ANIMALS & ETHICS

AN OVERVIEW OF THE PHILOSOPHICAL DEBATE

ANGUS TAYLOR

THIRD EDITION

BROADVIEW GUIDES to PHILOSOPHY

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CHAPTER TWO

FROM ARISTOTLE TO DARWIN

...animals cannot even apprehend a [rational] principle; they obey their instincts.

—*Aristotle*[1]

A dog frames a general concept of cats or sheep, and knows the corresponding words as well as a philosopher.

—*Leslie Stephen, quoted by Charles Darwin*[2]

This chapter provides a historical introduction to the topic of the moral status of animals. A number of prominent pre-twentieth-century thinkers—including Aristotle, René Descartes, Thomas Hobbes, John Locke, David Hume, Immanuel Kant, Jeremy Bentham, John Stuart Mill, and Charles Darwin—are canvassed on the subject of animals. Particular attention is paid to Descartes' view that animals are machines without minds, to Kant's view that we have no duties to animals because they are not rational, and to Darwin's claim that humans

[1] Aristotle, *The Works of Aristotle* (London: Oxford University Press, 1927), "Politica", Book 1, 1254b.

[2] Charles Darwin, *The Descent of Man, and Selection in Relation to Sex*, 2nd ed. (London: John Murray, 1890), p. 89.

Chuang Tzu and Hui Tzu had strolled on to the bridge over the Hao, when the former observed, "See how the minnows are darting about! That is the pleasure of fishes."

"You not being a fish yourself," said Hui Tzu, "how can you possibly know in what consists the pleasure of fishes?"

"And you not being I," retorted Chuang Tzu, "how can you know that I do not know?"

"If I, not being you, cannot know what you know," urged Hui Tzu, "it follows that you, not being a fish, cannot know in what consists the pleasure of fishes."

"Let us go back," said Chuang Tzu, "to your original question. You asked me how I knew in what consists the pleasure of fishes. Your very question shows that you knew I knew. I knew it from my own feelings on the bridge."

– Chuang Tzu, 4th century BCE, "The Happiness of Fish" in *Chuang Tzu: Mystic, Moralist, and Social Reformer*, trans. Herbert A. Giles (London: B. Quaritch, 1926), pp. 218-19

are not fundamentally different from their non-human kin. Most of the issues raised in the course of this chapter are taken up at greater length in subsequent chapters, where the emphasis is on the debate among modern philosophers.

Traditional Religious/Ethical Teachings

Although religion is peripheral to this book's topic except where it may impinge upon the writings of philosophers, a few words can be said here about the world's great religious/ethical traditions. These traditions have done much to shape societies' views of animals. Indeed, the complex intersection of animals and religion also has much to do with our understanding of who we are as human beings (Waldau and Patton 2006).

In the Middle Ages, Saint Augustine (354-430) and Saint Thomas Aquinas (1225-1274) articulated the Christian doctrine that animals, lacking as they do the faculty of reason, have been placed here on earth by God for human use. By contrast, for Francis of Assisi, who died just after Aquinas was born, esteeming animals was a way of honouring God (Gaffney 1986). Even the possibility that animals have immortal souls has been entertained by various Christian thinkers (Preece 2005). We shall see in Chapter 3 that a case for animal liberation has been made by a modern Christian theologian. Overall, however, it cannot be said that the major monotheistic religions—Judaism, Christianity, and Islam—incorporate the concept of animal liberation. Judaism does forbid causing pain to animals except for what are considered legitimate human needs, in particular medical needs (Bleich 1986), and a case for vegetarianism has been made on the basis of the precepts of Judaism (Schwartz 2001). Islam condones the religious sacrifice of animals, yet forbids being cruel to them. The Koran suggests that animal consciousness is not limited to instinct and intuition, and that non-human creatures worship God in their own ways (Masri 1986).

An emphasis on the continuity of the human and non-human realms is evident in Chinese Neo-Confucian philosophy, which arose during the Song dynasty (960-1279). Incorporating Daoism's concern with the *way*, or pattern, of nature, Neo-Confucianism maintains there is an underlying unity to all things. Human beings differ in degree, but not in kind, from animals. In the opinion of Zhu Xi (1130-1200), animals are not entirely without the capacity for moral reflection, though they do

not possess the full capacity that humans do. According to Confucian tradition, the virtuous person has a feeling of oneness with all living things and is pained to see the suffering of others, including the suffering of animals. Still, this does not mean that animal suffering is as deplorable as human suffering; for Confucianism the prime concern of human beings should be for other human beings (R. Taylor 1986).

Traditional thought on the Indian subcontinent presents a picture relatively hospitable to animal liberation. *Ahimsa*, the doctrine of non-injury to all living beings, is a prominent part of Hinduism, Buddhism, and Jainism (Chapple 1993; Schmidt-Raghavan 1993). In Hindu thought this doctrine reflects the belief that any harm that one does to other living beings will result in future suffering for oneself. Refraining from injuring others is thus a matter of promoting one's salvation. Insofar as human life is seen as superior to animal life, and the goal of our behaviour is to seek our own salvation, we can be said to have duties *regarding* animals, but not duties *to* animals (Lal 1986). However, for that strand of Hindu thinking that renounces the concept of a hierarchy of domination in nature, the doctrine of non-injury implies recognition of the intrinsic value of every living being (Jacobsen 1994). The influence of Buddhists and Jainists in India has been instrumental in limiting the formerly widespread Hindu practice of animal sacrifice. Buddhism and Jainism both stress the interrelatedness of all forms of life. Vegetarianism is an ideal for both. All creatures, it is said, even the simplest, love life and seek protection from harm (Austin 1979). Then again, even the Buddhist tradition tends to regard humans as of greater moral worth than animals and displays features that leave it open to the charge of speciesism (Waldau 2002).

The indigenous peoples of North America, though speaking many different languages and varying greatly in culture, nevertheless have shared a view of nature as being filled with spirit. For some Aboriginal cultures animals form with humans an extended family whose members are mutually dependent and mutually supporting. For others, animals participate in voluntary economic exchanges with human beings (Callicott 1989, 1994). For all these cultures animals are intelligent beings who must be treated with respect even—especially—when they are being hunted and consumed by humans.

Aristotle Emphasizes Human Rationality

The Western philosophical tradition can be traced to ancient Greece. Here too we find the origins of the debate over the moral status of animals. Those Greek philosophers who touched on the subject asked whether we have any kinship with animals. Is there some morally relevant similarity or difference? Aristotle (384-322 BCE), whose historical influence in philosophical matters has been enormous, argued that humans differ from animals in a crucial way.

According to Aristotle (1927), every living organism has a soul. By this, he does not mean an immortal consciousness, but rather an animating principle, the capacity to manifest its natural functions. The soul of a plant is concerned entirely with nutrition, growth, and reproduction. Animals differ from plants in having not just life but sense perception, and humans differ from animals in having not just life and sense perception but the ability to reason. Thus there is a scale, or hierarchy, in nature from simpler to more complex. Given that, according to Aristotle, each type of organism has the functions appropriate to its particular way of flourishing, it has been argued by a least one commentator (Osborne 2007) that we should not take this scale to imply a hierarchy of *value*.

Even so, Aristotle clearly believes that reason has a privileged role to play. Men, being superior in reason (so he believes), should govern women, and some people—those deficient in reason but robust in body—are fit by nature to be slaves. Those humans fit to be slaves at least can appreciate the reasoning of others, even if they cannot properly exercise the faculty themselves. By contrast, says Aristotle, animals are entirely without reason and are ruled by their instincts, and so it is only proper that they should be used for human purposes. Plants have been created for animals and animals for human beings. Indeed, it is advantageous for animals, tame or wild, to be subjected to humans, since all are thereby safer. Like slaves, animals are useful to us because of their bodily strength. Because we have nothing significant in common with a horse or an ox, says Aristotle, there can be neither friendship nor justice in our relations with them.

> And it is clear that the rule of the soul over the body, and of the mind and the rational element over the passionate, is natural and expedient; whereas the equality of the two or the rule of the inferior is always hurtful. The same holds good of animals in relation to men; for tame animals have a better nature than wild, and all tame animals are better off when they are ruled by man; for then they are preserved.
> – Aristotle, *The Works of Aristotle*, vol. 10, p. 1254b

The influential Stoic philosophers of the Hellenistic period and the Roman Empire placed considerable importance on the idea of *belonging*. The source of justice, they said, is to be found in treating oneself and others as together forming a community. The sense of belonging-

together that we feel with regard to our families and those close to us should be extended. Ideally, we should view all people of the world as belonging to a single community, governed by the same laws. Today, this idea of extending the circle of inclusiveness outward plays a role in the philosophies of animal liberation and environmentalism (e.g., Singer 1981). One might expect that the Stoics would have advocated including animals within the circle of belonging, particularly as they admitted that animals extend a sense of belonging to their own (animal) offspring. But they did not. Rational beings, they maintained, can extend belonging, and hence justice, only to other rational beings. However we may treat animals, then, we are not treating them unjustly. If some Stoics were vegetarian, they were so for ascetic reasons, not out of any sense of justice to animals (Sorabji 1993).

There were some Greeks who took a very different view of things. Pythagoras (late 6th century BCE), Empedocles (c.495-c.435 BCE), and even Aristotle's pupil Theophrastus (c.371-c.286 BCE) rejected the claim that we have nothing significant in common with animals and therefore cannot be said to treat them unjustly. Pythagoras and Empedocles believed that animals may be former human beings, now reincarnated in non-human form. If we kill them, we may be killing our ancestors. Pythagoras has been called the first animal-rights philosopher (Violin 1990). He advocated vegetarianism, and he and his followers rejected the use of animals in religious sacrifice. Theophrastus condemned meat-eating, saying that killing animals is unjust because it robs them of life. Animals, he said, are similar to us not only with respect to their sense perceptions and their emotions, but because they can engage in reasonings. Several centuries later, Porphyry (c.232-c.304) argued that we owe justice to animals not simply because they are rational but because they are conscious beings who can feel pain and terror (Dombrowski 1984; Sorabji 1993). This view led Porphyry (2000) to write at length against the practice of eating meat.

Despite these dissenting voices, the emphasis of Aristotle and the Stoics on rationality as the distinctive human quality, and the related claim that animals are on earth for our use because they lack reason, have been echoed by most philosophers until well into the twentieth century. An important figure is Saint Thomas Aquinas, who in the thirteenth century harmonized the philosophy of Aristotle with the teach-

ings of the Church. Aquinas (1945) says that since humans, being rational, are masters of their own actions, they are cared for by God for their own sakes. By contrast, animals are not masters of their own actions, and therefore are by nature instruments for those who *are* self-directed.

Descartes Insists Animals Are Only Machines

With the end of the Middle Ages in Europe, a new conception of the natural world arose, one compatible with the new science and the growth of capitalism. No longer looked upon as an organism, nature now came to be seen as a machine. And yet a key facet of the old tradition remained in place: the idea that human beings alone, on account of their unique mental faculties, are members of the moral community.

René Descartes (1596-1650), mathematician and philosopher, played a crucial role in propounding the new mechanistic vision of nature. His view is strikingly exemplified in his comments on non-human creatures. Animals, says Descartes (1985, 1991), are to be understood in purely mechanical terms. By this, he does not mean merely that animals are in some ways like machines. He means that they *are* machines, no different in principle from clocks. Animals are complex automatons constructed by nature; except for their natural origin they are what today we would call robots. Mind and matter, Descartes holds, are two quite distinct kinds of things. Despite the sophistication of their construction (ultimately attributable to God), animals are purely material objects and so devoid of consciousness.

Descartes does not deny that animals possess "sensation" (or what we might better call *sensitivity*). Animals have sensory equipment that allows them to react appropriately to their environments. By way of analogy, we might think of an automobile: it possesses equipment that allows it to "sense" the amount of fuel left in the tank and to register this on a dial, or to "sense" that a seat-belt is not fastened, or a door is not properly shut, and to announce this by means of a buzzer, or even in human language. But few of us imagine that the car is conscious of any of this. It is a cleverly constructed machine and nothing more. Scientifically minded Cartesians could therefore nail living dogs to boards and cut them open, secure in the belief that they were inflicting no pain and that the sounds emanating from the objects of their research were just the squeakings of machinery. (Sometimes it might be useful to cut the dogs'

vocal chords in order to stop the irritating sounds.)

Even so, Descartes admits in the course of his argument that animals have feelings of fear, hope, joy, anger, and hunger. Yet such feelings seem to imply, contrary to his contention, that animals are not purely material. A creature that is sensitive to changes in its environment may be nothing more than a complex system of gears and levers, but a creature that is afraid or joyful is a subject of consciousness. The attribution of feelings to animals is thus apparently inconsistent with Descartes' dualist division of the world into mind and matter and his accompanying claim that animals have no minds (Cottingham 1978). On the other hand, if by fear, hunger, and so forth Descartes is simply referring to animal behaviour, and not to mental states, he need not be accused of inconsistency (P. Harrison 1992).

However we read him in this regard, the logic of his argument leads to the conclusion that animals do not possess consciousness. While people are conscious beings who *have* machine bodies, animals just *are* machine bodies. The hypothesis that animals have minds is superfluous: it adds nothing to our understanding of them. Their behaviour can be completely accounted for by mechanical principles. So we have no good reason to believe that animals think. Moreover, says Descartes, we have good reason to believe they do not think. There are, he says, two infallible tests by which we can distinguish a being possessed of consciousness from one that is purely material. Either of these tests can be used to distinguish true people from hypothetical machines of human appearance, or from animals.

The first is the language test: can the being communicate thoughts verbally or by signs? Though a machine-creature (a magpie or a parrot, for example) may be able to utter words, says Descartes, it cannot talk in the sense of being able to engage in conversation. And it should not be imagined that animals have their own languages that we cannot understand, since if they possessed any degree of reason, they would be able in one way or another to communicate their thoughts to us—which, in his opinion, they cannot do.

The second test to distinguish conscious beings from non-conscious ones has to do with the ability to perform a variety of actions. Though a machine may be able to do one or two things as well as, or better than, we can (a clock, for example, can keep time more accurately than an

...since art copies nature, and people can make various automatons which move without thought, it seems reasonable that nature should even produce its own automatons, which are much more splendid than artificial ones—namely the animals. This is especially likely since we know no reason why thought should always accompany the sort of arrangement of organs that we find in animals. It is much more wonderful that a mind should be found in every human body than that one should be lacking in every animal.
– René Descartes, *The Philosophical Writings of Descartes*, vol. 3, p. 366

unaided person can), only a thinking being can do many things well. Machines, in other words, can be *programmed* to do certain things well, but it is for all practical purposes impossible that a machine of the sort made by humans could be programmed to act in the universally adaptable way that reason permits a human being to act. Although Descartes does not place any limits on the behaviour of machines that God might in principle construct, the issue here is not whether God is able to deceive us about the nature of other beings (something Descartes believes God would not do in any case) but whether the behaviour of existing animals entails their having minds. He argues that the superiority of animals' behaviour in some areas, when combined with their gross deficiencies in other areas, is good evidence that they lack reason and are nothing but splendid pieces of clockwork (Newman 2001).

What are we to make of Descartes' tests? Is the ability to use language necessary in order to have thoughts? Theodora, a long-time friend, seemed to communicate to me quite clearly a wish to be fed, or to be let outside, or simply to sit in the same room with me, even though she did not use language to do this. Why should I not attribute thoughts to her? Making oneself understood through appropriate responses need not involve language (Midgley 1995). Furthermore, in recent years some researchers have concluded that some animals can understand and use language. Kanzi, a bonobo ("pygmy chimpanzee") at Georgia State University's Language Research Center, is reported to have responded appropriately to hundreds of spoken commands put to him in the form of English sentences he had never heard before, outperforming the two-year-old daughter of one of the researchers (Savage-Rumbaugh and Lewin 1994). Claims of some degree of linguistic competence have been made not only for Kanzi but for various chimpanzees (Fouts 1997), gorillas, parrots, and dolphins. Sceptics reply that such conclusions are unwarranted (Budiansky 1998; Frey 1980; Leahy 1991; Pinker 1994). The debate over what the facts are and what the facts imply for the moral status of animals is likely to continue for a considerable time (Allen 1996; Orlans et al. 1998; Radner and Radner 1996). Yet even if no animals can understand or use language in the sense in which that term applies to human communication, is it possible that, contrary to Descartes' contention, some can communicate thoughts by other means (Noske 1997)? It has been claimed, for example, that horses can com-

municate diverse ideas not only to each other but to humans by the use of "body language" (Roberts 1997). The jury, then, is still out on the question of whether, on the basis of Descartes' language test, some animals refute the claim that only human beings have minds.

Can an animal do only one or two things well? Judged by human standards, perhaps the answer is yes. But judged by the standards of an animal, how many things can a human do well? Can a human being fly like an eagle, or see objects as distinctly? Can a human smell or hear as well as a dog? And eagles and dogs, like other animals, do innumerable other things well; otherwise how could they survive and raise offspring? Modern biology and evolutionary theory have helped make us aware of the immense sophistication of nature's products. Also, of course, Descartes had no experience of computers, or inkling of their potential. Today machines made by human beings can be programmed to imitate human behaviour in ways that would have astounded anyone in past ages, and in the future machines will no doubt imitate, and go beyond, human behaviour in ways that would astound people living now. Today the prospect of constructing conscious machines is seriously debated. Conversely, the prospect of machines that can carry on conversations might be taken to imply that the ability to use language does not, after all, entail the possession of consciousness.

All this should make us reluctant to accept Descartes' conclusions. At the same time, the fact that Descartes has not made a convincing case does not prove that animals are conscious, much less that they are capable of reason. But if we are not prepared to accept that many animals are at least conscious, why should we accept that our fellow human beings are? Why not believe that they too are just robots?

Though Descartes' views were influential, they did not go unchallenged even in the seventeenth century. The claim that animals are not conscious and cannot feel pain seemed to violate common sense. The dilemma for many, however, was that to admit some degree of rationality in animals seemed to entail admitting that animals have immortal souls, while to deny them immortal souls seemed to entail denying them not only any degree of rationality but perhaps even the ability to experience pain and pleasure (Fuller 1949; MacIntosh 1996). At least Descartes' position avoided the worse of the two alternatives, for the idea that animals have immortal souls was theologically unorthodox

and led to the uncomfortable conclusion that there is no fundamental difference between humans and beasts. In addition, Descartes' position neatly dispensed with a theological dilemma: how to reconcile belief in a just God with the suffering of innocent creatures, creatures who will not experience an afterlife where their suffering might be redeemed (P. Harrison 1989; Lewis 1940; R. Paterson 1984; Rachels 1990). With this issue in mind, the Cartesian philosopher Nicolas Malebranche (1638-1715) vehemently argued that, since God is both just and omnipotent, it follows that animals do not suffer, the evidence of our senses notwithstanding.

Readers who wish to learn more about Descartes' views on animals, including his language and action tests, or about the responses of his contemporaries and Malebranche, or about his legacy will find these matters addressed by Daisie and Michael Radner in *Animal Consciousness*. Today a few philosophers can still be found who doubt that animals like dogs, pigs, eagles, and elephants experience pain or perhaps even have any consciousness at all. However, this sort of view has become increasingly outmoded. The scientific community is moving in the same direction (M. Dawkins 1993; Griffin 1981, 1984, 1992; Varner 1998; Walker 1983). That a view is out of fashion does not, of course, prove it is wrong, but for the most part the philosophical debate has shifted to what *sort* of consciousness animals possess and what this implies for their moral status. Are at least some of them self-aware, and is self-awareness a requirement for inclusion in the moral community? Must a creature be not just self-aware but also able to think rationally? Or is sentience all that is required? Until lately, even those willing to grant that many animals possess consciousness were likely to find some reason to justify subordinating their basic interests to human interests, whether basic or not.

Hobbes and the War against Animals

In the famous phrase of Thomas Hobbes (1588-1679), life prior to the establishment of the political state is "nasty, brutish, and short". Because human beings are by nature acquisitive and power-seeking, and because they are roughly equal in strength and intelligence, everyone poses a threat to everyone else, and the only right that exists is the liberty to do whatever is necessary for your own protection. However, because peo-

ple recognize that this war of everyone against everyone else is to no one's benefit, they agree among themselves to institute the political state, each person giving up some freedom in exchange for security and the better life that such security makes possible.

For Hobbes, it makes no sense to talk of justice and injustice apart from the rules enforced by the state. Justice consists in abiding by these rules; injustice, in not abiding by them. Morality is what the political community, at any given time, designates as acceptable behaviour. Morality, then, amounts to an agreement among rational individuals to behave in certain ways and not in others, an agreement that is entered into for the sake of self-interest.

Animals, not being rational, cannot be contractors. Since we have not entered into any agreement with animals mutually to restrain our behaviour toward each other, we remain in an original state of war with them, according to Hobbes (1983). A beast is not bound by any principle of justice to refrain from killing a human; conversely, there is no reason why a human should not kill a beast. Our right to do as we please with animals—to press into service those that can be tamed and to destroy those we find dangerous—is not the result of any divine decree; rather, it is simply the basic natural liberty to do whatever we feel will make our lives more secure.

A similar view of animals is expressed by Baruch (Benedict) de Spinoza (1632-77). Although he rejects dualism and holds that humans, like animals, are entirely natural beings, Spinoza does not conclude that animals are sufficiently like us to qualify as members of the moral community. On the contrary, and like Hobbes, Spinoza argues that morality is a matter of self-preservation, and that human beings, by virtue of their superior powers, have no reason to treat animals as anything other than resources (Lloyd 1980).

Among those who take issue with Descartes and with Hobbes is the poet and early feminist Margaret Cavendish, Duchess of Newcastle (1623-73). Cavendish, a self-taught philosopher, holds that nature comprises rational matter and sensitive matter in addition to inanimate matter. Although animals cannot speak, she says, it does not follow that they have no intelligence. It is quite possible that, in their own manner, they know more about some things than we do—fish know more of the

nature of water and the saltiness of the sea, birds know more of the nature of air or the cause of tempests. Cavendish condemns human arrogance, saying that we despise other creatures because we are ignorant of them (Grant 1957). Her poem "The Hunting of the Hare" ends with a denunciation of the notion that animals are on earth merely to be exploited by us (Cavendish 1972, pp. 112-13):

> As if that God made Creatures for Mans meat,
> To give them Life, and Sense, for Man to eat;
> Or else for Sport, or Recreations sake,
> Destroy those Lifes that God saw good to make:
> Making their Stomacks, Graves, which full they fill
> With Murther'd Bodies, that in sport they kill.
> Yet Man doth think himselfe so gentle, mild,
> When he of Creatures is most cruell wild.
> And is so Proud, thinks onely he shall live,
> That God a God-like Nature did him give.
> And that all Creatures for his sake alone,
> Was made for him, to Tyrannize upon.

Locke and Hume Find Reasons to Exclude Animals

The great liberal philosopher John Locke (1632-1704) rejects both Hobbes' contract theory of morality and Descartes' view that animals lack minds, and yet he stops short of including animals in the moral community.

Locke (1979) maintains that animals exercise a degree of reason. The faculty of perception, he says, differentiates the animal kingdom from the "inferior" parts of nature. Plants are sensitive to their environments, but this is a purely mechanical sensitivity, involving no ideas on the part of plants. However, animals possess sensation, a term that for Locke implies perception and thus ideas. True, different animals possess sensation in different degrees, and an oyster's senses are neither so many nor so quick as those of a human being, or of various other animals. And yet, thinks Locke, even a creature like an oyster has some degree of perception. By contrast, Descartes (1991), for whom being able to think means having an immortal soul, points to the lowly oyster to argue that *no* animals think. If we were to believe that some animals think and thus have

soning can demonstrate the truth of our belief that nature must exhibit the same regularities in the future that it has exhibited in the past. Our faculty of making cause-and-effect inferences about nature depends on habit and is a form of instinct.

Hume maintains that the behaviour of animals is to be explained by the same principles that apply to humans (Seidler 1977). Yet despite believing that no great gulf separates human nature from animal nature, Hume excludes animals from the moral community. Justice is necessary in human communities, according to him, because human beings are social creatures and justice contributes to social cohesion. In particular, justice results in the mutual benefit to individuals that comes from respecting each other's private property. But between creatures of different kinds, where one is by nature vastly superior in power to the other and therefore has no interest in refraining from acting just how he or she will, justice has no place because it serves no useful social purpose. Animals are beyond the pale of justice because they have no power to make felt their objections to the way we treat them.

However, social utility is not the whole story. Hume believes that morality arises on the basis of the passions, or feelings, including natural sympathy for others. Consequently, one may be tempted to think that he is suggesting that the concept of justice is inappropriate in our dealings with animals *just because* sympathy for our fellow creatures should lead us to treat them as members of our family or community. After all, we should see to the welfare of members of our family independently of whatever rights they may have against us. But Hume denies this status to animals or any other beings similarly lacking in power. Indeed, he says, the fundamental inequality of power here means that humans and animals cannot be said jointly to constitute a society. Since animals are unable effectively to resist our will, the relationship we have with them is inevitably one of absolute command on the one side and servile obedience on the other: whatever we want from them they must immediately give us. The most Hume will concede is that we should give "gentle usage" to animals.

Kant Divides the World into Persons and Things

Immanuel Kant (1724-1804) occupies a rather contradictory position in the history of thinking about animals. Kant (1997) himself excludes

animals from the moral community, claiming they are merely instruments to serve human purposes. Whatever duties we have concerning animals, he says, are really only indirect duties to human beings. However, his account of why we have duties to humans has been seized upon by some philosophers and modified to form the basis of the animal-rights view.

For Kant, there are two types of beings: persons and things. Human beings are persons because they are what Kant calls ends-in-themselves. Unlike sticks or stones or trees, a human being is not simply a tool or resource to be used for the ends of others. Human beings are ends-in-themselves because they are *autonomous* (self-governing). That is, they are able rationally to consider different courses of action and choose among them on the basis of an understanding of right and wrong. As a moral agent, a human being has intrinsic worth and deserves to have his or her autonomy respected by other moral agents. One version of Kant's categorical imperative, his basic rule of morality, is therefore as follows: *Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.*

We can now see why Kant excludes animals from the moral community. Given that they are not moral agents, it follows from his argument that animals are mere things, resources available for our use. And yet Kant enjoins us not to be cruel to animals. When we are aware of the great care shown by animals for their young, he says, it will be difficult for us to be cruel in thought even to the wolf. This is somewhat surprising in terms of his own logic (Broadie and Pybus 1974). After all, if we have no duties to animals, if they are mere things available for our use, what does it matter how we treat them?

The reason Kant gives for restricting the ways we behave toward animals is that there are analogies between animal nature and human nature, and those who treat animals callously are more likely to treat their fellow human beings without respect. If a dog (a sheepdog, perhaps) has served us long and well, it would be wrong to shoot the dog once it is too old to perform its job efficiently. Why? Because someone who learned to repay the faithful service and trust of an animal by killing it would be cultivating the wrong trait of character. Being heartless to animals is likely to lead to being heartless to people. Our interactions with animals, then, function as a simulation of, and training for,

our interactions with people, even though we typically are not motivated by this consideration in our dealings with animals. (For an endorsement of this sort of view by a modern philosopher, see Carruthers 1992.)

On Kant's account we do no wrong to animals themselves if we harm them, even for trivial purposes, since they cannot make moral judgements. Although we have duties *involving* animals, we have no duties *directly to* them. Kant even finds some instances of cruelty to animals acceptable. For example, the cruelty of those who experiment on living animals is justified because the aim (benefit to humanity) is praiseworthy and non-human creatures are only our instruments. Notice that, unlike Descartes, Kant does not deny that animals can suffer. His point is that their suffering does not matter because they are not rational beings. Notice also that Kant does not take the opportunity to propose, as others have done before and since, that such experimentation may desensitize those who do it.

There is something counter-intuitive about Kant's position. Most people would say that if you shoot your old sheepdog—certainly if you throw it out to starve—you are doing something wrong *to the dog itself*, and not merely cultivating the wrong character trait in yourself. But if it really is true that animals are just things, why should tossing out the sheepdog once it is no longer economically productive make us any more likely to toss out Grandma and Grandpa once they are no longer economically productive? After all, there are also some analogies between plants and human beings, but does chopping up a head of lettuce make me more likely to chop up the head of the person living next door? Of course, some people may be under the impression that animals have worth in themselves and are *not* mere things; but such people are not likely to treat animals callously. On the other hand, people who do treat animals callously are likely to believe (correctly, in Kant's view) that animals are mere things. Assuming they understand that humans are deserving of respect, these people are unlikely to transfer their treatment of animals to their treatment of humans. If some of these people nevertheless sometimes or often treat human beings without respect, this will not be the *result* of the way they treat animals.

Kant says that what enables human beings to be ends-in-themselves is their capacity for rational thought. In emphasizing rationality as the distinctive characteristic of human beings, the characteristic that sepa-

rates them from other beings and gives them a special status in the world, Kant is reaffirming a long tradition in Western philosophy. (It is perhaps not surprising that many philosophers have regarded thinking rationally—and, in particular, doing philosophy—as the most exalted activity there is.) But why should being entitled to respect from others be dependent on being rational (Hoff 1983)? Is it not plausible to think that simply having a life that matters to oneself is enough to make one entitled not to be treated as a mere means by others? If this is the case, then being self-conscious in some way, or simply being conscious at all, or perhaps even just being alive, may be a sufficient qualification for being viewed as an end-in-oneself. For now, it is enough to say that Kant's idea of being an end-in-oneself rather than being a mere thing, or resource for others, has been taken over by some philosophers to provide the basis for the view that at least some animals should be treated with respect and ascribed moral rights. In Chapter 3 we shall examine in some detail the case for ascribing rights to animals, especially in its most influential form, as advanced by Tom Regan (2004a).

The Question Is, Can They Suffer?

Jeremy Bentham (1748-1832) was the founder of modern utilitarianism. Recognizing that society's prevailing morality too often reflected the interests of those with power to the detriment of those without power, Bentham attempted to formulate an egalitarian doctrine that acknowledged the interests of human beings irrespective of social status. For Bentham, the pleasure or pain of anyone was to count no more or less than the same amount of pleasure or pain of anyone else. With this in mind, he was prepared to follow his own logic beyond the species boundary. His comment on animals was brief but significant.

> The day *may* come, when the rest of the animal creation may acquire those rights which never could have been withholden 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 come one day 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 conversible animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*? (Bentham 1970, p. 283n)

These words are contained in what is a mere footnote to *An Introduction to the Principles of Morals and Legislation*, yet they have often been quoted in the debate over the moral status of animals, and with good reason. Bentham's position is really quite radical: he aims to put our understanding of our relations with animals on an entirely new moral footing. Animals have a basic interest in not suffering, and it is "tyranny" for humans to inflict suffering on them. Bentham will have none of the traditional excuse for ignoring animal suffering: that animals' lack of reason or language excludes them from the moral community. (Although Bentham is concerned with our moral obligations to animals, it should be noted that when he refers to the rights of animals, he means legal rights; he does not believe in the concept of moral rights, either for animals or humans.)

Critics of Bentham's utilitarianism said that while the doctrine may be fine for pigs, surely the proper goals of human life cannot be reduced to maximizing pleasure. John Stuart Mill (1806-73), who followed Bentham as the champion of utilitarianism, sought to counter this accusation. He defended Bentham's passage on animals, quoted above, with its implication that any act causing more pain to animals than pleasure to humans is immoral. However, in rescuing utilitarianism from the charge that it ignores what is distinctive about human life, he partially re-erected the barrier between humans and non-humans.

Mill (1957) contends that the types of pleasure that give satisfaction to pigs do not suffice for humans. It is better to be a dissatisfied human being, he tells us, than to be a satisfied pig, and the proof is that few, if any, humans would agree to exchange their lot for that of a happy pig. If the pig has a different opinion of things, it is because the pig does not appreciate what it is to be human.

Mill is maintaining that some pleasures are *qualitatively* superior to others. The difference in quality, if any, between two given pleasures can be judged by those who are competently acquainted with both. If I appreciate eating good apple pie but have never taken much interest in

music, I am not in a position to judge whether the pleasure to be derived from listening to Mozart is superior, or inferior, to that to be had from eating good apple pie. If you, on the other hand, have learned to appreciate both sorts of pleasure, then you are competent to judge between them. It is Mill's firm opinion that the distinctively human pleasures are superior to the pleasures enjoyable by animals and therefore count for more in our moral calculus. Utilitarianism has traditionally had a strongly egalitarian bent to it; however, Mill seems to be saying that, when it comes to happiness, some creatures are more equal than others.

Mill assumes that we are competent to judge between the pleasure of reading Jane Austen and the pleasure of rolling around in the mud. Since a pig is not interested in nineteenth-century literature, we conclude: so much the worse for the pig. But how can we know what it is like to be a pig, or to be a bat (Nagel 1974), or any other creature, and to experience the world the way that creature does? When Mill says it is better to be a human being dissatisfied than to be a pig satisfied, how does he know (E. Johnson 1983; Sapontzis 1987)? His claim may ring true from the human perspective, but that is the only perspective we have. Each sentient creature, it could be said, has the happiness peculiar to its species and to itself as an individual, and we are foolish to try to judge these many happinesses according to our own standards (Hearne 1994). If a pig could learn to read, would she conclude that *Pride and Prejudice* is better than hunting for truffles? If a whale could learn to enjoy playing chess, would playing chess make him happier than freely roaming the length and breadth of the Pacific Ocean?

Although not a utilitarian, Arthur Schopenhauer (1788-1860) makes the capacity for suffering key to his analysis of morality. In so doing, he castigates the European tradition for denying that we have duties directly to animals. He rejects the contention that animals have no self-consciousness with the quip that "If any Cartesian were to find himself clawed by a tiger, he would become aware in the clearest possible manner of the sharp distinction such a beast draws between its ego and the non-ego" (Schopenhauer 1965, p. 176). Disagreeing with Kant, he says it is outrageous to claim that animals are to be regarded as things, or mere means for us, just because they lack the faculty of reason that characterizes our species. An admirer of Buddhist and Hindu thought, Schopenhauer insists that right conduct is based on compassion for all beings

who can suffer. However, he is not prepared to carry his compassion for other sentient creatures to the length of abstaining from eating them. Intelligence, it turns out, does play a significant role in Schopenhauer's ethics; he contends that the intelligence of human beings increases their capacity for suffering and hence they have a stronger claim to our compassion than animals do. Particularly in northern lands, he says, humans would suffer more from abstaining from meat than animals suffer from a quick and unforeseen death.

Darwin Says Humans Differ from Non-humans Only in Degree

Charles Darwin (1809-82) was not the first to argue that the plant and animal species existing in the world have evolved from earlier forms of life. However, his theory of natural selection provided a plausible explanation of how such evolution could occur. Today Darwin's theory remains controversial, and not only because creationists continue to deny evolution. Although scientists overwhelmingly agree that organic evolution is a fact of natural history, there is some dissent over whether natural selection can adequately account for the emergence of new species. Nevertheless, *On the Origin of Species by Means of Natural Selection*, published in 1859, marked a watershed in science's understanding of the history of life on earth. Over the last century and a half, Darwinian theory, supplemented by the science of genetics, has undermined the traditional view that human beings are the pinnacle of creation and that a profound gulf separates them from the other living creatures on the planet. The Darwinian view of the world proclaims that *Homo sapiens* has evolved as just one more of nature's innumerable products. Human beings *are* animals. In particular, humans are primates and, as DNA analysis has confirmed, are close cousins of the (non-human) great apes: chimpanzees, bonobos, gorillas, and orangutans (R. Dawkins 1993; J. Diamond 1993; Hawkins 2002). It was not in *The Origin of Species*, however, but in later works that Darwin addressed the issue of the relation of the human species to other animal species.

Darwin (1890) is of the firm opinion that the differences between human and non-human animals are differences not of kind but only of degree. Though modern behaviourist psychologists (e.g., Blumberg and Wasserman 1995) doubt the possibility of scientifically studying the subjective mental experiences of humans and non-humans alike, and

are sceptical about attributing intentions, desires, and feelings to them, Darwin does not hesitate to do so. Influenced perhaps by his reading of David Hume (Huntley 1972), he maintains that there is no fundamental distinction to be made between the mental faculties of humans and other highly developed mammals, especially the primates.

> All have the same senses, intuitions, and sensations, — similar passions, affections, and emotions, even the more complex ones, such as jealousy, suspicion, emulation, gratitude, and magnanimity; they practise deceit and are revengeful; they are sometimes susceptible to ridicule, and even have a sense of humour; they feel wonder and curiosity; they possess the same faculties of imitation, attention, deliberation, choice, memory, imagination, the association of ideas, and reason, though in very different degrees. (Darwin 1890, p. 79)

Darwin mentions the use and making of tools by non-humans, such as their employment of sticks as levers, of branches to drive away flies, and of stones for cracking nuts or as weapons. He also believes that non-human animals can appreciate beauty, and goes so far as to suggest that dogs, in their love of, and submission to, their human masters exhibit an incipient form of religious devotion.

Against Locke and others, Darwin claims that many non-human animals possess the power of abstract thought and can form general concepts. For example, when a dog sees another dog some distance away, he perceives it as a dog in the abstract. This is evident because when he gets nearer to the other dog, his whole manner will change if he recognizes the other dog as a friend, a particular dog that he knows. Hence Darwin rejects the argument that the use of language, which involves the power of forming general concepts, constitutes an insuperable barrier between humans and non-humans. As with so many other faculties, the difference here is one of degree: humans have a much greater power of associating sounds and ideas. Animals like dogs are at the same stage of development, thinks Darwin, as infants of almost a year in age, who can understand many words and short sentences even though they cannot speak. He does not believe that non-human animals reflect on the nature of life and death; yet he believes that some may well reflect on their past pleasures and pains, and in this case could

It may be freely admitted that no animal is self-conscious, if by this term it is implied, that he reflects on such points, as whence he comes or whither he will go, or what is life and death, and so forth. But how can we feel sure that an old dog with an excellent memory and some power of imagination, as shewn by his dreams, never reflects on his past pleasures or pains in the chase? And this would be a form of self-consciousness.
– Charles Darwin, *The Descent of Man*, pp. 84-85

be said to be self-conscious.

Morality, Darwin asserts, arises from the social instincts, including parental and filial affection, when these are combined with advanced intellectual faculties. These instincts lead an animal to take pleasure in the company of its fellows, to feel sympathy for them, and to perform services for them. Sympathy is the key element in the development of a moral sense or conscience, though the acquisition of language plays an important role by facilitating the inculcation of rules of behaviour for the welfare of the community. (According to Darwin, it is not the general happiness as such that is the standard of morality, but the general good, in the sense of the rearing of the greatest number of individuals in full vigour and health.) Many animals—even birds—sympathize with each other's distress or danger, says Darwin, and exhibit qualities that in humans would be called moral. Dogs, he thinks, possess something like a conscience. Darwin is not claiming that the moral sense is very developed in non-human animals. However, once again he refuses to draw an absolute barrier between them and human beings.

Darwin's respect for animals is evident in his writings, though he cannot be called a liberationist. He was a man who was greatly upset by any display of cruelty to animals, and one who was also an avid shooter of birds. He said that the thought of vivisection (the painful or harmful treatment of animals for purposes of research) made him feel sick with horror; yet he refused to support the contemporary campaign against it because he believed vivisection was necessary for the progress of science.

Among those who responded positively to Darwin were Karl Marx (1818-83) and Frederick Engels (1820-95). They welcomed Darwinian theory for the scientific backing it gave to the concept of organic evolution and because it explained historical development without recourse to the idea of some pre-ordained design or purpose. As such, they believed that it lent support to their own view of human history, although they were hostile to "social Darwinist" attempts to draw lessons for social policy from the struggle for existence in nature.

Marx (1974, 1976) and Engels (1972) say that humans differ from animals in humans' unique ability to use socially accumulated knowledge to transform their environments in new ways to suit their purposes. At the same time, they reject the idea that humans have been specially created, or stand apart from the rest of nature in any funda-

mental way. (The tension in Marx's thought between his humanism and his naturalism is explored in Benton 1993.) Engels maintains that many animals display premeditated behaviour, and that the capacity for conscious, planned action is proportional to the development of the nervous system, being especially advanced in mammals. Association with human beings has developed in dogs and horses some ability to understand human speech, and also the capacity for feeling affection and gratitude toward people.

However, despite attaching considerable importance to a naturalistic, evolutionary view of the world, Marx and Engels show little interest in what the moral implications of all this may be for our treatment of animals. Indeed, what is striking is how little, until recently, Darwinian theory has enticed philosophers to consider the moral status of non-human creatures in the light of our biological kinship with them. (Recent investigations of the topic include James Rachels' *Created from Animals: The Moral Implications of Darwinism* and Rosemary Rodd's *Biology, Ethics, and Animals.*)

Conclusion

Until recently, the great majority of philosophers have excluded animals from the moral community. They have done so on the grounds that animals lack the mental faculties that human beings possess. In particular, it is the alleged inability of non-human creatures to reason that time and again has been identified as the crux of the matter. Lacking rationality, animals are not moral agents. They cannot formulate or understand ethical concepts and therefore cannot participate with moral agents in a community of beings who can live according to moral rules and be held accountable to others for their actions. If we should treat animals kindly, or restrict our behaviour toward them in any way, this is not because animals have any equality of moral standing with us. An alternative to demanding moral agency as the ticket for admittance to the moral community would involve the idea that we also have obligations directly to all those who, though lacking any significant degree of moral agency, meet some other standard—for example, all those who have an interest in not suffering or who have an interest in continuing to live. Whether many beings, non-human as well as human, qualify as "moral patients" in this sense, and just what our obligations to them

may be, is considered in the next chapter.

Among the philosophers of the past, Descartes and Bentham represent opposite sides of the animal issue. Most philosophers stand on Descartes' side, though few go so far as he does in declaring animals to be beyond the pale of our concern. (One might think, better to be Bentham's horse than to be Descartes' dog. But if Descartes is right about animals, it makes no difference: both the horse and the dog are simply bits of machinery, and neither has any interest in how it is treated. As Descartes says, his view is not cruel to animals but indulgent to people, since it absolves people of any suspicion of doing wrong to animals.) With Bentham and with Darwin we cross a conceptual divide. Where formerly the issue of our treatment of animals was at best a marginal one for philosophers and for society as a whole, the intellectual groundwork has now been laid for it to be taken more seriously. Ideas, however, do not take root without a social climate conducive to their flourishing. It was not until well into the twentieth century, in the context of the movements against racial and sexual discrimination and of growing concern about the natural environment, that the topic of the moral status of animals became a vigorous debate about animal liberation.