

ETHICS AND NON-HUMAN ANIMALS

I. Changing Conceptions of Our Relation to the Rest of Nature—Especially Non-human Animals

A. *Man's Dominion*: Genesis Quote

“Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth.”

-Genesis 1:26

1. Two Interpretations:

a) Unrestrained (Proprietary) Rights: The only limitations on how we treat the rest of nature are based on how such treatment affects our fellow humans.

(1) Aquinas: “It matters not how a man behaves to animals, because God has subjected all things to man’s power.”

b) Stewardship: The fruits of the earth (including the animals) are entrusted to us for our gentle usage for our benefit.

(1) Proverbs: “The righteous man regardeth the life of his beast.”

B. *Cartesianism*: Animals have no souls, no consciousness, no feelings, no thoughts. They are automata that are mechanically complex but completely lacking in a psychology.

1. *Aside on immortal souls*: The claim that animals lack an immortal soul is often used to support the claim that it doesn’t matter how we treat animals unless that treatment affects other humans--that the death of an animal, per se, is of no moral significance. It is unclear how this argument is supposed to go. One might think, as Cardinal Bellarmine did, that just the opposite conclusion is warranted. He refused to swat mosquitoes that were biting him, arguing: “I have an immortal soul; I will spend eternity in heaven with God. This humble creature of God’s has only the life in this world. How can I, who will have eternal beatitude, deprive this creature of the only pleasure it is capable of in order to avoid such a minor annoyance.” But Descartes’ view is much more radical than denying that animals have immortal souls. He denies that they are conscious, that they have experiences, that they feel pain or pleasure, torment or comfort, or indeed anything at all.

2. *Effects of Cartesianism*: “They administered beatings to dogs with perfect indifference, and made fun of those who pitied the creatures as if they felt pain. They said the animals were clocks—that the cries they emitted when struck were only the noise of a little spring that had been touched, but that the whole body was without feeling. They nailed poor animals up on boards by their four paws to vivisect them and see the circulation of the blood which was a great subject of conversation” (*Animal Liberation*, Peter Singer, p. 209).

3. *Currency of Cartesianism*: Though this aspect of Descartes’ philosophy is not held by any philosopher today, it appears that the view is not completely dead. “If a man beats his wife every day, she suffers because she has an immortal soul. But if he beats his hound-dog, it may yelp some but it won’t suffer because it has no soul and no

consciousness” (quote from Reverend Roy Johnson, *Trapline Ramblings*, cited in *Mankind?* by Cleveland Amory, p. 221).

C. *The Great Chain of Being*: Humans are the highest creatures in the worldly pecking order. We are either the Crown of Creation or the Culmination of Evolution, depending on your view of such things.

1. Implications for Use of Animals

a) What is an evil to animals in our use of them is justified because it is a good to higher beings—namely, us. Thus, it morally permissible for lesser beings to suffer for the benefit of higher beings.

2. Problems for the view

a) The Great Chain of Being fits best (perhaps fits only) with creationism. An evolutionary story has no place for such a view. (See below.)

b) Even if humans are the highest worldly link in the Great Chain of Being, it does not follow that we can harm those who occupy a lesser station—especially for the purpose of promoting only our pleasure. (Would beings higher than us be justified in harming us for their pleasure?)

(1) Quote from Samuel Johnson’s “Review of a Free Enquiry . . .”

D. *Scientific*: On a contemporary scientific view, living humans and living non-human animals are all as fully evolved. They simply pursue different strategies for survival. We rely on intelligence and adapting our environment to us with shelter, clothing, agriculture, etc. Others rely on individual strength, speed, reproductive fecundity, etc. We may value some of these abilities more than others, but science doesn’t underwrite this value directly.

1. Changing Scientific Conceptions of Human Nature and the Nature of Non-human Animals. [Look for the trend here.]

a) *Cartesianism*: Humans have immaterial souls; animals do not. Not scientifically testable.

b) *Reasoning*: The ability to solve problems in the abstract.

(1) Oops! Non-humans do it too. Chimp solving problem of getting suspended banana.

c) *Tool Using*: The ability to make and use tools and to transmit that knowledge through cultural means (educating the young).

(1) Oops! Non-humans do it too. Chimps use leaves as sponges and sticks to get ants.

d) *Language Using*: The ability to use conventional symbols to represent objects and abstract ideas.

(1) Oops! Non-humans do it, too (at least with a little help). Still controversy here.

e) *Prostitution*: (’nuff said)

(1) Oops! Non-humans do it too.

II. Bases of Concern for the Treatment of Animals

- A. Religious
- B. Ecological: Misuse of non-human animal resources causes destruction to the environment and the bio-diversity of the planet.
- C. Moral:
 - 1. Indirect: The treatment of non-human animals has effects on humans.
 - a) Effects on humans based on ecological consequences or on the religious or moral beliefs of the humans.
 - b) The spillover effect: Kant and Aquinas
 - 2. Direct: The treatment of animals is of direct moral significance.
- D. *Thought Experiment to Distinguish Direct Moral Concern from Other Sorts of Concern:* Suppose there were no deity, no adverse ecological effects, no adverse effects on future behavior toward humans, and no one else finds out about the act. Does it then matter morally if a person slowly torments a dog (or a pig) just because it entertains him. A “yes” answer, indicates acceptance of direct moral concern for the welfare of animals.

III. Justifying Direct Moral Concern for Non-human Animals:

- A. It is difficult to prove that non-human animals count for something morally. (It is also difficult to prove that humans count for something morally.)
- B. Unsatisfactory nature of attempts to exclude non-humans from moral consideration.
 - 1. Appeals to special abilities (rationality, language, etc.)

- a) Often irrelevant

(1) Bentham quote,

"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. 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 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?"

-*Principles of Morals and Legislation*, Chapt XVII, § 1.

- b) Always too narrow, or too broad, or both

- (1) Any nonspecies-based criterion, will not divide individuals according to species. For whatever special ability or quality one cites, there will be some non-humans that have it to a greater degree than some humans. So you cannot draw a line that keeps all non-human animals out without leaving out many humans—indeed some of the little cuddly ones we like the best.
 - c) Thought Experiment: Imagine you (or your child) lost all of higher mental capacities so that you (or she) had no more mental life than a cow. Would it be of any moral significance how you (or she) were treated?
2. Appeals to species: Speciesism
- a) *Direct Speciesism*: On this view, the species of an animal is directly relevant to the moral status of the individual—the correct moral theory will assign a particular moral status to each species.
 - (1) *Objections*: It is implausible to suppose that a biological category like species is intrinsically morally relevant. It seems both too broad and too narrow in light of the following cases:
 - (a) *Too Narrow*: Possibility of intelligent aliens.
 - (i) If other species are added to avoid this problem, then direct speciesism fails to explain why these other species should be added.
 - (b) *Too Broad*: Infants born without a cerebral cortex.
 - b) *Indirect Speciesism*: This view holds that an individual's moral status is dependent on the capacities that are typical of members of its species. If typical members of the species have certain morally important capacities, then all members have the status appropriate to beings with this capacity—even those members lacking in those capacities.
 - (1) *Objections*: This view also seems both too broad and too narrow.
 - (a) *Too Narrow*: Imaginary cases of intelligent member of some known animal species.
 - (b) *Too Broad*: Infants born without cerebral cortex (again).
 - c) Both forms of speciesism violate what we might call, following James Rachels, *moral individualism*. On this view, individual beings are to be treated in accordance with their individual characteristics. This seems like a plausible moral constraint.

IV. Weighing the Interests (and/or Rights) of Nonhuman Animals

- A. *Counting Interests v. Counting Interests EQUALLY*: Establishing that the interests of nonhuman animals are directly morally relevant to determining the rightness and wrongness of actions does not show that these interests count *equally* with those of humans.

- B. *Understanding the Demand for Weighing Interests Equally*: It is important to see that the claim that the interests of humans and nonhumans should be weighed equally does not entail that nonhumans must be treated the same as humans. Where the interests differ, the treatment may differ. The argument is not over the specific treatment of various animals, but how the interests of various animals (human and nonhuman) are to be weighed in determining what is morally right.
- C. Arguments for Weighing the Interests of Humans and Nonhumans Differently
1. *Special Abilities*: We are justified in giving more weight to the interests of humans than to those of nonhuman animals because humans have abilities or characteristics (such as intelligence, self-consciousness, *etc.*) that warrant such treatment.
 - a) *Criticism*: This will not justify special weight for human interests *as such*. The interests of those humans who have the special ability or characteristic will get special weight, but not all human interests will.
 2. *Speciesism (Direct and Indirect)*: We are warranted in giving more weight to human interests than to the interests of nonhuman animals because just because humans are members of the species *homo sapien* or just because they are members of a species the typical members of which have special, morally relevant characteristics.
 - a) *Criticism*: If the above criticisms against speciesistic defenses of ignoring animal interests are correct, then there is no reason to think that it will be satisfactory to use speciesistic defenses of weighing the interests of humans more heavily than those of nonhuman animals.
 3. *Species Chauvinism*: This is a different form of speciesism than those discussed above. It holds that members of each species are warranted in taking the interests of conspecifics (fellow members of the species), more heavily than those of members of other species. It doesn't seek an objective perspective from which to weigh interests. Human interests properly weigh more for other humans, canine interests properly weigh more for other canines, *etc.*
 - a) *Criticism*: Perhaps the most troubling thing about this approach is the similarity it has to racism, sexism, religious bigotry and national chauvinism. Certainly, one of the great goals of moral theorizing is to establish an objective perspective from which to weigh interests. This goal shouldn't be given up lightly, lest we slip into moral factionalism.
- D. Arguments for Weighing the Interests of All Animals (Human and Nonhuman) Equally
1. *Appeal to Moral Individualism*: Moral individualism requires treating the interests of all animals equally.
 - a) *Criticism*: Moral individualism only rules out speciesistic defenses of treating the interests of animals of different species differently. It does not require treating all individuals the same. It is consistent with moral individualism to hold that the interests of more intelligent animals count more heavily than those of less intelligent animals. All the moral individualist requires is that *whatever* criteria are deemed to be relevant must be applied at the level of individuals—not at the level of groups like species.

2. *Appeal to the Source of Wrongness (inspired by Singer's arguments):* Suffering is the source of moral wrongness. Therefore, suffering is equally bad wherever it occurs. It follows that the suffering of every being must be considered equally in determining whether an action is morally right or wrong.
 - a) *Criticism:* The argument depends on the assumption that suffering, itself, is the *only* source of moral wrongness and that all suffering is equally bad. These are controversial assumptions attractive only to hedonistic utilitarians. Singer must defend these assumptions.

V. The Right to Life of Nonhuman Animals

- A. Even if it is established that nonhuman interest count morally—indeed, even if it is shown that they count equally with the interests of humans—it does not follow that nonhuman animals have a right to life or that there is anything intrinsically wrong with killing a nonhuman animal. This issues turns on whether nonhuman animals have an interest in continued existence.
- B. *The Kantian Argument:* Killing (as well as other forms of using) nonhuman animals for food, sport, *etc.* involves using them as mere means to the satisfaction of our desires. It is wrong to use another being as a mere means to the satisfaction of our desires. Therefore, it is wrong to kill nonhuman animals for food, sport, *etc.*.
 1. *Nonphilosophical Note:* It is ironic that Singer gives this argument since: (a) he is a utilitarian and utilitarians are committed to the permissibility of using some for the well-being of others; and, (b) he has specifically admitted that it might be right to use some animals for experimentation in certain cases.
 2. *Criticism:* The argument trades on an equivocation on ‘using something as a mere means.’ There is a *prima facie* morally bad sense of this phrase, as when, for your own advantage, you treat a person in a way that he objects to or is contrary to his interest. However, there is a morally neutral sense of the phrase, as when, for your own benefit, you use someone or something in a way that is not contrary to its preferences or interests. (Suppose I lie down on the beach in the shade provided by someone else who is sitting on the beach.) Whether the mere killing (*i.e.*, the painless, unanticipated killing, not preceded by an unpleasant life) of a nonhuman animal constitutes a morally objectionable form of “using as a mere means” depends on whether it is contrary to the preferences or interests of nonhuman animals to be killed in this manner. And this seems to depend on whether the animal in question is capable of taking an interest in its mere continued existence.

C. *The Godlovitches' Argument:* This argument attempts to show that the conjunction of the claim that there is nothing wrong with painlessly killing an animal with the claim that animal suffering is to be avoided leads to unacceptable consequences.

1. Consider this argument:

- (a) There is nothing wrong with the painless killing of nonhuman animals.
 (b) The suffering of nonhuman animals is to be avoided.
 (c) All nonhuman animals will suffer at one time or another.
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- (d) It is our moral duty to painlessly kill all nonhuman animals.

2. Roslind and Stanley Godlovitch argue that the conjunction of (a), (b), and (c) *entail* (d); (c) is a mundane truism and (d) is unacceptable; therefore, one must reject either (a) or (b). Of the two, (b) is clearly more plausible. Therefore, we must reject (a).

3. *Criticism:*

a) *Equivocation:* The argument equivocates between:

- (1) The suffering of nonhuman animals is intrinsically bad; and,
 (2) The suffering of nonhuman animals is to be avoided *at any cost*.

(1) only entails that animal suffering is to be avoided *other things being equal*. It does not entail that animal suffering is to be avoided even if it means preventing all animal pleasures, too. (2) is extremely implausible.

b) *Counterexample:* Think of the following argument which is analogous to the one the Godlovitches' ask us to consider.

- (a') There is nothing wrong with not having children.
 (b') The suffering of humans is to be avoided.
 (c') All humans will suffer at one time or another.
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- (d') It is our moral duty not to have children.

If the argument the Godlovitches' have us consider is valid, then so is this one. And, if so, then it follows that we must reject premise (a') and conclude that those who choose not to have children are acting immorally.