

Chapter 1

A short primer on animal ethics

Lately, nonhuman animals have been the topic of a great deal of social and professional discussion. Open questions concern animals' *moral status* as well as their *mental lives*. On the moral front, the animal protection movement in the past quarter-century has questioned traditional assumptions about animals—that they have little or no moral status, and that they may be used for practically any human purpose. But some have taken this movement to deny obvious moral differences between humans and animals. Spokespersons for professions that use animals have sometimes angrily asserted a fundamental, unquestionable gulf between humans and other animals. Who is right? How are we to understand the moral status of animals? Among the obvious differences between humans and animals, which, if any, are morally important? We have nothing resembling a consensus on these issues.

The jury is also out with respect to animal minds. As the scientific study of animal mentation gains respectability, the public is increasingly fascinated by this topic. Note the popular books speculating about waking and dreaming states of various domestic species (not to mention television commercials featuring cute animals drinking beer or driving trucks). While some see the increased attention to animal minds as hopelessly sentimental anthropomorphism, others take it to reflect the overdue demise of a prejudice against animals.

While intriguing and important in its own right, the mental life of animals is also crucial to the ethical study of animals—*animal ethics*, as it is now called. That is because what sorts of mental capacities we attribute to animals have a great deal to do with how we think they should be treated. If an animal is thought to be a sort of organic wind-up toy, people are unlikely to go far out of their way for it. But if an animal is believed to be self-aware or rational, or to have a rich emotional life, different responses are likely.

This book is based on the premise that philosophical work is essen-

Taking animals seriously

tial to understanding animals. Untutored “common sense” is insufficient in areas such as this, where there is much fundamental disagreement and where traditional or common assumptions are questioned for their adequacy. Philosophy offers critical reflection that can help to distinguish good insights from the products of prejudice, as well as certain kinds of analytical tools. Examining the moral status of animals in a careful, disciplined manner requires some measure of theorizing, taking us to the area of philosophy known as *ethical theory*. Similarly, examining animal minds in light of empirical evidence requires trekking through thickets of conceptual issues and questions about what sorts of inferences are justified by what sorts of evidence. This means investigations in what is known as the *philosophy of mind*.

While this book is animated by philosophical investigations, it is by no means written exclusively for philosophers. It is written for thoughtful people who are interested in animals and are willing to work patiently through complex issues regarding them.

THE FIRST GENERATION

Since the mid-1970s, philosophers have contributed substantially to animal ethics. It will be worthwhile to highlight some leading contributions—even if briefly and somewhat impressionistically—in order to achieve a sense of what has been done and what remains to be done.¹ My review focuses on the book-length discussions that, in my opinion, have contributed the most to the philosophical discussion of animal ethics.² As we will see, this discussion depends heavily on theses about the mental lives of animals, so that animal ethics necessarily involves the philosophy of mind and the natural sciences. (Readers who are unfamiliar with the literature reviewed here should note that their introduction to animal ethics will, in effect, continue as specific issues are taken up in later chapters.)

More than any other work, Peter Singer’s *Animal Liberation* brought questions about the moral status of animals into intellectual respectability.³ In this work, Singer argues on the basis of behavioral, physiological, and evolutionary evidence that many animals (at least vertebrates) have interests—at the very least an interest in not suffering.

¹Parts of the review that follows draw from my “The Moral Status of Animals and Their Use in Research: A Philosophical Review,” *Kennedy Institute of Ethics Journal* 1 (1991), esp. pp. 49–56.

²Of course, one might not agree with all my judgments here. For example, one might argue for the inclusion of Bernard E. Rollin, *Animal Rights and Human Morality* (Buffalo, NY: Prometheus, 1981) or Michael P. T. Leahy, *Against Liberation: Putting Animals in Perspective* (London: Routledge, 1991).

³*Animal Liberation* (New York: New York Review of Books, 1975)

A short primer on animal ethics

Indeed, he identifies *sentience*, the capacity to suffer, as the admission ticket to the moral arena. Nonsentient beings have no interests, and where there are no interests, there is nothing morally to protect. On the other hand, all sentient beings have interests and therefore moral status.

Noting that leading ethical theories assume some principle of *equal consideration of interests*, Singer argues that there is no coherent reason to exclude (sentient) animals' interests from the scope of equal consideration. Including animals does not entail precisely equal *treatment*. Dogs have no interest in learning to read and write, so equal consideration does not require providing them an education even if we hold that humans are entitled to an education. However, it does mean that if a human and a rat suffer equally in duration and intensity, their suffering has the same moral weight or importance. Singer employs this simple thesis in a scathing critique of common uses of animals for human purposes. He gives particularly detailed attention to factory farming and the use of animals in biomedical research, calling for the abolition of the former and the near-abolition of the latter.

Singer's contribution has much to recommend it. His arguments are presented with unusual clarity. The wealth of information about common uses of animals is truly eye-opening. And Singer manages in very few pages to demolish some popular rationalizations for the status quo while writing at a level that practically any adult reader can understand.

But the book also has disadvantages. The cost of wide accessibility is some degree of philosophical superficiality. (Indeed, I think a major problem in animal ethics is that several philosophers seem to have used the goal of accessibility as an excuse to avoid some difficult philosophical issues.) Singer slips by many issues that philosophers find it natural to flag. Examples include the possible relevance of social relationships to a determination of moral status, the nature of suffering and its relation to other mental states, and whether there should be a burden of proof on one who denies that equal consideration should extend to animals. Other problems include (1) difficulties with the theory of utilitarianism, which lurks in the background and sometimes drives his arguments, and (2) an untenable defense of a very important claim—namely, that equal consideration for animals is compatible with the judgment that the lives of normal humans are ordinarily more valuable than the lives of animals.

Like Singer, R. G. Frey embraces *utilitarianism*, the ethical theory that states that the right action is that which maximizes good consequences. His *Interests and Rights* is philosophically more in-depth than most works in animal ethics.⁴ Unlike Singer, Frey argues in this early work

⁴*Interests and Rights: The Case Against Animals* (Oxford: Clarendon, 1980)

Taking animals seriously

that animals have no interests (and therefore cannot be harmed). To reach this conclusion, he begins by contending that all morally relevant interests are based on desires. Then he argues that one cannot have a desire (say, to own a book) without a corresponding belief (that I lack a book or that the statement "I lack a book" is true). He makes the case that a belief—which always amounts to a belief that a certain sentence is true—requires language. Because animals lack language, they lack the beliefs requisite for desires and therefore lack desires. Thus, animals have no interests. Lacking interests, animals have no significant moral status.

Frey's book has received considerable attention, in part because for over a decade it was the only well-known philosophical book making the moral case against animals. Its chief merit is that it recognizes the philosophical issues implicated in exploring animals' minds and moral status and gives these issues energetic philosophical treatment. Its chief demerit is that it is largely mistaken.

For example, among the more dubious premises in the foregoing argument are that beliefs are always beliefs that some sentence is true, and that they require language. (In Chapter 6, I will argue that language is not necessary for having desires and beliefs.) Frey's view also has some incredible implications. It is hard to believe that kicking a cat does not harm her—causing her to suffer—and that doing so is not contrary to her interests. We should not be surprised, then, to find considerable strain at the end of the book when he almost entirely avoids the word *suffering* (which he apparently ties to harm and interests). Frey states instead that "higher" animals can experience "unpleasant sensations" and that gratuitously causing such sensations is wrong.⁵ Moreover, it is unclear why it is not in one's interests to avoid unpleasant sensations. (Frey apparently agrees because he now allows that many animals have interests and can suffer and be harmed.⁶)

I will comment further on Frey's work in later chapters. Here it is worth noting that his version of utilitarianism (like Singer's) implies that not only animals—but humans—lack moral rights, because *there is no such thing* as a moral right; the only ultimate moral standard is the principle of utility, the principle that we should maximize good consequences. This principle might require us, in some circumstances, to override individuals' interests in ways that seem clearly unjust (that is, seem to violate their rights), such as framing an innocent man to prevent a riot.

⁵ibid, pp. 170–71

⁶Frey has been most forthcoming with these concessions in public lectures and in conversation. But see, e.g., Frey, "The Significance of Agency and Marginal Cases," *Philosophica* 39 (1987): 39–46.

A short primer on animal ethics

Seizing on such problems, Tom Regan argues for an alternative. His *Case for Animal Rights* is perhaps the most systematic and explicitly worked-out book in animal ethics.⁷ His moral position begins by rejecting utilitarianism. Regan argues that because it is committed to maximizing the good with no prior commitment to how the good is to be *distributed*, utilitarianism fails to respect the moral importance of individuals *as individuals*. If slavery is wrong, according to the utilitarian, it is only because the institution fails to maximize the good, not because of the inviolability of persons. It is not even clear that the painless, carefully concealed killing of one unconsenting person to retrieve organs to save a few other persons is wrong on utilitarian reasoning.

Regan proposes that we regard individuals as possessing *equal inherent value*. Who are “individuals”? They are beings who have a welfare, who can fare well or badly over time. Thus animals who have beliefs, desires, and a psychophysical identity over time—*subjects-of-a-life*—have inherent value. This includes at least normal adult mammals. Inherent value implies a basic Respect Principle, which in turn implies a *prima facie* duty not to harm “subjects.” Importantly, Regan includes both inflictions and deprivations as harms, so that death, which deprives one of life’s opportunities, is ordinarily a harm to “subjects”—even those lacking the concepts of life and death. A careful examination of the Respect Principle leads Regan to the thesis that “subjects” have a *right not to be harmed* that is not to be overridden for utilitarian or other reasons (except in very rare circumstances in which those whose rights are to be overridden would be harmed even if no action were taken). Applying his rights view to various problem areas, Regan calls for the abolition of animal agriculture, hunting and trapping, and the harmful use of animals in research.

Regan’s classic book continues to represent an important position in animal ethics. On the whole, *The Case for Animal Rights* is carefully argued and thorough. The position laid out is far more coherent than traditional thinking about animals, and Regan impressively integrates his moral reasoning about humans and other species. The work on animal minds was very good for its time (the early 1980s). Moreover, the assertion of nearly absolute rights allows Regan to avoid a notorious conundrum in animal ethics that will be introduced in Chapter 3: the “problem of marginal cases.”

At the same time, Regan’s rights view seems underdetermined by his arguments. In particular, the postulate of equal inherent value merits a much more vigorous defense than he has supplied; he has not answered the best arguments against ascribing such equal value to all “subjects.” His view also has some incredible results—for example, that

⁷ *The Case for Animal Rights* (Berkeley: University of California Press, 1983)

Taking animals seriously

it would be wrong to cause a minor unconsented harm to one individual who would not otherwise be harmed in order to prevent a major catastrophe. (Utilitarianism does not have a monopoly on counterintuitive implications.) In addition, his handling of the rare cases in which rights may be overridden (e.g., when every rightholder on a lifeboat will drown if none is sacrificed) is at best incompletely defended and at worst inconsistent with his strong interpretation of inherent value, his abolitionist position on animal research, or both. Further, his account of *positive duties*—which concludes that we have a *prima facie* duty to assist *victims of injustice* but no such duty to help others in need—is almost certainly unsustainable.⁸

Singer, Frey, and Regan have made important contributions. Much of the animal ethics literature comes close to suggesting that they have mapped out *the* major views in this debate; it is not unusual for an article or anthology to represent “the utilitarian view,” “the rights view,” and no other. This suggests that their views are very different from each other. *The first generation* of major scholars in animal ethics has supported this impression with their extraordinary emphasis, in their books and articles, on the utility-versus-rights debate.

Yet the views of the first generation—especially with Frey now conceding that animals have interests—are strikingly similar. All fit comfortably within the tradition of liberal individualism: The moral focus is on the individual, whether as rights-bearer or as bearer of interests to be counted in utility maximization. Thus, they largely ignore approaches (such as Midgley’s, discussed in the next section) that ground obligations in social relations more than in individuals’ characteristics, such as sentience. They also favor highly systematic, unified ethical theories. This is not a trivial concurrence; philosophers today are increasingly doubtful that any simple, unified theory can corner the market on ethical insight. An example of a more pluralistic approach is that of Sapontzis (see next section).

One of the most remarkable facts about the first generation is that they all agree on the basic idea of extending equal consideration to animals. For the utilitarians, animals’ interests count equally in maximizing the good. For Regan, animals’ interests are somewhat more rigorously protected by rights. The vast majority of humanity—and most philosophers, for that matter—do *not* grant animals’ interests equal consideration. Thus, the issue of whether to do so is emphatically more important than the utility-versus-rights debate.

⁸The points made in the last two sentences are powerfully argued by Dale Jamieson, “Rights, Justice, and Duties to Provide Assistance: A Critique of Regan’s Theory of Rights,” *Ethics* 100 (1990): 349–62.

A short primer on animal ethics

THE SECOND GENERATION

The work of what I call *the second generation* of major scholars in animal ethics has been more diverse and greatly underappreciated. It begins with Mary Midgley's *Animals and Why They Matter*.⁹ Much of Midgley's book is devoted to discrediting the view that animals are morally unimportant. In this effort, she profitably distinguishes several ways in which thinkers have dismissed the interests of animals. In arguing against such dismissal, she stops short of entirely rejecting the idea that the needs of those socially closer to us have moral priority over the needs of those less close. Indeed, in a qualified endorsement of such a perspective, she departs from the individualist mainstream and invokes social-bondedness, and the emotions connected with them, as morally paramount. By way of analogy, she goes on to argue that a preference for one's own species is acceptable *within limits*, in no way justifying the dismissal of animals' interests. (She deplores contemporary methods of meat production, for example.) Rather than portraying the moral concerns of family, kin, nation, species, and so on as forming concentric circles with oneself in the middle, she portrays them as overlapping concerns. Her book is also notable for a sustained, historically informed critique of the traditional views that (1) reason is the basis for moral status, and (2) reason alone, not emotion, is authoritative in ethics.

Midgley's work brings theoretical fresh air into the debate. Her contribution constitutes a challenge to the extension of equal consideration to animals that is significant both for its constructiveness and for the feminism-influenced insights that drive it. I will critically examine her view in Chapter 3.

In *Morals, Reason, and Animals*, S. F. Sapontzis, like Midgley, eschews efforts to ground ethics in ahistorical, reason-derived norms.¹⁰ Sapontzis treats ethics as a pragmatic endeavor rooted in cultural traditions but capable of progress within a tradition. He contends that while the Western tradition does not question our casual consumption of animals, certain fundamental elements of that tradition point in the direction of animal liberation. In view of the lack of a clearly authoritative ethical theory, and suspicious of relatively simple frameworks (like utilitarianism and Regan's view), he treats three major goals of our moral tradition as on a par: reducing suffering, being fair, and developing moral virtues. Thus, his view is an amalgam of considerations of utility, rights, and virtue. In the end, he condemns current animal-

⁹ *Animals and Why They Matter* (Athens, GA: University of Georgia Press, 1983)

¹⁰ *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987)

Taking animals seriously

consuming practices, although he is not quite an abolitionist with respect to animal research.

Sapontzis' book is one of the very best in the field. His probing discussions of, for example, the harm of death, the environment, the possibility of animal virtue, and the so-called "replacement argument" are outstanding. His pragmatic, pluralistic approach avoids some of the pitfalls of monolithic ethical theories. My impression, however, is that the argumentation is unevenly rigorous. I also wonder why just the above three prongs of our tradition are the ones we should appeal to in ethics. And do we really have a shared conception of fairness? More troublingly, couldn't one argue that a fourth prong is the idea that human interests deserve vastly more weight than animal interests? After all, this idea is as old as our tradition itself and seems to enjoy majority support today.

The least systematic of the books discussed in this overview, Rosemary Rodd's *Biology, Ethics, and Animals* is nevertheless a very important contribution.¹¹ Combining competence in both philosophy and biology, Rodd explores animal ethics equipped with something the other authors lack: a superior scientific understanding of animals generally (in terms of evolutionary theory and scientific methodology) and of different species of animals. This allows her, for example, to rebut effectively various sceptical claims about animal mentation, comment knowledgeably about the animal-communication debate, and cast serious doubt on the assumed human monopoly on self-awareness and moral agency. Her constructive discussion of conflicting human and animal interests contains fresh insights and creative proposals; it features discussions of neglected topics, such as pest control, and one of the best discussions of animal research in the literature.

In the end, her view might best be described as a modified animal-liberation view that endorses some partiality toward humans but seeks to minimize conflicts between humans and animals through better understanding of the latter. She holds that the harmful use of animals is justified only when (1) the animals are compensated by benefits that make up for the harms they endure, or (2) harming animals is the only way to prevent death or substantial harm to humans (in which case, harms to the animals must be kept to an absolute minimum).¹² Perhaps the book's chief weakness is that in places, one might expect more extensive argumentation on distinctively philosophical issues—such as the comparative value of different sorts of lives and the status of duties of assistance. Another difficulty is that rambling prose sometimes makes it hard to follow lines of argument.

¹¹ *Biology, Ethics, and Animals* (Oxford: Clarendon, 1990)

¹² *ibid.*, p. 175

A short primer on animal ethics

Our tour of the second generation ends with Peter Carruthers' *The Animals Issue*, which I consider the most important published case against animals.¹³ A lively, provocative book, it challenges not only the extension of equal consideration to animals but even the more modest thesis that animals have *some* moral status—that their interests matter morally in their own right and not just because of effects on human interests. Employing the coherence model of ethical justification (which I elaborate and defend in Chapter 2), Carruthers argues that morality is best understood in terms of an imaginary social contract constructed by rational agents. He contends that only humans are rational agents and therefore covered by the terms of morality, but he maintains that, for several reasons, *even nonrational humans* should be covered by these terms. In the last chapter, he somewhat tentatively advances the thesis that the mental states of animals are all unconscious (which, if true, makes the case against animals much easier).

Carruthers' concise and thoughtful book is an important challenge to the philosophical arm of the animal protection movement. But I suspect that the book would have been stronger had the last chapter simply been omitted. And discussions (in several chapters) of animals' mental capacities are vitiated by very little engagement with relevant empirical literature (in stark contrast to Rodd's work, for example). In Chapters 3 and 5, I devote a section each to undermining Carruthers' contract approach to animal ethics and his skepticism about animal consciousness, respectively.

THIS BOOK

Where does the present book fit in? In part, it is a response to my perception of some gaps and weaknesses in the existing animal ethics literature. It is also a response to growing (and partly independent) interest in the mental life of animals—an offering of the sort of conceptual and philosophical work that is needed to interpret empirical data responsibly in marshalling theses about animal minds. My overarching purpose in *Taking Animals Seriously* is to explore the mental life and moral status of animals in a philosophically penetrating, empirically well-informed way. Under the umbrella of this general aim are several more specific ones.

First, I want to transcend the utility-versus-rights debate and offer a well-developed methodology, a version of the coherence model, for fruitful pursuit of questions in animal ethics. I employ that methodology in arguing that many animals have moral status and that much of

¹³*The Animals Issue: Moral Theory in Practice* (Cambridge: Cambridge University Press, 1992)

Taking animals seriously

our current use of animals is ethically indefensible. I also argue in favor of equal consideration for animals but take pains to explain what that means and, just as importantly, what it does not mean (since the idea is often misunderstood). In sum, on the ethical front, I try to show that prevalent ethical attitudes about animals are largely *incoherent* (in a broad sense of that term). At the same time, I draw attention to some morally interesting *differences* among bearers of moral status; those who champion animal protection often downplay such differences. Second, in exploring the mental life of animals, I strive for both philosophical rigor and empirical richness. I try to demonstrate, among other things, that a large class of animals have feelings, desires, and beliefs and that some interesting mental properties (e.g., self-awareness) and other phenomena of interest (e.g., language) are neither all-or-nothing nor exclusively human. Third, I endeavor to explore the basic features of animal well-being and related notions, especially in comparisons with humans—drawing from the study of animal minds and contributing to the project of animal ethics—in a more detailed and penetrating way than has been accomplished before.

The plan of the book is as follows. In Chapter 2, I describe, develop, and defend my methodology in ethics. This chapter is less centrally about animals than are the other chapters; readers who are not so concerned about methodology may wish to skim it. In Chapter 3, I distinguish the fundamental questions about the moral status of animals, argue that animals have basic moral status, establish a burden of proof in favor of equal consideration for animals, and argue that the best attempts to carry this burden fail. It is explained that further understanding of what equal consideration would amount to, and of the moral status of particular animals, requires work in value theory (which explores the basic features of individual well-being), which in turn requires a decent grasp of animals' mental life. Chapter 4 further motivates the study of animal minds and explains the pluralistic method to be used in this study. (The method for studying animal minds can be seen as part of the broader methodology for ethics, the coherence model.) In Chapter 5, I argue that most or all vertebrates, and probably some invertebrates, have feelings; in Chapter 6, I argue that these same animals have desires and beliefs. Chapter 7 investigates self-awareness, language, moral agency, and autonomy in relation to animals. Drawing from the work on animal minds, Chapter 8 explores animal well-being. Particular emphasis is given to the question of whether death ordinarily harms humans more than it harms other sentient animals—a crucial issue in unpacking equal consideration. We return to animal ethics in Chapter 9, which specifies numerous principles and other moral conclusions of interest to animal ethics, before confronting the issues of eating animals and keeping them in zoos.