a focus on *logos* (reason or language) to the capacity to suffer.[4] In antiquity Aristotle and the Stoics set the terms of the Western philosophical view of the moral status of animals by making *logos* the necessary and sufficient condition for moral status, and by arguing that animals are categorically *aloga*, lacking in reason or language.[5] For Aristotle and the Stoics, this means that animals are categorically excluded from the moral sphere altogether, so that nothing we do to animals can be considered wrong or unjust. Thinkers from Augustine to Descartes to Kant accept this prejudice virtually unmodified.[6] Bentham, in seeming contrast, suggests that the proper criterion for moral considerability is neither reason nor language, but rather sentience, the capacity to experience pleasure or pain. For if the proper criterion were reason or language, we would have to come to grips with the fact that "a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old": if the criterion were really reason or linguistic ability, then consistency with our own principles would demand that we admit animals such as mature horses and dogs into the moral community, and exclude human infants. But we, or at least most of us, do not do this, and for good reason. What makes a being count morally is not its degree of cognitive sophistication. For Bentham, the real "question is not, Can they *reason*? nor, can they *talk*? but, Can they *suffer*?"[7]

Derrida notes that Bentham, by shifting the focus from *logos* to the capacity to suffer, gives voice to something that "everybody knows", namely

that something is horribly wrong when we withhold our compassion in the face of the hideous violence that we inflict on animals; and Derrida suggests that "the law, ethics, and politics... must be brought to bear upon this experience of compassion".[8] What Derrida touches on here is a fundamental inconsistency between the claim for compassion that sentient beings rightfully exert on us and our blatant disregard of animal suffering, a disregard that has much in common with our disregard of the suffering experienced by a great many members of our own species. The advance of technology in recent centuries has given rise to a situation in which the industrialized raising and slaughter of animals for human consumption is sometimes compared with genocide, the only difference being, Derrida notes, that in the case of the animal holocaust we exterminate animals specifically in the mode of perpetuating their existence and increasing their numbers.[9]

Now is Derrida saying anything really new or distinctive here about our disregard of animal suffering and the need to respond to that suffering with genuine compassion? In fact he is not. There have been advocates of not only compassion but also justice for animals as far back as Greek antiquity. Plutarch maintained that when we kill animals, their cries signify that they are "begging for mercy, entreating, seeking justice", and he argues at length that we commit murder (*phónos*) when we kill animals.[10] Plutarch goes to great lengths in his writings on animals to make a case for the proposition that animals can, in Derrida's terms, "respond", as well as for the conclusion that we commit a grievous moral offense when we exhibit indifference toward the suffering of animals. The central thrust of Plutarch's critique of the Stoic view, according to which animals cannot "respond", is to bring us face to face with what in contemporary discourse has come to be called "the animal other".

Several centuries later, Porphyry wrote *On Abstinence from Killing Animals*, a text that anticipates virtually every argument being offered in current discourses about the moral status of animals. Porphyry argues that humans and non-human animals share a natural kinship bond, and that we violate that bond when we kill animals. Like Plutarch, Porphyry decries the killing and eating of animals as "murder".[11] Porphyry appeals to the golden age myth related by Hesiod and Ovid, according to which the cosmos was originally characterized by peaceful interrelationships not only among human beings, but between humans and animals. It was only through a process of corruption that sentient beings fell from this peaceful state, in consequence of which Zeus had to descend from Olympus and bestow the law of *dike* – or justice – on human beings. One telling feature of the myth,

as told by Hesiod and Ovid, is that Zeus imposed the law of justice only on human beings, not on animals nor on human beings with regard to animals: Justice applied only with regard to relationships between human beings; animals were excluded from justice even as beneficiaries, on the grounds that animals are incapable of understanding what justice requires.[12] For thinkers from Epicurus to John Rawls, this reasoning has served as the basis for denying that human beings have duties of justice toward animals; for these thinkers, in order to be a beneficiary of justice, one must be capable of taking on duties of justice.[13] Porphyry challenges this reasoning, arguing that nature has "[established] an innate [sense of justice] in [animals] toward us and in us toward them".[14] Moreover, Porphyry argues that our justice bond to animals is not severed just because some of them are savage, any more than our justice bond toward other human beings is severed by their violent tendencies.[15]

Porphyry's views are not identical with those of Bentham and Derrida; he does not believe that the capacity to suffer *per se* tells the whole story about the moral status of animals. Instead he sees *logos* and the capacity to suffer as inseparable from one another: all and only those beings that possess states of awareness, which is the broad definition that Porphyry gives to *logos*, are capable of suffering. Thus for Porphyry it makes no sense to speak of a being that can suffer but that has no share in *logos*; the mistake, he believes, lies in construing *logos* in the inappropriately narrow sense of specifically human *logos*, with its focus on intentional states and propositional content. The crux of the matter for Porphyry is that humans and animals are essentially the same in possessing states of awareness and the capacity for suffering, and this essential sameness is the basis for Porphyry's conviction that we transgress against natural right by doing things that harm animals.[16]

This sense of natural right and a fundamental kinship bond between humans and animals is equally apparent in the thought of Schopenhauer, who makes an impassioned argument that we have duties of eternal or cosmic justice toward animals, and that we ought to show animals compassion.[17] "In all essential respects", Schopenhauer writes, "*the animal* is absolutely identical with us... The difference lies merely in the accident, the intellect, not in the substance which is the will. The world is not a piece of machinery and animals are not articles manufactured for our use."[18] The human capacity for detached rationality gives rise to the illusion that there is an essential difference between humans and animals, whereas in reality the two share the exact same moral status. And yet Schopenhauer fails to maintain fidelity to the proposition that human beings and animals are essentially the same; in particular, he rationalizes practices such as meat

eating on the grounds that the comparatively limited cognitive abilities of animals make their sufferings less significant than those of human beings.[19] Plutarch and Porphyry exhibit similar anthropocentric tendencies, as where Plutarch implicitly treats the human use of animals as beasts of burden as unobjectionable and Porphyry suggests that not everyone, but only philosophers really need to avoid eating meat.[20]

In this respect, Plutarch, Porphyry and Schopenhauer are remarkably close to that philosopher who in Derrida's judgment "changed everything". It is well known that Bentham shifts the focus of attention from *logos* to the capacity to suffer. Less well known is that in the same footnote in which he invokes suffering as the basis for moral considerability, Bentham goes on to state that killing and eating animals is perfectly acceptable inasmuch as when we kill animals for food, we benefit a great deal and the animals suffer much less than they would at the hands of a non-human adversary in nature; moreover, Bentham suggests, the suffering of animals is limited by the fact that they cannot contemplate the future as human beings can.[21] Hence the death of an animal "counts" less than that of a human being. Peter Singer argues for an almost identical conclusion in *Animal Liberation*, where he argues that factory farming is reprehensible, but that he "can respect conscientious people who take care to eat only meat" that has been humanely raised.[22]

This should place Derrida's appeal to Bentham in a very special light. For what does it mean to recognize that animals merit our compassion? It can mean everything or virtually nothing. Lest we elect to suppose that Derrida is different than the other thinkers I have just discussed, in the sense that he takes compassion much more seriously than they do, we should consider several statements made by Derrida about the nature of our moral connection to non-human animals. To believe that animals merit our compassion is, at least implicitly, to recognize that the lives of animals have some sort of cosmic value and that we do wrong by inflicting harm on animals. It ought to be unobjectionable to state that killing animals for any reason other than immediate self-defense would seem to constitute a wrong against animals; if, for example, we kill and eat animals purely for our gastronomic enjoyment and convenience, are we not failing to acknowledge that animals have a common share with us in existence, and that we are failing to heed the ethical claim imposed on us by our animal kin? In this connection it is telling that Derrida states that he is "not recalling [the violence that traditional philosophy has done to animals] in order to start a support group for vegetarianism, ecologism, or for the societies for the protection of animals".[23] Elsewhere he states that he does "not believe in

absolute 'vegetarianism', nor in the ethical purity of its intentions – nor even that it is rigorously tenable, without a compromise or without a symbolic substitution".[24] Violence against animals, Derrida suggests, is so interwoven into the roots of our culture that "forms of ecologism or vegetarianism with which we are familiar are insufficient to bring it to an end, even if they are more worthwhile than what they oppose".[25]

Here we encounter the limits of Derrida's approach to animals and their moral status. We should recognize that violence against animals is deplorable, particularly in its modern industrialized form; but doing something like committing oneself to principled vegetarianism or veganism, refusing to participate as far as possible in the regime of animal slaughter, is naive and misguided inasmuch as violence against animals is systemic and ultimately ineradicable. This is a little like saying that violence against women is ultimately ineradicable and that therefore a principled commitment to peaceful conduct toward women is naive and misguided. At the beginning of this discussion I stated that Derrida's views on animals do not ultimately make coherent sense. This lack of coherence is most evident in Derrida's denigration of the endeavor to formulate an obligation to avoid eating animals. We have an "obligation", Derrida urges, "to protect the other's otherness", but apparently this obligation does not entail refraining from destroying the other.[26]

Herein lies the danger of asserting an obligation but refusing to articulate that obligation in terms of principles: The putative obligation remains a vague gesture that imposes no concrete demand on us. There is a crucial difference between calling for compassion toward a being and asserting that that being is owed duties of justice: the one requires simply that we feel a certain way, whereas the other imposes a prohibition on us. In the ideal case, true compassion will move us to treat another with respectful consideration. But in reality, in the absence of a clear recognition that we have obligations to beings toward whom we feel compassion, our feeling threatens to remain just that: a feeling, an affective disposition without any binding or enduring influence on our behavior, one that influences us willy-nilly, today moving us to act concretely on behalf of a vulnerable other, tomorrow failing to so move us. Postmodern thinkers tend to eschew appeals to rights and duties on the grounds that these notions have traditionally been derived from detached rational contemplation, a state of reflection that distorts the concrete reality from which thinking is supposed to take its bearings, and on the grounds that notions such as abstract right function to exclude traditionally oppressed beings from genuine consideration.[27] But this rejection of the notion of rights and duties is itself

based on a distorted understanding of the existential genesis of principles and obligations. Authentic rights and duties have their origin in a sense of kinship with other sentient beings, a sense that we first of all feel and only subsequently think. The affective disclosure of our connectedness with other sentient, vulnerable beings first takes the form of a feeling of connectedness and caring for others. Once this feeling has been disclosed, our powers of reflection lead us to recognize the implications of this feeling for our conduct toward others. It is not enough to feel a certain way about other sentient beings, nor is it enough to act on these feelings in certain circumstances, but not in others; instead, once we recognize the claim for compassion exercised on us by other sentient beings, thinking enables us to recognize that we do not just happen to feel compassion for these others, but that in fact we *ought* to feel compassion toward these others. This "ought" renders itself concrete in the form of principled obligations, obligations that have their origin not in detached thought, but in a tangible, felt experience of kinship with other beings who struggle to realize their natural potential just as we struggle to realize ours.

Derrida resists any such assertion of principled obligations on the grounds that "it reduces ethics to the very antithesis of ethics by reducing the aporia of judgment in which the possibility of justice resides to the mechanical unfolding of a positivist calculation".[28] The reduction of ethical obligation and judgment to anything like principles fails to come to grips with the infinite, irreducible multiplicity of living beings and lived phenomena. To the extent that all phenomena are part of an indeterminate economy of traces, no being or phenomenon is adequately characterized by determinate, stable presence, but instead each is constitued by a fundamental absence: the implicit relationship that a being or phenomenon has to everything that it is not, in relation to which it derives its sense. Every being or phenomenon derives its being from this absence, from its relation to what it is not, from a fundamental alterity. Inasmuch as the fundamental concern of ethics is our relation to the other, "the 'unrecognizable'... is the beginning of ethics, of the Law... So long as there is recognizability and fellow, ethics is dormant".[29] We must proceed from the proposition that both the ethical other and the nature of ethical obligation are fundamentally indeterminate, lest we reduce ethics to "the mechanical unfolding of a positivist calculation". Moreover, the fundamental openness and indeterminacy of ethics demands that we consider the possibility that the ethical other is not simply human beings, but is most genuinely those beings who are "the most dissimilar (*le plus dissembable*)", namely, non-human animals.[30]

It is against this background that Derrida asks the question, "and say

the animal responded?"[31] His aim in posing this question is to broaden the range of ethical concern from its traditional limitation to human agents, so that we come to recognize the ethical claim exercised on us by animal others. Derrida also seeks to revise our traditional conception of ethical obligation so that it takes on the character of something infinite, hence irreducible to any kind of clear principle or procedure. Although this might appear to place us in the negative condition of never having any clear sense of right and wrong, of how to act, David Wood suggests that Derrida "converts the condition in which we find ourselves from a negative to a positive one" by articulating a notion of "responsibility that exceeds all calculation".[32] Wood is quite right to link Derrida's views on responsibility to Heidegger's critique of calculative thinking, a critique that seeks to shed light on what the early Heidegger called the *existentiell* roots of abstract reasons.[33] Reasons and abstract principles have a place in human life, but we misunderstand their nature if we appeal to them as fixed eternal truths that are beyond question, and that may be followed blindly. A contemporary feminist writer has sought to illuminate the error and the danger involved in appealing to principles in this way when she suggests that "absolutism functions only as an attempt at domination; that is, accept this rule and you won't be required to think ever again!"[34] But this is an arch caricature of the way in which principles can and ought to function in human life. It is one thing to say that principles cannot and should not be followed blindly. Even Kant asserted this much in "What is Enlightenment?", when he stated that swearing an "oath to a certain unalterable set of doctrines... is absolutely null and void", inasmuch as it forecloses the possibility of rethinking and reassessing the validity of the doctrines in question; to commit oneself blindly, once and for all, to any principle or rule would be, Kant says, "a crime against human nature".[35] What Kant recognized is what we ourselves ought to recognize: that principles are abstract notions that can guide us in concrete contexts of action only to the extent that we reflect in each specific instance on the applicability of the principle to these particular circumstances. Does the principle apply here? If so, which concrete action is called for by the principle? The decisions to be made in such a situation certainly "exceed all calculation", in the sense that the principle is not a talisman that confers automatic and complete clarity on the question of what is to be done. Being in possession of a principle does not obviate the need for reflection and struggle; it does not render all relevant courses of action perspicuous. What it does do is remind us of an obligation that Derrida gives us with one hand and, in effect, takes away with the other.

With regard to the claim exercised on us by animal suffering, I believe

that this obligation can be formulated in terms of a principle – or set of principles including the principle – that killing and eating animals, at least in situations in which one's life is not directly threatened, is fundamentally wrong. How can one purport to recognize that animals suffer at our hands, and that this suffering merits our compassion, and yet continue to consume animal products? To see in an authentic way that animals merit our compassion is to see that giving chickens a few more square inches to sit in before we kill and consume them is not compassion. That we can continue to participate in what Derrida and others rightly characterize as an animal holocaust, even as we intone piously about the call of the animal other, is the height of hypocrisy. To dismiss the appeal to principles on the grounds that they are nothing more than tools for exclusion and oppression is to depict principles in their worst possible light and to abdicate the responsibility we have toward others.

"The results of such an overloaded approach", Paola Cavalieri observes, "fully testify to its inadequateness."[36] To "respond" to animal suffering by characterizing our responsibility as "incalculable", is in effect to do nothing at all. It is to dwell in the negative moment of reflection, when what is urgently needed is a return to the concrete sphere of action. The very same form of vision that leads Derrida to assert that the suffering we cause [to] animals is deplorable, is the same form of vision that can and ought to ground a concrete, genuinely positive response to that suffering – particularly in light of the fact that few (if any) people writing, thinking and speaking about the moral status of animals today, can legitimately claim to *need* to consume and use animals. I say that a form of vision is involved in the articulation of Derrida's position, because everything he writes about ethics begs the question how he can maintain that compassion rather than indifference is the appropriate response to the call of animal suffering – or of human suffering, for that matter. To give absolute priority to singularity over generality is to refuse to recognize that we feel an ethical claim exercised on us by sentient but not by non-sentient beings, and that we feel an ethical claim in the one case but not in the other, precisely because one must possess certain capacities in order to be a beneficiary of moral concern. Derrida's claim that suffering is not a capacity but rather an "incapacity" [*non-pouvoir*], does nothing to alter this situation.[37] Derrida himself makes a variety of generalizations about animals even while he warns against the dangers of generalizations, and seeks to give primacy to the unique singularity of each individual moment and each individual animal or human other. The fact that there is no animal in general but, instead, an irreducible multiplicity of animal others, does nothing to alter

the fact that only certain sorts of beings count as animal others. We do not respond morally to rocks or chairs, and for good reason: They appear for all the world to be incapable of suffering. If some day it should turn out that a rock or a chair can suffer, that it can respond, then we will have to rethink radically the scope of our ethical obligations. But unless and until such a time should come to pass, we need to think very carefully about what we are – and are not – doing to respond very actively and very concretely to animal suffering.

At a philosophy conference ten years ago, I gave a talk on the moral status of animals, at the end of which a member of the audience asked me what I thought was the single most important thing the people in attendance could do on behalf of animals. I responded that everyone in the room should become vegans that very night. The questioner's response, in an annoyed tone of voice, was, "no, I mean *seriously*". I was serious then and I am serious now. One thing the principle of non-violence toward animals demands is veganism. What you will find, should you seek to live in accordance with this principle, is that the task of becoming a vegan is an infinite one, one that nobody in this society can really achieve once and for all. The exploitation of animals is so intimately interwoven into the fabric of our social practices, that no individual can possibly avoid uses of animals altogether. The principle of ethical veganism thus presents itself as a regulative ideal for our conduct, one that we must seek to implement more and more in our lives, even though we can never ultimately attain it in absolute purity. The tragedy of Derrida's approach to animals is that it is incapable of acknowledging such a principle.

Notes

1. Jacques Derrida, "The Animal That I Therefore Am (More to Follow)", in id., *The Animal That I Therefore Am*, translated by David Wills (New York: Fordham University Press, 2008), 166 n. 36.
2. Ibid., 18 (translation altered).
3. Ibid., 14.
4. Ibid., 27.
5. On the views of Aristotle and the Stoics on animals, see Gary Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy* (Pittsburgh: University of Pittsburgh Press, 2005), chapter 3; on the Stoics' views, see also Myrto Dragona-Monachou, "Is There Room for Moral Consideration of Animals in Stoic Logocentricism" in this volume.
6. On Descartes's views on animals, see my "Descartes, Christianity, and Contemporary Speciesism" in this volume. On Augustine's and Kant's views, see Gary Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of*

Western Philosophy, 116-9, 166-71.

7. Jeremy Bentham, *Introduction to the Principles of Morals and Legislation* (New York: Hafner/Macmillan, 1948), 310-11 n. 1.
8. Derrida, op. cit., 26.
9. Derrida, op. cit., 26.
10. Plutarch, *On the Eating of Flesh* I, 994E, *Moralia*, vol. 12, Greek-English, translated by Harold Cherniss and William C. Helmbold (Cambridge: Harvard University Press, 1995), 550; *Beasts are Rational* 991C-D, *Moralia*, vol. 12, p. 525. See also Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy*, 94-103.
11. Porphyry, *On Abstinence from Killing Animals*, translated by Gillian Clark (Ithaca: Cornell University Press, 2000), 2.28.2-3, 66.
12. See Hesiod, *Works and Days* 213, 275.
13. See John Rawls, *A Theory of Justice* (Cambridge: Belknap/Harvard University Press, revised ed., 2000), 441, 448; id., *Political Liberalism* (New York: Columbia University Press, expanded ed., 2005), 246.
14. Porphyry, op. cit., 87.
15. Porphyry, op. cit., 3.26.2-3.
16. On Porphyry's views on animals, see Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy*, 103-11.
17. Arthur Schopenhauer, *On the Basis of Morality*, translated by E. F. J. Payne (Providence/Oxford: Berghahn Books, 1995), 175, 177f., 180; Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy*, 184-9.
18. Arthur Schopenhauer, "On Religion", *Parerga and Paralipomena*, vol. 2, translated by E. F. J. Payne (Oxford: Clarendon Press, 2000), 375.
19. Schopenhauer, *On the Basis of Morality*, 182, 192.
20. See for example Plutarch, *De sollertia animalium* 971B; Porphyry, op. cit., 1.27.1, 2.3.1, 4.21.6.
21. Bentham, op. cit., 310-11n.
22. Peter Singer, *Animal Liberation* (New York: Harper Perennial, updated ed., 2009), 15f., 229f.
23. Jacques Derrida, "*Eating Well*, or the Calculation of the Subject: An Interview with Jacques Derrida", in *Who Comes After the Subject?*, edited by Eduardo Cadava, Peter Connor and Jean-Luc Nancy (New York/London: Routledge, 1991), 112.
24. Jacques Derrida, "Violence Against Animals", in Jacques Derrida and Elisabeth Roudinesco, *For What Tomorrow...A Dialogue*, translated by Jeff Fort (Stanford: Stanford University Press, 2004), 67.
25. Jacques Derrida, "But as for me, who am I?", *The Animal That I Therefore Am*, 101.
26. Jacques Derrida, "*Eating Well*, or the Calculation of the Subject: An Interview with Derrida", 111.
27. See for example Kelly Oliver, *Animal Lessons: How They Teach Us to Be Human* (New York: Columbia University Press, 2009), 29f.
28. Cary Wolfe, *Animal Rites: American Culture, the Discourse of Species, and Posthumanist Theory* (Chicago/London: University of Chicago Press, 2003), 69.
29. Jacques Derrida, *The Beast and the Sovereign,* vol. I, translated by Geoff Bennington (Chicago/London: University of Chicago Press, 2009), 108.
30. Ibid., 108.
31. See ibid., 111f., published separately as "And Say the Animal Responded?", in *The Animal That I Therefore Am*, op. cit., 119ff.
32. David Wood, "Comment ne pas manger – Deconstruction and Humanism", in *Animal*

Others: On Ethics, Ontology, and Animal Life, edited by H. Peter Steeves (Albany: SUNY Press, 1999), 27.

33. See for example Martin Heidegger, "Postscript to 'What is Metaphysics?'", in *Pathmarks*, edited by William McNeill (Cambridge: Cambridge University Press, 1998), 235, where Heidegger contrasts "the *calculative* thinking of science and traditional metaphysics with *that thinking which finds its source in the experience of the truth of being*, an experience of the *uncanniness* of the *incalculable*".
34. Kathryn Paxton George, "A Feminist Critique of Ethical Vegetarianism", in *The Animal Ethics Reader*, edited by Susan J. Armstrong and Richard G. Botzler (London/New York: Routledge, 2003), 219.
35. Immanuel Kant, "What is Enlightenment?", in *Political Writings*, edited by H. S. Reiss (Cambridge: Cambridge University Press, 2001), 57.
36. Paola Cavalieri, "Pushing Things Forward", in Paola Cavalieri et al., *The Death of the Animal: A Dialogue* (New York: Columbia University Press, 2009), 98.
37. Jacques Derrida, *Séminaire: La bête et le souverain, Volume II (2002-2003)* (Paris: Éditions Galilée, 2009), 339: "Le pouvoir-souffrir est alors le premier pouvoir comme non-pouvoir, la première possibilité comme non-pouvoir que nous partagions avec l'animal, d'où la compassion."

Peter Singer*

All Animals Are Equal**

In recent years a number of oppressed groups have campaigned vigorously for equality. The classic instance is the Black Liberation movement, which demands an end to the prejudice and discrimination that has made blacks second-class citizens. The immediate appeal of the black liberation movement and its initial, if limited, success made it a model for other oppressed groups to follow. We became familiar with liberation movements for Spanish-Americans, gay people, and a variety of other minorities. When a majority group – women – began their campaign, some thought we had come to the end of the road. Discrimination on the basis of sex, it has been said, is the last universally accepted form of discrimination, practiced without secrecy or pretense even in those liberal circles that have long prided themselves on their freedom from prejudice against racial minorities. One should always be wary of talking of "the last remaining form of discrimination". If we have learnt anything from the liberation movements, we should have learnt how difficult it is to be aware of latent prejudice in our attitudes to particular groups until this prejudice is forcefully pointed out.

A liberation movement demands an expansion of our moral horizons and an extension or reinterpretation of the basic moral principle of equality. Practices that were previously regarded as natural and inevitable come to be seen as the result of an unjustifiable prejudice. Who can say with confidence that all his or her attitudes and practices are beyond criticism? If we wish to avoid being numbered amongst the oppressors, we must be prepared to re-think even our most fundamental attitudes. We need to consider them from the point of view of those most disadvantaged by our attitudes, and the practices that follow from these attitudes. If we can make this unaccustomed mental switch we may discover a pattern in our attitudes and practices that consistently operates so as to benefit one group – usually the one to which we ourselves belong – at the expense of another. In this way we may come to

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see that there is a case for a new liberation movement. My aim is to advocate that we make this mental switch in respect of our attitudes and practices towards a very large group of beings: members of species other than our own – or, as we popularly though misleadingly call them, animals. In other words, I am urging that we extend to other species the basic principle of equality that most of us recognize should be extended to all members of our own species.

All this may sound a little far-fetched, more like a parody of other liberation movements than a serious objective. In fact, in the past the idea of "The Rights of Animals" really has been used to parody the case for women's rights. When Mary Wollstonecraft, a forerunner of later feminists, published her *Vindication of the Rights of Women* in 1792, her ideas were widely regarded as absurd, and they were satirized in an anonymous publication entitled *A Vindication of the Rights of Brutes*. The author of this satire (actually Thomas Taylor, a distinguished Cambridge philosopher) tried to refute Wollstonecraft's reasonings by showing that they could be carried one stage further. If sound when applied to women, why should the arguments not be applied to dogs, cats, and horses? They seemed to hold equally well for these "brutes"; yet to hold that brutes had rights was manifestly absurd; therefore the reasoning by which this conclusion had been reached must be unsound, and if unsound when applied to brutes, it must also be unsound when applied to women, since the very same arguments had been used in each case.

One way in which we might reply to this argument is by saying that the case for equality between men and women cannot validly be extended to nonhuman animals. Women have a right to vote, for instance, because they are just as capable of making rational decisions as men are; dogs, on the other hand, are incapable of understanding the significance of voting, so they cannot have the right to vote. There are many other obvious ways in which men and women resemble each other closely, while humans and other animals differ greatly. So, it might be said, men and women are similar beings and should have equal rights, while humans and nonhumans are different and should not have equal rights.

The thought behind this reply to Taylor's analogy is correct up to a point, but it does not go far enough. There are important differences between humans and other animals, and these differences must give rise to some differences in the rights that each have. Recognizing this obvious fact, however, is no barrier to the case for extending the basic principle of equality to nonhuman animals. The differences that exist between men and women are equally undeniable, and the supporters of Women's Liberation are aware

that these differences may give rise to different rights. Many feminists hold that women have the right to an abortion on request. It does not follow that since these same people are campaigning for equality between men and women they must support the right of men to have abortions too. Since a man cannot have an abortion, it is meaningless to talk of his right to have one. Since a pig can't vote, it is meaningless to talk of its right to vote. There is no reason why either Women's Liberation or Animal Liberation should get involved in such nonsense. The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality, I shall argue, is equality of consideration; and equal consideration for different beings may lead to different treatment and different rights.

So there is a different way of replying to Taylor's attempt to parody Wollstonecraft's arguments, a way which does not deny the differences between humans and nonhumans, but goes more deeply into the question of equality and concludes by finding nothing absurd in the idea that the basic principle of equality applies to so-called "brutes". I believe that we reach this conclusion if we examine the basis on which our opposition to discrimination on grounds of race or sex ultimately rests. We will then see that we would be on shaky ground if we were to demand equality for blacks, women, and other groups of oppressed humans while denying equal consideration to nonhumans.

When we say that all human beings, whatever their race, creed, or sex, are equal, what is it that we are asserting? Those who wish to defend a hierarchical, inegalitarian society have often pointed out that by whatever test we choose, it simply is not true that all humans are equal. Like it or not, we must face the fact that humans come in different shapes and sizes; they come with differing moral capacities, differing intellectual abilities, differing amounts of benevolent feeling and sensitivity to the needs of others, differing abilities to communicate effectively, and differing capacities to experience pleasure and pain. In short, if the demand for equality were based on the actual equality of all human beings, we would have to stop demanding equality. It would be an unjustifiable demand.

Still, one might cling to the view that the demand for equality among human beings is based on the actual equality of the different races and sexes. Although humans differ as individuals in various ways, there are no differences between the races and sexes as such. From the mere fact that a person is black, or a woman, we cannot infer anything else about that

person. This, it may be said, is what is wrong with racism and sexism. The white racist claims that whites are superior to blacks, but this is false – although there are differences between individuals, some blacks are superior to some whites in all of the capacities and abilities that could conceivably be relevant. The opponent of sexism would say the same: a person's sex is no guide to his or her abilities, and this is why it is unjustifiable to discriminate on the basis of sex.

This is a possible line of objection to racial and sexual discrimination. It is not, however, the way that someone really concerned about equality would choose, because taking this line could, in some circumstances, force one to accept a most inegalitarian society. The fact that humans differ as individuals, rather than as races or sexes, is a valid reply to someone who defends a hierarchical society like, say, South Africa, in which all whites are superior in status to all blacks. The existence of individual variations that cut across the lines of race or sex, however, provides us with no defense at all against a more sophisticated opponent of equality, one who proposes that, say, the interests of those with I.Q. ratings above 100 be preferred to the interests of those with I.Q.s below 100. Would a hierarchical society of this sort really be so much better than one based on race or sex? I think not. But if we tie the moral principle of equality to the factual equality of the different races or sexes, taken as a whole, our opposition to racism and sexism does not provide us with any basis for objecting to this kind of inegalitarianism.

There is a second important reason why we ought not to base our opposition to racism and sexism on any kind of factual equality, even the limited kind which asserts that variations in capacities and abilities are spread evenly between the different races and sexes: we can have no absolute guarantee that these abilities and capacities really are distributed evenly, without regard to race or sex, among human beings. So far as actual abilities are concerned, there do seem to be certain measurable differences between both races and sexes. These differences do not, of course, appear in each case, but only when averages are taken. More important still, we do not yet know how much of these differences is really due to the different genetic endowments of the various races and sexes, and how much is due to environmental differences that are the result of past and continuing discrimination. Perhaps all of the important differences will eventually prove to be environmental rather than genetic. Anyone opposed to racism and sexism will certainly hope that this will be so, for it will make the task of ending discrimination a lot easier; nevertheless it would be dangerous to rest the case against racism and sexism on the belief that all significant

differences are environmental in origin. The opponent of, say, racism who takes this line will be unable to avoid conceding that if differences in ability did after all prove to have some genetic connection with race, racism would in some way be defensible.

It would be folly for the opponent of racism to stake his whole case on a dogmatic commitment to one particular outcome of a difficult scientific issue which is still a long way from being settled. While attempts to prove that differences in certain selected abilities between races and sexes are primarily genetic in origin have certainly not been conclusive, the same must be said of attempts to prove that these differences are largely the result of environment. At this stage of the investigation we cannot be certain which view is correct, however much we may hope it is the latter.

Fortunately, there is no need to pin the case for equality to one particular outcome of this scientific investigation. The appropriate response to those who claim to have found evidence of genetically-based differences in ability between the races or sexes is not to stick to the belief that the genetic explanation must be wrong, whatever evidence to the contrary may turn up: instead we should make it quite clear that the claim to equality does not depend on intelligence, moral capacity, physical strength, or similar matters of fact. Equality is a moral ideal, not a simple assertion of fact. There is no logically compelling reason for assuming that a factual difference in ability between two people justifies any difference in the amount of consideration we give to satisfying their needs and interests. The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat humans.

Jeremy Bentham incorporated the essential basis of moral equality into his utilitarian system of ethics in the formula: "Each to count for one and none for more than one." In other words, the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being. A later utilitarian, Henry Sidgwick, put the point in this way: "The good of any one individual is of no more importance, from the point of view (if I may say so) of the Universe, than the good of any other."[1] More recently, the leading figures in contemporary moral philosophy have shown a great deal of agreement in specifying as a fundamental presupposition of their moral theories some similar requirement which operates so as to give everyone's interests equal consideration – although they cannot agree on how this requirement is best formulated.[2]

It is an implication of this principle of equality that our concern for others ought not to depend on what they are like, or what abilities they

possess – although precisely what this concern requires us to do may vary according to the characteristics of those affected by what we do. It is on this basis that the case against racism and the case against sexism must both ultimately rest; and it is in accordance with this principle that speciesism is also to be condemned. If possessing a higher degree of intelligence does not entitle one human to use another for his own ends, how can it entitle humans to exploit nonhumans?

Many philosophers have proposed the principle of equal consideration of interests, in some form or other, as a basic moral principle; but, as we shall see in more detail shortly, not many of them have recognized that this principle applies to members of other species as well as to our own. Bentham was one of the few who did realize this. In a forward-looking passage, written at a time when black slaves in the British dominions were still being treated much as we now treat nonhuman animals, Bentham wrote:

> The day may come when the rest of the animal creation may acquire those rights which never could have been witholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? nor, Can they talk? but, Can they suffer?[3]

In this passage Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration. The capacity for suffering – or more strictly, for suffering and/or enjoyment or happiness – is not just another characteristic like the capacity for language, or for higher mathematics. Bentham is not saying that those who try to mark "the insuperable line" that determines whether the interests of a being should be considered happen to have selected the wrong characteristic.

The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is.

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering – in so far as rough comparisons can be made – of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin color?

The racist violates the principle of equality by giving greater weight to the interests of members of his own race, when there is a clash between their interests and the interests of those of another race. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species.[4] The pattern is the same in each case. Most human beings are speciesists. l shall now very briefly describe some of the practices that show this.

For the great majority of human beings, especially in urban, industrialized societies, the most direct form of contact with members of other species is at mealtimes: we eat them. In doing so we treat them purely as means to our ends. We regard their life and well-being as subordinate to our taste for a particular kind of dish. l say "taste" deliberately – this is purely a matter of pleasing our palate. There can be no defense of eating flesh in terms of satisfying nutritional needs, since it has been established beyond doubt that we could satisfy our need for protein and other essential nutrients far more efficiently with a diet that replaced animal flesh by soy beans, or products derived from soy beans, and other high-protein vegetable products.[5]

It is not merely the act of killing that indicates what we are ready to do to other species in order to gratify our tastes. The suffering we inflict

on the animals while they are alive is perhaps an even clearer indication of our speciesism than the fact that we are prepared to kill them.[6] In order to have meat on the table at a price that people can afford, our society tolerates methods of meat production that confine sentient animals in cramped, unsuitable conditions for the entire durations of their lives. Animals are treated like machines that convert fodder into flesh, and any innovation that results in a higher "conversion ratio" is liable to be adopted. As one authority on the subject has said, "cruelty is acknowledged only when profitability ceases".[7]

Since, as l have said, none of these practices cater for anything more than our pleasures of taste, our practice of rearing and killing other animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own. To avoid speciesism we must stop this practice, and each of us has a moral obligation to cease supporting the practice. Our custom is all the support that the meat-industry needs. The decision to cease giving it that support may be difficult, but it is no more difficult than it would have been for a white Southerner to go against the traditions of his society and free his slaves: if we do not change our dietary habits, how can we censure those slaveholders who would not change their own way of living?

The same form of discrimination may be observed in the widespread practice of experimenting on other species in order to see if certain substances are safe for human beings, or to test some psychological theory about the effect of severe punishment on learning, or to try out various new compounds just in case something turns up…

In the past, argument about vivisection has often missed the point, because it has been put in absolutist terms: Would the abolitionist be prepared to let thousands die if they could be saved by experimenting on a single animal? The way to reply to this purely hypothetical question is to pose another: Would the experimenter be prepared to perform his experiment on an orphaned human infant, if that were the only way to save many lives? (I say "orphan" to avoid the complication of parental feelings, although in doing so l am being overfair to the experimenter, since the nonhuman subjects of experiments are not orphans.) If the experimenter is not prepared to use an orphaned human infant, then his readiness to use nonhumans is simple discrimination, since adult apes, cats, mice, and other mammals are more aware of what is happening to them, more self-directing and, so far as we can tell, at least as sensitive to pain, as any human infant. There seems to be no relevant characteristic that human infants possess that adult mammals do not have to the same or a higher degree. (Someone

might try to argue that what makes it wrong to experiment on a human infant is that the infant will, in time and if left alone, develop into more than the nonhuman, but one would then, to be consistent, have to oppose abortion, since the fetus has the same potential as the infant – indeed, even contraception and abstinence might be wrong on this ground, since the egg and sperm, considered jointly, also have the same potential. In any case, this argument still gives us no reason for selecting a nonhuman, rather than a human with severe and irreversible brain damage, as the subject for our experiments).

The experimenter, then, shows a bias in favor of his own species whenever he carries out an experiment on a nonhuman for a purpose that he would not think justified him in using a human being at an equal or lower level of sentience, awareness, ability to be self-directing, etc. No one familiar with the kind of results yielded by most experiments on animals can have the slightest doubt that if this bias were eliminated the number of experiments performed would be a minute fraction of the number performed today.

Experimenting on animals, and eating their flesh, are perhaps the two major forms of speciesism in our society. By comparison, the third and last form of speciesism is so minor as to be insignificant, but it is perhaps of some special interest to those for whom this article was written. I am referring to speciesism in contemporary philosophy.

Philosophy ought to question the basic assumptions of the age. Thinking through, critically and carefully, what most people take for granted is, I believe, the chief task of philosophy, and it is this task that makes philosophy a worthwhile activity. Regrettably, philosophy does not always live up to its historic role. Philosophers are human beings, and they are subject to all the preconceptions of the society to which they belong. Sometimes they succeed in breaking free of the prevailing ideology: more often they become its most sophisticated defenders. So, in this case, philosophy as practiced in the universities today does not challenge anyone's preconceptions about our relations with other species. By their writings, those philosophers who tackle problems that touch upon the issue reveal that they make the same unquestioned assumptions as most other humans, and what they say tends to confirm the reader in his or her comfortable speciesist habits.

I could illustrate this claim by referring to the writings of philosophers in various fields – for instance, the attempts that have been made by those interested in rights to draw the boundary of the sphere of rights so that it runs parallel to the biological boundaries of the species homo sapiens,

including infants and even mental defectives, but excluding those other beings of equal or greater capacity who are so useful to us at mealtimes and in our laboratories. l think it would be a more appropriate conclusion to this article, however, if I concentrated on the problem with which we have been centrally concerned, the problem of equality.

It is significant that the problem of equality, in moral and political philosophy, is invariably formulated in terms of human equality. The effect of this is that the question of the equality of other animals does not confront the philosopher, or student, as an issue itself – and this is already an indication of the failure of philosophy to challenge accepted beliefs. Still, philosophers have found it difficult to discuss the issue of human equality without raising, in a paragraph or two, the question of the status of other animals. The reason for this, which should be apparent from what I have said already, is that if humans are to be regarded as equal to one another, we need some sense of "equal" that does not require any actual, descriptive equality of capacities, talents or other qualities. If equality is to be related to any actual characteristics of humans, these characteristics must be some lowest common denominator, pitched so low that no human lacks them – but then the philosopher comes up against the catch that any such set of characteristics which covers all humans will not be possessed only by humans. In other words, it turns out that in the only sense in which we can truly say, as an assertion of fact, that all humans are equal, at least some members of other species are also equal – equal, that is, to each other and to humans. If, on the other hand, we regard the statement "All humans are equal" in some non-factual way, perhaps as a prescription, then, as I have already argued, it is even more difficult to exclude non-humans from the sphere of equality.

This result is not what the egalitarian philosopher originally intended to assert. Instead of accepting the radical outcome to which their own reasonings naturally point, however, most philosophers try to reconcile their beliefs in human equality and animal inequality by arguments that can only be described as devious.

As a first example, I take William Frankena's well-known article "The Concept of Social Justice". Frankena opposes the idea of basing justice on merit, because he sees that this could lead to highly inegalitarian results. Instead he proposes the principle that all men are to be treated as equals, not because they are equal, in any respect, but simply because they are human. They are human because they have emotions and desires, and are able to think, and hence are capable of enjoying a good life in a sense in which other animals are not.[8]

But what is this capacity to enjoy the good life which all humans have, but no other animals? Other animals have emotions and desires and appear to be capable of enjoying a good life. We may doubt that they can think - although the behavior of some apes, dolphins, and even dogs suggests that some of them can - but what is the relevance of thinking? Frankena goes on to admit that by "the good life" he means "not so much the morally good life as the happy or satisfactory life", so thought would appear to be unnecessary for enjoying the good life; in fact to emphasize the need for thought would make difficulties for the egalitarian since only some people are capable of leading intellectually satisfying lives, or morally good lives. This makes it difficult to see what Frankena's principle of equality has to do with simply being human. Surely every sentient being is capable of leading a life that is happier or less miserable than some alternative life, and hence has a claim to be taken into account. In this respect the distinction between humans and nonhumans is not a sharp division, but rather a continuum along which we move gradually, and with overlaps between the species, from simple capacities for enjoyment and satisfaction, or pain and suffering, to more complex ones.

Faced with a situation in which they see a need for some basis for the moral gulf that is commonly thought to separate humans and animals, but can find no concrete difference that will do the job without undermining the equality of humans, philosophers tend to waffle. They resort to highs sounding phrases like "the intrinsic dignity of the human individual"[9]; they talk of the "intrinsic worth of all men" as if men (humans?) had some worth that other beings did not[10], or they say that humans, and only humans, are "ends in themselves", while "everything other than a person can only have value for a person".[11]

This idea of a distinctive human dignity and worth has a long history; it can be traced back directly to the Renaissance humanists, for instance to Pico della Mirandola's *Oration on the Dignity of Man*. Pico and other humanists based their estimate of human dignity on the idea that man possessed the central, pivotal position in the "Great Chain of Being" that led from the lowliest forms of matter to God himself; this view of the universe, in turn, goes back to both classical and Judeo-Christian doctrines. Contemporary philosophers have cast off these metaphysical and religious shackles and freely invoke the dignity of mankind without needing to justify the idea at all. Why should we not attribute "intrinsic dignity" or "intrinsic worth" to ourselves? Fellow-humans are unlikely to reject the accolades we so generously bestow on them, and those to whom we deny the honor are unable to object. Indeed, when one thinks only of humans, it can be

very liberal, very progressive, to talk of the dignity of all human beings. In so doing, we implicitly condemn slavery, racism, and other violations of human rights. We admit that we ourselves are in some fundamental sense on a par with the poorest, most ignorant members of our own species. It is only when we think of humans as no more than a small sub-group of all the beings that inhabit our planet that we may realize that in elevating our own species we are at the same time lowering the relative status of all other species.

The truth is that the appeal to the intrinsic dignity of human beings appears to solve the egalitarian's problems only as long as it goes unchallenged. Once we ask why it should be that all humans – including infants, mental defectives, psychopaths, Hitler, Stalin, and the rest – have some kind of dignity or worth that no elephant, pig, or chimpanzee can ever achieve, we see that this question is as difficult to answer as our original request for some relevant fact that justifies the inequality of humans and other animals. In fact, these two questions are really one: talk of intrinsic dignity or moral worth only takes the problem back one step, because any satisfactory defence of the claim that all and only humans have intrinsic dignity would need to refer to some relevant capacities or characteristics that all and only humans possess. Philosophers frequently introduce ideas of dignity, respect, and worth at the point at which other reasons appear to be lacking, but this is hardly good enough. Fine phrases are the last resource of those who have run out of arguments.

In case there are those who still think it may be possible to find some relevant characteristic that distinguishes all humans from all members of other species, I shall refer again, before I conclude, to the existence of some humans who quite clearly are below the level of awareness, self-consciousness, intelligence, and sentience, of many non-humans. l am thinking of humans with severe and irreparable brain damage, and also of infant humans. To avoid the complication of the relevance of a being's potential, however, I shall henceforth concentrate on permanently retarded humans.

Philosophers who set out to find a characteristic that will distinguish humans from other animals rarely take the course of abandoning these groups of humans by lumping them in with the other animals. It is easy to see why they do not. To take this line without re-thinking our attitudes to other animals would entail that we have the right to perform painful experiments on retarded humans for trivial reasons; similarly it would follow that we had the right to rear and kill these humans for food. To most philosophers these consequences are as unacceptable as the view that we

should stop treating nonhumans in this way.

Of course, when discussing the problem of equality it is possible to ignore the problem of mental defectives, or brush it aside as if somehow insignificant.[12] This is the easiest way out. What else remains? My final example of speciesism in contemporary philosophy has been selected to show what happens when a writer is prepared to face the question of human equality and animal inequality without ignoring the existence of mental defectives, and without resorting to obscurantist mumbo jumbo. Stanley Benn's clear and honest article "Egalitarianism and Equal Consideration of Interests"[13] fits this description.

Benn, after noting the usual "evident human inequalities" argues, correctly I think, for equality of consideration as the only possible basis for egalitarianism. Yet Benn, like other writers, is thinking only of "equal consideration of human interests". Benn is quite open in his defence of this restriction of equal consideration:

> ...not to possess human shape is a disqualifying condition. However faithful or intelligent a dog may be, it would be a monstrous sentimentality to attribute to him interests that could be weighed in an equal balance with those of human beings... if, for instance, one had to decide between feeding a hungry baby or a hungry dog, anyone who chose the dog would generally be reckoned morally defective, unable to recognize a fundamental inequality of claims. This is what distinguishes our attitude to animals from our attitude to imbeciles. It would be odd to say that we ought to respect equally the dignity or personality of the imbecile and of the rational man… but there is nothing odd about saying that we should respect their interests equally, that is, that we should give to the interests of each the same serious consideration as claims to considerations necessary for some standard of well-being that we can recognize and endorse.

Benn's statement of the basis of the consideration we should have for imbeciles seems to me correct, but why should there be any fundamental inequality of claims between a dog and a human imbecile? Benn sees that if equal consideration depended on rationality, no reason could be given against using imbeciles for research purposes, as we now use dogs and guinea pigs. This will not do: "But of course we do distinguish imbeciles from animals in this regard", he says. That the common distinction is justifiable is something Benn does not question; his problem is how it is to

be justified. The answer he gives is this:

> …we respect the interests of men and give them priority over dogs not insofar as they are rational, but because rationality is the human norm. We say it is unfair to exploit the deficiencies of the imbecile who falls short of the norm, just as it would be unfair, and not just ordinarily dishonest, to steal from a blind man. If we do not think in this way about dogs, it is because we do not see the irrationality of the dog as a deficiency or a handicap, but as normal for the species. The characteristics, therefore, that distinguish the normal man from the normal dog make it intelligible for us to talk of other men having interests and capacities, and therefore claims, of precisely the same kind as we make on our own behalf. But although these characteristics may provide the point of the distinction between men and other species, they are not in fact the qualifying conditions for membership, to the distinguishing criteria of the class of morally considerable persons; and this is precisely because a man does not become a member of a different species, with its own standards of normality, by reason of not possessing these characteristics.

The final sentence of this passage gives the argument away. An imbecile, Benn concedes, may have no characteristics superior to those of a dog; nevertheless this does not make the imbecile a member of "a different species" as the dog is. Therefore it would be "unfair" to use the imbecile for medical research as we use the dog. But why? That the imbecile is not rational is just the way things have worked out, and the same is true of the dog – neither is any more responsible for their mental level. If it is unfair to take advantage of an isolated defect, why is it fair to take advantage of a more general limitation? I find it hard to see anything in this argument except a defense of preferring the interests of members of our own species because they are members of our own species. To those who think there might be more to it, I suggest the following mental exercise. Assume that it has been proven that there is a difference in the average, or normal, intelligence quotient for two different races, say whites and blacks. Then substitute the term "white" for every occurrence of "men" and "black" for every occurrence of "dog" in the passage quoted; and substitute "high I.Q." for "rationality" and when Benn talks of "imbeciles" replace this term by "dumb whites" – that is, whites who fall well below the normal white I.Q. score. Finally,

change "species" to "race". Now reread the passage. It has become a defense of a rigid, no-exceptions division between whites and blacks, based on l.Q. scores, not withstanding an admitted overlap between whites and blacks in this respect. The revised passage is, of course, outrageous, and this is not only because we have made fictitious assumptions in our substitutions. The point is that in the original passage Benn was defending a rigid division in the amount of consideration due to members of different species, despite admitted cases of overlap. If the original did not at first reading strike us as being as outrageous as the revised version does, this is largely because although we are not racists ourselves, most of us are speciesists. Like the other articles, Benn's stands as a warning of the ease with which the best minds can fall victim to a prevailing ideology.

Notes

1. Henry Sidgwick, *The Methods of Ethics* (Indianapolis: Hackett Publishing Co., 1981, 7th edition), 382.
2. For example, R. M. Hare, *Freedom and Reason* (Oxford: Oxfrord Universtiy Press, 1963) and J. Rawls, *A Theory of Justice* (Cambridge MA: Harvard University Press, 1972); for a brief account of the essential agreement on this issue between these and other positions, see R. M. Hare, "Rules of War and Moral Reasoning", *Philosophy and Public Affairs*, vol. 1, no. 2 (1972): 166-181.
3. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (New York: Oxford University Press, 1996), ch. XVII.
4. I owe the term *speciesism* to Richard Ryder.
5. In order to produce 1 lb. of protein in the form of beef or veal, we must feed 21 Ibs. of protein to the animal. Other forms of livestock are slightly less inefficient, but the average ratio in the United States is still 1:8. It has been estimated that the amount of protein lost to humans in this way is equivalent to 90 percent of the annual world protein deficit. For a brief account, see Frances Moore Lappe, *Diet for a Small Planet* (New York: Friends of The Earth/Ballantine, 1971), 4-11.
6. Although one might think that killing a being is obviously the ultimate wrong one can do to it, l think that the infliction of suffering is a clearer indication of speciesism because it might be argued that at least part of what is wrong with killing a human is that most humans are conscious of their existence over time and have desires and purposes that extend into the future; see, for instance, M. Tooley, "Abortion and Infanticide", *Philosophy and Public Affairs*, vol. 2, no. 1 (1972): 37-65. Of course, if one took this view one would have to hold – as Tooley does – that killing a human infant or mental defective is not in itself wrong and is less serious than killing certain higher mammals that probably do have a sense of their own existence over time.
7. Ruth Harrison, *Animal Machines* (London: Stuart, 1964). For an account of farming conditions, see my *Animal Liberation* (New York Review Company, 1975), from which "Down on the Factory Farm" was reprinted in *Animal Rights and Human Obligations*, edited by Tom Regan and Peter Singer (Englewood Cliffs: Prentice-Hall, 1976).
8. In *Social Justice*, edited by R. Brandt (Englewood Cliffs: Prentice Hall, 1962): 1-29, 19.
9. Frankena, op. cit. 23.

10. H. A. Bedau, "Egalitarianism and the Idea of Equality", in *Nomos IX: Equality*, edited by J. R. Pennock and J. W. Chapman (New York, 1967).
11. G. Vlastos, "Justice and Equality", in Brandt, *Social Justice*, 48.
12. For example, Bernard Williams, "The Idea of Equality", in *Philosophy, Politics, and Society* (second series), edited by P. Laslett and W. Rundman (Oxford: Blackwell, 1962), 118; J. Rawls, *A Theory of Justice*, 509-10.
13. In *Nomos IX: Equality*, 62ff.

Tom Regan*

Empty Cages: Animal Rights and Vivisection**

Animals are used in laboratories for three main purposes: education, product safety testing, and experimentation, medical research in particular. Unless otherwise indicated, my discussion is limited to their use in harmful, nontherapeutic medical research (which, for simplicity, I sometimes refer to as "vivisection"). Experimentation of this kind differs from therapeutic experimentation, where the intention is to benefit the subjects on whom the experiments are conducted. In harmful, nontherapeutic experimentation, by contrast, subjects are harmed, often seriously, or put at risk of serious harm, in the absence of any intended benefit for them; instead, the intention is to obtain information that might ultimately lead to benefits for others.

Human beings, not only nonhuman animals, have been used in harmful, nontherapeutic experimentation. In fact, the history of medical research contains numerous examples of human vivisection, and it is doubtful whether the ethics of animal vivisection can be fully appreciated apart from the ethics of human vivisection. Unless otherwise indicated, however, the current discussion of vivisection – and my use of the term – is limited to harmful, nontherapeutic experimentation using nonhuman animals.

I. The Benefits Argument

There is only one serious moral defense of vivisection.[1] That defense proceeds as follows. Human beings are better off because of vivisection. Indeed, we are (we are told) much better off because of it. If not all, at least most of the most important improvements in human health and longevity are indebted to vivisection. Included among the advances often cited are open heart surgery, vaccines (for polio and small pox, for example), cataract

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and hip replacement surgery, and advances in rehabilitation techniques for victims of spinal cord injuries and strokes. Without these and the many other advances attributable to vivisection, proponents of the Benefits Argument maintain, the incidence of human disease, permanent disability, and premature death would be far greater than it is today.[2]

Defenders of the Benefits Argument are not indifferent to how animals are treated. They agree that animals used in vivisection sometimes suffer, both during the research itself and because of the restrictive conditions of their life in the laboratory. That the research can harm animals, no reasonable person will deny. Experimental procedures include drowning, suffocating, starving, and burning; blinding animals and destroying their hearing; damaging their brains, severing their limbs, crushing their organs; inducing heart attacks, ulcers, paralysis, seizures; forcing them to inhale tobacco smoke, drink alcohol, and ingest various drugs, such as heroine and cocaine.[3]

These harms are regrettable, vivisection's defenders acknowledge, and everything that can be done should be done to minimize animal suffering. For example, to lessen the stress caused by overcrowding, animals should be housed in larger cages. But (so the argument goes) there is no other way to secure the important human health benefits vivisection yields so abundantly, benefits that greatly exceed any harms animals endure.

II. What the Benefits Argument Omits

Any argument that rests on comparing benefits and harms must not only state the benefits accurately; it must also do the same for the relevant harms. Advocates of the Benefits Argument fail on both counts. Independent of their lamentable tendency to minimize the harms done to animals and their fixed resolve to marginalize non animal alternatives[4], advocates overestimate the human benefits attributable to vivisection and conveniently ignore the massive human harms that are an essential part of vivisection's legacy. Even more fundamentally, they uniformly fail to provide an intelligible methodology for comparing benefits and harms across species. I address each of these three failures in turn.

The overestimation of human benefits: Proponents of the Benefits Argument would have us believe that most of the truly important improvements in human health could not have been achieved without vivisection. The facts tell a different story. Public health scholars have shown that animal experimentation has made at best only a modest contribution to public health. As a matter of fact, the vast majority of the most important health advances have resulted from improvements in living conditions (in

sanitation, for example) and changes in personal hygiene and lifestyle, none of which has anything to do with animal experimentation.[5]

The underestimation of human harms: Advocates of the Benefits Argument conveniently ignore the hundreds of millions of deaths and the uncounted illnesses and disabilities that are attributable to reliance on the "animal model" in research. Sometimes the harms result from what reliance on vivisection makes available; sometime they result from what reliance on vivisection prevents. The deleterious effects of prescription medicines are an example of the former.

Prescription drugs are first tested extensively on animals before being made available to consumers. As is well known, there are problems involved in extrapolating results obtained from studies on animal beings to human beings. In particular, many medicines that are not toxic for test animals prove to be highly toxic for human beings. How toxic? It is estimated that one hundred thousand Americans die and some two million are hospitalized annually because of the harmful effects of the prescription drugs they are taking.[6] That makes prescription drugs the fourth leading cause of death in America, behind only heart disease, cancer, and stroke, a fact that, without exception, goes unmentioned by the Benefits Argument's advocates.

Worse, the Food and Drug Administration, the federal agency charged with regulating prescription drugs, estimates that physicians report only one percent of adverse drug reactions. In other words, for every adverse drug response reported, ninety-nine are not. Clearly, before vivisection's defenders can reasonably claim that human benefits greatly exceed human harms, they need honestly to acknowledge how often and how much reliance on this model leads to prescribed therapies that cause massive human harm.[7]

Massive harm to humans also is attributable to what reliance on vivisection prevents. The role of cigarette smoking in the incidence of cancer is a case in point. As early as the 1950s, human epidemiological studies revealed a causal link between cigarette smoking and lung cancer. Nevertheless, repeated efforts, made over more than 50 years, rarely succeeded in inducing tobacco related cancers in animals. Despite the alarm sounded by public health advocates, governments around the world for decades refused to mount an educational campaign to inform smokers about the grave risks they were running. The Center for Disease Control states that "[t]he adverse health effects from cigarette smoking account for an estimated 443,000 deaths, or nearly one of every five deaths, each year in the United States", adding that "more deaths are caused each year by tobacco use than by all deaths from human immunodeficiency virus (HIV),

illegal drug use, alcohol use, motor vehicle injuries, suicides, and murders combined".[8]

How much of this massive human harm could have been prevented if the results of vivisection had not (mis)directed government health care policy? It is not clear that anyone knows the answer beyond saying, "A great deal. More than we will ever know". One thing we do know, however: advocates of the Benefits Argument contravene the logic of their argument when they fail to include these harms in their defense of vivisection.

Comparisons across species: Not to go unmentioned, finally, is the universal failure of vivisection's defenders to explain how we are to weigh benefits and harms across species. Before we can judge that vivisection's benefits for humans greatly exceed vivisection's harms to other animals, someone needs to explain how the relevant comparisons should be made. How much animal pain equals how much human relief from a drug that was tested on animals, for example? It does not suffice to say, to quote the American philosopher Carl Cohen, that "the suffering of our species does seem somehow to be more important than the suffering of other species".[9] Not only does this fail to explain how much more important our suffering is supposed to be, it offers no reason why anyone should think that it is. (Cohen's views are discussed at greater length in the discussion of speciesism, below).

Plainly, unless – or until – those who support the Benefits Argument offer an intelligible methodology for comparing benefits and harms across species, the claim that human benefits derived from vivisection greatly exceed the harms done to animals is more in the nature of unsupported ideology than demonstrated fact.

III. Human Vivisection and Human Rights

The Benefits Argument suffers from an even more fundamental defect. Despite appearances to the contrary, the argument begs all the most important moral questions; in particular, it fails to address the role that moral rights play in assessing harmful, nontherapeutic research on animals. The best way to understand its failure in this regard is to position the argument against the backdrop of human vivisection and human rights.

Human beings have been used in harmful, nontherapeutic experiments for thousands of years.[10] Not surprisingly, most human "guinea pigs" have not come from the wealthy and educated, not from the dominant race, not from those with the power to assert and enforce their rights. No, most of human vivisection's victims have been coercively conscripted from the ranks of young children (especially orphans), the elderly, the severely

developmentally disabled, the insane, the poor, the illiterate, members of "inferior" races, homosexuals, military personnel, prisoners of war, and convicted criminals, for example. One such case will be considered below.

The scientific rationale behind vivisecting human beings needs little explanation. Using human subjects in research overcomes the difficulty of extrapolating results from another species to our species. If "benefits for humans" establishes the morality of animal vivisection, should we favor human vivisection instead? After all, vivisection that uses members of our own species promises even greater benefits.

No serious advocate of human rights (and I count myself among this number) can support such research. This judgment is not capricious or arbitrary; it is a necessary consequence of the logic of basic moral rights, including our rights to bodily integrity and to life. This logic has two key components.[11]

First, possession of these rights confers a unique moral status. Those who possess these rights have a kind of protective moral shield, an invisible "No Trespassing" sign, so to speak, that prohibits others from injuring their bodies, taking their life, or putting them at risk of serious harm, including death.[12] When people violate our rights, when they "trespass on our moral property", they do something wrong to us directly.

This does not mean that it must be wrong to hurt someone or even to take their life. When terrorists exceed their rights by violating ours, we act within our rights if we respond in ways that can cause serious harm to the violators. Still, what we are free to do when someone violates our rights does not translate into the freedom to override their rights without justifiable cause.

Second, the obligation to respect others' rights to bodily integrity and to life trumps any obligation we have to benefit others.[13] Even if society in general would benefit if the rights of a few people were violated, that would not make violating their rights morally acceptable to any serious defender of human rights. The rights of the individual are not to be sacrificed in the name of promoting the general welfare. This is what it means to affirm our rights. It is also why the basic moral rights we possess, as the individuals we are, have the great moral importance they do.

IV. Why the Benefits Argument Begs the Question

Once we understand why, given the logic of moral rights, respect for the rights of individuals takes priority over any obligation we might have to benefit others, we can understand why the Benefits Argument fails to justify vivisection on nonhuman animals. Clearly, all that the Benefits Argument

can show is that vivisection on nonhuman animals benefits human beings. What this argument *cannot* show is that vivisecting animals for this purpose is morally justified. And it cannot show this because the benefits humans derive from vivisection are irrelevant to the question of animal rights. We cannot show that animals have no right to life, for example, because we benefit from using them in research in which they are killed.

It will not suffice (and this for two reasons) for advocates of the Benefits Argument to insist that "there are no alternatives" to vivisection that will yield as many human benefits. First, this reply is more than a little disingenuous. The greatest impediment to developing new scientifically valid non animal alternatives, and to using those that already exist, is the hold that the ideology of vivisection currently has on medical researchers and those who fund them. Second, whether animals have rights is not a question that can be answered by saying how much vivisection benefits human beings. No matter how great the human benefits might be, the practice is morally wrong if animals have rights that vivisection violates.

But *do* animals have any rights? The best way to answer this question is to begin with an actual case of human vivisection.[14]

V. The Children of Willowbrook

Now closed, Willowbrook State Hospital was a mental hospital located in Staten Island, one of New York City's five boroughs. For fifteen years, from 1956 to 1971, under the leadership of New York University Professor Saul Krugman, hospital staff conducted a series of viral hepatitis experiments on thousands of the hospital's severely retarded children, some as young as three years old. Among the research questions asked: Could injections of gamma globulin (a complex protein extracted from blood serum) produce long term immunity to the hepatitis virus?

What better way to find the answer, Dr. Krugman decided, than to separate the children in one of his experiments into two groups. In the one, children were fed the live hepatitis virus and given an injection of gamma globulin, which Dr. Krugman believed would produce immunity; in the other, children were fed the virus but received no injection. In both cases, the virus was obtained from the feces of other Willowbrook children who suffered from the disease. Parents or guardians were asked to sign a release form that would permit their children to be "given the benefit of this new preventive".

The results of the experiment were instrumental in leading Dr. Krugman to conclude that hepatitis is not a single disease transmitted by a single virus; there are, he confirmed, at least two distinct viruses that

transmit the disease, what today we know as hepatitis A and hepatitis B, the latter of which is the more severe of the two. Early symptoms include fatigue, loss of appetite, malaise, abdominal pain, vomiting, headache, and intermittent fever; then the patient becomes jaundiced, the urine darkens, the liver swells, and enzymes normally stored in the liver enter the blood. Death results in 1 to 10 percent of cases.

Everyone agrees that many people have benefited from this knowledge and the therapies Dr. Krugman's research made possible. Some question the necessity of his research, citing the comparable findings that Baruch Blumberg made by analyzing blood antigens in his laboratory, where no children were harmed or put at risk of grievous harm. But even if we assume that Dr. Krugman's results could not have been achieved without experimenting on his uncomprehending subjects, what he did was wrong.

The purpose of his research, after all, was not to benefit each of the children. If that was his objective, he would not have withheld injections of gamma globulin from half of them. *Those* children certainly could not be counted among the intended beneficiaries. (Thus the misleading nature of the release form: not *all* the children were "given the benefit of this new preventive").

Moreover, it is a perverse moral logic that says, "The children who received the injections of gamma globulin but who did not contract hepatitis – they were the real beneficiaries". Granted, if these children already had the hepatitis virus and failed to develop the disease because of the injections, it would make sense to say that they benefited from Dr. Krugman's experiment. But these children did not already have the virus; they were given the virus by Dr. Krugman and his associates. How can they be described as "beneficiaries"? If I hide a time bomb under your bed, armed with an experimental device that I think will defuse the bomb before it is set to go off, and if the device works, I do not think you would shake my hand and thank me because you benefited from my experiment. I think you would (if you could) wring my neck for placing you in grave danger. Would that the children of Willowbrook could have done the same to Dr. Krugman and his associates.

No serious advocate of human rights can accept the moral propriety of Dr. Krugman's actions. By intentionally infecting all the children in his experiment, he put each of them at risk of serious harm. And by withholding the suspected means of preventing the disease from half the children, he violated their rights twice over: first, by willfully placing them at risk of serious physical illness; second, by risking their very life. This grievous breach of ethics finds no justification in the benefits others derived. To

violate the moral rights of the few is never justified by adding the benefits for the many.

VI. The Basis of Human Rights

Those who deny that animals have rights frequently emphasize the uniqueness of human beings. We not only write poetry and compose symphonies, read history and solve math problems; we also understand our own mortality and make moral choices. Other animals do none of these things. That is why we have rights and they do not.

This way of thinking overlooks the fact that many human beings do not read history or solve math problems, do not understand their own mortality or make moral choices. The profoundly retarded children Dr. Krugman used in his research are a case in point. If possession of the moral rights to bodily integrity and life depended on understanding one's mortality or making moral choices, for example, then those children lacked these rights. In their case, therefore, there would be no protective moral shield, no invisible "No Trespassing" sign that limited what others were free to do to them. Lacking the protection rights afford, *there would not have been anything about the moral status of the children themselves* that prohibited Dr. Krugman from injuring their bodies, taking their life, or putting them at risk of serious harm. Lacking the protection rights afford, Dr. Krugman did not – indeed, he could not have done – anything wrong to the children. Again, this is not a position any serious advocate of human rights can accept.

But what is there about those of us reading these words, on the one hand, and the children of Willowbrook, on the other, that can help us understand how they can have the same rights we claim for ourselves? Where will we find the basis of our moral equality? Not in the ability to write poetry, make moral choices, and the like. Not in human biology, including facts about the genetic make-up humans share. All humans are (in some sense) biologically the same. However, biological facts are indifferent to moral truths. Who has what genes has no moral relevance to who has what rights. Whatever else is in doubt, this we know.

But if not in some advanced cognitive capacity or genetic similarity, then where might we find the basis of our equality? Any plausible answer must begin with the obvious: The differences between the children of Willowbrook and those who read these words are many and varied. We do not denigrate these children when we say that our life has a richness that theirs lacked. Few among us would trade our life for theirs, even if we could.

Still, as important as these differences are, they should not obscure the

similarities. For, like us, these children were the *subjects-of-a-life*, *their* life, a life that was experientially better or worse for the child whose life it was. Like us, each child was a unique somebody, not a replaceable something. True, they lacked the ability to read and to make moral choices, for example. Nevertheless, what was done to these children, both what they experienced and what they were deprived of, mattered to them, as the individuals they were, just as surely as what is done to us, when we are harmed, matters to us.

In this respect, as the subjects-of-a-life, we and the children of Willowbrook are the same, are equal. Only in this case, our sameness, our equality is important morally. Logically, we cannot claim that harms done to us matter morally, but that harms done to these children do not. Relevantly similar cases must be judged similarly. This is among the first principles of rational thought, a principle that has immediate application here. Logically, we cannot claim our rights to bodily integrity and to life, then deny these same rights in the case of the children. Without a doubt, the children of Willowbrook had rights, if we do.

VII. Why Animals Have Rights

We routinely divide the world into animals, vegetables, minerals. Amoebae and paramecia are not vegetables or minerals; they are animals. No one engaged in the vivisection debate thinks that the use of such simple animals poses a vexing moral question. By contrast, everyone engaged in the debate recognizes that using nonhuman primates must be assessed morally. All parties to the debate, therefore, must "draw a line" somewhere between the simplest forms of animate life and the most complex, a line that marks the boundary between those animals that do, and those that do not, clearly matter morally.

One way to avoid some of the controversies in this quarter is to follow Charles Darwin's lead. When he compares (these are his words) "the Mental Powers of Man and the Lower Animals", Darwin restricts his explicit comparisons to humans and other mammals.[15]

His reasons for doing so depend in part on structural considerations. In all essential respects, these animals are physiologically like us, and we, like them. Now, in our case, an intact, functioning central nervous system is associated with our capacity for subjective experience. For example, injuries to our brain or spinal cord can diminish our sense of sight or touch, or impair our ability to feel pain or remember. By analogy, Darwin thinks it is reasonable to infer that the same is true of animals who are most physiologically similar to us. Because our central nervous system provides the physical basis for our subjective awareness of the world, and

because the central nervous system of other mammals resembles ours in all the relevant respects, it is reasonable to believe that their central nervous system provides the physical basis for their subjective awareness.

Of course, if attributing subjective awareness to nonhuman mammals clashed with common sense, made their behavior inexplicable, or was at odds with our best science, Darwin's position would need to be abandoned. But just the opposite is true. Every person of common sense agrees with Darwin. All of us understand that dogs and pigs, cats and chimps enjoy some things and find others painful. Not surprisingly, they act accordingly, seeking to find the former and avoid the latter. In addition, both humans and other mammals share a family of cognitive abilities (we both are able to learn from experience, remember the past, anticipate the future) as well as a variety of emotions (Darwin lists fear, jealousy, and sadness). Not surprisingly, again, these mental capacities play a role in how they behave. For example, other mammals will behave one way rather than another because they remember which ways of acting had pleasant outcomes in the past, or because they are afraid or sad.

Moreover, that these animals are subjectively present in the world, Darwin understands, is required by evolutionary theory.[16] The mental complexity we find in humans did not arise from nothing. It is the culmination of a long evolutionary process. We should not be surprised, therefore, when Darwin summarizes his general outlook in these terms: "The differences between the mental faculties of humans and the higher animals, great as it is, is one of degree and not of kind."[17]

The psychological complexity of mammals (henceforth "animals", unless otherwise indicated) plays an important role in arguing for their rights. As in our case, so in theirs: they are the subjects-of-a-life, *their* life, a life that is experientially better or worse for the one whose life it is. Each is a unique somebody, not a replaceable something. True (like the children of Willowbrook), they lack the ability to read, write, or make moral choices. Nevertheless, what is done to animals, both what they experience and what they are deprived of, matters to them, as the individuals they are, just as what was done to the children of Willowbrook, when they were harmed, mattered to them.

In this respect, as the subjects-of-a-life, other mammals are our equals. And in this case, our sameness, our equality, is important morally. Logically, we cannot maintain that harms done to us matter morally, but that harms done to these animals do not. Relevantly similar cases must be judged similarly. As was noted earlier, this is among the first principles of rational thought, and one that again has immediate application here. Logically, we

cannot claim our rights to bodily integrity and life, or claim these same rights for the children of Willowbrook, then deny them when it comes to other mammals. Without a doubt, these animals have rights, if humans do.

VIII. Challenging Human and Animal Equality: Speciesism

The argument for animal rights sketched in the preceding implies that humans and other animals are equal in morally relevant respects. Some philosophers (Carl Cohen principal among them) repudiate any form of species egalitarianism. According to Cohen, whereas humans are equal in morally relevant respects, regardless of our race, gender or ethnicity, humans and other animals are not morally equal in any respect, not even when it comes to suffering. Here are a few examples that will clarify his position.

First, imagine a boy and a girl suffer equally. If someone assigns greater moral weight to the boy's suffering because he is a white male from Ireland, and less moral weight to the girl's suffering because she is a black female from Kenya, Cohen would protest – and rightly so. Human racial, gender and ethnic differences are not morally relevant differences. The situation differs, however, when it comes to differences in species. Imagine that a cat and dog both suffer as much as the boy and girl. For Cohen, there is nothing morally prejudicial, nothing morally arbitrary in assigning greater importance to the suffering of the children, because they are human, than to the equal suffering of the animals, because they are not.

Proponents of animal rights deny this. We believe that views like Cohen's reflect a moral prejudice against animals that is fully analogous to moral prejudices, like sexism and racism, that humans often have against one another. We call this prejudice speciesism.[18]

For his part, Cohen affirms speciesism (human suffering does "somehow" count for more than the equal suffering of animal suffering), but denies its prejudicial status. Why? Because (he thinks) while there are no morally relevant differences between human men and women, or between whites and blacks, "the morally relevant differences [between humans and other animals] are enormous".[19] In particular, human beings but not other animals are "morally autonomous"; we can, but they cannot, make moral choices for which we are morally responsible.

This defense of speciesism is no defense at all. Not only does it conveniently overlook the fact that a very large percentage of the human population (children up through many years of their life, for example) is not morally autonomous; moral autonomy is not relevant to the issues at hand. An example will help explain why.

Imagine someone says that Jack is smarter than Jill because Jack lives in Syracuse, Jill in San Francisco. Where the two live is different, certainly; and where different people live sometimes is a relevant consideration (for example, when a census is being taken or taxes are levied). But everyone will recognize that where Jack and Jill live has no logical bearing on whether Jack is smarter. To think otherwise is to commit a fallacy of irrelevance familiar to anyone who has taken a course in elementary logic.

The same is no less true when a speciesist says that Toto's suffering counts for less than the equal suffering of Dorothy because Dorothy, but not Toto, is morally autonomous. If the question we are being asked is whether Jack is smarter than Jill, we are given no relevant reason for thinking one way or the other if we are told that Jack and Jill live in different cities. Similarly, if the question we are being asked is, "Does Toto's pain count as much as Dorothy's?", we are given no relevant reason for thinking one way or the other if we are told that Dorothy is morally autonomous, and Toto not.

This is not because the capacity for moral autonomy is never relevant to our moral thinking about humans and other animals. Sometimes it is. If Jack and Jill have this capacity, then they (but not Toto) will have an interest in being free to act as their conscience dictates. In this sense, the difference between Jack and Jill, on the one hand, and Toto, on the other, *is* morally relevant. But just because moral autonomy is morally relevant to the moral assessment of *some* cases, it does not follow that it is relevant in *all* cases. And one case in which it is not relevant is the moral assessment of pain. Logically, to discount Toto's pain because Toto is not morally autonomous is fully analogous to discounting Jill's intelligence because she does not live in Syracuse.

The question, then, is whether any defensible, relevant reason can be offered in support of the speciesist judgment that the moral importance of human and animal pain, equal in other respects, always should be weighted in favor of the human being over the animal being? To this question, neither Cohen nor any other philosopher, to my knowledge, offers a logically relevant answer. To persist in judging human pains (I note that the same applies to equal pleasures, benefits, harms, and so on, throughout all similar cases) as being more important than the like pains of other animals, because they are human pains, is not rationally defensible. Speciesism is a moral prejudice. Contrary to Cohen's assurances to the contrary, it is wrong, not right.

IX. Other Objections, Other Replies

Not everyone who denies rights to animals is a speciesist. Some critics agree that human and nonhuman animals are equal in some morally

relevant respects; for example, if a man and a mouse suffer equally, then their suffering should count the same, when judged morally. These critics simply draw the line when it comes to moral rights. Humans have them, other animal do not. Why this difference? The answers are many. Here, briefly, is a summary statement of some of the most common objections to animal rights together with my replies.[20] It is to be recalled that the rights in question are the moral rights to bodily integrity and life.

1. Objection: Animals do not understand what rights are. Therefore, they have no rights.
Reply: The children of Willowbrook, all young children for that matter, do not understand what rights are. Yet we do not deny rights in their case, for this reason. To be consistent, we cannot deny rights for animals, for this reason.
2. Objection: Animals do not respect our rights. For example, lions sometimes kill innocent people. Therefore, they have no rights.
Reply: Children sometimes kill innocent people. Yet we do not deny rights in their case, for this reason. To be consistent, we cannot deny rights for animals, for this reason.
3. Objection: Animals do not respect the rights of other animals. For example, lions kill wildebeests. Therefore, they have no rights.
Reply: Children do not always respect the rights of other children; sometimes they kill them. Yet we do not deny rights in their case, for this reason. To be consistent, we cannot deny rights for animals, for this reason.
4. Objection: If animals have rights, they should be allowed to vote, marry, file for divorce, and immigrate, for example, which is absurd. Therefore, animals have no rights.
Reply: Yes, permitting animals to do these things is absurd. But these absurdities do not follow from claiming rights to life and bodily integrity, either in the case of animals or in that of the children of Willowbrook.
5. Objection: If animals have rights, then mosquitoes and roaches have rights, which is absurd. Therefore, animals have no rights.
Reply: Not all forms of animate life must have rights because some animals do. In particular, neither mosquitoes nor roaches have the kind of physiological complexity associated with being

a subject-of-a-life. In their case, therefore, we have no good reason to believe that they have rights, even while we have abundantly good reason to believe that other animals (mammals in particular) do.

6. Objection: If animals have rights, then so do plants, which is absurd. Therefore, animals have no rights.

Reply: "Plant rights" do not follow from animal rights. We have no reason to believe, and abundant reason to deny, that carrots and cabbages are subjects-of-a-life. We have abundantly good reason to believe, and no good reason to deny, that mammals are. In claiming rights for animals, therefore, we are not committed to claiming rights for plants.

7. Objection: Human beings are closer to us than animals; we have special relations to them. Therefore, animals have no rights.

Reply: Yes, we have relations to humans that we do not have to other animals. However, we also have special relations to our family and friends that we do not have to other human beings. But we do not conclude that other humans have no rights, for this reason. To be consistent, we cannot deny rights for animals, for this reason.

8. Objection: Only human beings live in a moral community in which rights are understood. Therefore, all human beings, and only human beings, have rights. [21]

Reply: Yes, at least among terrestrial forms of life, only human beings live in such a moral community. But it does not follow that only human beings have rights. Only human beings live in a scientific community in which genes are understood. From this we do not conclude that only human beings have genes. Neither should we conclude, using analogous reasoning, that only human beings have rights.

9. Objection: Humans have rights, and animals do not, because God gave rights to us but withheld rights from them.

Reply: No passage in any sacred book states, "I (God) give rights to humans. And I (God) withhold them from animals". We simply do not find such declarations in the Old Testament, the New Testament, the Torah, or the Koran, for example.[22]

10. Objection: Animals have some rights to bodily integrity and life, but the rights they have are not equal to human rights. Therefore, human vivisection is wrong, but animal vivisection

is not.

Reply: This objection begs the question; it does not answer it. What morally relevant reason is there for thinking that humans have greater rights than animals? Certainly it cannot be any of the reasons examined in 1-9. But if not in any of them, then where? The objection does not say.

The objections just reviewed have been considered because they are among the most important, not because they are the least convincing. Their failure, individually and collectively, goes some way towards suggesting the logical inadequacy of the anti-animal rights position. Morality is not mathematics certainly. In morality, there are no proofs like those we find in geometry. What we can find, and what we must live with, are principles and values that have the best reasons, the best arguments on their side. The principles and values that pass this test, whether most people accept them or not, are the ones that should guide our lives. Given this reasonable standard, the principles and values of animal rights should guide our lives.

X. Conclusion

As was noted at the outset, animals are used in laboratories for three main purposes: education, product safety testing, and experimentation, harmful nontherapeutic experimentation in particular. Of the three, the latter has been the object of special consideration. However, the implications for the remaining purposes should be obvious.[23] Any time any animals' rights are violated in pursuit of benefits for others, what is done is wrong. It is conceivable that some uses of animals for educational purposes (for example, having students observe the behavior of injured animals when they are returned to their natural habitat) might be justified. By contrast, it is not conceivable that using animals in product testing can be. Harming animals to establish what brands of cosmetics or combinations of chemicals are safe for humans is an exercise in power, not morality. In the moral universe, animals are not our tasters, we are not their kings.

The implications of animal rights for vivisection are both clear and uncompromising. Vivisection is morally wrong. It should never have begun and, like all great speciesist evils, it ought to end, the sooner, the better. To reply (again) that "there are no alternatives" not only misses the point, it is false. It misses the point because it assumes that the benefits humans derive from vivisection are derived morally when they are not. And it is false because, apart from using already existing and developing new non animal research techniques, there is another, more fundamental alternative

to vivisection. This is to stop doing it. When all is said and done, the only adequate moral response to vivisection is empty cages, not larger cages.

Notes

1. One could attempt to justify animal vivisection by arguing that it is interesting, challenging, and yields knowledge, which is intrinsically good even when it is not useful. However, a defender of human vivisection could make the same claims, and no one (one hopes) would think that this settles any moral question in that case. Logically, there is no reason to judge animal vivisection any differently. Even if it is interesting and challenging, and even if it yields knowledge (which is intrinsically good), that would not make it right.
2. For representative statements of the Benefits Argument, consult the web sites of Americans for Medical Progress (www.ampfeg.org) and the National Association for Biomedical Research (www.nabr.org).
3. For a classic inventory of varieties of vivisection, see Jeff Diner, *Behind the Laboratory Door* (Washington, DC: Animal Welfare Institute, 1985).
4. The philosopher Carl Cohen, the most strident defender of the Benefits Argument, is guilty on both counts. The most he will admit is that "some" animals "sometimes" are caused "some pain"; as for alternatives, he dismisses their validity as "specious". See his contribution (and my rejoinder) in Carl Cohen and Tom Regan, *The Animal Rights Debate* (Lanham, MD: Rowman & Littlefield, 2001). I discuss his ideas more pointedly in the sequel.
5. For a summary of the relevant literature, see Hugh Lafollette and Niall Shanks, *Brute Science: Dilemmas of Animal Experimentation* (London: Routledge, 1996). In addition, see C. Ray Greek, MD and Jean Swingle Greek, DVM, *Sacred Cows and Golden Geese: The Human Costs of Experiments on Animals* (New York: Continuum, 2000), and *Specious Science: How Genetics and Evolution Reveal Why Medical Research on Animals Harms Humans* (New York: Continuum, 2002).
6. The statistics concerning the toxicity of FDA approved drugs will be found in U. S. General Accounting Office, *Report to the Chairman, Subcommittee on Human Resources and Intergovernmental Relations Committee on Government Operations, House of Representatives, FDA Drug Review, Postapproval Risk,1976-1985* (Washington, D.C.: U. S. Government Printing Office, 1990).
7. The estimate of 1 percent of adverse drug reactions that are reported is given in D. A. Kessler, "Introducing MedWatch: A New Approach to Reporting Medication and Adverse Effects and Product Problems", *Journal of the American Medical Association* 269 (1993): 2765-68.
8. See http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.
9. *The Animal Rights Debate*, 291.
10. Representative studies of human vivisection include *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation*, edited by George J. Annas and Michael A. Grodin (New York: Oxford University Press, 1992), chapters. 1-7, 11; Allen M. Homblum, *Acres of Skin* (London: Routledge, 1999); James Jones, *Bad Blood: The Tuskegee Syphilis Experiment* (New York: Free Press, 1993); Coral Lansbury, *The Old Brown Dog: Women, Workers, and Vivisection in Edwardian England* (Madison: The University of Wisconsin Press, 1985), chapters 1-4; Susan E. Lederer, *Subjected to Science:*

Human Experimentation in America before the Second World War (Baltimore: The Johns Hopkins University Press, 1995), chapters 2, 4-5.

11. More complete explanations of my analysis of rights will be found in *The Case for Animal Rights* (Berkeley: University of California Press, 1983), and *Animal Rights, Human Wrongs: An Introduction to Moral Philosophy* (Lanham, MD: Rowman and Littlefield, 2004).
12. The analogy of rights with "No Trespassing" signs I owe to Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974).
13. The analogy of rights with "trump" I owe to Ronald Dworkin, *Taking Rights Seriously* (Cambridge, Mass: Harvard University Press, 1977).
14. The best general account of the research conducted on the children of Willowbrook is David and Shelia Rothman, *The Willowbrook Wars* (New York: Harper & Row, 1984).
15. For Darwin's views, see his "Comparison of the Mental Powers of Man and the Lower Animals", in *Animal Rights and Human Obligations*, edited by Tom Regan and Peter Singer, 72-81 (Englewood Cliffs, NJ: Prentice Hall, 1976).
16. Many people of good will do not believe in evolution. They believe that human existence is the result of a special creation by God, something that took place approximately 10,000 years ago. For these people, the evidence for animal minds provided by evolutionary theory is no evidence at all. Despite first impressions, the rejection of evolution need not undermine the main conclusions summarized in the previous paragraph. All of the world's religions speak with one voice when it comes to the question before us. Read the Bible, the Torah, and the Koran. Study Confucianism, Buddhism, Hinduism, or Native American spiritual writings. The message is everywhere the same. Mammals *most certainly* are psychologically present in the world. These animals *most certainly* have both preference and welfare interests. In these respects, all the world's religions teach the same thing. Thus, while the argument I have given appeals to the implications of evolutionary theory, the conclusions I reach are entirely consistent with the religiously based convictions of people who do not believe in evolution. And for those who believe both in God and in evolution? Well, these people have reasons of both kinds for recognizing the minds of other the animals with whom we share a common habitat: the Earth.
17. Darwin, op. cit., 80. Elsewhere I argue that this same argument can be extended to birds. In addition, I argue that fish and other vertebrates should be given the benefit of the doubt. See *Animal Rights, Human Wrongs*, chapter 4. Because of space constraints, I limit my argument here to mammals only.
18. The term *speciesism* was coined by Richard Ryder. See his *Victims of Science: The Use of Animals in Science* (London: David-Poynter, 1975).
19. *The Animal Rights Debate*, 62.
20. I address a number of more philosophical objections in "The Case for Animal Rights: A Decade's Passing", in my *Defending Animal Rights*, 39-65 (Champaign: University of Illinois Press, 2001).
21. Cohen favors this argument. See "Do Animals Have Rights?", *Ethics and Behavior* 7 (1997): 94-95. I reply more fully in *The Animal Rights Debate*, 281-284.
22. For fuller discussions of religious convictions and animal rights, see *Animal Rights, Human Wrongs*, chapter 8, and my "Christians Are What Christians Eat", in *The Thee Generation: Reflections on the Coming Revolution* (Philadelphia: Temple University Press, 1991), 143-158.
23. I explore the use of animals in education and product testing in *Empty Cages: Facing the Challenge of Animal Rights* (Lanham, MD: Rowman and Littlefield, 2004), chapter 10.

Warwick Fox*

Forms of Harm and Our Obligations to Humans and Other Animals**

I. Introduction

I will argue that there are two basic forms of harm (as distinct from damage); that there are profound differences between the nature of human language and the (non-linguistic) forms of communication that are employed by other animals; and that it turns out that language users can be harmed in both of the ways I outline, whereas non-linguistic beings (which includes all nonhuman animals and some humans as well) can only be harmed in one of these ways. It might seem strange to think that the use of language might in itself have implications for the kinds of ways in which a being can be harmed, but as we will see, it turns out that without language a being cannot have a temporally structured sense of self-awareness and that without this it is not *possible* to harm a being in one of the two basic ways in which beings can be harmed.

II. Harm vs. Damage

In order to be clear about the focus of my argument I want to draw a distinction between the notions of *harm* and *damage*. This distinction turns on the fact that there is an important difference between the ways in which we can have a detrimental effect upon sentient beings on the one hand and all other kinds of nonsentient entities, structures, or abstract complexes on the other hand (such as plants, chairs, art works, or reputations). This is because sentient beings possess an inner, experiential dimension to their existence, whereas nonsentient things don't. We can therefore have a negative impact upon the qualitative experiential state or capacity of a sentient being – no matter how rudimentary that capacity might be –, whereas we cannot have a negative impact upon the qualitative experiential state or capacity of a nonsentient entity, structure, or abstract complex because they do not possess an inner, experiential dimension in the first place. I therefore suggest that we use the term "harm" to refer to detrimental effects to entities

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that possess any kind of inner, experiential dimension (i.e., sentient beings) and "damage" to refer to detrimental effects to anything else (i.e., nonsentient entities, structures, or abstract complexes).[1]

I think that it could greatly help the clarity of discussions in this area if other writers were to observe what, with a nod to Hume's famous discussion of the "is-ought" distinction, we might refer to as this "small attention".[2] By all means let us argue questions concerning the permissibility or impermissibility of *damaging* nonsentient living things as well as other kinds of nonsentient entities, structures, and abstract complexes such as artistic and architectural works and reputations, but let us desist from reference to *harming* them since this only serves to muddy the waters by implicitly suggesting that sentient beings and nonsentient entities are alike – or at least on the same continuum – in terms of the kinds of detrimental effects we can have on them when in fact the opposite is true.

Of course, *damaging* someone's property or reputation can lead to *harming* them because of the effect that this damage has upon the experience of the person themselves, but this doesn't necessarily follow. For example, we can damage someone's property or reputation without harming the person themselves if, say, the person is dead, or does not find out about this damage, or is not at all attached to that piece of property, or is so far beyond playing the reputation game – or such an experienced survivor of it – that they simply don't care. Moreover, even in those cases in which damage is damage pure and simple – that is, damage that does not lead to harm – none of these should be taken as saying that damaging something is not in itself a bad thing to do; nor should it be taken as saying that any kind of harm is necessarily worse than any kind of damage. Rather, I am simply insisting that there is an important distinction to be made between the kinds of detrimental effects that can be visited upon sentient beings on the one hand and any other kind of non-sentient entity, structure, or abstract complex on the other, and that it would be helpful for us to observe this distinction.

III. Two Forms of Harm

My interest here, then, is in harm rather than damage, and I want to argue that there are two basic forms of harm. One of these is obvious to everyone. This is the kind of harm that I will refer to as *unnecessary pain and suffering*. It is important to employ the qualifier "unnecessary" here because although the experience of pain and suffering is self-evidently bad for any being that has it, this alone does not make it a form of harm. This is because the pain and suffering involved might be for the overall benefit of the being involved; for example, taking yourself or your child to the dentist,

taking an animal to a vet, telling someone that a loved one has died rather than hiding this from them so that they then later have to deal not only with the fact of the death, but also the fact of the deception. And even if the pain and suffering involved is not for the overall benefit of the being concerned – and, thus, *is* a form of harm to that being –, this alone does not make it a form of *moral harm*. This is because the pain and suffering involved might not be caused by a moral agent, in which case it is still a form of harm, but a form of *non-moral harm*, such as an accident or the kind of event that gets referred to in legal terms as an "act of God" (which is an interesting term to use given the "non-moral" categorization – and, thus, non-legally prosecutable nature – of this harm). Moreover, even if pain and suffering is caused by a moral agent and does harm certain beings, then, *depending upon the kind of ethical approach one adopts*, it might still be deemed to be the morally right thing to do – and, thus, morally necessary – if it is for the overall benefit of *other* entities that are considered to be of sufficient value as to justify this course of action. In sum, then, the upshot of these considerations is, first, that pain and suffering represents a form of *harm* when it can be shown to be *unnecessary* (the precise understanding of which is not only open to some degree of interpretation in its own right, but might also vary considerably between people with different ethical orientations), and second, that unnecessary pain and suffering represents a form of *moral harm* when it is caused by a moral agent.

The final point I want to make in characterizing this first form of harm is to note that I refer to it in terms of unnecessary pain *and* suffering because people will sometimes want to distinguish between pain in the sense of an essentially bodily based sensation and suffering in the sense of mental or emotional distress, that is, as a more cognitively based phenomenon. Even so, pain and suffering clearly lie on the same kind of (affective) scale – they both feel bad – and whatever nuances people might sometimes want to read into these words, they are actually defined in terms of each other in dictionary definitions (e.g., my dictionary not only defines *suffering* in terms of "a state or an instance of enduring *pain*", but it also gives one of the meanings of *pain* as "emotional *suffering* or mental distress" [my emphases][3]). Thus, while nothing much hangs on the nuances that people might wish to read into these words, I nevertheless use them both to imply that I am meaning to refer to the whole range of negative feelings, from physical pain to mental distress. For convenience, I will also at times refer to harm of the "pain and suffering" kind in more formal terms as *affective harm* (i.e., harm in respect of our sensations, feelings, and emotions).

Although unnecessary pain and suffering is the most obvious and

ubiquitous kind of harm we can think of, it does not exhaust the category of harm because it is entirely possible for a being to die or be killed without experiencing any unnecessary pain and suffering. For example, if you undergo a general anesthetic, then the only thing you will feel – if you even feel this – is a slight prick in your arm when the needle is inserted for injecting the anesthetic. You will not experience this as a harm, however, because you believe that what is being done is for your benefit. But what if – for the sake of the argument and not for the sake of worrying anyone! – the anesthetist is sufficiently deranged to intend your death or else sufficiently inexperienced or neglectful to cause it by accident? Or what if something else goes wrong during the procedure and you die without regaining consciousness? If so, then your very being ceases to exist without you having experienced any form of affective harm being done to you. And yet the greatest possible harm has been done to you; your very being has been eliminated. These considerations mean that pain and suffering on the one hand and death on the other hand are dissociable: we can experience pain and suffering without dying, and we can die without experiencing pain and suffering. Yet both are clearly forms of harm; they both clearly represent detrimental effects upon the qualitative experiential state or capacity of our being. Moreover, even if we were to experience some minor degree or relatively short period of pain and suffering in dying or being killed, the central issue at stake in this situation would not be the pain and suffering that we had experienced so much as the fact that we had died or been killed. It is therefore important to distinguish two basic forms of harm: affective harm – that is, harm of the unnecessary pain and suffering kind – and this second form of harm concerning death per se (note that I will sometimes use the term "death per se", as here, to refer to death in the absence of considerations regarding pain and suffering).

IV. The Second Form of Harm: What Kind of Death?

But what kind of death are we referring to when we refer to death per se as a harm? After all, a member of our own species, to take our own case, can exist on a merely biological level; on a biological plus merely sentient level; on a biological, sentient plus merely self-aware-in-the-moment level; and, in the normal case of people beyond the age of about four, on a biological, sentient, self-aware-in-the-moment, and self-aware-over-time level. To exist on a merely biological level would be to exist in a "persistent vegetative state" of a kind that lacked any sense of feeling whatsoever; to exist on a biological plus merely sentient level would be to be a sentient being and no more; to exist on a biological, sentient plus merely self-aware-in-the-

moment level would be to possess what we could refer to as a *temporally isolated sense of self-awareness*; and to exist on a biological, sentient, self-aware-in-the-moment, and self-aware-over-time level would be to possess, in the normal case, what we could refer to as an *enduring temporally structured sense of self-awareness, autobiographically structured awareness*, or an *autobiographical sense of self*.

Let us consider these cases in turn. Imagine, first, if you were stripped of all these layers of existence except the biological one; for example, you might be in a deep coma or otherwise sedated to the point where you were still alive but unable to feel anything and, therefore, had no self-awareness either in the moment or over time. Suppose also that there was no possibility of you ever being in anything other than this nonsentient vegetative state. In this case you could not be caused harm of the pain and suffering kind because you are no longer sentient. But neither could your biological death harm *you* in the only sense that can matter to you, since you have no sense of self in the first place. *You* – your own sense of self – would have already died at the moment that you lost your self-awareness forever.

Now consider a situation in which you were both biologically alive and sentient but, perhaps through some catastrophic neurological damage, had been stripped of any form of self-awareness. Although you would no longer be in a plant-like nonsentient vegetative state, you would nevertheless be in a similar cognitive situation to the one we suppose many nonhuman animals to be in: you would experience things at a basic, first-order level, but you would not be self-aware, that is, you would not be aware at a second – or higher – order level *of* your awareness. To put it another way, you would experience things as they occurred, but you would not have any sense of self that was, to borrow an apt phrase employed by the developmental psychologist Katherine Nelson in a related context, "distinct from ongoing experience"[4]. Now in this case, you can certainly be caused harm of the pain and suffering kind because you are sentient. But as was the case in regard to biological death per se, the death of your sentience per se could not harm *you* in the only sense that can matter to you, since you have no sense of self in the first place. In this case, too, *you* – your own sense of self – would have died at the moment that you lost your self-awareness forever.

Now consider the more complex situation in which you are biologically alive, sentient, and self-aware-in-the-moment, but have been stripped of your sense of being self-aware-over-time, that is, stripped of your temporally structured sense of self-awareness and, thus, your autobiographical sense of self. Unfortunately, it turns out that some people do exist in this condition: there are rare examples of people who have suffered brain dam-

age – primarily to the hippocampus, which is required to transfer memories from short-term (or working) memory to long-term memory storage – such that they live in a temporal window of *seconds*. They are self-aware in the moment, but lack any kind of temporally structured sense of self-awareness. Clive Wearing, one of the most profoundly affected patients with this condition, is continually reporting that he has "just become conscious" or "just woken up for the first time", since he has no memory of having been conscious a minute ago.[5] Formerly an accomplished musician, he can still talk, play the piano, and recognize his wife every time she comes into the room (since repetition of these practices prior to his illness has left him with what memory researchers refer to as *implicit memory* and, specifically, *procedural memory* for these things, which operates at an unconscious level), but he cannot forge any new memories or consciously link the pieces of his life together (i.e., he lacks *explicit memory* – also called *declarative memory* – and, especially, that form of explicit memory referred to as *autobiographical memory*). In referring to what it is like to be in this only ever self-aware-in-the-moment condition, he repeatedly says an astonishing thing: "It's like being dead" or "It's like death!".[6] And, indeed, his autobiographical self is dead; he keeps dying to himself, as it were, in this moment, and the next moment, and the next; no trace of ever having experienced those moments remains.

In what ways can a person in this condition be harmed? Obviously such a person can be caused harm of the pain and suffering kind in any given moment because they are sentient. But can biological death per se or sentience death per se (by which I mean the death of any capacity to feel anything at all) be a harm to them? If we took Clive Wearing at his word that it is already "like being dead" to be in his condition, then we might conclude that biological or sentience death per se cannot harm him any further, since he has already died in the only sense that matters to him. But even if we were to set this dramatic remark to one side as (contrary to my previous note) some kind of rhetorical flourish, we can still inquire in a more dispassionate way into the question of what biological or sentience death would mean to a person in this condition.

Consider, then, the hypothetical case of someone who is self-aware in any given moment, but has a temporal window of next to nothing: they have a sense of existing on a moment-by-moment basis, but that's it; they have no sense of having just *had* a sense of existing or that they *will* have a sense of existing. Now the death of someone in this condition could not possibly mean that they are cut off from their memory claims upon the past, their dreams, plans, and projects for the future, and their self-aware

location of the present in that autobiographical context, because they have already lost any sense of these things. They cannot, in other words, be cut off from anything of any autobiographical interest to them – they cannot be cut off from their own story, as it were – because they have no autobiographical capacities; their own story stopped at the internal, experiential level for them at the moment they lost their temporally structured sense of self, their sense of their own existence through time. Since then they have lived in *experientially isolated moments* and so can only die in an *experientially isolated moment*. Thus, for them, death cannot even mean, as we casually say, "end of story", since their inner, experiential story ended at some previous time. The upshot is that it is difficult to see how the death of such a temporally isolated form of self-awareness can constitute any kind of harm to someone who exists in this condition (i.e., independently of how others around them might feel about this and independently of questions regarding pain and suffering). It would simply mean that the person happens to die in this moment rather than some other moment – and that's it. But this is, in effect, what is happening to them at the experiential level in each moment anyway. How, then, can the death of their temporally isolated self-awareness harm them any further?

These considerations lead us to the heart of the question of what it is, exactly, that makes death a harm in and of itself. The only plausible answer to this question surely lies in the fact that it cuts us off forever from our self-evidently valuable awareness of our own existence over time. To put it in the personal form, my death cuts me off forever from my memory claims upon *my* past, *my* dreams, plans, and projects for the future, and *my* self-aware location of the present in *this* autobiographical context, and I value these capacities (if not always their contents) and do not want to lose them. But if this is what is wrong about any form of death that cuts us off from these things, then it means that the kind of death we mean when we refer to death as a harm must be the death of our temporally structured sense of self-awareness; the death, in other words, of our autobiographical sense of self. Conversely, it follows that biological death, sentience death, or the death of temporally isolated self-awareness cannot harm us any further if we have already lost our temporally structured sense of self-awareness (and, thus, our autobiographical sense of self), since we would have already died to ourselves, as it were, in the only sense that can really matter to us.

These considerations suggest that the kind of death that we mean – that we must mean – when we refer to death as a harm is the death of our sense of our own existence through time, the death of our autobiographical sense of self. However, it is important to realize that autobiographical

death is not necessarily an all-or-nothing affair: whereas we tend to think of biological death in something approaching an either/or categorization (at least until the final period of the demise of a being we tend to pronounce it as being either "alive" or "dead"), autobiographical death can come in degrees, that is, we can lose some aspects of our autobiographical capacities without losing all of them. We can, for example, begin to lose aspects of the "brainware" we need in order to sustain our autobiographical selves. Dementia, which is unquestionably a form of harm to its victims, is a well known example of this process. But even if our brainware remains in good working order, it is also possible that we can lose whole sections of the autobiographical memories that serve to sustain our autobiographical selves for other reasons. These could conceivably vary from psychological trauma to more exotic causes such as being on the receiving end of a "memory zapping device" (if such devices exist or came to exist, then they would deserve to be called "weapons of autobiographical destruction"). Anything, in short, that diminishes the *capacities* that someone has to sustain their autographical self represents a form of harm to them. This means that the kind of harm that we mean – that we must mean – when we refer to death as a harm is not biological death per se, sentience death per se, or even the death of temporally isolated self-awareness, but rather the *death or diminishment of our autobiographical capacities*. I therefore suggest that we refer to this kind of harm as *autobiographical capacity harm*.

Well, I suggest this with one proviso. Just as we previously needed to distinguish between causing pain and suffering per se and causing *unnecessary* pain and suffering in order to identify only the *unnecessary* form of pain and suffering as a form of harm, so we need to distinguish in this context between causing the death or diminishment of autobiographical capacities per se and causing the *unwanted* death or diminishment of autobiographical capacities in order to identify only the latter as a form of harm. This is because there will be certain circumstances in which a person might, say, wish to have certain traumatic memories excised (if that could be done), or have a genuine and justifiable wish to die. Now if it is entirely unreasonable to think that these wishes will be reversed, or if it is the case that they cannot be reversed (e.g., they might have previously expressed a considered wish – perhaps in a "living will" – for their life to be terminated in certain kinds of circumstances and now be in an irreversible non-conscious state), then agents who actively terminate or actively assist in terminating the person's memories or life, either painlessly or in the most painless possible way under the circumstances, are clearly helping the person rather than harming them since they are giving the person both what

they really want and what is in their interests in terms of cessation from further pain and suffering (including mental distress). Obviously strict tests need to be met (e.g., concerning soundness of mind, degree of deliberation, and medical circumstances) in order to satisfy the criteria associated with a genuine and justifiable wish for these procedures to be carried out. But whatever the legal situation might be in regard to these matters, we are not harming a person *from the perspective of the person concerned* if we assist them in those cases in which these tests have been met. In contrast, we generally think that we are harming them in the most intrusive or extreme way possible if we cause the death of either some of their memories or their entire temporally structured sense of self-awareness (i.e., the death of their autobiographical sense of self) when they do not want these things; if, in other words, we cause their *unwanted* autobiographical death or diminishment.

In conclusion, then, there are two basic forms of harm: *unnecessary pain and suffering*, which we can also refer to as *affective harm*, and *unwanted autobiographical death or diminishment*, which we can also refer to as *autobiographical capacity harm*.

V. Which Kinds of Beings Can Be Harmed in Which Ways?

Once we have identified and clarified what the basic forms of harm are, it becomes important to know which kinds of beings can be harmed in which ways. Consider the question of sentience first. There is inevitably a grey area in terms of precisely where sentience begins in the animal kingdom, but the evidence we have for the connection between the degree and complexity of central nervous system organization that an entity has and its capacity for some degree of sentience is overwhelming. Accordingly, Peter Singer reasonably suggested in the first, 1975 edition of his influential book *Animal Liberation* that, on the basis of what we know about animal behavior and physiology, it seemed reasonable to draw the sentience cut-off line somewhere between the more developed nervous systems of crustaceans, such as lobsters, crabs, prawns, and shrimps, and the less developed nervous systems of mollusks, such as oysters, scallops, and mussels. In Singer's view, this meant that it was not permissible for us to eat shrimps, for example, but it was permissible for us to eat oysters. However, by the time of the second, 1990 edition of his book, Singer had decided that he couldn't be sure that mollusks didn't feel pain and that since it was easy to avoid eating them, it was better to do so. If we do this, then according to Singer, "This takes us to the end of the evolutionary scale [sic; it's a tree or a bush, not a scale], so far as creatures we normally eat are concerned; essentially, we are left with a vegetarian diet."[7] For the philosopher who has done the most to

champion what we might in this context refer to as the "ethics of affective harm" – that is, ethics focused on questions of pain and suffering – the cut-off point for sentience in the animal kingdom may therefore exclude some living things that are classified as animals (e.g., sponges and corals are animals too), but it does include pretty much any animal we might want to eat.

As far as causing death per se is concerned, Singer notes in the opening chapter of his book that the issue of the "wrongness of killing a being is more complicated" than that of "inflicting suffering on animals", and that he has therefore "kept, and shall continue to keep, the question of killing *in the background*" (my emphasis) so as to focus on the issue of animal pain and suffering.[8] Singer then sidelines the issue of causing death per se until devoting three pages to it in the final chapter of his book, at which point he reiterates that "I have kept [this issue] in the background up to this point ... because it is so much more complicated than the wrongness of inflicting suffering."[9] But is the fact that a moral issue is *difficult* a good enough reason for Singer not to address it throughout the main body of his book when, as I have argued here, death (or diminishment) of a particular kind represents *the* other basic form of harm? Instead of seriously grappling throughout his book with the admittedly more complicated question of whether or not it is permissible to eat other sentient beings if they are decently reared and then killed with a minimum of pain – a point on which he is ultimately equivocal – the fact that Singer sidelines the issue of causing death per se throughout the main body of his book allows him to jump to vegetarian conclusions all too easily along the way.

All of which brings us to the question of which kinds of beings can be harmed by the kind of death that actually constitutes a form of harm. As I have argued, this means the question of which kinds of beings possess a sense of their own existence through time, that is, an enduring temporally structured sense of self-awareness or autobiographical sense of self. This issue seems to have a much clearer answer in terms of the empirical evidence that bears on it than that of precisely where sentience begins and ends in the animal kingdom. The answer is essentially this: the only kinds of beings who possess an autobiographical sense of self are linguistically-enabled beings. By "linguistically-enabled beings" here I am referring not to beings that merely have the potential to learn language, but rather to beings that are actually enabled by – that are, if you like, actually "running" – language in their mental operations. And by "language" here I mean language as that term is formally understood in linguistics, that is, as involving the use of symbols in the context of a generative grammar (i.e., a set of shared rules that determine the ways in which these symbols can be used in order to

be meaningful to the rest of the group who share that particular form of symbolic communication). Now it is certainly the case that there are rare examples of people who possess some or even a high degree of language function, but who suffer from some kind of neurological or psychiatric condition that prevents them from possessing an autobiographical sense of self. However, my claim here is not that the possession of language guarantees the possession of an autobiographical sense of self in every single case, but rather that it enables the development of an autobiographical sense of self in all normally developed individuals who are not suffering from some intervening neurological or psychiatric condition. Conversely, my claim here is that there is no possibility of developing an autobiographical sense of self in the absence of possessing language (i.e., language might not be sufficient for autobiographical awareness, but it is necessary). This is a strong claim; what is the evidence for it?

VI. What Is It Like to Be an Otherwise Intelligent Human Being Who Lacks Language?

Perhaps the starkest evidence for the claim I have just made comes not from comparative studies that attempt to get at the question of whether our closest evolutionary relatives possess a sense of self that persists through time, but rather from looking, more directly, at the question: What is it like to be an otherwise intelligent human who lacks language? In my view this is a profoundly important and much neglected question. I have therefore spent some time in recent years trying to locate first-person accounts by those extremely rare examples of people who:

> (i) were born deaf or became deaf as infants and were not exposed to sign language until relatively late in the course of normal linguistic development, but who were then able to learn language to the point where they were later able to tell us what it was like to have been without language;
>
> (ii) had learned language in the normal course of their development but then lost it completely (global aphasia due to stroke) before subsequently recovering to the point where they too could tell us what it was like to have been without language.

I have also been interested in the second-person accounts of people without language that have been provided by their language teachers or other sensitive observers such as neuropsychologically trained clinicians.

Now I would dearly like to quote from all of these accounts at considerably greater length than I am going to – they are "mind-blowing" – but given that I will be exceeding my word limit allocation as things stand, that these accounts are available in the public domain (albeit in some little known locations), and that I have quoted from and discussed some of them at greater length elsewhere[10], I can only provide the briefest overview of these accounts in this context in order to devote as much of this paper as possible to my primary line of argument.

Suffice to say, then, that first-person accounts by people who did not gain language until relatively late in their development suggest that until they learned language they lacked both self-awareness and temporal awareness. In other words, they had no sense of any autobiographical awareness. The most famous first-person account – and, indeed, one of the very few first-person accounts we have – is undoubtedly that of Helen Keller (1880-1968) who only began to learn a tactile form of sign language (since she was both deaf and blind) at the age of seven. In an extremely insightful essay, which bears the revealing title "Before the Soul Dawn" (and which has been out of print for many years until its republication in 2003), Keller tells us that:

> Before my teacher came to me I did not know that I am. I lived in a world that was a no-world... My inner life, then, was a blank without past, present, or future... When I learned the meaning of "I" and "me" and found that I was something, I began to think. Then consciousness [presumably she means consciousness in the sense of self-awareness here] first existed for me... Thought made me conscious of love, joy, and all the emotions... and the blind impetus, which had before driven me hither and thither at the dictates of my sensations, vanished forever.[11]

The contemporary deaf French actress Emmanuelle Laborit (born 1971), who likewise only began to learn sign language at the age of seven, says that:

> I believe there was no sense whatsoever of time progression in my mind during that period. Past, future, everything was on the same time-space line... I was completely helpless, completely unaware of time passing. There was daylight and the darkness of night, and that was it.
> I still can't assign dates to things during the period from my

> birth to age seven, or arrange what I did in chronological order. Time was in a holding pattern. I just experienced things as they happened. ...I lived each [event] as an isolated experience, in the present.[12]

It was only in the context of learning language that Laborit was released from her isolated state of non-self-aware existence in the present and realized that she existed, that she "was somebody": "I was seven years old. I had just been born and come of age in one fell swoop."[13]

This lack of any temporal sense, in particular, fits with the impressions that sensitive neuropsychiatric observers such as Oliver Sacks have of people in this situation. For example, Sacks provides an account of Joseph, an apparently intelligent and inquisitive deaf boy, who had not been diagnosed as deaf until the age of four and had not been exposed to sign language until his entry to the school in which Sacks met him at the age of eleven. Sacks, who notes that Joseph was only "just beginning to pick up a little Sign", comments as follows:

> It was not only language that was missing: there was not, it was evident, a clear sense of the past, of "a day ago" as distinct from "a year ago". There was a strange lack of historical sense, the feeling of a life that lacked autobiographical and historical dimension, the feeling of a life that only existed in the moment, in the present.[14]

These first-person accounts and clinical impressions fit with the impressions that the teachers of such people have. Susan Schaller provides a remarkable account of teaching sign language for the first time to an otherwise intelligent twenty-seven year old deaf Mexican student named Ildefonso. (Although Ildefonso does manage to learn sign language, he never manages to tell Schaller what it was like to have been without language at the experiential level, only how hard it was for him before that time.) Schaller notes that Ildefonso "had no concept of time as we learn it"; that for a long time he "could not understand any lesson on time"; and that nothing remained more difficult throughout the course of teaching him than trying to get him to understand temporal concepts.[15] In reviewing other contemporary cases of late language learners, Schaller found the same problem and notes in regard to another case that "The most difficult task, *as usual*, was schedules and time. The student's only time was the present" (my emphasis).[16]

Feral, or wild, children – children who have survived from a very young age in the company of animals – never successfully manage to learn language, which is not surprising given that they have experienced a fundamentally different form of socialization to languageless children who have been brought up in otherwise normal human company. But the impressions that close observers glean from these languageless children nevertheless serve to reinforce the general picture that has emerged from the accounts we have just considered by and about languageless people who have been otherwise normally socialized. The science writer John McCrone provides the following composite picture of feral children based on his examination of a range of accounts by those who have had direct contact with them:

> [T]hey seemed somehow to lack memory and self-awareness… [their thoughts were] limited to the world of the here and now… They could make simple associations and learn to recognize familiar people and situations. But they seemed unable to reflect on the past or the future, or to have any insight into their own plight.[17]

If we now turn to those similarly rare first-person accounts by people who had language, but then lost it completely (global aphasia due to stroke) before subsequently recovering to the point where they too could tell us what it was like to have been without language, then we again find they lack any temporally structured sense of self-awareness. Reflecting on the loss of language that followed her stroke, the neuroanatomist Jill Bolte Taylor says:

> Instead of a continuous flow of experience that could be divided into past, present, and future, every moment seemed to exist in perfect isolation... I stopped thinking in language and shifted to taking new pictures of what was going on in the present moment. I was not capable of deliberating about past or future-related ideas because those cells were incapacitated.[18]

Reflecting on the loss of language that followed his stroke, the psychologist Scott Moss wrote:

> It was as if the stroke had benumbed any emotional investment in the future and I simply shrugged at my perception of my imminent demise... If I had lost the ability to converse with others, I had also lost the ability even to engage in self-talk [i.e., he

> "could not use words even internally" in thinking to himself]. In other words, I did not have the ability to think about the future – to worry, to anticipate or perceive it – at least not with words. Thus, for the first five or six weeks after hospitalization I simply existed... It was as if without words I could not be concerned about tomorrow...
>
> It was also fascinating to me how completely and totally fixed I was on the "here and now"... So both the past and the future had faded for me, and I existed almost exclusively in the present... I was unable to generate a gestalt of either my previous life or the future, and therefore life beyond the immediate situation was meaningless.[19]

These rare reports by and about people who lack language suggest that to be without language is to be *time blind.* But why should this be the case? What is it about the nature of language that enables its users to have a sense of themselves dwelling in time, and those who lack it to have no temporally structured sense of self-awareness, no sense of autobiographical time?

VII. The Power of Language: Why Does Languagelessness Equate to Timeblindness? Welcome to the World of Indices, Icons, and Symbols

Following a set of distinctions first set out by the American philosopher C. S. Pierce (1839-1914), those who study communication commonly accept that there are three basic ways in which we can refer to anything, namely, by means of *indices*, *icons*, and *symbols*. An index is anything that refers to something by in some way directly indicating, or pointing to, its presence in the immediate environment. (The term *index* derives from the Latin for pointer, from *indicāre* to disclose, show; hence, we refer to our "pointing finger" as our "index finger".) This can, of course, be achieved by means of pointing with an index finger, but it can also be achieved by means of making a sound – say, a particular type of grunt – that vocally indicates the immediate presence of something in a one-sound-one-meaning kind of way in the immediate presence of the stimulus with which it is associated (such as a snake or a bird of prey overhead).

In contrast, an icon does not achieve its referential aim by directly indicating something in the immediate environment, but rather by means of displaying a likeness or resemblance to it. (The term *icon* derives from the Greek *eikōn*, image, from *eikenai,* to be like.) Iconic forms of reference

can be quite simplified and schematic, such as the icons on the computer I am using as I write this, or the icons on the doors that indicate women's and men's toilets (indeed, sometimes these icons can be too schematic!), but they can also be very detailed, such as a painted portrait or a photograph. The important point, however, is that they achieve their referential aim by means of a likeness or resemblance.

In the absence of any kind of linguistic support, an index only makes sense when it directly indicates something that is "here, now". To attempt to point to or directly indicate – either manually or vocally – something that is not here or not happening now is entirely meaningless. If we cannot observe what is being "indicated", then we have no "other end of the line", as it were, to which we can tie the indicator. Thus, pointing to a horse that isn't here or to "two days ago" is utterly meaningless. An icon, on the other hand, can resemble something that isn't "here, now", but because it relies on resemblance to achieve its referential aim, it can still only refer – again, in the absence of linguistic support – to something that has at some point been observed. To make an icon – a resemblance – of something that has never been observed or that cannot be observed is meaningless because, again, we have no "other end of the line" to which we can tie the would-be "resemblance".

In contrast, symbols are fundamentally different from either indices or icons because the essence of a symbol is that it has an *arbitrary* relationship with what it stands for; that is, it bears no necessary connection with that to which it refers. As the very root of the term suggests, a symbol and what it refers to are, as it were, just "thrown together" (*symbol* derives from the Greek, *sumbolon*, sign, from *sumballein* to throw together, from *syn-*, with or together + *ballein*, to throw). But if this is the case, then how does a symbol work; how does it achieve its referential aim? We can see that an index achieves its referential aim by being linked to the presence of something "here, now", and an icon achieves its referential aim by being linked to the thing it resembles, but how on earth is a symbol supposed to achieve its referential aim if it bears no particular "here, now" or resemblance connection to whatever it is supposed to refer to? The answer is that it does so by virtue of the fact that a group of people implicitly or explicitly *agree* – or, given the age at which language is typically acquired, perhaps we should say *come to act in agreement* – that a particular otherwise arbitrary sound or shape either stands for something else or else serves to make certain kinds of connections between the sounds or shapes that stand for other things (in which case the sound or shape being employed has a grammatical function). This group then preserves these agreements and corrects those

who violate them. The nature of these agreements – these referential understandings – can change slowly over time of course, but the group concerned remain the speakers of a common language so long as they keep "travelling together" in terms of their collective implicit and explicit referential agreements.[20]

On first consideration, it might seem quite counterintuitive to employ a form of reference that has no obvious connection with that to which it refers. But it is precisely the fact that symbols lack any obvious connection to what they refer to that explains the power of symbolic communication. Whereas indices rely on the "here, now" presence of what is being indicated and icons rely on the fact that they in some way physically resemble their target, *symbols can refer to anything, anywhere, anytime, whether it is observable in principle or not, simply because its users agree that this is what the symbol will mean*. (Thus, we have a roughly shared understanding of what a *unicorn* is – and would certainly know one if we saw one – even though unicorns are not only unobservable, but do not even exist.) In view of this, those who study comparative cognition and communication – that is, the reasoning and communicative abilities of different species – refer to indexical and iconic forms of reference as being "stimulus-bound" or "context-bound" because their use (in the case of indices) or their nature (in the case of icons) is tightly bound to the presence or nature of the stimulus being referred to. In contrast, symbols float free of the presence or nature of what is being referred to; we could substitute the sound and spelling we currently use for the word "unicorn" tomorrow and carry on just as happily, providing we all adopted this change.

This contrast between the stimulus-dependent and stimulus-independent nature of indices and icons on the one hand and symbols on the other is so important, that those who study comparative communication categorize the former two as *signals* as distinct from *symbols*. And what linguists mean by *language* in a formal sense is *symbolic communication,* that is, communication that takes the form of employing symbols in the context of a generative grammar (i.e., a set of shared rules that determine the ways in which these symbols can be used in order to be meaningful to the rest of the group who share that particular form of symbolic communication). Now although there is no question that nonhuman animals communicate with each other in various ways in terms of their behaviour, linguists are in widespread agreement that language per se – the use of symbols in the context of a generative grammar – is essentially unique to humans.[21]

The fact that language can refer to unobservable features of the world whereas, in the absence of any kind of linguistic support, signals can't (be-

cause they are tied to observable features of the world such as things that can be pointed to or things that can be resembled), is momentous. On the basis of these considerations alone, we should expect to find that beings that lack language would not be able to refer to and therefore not be able to reason about things that are central to our understanding of the world but that are inherently unobservable. Prime examples here include the mental states of others and physical causes: we cannot refer to the mental states of others or physical causes (even when they are present or occurring here and now) purely by pointing to them or trying to draw a likeness to them in some way precisely because there is nothing we can observe that we can connect up with what is being pointed to or imaged. Rather, all we can observe directly is the behaviour of other beings rather than their mental states per se or the conjunction of certain kinds of events rather than causation per se. The conclusion that follows from all this in regard to nonhuman animals is that, contrary to what many people might prefer to think (not least because we project our own forms of interpreting the world onto other, nonhuman beings), we should not expect nonhuman animals to be able to reason about inherently unobservable phenomena such as the mental states of others and physical causes. Moreover, this is exactly what carefully controlled experimental research with chimpanzees, our closest evolutionary relatives, reveals.[22]

But what goes for other inherently unobservable phenomena like mental states and physical causes must also go for *time* since, like them, time can only be conceived, not perceived. As the distinguished developmental psychologist Katherine Nelson puts it in her significant book *Language in Cognitive Development*:

> To recapitulate, the child alone cannot discover time, because (unlike concrete objects) it is not an entity that exists to be discovered. Rather, conceptions of process and change have led different societies to conceptualize time in different ways, and those ways are conveyed to children through language forms.[23]

On the basis of these formal considerations concerning the nature of language, we should therefore not expect any being that lacks language to be able to reason about time because they lack the kind of referential toolkit – symbols employed in the context of an agreed set of combination rules – that would enable them to do so. And this necessarily means that a being that lacks language is not able to develop an enduring temporally structured sense of self-awareness or autobiographical sense of self. In turn, it

follows from my previous discussion regarding the two basic forms of harm that non-linguistically enabled beings cannot be caused autobiographical capacity harm because, in the absence of language (not to mention, as I have previously noted, the range of cognitive capacities that are necessary to underpin the development of language), they have no such autobiographical capacities.

Indeed, as Nelson argues, it is not even clear that a being that lacks language and, thus, a temporally structured sense of self-awareness, can have any genuine sense of self-awareness at all:

> [U]ntil the various uses of language make it possible to imagine a past and future self, and to imagine that other people have different pasts and futures, as well as different presents, one cannot speak of a fully determined self *distinct from ongoing experience*... Language uniquely enables contemplating a self that is different from present experience, and imagining a self that will grow older as well as a self that was once a little baby [my emphasis].[24]

VIII. Forms of Harm and Our Obligations to Humans and Other Animals

I have so far argued essentially to two ends. First, there are two basic forms of harm: unnecessary pain and suffering, which we can also refer to as affective harm, and unwanted autobiographical death or diminishment, which we can also refer to as autobiographical capacity harm (sections 1-4). Second, non-linguistically enabled beings can only be harmed in terms of being caused unnecessary pain and suffering, whereas linguistically enabled beings can be harmed in both ways (sections 5-7). This difference arises because only linguistically enabled beings are able to develop the kind of enduring temporally structured sense of self-awareness or autobiographical sense of self that *can* be caused autobiographical capacity harm.

If we accept that we should avoid causing harm to other beings – and I have laid out the basic logic for this (I hope noncontroversial) argument elsewhere[25] – then the primary upshot of the foregoing argument is as follows: it is not permissible to cause unnecessary pain and suffering to sentient beings in general, or to cause the unwanted death or diminishment of the autobiographical capacities of those beings that have these capacities, which is to say normal linguistically-enabled beings. Conversely, considered in the abstract, it is permissible to cause the death per se of non-linguistically-enabled beings. However, the fact that the death of non-linguistically enabled

beings can cause unnecessary pain and suffering to other sentient beings who are psychologically invested in or emotionally close to them means that, in reality, this "considered in the abstract" clause obviously needs to be understood in conjunction with its potential to cause affective harm to those other beings (whether human or nonhuman) that are psychologically invested in or emotionally close to the beings that are killed. This means that we therefore need to understand the conclusion that it is "permissible to cause the death per se of non-linguistically-enabled beings" as subject to the following constraints.

First, we *incorporate* all kinds of non-linguistically or not yet linguistically enabled sentient beings – such as companion animals and infants, respectively – into the daily texture of our personal lives on an individual basis and treat them – and expect others to treat them – *as if* their death would be a harm to them, even if this death were painless. (I will refer to these beings as *incorporated sentient beings*.) There are straightforward reasons for this, but they lie with the fact that the deaths of these beings would cause unnecessary pain and suffering to their guardians and others who are emotionally close to them rather than the fact that their deaths would – or could – cause any autobiographical harm to the beings that die. Even so, it makes sense for us to treat companion animals and human infants *as if* their deaths would be a direct harm to them – when in fact they constitute an indirect harm to their guardians and others who are emotionally close to them – since this is, as it were, the shortest route home in terms of achieving the morally desirable outcome of avoiding causing unnecessary pain and suffering to their guardians and others who are emotionally close to them. (This "as if" status is, of course, massively reinforced in the case of human infants because they normally have the potential to develop the highly valued end-state of an autobiographical sense of self, whereas nonhuman beings do not possess this potential.) Thus, we accept – and should accept – that, under normal circumstances, it is *not* permissible to cause the death per se of what I have just referred to as *incorporated sentient beings* because of the unnecessary pain and suffering that this would cause to others.

If we were to extend this line of thinking to the social worlds of *unincorporated sentient beings* (i.e., sentient beings that we have *not* incorporated into the daily texture of our personal lives on an individual basis), then it might be prudent to avoid causing even the painless death of other highly social animals[25] such as great apes, cetaceans, and elephants, since killing these animals might increase the possibility that we are causing distress to members of their group who are used to interacting with them. (There may of course be other kinds of reasons for not killing these animals, such as

preserving biodiversity, but I am concerned in this context with the kinds of reasons that proceed from our understanding of the ways in which these sentient beings can themselves be harmed.) By the same token, if there are circumstances in which it is deemed that some of these animals should be killed – for example, culled for environmentally related reasons – then it makes sense to cull family groups rather than similar numbers of unrelated (or not as closely related) animals, and this practice is indeed followed in some situations.

That said, there are real questions about the extent to which we *can* extend this line of thinking to other, unincorporated sentient beings (hence, I noted only that "it might be prudent" to act this way). This is because any loss that these non-linguistically enabled beings experience must be of a far more restricted order than that experienced by autobiographically imbued beings such as ourselves. The death of a non-linguistically enabled being cannot represent a significant autobiographical marker in the lives of any members of its group because these beings lack autobiographical capacities in the first place, nor can any loss that these animals experience be based on some kind of sorrow for the loss of the (unobservable) inner world of the being that has died because they have no sense of this either.[26] Rather, any loss that a highly social nonhuman animal experiences would have to be based purely on a short-term (not autobiographically remembered) sense of the loss of a particular, familiar form of enjoyable interaction. But even this cannot apply – or apply to anything like the same extent – in regard to the kinds of animals that we usually keep or treat as stock animals (e.g., cattle, pigs, goats, sheep, poultry, and fish) since these effectively constitute collections of individuals rather than anything approaching the degree of social organization and enduring individualized (and, thus, not readily substitutable) forms of interaction that are to be found in highly social animals.

Taken together, these considerations lead to the more qualified conclusion that it is permissible to cause the painless death of *unincorporated* sentient beings that *do not belong to highly social species*. Thus, so far as the question of death per se goes, it is permissible to cause the painless death of the kinds of animals that we usually keep or treat as stock animals as well as many kinds of wild mammals, birds, fish, amphibians, and reptiles. In reality, however, the deaths that we do cause these animals often do involve pain, sometimes considerable pain. Does this then mean that, although it may be permissible in principle to cause the painless death of unincorporated sentient beings that do not belong to highly social species, we should not cause these deaths in practice because doing so typically involves causing pain? This is the point at which all thinkers concerned with this issue

need to get out of their analytical armchairs, as it were, and "get real".

I have separated out the issues of there being two basic forms of harm in order to be as clear as possible about these forms of harm and which kinds of beings can be caused which forms of harm. But once we have done this we are then obliged to "get real" in the sense of thinking about these matters in "real world" terms. When we do this, then the first thing we need to realize is that it is just a blunt and inescapable fact of ecological life that the kinds of deaths that unincorporated sentient beings typically experience in nature are rarely painless, to put it mildly. As Mark Sagoff argues, animals typically die violently in nature through predation, starvation, disease, parasitism, and cold; most do not live to maturity and very few die of old age; and many might "reasonably prefer to be raised on a farm, where the chances of survival for a year of more would be good, and to escape the wild, where they are negligible."[27] The next thing we need to realize is that, as Jeremy Bentham – Singer's own inspiration for his "animal liberation" approach to animal ethics – put it: "The death they [i.e., that nonhuman animals] suffer in our hands commonly is, and always may be, a speedier, and by that means a less painful one, than that which would await them in the inevitable course of nature."[28] Thus, animals will typically experience less pain in the course of being killed humanely than they would in the course of dying or being killed "naturally".

When we put these real world considerations together with the argument presented here to the effect that death per se cannot be a harm to non-linguistically-enabled beings, then the general conclusion follows that, although we should in all cases avoid causing unnecessary pain and suffering to sentient beings, it is nevertheless permissible – because it will typically cause less pain and suffering than would otherwise be the case – to cause the deaths of unincorporated sentient beings that do not belong to highly social species so long as we seriously seek to minimize the pain and suffering we cause in doing this.

In conclusion, I note two final contextualizing points in regard to the argument I have presented here and the question of our obligations towards nonhuman animals in particular. First, there are many possible grounds for arguing the case for vegetarianism or veganism. These can range from dietary considerations regarding human health, to wider humanitarian ("feeding the human population more efficiently") kinds of arguments, to ecologically (including biodiversity) based kinds of arguments, to straightforward moral arguments regarding our obligations to nonhuman animals regardless of any of the foregoing arguments. The focus of this paper is only relevant to this last, "moral" category of arguments and, as I hope I have

made clear, the implication of my argument in regard to the question of "moral vegetarianism" or "moral veganism" is that it is permissible to cause the swift death of certain kinds of nonhuman animals, but that we have a serious obligation to see that they have been treated decently in their lives (i.e., that they have not been caused unnecessary pain and suffering) prior to their deaths. That said, I have made no claims one way or the other about the success or otherwise of the other dietary, humanitarian, and ecological kinds of arguments I have just mentioned, each of which is complex in its own right. The second point to note here is that – as indicated by the title of my paper – I have only been concerned in this paper with the question of harming, not the question of helping; thus, I have only been concerned with our *negative* obligations to humans and other animals (i.e., with where the boundaries begin and end in regard to what it is not permissible to do to them) rather than with any *positive* obligations that we might also have to help humans and other animals (i.e., with where the boundaries begin and end in regard to what we are positively obliged to do for them). The question of our positive obligations to humans and other animals is another, similarly complex issue, which I have discussed at some length elsewhere[29], but that discussion does not alter the conclusions reached here in regard to our negative obligations.

Notes

1. For a related discussion concerning the importance of distinguishing what has variously been referred to as a first-person, personal, subjective, or internal perspective from a third-person, impersonal, objective, or external perspective in the context of discussing the value of different kinds of entities, see my "Foundations of a General Ethics: Selves, Sentient Beings, and Other Responsively Cohesive Structures", in *Philosophy and the Environment*, Royal Institute of Philosophy Supplement: 69, edited by Anthony O'Hear (Cambridge: Cambridge University Press, 2011), 47-66; also available from the "sample online papers" section of my website at www.warwickfox.com.
2. David Hume, *A Treatise of Human Nature* (1739), Book III, Part I, Section I (any edition).
3. *Collins English Dictionary: Complete and Unabridged*, 6th ed. (Glasgow: HarperCollins, 2003).
4. Katherine Nelson, *Language in Cognitive Development: The Emergence of the Mediated Mind* (Cambridge: Cambridge University Press, 1998), 344.
5. Clive Wearing's wife, Deborah Wearing, provides an intimate account of her husband's condition in *Forever Today: A Memoir of Love and Amnesia* (London: Corgi Books, 2005); Oliver Sacks offers a clinical neurologist's perspective on Wearing's condition in "The Abyss", *The New Yorker*, September 24, 2007, 100-112 (also available online).
6. Deborah Wearing notes her husband saying this four months after the onset of his illness in 1985 (*Forever Today*, 181); Sacks notes Wearing saying this to him twenty years later in 2005; and Wearing says the same thing in a television documentary I have seen on him. Given that repetition is a post-illness feature of Wearing's speech – not that Wearing

would be aware that he is repeating himself – one assumes that he has said this in various other contexts as well and that it represents a sustained – albeit continually forgotten – view of his condition "from the inside" and not a one-off rhetorical flourish.

7. Peter Singer, *Animal Liberation*, 2nd ed. (London: Jonathan Cape, 1990), 174-175.
8. Ibid., 17.
9. Ibid., 228; his full discussion of this issue runs from 228-230.
10. Warwick Fox, *A Theory of General Ethics: Human Relationships, Nature, and the Built Environment* (Cambridge, MA: The MIT Press, 2006), see esp. chapters 6-8.
11. Helen Keller, *The World I Live In* (New York: New York Review Books, 2003; first pub. 1908), 72, 74, 76. I quote considerably more of Keller's account in *A Theory of General Ethics* and show how it maps onto research findings that speak to the question of what it is like to be a nonhuman primate.
12. Emmanuelle Laborit, *The Cry of the Gull* (Washington, D.C.: Gallaudet University Press, 1998), 7.
13. Ibid., 2.
14. Oliver Sacks, *Seeing Voices: A Journey into the World of the Death* (London: Picador, 1991), 39-40.
15. Susan Schaller, *A Man Without Words* (London: Ebury Press, 1992), 116 and 194-95; see also chapter 11 and Afterword.
16. Ibid., 197.
17. John McCrone, *The Myth of Irrationality: The Science of the Mind from Plato to Star Trek* (New York: Carroll & Graf Publishers, 1993), 104.
18. Jill Bolte Taylor, *My Stroke of Insight: A Brain Scientist's Personal Journey* (London: Hodder and Stoughton, 2008), 48, 68.
19. C. Scott Moss, *Recovery with Aphasia: The Aftermath of my Stroke* (Urbana, IL: University of Illinois Press, 1972), 4-5 and 10. Extensive extracts from this book (which include the very brief extracts I have just given) are also available in *Injured Brains of Medical Minds*, edited by Narinder Kapur (Oxford: Oxford University Press, 1997). Kapur's book also contains an additional overview article by Scott Moss, written seven years after his stroke, in which he reiterates that (even up to five months after his stroke) "my entire existence was focused exclusively on the here-and-now. The stroke [which, we must not forget, resulted in complete loss of language function] had abolished my memory of the past and projection of the future had no meaning for me" (p. 78).
20. Although this "social agreement" solution to the problem of symbolic forms of reference might sound like a simple and straightforward one, it isn't. The range of cognitive capacities that are necessary to underpin this level of social understanding – such as "theory of mind" (or understanding the intentions and perspectives of others) and "joint", "shared", or "triadic" forms of attention – are formidable and serve to explain why only normally developed humans are capable of symbolic communication. I discuss these cognitive achievements, and the research findings that bear on them, at some length in *A Theory of General Ethics*, chapters 6-8.
21. For more on all the matters discussed in this section – the nature of indices, icons, and symbols; the differences between signalling and language; and the uniqueness of human language – see Terrence Deacon, "Biological Aspects of Language", in *The Cambridge Encyclopedia of Human Evolution*, edited by Steve Jones, Robert Martin and David Pilbeam (Cambridge: Cambridge University Press, 1994), 128-133; Terrence Deacon, *The Symbolic Species: The Co-evolution of Language and the Human Brain* (London: Allen Lane, Penguin, 1997), esp. chapter 3, appropriately entitled "Symbols aren't Simple"; Peter Gärdenfors, *How Homo Became Sapiens: On the Evolution of Thinking* (Oxford: Oxford University Press, 2003), esp. chapter 6; and my *A Theory of General Ethics*, chapters 6-8.

22. For the best short overview introduction to these research findings for a general audience see Daniel Povinelli, "Behind the Ape's Appearance: Escaping Anthropocentrism in the Study of other Minds", *Daedalus: Journal of the American Academy of Arts and Sciences*, Winter 2004, 29-41. Povinelli's team has been at the forefront of this research; thus, see also: Daniel Povinelli and Timothy Eddy, *What Young Chimpanzees Know about Seeing*, *Monographs of the Society for Research in Child Development* (Chicago: The University of Chicago Press, 1996); Daniel Povinelli, "Can Animals Empathize?", *Scientific American Presents: Exploring Intelligence* 9.4 (1998): 67, 72-75; Daniel Povinelli, *Folk Physics for Apes: The Chimpanzee's Theory of How the World Works*, reprint edition (Oxford: Oxford University Press, 2003); Daniel Povinelli and Jennifer Vonk, "Chimpanzee Minds: Suspiciously Human?", *Trends in Cognitive Sciences* 7.4 (2003): 157-160; Jennifer Vonk and Daniel Povinelli, "Similarity and Difference in the Conceptual Systems of Primates: The Unobservability Hypothesis", in *Comparative Cognition: Experimental Explorations of Animal Intelligence*, edited by Edward Wasserman and Thomas Zentall, 363-387 (Oxford: Oxford University Press, 2006); Derek Penn and Daniel Povinelli, "On the Lack of Evidence that Chimpanzees Possess Anything Remotely Resembling a 'Theory of Mind'", *Philosophical Transactions of the Royal Society*, B, 362 (2007): 731-744; Derek Penn, Keith Holyoak, and Daniel Povinelli, "Darwin's Mistake: Explaining the Discontinuity between Human and Nonhuman Minds", *Behavioral and Brain Sciences* 31 (2008): 109-130; Daniel Povinelli, *World without Weight: Perspectives on an Alien Mind* (Oxford: Oxford University Press, 2012). See also Michael Tomasello's important book *The Cultural Origins of Human Cognition* (Cambridge, MA: Harvard University Press, 2000). Again, I refer to and discuss much of this research in *A Theory of General Ethics*, chapters 6-8.
23. Katherine Nelson, *Language in Cognitive Development: The Emergence of the Mediated Mind* (Cambridge: Cambridge University Press, 1998), 288. See also Daniel Povinelli, "The Self: Elevated in Consciousness and Extended in Time", in *The Self in Time: Developmental Processes*, edited by Chris Moore and Karen Lemmon, 75-95 (Mahwah, NJ: Lawrence Erlbaum, 2001).
24. Nelson, ibid., 344.
25. Warwick Fox, "Foundations of a General Ethics: Selves, Sentient Beings, and Other Responsively Cohesive Structures" (details in n. 1, above; see pp. 50-52).
26. I use the term "social animals" here in the formal sense to refer to a level of social organization that goes beyond mother-offspring bonding to include "permanent groups of adults living together, and relationships between individuals that endure from one encounter to another". Although there can be reasons to be wary of information on *Wikipedia* on some occasions, I take this definition of "social animal" from the *Wikipedia* article on this topic on this occasion since it seems to me to be both succinct and reliable.
27. See Gärdenfors, *How Homo Became Sapiens*, 131-132, on the apparent lack of awareness of death in chimpanzees and baboons.
28. Mark Sagoff, "Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce", reprinted in *Environmental Philosophy: From Animal Rights to Radical Ecology*, 3rd ed., edited by Michael Zimmerman, 87-96 (Upper Saddle River, NJ: Prentice Hall, 2001), 92.
29. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Mineola, NY: Dover Publications, 2007; first pub. 1789), 311.
30. Fox, *A Theory of General Ethics*, see esp. chapters 5-8.

Roger Scruton*

Our Love for Animals**

I live on a pasture farm, in a part of England where a thin top-soil covers a sub-soil of clay. You can grow grass on this top-soil; but you cannot plough it without turning up the clay, on which nothing grows; the only human use for the land, therefore, is to support things that live on grass or which can be supported on grass lands. That means cows, sheep, pigs, chickens by way of domestic animals, game birds by way of wild-life, and horses for riding. By far the most profitable of these animals, from the point of view of our local farming economy, are the horses, which bring people who earn *real* money into the countryside, and encourage them to turn that money into grass. Those who are trying to turn grass into money have a much harder time of it. Still, all in all, I see our little patch of farmland as an example of good-natured animal husbandry. All our animals live in an environment to which they are adapted, enjoy basic freedoms, and are saved by our intervention from the lingering misery of old age and disease, or from a long-drawn-out death from physical injury. This is true, for the most part, of the wild-life too. The game birds are either shot or eaten by the fox, the rats, field-mice, voles and other rodents are taken by the buzzards and hawks, and the fish are quickly swallowed by the visiting heron. Death from old age, disease or injury is rare, and we do what we can to help our wild animals through the winter, with scraps from the kitchen for the carnivores and corn and nuts for the birds.

Of course there is much room for improvement, and there are aspects of our management that disturb me. In particular it worries me that our natural affections favour some animals over others. Thus we go out of our way to ensure that the predators get through the hard days of winter, but do little or nothing for the mice and voles, and do what we can to exterminate the rats. Of course, we don't poison the rats, since that would be to poison the owls, buzzards and foxes that eat their remains. But we interfere in the natural order, and could not envisage life on the farm if we did not do so. Hares are welcome, rabbits less so; stoats and weasels enjoy our protection, crows and magpies don't dare to come within range. So far I have not

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met any country person who does not make choices of the kind that we make, and when I read of "wild life sanctuaries" I wonder how far their wardens are prepared to go, by way of managing those species which, if left to themselves, will turn a viable habitat into a desert – grey squirrels, for instance, Canada geese, cormorants.

Although I worry about our meddling in the order that surrounds us, I take comfort from the fact that species that were never seen on the farm when I bought it 15 years ago are now re-establishing their presence there: bullfinches, wagtails, kestrels, kitty hawks, fallow deer, stoats and grass-snakes. We have many kinds of bee, and the ponds abound in frogs, toads and dragon-flies. But we also have neighbours, and by far the greatest threat to the animals that live on our land comes from that source. I don't refer to the farming neighbours, who maintain the ecological balance in much the way that we do. I refer to the incomers, those who have moved to the country in order to enjoy the tranquillity that is the by-product of other peoples' farming, and who come with their own menagerie of animals – much loved animals, who have enjoyed all the creature comforts that the town can provide. It is the dogs and cats of these people that do most to upset the fragile order that we have tried to maintain, and I cannot help drawing some conclusions about the distinction between the right and the wrong ways of loving them.

One neighbour has a dog which she walks along the public bridle way, leaving it free to run in the hedgerows and out into the fields. This dog does what dogs do: it sniffs for quarry and, when it finds something, gives chase. In the winter, when birds are hidden under leaves, conserving their energy as best they can, they cannot easily survive being chased every day. The same is true of hares, rabbits and voles. Of course our neighbour is adamant that her dog would not dream of killing the things he chases – he is only doing what his nature requires. The same is true, of course, of the pheasant, the stoat or the rabbit that he is chasing. The difference is that the dog goes home to a warm house and a supper consisting largely of other animals which have been tortured into a tin, while its quarry goes hungry, trying to recover from the shock and weakened for its next encounter.

Another neighbour has a pair of cats – attractive animals, which know how to simulate affection towards their human owners, while policing all around them with the invincible insolence of a dominant species. Both dogs and cats are predators; but dogs can be trained not to kill; they can be trained to focus their hunting instincts on a particular species, or they can be bred to focus the very same instincts on some other and more humanly useful pursuit, such as herding sheep or retrieving game birds. Not so cats.

Everything in their nature tends towards the single goal of killing, and although they can be pampered into relinquishing this goal, they are by that same process pampered into relinquishing their nature. A true cat wants out, and when out he wants death. The distinctions between fair and unfair game, between vermin and protected species, between friend and foe – all such distinctions have no significance for a cat, which sets off from the house in search of songbirds, field mice, shrews and other harmless and necessary creatures with no thought for anything save the taste in his mouth of their blood. One estimate puts at 180 million the number of wild birds and mammals lost to cats each year in Britain.[1] The domestic cat is, without exception, the most devastating of all the alien species that have been brought onto our island, and the worst of it is that, thanks to the sentimentality of the British animal lover, it is a crime to shoot them.

Love has many forms, and there is no reason to suppose that my love of farm animals and wildlife is in any way superior, as an emotion, to the love of our neighbours for their dogs and cats. But two questions should be asked of every love: does it benefit the object, and does it benefit the subject? Whether or not we agree with Wilde's bathetic line that "Each man kills the thing he loves", it is certainly true that there are loves that destroy their object, for the reasons given by Blake:

Love seeketh only self to please
To bind another to its delight,
Joys in another's loss of ease
And builds a Hell in Heav'n's despite.

There are loves that enslave, stifle, exploit and abuse. And there again there are loves which corrupt the subject, giving him a false and flattering view of himself, and a comforting picture of his own cost-free lovableness. Love is not good in itself; it is good when part of virtue, bad when part of vice. In which case we should follow Aristotle, and say that it is not as such good to love, but good to love the right object, on the right occasion and to the right degree.[2] Learning how and what to love is part of growing up, and love, like other emotions, must be disciplined if it is not to collapse into sentimentality on the one hand, or domination on the other.

There is much literature that takes the love between humans and animals as its subject, and we are none of us short of examples, with which to explore what might be good, and what bad, in such a cross-species affection. I am as susceptible to the love of pets as anyone, and still remember my childhood dog, a repulsive creature entirely deficient in canine virtues, as

an object of deep and need-filled emotion. When my horse Barney, whom I loved, died beneath me while hunting I was quite stricken for a while, until setting eyes on Barney's successor. Cats have always taken a shine to me, purring and kneading in my lap with no knowledge of the contempt in which I hold their species. Still, none of this should impede me from asking the question when, and how, it is right to love an animal.

The first point to make is that love for animals is only exceptionally love for an individual animal. I love the animals on our farm but few of them are objects of an individual love: it is the presence of bullfinches, not of any particular bullfinch, that delights me, and for which I work as best I can. Of course I am concerned when I come across a bird or a mammal in manifest trouble, and will go out of my way to help it: but this is not love, only ordinary kindness. With the horses it is different, since I stand to them in another relation, knowing their individual traits and foibles, and riding them, often in hair-raising circumstances in which we depend on each other for safety and maybe even survival. A special bond grows from such circumstances – the bond that caused Alexander the Great to mourn Bucephalus and to build a city in his honour. However, it is unclear that horses respond to their riders as *individuals*, or that they are capable of feeling the kind of affection, either for us or for each other, that we feel for them. They distinguish a good place from a bad one; they recognise and relate to their stable mates; they know what kind of treatment to expect from which of the two-legged creatures that come to care for them. But their affections are weak, unfocused and easily transferred. Barney, for me, had some of the qualities of Bucephalus: bold, eager to be first in the field, and obedient in the face of danger. And that was the ground of my affection: not that he regarded me with any favour or made a place for me in his life as I made a place for him in mine.

Now it seems to me that there are bad ways of loving a horse: ways that are bad for the horse, and also bad for the one who loves him. A love that regards the horse as a play-thing, whose purpose is to satisfy the whims of a rider, to be an object of cuddling and caressing of a kind that the horse himself can neither reciprocate nor understand – such a love is a way of disregarding the horse. It is also in its own way corrupt. A person who lavishes this kind of affection on a horse is either deceiving himself or else taking pleasure in a fantasy affection, treating the horse as a means to his own emotion, which has become the real focus of his concern. The horse has become the object of a self-regarding love, a love without true care for the thing that occasions it. Such a love takes no true note of the horse, and is quite compatible with a ruthless neglect of the animal, when it loses (as

it will) its superficial attractions. Horses treated in this way are frequently discarded, like the dolls of children. And it is indeed the case of the doll that provides, for the philosophy of love, the most poignant instance of error. Children practise affection with their dolls: it is their way of developing in themselves the expressions, habits and gestures that will elicit protection and love from those around them. But we expect them, for this reason, to grow out of dolls and into proper love – love which bears a cost for the one who feels it, which puts the self in the hands of another, and which forms the foundation of a reciprocal bond of care.

Each species is different, and when it comes to dogs there is no doubt, not only that dogs reciprocate the affection of their masters, but also that they become attached to their masters as *individuals*, in a way that renders the master irreplaceable in their affections – so much so that the grief of a dog may strike us as desolate beyond anything that we, who have access even in extremity to consolation, could really feel. The focused devotion of a dog is – when it occurs (and not all dogs are capable of it) – one of the most moving of all the gifts that we receive from animals, all the more moving for not being truly a gift but rather a need.[3] It seems to me that the recipient of such a love is under a duty to the creature that offers it, and that this creates a quite special ground for love that we must take into account. The owner of a loving dog has a duty of care beyond that of the owner of a horse. To neglect or abandon such a dog is to betray a trust that creates an objective obligation, and an obligation towards an individual. Hence my neighbour is right to think that her obligation to her dog takes precedence over my duty to care for the wildlife whose welfare he is compromising. She occupies one pole of a relation of trust, and it would be a moral deficiency in her to assume the right to enjoy her dog's unswerving affection while denying him what she can easily provide by way of a reward for it. Hence I don't judge her adversely for her irritating dog or her equally irritating love for it: the fault is mine, like the fault of being upset by the selfishness of families, as they strive to secure the best seats on a train. Each of us has a sphere of love, and he is bound to the others who inhabit it.

That said, however, we should still make a distinction between the right way and the wrong way to love a dog. Dogs are individuals, in the way that all animals are individuals. But they have, if it can be so expressed, a higher degree of individuality than birds, certainly a higher degree of individuality than insects. By this I mean that their wellbeing is more bound up with their specific nature and circumstances, with their affections and their character, than is the wellbeing of members of other species. A bird relates to its surroundings as a member of its species, but not as one who has

created for itself an individual network of expectations and fears. The loving dog is dependent on individual people, and knows that he is so dependent. He responds to his surroundings in ways that distinguish individuals within it, and recognizes demands that are addressed specifically to him, and to which he must respond. His emotions, simple though they are, are *learned* responses, which bear the imprint of a history of mutual dealings.

In this way it is possible to read into the behaviour of a dog something of the inter-personal responses that we know from human affection. The dog is not a person, but he is like a person in incorporating into himself the distinguishing features of his experience, coming to be the particular dog that he is through being related to the particular others in his surroundings. But why do I say he is not a person? The reason, briefly, is this. Persons are individuals too; but their individuality is situated on another metaphysical plane from that of the animals, even that of the animals who love them, and love them as individuals. Persons identify themselves in the first person, know themselves as 'I', and make free choices based on these acts of identification. They are sovereign over their world, and the distinction between self and other, mine and not-mine, deciding and not deciding, penetrates all their thinking and acting. The dog who looks into the eyes of his master is not judging, not reminding the master of his responsibilities or putting himself on display as another individual with rights and freedoms of his own. He is simply appealing as he might to a mate or a fellow member of the pack, in the hope that his need will be answered. There is not, in any of this, the I to I encounter that distinguishes persons among all other things in nature and which, indeed, for Kant, is a sign that they are not really part of nature at all. Although I relate to my dog as an individual, it is from a plane of individuality to which he can never ascend. Ideas of responsibility, duty, right and freedom, which govern my intentions, have no place in his thinking. For him I am another animal – a very special animal, certainly, but nevertheless one that exists on the same plane as himself, and whose motives he will never comprehend, except in terms of the kind of unquestioning unity of being that is the sum of canine affection.

Now it seems to me that the right way to love a dog is to love him not as a person, but as a creature that has been raised to the edge of personhood, so as to look into a place that is opaque to him but from which emerge signals that he understands in another way than we who send them. If we base our love for our dog on the premise that he, like us, is a person, then we damage both him and ourselves. We damage him by making demands that no animal can fully understand – holding him to account in ways that make no sense to him. We will feel bound to keep him alive, as we keep each

other alive, for the sake of a relation that, being personal, is also eternal. It seems to me that a person loves his dog wrongly when he does not have him put down when decay is irreversible. But it is not so much the damage done to the dog that matters: it is the damage done to the person. The love of a dog is in an important sense cost-free. The greatest criminal can enjoy it. No dog demands virtue or honour of his master, and all dogs will leap to their master's defence, even when it is the forces of good that are coming to arrest him. Dogs do not judge, and their love is unconditional only because it has no conception of conditions. From a dog, therefore, we can enjoy the kind of endorsement that requires no moral labour to earn it. And this is what we see all around us: the dwindling of human affection, which is always conditional and always dependent on moral work, and its replacement by the cost-free love of pets.

Such a love wants to have it both ways: to preserve the pre-lapsarian innocence of its object, while believing the object capable nevertheless of moral judgement. The dog is a dumb animal, and therefore incapable of wrongdoing; but for that very reason he is seen as right in all his judgements, bestowing his affection on worthy objects, and endorsing his master through his love. This is the root cause of the sentimentalisation of animal life that makes a film like *Bambi* so poisonous – leading people to "dollify" animals, while believing the animals to be "in the right" and always endowed with the moral advantage. But you cannot have it both ways: either animals are outside the sphere of moral judgement, or they are not. If they are outside it, then their behaviour cannot be taken as proof of their "innocence". If they are inside it, then they may sometimes be guilty and deserving of blame.

Human love is of many kinds. In its highest form, it comes as a gift, freely bestowed on another person along with the offer of support. But such love does not come without cost. There is a cost to the subject, and a cost to the object. Love can be betrayed by its object, when he shows himself to be unworthy to receive it, and incapable of returning it. And to undergo this experience is one of the greatest of human griefs. But love for that very reason imposes a cost on its object, who must live up to the trust bestowed on him, and do his best to deserve the gift. Love is a moral challenge that we do not always meet, and in the effort to meet it we study to improve ourselves and to live as we should. It is for this reason that we are suspicious of loveless people – people who do not offer love and who therefore, in the normal run of things, do not receive it. It is not simply that they are outside the fold of human affection. It is that they are cut off from the principal spur to human goodness, which is the desire to live up to the demands of a person who matters to them more than they matter themselves.

Clearly, if we conceive human love in that way, we can see that we all have a strong motive to avoid it: we do not benefit by avoiding it, and it is always a mistake to try, as we know from the tragedy of *King Lear*.[4] Nevertheless, life is simpler without inter-personal love, since it can be lived at a lower level, beneath the glare of moral judgement. And that is the *bad* reason for lavishing too much feeling on a pet. Devoted animals provide an escape-route from human affection, and so make that affection superfluous. Of course, people can find themselves so beaten down by life, so deprived of human love that, through no fault of their own, they devote themselves to the care of an animal, by way of keeping the lamp of affection alive. Such is Flaubert's *Coeur Simple*, whose devotion to her parrot was in no way a moral failing. But that kind of devotion, which is the residue of genuine moral feeling, is a virtue in the one who displays it, and has little in common with the *Bambyism* that is now growing all around us, and which seeks to rewrite our relations with other animals in the language of rights.

I have argued against the idea of animal rights elsewhere.[5] My argument stems, not from a disrespect for animals, but from a respect for moral reasoning, and for the concepts – right, duty, obligation, virtue – which it employs and which depend at every point on the distinctive features of self-consciousness. But perhaps the greatest damage done by the idea of animal rights is the damage to animals themselves. Elevated in this way to the plane of moral consciousness, they find themselves unable to respond to the distinctions that morality requires. They do not distinguish right from wrong; they cannot recognise the call of duty or the binding obligations of the moral law. And because of this we judge them purely in terms of their ability to share our domestic ambience, to profit from our affection, and from time to time to reciprocate it in their own mute and dependent way. And it is precisely this which engenders our unscrupulous favouritism – the favouritism that has made it a crime in my country to shoot a cat, however destructive its behaviour, but a praiseworthy action to poison a mouse, and thereby to infect the food-chain on which so many animals depend.

It is not that we should withdraw our love from our favourite animals: to the extent that they depend on that love, to that extent we should continue to provide it. But we must recognise that by loving them as *individuals* we threaten the animals who cannot easily be loved in any such way. Loving our dogs and cats we put a strain upon the natural order that is felt most grievously by the birds and beasts of the field. And even if those creatures have no rights, this does not cancel the fact that we have duties towards them – duties that become everyday more serious and demanding, as we humans expand to take over the habitats which we confiscate without

scruple and enjoy without remorse. And our lack of scruple is only amplified by the sentimental attitudes that are nurtured by the love of pets, and which inculcate in us the desire for easy-going, cost-free and self-congratulatory affections, and which thereby undermine the human virtue on which the rest of nature most depends.

Notes

1. Michael Woods, Robbie A. McDonald and Stephen Harries, "Predation of Wild Animals by Domestic Cats in Great Britain", *Report to The Mammal Society*, most recent revision March 1st 2003, available online (http://www.abdn.ac.uk/~nhi775/cat_predation.htm).
2. Adapting the celebrated remarks on anger in *Nicomachean Ethics*, Book 4, chapter 5.
3. Among the many affecting accounts of this relationship in the literature I single out George Pitcher, *The Dogs Who Came To Stay* (New York: Plume, 1995), since I knew the dogs, and the author.
4. See the important essay by Stanley Cavell, "The Avoidance of Love: A Reading of King Lear", in id., *Must We Mean What We Say?* (Cambridge: Cambridge University Press, 2002, updated edition).
5. See my *Animal Rights and Wrongs* (London: Continuum, 2002).

Steven Best*

Total Liberation and Moral Progress: The Struggle for Human Evolution**

"The material conditions of life will continue to get better for most people, in most countries, most of the time, indefinitely."
Julian Simon

"At the gates of the Coliseum and the concentration camp, we have no choice but to abandon hope that civilization is, in itself, a guarantor of moral progress."
Ronald Wright

We live in dark, disturbing times: we are witnesses to proliferating wars, perpetual genocide, predatory global capitalism, rampant militarism, unparalleled government surveillance and repression, a phony "war on terrorism" that fronts for attacks on dissent and liberties, the ever-present threat of financial collapse and global depression, the sixth great extinction crisis in the earth's history, climate change and systemic planetary meltdown. Scientists warn that we are at a tipping point of global ecological collapse, and report the shocking speed of catastrophic changes such as which turn icecaps into water and forests into savannas.

Welcome to the fruits of "progress". The modernist ideology *par excellance*, progress has been defined as the expansion of the human empire over animals and nature; as bringing other species and the natural world under human command; and as overcoming the "primitive", "savage" and "barbaric" stages of premodern human existence itself. Progress is measured in terms of domination over other species and the natural environment, as well as transcending "undeveloped" premodern cultures for full-blown technoscientific, mechanistic, and market-dominated societies. The inherent fallacies and disastrous consequences of the long lineage of dominator cultures that peaked in modern European societies led to a volatile contradiction between the social and natural worlds. The question is not if this incompatibility of fast-growing market societies and slow-changing, sustainable-oriented ecological systems will be resolved, as it will

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be one way or the other. The question, rather, is: will humans consciously and voluntarily change and adapt to nature, or will nature drastically reduce human numbers and impact through prolonged and painful means such as famine and disease?

This is a difficult moment to argue for the notion of progress. Indeed, who thinks that tomorrow will be better than today? That their children will inherit a brighter future? That jobs, wages and retirement plans will be secure? That homes, health care and education will be affordable? That the plight of the poor and the needy will be overcome by waging war on poverty rather than people?[1] That the ecosystems which sustain life will convalesce, and not collapse? Didn't the dream of the Enlightenment – that the spread of reason, science, technology and "free markets" would bring autonomy, peace and prosperity to all – die on the slaughterbench of the twentieth century? On that macabre centennial scarred by world wars, fascism, totalitarianism, genocide, the horrors of Hiroshima and Nagasaki, the threat of nuclear annihilation, and by growing corporate hegemony, and accelerating environmental breakdown? Barely out of the starting gates, the twenty-first century opened with attacks on the World Trade Center, the deployment of an endless "war on terror" masking a permanent war on democracy, the unparalleled rise of surveillance and security states, escalating wars in Iraq and Afghanistan, increasingly aggressive neoliberalism and globalization, ever-widening gaps between the world's rich and poor, a global market crash, hastening species extinction and catastrophic climate change.

Toward the end of the 1960s, a new wave of counter-enlightenment thinkers, or postmodernists, rose to prominence with denunciations of civilization, modernity and the notion of progress.[2] They were influenced by Max Weber's critique of the "iron cage of bureaucracy", Martin Heidegger's critique of technological domination, and Theodor Adorno and Max Horkheimer's dissection of the failure of the Enlightenment project and revolutionary Marxism. Whereas eighteenth century theorists saw the spread of reason promoting autonomy, freedom, prosperity and peace, Horkheimer and Adorno described the perverse irony in which rationality instead produced technical domination, totalitarianism, fascism, irrationality and mass conformity through sophisticated systems of propaganda, disinformation and cultural control. Whereas Enlightenment, "aimed at liberating human beings from fear and installing them as masters", Horkheimer and Adorno witnessed a "wholly enlightened earth... radiant with triumphant calamity".[3]

Similarly, Michel Foucault rejected the Enlightenment equation that happiness and freedom advance in lockstep with the spread of reason,

science and technology. He resolved the "unity of Western history" into discrete eras devoid of developmental logic or coherence. Rather than producing an endless and undeviating road to human perfection, Foucault saw history as shifting power constellations that "progressed", if anything, toward increasing regulation and control of bodies, populations and minds.[4] Jean-Francois Lyotard diagnosed the *fin-de-siècle* "postmodern condition" as a jaded cynicism toward any "metanarrative" (e.g., Hegelian, Marxist, or capitalist) of history as the development of freedom and progress.[5] Against the totalizing critiques of postmodernists, Jürgen Habermas championed the Enlightenment as an "unfinished project" that harbored not only the instrumental rationality of technical and bureaucratic domination, but also the "communicative rationality" underlying critical thinking, reasoned debate, and the dialogic skills vital for freedom and democracy.[6]

Progress is the preeminent myth of modernity, a potent ideology and, indeed, a pervasive and near-unwavering secular faith. It has promoted a fetishism of growth, control and money. It functioned as an alibi for greed, exploitation and genocide, along with the crushing of peoples, animals, biodiversity and nature under the burgeoning corporate-military juggernaut. The discourse of progress helped to create and legitimate Eurocentrism, colonialism, industrialism, capitalism, imperialism, consumerism and the systematic eradication of organic life and inorganic environments. According to Enlightenment thinkers, progress involved emancipation from the domination of nature and the tyranny of ignorance, and advanced in proportion to the evolution of European modernity beyond the "savage", "primitive", "stagnant" and "barbarian" cultures of the past. In particular, they believed, progress evolved to the degree secular nation-states overcame the bondage of the medieval "Dark Ages", snapped the straightjacket of Christian dogma and irrationality, and moved boldly into the "Age of Reason".

But the new *postmodern* concept cannot correct our perilous course and inspire true moral and institutional progress without a *posthuman* foundation that repudiates the deep-rooted ignorance, arrogance and errors of anthropocentrism and speciesism in favor of humility, respect, connectedness and a radical broadening of ethics and community to include all sentient beings and ultimately the earth itself. This demands overcoming entrenched dogmas, discrimination, bias, prejudice and hierarchical institutions of all kinds, not only the domination of human over human, but also the elevation of humans over other animals and the natural world as a whole.

I. A Brief Genealogy of "Progress"

"Progress knows nothing of fixity. It cannot be pressed into a definite mould. It cannot bow to the dictum, `I have ruled,' `I am the regulating finger of God.' Progress is ever renewing, ever becoming, ever changing - never is it within the law."
Emma Goldman

The notion of progress – which states that history advances in a definite, desirable and irreversible direction of constant improvement – has become so entrenched in modern thinking, it is easy to forget that it is a relatively recent invention. Certainly not all cultures were as dynamic as European modernity, few embraced change with such vigor (many resisted technological "advance" in favor of social stability), and none identified rapid and uprooting transformations as *progress*.

The progressivist narrative covers a historical sweep of ten thousand years, and in many accounts begins with the revolutionary shift from nomadic hunting and gathering (or "foraging") lifeways to settled agricultural society rooted in farming and herding. Progressivists view the domestication of plants and animals as the "great leap forward" from "savagery" to "civilization". The champions of progress assume that more is good, bigger is better, and modernity is the apex of history, a kind of "maturity" over a "childlike" past. While one can plausibly interpret the shift from dispersed hunting-gathering cultures to expansionist agricultural empires as the most decisive revolution in history, many progressivists (taking the opposite view of contemporary "primitivists") tendentiously ignore or malign the many positive qualities of primal lifeways that for 5-7 million years well-served humans and their ancestors in many ways (such as providing better health, less work, more autonomy and lack of hierarchical systems such as patriarchy). At the same time, of course, progressivists also exaggerate the benefits of farming, herding, population growth and city life. The flip side of this fallacy involves discounting the regressive effects of domesticating plants and animals in societies that were large, labor-intensive, expansionistic, warlike and increasingly stratified according to gender, class, and other dimensions. Nor do progressivists grasp how the domination of humans over animals, nature, and one another spawned the violent pathologies, unsustainable cultures and debilitating systems of hierarchical domination that imperil us today in the form of severe crises in society, animal communities and biodiversity, and the planet as a whole.

"Progress" represented a radical departure from premodern and non-Western ways of thinking. Modern thinkers broke with the pessimistic, cyclical model of the ancient world that saw time as repetitive rather than innovative, as an eternal recurrence rather than an evolving process.

According to the ancient outlook, history played out in the rise and fall of civilizations, in endlessly repeating cycles of chaos and order and birth and destruction, driven by monotonous dynamics that seemed to yield societies devoid of purpose, goals, meaning, or direction. As evident in Plato's metaphysics, many ancient philosophers and historians equated the passage of time with corruption and decay; they denigrated the empirical world as mere appearance and falsehood, while seeking truth in timeless essences. The Greco-Roman worldview was fatalistic, determinist, and cyclical rather than optimistic, open-ended, and linear. From Homer to the Roman Stoics, the ancients believed in *Moira*, an inflexible law of the universe to which human beings must acquiesce. Their cosmology did not allow, let alone inspire, people to conceive of gradual improvement in human affairs and to look forward to a future ever-better than the present and past.

Unlike the theological Providential vision of history, secular-oriented Progressivist accounts demand a positive view of change, a rejection of an inalterable universe hostile to human purposes, a renunciation of a fixed human nature, an affirmation of human ingenuity, and an optimistic belief that humans can gradually improve their lives over time. Modernists thus typically operated with stage theories of history and linear narratives depicting inexorable improvements in life, advancing from generation to generation.[7] Key roots of Western progressivism, nevertheless, lie in the Judeo-Christian tradition. The enigmatic belief that history had meaning – human beings struggling to realize God's purpose and plan – and the view that time involved a steady advance from sin to salvation (for an elite few) was a radical departure from the pessimistic, cyclical model of the ancients.

Yet, the ascendance of progressivist history required not only a linear narrative and stage model of ameliorative change, but also brilliant discoveries spawning dramatic advances in science, technology, medicine, the arts, and culture. Cumulatively, these innovations inspired the optimistic mindset associated with many Enlightenment and modernist thinkers. From the sixteenth through the nineteenth centuries, the preconditions necessary for a full-fledged progressivist discourse took shape, such as prepared by the Renaissance, modern science, the Enlightenment, the French and American Revolutions, capitalism, and the industrial revolution. Beginning in the eighteenth century, Enlightenment visionaries praised what they viewed as unheralded advances in learning, reason, criticism, liberty, individuality, and happiness. Progress would emerge, they thought, through the unstoppable achievements of science and rational modes of government. Despite skeptics, the growing consensus was that laws of history could be discerned; that reason, freedom and markets could spread

peace and prosperity worldwide; and even that human nature and society were "perfectible".

Modern thinkers embraced the progressivist form of the Christian narrative, while nonetheless giving the Providential vision a secular coding.[8] Modern science did not break with the anthropocentric and speciesist ideology of orthodox Christianity (and earlier cultures), but rather bolstered the project of dominating nature and exploiting animals by seizing full advantage of innovations in science, technology, and markets. Thus, in the transition from Providential to Progressivist history, from the "dark ages" to the "era of Enlightenment", people usurp the throne of God; Humanism becomes the new Gospel; Science and Technology pave the road to Salvation; and Profit and Competition become indubitable truths and sacred values.[9]

As evident by the unshakeable confidence of Condorcet, who was jailed and executed by functionaries of the French Revolution he rapturously praised, the Enlightenment's faith in Progress was often as dogmatic as the Christian conviction in Providence. Although modernists de-deified the historical process, they formed a new God in "Man", and built a new "Church of Reason" (August Comte). Consequently, many Enlightenment figures espoused a secularized Providential and Salvationist narrative that traced the development of humanity from ignorance to knowledge, from slavery to freedom, and from coarse animality to spiritual perfection. In many ways, humanism is less a philosophy than a repackaged theology in which people deify themselves as Lords of the Earth, and claim the right to commandeer its teeming life forms and fecund resources for their own purposes and benefits.

Despite the "Renaissance" in knowledge and arts, and the awakening of autonomy and critical reason in the Enlightenment, modern European cultures perpetuated regnant dogmas and ignorance; replicated anthropocentrism and speciesism; perpetuated cruelties, torture, pogroms, and conquests; replaced monarchical domination with the oligarchic tyranny of capital; and intensified hierarchies while disseminating oppressive power systems. Orthodox Christian ideologies combined with humanism and the emerging technosciences, reinforced the ontological and moral chasm dividing human and nonhuman animals, and promoted unprecedented pathologies of power that targeted global peoples, "brute beasts" and hostile "wilderness".

Dramatic advances in science and technology; the emancipation of rational inquiry from Church strictures; the hegemony of instrumental over communicative reason; a grow-or-die market society organized

around profit, commodification and accumulation imperatives; and exponential population growth – all these factors and more produced a massive, expanding, intensive, and unprecedented system of power and animal slavery. The modern, "civilized" and "enlightened" world proved itself more barbarous than any past culture, as it reduced animals to nonsentient machines and tortured them mercilessly without anesthetic in the dungeons of vivisection laboratories. Subsequent developments in technological and scientific domination led to the industrialization of animals through factory farms and slaughterhouses. And these horrifying and increasingly global systems of intensive confinement, barbaric torture and unconscionable slaughter (whereby currently every year some seven billion people slaughter sixty billion land animals and tens of billions more sea animals for food consumption alone), as well as to genetic engineering and cloning based on the most invasive control and manipulation of animal bodies possible, manipulating their genomes and cloning them in mass homogenous batches.[10]

With strong roots in political economy and the capitalist theory of *Homo economicus*, the progressivist vision assumes that humans are rational, self-interested beings who seek constant change, technological advances, greater comfort and more wealth. According to this ideology, each generation will live better than its predecessors, and the generations to come will tap the resources of even greater technical advances, comforts, and markets of possibility. Since the seventeenth century, progress has been measured in strictly quantitative terms, such as growing powers of technical control over nature, constantly expanding markets and wealth creation, and spreading "peace and prosperity" throughout the globe.

Modernist measures of progress rely on indices such as production quotas, employment rates, profit margins, housing sales, consumer confidence levels, and the Gross National Product. Aside from ignoring the catastrophic impact of growth on exploited peoples, animals, and the environment, the quantitative model cannot measure intangibles such as meaning, satisfaction, and happiness. Thus, in crucial ways, it cannot address the question of whether Western industrial capitalism is a "better" social system than premodern forms. Indeed, the evidence points decisively in the other direction, showing that in myriad ways modernity regresses behind or eliminates many advantages of primal and non-hierarchical societies.

As there is no direct connection between changes in the objective and subjective worlds, between wealth and well-being, and between the quantity of goods and the quality of life, and as happiness and satisfaction

cannot be measured mathematically, there must be a *qualitative* measure of progress one can use in critical contrast to the dominant model. Indeed, a dramatic indicator that modern Western societies are *not* progressing in crucial areas like health and happiness is the phenomenon that *psychological, social, and physical afflictions climb in proportion to the rate of modernization*. It is a well-known fact that the more "advanced" a society, the higher its rates of alcoholism, drug abuse, suicide, mental illness, depression, job dissatisfaction, crime, murder, divorce, and so on.[11] Given the inverse relation between social and technological development and human fulfillment, and between economic growth and ecological balance, we clearly need new and varied means of measuring progress.[12]

But advances in "progress" were determined not only according to a narrow range of material indictors that charted growth and innovation in realms such as science, technology, medicine and economic profits. Independent of this error, analysts tracked gains enjoyed only by privileged elites, and ignored the catastrophic consequences of industrialism and capitalist exploitation on the working classes, the homeless and desperately poor, and the oppressed and marginalized subaltern groups. In direct contrast, in novels such as *David Copperfield* (1850) Charles Dickens vividly exposed the misery, squalor and desperation of the majority of unfortunates living and working under the rule of Victorian capitalism. Similarly, in his 1906 masterpiece, *The Jungle*, Upton Sinclair shocked the American nation with his poignant descriptions of oppressed immigrants working in the meatpacking plants of the Chicago stockyards (although his descriptions of the horrors and filth of industrial animal slaughter far overshadowed his intended focus on the miserable lives of immigrant proletarians).

A few theorists such as Jean-Jacques Rousseau, Marquis de Condorcet and Karl Marx assailed a core fallacy in modernist ideology, which led them to reject any concept of progress that enriched a small minority of elites by exploiting and impoverishing the vast majority of people whose lives dramatically worsened in the factories and slums of capitalist society. For socialists, Marxists, anarchists, feminists and reformers, one could only speak meaningfully of "social progress" when the immense potential of modern knowledge and industry benefited all people more or less equally, rather exploiting the many to benefit the few. Only upon the basis of workers' democracy and egalitarianism, radicals and progressives argued, could the vast potential of industrial capitalism be realized. And this, radicals insisted, could come about only with the abolition of capitalism and class hierarchies, in a socialist, communist, or anarchist society in which workers and citizens collectively owned, democratically managed,

and equally shared the benefits of advanced science, technology, and industry. True progress and social advance could come about only when all were emancipated from need and created conditions for the universal flourishing of humankind.

II. The Limitations of Humanism

"Slavery is the first step toward civilization. In order to develop it is necessary that things should be much better for some and much worse for others, then those who are better off can develop at the expense of others."
Alexander Herzen

Modernity is a huge subterfuge constructed as a *zero-sum game*, a situation in which one group gains if and only if another group or other groups lose, with the consequence of distributing resources such as money, status, and influence in increasingly asymmetrical patterns, and thereby creating or exacerbating hierarchical domination. Thus, capitalists are rich only because workers are poor, and workers are poor because capitalists exploit their labor power and appropriate surplus value as profit. Powerful states and empires amass wealth and power by stealing resources and enslaving people from vanquished states. The world's "developed" nations become rich and powerful by siphoning resources and wealth from "undeveloped" nations, which in fact were intentionally *under*developed and suffered poverty and lack brought on by colonization. The cities and palaces of Europe could not have been erected without reducing African cities to rubble and its peoples to slaves.

But the obscenity involving what one human group or class does to another to advance its own interests in the name of "progress" is exponentially greater if we consider the worst case of this injustice, which involves what humans do to other animals. The entire human species gains at the expense of millions of nonhuman animal species and countless billion of animal individuals that are enslaved, exploited and slaughtered to grow human populations, wealth, comfort, while operating under the illusions that their technoworld exists autonomously from the natural world and that this holocaust does not have the most severe consequences for nature, biodiversity and society in direct ways. In the greatest zero-sum game of all, human advances exist in inverse relation to the massive losses of freedom and life suffered by other animals. Thus, the more humans gain, the more animals lose; the greater the human comfort, the more suffering and death for animals, and rises in human population numbers bring extinction to other animals and reduce biodiversity. While helping humanity in highly uneven ways (as determined by class, political power, and systems of hierarchy,

discrimination, control, and violence), modern technoscience intensified the misery and slaughter of animals, and exacerbated the destruction of the earth. This is evident in the growing horrors of vivisection, factory farming, slaughterhouses, fur farming, and sundry systems of exploitation, as humans brought about the sixth great extinction crisis in the history of the planet, polluted and poisoned all aspects of their physical surroundings, and provoked catastrophic climate change.

From the animal and ecological standpoints, therefore, *"progress" is regress, humanism is barbarism, the "light" of Reason brings darkness and madness, and science sanctifies sadism*. And since injury and damage to nonhuman animals and ecosystems inevitably undermines human existence itself, the "gains" resulting from modern innovations are short-term and partial at best. The bill for the true social and ecological costs of industrial capitalism is now due, and will be shouldered most by underdeveloped nations who contributed least to conditions of crisis, while future human and animal generations will incur the heaviest costs and greatest suffering, as already climate change is taking a huge toll on humans and other animal species.

Against the metanarrative that links the first step in social advance with the rise of agricultural society, Jared Diamond identifies the shift from foraging to farming cultures as "the worst mistake in the history of the human race".[13] Agriculture brought infectious diseases, malnutrition, a shorter life span, and more work; it worsened the position of women, introduced economic and political stratification, and overall it "inextricably combines causes of our rise and our fall".[14] Thus, the agricultural revolution came at a huge cost, and brought numerous regressive developments, especially for nonhuman animals. The creation of surplus food and building of ever-larger towns and cities enabled the rapid expansion of the human population, which encouraged ever more intensive exploitation of animals. Gradually, humans commandeered animal bodies for food, clothing, labor, transportation, and warfare. From chance and haphazard experimentation to increasingly sophisticated forms of knowledge and control, humans learned how to shape virtually every facet of animal existence to their own advantage. They discerned, for instance, how to manipulate the reproductive lives of animals by castration (to make males more docile) and, more generally through artificial selection. Over time, humans dominated other animals through hobbling, confinement, whips, prods, chains, and branding to auction them as commodities and brand them as private property. Today, domination and manipulation extends to the cellular and genetic levels of animal bodies through genetic manipulation and cloning in order to breed

and mass produce "farmed animals" such as cattle, pigs, and chickens to grow as fast and as large as possible for maximum profit.

To call modernization processes and the current state of the world "progress" is madness. The dominator societies that have spread across the globe over the last ten thousand years have been a calamitous error. The narratives, values, and identities of anthropocentrism, speciesism, human supremacy that brought us to this evolutionary dead-end cannot possibly provide the solutions to the problems dominator cultures created. The fallacious and disastrous consequences of separating humans from other animals and from the earth as a whole, the hubristic and ignorant efforts to "dominate" and "control" nature and bend it to the human will, and the arrogant dismissal of limits to growth in favor of the fantasy of unending abundance, is evident in the ecological crisis reverberating through the world.

No coherent, consistent, or defensible definition of progress would sanction the exploitation of the majority of humans for the benefit of a minority of subjugated people whose lives dramatically worsened so that the ruling elite could prosper. For the same reason, no viable notion of progress is possible that focuses of the "advantages" humans gain – *however democratic, universal, and justly distributed the benefits might be* – at the incredible expense of animal suffering and lives and the ecological integrity of the planet – could not possibly be upheld as serious, viable, or credible. Progress cannot be defined in reference to the human community alone, for however many millions or billions of beneficiaries, the exploitation of staggering numbers of other species and individuals cannot be justified. Only a pathologically violent, disconnected, ignorant, and egoistic species – *Homo sapiens* – is capable of calling this legacy of madness and murder "progress". The fatally flawed nature of, and contradictions inherent in, humanism grows ever clearer and more malignant each day. Contrariwise, while much of humanity has proven itself incapable of learning the most basic lessons of ecology, such as to appreciate the limits to nature and the need to live in harmony with rather than in opposition to its vital surroundings. Others, however, have clung to the knowledge of contemporary holistic and ecological science (the essence of which formed the wisdom of ancient cultures and primal peoples) that as long as humans butcher animals and plunder nature, they decimate and destroy their own lives. For a viable human world is impossible without humility, respect, and connectedness, and recognition that what they do to the animals they do to themselves, that animals play vital ecological roles in sustaining and perpetuating ecological systems, and that society depends on a flourishing

natural world with integral ecological systems and rich biodiversity.

We assuredly need new, multidimensional ways of measuring progress that gauge the *quality* of life (e.g., meaningful work and leisure time) rather than fetishizing the *quantity* of innovation, growth, and wealth. But the new paradigms proposed by reformists such as Edward Burch (who advanced a more diverse but still limited "General Progress Index"), sundry apolitical visionaries, or revolutionaries of any leftist stripe are fatally flawed and deeply inadequate. The new concepts of humanity and society, the new models of progress, *the new blueprints and moral compasses of life*, must be more far-reaching than most dare to or can imagine. Human identity, philosophy, social theory, and ethics must *transcend the limits of humanism* – however democratically conceived – in order to bring animal liberation and ecological ethics into the forefront of a postmodern consciousness that deconstructs and reconstructs the concept of progress. This involves abandoning the illusions of zero-sum logic in favor of the truth of mutual aid, a profound understand of holistic interrelationships, interdependencies, and shared fates. It requires refashioning the social world so that humanity can live in harmony with, rather than in contradiction to, the flourishing of biodiversity and integrity of the natural world. And it recognizes the ancient wisdom, the basis for overcoming hubris and fantasies of dominance and control, which is that humanity belongs to the earth, and the earth does not belong to humanity.

III. The Task of Reconstruction

"Not least among the tasks now confronting thought is that of placing all the reactionary arguments against Western Culture in the service of progressive enlightenment."

Theodor Adorno

In the current era of the sixth great species extinction crisis, rainforest destruction, global warming, and runaway human population growth, we must recognize that the Emperor has no clothes, and it is time to call Western civilization for what it is – a metastasizing system of domination, war, slavery, slaughter, omnicide, exterminism, and ecological devastation.

The fallacious and disastrous consequences of separating human animals from nonhuman animals and the natural environment, attempting to dominate and subjugate complex beings and physical systems of which we have no grasp, while fantasizing that the earth is an inexhaustible cornucopia of resources, able to satisfy innumerable billions of people for an endless span of time, is dramatically evident in the ecological crisis

reverberating through the world sending even conservative scientists into alarmist messengers on high-alert status.[15]

The earth itself is refuting the dualistic, speciesist, anthropocentric, and hierarchical philosophies that informed Western thought from Aristotle and Aquinas to Descartes and Bacon to Marx and beyond into the present day, and indeed define the entire trajectory of "civilization", of the farming and herding societies that at least ten thousand years ago began to supplant ancient foraging cultures. But rather than merely *deconstruct* progress and strand ourselves in a nihilistic wasteland without a moral compass, we can *reconstruct* the concept to effect a rupture with the past and to chart a radically new way forward that can potentially stave off social chaos, unimaginable suffering and loss of human and animal life, and ecological collapse on an unimaginable scale.

Only through reference to some notion of progress can we assess whether our lives and societies are moving in a positive direction. We can gauge whether a new job, school, or community is better than a prior one; whether one's health, relationships, or finances are improving or deteriorating, and how one's life is proceeding overall. Unlike traditional peoples, modern Westerners live in dynamic societies and expect their lives to "improve" over time, as parents expect – or once did – that their children will lead better lives and have more opportunities than what they inherited. Of course, since the quality of individual lives is directly bound up with the state of their societies, people need rational and diverse criteria to assess whether their society is moving in a positive or negative direction, as they need also the capacities to evaluate whether the natural environment is regenerating or degenerating.

One can easily recognize the need for better policies – *for progress* – in critical areas such as education, health care, and jobs, as well as ameliorating social inequality, poverty, and homelessness. Similarly, one can imagine striking improvement in human attitudes and practices toward other animals (to be measured by ever-widening abolitionist measures banning circuses, rodeos, zoos, vivisection, the fur industry, cat and dog breeders, factory farms, and meat, dairy, and egg production and consumption), in addition to restoring the integrity of the forests, waterways, and air. "Progress" entails two distinct conditions: (1) *change* (from one state or situation to another), and (2) *improvement* (the new state or situation is an "advance" over the prior one). Whereas the second condition entails the first, the first in no way demands the second, as change can bring about worse rather than better conditions for individuals, society, humankind, animals, and the earth as a whole. Positive assurances to the contrary, the implementation of

the North American Free Trade Agreement (NAFTA) in 1994, for instance, considerably worsened environmental and labor conditions in Canada, the U.S., and Mexico while greatly benefiting multinational corporations, exactly as was intended and misrepresented. Since the 1980s, paralleling developments globally, U.S. corporate profits have risen, CEO salaries have skyrocketed (now over 400 times the wages of the average worker), and the gap between rich and poor has grown steadily wider.

In a world predicated on rapid, chaotic, directionless flux for its own sake (or rather, for the sake of destroying traditions that conflict with market growth and the production of new "needs"), "progress" is an *indispensable critical and normative concept* that can be used to advance democracy, freedom, autonomy, ecology and animal liberation, and thereby help guide society in a healthy, humane, and sane direction rather barreling down the same dysfunctional and destructive path embarked on for ten thousand years. The concept of progress is a means of guiding and directing change in the direction of greater democracy, freedom, ecological balance, and respect for nonhuman animal life and the earth as a whole.

"Progress" is an indispensable critical and normative concept that can help advance democracy, freedom, autonomy, community, animal liberation, and ecology, and thereby to move society in a healthy and sane rather than dysfunctional and suicidal direction. Even anarcho-primitivists like John Zerzan - who rejects the totality of civilization and longs for a mode of existence prior to the emergence of speech and symbolic thought – imply some notion of progress by assuming that things would or could greatly improve with the collapse of "civilization" and return to Paleolithic lifeways.[16]

Today it is patently obvious that no viable concept of progress can be dominionist, anthropocentrist, and speciesist, or can ignore the evolutionary and ecological unity and coherence of the human, animal, and natural worlds. A definition of progress that violently elevates humans over all other animals; that enslaves every being from which it can draw blood, labor, and profit; that fetishizes growth and mandates plunder; and that is bound up with addiction to fossil fuels, growth, and unsustainable levels of consumption, implodes under the weight of its massive contradictions. A sound concept of progress, in contrast, would be holistic in outlook, and grasp the interrelations and evolutionary continuity among the natural, animal, and human worlds. In reconstructed postmodern and posthumanist form, a viable notion of progress abandons hackneyed hierarchies, pseudo-separations, and indefensible prejudices of all kinds, as it views nonhuman animals as sentient subjects of a life with their own inviolable purposes and

value, and are respected as equals sharing with us similar needs and interests. It grasps that the requisite moral and psychological revolutions humanity must rapidly undertake to overcome their formidable evolutionary impasse are impossible without equally profound transformations of all society institutions.

A postmodern, posthumanist concept of progress repudiates the zero-sum game of winners and losers. The only meaningful definition of progress refers to *improvements in life and conditions for all* – not just "all" humans but rather all species, and all the staggeringly complex and interconnected facets, relations, and systems of planetary ecology. A notion of progress that sanctions the exploitation of the majority for the benefit of a minority is dysfunctional and disastrous. The new concept I have advocated, in contrast, breaks with domineering, hierarchical and dualistic mindsets and institutions that succumb to the hubristic "human first" mentality and define human interests in opposition to other species and nature, rather than understanding humans as inseparably involved with the vast biocommunity and entire earth. The human-democratic principle of equal consideration extends in principle not only to all human interests (and therefore underpins a theory of equality, autonomy and global justice), *it also gives equal consideration to the interests of animals and the requirements of ecological systems*.

Quite unlike the humanist definition, however broad, "radical", and "egalitarian", a new account of progress must incorporate nonhuman animals into the category of "all" who benefit from, or at least are not harmed by, regulations, laws and social policies. We need to advance a *new universalism* unparalleled in scope that transcends the arbitrary and parochial mindset of humanism to respect the inherent value of nonhuman beings and the physical environment, as we cultivate harmonious relationships among humans, animals, and the earth. In contradistinction to postmodern attacks on "totalizing" theories and grand narratives, the problem is not with stories that they are too broad to occlude cultural differences, but rather with frameworks that *are not universal and inclusive enough*.

Accordingly, it seems prudent to define social progress as occurring *whenever values, practices, laws and institutions advance democracy, equality, rights and community in ways that promote, balance and harmonize the needs and interests of humans, animals and nature*. On this conception, progress is measured according to the degree that change promotes the well-being and integrity of three overlapping communities and systems. A policy promoting development or resource consumption that advances human interests at the expense of animals and the earth is an anthropocentric and

speciesist approach that gives insufficient consideration to other species and the earth as a whole. This orientation, therefore, is not likely to promote harmonization, sustainability, or "progress" in our new sense. Truthfully, given the metastasization of global capitalism, the rise of authoritarian police states, the growing severity of social and environmental problems, and the inveterate human failure to forestall looming or potential problems with foresight, restraint, and precautionary measures, it is hard to view the ideals of total liberation and balancing human, animal, and ecological requirements as anything but utopian. But utopian visions too are critical and constructive, they can offer progressive guidance however inadequate the results.

IV. Non-Linear History

"History is not 'just one damn fact after another', as a cynic put it. There really are broad patterns to history."
Jared Diamond

History is neither repetitive and random, nor linear and teleological (seeking some preordained goal); it is formed in the complex matrix in which humans shape – and are shaped by – biological, environmental, and social determinants, as they co-evolve with other animals. As we see in the work of thinkers ranging from eighteenth century philosopher Johann Gottfried von Herder to Foucault and Manuel de Landa, the singular concept of "history" must be broken up and dispersed into a plurality of histories involving different cultures that develop unevenly and semi-autonomously from one another (but often in parallel evolution as well).[17]

Yet, despite its non-linear complexity, history is not as random and meaningless as postmodernists like Foucault or Jean Baudrillard suggest.[18] Rather, one can find developmental dynamics and patterns comprehensible only through a unifying narrative. History is not a smooth, linear trajectory unperturbed by contingency, chaos, conflict, contradiction, spontaneity, stagnation, regression, and ambiguity. Against a single, uniform, homogeneous and totalizing "metanarrative" that sees history as a grand story of *either* freedom and progress, *or* domination and disaster (a "metanarrative in reverse"), social evolution exhibits competing and often contradictory norms, values, policies, institutions, and developmental tendencies. Thus, since "Western culture" is not a monolithic, unbroken, uncontested and seamless advance of anthropocentrism, speciesism, racism, patriarchy, hierarchy and domination, it is important to trace the *simultaneous* development of two opposing lineages. We therefore need a *dual narrative* that maps competing dynamics and contradictory values,

traditions and tendencies.

Throughout Western history, in other words, cultures of *complimentarity and hierarchy* have developed dialectically, side-by-side, simultaneously, in opposition and antagonism to one another. In addition to the domineering humanist conceptions of ancient, medieval and modern cultures, there emerged vital alternatives through the *ahimsa* ethic and holistic vegetarian ideals born in ancient Eastern religious cultures and that migrated to influence Western outlooks as well. Thus, Pythagoras, Porphyry, Jesus, Leonardo da Vinci, Shakespeare, Thomas More, Milton, Alexander Pope, John Calvin, William Paley, Michel de Montaigne, Voltaire, Jean-Jacques Rousseau, Jeremy Bentham, Percy Shelley, William Blake, Caroline Earle White, Leo Tolstoy, Bernard Shaw, Gandhi, Henry Salt, Albert Schweitzer, Albert Einstein, and growing legions of contemporary thinkers and activists from diverse backgrounds have repudiated speciesism, anthropocentrism, human supremacism, dualism, and violent hierarchical lifeways to promote peaceful, compassionate, and egalitarian values that can unite humans, animals, and the earth in one vast community of unity-in-difference and difference-in-unity. Tragically, however, the egalitarian and non-hierarchical traditions remained marginalized, and dominator cultures and their hierarchical mentalities and institutions prevailed, wreaking violence and destruction in a formicating and colonizing spread of *Homo sapiens* throughout the planet. From Aristotle, the Stoics, Paul, Augustine, Aquinas and Martin Luther to Descartes, Bacon, Kant, Marx, humanists, Social Darwinists and the present time, the hierarchical tradition sought to marginalize, repress, and silence the voices of complimentarity and to establish human supremacy as natural and unquestionable.

While history is not pre-determined, law-governed, teleological (striving toward a goal), or linear, nor is it random, chaotic, cyclical flux, repetition of the same, or meaningless change. Rather, among the many possible evolutionary possibilities and narrative interpretations of history, one can trace a broad evolutionary trend, a developmental pattern, a coherent movement, a meaning and a potentiality. Despite the massive failures indelibly etched into the slaughterbench of history, such as played out in an endless stretch of hierarchies, wars, armies, empires, battlefields, states, classes, bureaucracies, genocide, and omnicidal devastation, one can *also* find – in particular by examining the last few centuries of European and American history – a discernible advance of *moral progress*.

One can define and gauge moral progress as *the broadening of the moral community toward ever-greater degrees of inclusiveness and equality*. From another perspective, and in another (admittedly capitalist and individualist)

language, one can map the dynamic movement of *the universalization of rights*.[19] The struggles for freedom, rights, justice, autonomy, democracy, inclusiveness, and community, while not unfolding in a linear or inexorable way, provide *a kind of coherence* to the last few centuries of modern Western history. As vital as sympathies and sentiments are to mutual aid and the ethical life, critical reason is also crucial to broadening the moral community, to developing more expansive and inclusive communities, to advancing concepts of moral worth, and, after the eighteenth century, to fostering ever-larger communities of "subjects-of-a-life" (Regan) with inherent value. The shift from uncritically accepting customs to demanding a logical justification for their assent moves society away from dogma and tradition toward the rational viewpoint crucial for ethics, justice, equality, community, and ecological sustainability.

Over the last two centuries, moreover, the moral and legal discourse of rights has become increasingly expansive (to be sure – not without resistance, reversals, and setbacks), moving from state-backed privileges of white male elites to granting basic rights to ever-broader groups of human beings, and eventually to animals and nature itself. But as the language of the state, and institution that supports and serves corporate power, the discourse of rights is limited, however expansive, and ultimately needs to give way to a new language to protect the inherent value and dignity of human and nonhuman individuals. Of course, this language is not yet a developed reality because the social revolution it requires has not yet appeared, and is nowhere on the horizon save for encouraging but nonetheless reformist and sporadic resistance from Arab nations to Spain to the U.S.

The expansion of the moral community was not a linear development encompassing all humanity in a single, continuous, irreversible and irrevocable trajectory. Affirmations of biological and moral relatedness of species are evident through history and various cultures, and were present throughout Western society, but advances in moral reasoning (always related to democracy-building) were often lost, delayed, or reversed, and still have a long way to go. "Nevertheless", Peter Singer writes, "it is the direction in which moral thought has been going since ancient times", a process of increasingly expansive moral values and a movement in which, since the eighteenth century, egalitarian philosophies and moral and legal rights have widened in scope and influence.[20]

Dynamically developing throughout the turbulence of the last two centuries, the notions of value, rights and community were moving moral concern beyond humans, beyond animals, beyond even sentience, into a holistic ecological ethics that enfolded the entire natural world and physical

environment into a new moral paradigm. From Albert Schweitzer and Aldo Leopold to deep ecologists, enlightened thinkers in the twentieth century have broadened the notion of community beyond the human sphere to include other animal species and the earth as a whole. Schweitzer, for instance, advocated a general ethics of "reverence for life" that encompassed the organic and inorganic world. For the authentically ethical person, no person, animal, or element of nature should be harmed, all must be protected, and "life itself is sacred".[21] Leopold championed a "land ethic" rooted in respect for and awareness of the complex interrelatedness of all matter and life on this planet. The new ecological sensibility and "biocentric" ethics that assigned intrinsic value throughout the world was bolstered considerably by the tradition of deep ecology, which was developed by Norwegian philosopher Arne Naess in the 1970s and was developed by a wide range of thinkers including George Sessions and Bill Devall.[22]

This entails a new form of *enlightenment* that overcomes all forms of discrimination, including speciesism, recognizes and respects the basic rights animals have as sentient beings, and treat animals with the same respect it accords members of its own species. We must elaborate a new concept of progress that is ecological, sustainable, humane, holistic and rooted in a new ethics of nature, one that dialectically mediates the needs and interests of humans, animals, and the earth. The new Enlightenment promotes a paradigm shift in the way we think about and relate to the natural world, it widens the boundaries of community to other species and inorganic matter, and it extends basic rights to nonhuman animals by application of the same logic used to grant human rights.

Moral progress should not be conceived in idealist terms as an autonomous development of human ethical capacities. Reason and emotion have played key roles in the development of ethics, but moral evolution also develops in and through political rebellion and social movements for rights, justice and liberation (which themselves depend on passions and rational critique).[23] The best vehicle for continued ethical and social advance today is the politics of total liberation, which views the emancipation of humans, animals, and the earth as one interrelated, comprehensive, unified struggle, such as demands an alliance politics of unprecedented breadth, diversity and inclusiveness.

V. An Imperiled Future

"To keep from dehumanizing ourselves (and even gravitating toward genocide), we must stop demanding perpetual progress."
William Catton

"Pessimism of the intellect, optimism of the will."
Antonio Gramsci

The Western concept of progress and the system that spawned it have brought us to an evolutionary crossroads where we now confront profound options and choices. Under the spectral shadow of climate change, resource scarcity, biological meltdown, environmental entropy, nuclear threats, and escalating global conflicts, the future of human evolution is problematic at best and unlikely or doomed at worst. *Progress is something human beings still must aspire to and can achieve*, but only with revolutionary changes in society, culture, politics, worldviews, values, and human identity. A new moral compass is desperately needed to guide and inform the radical institutional and conceptual changes necessary to stave of catastrophic social and ecological collapse.

After millions of years of prehistory, only two hundred thousand as *Homo sapiens* and just 40,000 years as *Homo sapiens sapiens* (modern, language-speaking humans), we have reached a *pivotal point in history*, a *crossroads* for the future, such that we can choose either *breakdown or breakthrough*.[24] In the language of chaos theory, there have been numerous bifurcation points of social disequilibrium in history when a fundamental system transformation could have occurred, but the new fluctuations did not provoke sufficient change in the fundamental structures and mindsets.[25] New arrangements will arise, however, as the social and ecological crisis deepens, that we must exploit for their transformative potential.

The main drama of our time is: Which road will humanity choose – the road that leads to peace and stability, or the one verging toward greater war and chaos? The one that establishes social justice, or that which exacerbates inequality and poverty? Will we stay on the cul-de-sac of uncontrolled global capitalist growth and neoliberalism, or will we find an alternative route that radicalizes the modern traditions of Enlightenment and democracy and is guided by the vision of a future that is just, egalitarian, participatory, ecological, healthy, happy and sane? Will we move, in David Korten's words, toward the "Great Unraveling" and plummet deeper into the abyss? Or will we undertake a "Great Turning", where we finally learn to live in partnership with one another, nonhuman animals, and the earth?

Windows of opportunity are rapidly closing. The actions that humanity now collectively takes – or fails to take – will determine whether our future

– and that of biodiversity itself – is hopeful or bleak. In the aftermath of ten thousand years of incessant growth and war that humanity waged upon itself, other species, and the earth; and in the presence of an unsustainable global capitalism and system of growth that is driving natural systems to an irreversible tipping point, *the greatest challenge in the history of our species is staring us right in the face*: Can humanity dramatically change its entire mode of existence – from moral and psychological outlooks to their economic and political institutions – in order to forestall planetary catastrophe, or will people remain inert, apathetic, delusional, or fail to mount global and united resistance movements adequate to stop the aggression, nihilism, and death drive of an omnicidal system?

In an era of catastrophe and crisis, the continuation of the human species in a viable or desirable form, is obviously contingent and *not a given or a necessary good*. Apart from tradition, dogma and hubris, there is no indication that humanity has an inherent goal, destiny, purpose, or fate. Just as this species might never have evolved at all, given the complex contingencies of evolution, so it might never survive another century or two. For, having evolved with numerous other *Homo* types, and emerging as the sole heir to the hominid family line, the human species has nevertheless embarked on a mad, violent, destructive and unsustainable mode of growth and change. Like *Homo habilis*, *Homo erectus*, *Homo neanderthalensis*, and all other bipedal ancestors, *Homo sapiens* could easily reach an evolutionary dead-end (we may already have) and succumb to the black hole of extinction.

Never before has humanity faced such a challenge; never has there been a more critical moment in history than now. Human evolution is not a *fait accompli* – either in the sense that things will increasingly improve with the passage of time (the linear concept of progress), or that our species will continue at all. Thus, the future of human evolution – in a viable and desirable form, rather than in a post-apocalyptic, barren, Social Darwinist *Mad Max* world – is something that will not come easy, if at all, and demands a *struggle* on an unprecedented scale.

While the result is horrible to contemplate from the human standpoint, *Homo sapiens* may not have the will or intelligence to meet this challenge, and might thereby succumb to the same oblivion that engulfed its hominid ancestors, and into which it dispatched countless thousands of other species. Just as ancestral hominids have gone extinct, so have prior civilizations collapsed. As Jared Diamond has shown, numerous civilizations of former times (including Easter Island, classical Mayan civilization and the Greenland Norse) have suffered economic and social collapse due to overpopulation, overfarming, overgrazing, overhunting, deforestation, soil

erosion, and starvation.[26]

But, considered from the perspective of *animals and the earth*, the demise of human beings in the form they evolved would be the best imaginable event possible, as it would allow the regeneration of a middle-aged earth that could trigger a new Cambrian explosion of speciation and biodiversity. Whereas worms, pollinators, dung beetles and countless other species are vital to a flourishing planet, *Homo sapiens* is the one species – certainly the main species – the earth could well do without.[27]

It is increasingly obvious that the fates of humans, animals and the earth are inextricably bound. Progress can no longer entail the zero sum game of human "gain" at the expense of animals and the environment. Rather, a deeper concept of progress must emerge that eliminate the opposition between human and animals and society and nature. Most fundamentally, it would understand the profound interrelatedness of all aspects of planetary ecology, and enable us to become good citizens of the biocommunity rather than barbarians, Huns, Vikings, invaders, mercenaries, juntas and death squads bringing down the whole house – *Gaia*.

Notes

1. On the slow, steady and methodical destruction of the middle class since the 1960s, see Christopher Lasch, *The True and Only Heaven: Progress and its Critics* (New York: W.W. Norton and Company, 1991); Barbara Eherenreich, *Nickel and Dimed: On (Not) Getting By in America* (New York: Owl Books, 2002); and Barbara Eherenreich, *Bait and Switch: The (Futile) Pursuit of the American Dream* (New York: Henry Holt & Co., 2006).
2. See Steven Best and Douglass Kellner, *Postmodern Theory: Critical Interrogations* (New York: Guilford Press, 1991).
3. Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment* (New York: Continuum, 1998 [orig. 1944]).
4. See Michel Foucault, *Power/Knowledge* (New York: Pantheon Books, 1980).
5. The writing of "grand narratives" runs counter to recent postmodern critiques of "metanarratives" of history which are simplistic, teleological, and homogenize disparate dynamics and events in a homogenous framework. Whereas metanarratives defined by postmodernists are indeed problematic, we should not lose sight of the narrative aspects of theory and science and the importance of macro-, or "grand", narratives. The grand narrative of "moral progress" tries to avoid the fallacies of metanarratives, without reducing history to mere randomness. See Steven Best and Douglas Kellner, *Postmodern Theory: Critical Interrogations* (New York: Guilford Press, 1991).
6. See Jürgen Habermas, "Enlightenment: An Unfinished Project", in *The Anti-Aesthetic*, edited by Hal Foster (Washington: Bay Press, 1983); and Jürgen Habermas and Thomas McCarthy, *Theory of Communicative Action*, vol. 1 (Boston: Beacon Press, 1984).
7. To be sure, some modernists had more complex and dialectical models of progressive change that allowed for regressions and reversals (which nevertheless ultimately triumphed in progressive changes; some thinkers such as Rousseau or Nietzsche were

anti-progressivist, and others such as Diderot were quite pessimistic or skeptical about the possibilities for a rational society and benevolent humanity. See Steven Best, *The Politics of Historical Visions: Marx, Foucault, and Habermas* (New York: Guilford Press, 1995).

8. Revealing the continuities between the old and new narratives, Bacon, the renowned champion of the scientific method, claimed that humanity must "recover its God-given right to command nature". In works such as *Novum Organum* Bacon eloquently and disturbingly articulated the ethos of domination by commanding us to penetrate nature, to seize her secrets, and to put her on the rack of our inquisition.
9. A sound analysis of Western progressivism needs to mediate two different historical approaches. The first outlook, represented by J. D. Bury and Carl Becker, emphasizes the ancient Judeo-Christian roots of the modern concept of progress and sees modernity as a secularization of the Judeo-Christian narrative [see J. D. Bury, *The Idea of Progress: An Inquiry into its Origin and Growth* (New York: Cosimo Classics, 2008); and Carl L. Becker, *The Heavenly City of the Eighteenth-Century Philosophers* (New Haven and London: Yale University Press, 1964)]. In response, a second school of thought has emerged, represented by Hans Blumenberg and Christopher Lasch, which underscores progress as a purely modern concept predicated on a sharp break from the past. Lasch follows Blumenberg's critique of the "secularization thesis" which sees the modern secular narrative as different from the Judeo-Christian story in two key ways: it roots change in human dynamics divorced from a Divine plan or purpose, and it valorizes the multiplication of needs (whereas Christian and Roman philosophies rooted moral wisdom and virtue in the limitation of needs) [see Hans Blumenberg, *The Legitimacy of the Modern Age* (Cambridge: MIT Press, 1983); and Christopher Lasch, op. cit., 44 ff.]. While Blumenberg and Lasch correctly identify discontinuities between the ancient and modern, and the Christian and secular frameworks, there are also important continuities they occlude. On my interpretation, there are three key influences on the concept of progress: the Judeo-Christian tradition, seventeenth century science, and the eighteenth century Enlightenment and "liberal" tradition that commonly promoted free markets alongside free thinking.
10. See Steven Best, "Genetic Engineering, Animal Exploitation, and the Challenge for Democracy", in *Leonardo's Choice: Genetic Technologies and Animals*, edited by Carol Gigliotti (Springer Press, 2009).
11. Island cultures and Latin American nations, in contrast, rank highest in life expectancy and happiness; see Philip Thornton, "Wealthiest countries at bottom of list of happiest societies", *The New Zealand Herald*, July 12, 2006.
12. Thus, for example, Edward Burch replaces the narrow Gross National Product Index with the broader General Progress Index (GPI). Incorporating data from the United Nations "Human Freedom Index", the GPI model employs 22 different criteria to assess human, social, and environment needs (including leisure time, educational attainment, and reduction in global warming emissions) and their levels of attainment. See Edward Burch, "Gross National Happiness", *Clamor Magazine*, Issue 35.5, January/February 2006, http://www.clamormagazine.org/issues/35-5/content/economics_1.php.
13. Jared Diamond, "The Worst Mistake in the History of the Human Race", *Discover Magazine* (May 1987): 64-66.
14. Jared Diamond, *The Third Chimpanzee: The Evolution and Future of the Human Animal* (New York: Harper Perennial, 2006), 139.
15. On the cornucopian worldview, that essentially there are no limits to resources or growth, see Julian Simon, *The Ultimate Resource 2* (New Haven, NJ: Princeton University Press, 1998).

16. See John Zerzan, *Future Primitive: And Other Essays* (Williamsburg, Brooklyn: Autonomedia, 1994).
17. See Johann Gottfried von Herder, *Philosophical Writings* (Cambridge: Cambridge University Press, 2002); Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York: Vintage, 1980); and Manuel de Landa, *A Thousand Years of Nonlinear History* (New York: Zone Books, 2000).
18. See Michel Foucault, *The Archaeology of Knowledge* (New York: Pantheon Books, 1972); and Jean Baudrillard, *The Illusion of the End* (Oxford: Polity Press, 1994).
19. On the universalization of rights as a key indicator of moral progress, see Roderick Nash, *The Rights of Nature*: *A History of Environmental Ethics* (Madison: University of Wisconsin Press, 1989).
20. Peter Singer, *The Expanding Circle*: *Ethics and Sociobiology* (New York: Farrar, Straus & Giroux, 1981), 113.
21. Albert Schweitzer, *Philosophy of Civilization* (New York: Prometheus Books, 1987).
22. See Arne Naess, *Ecology, Community and Lifestyle: Outline of an Ecosophy* (Cambridge: Cambridge University Press, 1993); and Bill Devall and George Sessions, *Deep Ecology: Living As If Nature Mattered* (Layton, Utah: Gibbs Smith, 2001).
23. For discussion and examples of contemporary revolutionary alliance politics, see Steven Best and Anthony J. Nocella II, *Igniting a Revolution: Voices in Defense of the Earth* (Oakland, CA: AK Press, 2006).
24. David Korten, *The Great Turning*: *From Empire to Earth Community* (San Francisco CA: Berrett-Koehler, 2006).
25. See Steven Best, "Chaos and Entropy: Metaphors in Postmodern Science and Social Theory", *Science as Culture* 11 (1991): 188-226.
26. Jared Diamond, *Collapse*: *How Societies Chose to Fail or Succeed* (New York: Penguin, 2011).
27. See Adam Weisman, *The World Without Us* (New York: St. Martin's Press, 2007), and the imaginative film series, "Life After People", which first aired in March 2010 on *The History Channel* (http://www.history.com/shows/life-after-people).

Gary L. Francione*

The Problems of Animal Welfare and the Importance of Vegan Education**

Conventional wisdom on the matter of animal ethics in most Western countries is that although animals have some moral value, they have less moral value than do humans, and, therefore, it is acceptable to use animals for our purposes as long as we treat them "humanely" and do not inflict "unnecessary" suffering on them. This position is known as the animal welfare approach to animal ethics; it is the position that is most often promoted by large animal advocacy organizations in the U.S. and Europe. Some of these organizations claim to promote animal welfare reform not as an end itself but as a means to the eventual abolition of animal use or, at least, the significant reduction of animal use. I have referred to this position as "new welfarism".[1] In any event, traditional welfarists and new welfarists all share in common the notion that nonhumans have less moral value than do humans and that the primary concern is to ensure that animals have a reasonably pleasant life and a relatively painless death.

I want to argue that conventional wisdom is wrong. First, I reject the notion, which is accepted by virtually all welfarists, that animals have less moral value than humans for purposes of being treated as a resource. Second, I maintain that because animals are property, welfare reform cannot provide significant protection for animal interests. Third, I propose that veganism is the only position that is consistent with the recognition that all sentient nonhumans have a right not to be treated exclusively as a means to the ends of humans.

I. The Moral Significance of Nonhuman Animals[2]

Animal welfare emerged in Britain in the nineteenth century, primarily in the writings of utilitarian theorists such as Jeremy Bentham and John Stuart

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Mill. A central tenet of this position is that although animals can suffer and, based on that characteristic alone, are entitled to some moral consideration, they are morally inferior to humans because they have different sorts of minds. Animals are not self-aware and do not have an interest in continued existence; they do not care that we use them because they are not self-aware; they care only about how we use them because they suffer. Therefore, although animals have some moral significance, they count less than humans because their minds are not similar to those of humans.

This notion about the supposed moral inferiority of nonhumans based on cognitive differences is also represented in contemporary animal welfare theory, most notably in the work of Peter Singer. Singer, a utilitarian like Bentham and Mill, maintains that animals have an interest in not suffering but have lives that are less valuable than those of humans:

> While self-awareness, the capacity to think ahead and have hopes and aspirations for the future, the capacity for meaningful relations with others and so on are not relevant to the question of inflicting pain... these capacities are relevant to the question of taking life. It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities.[3]

According to Singer:

> An animal may struggle against a threat to its life, even if it cannot grasp that it has "a life" in the sense that requires an understanding of what it is to exist over a period of time. But in the absence of some form of mental continuity it is not easy to explain why the loss to the animal killed is not, from an impartial point of view, made good by the creation of a new animal who will lead an equally pleasant life.[4]

That is, Singer argues that because animals do not know what it is they lose when we kill them, they do not have any interest in continuing to live and, therefore, death is not a harm to them. They do not care that we use and kill them for our purposes. They care only about not suffering as a result of our using and killing them. He argues that as long as they have a reasonably pleasant life and a relatively painless death, our use of animals may be ethically defensible:

> If it is the infliction of suffering that we are concerned about, rather than killing, then I can also imagine a world in which people mostly eat plant foods, but occasionally treat themselves to the luxury of free range eggs, or possibly even meat from animals who live good lives under conditions natural for their species, and are then humanely killed on the farm.[5]

Singer maintains that similar human and nonhuman interests in not suffering ought to be treated in a similar fashion, as required by the principle of impartiality, or, as Singer refers to it, the principle of equal consideration. He claims that because humans have "superior mental powers"[6], they will in some cases suffer more than animals and in some cases suffer less, but he acknowledges that making interspecies comparisons is difficult at best and perhaps even impossible.

The rights/abolitionist position I have developed concedes for purposes of argument that given humans are, at least as far as we know, the only animals who use symbolic communication and whose conceptual structures are inextricably linked to language, it is most probably the case that there are significant differences between the minds of humans and the minds of nonhumans.[7] But my response to this is: so what? Any differences that may exist between human and animal minds do not mean that animals have no interest in continuing existence or that their suffering has a lesser weight than does that of humans. We cannot justify using nonhumans as human resources irrespective of whether we treat animals "humanely" in the process.

It is not necessary to come to any conclusion about the precise nature of animal minds to be able to assess the welfarist view that death itself does not harm nonhuman animals because, unlike humans, they live in what Singer describes as "a kind of eternal present".[8] The only cognitive characteristic that is required is that nonhumans be sentient; that is, that they be subjectively aware.[9] Sentience is necessary to have interests at all. If a being is not sentient, then the being may be alive, but there is nothing that the being prefers, wants, or desires. There may, of course, be uncertainty as to whether sentience exists in a particular case, or with respect to classes of beings, such as insects or mollusks. But the animals we routinely exploit – the cows, chickens, pigs, ducks, lambs, fish, rats, etc. – are all, without question, sentient.

To say that a sentient being – any sentient being – is not harmed by death is decidedly odd. After all, sentience is not a characteristic that

has evolved to serve as an end in itself. Rather, it is a trait that allows the beings who have it to identify situations that are harmful and that threaten survival. Sentience is a means to the end of continued existence. Sentient beings, by virtue of their being sentient, have an interest in remaining alive; that is, they prefer, want, or desire to remain alive. Conscious beings have an interest in not having consciousness end. Therefore, to say that a sentient being is not harmed by death denies that the being has the very interest that sentience serves to perpetuate. It would be analogous to saying that a being with eyes does not have an interest in continuing to see or is not harmed by being made blind. The Jains of India expressed it well long ago: "All beings are fond of life, like pleasure, hate pain, shun destruction, like life, long to live. To all life is dear."[10]

Singer recognizes that "[a]n animal may struggle against a threat to its life" but he concludes that this does not mean that the animal has the mental continuity required for a sense of self. This position begs the question, however, in that it assumes that the only way that an animal can be self-aware is to have the sort of autobiographical sense of self-awareness that we associate with normal adult humans. That is certainly one way of being self-aware, but it is not the only way. As biologist Donald Griffin, one of the most important cognitive ethologists of the twentieth century, notes: if animals are conscious of anything, "the animal's own body and its own actions must fall within the scope of its perceptual consciousness".[11] We nevertheless deny animals self-awareness because we maintain that they cannot "think such thoughts as 'It is *I* who am running, or climbing this tree, or chasing that moth.'"[12] Griffin maintains that "when an animal consciously perceives the running, climbing, or moth-chasing of another animal, it must also be aware of who is doing these things. And if the animal is perceptually conscious of its own body, it is difficult to rule out similar recognition that it, itself, is doing the running, climbing, or chasing".[13] He concludes that "[i]f animals are capable of perceptual awareness, denying them some level of self-awareness would seem to be an arbitrary and unjustified restriction".[14] It would seem that any sentient being must be self-aware in that to be sentient means to be the sort of being who recognizes that it is that being, and not some other, who is experiencing pain or distress. When a sentient being is in pain, that being necessarily recognizes that it is she who is in pain; there is some*one* who is conscious of being in pain and has a preference, desire, or want not to have that experience.

We can see the arbitrary nature of the welfarist assumption if we consider humans who have a condition known as transient global amnesia, which occurs as a result of a stroke, seizure, or brain damage. Those with

transient global amnesia often have no memory of the past and no ability to project themselves into the future. They have "a sense of self about one moment – now – and about one place – here".[15] Their sense of self-awareness may be different from that of a normal adult, but it would not be accurate to say that they are not self-aware or that they are indifferent to death. We may not want to appoint such a person as a teacher or allow her to perform surgery on others, but most of us would be horrified at the suggestion that it is acceptable to use such people as forced organ donors or as non-consenting subjects in biomedical experiments even if we did so "humanely". Even if animals live in a sort of eternal present, that does not mean that they are not self-aware or that they have no interest in continued existence or that death is not a harm for them. A similar analysis holds for what Singer identifies as "any other capacity that could reasonably be said to give value to life".[16] Some humans will not have the capacity at all, some will have it less than other humans, and some will have it less than some nonhumans. This deficiency or difference may be relevant for some purposes but it does not allow us to conclude that, as an empirical matter, a human lacking the capacities that Singer identifies as giving value to life does not have an interest in continuing to live or that death is not a harm for her.

Also arbitrary is the welfarist notion that humans have "superior mental powers" so that in assessing animal pain, or in trying to determine whether human pleasure or the avoidance of human pain justifies imposing pain and suffering on animals, we keep in mind Mill's notion that "[it] is better to be a human being dissatisfied than a pig satisfied".[17] What, apart from self-interested proclamation, makes human characteristics "superior" or allows us to conclude that we experience more intense pleasure when we are happy than a pig does when she is happily rooting in the mud or playing with other pigs? Just as in the case about the harm of death, such an analysis works only if we assume what we are setting out to prove.

If we restrict our analysis to human beings, the problem with the welfarist approach becomes clear. Assume we have two humans: a philosophy professor and a factory worker who has no higher education and has no interest in having any discussions that would be regarded by the philosopher as intellectually stimulating. If we were to say that it is better to be a philosophy professor dissatisfied than a factory worker satisfied, such an assertion would, quite rightly, be viewed as arbitrary and elitist.

The rights position, as I have developed it, rejects the notion that some nonhumans, such as the nonhuman great apes, are more deserving of moral status or legal protection than are other animals because they are

more like humans. The fact that an animal is more like us may be relevant to determining what other sorts of interests she has, but with respect to the animal's interest in her life and the harm to her of death, or her interest in not being made to experience pain and suffering, her being similar to humans is simply not relevant.

There is general agreement that humans have an interest in not being treated exclusively as the resource of another and that this interest ought to be protected by a basic, pre-legal right that prohibits chattel slavery. We certainly do not treat everyone equally in that, for instance, we often pay more money to people who are considered to be more conventionally intelligent or to be better baseball players. But for purposes of treating humans exclusively as the resources of others – as far as human slavery is concerned at least as a matter of moral theory and customary international law – we regard all humans, irrespective of their individual characteristics, as having equal inherent value. Human slavery certainly still exists but no one defends it. If animals matter morally, then we must apply the principle of equal consideration and ask whether there is a good reason to accord the right not to be treated as property to nonhumans as well. Is there a justification for using animals in ways in which we would regard it as inappropriate to use any humans?

The answer is clear. There is no rational justification for our continuing to deny this one right to sentient nonhumans, however "humanely" we treat them. As long as animals are property, they can never be members of the moral community. The interests of animal property will always count for less than the interests of animal owners. We can fall back on religious superstition and claim that animal use is justified because animals do not have souls, are not created in God's image, or are otherwise inferior spiritually. Alternatively, we can claim that our use of animals is acceptable because we are human and they are not, which is nothing more than speciesism and is no different from saying that it is acceptable for whites to discriminate against blacks based simply on differences in skin color or for men to exploit women based simply on differences of gender.

The animal rights position does not mean releasing domesticated nonhumans to run wild in the street. If we took animals seriously and recognized our obligation not to treat them as things, we would stop breeding domestic animals altogether. We would care for the ones whom we have here now, but we would stop breeding more for human consumption and we would leave non-domesticated animals alone. We would stop eating, wearing, or using animal products and would regard veganism as a clear and unequivocal moral baseline. We would then avoid

the overwhelming number of false conflicts that so trouble those who advance the animal welfare position.[18] These conflicts appear to exist only because we assume that the cow is there to be used as a resource and there is an ostensible conflict between the property owner and the property sought to be exploited. Once we see that we cannot morally justify using animals, however "humanely", and that we cannot justify animal property, then these conflicts disappear.

II. Animals as Property and the Economics of Welfare Regulation

Animals are property.[19] They are economic commodities; they have a market value. Animal property is, of course, different from the other things that we own in that animals, unlike cars, computers, machinery, or other commodities, are sentient and have interests. All sentient beings have interests in not suffering pain or other deprivations and in satisfying those interests that are peculiar to their species. But it costs money to protect animal interests. As a general matter, we spend money to protect animal interests only when it is justified as an economic matter – only when we derive an economic benefit from doing so. Virtually all animal welfare laws fit this paradigm; they all protect selected animal interests and the effect of protecting these interests is to make the production process more efficient.

Anti-cruelty laws supposedly require "humane" treatment, but these laws generally either explicitly exempt what are considered as the "normal" or "customary" practices of institutionalized animal use, or, if the practices are not exempt, courts generally interpret pain and suffering imposed pursuant to those practices as "necessary" and "humane". That is, the law defers to industry to set the standard of "humane" care. This deference is based on the assumption that those who produce animal products – from the breeders to the farmers to the slaughterhouse operators – will not impose more harm on animals than is required to produce the particular product just as the rational owner of a car would not take a hammer to her car and dent it for no reason. The result is that the level of protection for animal interests is linked to what is required to exploit animals in an economically efficient way. Animal welfare standards generally increase production efficiency and do not decrease it in that we protect only those interests that produce economic benefits.

It is, of course, possible as a theoretical matter to achieve protection for animal interests that goes beyond what is necessary to exploit them as economic commodities; it is, however, highly unlikely as a practical matter.

Any regulation that is not cost-justified will generate powerful opposition from producers and consumers alike. Contemporary welfarist campaigns promoted by animal advocates demonstrate that animal welfare reform remains firmly rooted in the notion of animals as economic commodities; despite the claims of new welfarists, supposedly more progressive welfare reform does not differ significantly from traditional welfare reform.[20] These campaigns do nothing to move away from the property paradigm and to accord value to animal interests that goes beyond their value as human resources.

III. Animal Welfare: Making Humans Feel Better About Animal Exploitation

Many animal advocates recognize the limitations of welfare reform but argue that welfare regulation will, at some point in the future, lead to the abolition of animal exploitation or, at least, to a significant reduction in animal use. These new welfarists are vague as to exactly how welfare reform will lead in an incremental way toward abolition or to significantly reduced animal use. One argument they make frequently is that welfare reform will sensitize people to the problem of animal suffering and that this greater sensitivity will lead people gradually along a path to abolition. The problem with the new welfarist position is that there is absolutely no empirical evidence to support it. We have had animal welfare – both as a prevailing moral theory and as part of the law – for more than 200 years now and we are using more nonhuman animals in more horrific ways than at any time in human history.

What new welfarists conveniently ignore in claiming that welfare reform will lead incrementally toward reduced animal use or even to abolition in the long term is that animal welfare not only does not reduce demand or sensitize society in a way that moves it incrementally in a positive direction, but welfare reforms actually make people feel more comfortable about continuing to exploit animals by reassuring them – falsely – that standards have been improved in meaningful ways. This false reassurance reinforces the notion, which is deeply embedded in our speciesist culture, that it is morally acceptable to use animals as long as they are treated "humanely". The welfarist approach actually supports and strengthens the property paradigm and does not move away from it.

Making society feel more comfortable about animal exploitation is more often than not an explicit goal of animal welfare campaigns and organizations. For example, many of the large animal advocacy groups in the United States and Britain are involved in promoting labeling schemes under

which the flesh or products of nonhumans is given a stamp of approval.[21] In addition to labeling schemes, animal welfare groups give awards to animal exploiters and praise them for welfare reforms.[22]

All of this is intended to make people feel better about the exploitation of nonhuman animals and that is precisely the effect that it is having. There is increasingly abundant media coverage about how people are feeling better about eating meat because they have become "compassionate carnivores".[23] "Some vegetarians, and those who have reduced their meat consumption because of their conscience or politics, are beginning to eat sustainable meat, choosing products that are not the result of industrial farming practices."[24] Peter Singer, often referred to as the "father of the modern animal rights movement"[25], describes being a "conscientious omnivore" as a "'defensible ethical position'"[26], and claims that those concerned about animal ethics can still indulge in "the luxury" of eating "humanely" raised and slaughtered meat and animal products.[27]

In sum, the new welfarists have enthusiastically embraced the position that the moral issue is not *that* we are using animals, but only *how* we use them, and our use of nonhumans is morally justifiable as long as our treatment is acceptable. Rather than representing incremental steps toward abolition or reduced animal use, the new welfarist approach perpetuates and perhaps even increases animal exploitation by encouraging an unsuspecting public to believe that our treatment of animals has improved and that they can now consume animals without a guilty conscience and by reinforcing the traditional welfarist notion that animal use is morally acceptable as long as the level of treatment is acceptable.

IV. The Theoretical and Practical Solution: Veganism

New welfarists often argue that the animal rights/abolitionist approach is utopian or idealistic and does not provide any practical normative guidance. According to these critics, abolitionists want nothing short of the *immediate* abolition of exploitation and they reject any sort of incremental or practical change as a means to the end of achieving that abolition.[28] The new welfarists are certainly correct to say that abolitionists want to end all animal exploitation and would like to see it all end tomorrow, or even later today. But no one thinks that is possible and the welfarists are wrong to say that abolitionists reject incremental change. The abolitionists reject regulatory change that seeks to make exploitation more "humane" or that reinforces the property status of animals and, instead, seek change that incrementally eradicates the property status of nonhumans and recognizes that nonhumans have inherent value. The abolitionist position provides

definite normative guidance for incremental change both on an individual level, as well as on the level of social and legal change.

On the individual level, rights theory prescribes incremental change in the form of ethical veganism.[29] Although veganism may represent a matter of diet or lifestyle for some, ethical or abolitionist veganism is a profound moral and political commitment to abolition on the individual level and extends not only to matters of food, but to the wearing or use of animal products. Abolitionist veganism is the personal rejection of the commodity status of nonhuman animals, the notion that animals have only external value, and the notion that animals have less moral value than do humans.

There is no coherent distinction between meat and dairy or eggs. Animals exploited in the dairy or egg industries live longer, are treated worse, and end up in the same slaughterhouse as their meat counterparts. There is as much, if not more, suffering and death in dairy or egg products as in flesh products, but there is certainly no morally relevant distinction between or among them. To say that one does not eat beef but drinks milk is as silly as to say that one eats flesh from large cows but not from small cows. Moreover, there is also no morally relevant distinction between a cow and a fish or other sentient sea animal for purposes of treating either as a human resource. We may more easily recognize the pain or suffering of a cow because, like us, she is a mammal. But that is not a reason to ignore the suffering or death of the billions of sentient fish and other sea animals we kill annually.

Abolitionist veganism is the *only* position that is consistent with the recognition that for purposes of being treated as a thing, the lives of humans and nonhumans are morally equivalent. Veganism must be the unequivocal moral baseline of any social and political movement that recognizes that nonhuman animals have inherent or intrinsic moral value and are not resources for human use.

The more people who become vegan for ethical reasons, the stronger will be the cultural notion that animals have a moral right not to be treated as commodities. If we are ever going to effect any significant change in our treatment of animals, and to one day end that use, it is imperative that there be a social and political movement that actively seeks abolition and regards veganism as its moral baseline. As long as the majority of people think that eating animals and animal products is a morally acceptable behavior, nothing will change. We will never find our moral compass concerning nonhuman animals as long as they are on our plates and tables, our backs, and our feet. There may be a larger selection of "happy meat" and other fare for affluent "conscientious omnivores" or "compassionate consumers", but

this will not abolish animal exploitation or do anything other than make society more comfortable with exploitation and thereby entrench it more deeply.

The most important form of incremental change on a social level is creative, non-violent education about veganism and the need to abolish, not merely to regulate, the institutionalized exploitation of animals. Educational efforts can take myriad forms and are limited only by imagination. It is not necessary to have a great deal of money or be part of a large organization to be an effective educator. Indeed, the sort of pervasive social change that is necessary requires a strong grassroots movement where neighbors educate neighbors. The animal advocacy movement in the United States has seriously failed to educate the public about the need to abolish animal exploitation. Although there are many reasons for this failure, a primary one is that animal advocacy groups find it easier to promote welfarist campaigns aimed at reducing "unnecessary" suffering that have little practical effect and are often endorsed by the industry involved. Such campaigns are easy for advocates to package and sell and they do not offend anyone. It is easier to tell people – including, and especially, donors, many of whom are omnivores – that they can be morally conscientious omnivores than it is to take the position that veganism is a moral baseline. That, however, is precisely the problem. No one disagrees with the principle that it is wrong to inflict "unnecessary" suffering and that we ought to treat animals "humanely". But, as two centuries of animal welfare have made plain, these are merely platitudes in light of the property status of animals. We have not come to grips with the basic question of whether we are justified in using animals.

Veganism and creative, positive, non-violent vegan education provide practical and incremental strategies both in terms of reducing animal suffering now, and in terms of building a movement in the future that will be able to obtain more meaningful legislation in the form of prohibitions of animal use rather than mere "humane" welfare regulation. If, in the late-1980s – when the animal advocacy community in the United States decided very deliberately to pursue a welfarist agenda rather than an abolitionist one – a substantial portion of movement resources had been invested in vegan education and advocacy, there would likely be many hundreds of thousands more vegans than there are today. That is a very conservative estimate given the tens of millions of dollars that have been expended by animal advocacy groups to promote welfarist legislation and initiatives. The increased number of vegans would reduce suffering more by decreasing demand for animal products than all of the supposed welfarist successes put together.

Increasing the number of vegans would also help to build a political and economic base required for the social change that is a necessary predicate for legal change. Given that there is limited time and there are limited financial resources available, expansion of traditional animal welfare is not a rational and efficient choice if we seek abolition in the long term. Educational efforts should reflect and be linked to efforts to raise consciousness about human rights issues and the relationship between racism, sexism, and homophobia on one hand, and speciesism on the other.

Finally, vegan advocacy should be nonviolent and stress the importance of nonviolence. Animal exploitation cannot be stopped through violence; animal use is pervasive and engaged in by almost everyone and, therefore, there is no identifiable group of exploiters toward which violence could be directed, even if it were morally justifiable. Those who advocate violence in the context of animal exploitation maintain that it is acceptable to use violence against institutional exploiters, such as farmers, furriers, vivisectors, and so on. But these institutional exploiters do what they do because the rest of us demand that they do so and we respond positively to the efforts of government and industry to encourage us to do so. The responsibility for animal exploitation rests, to a very considerable degree, on those who demand animal products. This includes all of those "conscientious omnivores" or non-vegan animal advocates who consume cage-free eggs and "happy" meat. I suppose that it is easier to characterize farmers and other institutional exploiters as the "enemy", but that ignores the reality of the situation.

As long as there is ubiquitous demand for animal products and no acceptance of the moral personhood of nonhumans, violence will do nothing as a practical matter. If you destroy five slaughterhouses, and the demand for meat remains the same, the demand will be met, and new slaughterhouses will be built (or existing ones expanded). If you shut down a company that supplies animals used in vivisection, but the demand for animals remains the same because the public supports vivisection, someone else will supply those animals. The only way that animal use will stop or be reduced significantly is if the paradigm shifts and demand ceases or diminishes.

Notes

1. See Gary L. Francione, *Rain Without Thunder: The Ideology of the Animal Rights Movement* (Philadelphia, Pa: Temple University Press, 1996).
2. For a further discussion of the issues discussed in this section, see Gary L. Francione & Robert Garner, *The Animal Rights Debate: Abolition or Regulation?* (New York: Columbia University Press, 2010), 4-25.
3. Peter Singer, *Animal Liberation* (New York: New York Review of Books, 2nd ed., 1990), 20.
4. Ibid., 228-29.
5. Rosamund Raha, "Animal Liberation: An Interview with Professor Peter Singer", *The Vegan* (Autumn 2006), 19.
6. Singer, op. cit., 16.
7. For an excellent discussion of the nature of animal cognition and the confusion that it has caused in moral theory about animals, see Gary Steiner, *Animals and the Moral Community: Mental Life, Moral Status, and Kinship* (New York: Columbia University Press, 2008), 1-55; Gary Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy* (Pittsburgh, Pa.: University of Pittsburgh Press, 2005), 18-37.
8. Raha, op. cit., 19.
9. For a further discussion of the role of sentience in rights/abolitionist theory, see Gary L. Francione, *Animals as Persons: Essays on the Abolition of Animal Exploitation* (New York: Columbia University Press, 2008), 129-47, 165-66.
10. "Âkârâṅga Sûtra", in *The Sacred Books of the East: Vol. 22: Jaina Sutras, Part 1,* translated by Hermann Jacobi; edited by F. Max Müller (Delhi: Motilal Banarsidass Publishers, 1989), 19 (footnotes omitted). I recognize that Jainism maintains that plants have one sense – the sense of touch. However, it appears that the way in which the Jains use sentience in this context is different from the way that term is understood when it is applied to mobile, multi-sensed beings. Jains are forbidden from killing the latter but are allowed to kill and eat plants. Therefore, to the extent that Jains regard plants as sentient, they still draw a distinction between plants and other sentient beings.
11. Donald R. Griffin, *Animal Minds: Beyond Cognition to Consciousness* (Chicago: University of Chicago Press, 2001), 274.
12. Ibid.
13. Ibid.
14. Ibid.
15. Antonio R. Damasio, *The Feeling of What Happens: Body and Emotion in the Making of Consciousness* (New York: Harcourt, 1999), 16.
16. Singer, op. cit., 18.
17. John Stuart Mill, "Utilitarianism", in *Utilitarianism and Other Essays: J.S. Mill and Jeremy Bentham,* edited by Alan Ryan (Harmondsworth: Penguin, 1987), 281.
18. For a discussion of conflicts between humans and animals, see Gary L. Francione, *Introduction to Animal Rights: Your Child or the Dog?* (Philadelphia, Pa.: Temple University Press, 2000), 151-62.
19. The property status of animals has been a consistent theme in my work and was the exclusive focus of Gary L. Francione, *Animals, Property, and the Law* (Philadelphia, Pa.: Temple University Press, 1995). See also Francione, *Animals as Persons*, 72-96.
20. See Gary L. Francione & Robert Garner, op. cit., 29-61.
21. See ibid., 51-54.
22. See ibid., 54-56.
23. See Connie Mabin, "Animal-Friendly Labels Appeal to Buyers", *Boston Globe*, February 5,

2007, http://www.boston.com/news/world/europe/articles/2007/02/05/animal_friendly_labels_appeal_to_buyers/.

24. Terri Coles, "Humane Farming Eases Pangs for Some Vegetarians", *Reuters*, Aug. 14, 2007, http://www.reuters.com/article/healthNews/idUSSCH47468520070814?sp=true. See also Megan Lane, "Some Sausages Are More Equal Than Others", *BBC News Magazine*, Feb. 1, 2007, http://news.bbc.co.uk/2/hi/uk_news/magazine/6295747.stm; Christine Lennon, "Why Vegetarians Are Eating Meat", *Food & Wine*, Aug. 2007, http://www.foodandwine.com/articles/why-vegetarians-are-eating-meat; Jenna Woginrich, "My Beef Isn't with Beef; Why I Stopped Being a Vegetarian", *The Guardian*, Jan. 19, 2011, http://www.guardian.co.uk/commentisfree/cif-green/2011/jan/19/vegetarian-animal-cruelty-meat; Jenna Woginrich, "If You Care About Farm Animals: Eat Them", *The Huffington Post,* Nov. 18, 2010, http://www.huffingtonpost.com/jenna-woginrich/if-you-care-about-farm-an_b_785571.html.
25. Gareth Walsh, "Father of Animal Activism Backs Monkey Testing", *The Sunday Times,* Nov. 26, 2006, http://www.timesonline.co.uk/tol/news/uk/article650168.ece.
26. Patrick Barkham, "Alfalfa Male Takes On the Corporation", *The Guardian*, Sept. 8, 2006 (quoting Peter Singer), http://www.guardian.co.uk/environment/2006/sep/08/food.ethicalliving. See also Peter Singer and Jim Mason, *The Way We Eat: Why Our Food Choices Matter* (Emmaus, Pa.: Rodale, 2006), 81-183.
27. Raha, op. cit., 19.
28. See Robert Garner, *Animals, Politics and Morality* (Manchester: Manchester University Press, 2nd ed., 2004), 221.
29. See Francione, *Animals as Persons*, 107-151. See also www.AbolitionistApproach.com for essays and materials concerning the centrality of veganism to the abolitionist approach to animal rights.

Xavier Labbée

The Legal Status of Animals in French Law: A Paradigm Case

How should we define animals? Contemporary French law undoubtedly conveys an evolution concerning the animal's legal status, witnessing the position held by animals in today's society. Are animals just simple objects? Is there nothing more to it than that? Do we not say that animals are man's best "friend"?[1] Do we not sometimes have the tendency, in our everyday language, to personify those animals on which we feed, due to which we occasionally dress up, animals that some people talk to as if to a child, and which sometimes provide a burial for? Some authors wonder whether we should personify animals or not.[2] Others express their hesitations and propose, more cautiously, a reconsideration of the traditional distinction between people and objects. Is it necessary to create a middle category between people and objects, in which animals will find a proper place?[3]

What should we think of these suggestions? If it is true that the relationship between man and animals has evolved considerably, it would seem dangerous for us to mix these categories: in a time where some people want to personify animals, the law on medically assisted reproduction truly objectifies the human embryo. We are in a time of great and serious confusion. It seems that the future of humanity depends on the barrier that should be maintained between people and objects.

Reading substantive French law it seems perhaps that, if it is not necessary to modify the current definition of an animal (see section I), then we should instead reflect on the extent of title that an individual is capable of holding over animals (see section II). Is man really the "owner" of an animal, or is he rather simply the "master"?

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I. The Definition of an Animal

Since 1804 civil law has been distinguishing between the rights of persons (concerning which rules are defined in Book 1 of the *Civil Code*), and the rights of objects, or of different types of property (both defined in Book 2). This distinction between persons and objects has been long tried and tested: it already existed in the Roman law and resurfaced once again through the mists of time. There is no middle category, in which animals might be classified. We cannot fail to notice that today animals are not classified as persons (a), but as movable objects (b).[4]

a) *An animal is not a person*

A person is the being on which law bestows the quality of *subject of laws*, which is a collection of subjective rights *brought together in a patrimony*. Currently this quality is granted to natural persons from their birth and on (though not before), until their death (though not thereafter). These natural persons may either be capable of exercising the rights to which they are entitled, or they may be incapable of exercising them (in which case a representative for them is appointed by law or by a judge). The quality of a *subject of laws* is also granted to groups of natural persons that come within a legal definition (such as non-trading companies, trading companies or partnerships) and which are known as *legal entities*, because they have no physical medium.

We can see that being biologically alive may not alone determine the granting of legal status: groups of individuals are not in themselves biologically living persons. No more does having a body guarantee such a status. The quality of *subject of laws* is abstract and intangible, and its application depends on the mercy of the legislator: it is basically the judicial translation of the notion of a soul.[5] At one time in France slaves in colonies (concerning whom everyone agreed that they were human beings) were considered to be movable objects, or items of property. Their legal treatment was defined in Colbert's *Code noir*, which was written in 1685.[6] They were refused the quality of *subject of laws* and had to wait for the introduction of a new law in 1848 recognising their legal status. It is therefore possible to own a living thing, if this object has not been granted the quality of *subject of laws* by the legislator.

Currently animals are not *subjects of laws* (and neither are human embryos). Consequently this means that, for example, they cannot receive generous gifts.[7] If animals are sometime in the future to become persons it

falls to the legislator (and him alone) to say so, because by virtue of Article 34 of the Constitution, it is only the legislator he who grants legal status to those he deems worthy of entering the judicial scene. Technically it would not be judicially impossible to allow one class of animals or another to pass into the category of subjects, if this is the wish of the legislator, at whose discretion lays such a privilege. We could imagine that such a defined category of animals would create a new category of ineligibles. Animals would therefore then hold a position comparable to someone under guardianship. But this task of personifying returns to the legislator, who since now seems to be reluctant to undertake this role, since animals are still defined as movable objects.

b) *Animals are movable objects*

Objects are subject to a distinction described in the first chapter of Book 2 of the *Civil Code*, and this definition of an animal has not really changed since 1804. According to this definition animals are simply instruments. They are (1) movable objects, and (2) their legal status is decided according to the law of objects.

(1) *Res mobilis*. Firstly Article 516 does not leave much doubt: "all objects are either movable or immovable." There is no exception; therefore there is no place for a third category of objects. The *Civil Code* places animals in the category of movable objects (without any further details). Article 528 informs us that "animals are movable objects by their very nature and by their bodies, which enable them to move from one place to another". Animals are therefore movable objects, though they can become immovable by destination if they are affected "in service or in the generating of funds" (Article 524). The same principle also applies to "animals used in farming... pigeons in dovecotes, warren rabbits". The theory of immobilisation by destination is derived from the rule stating that "the accessory follows the principal". An accessory movable object of an immovable object will therefore receive the same legal treatment as the immovable object. However we see that, in applying this rule, jurisprudence has created the theory of *personification by destination*. The Lille tribunal, for example, defined a blind person's guide dog as a *visual prosthesis*, and an element of that person.[8] An animal or an animal graft (a *xenograft*) serving a person can therefore be classified as a *person by destination*.

It is interesting to compare this definition of an animal as a movable object with the definition provided by the *Rural Code*, according to which animals are *sensitive beings*.[9] We notice that being a *living being* does not

stand in the way of the definition of a *movable object*... and we can only think back to Colbert's black slaves and to frozen embryos. A living thing which does not have the quality of a *subject of laws* is simply an *object*.

(2) *Res derelicta.* The *Civil Code*, which still implements this common law of objects**,** goes on to inform us that wild animals – *objects of law* – are capable of belonging to the first occupier just like all *objects without masters*.[10] Barnyard animals do not fall within this category: they continue to belong to their master even if *he has lost sight of them*.[11]

Jurisprudence uses the definition of *objects of a personal nature* to classify pets over which people sometimes claim custody during divorce proceedings (just as people can demand the handing over of objects of any nature), and also to justify the awarding of damages in compensation for any moral wrongs suffered over the loss of a pet.[12]

Summarizing, animals are objects. Should we therefore deduce that these objects are items of property? Nothing is less certain.

II. The Nature of the Law Over Animals

The right of property is defined by the *Civil Code* as "the right to enjoy and dispose of objects in the most absolute way, provided that objects are not used in any way that is prohibited by law and regulations". The term *absolute* characterises the extent of a title: an owner can – apart from under the legal exception – do whatever he wants with objects in his property. He can sell them, give them away, rent them, exchange them and even destroy them.

As for animals, we can see that the legal exceptions to the absolute nature of the right of property are extremely important... and so we come to a point where we have to ask whether man is (a) really the owner of an animal, or, otherwise, if (b) this right exercised by man over animals is reduced in nature.[13]

(a) A limited right of property?

French criminal law[14] is indicative of the reluctance of judges to recognise *abusus* of owners, at least towards all pets (that is animals that we can sometimes say that are *personified*). First and foremost, *ill treatment* and *acts of cruelty* are reprimanded when committed on "pets, tamed animals or on those in captivity" (the notion is clear: untamed animals are not protected).[15] There is an exception which is more and more contested concerning cockfights and bullfights (Art. 521-1 of the *Penal Code*). It is also forbidden to neglect "pets, tamed animals and those in captivity".[16] In

short, any *ill treatment* and "voluntary or involuntary attacks on the life" of "pets, tamed animals or those in captivity" constitutes a relevant breach for the magistrates' court.[17]

Pets therefore create a category of specific objects that an owner cannot destroy, at least without being accorded proper punishment. *Abusus* is therefore partially removed concerning this category of animals.

All animals without exception are protected by criminal law against "scientific experiments or research", which do not conform to the "limitations defined by decree".[18] However, men are equally protected from animals which are "dangerous or potentially dangerous", since Art. R 622-2 of the *Penal Code* punishes "all keepers of animals which are likely to present a danger" that they "allow to stray". There are therefore obligations imposed to all keepers of animals. It can be seen that this responsibility falls on the *keeper*, and not on the *owner*; these terms as far as the law is concerned are neither identical, nor tantamount.

For its part, private law also reduces individuals' prerogatives over animals by supervising breeding processes and ways of selling and giving away animals in a very strict and detailed manner. For instance, one cannot sell an animal in whatever way possible and to whomever; the law is clear on that, and hereupon we realise that pets are not just simple objects. For him who chooses to take responsibility for such an object, there is a sequence of obligation and duties.[19]

These exemptions from *abusus* are such that we may question whether an individual really exercises the *right of property* over an animal, or if this title is not actually more reduced. What if it is a right of the user?

(b) A simple *right of user*?

The right of property is not the only title that man can exercise over objects. Some more reduced titles do exist, and are defined by the legislator. For example, we know about *usufructers* and *bare owners*. We also know about the right of users. Article 714 of the *Civil Code* sets out a specific right of user over "objects in common which do not belong to anybody", and over which "everyone has the right of user".

This Article tells us that there is a category of objects which cannot belong to any natural person or legal entity (probably because for some of these objects would only belong to God alone, or to Nature and the Humankind for others). We also speak of Natural Heritage Sites**,** *as if Nature was a person*... The doctrine habitually gives air and water as examples of objects in common, but also fish and crustaceans from the sea.[20] Why stop there? It seems that all things deriving from natural Creation could be

classified as *objects in common*. It also seems that we are justified to reserve the idea of property solely over objects created by man.

Man should only be able to acquire the title of *user* over animals, leaving Nature the only *bare owner* of animals, an owner who would allow man the right to use animals in exchange for a set of duties placed upon him. Therefore it is clear that man cannot do whatever he wants with the animals he has a right over, just as the *usufructer* must look after the object belonging to the *bare owner* without destroying or neglecting it. *This concept which makes animals a Natural Heritage Site consequently defines Man's exact place within Nature and his role regarding Creation***.** This definition does not contradict the nature of a movable object, which Law grants to animals.

This specific *right of user* could be classified as *custody* (a notion already known in civil and criminal law), or as *control*. This *custody* which we should allow would be different from the *right of property*: it would summarise the rights man has over animals, as well as his obligations towards them. The *Book of Genesis* does not say anything far different about this: after having created "the great sea monsters and every living creature that moves… God said 'Let us make man in our image, after our likeness: and let him have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth'". Man was created in God's image. He holds a privileged position in Nature, over which he has *dominion*. And so it is Man, appointed by God, who was called to "give names to all cattle, to the birds of the air, and to all the beasts of the field". The word *dominion* can be found in the *Book of Genesis*, and is certainly not a synonym of *ownership*, because animals were not created by Man. Does it not evoke the concept of *control*, *which seems to be implicit in contemporary law*? In any case it allows us to understand that animals, which are not only objects, are not entitled to subjective rights, and that Man, bound to respect Creation, is also bound by a certain number of duties owed towards animals.

Notes

1. Florence Burgat, *Animal mon prochain* (Paris: Odile Jacob, 1997).
2. Jean-Pierre Marguenaud, *L'animal en droit privé* (Thèse Université de Limoges: PUF, 1992); cf. id., "La personnalité juridique des animaux", *Recueil Dalloz* (1998): Chronique 205; also Suzanne Antoine, "L'animal est il une chose?", *Gazette du Palais* (1994): 594, Doctrine 1.
3. A legislative bill was presented by Suzanne Antoine on 10th May 2005, with the aim of establishing a new legal status for animals.
4. Jordane Segura, *Animaux et droits: à la recherché d'un statut* (Thèse Nancy, 2006).
5. "La vie humaine mise sur le marché" (Colloque Lille Mars 2002, LPA, numéro spécial,

Octobre 2002).

6. cf. Jean-Louis Harouel, "Le code noir", in *Abolition de l'esclavage, Mythes et réalités créoles* (Paris, 1998); also Philippe-J. Hesse, "Le code noir et la définition de l'esclavage", in *Actes pour le colloque international pour le tricentenaire du code noir* (Nantes, 1985).
7. Philippe Malaurie, *Les personnes – les incapacités* (Paris: Editions Defrénois, 2005), 1.
8. "Tribunal de Grande Instance de Lille", *Recueil Dalloz* (1999): 350; Note Xavier Labbee, "Le chien prothèse", in *Répertoire Defrenois* (1990): art. 37 048, Note Philippe Malaurie. As a result of a traffic accident, a blind person's guide dog was injured. The tribunal in Lille classified the dog as a "visual prosthesis" so that his owner could be compensated as if it was an attack on the person himself.
9. 10th of July 1976 Law, Art. 9: "All animals that are sensitive beings should be kept by their owner in the comfortable conditions which are necessary for their species."
10. *Code Civil*, Art. 564: "Pigeons, rabbits and fish which cross over respectively to another dove house, warren or body of water… belong to the owner of these objects provided that they were not lured there by fraud or by trickery."
11. *Code Rural*, Art. 211-4 (ord. 2000 550 du 15th June 2000).
12. Considered independently from the material loss that the death of an animal brings (in this instance the horse "Lunus"), the death of an animal can also be a cause of hurt for the owner of a personal/subjective and emotional nature, which is capable of giving rise to the need for compensation. [Cour Cassation 1ere Chambre Civile 16 janvier 1962, *Recueil Dalloz* (1962): 199 Note Rodière. Sirey 1962 281 Note J. Foulon Piganiol].
13. cf. Lucille Boisseau Sowinski, *La désappropriation de l'animal* (Thèse de Limoges, 2008). The author attests that the right of property is inappropriate for animals and instead proposes the creation of a new title for animals.
14. cf. Wilfrid Jeandidier, *La protection pénale de l'animal* (Paris: LITEC, 1992), 83ff. Penal law punishes those who mistreat animals: see Loi GRAMMONT, 2 Juillet 1850, *Code Pénal*, art. 521-1: "as for bullfighting, permission might be deemed justifiable due to an uninterruptible local tradition." Article 521-1 of *Code Pénal*: "bullfighting events benefit from immunity by virtue of being a continuous local tradition." Jurisprudence favours *aficionados*; cf. for example Nimes 1st December 2000 JCP Ed G. 2002 n°10016 Note Montredon Cour de Cassation. Chambre Civile 22 Novembre 2001 JCP 2002 n°10073 Note Daverat. P. Soubelet, "Corridas: the confusion over the notion of a continuous local tradition", *Le Dalloz* 29/7082 (2002): 2267-2268; J. M. Lattes, "Mano a mano juridique sur la notion de tradition locale ininterrompue", *Recueil Dalloz* 41/7006 (2002): 3083.
15. Untamed animals cannot be considered like tamed ones. Instead, more like a stag living in total liberty and which, hunted by hounds, finds itself unable to escape once surrounded and is brought to its death. [Cour de cassation Chambre Criminelle 22 Octobre 1980 Bul Crim n° 265, *Gazette de Palais* (1981) 1 383 Note Alauze]. Pheasants which are raised in a pen and which are then released into nature for them to be hunted can be considered to be tamed. [Cour de cassation Chambre Criminelle 25 Février 1981 JCP 1981 II 19621 Note Malafosse].
16. Art. 521-1 of *Code Pénal*: "the fact that, publicly or not, abusing an animal seriously or in a sexual manner, or committing an act of cruelty on a pet, tamed animal or on an animal held in captivity is punishable by two years imprisonment and by a fine of 30,000 Euros. In cases where the owner of the animal is sentenced to imprisonment, or if the owner is unknown, the tribunal gives a ruling on the fate of the animal, whether or not it was placed in care during the course of the judicial procedure. The tribunal can order the confiscation of the animal and declare that it will be sent to a foundation or to an officially recognised organisation for the protection of animals."
17. Art. R 653-1 of the *Code Pénal*: "Mistake, carelessness, lack of attention or breaches of

negligence imposed by the law, or causing wounds or death to a pet, tamed animal or an animal held in captivity is punishable by a level-3 fine." Art. R 654-1 of the *Code Pénal* states that "to unnecessarily mistreat a pet, tamed animal or an animal held in captivity, publicly or not, is punishable by a level-4 fine".

18. Art. 522-2 of the *Code Pénal*: "The fact that you cannot conduct scientific experiments or research on animals which do not conform."
19. The transfer of animals and animal products is covered by Art. L 213-1 and the following Articles of the *Rural Code*. For example, it is stated that "dogs and cats, prior to their transfer" must be identified (Art. 214-5 of the *Rural Code*), that transfers are forbidden in "funfairs, flea markets, markets, fairs and exhibitions" (Art. 214-7), and that a "certificate of transfer" must be handed over (Art. 214-8). The management of animal sanctuaries or of a breeding establishment must be authorised by a declaration of the Prefecture. The granting of the Prefecture's authorisation is subject to various conditions (Art. 214-8).
20. Gwenaëlle Proutiere-Maulion, "L'évolution de la nature juridique du poisson de mer", *Le Dalloz* 43/7008 (2000): 647, Chronique; see also Remond Goulloud, "Ressources naturelles et choses sans maître", *Recueil Dalloz* (1985): Chron. 27.

Evangelos D. Protopapadakis*

Animal Rights, or Just Human Wrongs?**

Reportedly ever since Pythagoras, but possibly much earlier, humans have been concerned about the way non human animals (henceforward "animals" for convenience) should be treated. By late antiquity all main traditions with regard to this issue had already been established and consolidated, and were only slightly modified during the centuries that followed. Until the nineteenth century philosophers tended to focus primarily on the ontological status of animals, to wit on whether – and to what degree – animals are actually rational beings; accordingly they allowed – or denied – them some kind of moral standing. This *modus operandi* was for the first time seriously questioned by Jeremy Bentham, who put the issue on a different track. If the question, as Bentham suggested, is not if animals can think or speak, but if they can suffer[1], then it seems plausible that moral agents *ought to* abstain from inflicting unnecessary suffering on animals; in other words, humans might have at least *one* – even limited – *moral duty* towards animals. And if this, in turn, is true, then animals should arguably be allowed the commensurate *moral right*, namely the right not to be inflicted unnecessary pain. Then, if animals possess *this* right, they could probably possess *others*, as well. This is how *grosso modo* the issue of animal rights became a pivotal part of the discussion concerning animal ethics. Bentham himself, of course, wouldn't have gone that far; to him even the idea of *human* rights sounded like "simple… rhetorical nonsense upon stilts".[2] It was mostly due to his views, however, that the debate was moved from the way things *actually are* to the way things *should ideally be* – thus merging into what, in my view, should always have been: one primarily concerning ethics.

I. Introduction

The case for animal rights officially opened in 1792, mostly as a practical joke. It was then that Thomas Taylor decided to parody Mary

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Wollstonecraft's *A Vindication of the Rights of Women*[3] by means of anonymously publishing his own *Vindication of the Rights of Brutes*[4]. The main idea was that if women *could* be allowed moral rights, then – on exactly the same grounds – brutes *should* also be granted rights; this, however, in Thomas Taylor's mind was simply ridiculous. Judging from what followed, one can tell that if there is any transcendental entity, a *Geist* that moves the strings of history, it surely is a witty one, and at that time it obviously was in a rather hilarious disposition towards poor Thomas Taylor. Not only did Taylor fail to lead the original debate to a *reductio ad absurdum* according to his initial intention, but he also ignited a new issue, one he never intended to: the case of animal rights. Both issues soon acquired a *momentum* Taylor could not have anticipated: nowadays the view that women indeed have – not the *same* with men, but *equal* – rights is beyond dispute, and it no longer seems ridiculous that animals might be acknowledged some rights on their behalf, as well; it took the seed Taylor planted less than two hundred years to sprout. As Heraclitus once said, time is a child playing dice.[5]

Although the argument by analogy Taylor employed was indeed preposterous – since the alleged similarities invoked concerning the moral status of women and brutes are totally arbitrary –, in this short essay I will endeavor to do him some justice, though only with regard to the first part of his implicit analogy, the one that refers to the moral rights of brutes. I will maintain that animals by virtue of their nature can not be *active* members of the moral community (moral agents), but only *passive* ones (moral patients); hence, since moral rights are nothing but moral claims that require and presuppose *agency*, animals are not suitable to be attributed with moral rights. Therefore, humans are not just the *par excellence* right bearers, but the *only possible ones*. Nevertheless, I will argue that this view does not necessarily imply that humans actually do not have certain duties *towards* or *regarding* animals, since moral duties are not owed to moral agents alone, nor do they always answer to a correlative moral right, although a moral right might always entail – and be commensurate to – a specific moral duty. In other words, even if – in my opinion, at least – animals are not moral agents and, hence, not qualified to be considered as genuine bearers of moral rights, there seems to be no plausible reason why they should be totally deprived of moral status and excluded from moral consideration. Moral agents can perform either virtuous or vicious

deeds regarding animals; therefore, they can be morally praised or blamed accordingly.

II. Do Animals Have Rights?

In everyday speech one can explicitly or implicitly refer to the rights of an individual animal – or of all animals in general – without being worried lest he or she should commit some fallacy, or enter a controversial debate. For instance we often say that this or that poor creature has a right to its life or its well being, so we have either to leave it alone, or help it through some situation that threatens it. Sometimes we tell off our dog for wetting our precious carpet, yelling that it had no right to do such a thing, something that seems to imply either that the dog *could be allowed* this specific right, or that it *is actually allowed* other rights, but not this one. By these, of course, we are not choosing sides in the debate concerning animal rights; we are just indulging in the convenient vagueness of everyday communication. But this is only the *language of man*, according to Maimonides' distinction.[6] In the language of ethics the term *moral rights* – when used with reference to animals – becomes a highly controversial one. In my opinion this is mainly due to the very essence of ethics, as well as to the precise import of this particular notion, *moral rights*.

Ethics is not a spontaneous structure, nor is it of transcendental or metaphysical origin, at least as far as secular ethics is concerned. On the contrary, it is a social institution based on mutual acceptance, a covenant by which individuals are freely and deliberately contracted to other individuals, in order to improve the quality of their lives. Hence, ethics can apply only in the context of a given society – or in that of several ones, as far as their members have agreed to adhere to the same covenant. In nature, however, no such agreement can have any force. Therefore, ethics applies to social beings that are placed in some society, and not to just natural ones. It is true that human societies are not the only ones, nor are humans the only social species; as early as Aristotle it is known that animals such as wolves, bees and dolphins form societies, as well.[7] However, animal societies seem to function in the absences of any ethics-like institution; instead they seem to be determined only by instinct and the laws of nature.

Therefore, ethics is an institution that is created *in the context of*, *by* and *for* human societies, and only in such a context it is intelligible, applicable and valid. If humans were miraculously to vanish from the face of earth, or if they suddenly were made unable to form societies and come to mutual agreements, no ethics would exist. It could not be otherwise, since ethics stem from one's need to be provided with guidance when one

is on the horns of a dilemma; that is, of course, not of any dilemma, but one that is not addressed either by law or by a *strong impetus* (by this I refer to passion in the Stoic sense, to wit to an irrational motion of the soul, an impulse in excess[8], such as extreme love and hatred, as well as instinct). Since a moral dilemma is nothing more than a moral question of at least two possible solutions, there has to be *an individual* that is *aware* of the fact that there is a question, that *understands* its meaning, *is able to distinguish* the alternatives in addressing it, *is concerned* about which one it opts for, and *is* also *free* to choose one of them.[9] An individual that manages to meet with all the above requirements is – at least *prima facie* – eligible for being awarded the ambiguous title and office of a *moral agent*, and allowed *an active part* in the moral community. This individual obviously can only be a human one, since animals are mainly moved by this strong impetus – could it be instinct, or the laws of nature, or anything of the kind –, and they never seem to be on the horns of any dilemma. To be eligible for moral agency one should be able to autonomously make moral judgments and freely act with reference to – but not necessary in accordance with – what he or she thinks right or wrong. It is obvious that these *a priori* demands limit moral agency to humans, and all the more so, not to all humans, but only to those that meet with these specific requirements.

The covenant of ethics is an ineffable pact or agreement among moral agents who belong to a moral community, share a common idea of what is right and wrong, and have voluntarily agreed that the former should be preferred to the latter. As active parts of this contractual agreement, moral agents can impose certain claims as just or due towards other moral agents; these claims in the language of ethics are usually referred to as *moral rights*.[10] It is only by virtue – and in the context – of the covenant of ethics that moral agents can make moral claims towards others, to wit claim moral rights; and only in the context of this very agreement violating the rights of moral agents is morally wrong, since it means transgressing an already agreed covenant. *Sequitur*, it takes a moral agent to violate another moral agent's rights, since only the former would have been able to enter into a contractual agreement with another moral agent in the first place. At the same time, only a moral agent's rights may be violated, since he or she might also in the first place have engaged others in this mutual agreement. Obviously animals do not enter into agreements on a par with humans, so they are not eligible for moral agency and, hence, for being bestowed with moral rights, exactly as they are not bound by moral duties towards anybody. In that respect animals can not be praised or blamed for respecting or violating a moral agent's right (this, I think, is a commonplace), and a moral agent can not be

just or unjust *towards* an animal, but only *regarding* it.[11] Animals actually have no idea of this peculiar pact, the covenant of ethics, which conditions human societies: they have never stipulated anything, nor will they ever. If it was the other way round, a lion that savors the reckless wonderer in the savannah would be doing him or her wrong or injustice. However, it does neither; it just has its meal. It is entirely meaningless to talk of *morally bad* animals: they can perform no morally bad deeds, for they can perform no good ones either.

If only human beings can qualify as active members (moral agents) of the moral community – one that is being conditioned by a specific moral agreement –, it follows that only humans can either claim or violate moral rights. *A fortiori*, since moral rights are just plausible demands towards other members of the society – the satisfaction of which is claimed as due on the basis of an already endorsed contractual agreement –, if one is to be attributed with moral rights, one needs at least be aware of (i) the existence and the validity of such an agreement, (ii) the fact that one has freely and voluntarily contracted one's self to others, and that others have done exactly the same, (iii) one's potentiality of abiding by or violating this agreement, and others' commensurate potentiality of doing exactly the same, (iv) the fact that one's claim is righteous and reasonable due to the existence of this contractual agreement, which will be violated if his or her claim is not satisfied. In other words, when one says: "I have a right to my life", one means: "You and I, on a par with all members of the community we live in, have *a priori* and ineffably agreed to respect each other's life, and this agreement you are now about to break; you have the option and the capability to do this, but thus you will be breaching the contract, and this is unacceptable". This, of course, calls for two or more *enlightened consciences* that are aware of the facts and understand the terms used; this necessarily leaves animals out of the discussion concerning moral rights.

It is often argued that animals – that is, *some* animals, primarily higher primates – should be granted rights because they seem to have preferences, or because they have an autobiographical sense of their self, or just because they are sentient beings capable of feeling pain and pleasure. In my opinion, however, and apart from what I have already argued, rights are not suitable for beings that just happen to have preferences, are capable of suffering or have an autobiographical sense of self. Instead, moral rights are a tool of ethics forged for moral agents alone, to wit for social, sentient, self aware, rational beings that are capable of entering into contractual agreements *in order to condition their preferences* according to predetermined patterns of behaviour. Proper subjects of moral rights – more than being capable of

preferring pleasure from pain and life from death – should be able to *claim*, reserve themselves or even *disclaim* their rights. On the other hand, I do not see what kind of a moral right is one that can not be claimed, reserved or disclaimed; unless we are discussing another, *a different type* of moral rights, an "as if it were" one. For I feel that a right that can not be reserved or disclaimed is no more a right, but either a duty or an obligation; and again, if it can not be claimed, it surely lacks its necessary binding force and becomes something like wishful thinking or a veiled prayer.

It is true that we often seem to acknowledge rights to human beings that can neither claim, nor reserve themselves, or disclaim their moral rights: to individuals in a permanent vegetative state, to madmen, to fetuses and infants, even to the deceased and the generations to come. This, however, could only be due to some kind of *psychological inertia*: the corpse once was a moral agent, the madman occasionally resembles one, and the fetus or infant will surely become one. However, one can only admit that the comatose patient, the madman and, more evidently, a carcass, are by no means moral agents *anymore*, hence they can not be deemed the possessors of any moral right; on the other hand, the fetus, the infant and the generations to come are not *yet* moral agents, although they will probably become such. Unless moral rights are to be taken as properties human beings *a priori* possess *irrespective* of their situation, and not as *a posteriori* attributed to humans *because* of their situation, it is obvious that in all the above mentioned cases there can be traced no moral agency and, therefore, no moral attributes such as rights. Resembling a moral agent, having once been or going to be one are neither sufficient nor necessary conditions for enjoying moral agency: these are only borderline cases for ethics, and a border is where the picture either fades out or ends.

Moreover, having preferences, being sentient or alive (and, at the same time, aware of the fact that one is alive), is not a morally significant reason for granting one the right to satisfy one's preferences or to preserve one's life. Arguments of that kind seem to suffer from the so called naturalistic fallacy: they seem to be defining what *should be* – or what moral agents *ought to* do – on grounds of natural properties, to wit of what actually *is*. Some animals indeed seem to have preferences; when their life is being threatened, they seem to strive to preserve it, hence one could reasonably infer that they prefer to stay alive than to perish. From the same point of view oysters also seem to have preferences; they firmly attach themselves to some rock, and resist any attempt to be removed from their environment. Even some plants seem to have preferences: the sunflower clearly prefers to follow the orbit of the sun in the sky; it also spreads its roots deep into the ground, etc. These,

of course, are not sufficient or necessary conditions for granting either the sunflower or the oyster *the right* to satisfy their preferences. It is true, oysters and sunflowers do not seem to have an autobiographical sense of their self, while some animals, especially higher primates, do. Could this be a reason for ranking those animals' preferences higher than the ones of other creatures? Surely, but then this would also not necessitate that animals are granted the right to satisfy these specific preferences solely on the grounds that they have them, unless the naturalistic fallacy should be welcomed in the debate. Consider that humans, the *par excellence* animals with preferences and an autobiographical sense of themselves, are not granted the right to satisfy their preferences just because they have some, but only because it is anticipated as righteous to have a specific preference satisfied, to wit because the common agreement of ethics allows for – or necessitates – such a satisfaction. The person on the death row surely is aware of what is going to happen to him or her and prefers not to be executed, but this awareness together with his or her preference does not remit him or her to any moral right. Obviously, even with regard to genuine moral agents it takes more than that: respect for their life and the satisfaction of their preferences are subject to the rules of a pre-existing agreement. Being alive, self aware or sentient means not that one has the right to remain alive, or not to experience the stress of imminent death, or not to suffer. The only condition that necessitates that one *has the right* to avoid such untoward situations is that one belongs to a moral community that allows him or her such a right as due. But, as already argued, this calls for moral agency. Animals, comatose patients, madmen, fetuses and infants are only *moral patients*; they cannot enter into contractual agreements and, hence, they can claim nothing, not to speak of moral rights.

III. Do Animals Need to Have Rights?

In my view, were it not directed to a righteous and virtuous purpose, the debate over animal rights would be a theoretical one meant only to provide intellectual satisfaction to some peculiar guys, the philosophers. This wouldn't be the first time philosophers indulged to abstract mind games; actually this is a part of what they are expected to do. This debate, however, is of obvious tangible significance and of practical purpose. Most of the philosophers who engage themselves in this prickly discussion do so because they *ex hypothesi* hold that granting moral rights to animals is a sufficient and/or a necessary condition for upgrading the animals' moral status in such a degree, that it would become imperative for humans to extend moral consideration on animals, and thus secure their decent and

respectful treatment by totally eliminating callousness and cruelty. This is a plausible reason for supporting the case for animal rights; however, it seems to be the only one: even the most fervent champion of animal rights would promptly denounce his or her views if this could guarantee the abolition of meat eating, the interdiction of vivisection, and the unanimous moral disapproval and rejection of the maltreatment of animals in general. Since, however, this doesn't seem to be the case, the champions of animal rights hold that to achieve these goals, there needs be a morally convincing argument based on a strong claim; and no claim is stronger than that which is substantiated into an irrefutable moral or legal right. If restoring the moral status of animals is the final destination, then ascribing rights to animals looks like the *via regia* towards it. In my opinion, this view would – even *arguendo* – stand if moral rights were actually the only – or the most important – prerequisite, a *conditio sine qua non* for moral respect and kind or decent treatment. Or, conversely, if lack of moral rights necessarily rendered every being prey to "the caprice of its tormentors". Nevertheless, in my view neither is the case.

This is because – unlike rights that, as I have already argued, are reserved only for genuine moral agents –, all beings (and often even mere "things") are eligible for moral consideration, respect and decent treatment, on condition that ethics makes allowance for – or dictates – this. Whether or not ethics allows for or necessitates moral consideration is only subject to the *consensus* of moral agents. Most of the time, actually, moral consideration, concern or respect seem totally unrelated to claims such as moral rights are. Nobody seriously argues, for example, that the Grand Canyon or Michelangelo's *Pietà* have a good of their own, one that they can claim as due; both, however, are highly respected and eagerly protected by normal moral agents. These "things" just do not need to have rights to have their "wellbeing" guaranteed. The same applies not only to natural and cultural heritage, but also to humans. Achilles denied the dying Hector of Troy the right to a proper burial; Hectors' corpse, however, (finally) earned much more respect by his enemy. But there is no need to dig into sagas in order to document the view that rights are not a *conditio sine qua non* for moral consideration or respect. Let us just focus on humans that are not *yet*, or are *no more* moral agents, and, therefore, no bearers of rights: comatose patients, madmen, the deceased and fetuses. It is manifest that in these – borderline for ethics as well as for the law – cases, there is no self-awareness, nor rationality, nor sentience; in a word there is no conative life. In the absence of conative life there can be no interests and, hence, no good of one's own, the achievement of which could be one's due.[12] Obviously, in

cases as such there can be no claimant and, therefore, no claim. However, even the most ardently rights-focused ethicist would not dare suggest that this is an excuse for moral agents to make use of these creatures according to their "caprice".

As to patients in permanent vegetative state, for instance, it is morally impermissible – even more, it is abominable – to have them stored one on top of the other, even if this would make space in crowded intensive care units for patients with much better prospects of survival. Furthermore, moral agents ought not to leave them exposed, experiment with them or dress them up in funny ways to create a less regrettable atmosphere. They are even not justified to address them improperly, despite of the fact that neither this, nor anything from the previously mentioned would make any difference to a comatose patient. Even when there is no family or friends nearby – or at all –, all these apply no less: moral agents are supposed and expected to abstain from behaving in indecent ways to comatose patients, and this is not due to some duty owed to the patients' friends or relatives, but due to one owed directly to the patients themselves. Obviously, in the case of comatose patients with no relatives, even if there is a right to be claimed, there is still no one to claim it; this, however, does not make moral agents feel less bound by compelling duties towards or regarding comatose patients. The deceased, on the other hand, are the *par excellence* no-right-bearers; however, moral agents usually feel morally urged to give them all due honors, even if they are sure that this means a lot of trouble to them and no relief or satisfaction for the dead body. That is not, of course, because moral agents believe that a corpse *has* the right to a proper funeral, or to an eloquent obituary. Actually, a corpse is not anymore capable of having anything at all. But this makes no difference, obviously because apart from rights, the covenant of ethics is also about duties, obligations, principles, rules etc. Ethics is a prescriptive faculty, not a descriptive one. This means that irrespective of whether a being actually is the possessor of rights or not – and regardless of its overall status –, ethics might no less compel moral agents to act in a certain way towards it and avoid others that seem improper or indecent. Corpses and comatose patients *do not have to have* rights to be respected; moral agents *just have to feel* that they ought to be respected. Actually, corpses and comatose patients are treated a lot better than animals, and this, despite the fact that no debate over corpses' or comatose patients' rights was ever seriously held.

As for fetuses and infants, although there is a highly controversial ongoing debate concerning whether fetuses have rights or not, no one really questions the view that moral agents have certain duties towards – or

regarding – fetuses. A fetus or an infant *stricto sensu* can not be deemed the bearer of moral rights – but only a *future* or a *potential* one, since for the time being it lacks all the necessary features of a moral agent. As Bentham had noticed, "A full grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, a week, or even [a] month old."[13] Irrespective of this, the woman who carries her fetus – of course as long as she has decided to maintain her pregnancy – has certain duties towards it: she ought to quit smoking, abstain from extreme sports, visit her doctor frequently and even trade her Beethoven records for Vivaldi ones. Her family and social background, at the same time, ought to do certain things to protect her pregnancy, and abstain from others that could harm the fetus. Unborn fetuses are surely being treated with much more respect than full grown horses, despite the fact that both never endorsed any contractual agreement, they have no good of their own, they are not self aware and in no position to make claims to decent or proper treatment on the basis of any covenant. The same applies with regard to madmen, to patients suffering from the Wernicke-Korsakoff syndrome, to retarded people etc. It seems that being included in moral concern or consideration and, hence, being treated decently, kindly and respectfully does not presuppose the possession of rights. The moral status of a being is surely enhanced and enforced if it is granted rights; but then, not everything that needs having its moral status enhanced can – or needs – be acknowledged moral rights. One of the tracks that lead to enhanced moral status and moral consideration surely passes through the moral rights' territory; but there is not only one track to this destination.

Moral concern is not reserved for moral agents alone, because ethics is not about moral agents alone; it is equally about *moral patients*, entities such as non-sentient human beings and mere "things". May it be that animals are not suitable to be deemed right bearers; does this necessitate that they can be treated callously or cruelly? If one feels like answering positively to this question, then he or she still has to prove that moral agents actually *do have the right or are otherwise morally justified* in treating animals callously or cruelly.[14] For even if a cow might not have a right to her life or to decent conditions of living, humans could still be *unjustified* to butcher it, or impose on it indecent conditions of living. This could well be not due to some right the cow allegedly possesses, but only due to a certain duty of ours towards either the cow, or to ourselves, or to humankind. Rights, it is true, entail certain duties that are correlated and commensurate to them. Nevertheless, duties are not necessitated exclusively by rights; they are also initiated by *strong moral sentiments* or by some kind of *moral intuition*. In

other words, as I previously argued, humans could – and often they actually do – prescribe to their species moral duties towards animals, exactly as they extend their moral consideration to the *Pietà* or the Grand Canyon, despite the fact that nobody acknowledges moral rights to natural formations or works of art.

This could plausibly be objected on the grounds that moral duties actually are not owed to entities such as the *Pietà per se*, but *regarding* them, or in *indirect relation* to them: moral agents have the duty to respect and preserve natural and cultural heritage not for its sake, but for the sake of other humans, the future generations included. To this I will not object. However, apart from this, there still seems to be some *transparent moral duty* towards these entities *per se*, one that significantly matters with regard to their moral status to such an extent that, if it is left out of consideration, the discussion seems a bit sketchy. Moral agents, for instance, have duties in relation to things that either are others' property, or of which others are the direct or indirect beneficiaries. There is a certain duty, for example, to respect your neighbors' yard and keep your dog from digging holes in it, for this would be a nuisance to your neighbor. If, however, everybody but you had abandoned the town for ever, every yard would be an ideal playground for your dog. That is, for the last man in town all duties towards other people's property would have vanished together with the owners or beneficiaries of these assets. Could we infer that the same would apply in the case of the last man on earth and all natural or cultural heritages? If everyone on the planet had died due to some virus to which only you and your dog were miraculously immune, you would probably still keep your dog from trimming its nails on the *Pietà*, although there would seem to be nothing morally wrong about it anymore, since nobody's interests would be damaged. The *Pietà* seems to have a value on its own, one that is independent from its usefulness to moral agents. *A fortiori*, Richard Routley in his *last man argument* asks us to imagine the hypothetical situation in which the last person, surviving a world catastrophe, acted so as to ensure the elimination of all other living things and the destruction of all the landscapes after his demise. He points out that there is a moral intuition that this would be morally wrong.[15] An explanation for this is that those nonhuman objects in the environment, whose destruction is ensured by the last person, have intrinsic value, a kind of value independent of their usefulness for humans.[16] It seems that moral agents *feel* morally bound by direct duties to entities that possess no rights, such as works of art and natural landscapes. Why not to animals, as well?

Actually, this question could be of interest primarily – if not only –

to professional philosophers; in everyday life and to common moral agents, however, the issue seems already settled. Irrespective of whether one believes in animal rights or not, there are very few – if any – that consider human behaviour to animals as morally indifferent. Descartes's and Malebranche's views that animals are not capable of experiencing pain or pleasure and, hence, humans can be neither cruel nor kind to them, are obsolete and long ago disclaimed. Now it is a common ground that animals do suffer, as it is, at the same time, commonly accepted that "there can be no moral justification for refusing to take that suffering into consideration"[17]. "Brutes, as they are capable of being treated by us either mercifully or cruelly, may be the objects either of virtue or vice."[18] *Sequitur*, humans can be either cruel or benevolent to animals, and cruelty is always morally unjustifiable as a vice *per se*. Conversely, kindness is always a virtue, no matter to whom it is directed. If this is true, then why should we not "be bound by the laws of humanity to give gentle usage to these creatures"[19]? Anyone that is callous or cruel to animals obviously falls short of what a decent and virtuous person is expected and ought to do[20]; the fact that animals may not be apt to be deemed bearers of rights makes human cruelty towards them no less abominable. In my view, what is significant is not whether animals actually have rights or not, but whether we, humans, have certain duties towards or regarding them or not. If the answer to this last question can only be positive, as I believe, then there is an obvious and urgent task for philosophers who engage in the debate concerning animal ethics: instead of discussing – *in absentia* of the direct beneficiaries – the possibility of acknowledging rights to non human animals, philosophers could focus on the much more tangible duties that humans seem to have towards – or regarding – animals and try to transubstantiate these duties into certain patterns of behaviour.

IV. A Postscript on Speciesism

Does denying animals the status of a genuine moral agent – and, hence, the capability of being deemed bearers of rights – make one a speciesist? In my opinion, it does not. Actually, telling a speciesist from whether he or she acknowledges rights to animals or not, seems to me very much like blaming one as a sexist for not acknowledging men the right to abortion. As far as I am concerned, rejecting the suitability of animals for being considered as bearers of rights is strictly *description*, and not at all *moral evaluation*. Disclaiming moral rights for animals renders them by no means morally *inferior* to humans; it only makes them morally *different*. On the other hand, including them to the moral community *as moral patients* seems much less controversial, and much more effective.

Notes

1. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, edited by Robert M. Baird and Stuart E. Rosenbaum (Amherst, New York: Prometheus Books, 1988), 311.
2. See Jeremy Bentham, "Anarchical Fallacies; Being an Examination of the Declaration of Rights Issued during the French Revolution", in *Nonsense upon Stilts*, edited by Jeremy Waldron, 29-76 (New York: Methuen, 1987), 53. See also Amartya Sen, "Human Rights and Capabilities", *Journal of Human Development* 6.2 (2005): 151-166.
3. See Mary Wollstonecraft, *A Vindication for the Rights of Women* (New York: Dover Publications, 1996).
4. Thomas Taylor, *Vindication of the Rights of Brutes* (New York: Scholars Facsimilies & Reprint, 1966).
5. H. Diels and W. Kranz, *Die Fragmente der Vorsokratiker*, vol. 1, 6th edition (Berlin: Weidmann, 1951), Heraclitus, Fr. 52.
6. Cited in Roger Scruton, *Spinoza* (New York: Oxford University Press, 2002), 48.
7. Aristotle, *Historia animalium* 488a 7-10.
8. See Diogenes Laertius, *Vitae philosophorum* VII 110 7-9: "ἔστι δὲ αὐτὸ τὸ πάθος κατὰ Ζήνωνα ἡ ἄλογος καὶ παρὰ φύσιν ψυχῆς κίνησις ἢ ὁρμὴ πλεονάζουσα."
9. See Jurriaan De Haan, "The Definition of Moral Dilemmas", *Ethical Theory and Moral Practice* 4.3 (2001): 267-284, 269 ff.
10. See Joel Feinberg, "The Nature and Value of Rights", *The Journal of Value Inquiry* 4.4 (1971): 243-257.
11. See Immanuel Kant, "Duties to Animals and Spirits", in his *Lectures on Ethics*, translated by P. L. Heath (New York: Cambridge University Press, 1997), 212-213.
12. Joel Feinberg, "The Rights of Animals and Future Generations", in *Philosophy and Environmental Crisis*, edited by William Blackstone, 43-68 (Athens, Georgia: University of Georgia Press, 1974), 45.
13. Bentham, *An Introduction*, 311.
14. See Steve Sapontzis, "Moral Community and Animal Rights", *American Philosophical Quarterly* 22.3 (1985): 251-257, 254.
15. Richard Routley, "Is There a Need for a New, an Environmental Ethic?", *Proceedings of the 15th World Congress of Philosophy* (Sophia: Sophia Press, 1973), vol. 1, 205-210.
16. See "Environmental Ethics", in *Stanford Encyclopedia of Philosophy*. http://plato.stanford.edu/entries/ethics-environmental/.
17. See Peter Singer, "All Animals are Equal", on page 169 of this book.
18. See John Balguy, "The Foundation of Moral Goodness", in *British Moralists, being Selections from Writers principally of the Eighteenth Century,* edited by L. A. Selby-Bigge (New York: Bobbs-Merill, 1964), vol. 2, 64.
19. David Hume, *Enquiry Concerning the Principles of Morals* (New York: Oxford University Press, 1975), 186.
20. "It does not follow that there are no requirements at all in regard to them [the animals], nor in our relations with the natural order. Certainly it is wrong to be cruel to animals and the destruction of a whole species can be a great evil. The capacity for feelings of pleasure and pain and for the forms of life of which animals are capable clearly imposes duties of compassion and humanity in their case." John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), 512.

Index of Names

Philosophy, as Aristotle said, originates in wonder. And nonhuman animals have long been a source of wonder to humans, especially in regard to the treatment they deserve. The upshot is that Western philosophy has been concerned with the way in which we ought to treat nonhuman animals since its origins with the pre-Socratic philosophers.

Animal ethics is a highly challenging field, as well as one of the liveliest areas of debate in ethics in recent years. Not only has this area issued in a range of attention-grabbing controversies, but it has also led to the exploration of novel and imaginative approaches to worn-out issues.

This book is roughly evenly divided between the presentation and discussion of a range of influential past approaches to animal ethics, and an equally significant range of contemporary approaches. We need to understand the legacy of the past and the resources that it offers us while also forging new views that are appropriate to our increasingly developed understanding of the nature of nonhuman animals.

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