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PERSONS, MORALS AND THE ANIMAL KINGDOM

I

The relations that should obtain between men and animals are complex and little charted. I shall commence with commonplaces—matters that we can be confident obtain—and then move on to the matters which are genuinely problematical.

No one who has thought through what is involved in morality is going to demur at the injunction 'Be kind to animals'. What is problematical is just how this is to be understood—what is involved in committing oneself to it. When we consider the meanings of 'humane' and 'civilized', it is evident that it is a conceptual remark (what Wittgenstein called a 'grammatical remark') to say that the having of humane attitudes is a mark of a civilized man. A man who did not have such attitudes could not correctly be said to be 'civilized', for 'being humane' partially defines what it is to be civilized. A humane man, as a glance at the O.E.D. confirms, is a man who is characterized by a certain disposition toward others; the disposition toward others is that of being kind, courteous, benevolent, obliging, civil and the like. And, for a man to be civilized is for him to be civil—to be brought out of the state of barbarism and to be refined in his perceptions of the world and attitudes toward the world. But simply to be unconcerned with the suffering of animals, to say nothing of inflicting that suffering oneself, is to show that one has a barbaric side. Unless we are persuasively to redefine 'civilized', we will admit that a civilized man may hunt or fish, but he will hunt or fish in a certain way. He will not be unconcerned about how he treats the animals he catches or shoots. He will see to it that the fish he catches suffer no more than is necessary and he will dispatch a wounded bird or deer as painlessly as possible. In fine, a civilized man will be a humane man. This is not an empirical question but something built into the very grammar of 'civilized'.

So far we have not dealt with anything other than what we could understand and would assent to if we had a reasonable knowledge of the King's English and reflected a bit in this direction on that knowledge.

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It indeed is evident enough that men debase themselves by being cruel to animals and that they are to a lesser extent debased in allowing such cruelty when they could realistically and readily prevent it. Whether they are debased in tolerating the cruelty that obtains today is not a commonplace and is in important respects parallel to the question of whether they are debased in tolerating the inhumanity of man to man that is pervasive throughout the world. (Extreme cases being Vietnam and the mass starvation in Africa and the Asian subcontinent.) The resolution of these two parallel questions is, of course, not a commonplace.

Those difficult questions aside, there is no serious question that the very moral point of view that civilized Western people have come to hold commits them to a humane treatment of animals. (I do not suggest *only* civilized Western men have such attitudes.) And the question, perhaps putative, 'Why should anyone be humane?' is on a level of abstraction close to that of 'Why should anyone be moral?'. To 'be moral', as it has come to be understood by civilized Westerners, is to be humane, though clearly it is not only to be humane. And for anyone taking such a moral point of view, there is no more room for asking 'Why be humane?' than there is for asking 'Why be moral?'. From such a moral point of view, both questions are as senseless as 'Why are all emerald things green?' or 'Why are all wives women?'.

II

So far we have remained for the most part with commonplaces and truisms, though we should not forget that both can be true and under certain circumstances both should be uttered. We move away from commonplaces and truisms to slightly more troubled ground when we ask whether people have obligations to perform toward other living creatures or whether animals have rights. Surely if we maintain that rights and obligations are so related that only if X can have obligations to perform can X have rights, then we cannot say that animals have rights, for they do not have obligations nor can they come to have them. Similarly, if one can only have a right if one can claim a right, then it also follows that animals do not have rights, for they cannot claim rights. But infants cannot perform obligations or claim rights either but we all the same quite unproblematically regard them as having rights. There are certain things that can be claimed for them and they must, from our moral point of view, be treated in a certain way. Indeed,

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if X has a right to Y, it is *normally* the case that X can claim that right and has certain correlated obligations. Yet that this holds for standard situations does not show that it must hold for all situations. That these conditions do not obtain for animals does not show that they do not have rights, any more than it does for infants. Civilized human beings believe that at least certain animals should be treated with respect. They can claim rights for animals as they can for children and believe that animals must be treated in a certain way. Given such beliefs, there is good reason to believe that animals have rights. Only if such beliefs are shown to be somehow irrational or resting on 'mere prejudice and sentimentality', in a way quite unlike any parallel claim that would be justifiably made concerning our attitudes towards infants, can we say that it is a mistake to assert that animals have rights. Animals are not moral agents and, unlike infants, are not even potential moral agents. But this does not keep them from having rights or being the subjects of moral discourse or, like infants and people in hopeless idiocy, the subject of our moral concern.

They are the subject of our moral concern because they can experience pain and can and indeed do suffer. There may be other reasons why they should be the subjects of our moral concern but these considerations are themselves sufficient to make them such subjects of our concern. It is a moral truism that unnecessary suffering should be avoided and a further one that it is evil to inflict suffering needlessly. Whether animals can experience anxiety, suffer neuroses, or express loyalty are difficult conceptual questions that we need not enter into in order to establish that they are proper subjects of moral concern.

III

What I have argued for so far should, I believe, be accepted by anyone informed in a way a contemporary educated person is informed in our culture, if this person will reflect on the facts and on the moral point of view extant in his or her culture. I shall now move away from what reflective common sense could establish to considerations which lead us into perplexing territory scantily mapped, slightly researched, and not probed emotionally or intellectually.

There is hidden in the above commonplaces a problem of considerable magnitude. A humane man must believe that animals should suffer no more than necessary. When animals must be killed they must be killed as

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painlessly as possible. But what counts as 'no more than necessary' or 'as painlessly as possible'? How do these notions translate into the concrete?

In the large ranches of the North American West, cattle graze on an open or partially open prairie and rustling remains a practice even today. On these ranches cattle are branded. Presumably they could have instead something like dog collars or have coloring on a portion of their hide or some other device for identification. But both 'dog collars' or coloring would be far more costly and would be a boon to the rustler. Presumably, however, some device could be developed which would be relatively efficient in identifying the cattle and would protect cattlemen against rustlers. It would, however, be much more costly. Suppose, to bring out the principle of the thing, that the utilization of the cheapest effective alternative to branding would double or triple the cost of cattle raising. Would then the pain suffered by the animals in being branded be a necessary suffering? Many people would say so while remaining fully aware that it is actually possible to carry on ranching without branding, if ranchers generally abandoned this practice. But the cost, many practical minded people would say, would make such a practice prohibitive so that the suffering is actually necessary. Others would say that we humans should plainly bear the added cost and inconvenience and not tolerate such animal suffering. It is not necessary that the animals should so suffer.

There need not be any direct conflict as to the facts in the case between people taking conflicting moral postures here. From the point of view of the person resisting branding as 'inhumane,' the branders just do not care enough about the suffering of the animals to abandon their admittedly convenient practices. Yet, if they are candid, they must admit that the ranchers do not inflict the suffering gratuitously. They neither brand or hurt the animals for the fun of it, nor characteristically make the branding any more painful than is necessary to get the job done. All parties here agree that unnecessary suffering is to be avoided. (That, of course, is the truism.) They also agree that this principle applies to animals as well as men. What they do not agree about is the criteria for 'unnecessary suffering' when it is applied to animals. Moreover, it is not evident that there is an objective basis in accordance with which such a conflict could be resolved.

IV

Concerning some situations, almost everyone will agree that the suffering of animals or the killing of animals is necessary. If I am driving down the road and a gopher runs across the road I will try to avoid hitting it. But I will not try to avoid hitting it at risk to life or limb. If a dog wanders onto a road and at the same time a child wanders onto the road and I cannot avoid both, I will hit the dog. This is the way the overwhelming majority of people behave and this is also the way the overwhelming majority of the people believe they ought to behave. And this conviction remains even after careful reflection.

However, the really crucial question is whether that settled conviction has any ground. That is to say, if someone should challenge it, could we 'standard humans' who have this conviction justify it?

In facing this very central question I want to proceed by first looking at one of the few considerations of this question in the history of ethical theory, namely the dispute between the classical utilitarians and William Whewell.¹

In his *Introduction to the Principles of Morals and Legislation* (1780), Jeremy Bentham argued, as John Stuart Mill did later as well, that since animals, as well as humans, suffer pain and experience pleasure, the end of conduct, should *not* be the diminution of pain and the increase of pleasure of the human animal alone but it should be the diminution of pain and the increase of pleasure of *all* sentient beings. In a way that Whewell believed to be utterly wrong-headed and indeed morally repugnant, Bentham went on to remark that we should directly compare the pleasures and pains of animals and men and that men should not receive preferential treatment over the rest of the animals, just because they are men and rational animals or the animals with the highest intelligence. He remarked that "a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, 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 speak?" but "can they suffer?"

Whewell's rejoinder captures the stance on such matters of the common sense morality, even the enlightened common sense morality of his time and indeed perhaps, though somewhat less securely, the common sense morality of our time. He argued in his *Lectures on the History of Moral*

Philosophy (1852)... "the pleasures of animals are elements of a very different order from the pleasures of man. We are bound to endeavour to augment the pleasures of men, not only because they are pleasures, but because they are human pleasures. We are bound to men by the universal tie of humanity, of human brotherhood. We have no such tie to animals."

We must not be led astray here, as John Stuart Mill was in his response to Whewell, and assume that Whewell was not concerned to be kind to animals—to be humane in his treatment of animals. He certainly was a humane man who would wholeheartedly subscribe to the truisms and commonplaces articulated in the early part of this essay. But his beliefs about the moral relationships between man and the animals were very different than Bentham's. He argued that we are to be humane to animals "because we are *human*, not because we and they alike feel animal pleasures..." The morality which depends upon the increase of pleasure alone would make it our duty to increase the pleasure of pigs and of geese rather than of men, if we were sure that the pleasures we could give them were greater than the pleasures of men..." Against this hedonistic utilitarian doctrine, he reacted as the plainest of plain men: "It is not only not an obvious, but to most persons not a tolerable doctrine, that we may sacrifice the happiness of men provided we can in that way produce an overplus of pleasure to cats, dogs, and hogs, not to say lice and fleas."

Mill believed that Whewell in so arguing was making an utterly unjustified appeal to common sense moral convictions. In trying to show this, Mill begins by arguing from analogy. "It is 'to most persons' in the Slave States of America," he remarks, "not a tolerable doctrine that we may sacrifice any portion of the happiness of white men for the sake of a greater amount of happiness to black men." But that such a moral conviction obtains is not, to say the least, morally decisive. It is natural enough at a certain stage of development, Mill realized, to respond in this racist way. But natural or not, it still remains a prejudice not founded on rational or morally justifiable considerations. People generally are ethnocentric unless reasoned and trained out of it; they just do tend "to estimate the pleasures and pains of others as deserving of regard exactly in proportion to their likeness to themselves." But such an ethnocentrism is both irrational and in effect selfish.

Mill argues that a similar thing holds for Whewell's views about man's relationship to animals, when Whewell claims that we have no duty to

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augment the pleasures of animals as we do the pleasures of men because we are bound by ties of universal brotherhood to men but have no such ties to animals. This is, Mill claims, as arbitrary as the white racist slaveholder saying that we whites have no such duties to blacks for we are bound to whites, as we are not to blacks, by the universal ties of race. Mill, by contrast, claims, as Bentham does, that a practice is immoral if it is persisted in when it causes more pain to animals than it gives pleasure to men. From the moral point of view, what we must do is consider all sentient life and seek to achieve for as many such beings as possible the greatest balance of pleasure over pain.

Whewell attempted to answer Mill in the Supplement to the third edition of his *Elements of Morality* (1854). There Whewell relies heavily on an appeal to the common sense moral convictions of mankind. It is repugnant to "the general sentiments of mankind" to weigh the pleasures of pigs and geese against the pleasures of men. This very extensive and deeply felt repugnance towards Mill's view, Whewell argues, is sufficient to show its inadequacy. Moreover, a conception of morality which claims we have duties to the "furthest of mankind" cannot justly be said to in effect sanction selfishness if "it does not include a willingness to sacrifice our happiness to increase the pleasures of the lower animals." Human pleasures are just better or higher pleasures than animal pleasures.

I think that it is reasonably evident that Whewell's views are very close to our common sense moral views. But I do not see that the fact that this is so is at all decisive. H.B. Acton, in discussing this dispute between Whewell and his utilitarian opponents, points out that Whewell believed that "a moral philosopher is required to produce an *analysis* of common sense morality..."² Indeed this was the sort of thing that made him a moral philosopher as distinct from a reformer, apologist, cultural iconoclast or ideologist. And since to do moral philosophy *is* to analyze common sense morality, anything that conflicts with common sense morality "is for that very reason unacceptable."³ *Given such a rallying point*, Whewell is clearly right and Mill is clearly wrong about the matter at hand. But, *pace* Acton, it is a mistake to claim that the sole task of a moral philosopher is to produce an analysis of common sense morality. Philosophers should indeed analyze moral discourse and moral argument, commonsensical, iconoclastic, revolutionary and the like, but they should also engage in general moral argument themselves in a systematic and comprehensive fashion and

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this can lead them into conflict with common sense morality. Indeed it is true, as philosophers such as Sidgwick and Rawls have well stressed, that a thorough understanding of reflective common sense moral convictions is of crucial importance in moral philosophy and, indeed, in testing the adequacy of a moral theory we do it *in part* in terms of how well it squares with such moral convictions. But such moral convictions are not an unquestionable base or test for the adequacy of a claim in moral philosophy.

So while Whewell has shown, as against the utilitarians, that their views clash with common sense morality over the question of the moral relations between men and animals, he has not shown that the views of common sense morality are unassailably right or that we can simply assume that views which conflict with them are mistaken. So he has not shown that the common sense moral conviction which gives preferential treatment to men over animals is well grounded let alone unassailable.

V

If we grant the legitimacy of questioning the well-groundedness of at least some common sense moral convictions, even when these common sense beliefs are pervasive culturally, the next question to be faced is whether any normative ethical theory provides an adequate justification for the common sense conviction that, special circumstances apart, humans deserve preferential treatment.

Keeping in mind what I have previously said about Bentham and Mill, I shall first examine if anything like an adequate utilitarian justification can be given for such preferential treatment. Let us take our utilitarian, in the spirit of Bentham and Mill, to be taking as his ultimate principle of conduct the principle that we should always promote the maximum net satisfaction of desire for all sentient life. Such a utilitarian is committed to comparing, *pace* Whewell, animal and human pleasures. A utilitarian who believes that here common sense morality could have a utilitarian grounding could argue that considering the kind of animal the human animal is and considering the rest of the animal kingdom, as a matter of fact, there will be a greater net satisfaction of desire for all sentient life if humans are afforded such preferential treatment than if such a condition does not hold.

Are there, however, good grounds for believing this claim to be true? Human beings can experience a greater range of pleasures and satisfactions

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than can the other animals but they also can and do suffer in complex ways that the other animals do not. They clearly suffer from neuroses and psychoses and just plain mental anguish in a way in which no animal suffers. Furthermore, they cause suffering to their own kind and to the rest of the animal kingdom in a way that is unparalleled by the other animals. If we used the above utilitarian criterion a very good case could be made for allowing the human race to die out; for then there might very well be less suffering in the world and more satisfaction of desire than we presently have. In short, it is not implausible to claim that the ending of the human race would in fact promote the net satisfaction of desire for all sentient life and thus, from the above utilitarian point of view, it ought to be advocated. It is not evident to me whether Bentham and/or Mill would take this to be a *reductio*. But it certainly would seem to be a *reductio* to many people. What is relevant to our present concerns is that such a utilitarian criterion, when taken in conjunction with even an elementary grasp of the facts, would not provide an underlying rationale for our common sense beliefs about the relations between man and animals.

An older and more frequently used criterion for our common sense convictions is essentially Platonic and Aristotelian. Men are rational creatures; they use language, do mathematics, create a culture and a morality and these are things that human beings alone can do. They alone are moral agents and have the intelligence and understanding to make moral discriminations. And thus, as superior animals, they should receive preferential treatment.

There are ambiguities here and confusions that need to be probed. The first is in the very notion of man's being superior because he alone is a moral agent. If A is a man of wide sympathies, considerable moral appreciation, understanding and sensitivity, and B is a man of narrow sympathies, moral obtuseness and insensitivity, then A has greater moral powers than B and in *that way* is plainly morally superior to B. But it does not follow from this that we can without qualification correctly say that A is morally superior to B.

In our dominant common sense morality, though surely not for Nietzsche, there is a resistance to the making of such comparisons between human beings. People, operating within such a morality and knowing full well the actual differences between men, still will say that all men are equal, now and forever, in intrinsic value and in inherent worth. There are indeed

the differences noted between A and B and indeed there are C's which are so mentally defective that they cannot respond as moral agents at all. But, it will be said, they are all morally speaking equal; they deserve equal moral consideration and equal protection under the law. The persons with lesser moral powers, or none at all, are not regarded as being expendable. This common sense morality—and not only it—does not take it to be the case that we can, just as a matter of course, give people with greater moral powers preferential treatment. And we cannot without qualification and explication claim they are 'superior people'. Perhaps such a morality should collapse before a Nietzschean onslaught. But it is, it should be recognized, the extant common sense morality of our culture.

Why shouldn't similar things be said about animals? They are not even capable of moral agency as a species and therefore it is entirely out of order to speak of their being remiss in this manner. They are not in that ball game so there can be no 'failure' on their part. In fact, it is a mistake to make such comparisons. But, if A's greater moral powers are not grounds for preferential treatment over B and C, why then should the fact that A and B—and human beings generally—have moral powers in a way animals do not, be grounds for preferential treatment for human beings? We say of human beings of radically different moral powers and intelligence, that they still are of equal inherent worth. Why should we not say the same thing in a comparison between men and animals even though they plainly have very different powers? This is plainly not our common sense appraisal of things, but why is common sense morality justified in making the judgment it does in the one case and not in the other? As far as I can see, no rationale is in sight for this stance of our common sense morality.

More generally, why should greater rationality, greater intelligence, be a relevant differentiating feature in giving preferential treatment to persons? Note that when in moral contexts we make comparisons between creatures of the same species, we do not take intelligence *per se* to be a relevant differentiating feature. That Hans is more intelligent than Rolf, does not establish that he is, morally speaking, better than Rolf or has any rights that are not Rolf's, or is due any special moral consideration that is not also due to Rolf. Why should the same considerations not hold for between species comparisons?

In this connection it should be noted that even if we make the argument of doubtful relevance that man with his greater intelligence is a more

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'useful animal' than any other around, we still need to ask 'Useful for what?' Humans are not as good at producing large quantities of milk as are cattle and in that respect humans are less useful. And seagulls and buzzards are better scavengers than men and in that respect are more useful. It is not at all evident that we have a clear general criterion for deciding, independently of any particular centers of interest, which species, including human beings, are the most useful animals. We clearly cannot make the following derivations: 'Persons are more intelligent than animals and thus are more useful and so, morally speaking, are deserving of preferential treatment.' Such reasoning is doubly problematical! Problematical because of the aforesaid reasons and problematical because it does not follow, without further premisses of a most controversial sort, that if Z is more useful than Y, then Z is deserving of preferential moral consideration, e.g. his basic needs should be satisfied ahead of, or perhaps even at the expense of, Y's. Within the extant common sense morality at least, such a doctrine would be thought to be an immoral doctrine.

Generally, what we need to see is that no grounds have been given for thinking that man has greater *instrumental* value than any other creature. Indeed he might, great devastator that he is, be thought to have instrumental disvalue. That is to say, we have no good grounds for saying that human beings, with their greater intelligence than animals, have greater instrumental value than any animal. To say, by contrast, that a person has greater *intrinsic* worth because he has greater intelligence and that intelligence has intrinsic worth, is unacceptable for the very fundamental reason that no good grounds have been given for thinking that intelligence or rationality has such intrinsic worth. The venerable doctrine that human beings are deserving of a special place in the moral firmament because of their greater rationality is frequently cited in defense of our common sense moral convictions concerning the relative worth of animals and men. But, as far as I can see, such an appeal will not withstand critical scrutiny.

Someone might drop the appeal to rationality and argue that, generally speaking and within certain limits, persons deserve preference over animals because in man there lies a greater intrinsic good or at least a greater potential intrinsic good. But how can this be shown or known or even rationally believed?

John Hospers, who discusses this issue, specifies it a little more fully by making one of his interlocutors in a dialogue assert "... a dog is not

capable of the degree of intrinsic good that a human being is.”⁴ There is here the prior and by no means simply answered question, what does it *mean* to say Z has a greater intrinsic value or a greater degree of intrinsic value than Y? But even assuming that we have somehow unravelled this one, on what grounds can we make this claim about persons and dogs?

We might try to respond that humans have a greater intrinsic value or worth or at least are capable of a greater degree of intrinsic worth because they have a greater potential for happiness and a more varied happiness than dogs. (People can have aesthetic experiences, religious experiences and the like.) But even if we accept this hedonistic test, for something's having greater intrinsic worth than something else, we must still consider this fact: while human beings can have experiences which give them a happiness that other animals cannot have and while perhaps this happiness is even a greater happiness than any animal happiness, it is also the case, as we remarked earlier, that they are capable of suffering and being unhappy in a way, to a degree and perhaps also to a greater extent than the other animals. Psychoses and neuroses are human ills and it makes little sense, if any, to apply these predicates to animals. Moreover, even if there is some justification for out-Walt-Disneying Walt Disney, there are no good grounds for believing that animals can suffer the ills of neuroses or psychoses to anything like the degree or extent that human beings can and do. And again, as I have already noted, by any reasonable count, man is far more destructive and causes far more suffering to his own kind and to other kinds than any other animal.

To say man has greater intrinsic worth than any other sentient creature because man has the greatest potential for happiness ignores or unwarrantedly discounts the fact that man suffers more and causes more pain and suffering than any other creature. Surely to make such a common-sense-morality-assuaging, hedonistic claim work, even on its own ground, we would have to be justified in saying that these are good grounds for believing that man is the happiest of sentient creatures. But there are a myriad of difficulties with such a claim, the first, but not the least, being that no clear sense has been attached to it, for it is unclear a) how we could compare 'happiness' across species or b) whether we have any generally understood criteria for 'happiest creature'. However, even if in the spirit of the above discussion, we assume that some sense has been attached to it, we have no good grounds for believing that man is the happiest creature.

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Finally, even if man is the happiest creature, we also have good grounds for believing that this 'happiest creature' causes more unhappiness and suffering in the world than happiness, so that even if man is the 'happiest creature', this does not give us a good utilitarian or any other warrant for thinking he is the creature with the greatest intrinsic value or worth. And to say, as Whewell does, that man's pleasures, simply because they are *human* pleasures, are better pleasures, is to make a further ungrounded and indeed even conceptually problematic claim.

Is there any other reasonable ground for believing that human beings have a greater intrinsic value than dogs, snakes or for that matter any other sentient creature? Suppose it is said that man is intrinsically better because man alone has free will and is capable of change. A deer in the Twelfth Century behaves much as a deer does now in a similar environment, but man, as a culture-creating, culture-carrying animal, is very different. He, unlike the deer, is capable of change and development.

The difficulties that attach to saying his moral agency shows he has greater intrinsic worth attach here as well. But different difficulties also emerge. First, as criticisms of 'evolutionary ethics' have brought out, 'change' and 'development' are not by any means identical notions. For 'a change' to be 'a development' additional features must be present. Man could have 'free will'—could be a self-directing, culture-carrying, culture-creating creature—without it being true that this change represented a development. Change in and of itself is morally neutral. That man can change his way of doing things and possesses a culture, does not prove that he has intrinsic worth. Only on the mistaken assumption, or, to put it more minimally, on the contestable assumption, that rationality or intelligence is intrinsically valuable would such a belief even seem plausible. 'Free will' is important to man but a man who is so crippled in one way or another that he is not self-directing or capable of responsible action does not thereby forfeit his rights to decent treatment from his fellow men. If his interests clash with that of a normal man, his interests are thought to deserve equal consideration. We may have to restrict his behavior in one way or another but that is an entirely different matter. The underlying assumption plainly is that 'free will' does not give a creature greater intrinsic worth.

There are two further distinct kinds of consideration that have been used to justify giving man such preferential treatment. Neither of them seem to me very plausible but since they are frequently appealed to, when such questions are raised, I shall discuss them briefly.

The first consideration turns supposedly on facts concerning biology and evolution. It has been said that if we will but reflect on the facts of evolution and what we know about animal and human biology, we will come to see that there is a good scientific basis for regarding man as the 'highest' and 'most developed' form of sentient life. Man, in short, is the 'highest stage of evolutionary development'. But the initial thing to see here is that 'most developed' or 'the highest stage of evolutionary development' does not mean 'best' or 'having the most intrinsic worth' or 'morally superior' or anything of the kind. That something, say because of its complicated central nervous system, bipedal gait, and the like, is biologically more advanced, does not *mean* that it is morally more advanced, has greater intrinsic worth, or is deserving of special consideration. And it does not follow from the fact that it is biologically more advanced that it will have any of these other features. Just as Z can be more intelligent than Y without being more conscientious than Y or in any way morally superior or morally more adequate than Y, so too Z can be more complicated than Y without its being the case that Z is more conscientious than Y or in any way morally superior or morally more adequate than Y. A certain complicated biological system is *causally* necessary, though surely not sufficient, for being a moral agent. But that, as we have seen, is another matter and, as we have also seen, being a moral agent does nothing to establish that such agents should have preferential treatment in relation to non-moral agents.

What, if anything, we need to ask, is there in the facts of evolution or biology which would justify setting man apart so that with Whewell we could rule out any balancing off of human well-being and animal well-being? Biology *could* show that animals are in important ways dependent for their survival on the well-being of human beings; if it actually showed anything like that, then it would give us something of relevance toward establishing that man deserves special consideration. But science shows us nothing like that. We see, rather, that man in an number of interesting ways is the most complicated bio-chemical organism. But this does not

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justify his having a special place in the moral order such that he should, morally speaking, be set apart from the animals.

Historically, in our culture, the pervasive common sense view of the relations between men and animals is rooted in its basically Judeo-Christian orientation and frame of reference. But this explains or helps explain why it is so pervasively held, it does not justify it. It would only justify it, if it could be shown that this *Weltanschauung* is in some objective way justified and justified in such a way that the moral views that are integral to this *Weltanschauung* are also seen to be justified.

However, by now it is becoming overwhelmingly evident that this is an impossible task. The Judeo-Christian belief-systems or *Weltanschauungen* or schemes of salvation (call them what you will) are, when taken in an anthropomorphic way, unacceptable for their central beliefs, e.g. 'God loves and protects his creation' are plainly false. Where construed, as they typically are today, non-anthropomorphically, they are so close to incoherence and senselessness that, even if there is something there that could indeed be believed, they still are of such doubtful intelligibility that they do not warrant belief. Remember, that in order to believe, we first must have some idea of what we are to believe. If we have no idea at all, we cannot intelligibly be said to believe. But where 'God' is construed non-anthropomorphically, we cannot give a coherent account of *what* it is that we say we believe in when we say we believe in God. Given such a predicament, we cannot even go the way of Pascal and accept utterly without grounds such a non-anthropomorphic theistic orientation on faith, for it is only logically possible to accept something on faith if we have some logically prior understanding of *what* it is we are accepting on faith. To have faith in irglig, to believe in irglig, we at least must understand what 'irglig' means. But even if the non-anthropomorphic employments of 'God' and allied terms are not so problematic as to render faith incoherent, it is still not the case, *pace* Pascal and Kierkegaard, that we must believe in God to make sense of our lives. There can be purpose in life even if there is no purpose to life or an end toward which all life must turn. Even in a Godless world we can find certain things worth having and doing and we can form intentions and act on them and freely adopt certain ends and goals, some of which we will find to be good. It is just not the case that we must believe in God to make sense of our lives.

A Judeo-Christian orientation would indeed give us a rationale for the

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preferential treatment of human beings over animals, but such a religious ethic itself rests on such a shaky 'foundation' that it is in reality no foundation at all.⁵

VII

There is a natural line of resistance to the type of arguments deployed in the last two sections that we need very much to examine.

The resistance takes the form of contending that in effect I have been posing 'questions' which do not admit of an 'answer'. There are two ways of pushing home this objection. The first rests on a series of very general considerations and the second turns on more specific features of my argument. The two objections, by the way, are logically independent.

I will examine the more general argument first. It commences by maintaining that we should recognize that in testing any philosophical account of morality one of the things that we should end up appealing to is our common sense moral experience. It can and indeed should be a clarified form of common sense which expresses itself in a cluster of logically consistent propositions and keeps its convictions in accordance with the factual information which, it is reasonable to believe, a tolerably well educated man of the period in question should know or could, at least, readily come by. It will in addition be a form of common sense whose convictions will stand the test of critical self-scrutiny; that is to say, to count as such, 'common sense moral beliefs' will have to be convictions which will remain convictions even after careful reflection. They will, that is, remain convictions even after we in 'a cool hour' have turned them over and taken them to heart.⁶

That we ought not to lie, that promises are to be kept, that happiness is good, that pain is bad, that people should be treated fairly, are such convictions. (I am not, *pace* Kant, suggesting that we tell the truth or keep our promises even though the heavens fall. What I am giving to understand is that it must, if societal living is to be possible, be the rule and not the exception that truth is told and promises are kept.)

Beyond saying, the objection continues, that these are things which people do not desire and clearly try to avoid, we cannot give reasons why pain is bad or why people should not be treated just the same as animals. But they are both supposedly just the kind of common sense moral beliefs that I have been talking about. Moreover, not everything we reasonably believe

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we believe for a reason. We justifiably believe that pain is bad and pleasure is good, though we do not believe them to be good or bad for a reason. They are just these clarified common sense moral convictions which are in accordance with the facts, which do not involve any logical inconsistencies and which remain convictions even after careful reflection.

The point will be made by someone using this general objection that the conviction that a human being's life is worth more than an animal's and the further allied conviction that people deserve preferential treatment over animals are just such convictions. Any account of morality which does not square with them must just be mistaken. That the accounts I have examined do not do so, indicates that they are to that extent defective. It does not show that such common sense beliefs should be questioned.

Generally, I agree that *one* very central test for the adequacy of an account of morality is its fit with the *kind* of common sense moral convictions I have just characterized. But I do not think such an appeal to common sense moral experience is sufficient. We need to see that 'A human's life is worth more than an animal's life' has a different status than 'Happiness is good' and 'Pain is bad' and that the difference here is crucial. 'Happiness is good' and 'Pain is bad' are judgments that something is *intrinsically* good and *intrinsically* bad. In the nature of the case, we can give no reasons for accepting them beyond pointing out that these, both before and after reflection, are the sort of things we either desire or desire to avoid. But note that for certain very basic moral convictions of a common sense sort, e.g. 'Promises are to be kept' and 'We are to tell the truth', both of which are not judgments of intrinsic value, reasons can be given. 'A human's life is worth more than an animal's life' surely seems to be more like these judgments than it is like judgments of intrinsic value. And, if that is so, commonsensical and bedrock as it is, it would appear to be the case that we should be able to give reasons for such a conviction. But our above search for reasons has come a cropper and we are left with the uncomfortable feeling that our moral convictions here have an arbitrary ring about them. It seems, as Whewell's remarks inadvertently display, that they express little more than our sense of human solidarity.

I have in effect said that it is with judgments of intrinsic value that reasoning over conduct comes to an end and that it is here where we just have to rely, in the way specified above, on our common sense moral convictions. But this, it might be replied, is to take too narrow a view of

the matter. A man who does not understand that we must have a regard for the truth, that we must take seriously the making of a promise and that caring for others is important, simply has not understood what morality is all about and since this is so, there is nothing we can say to him beyond trying to explain to him what morality is. But at this point, in this domain, justification has come to an end. We cannot show him why he should care for others, keep promises (that is generally, though not as an always overriding obligation) or have a regard for the truth. Reasoning over conduct comes to an end here too and not only with judgments of intrinsic good.

It does not. We are not left with nothing to say here. We can argue, as Winch has, that a regard for truth telling is indispensable to communication and the very existence of society, such that if such a regard did not exist, there could be no society or communication.⁷ But in such a 'state of nature' no one could attain much of anything that they want. Life in such a circumstance would be painful and happiness even more elusive than it is now. In so arguing, 1) we have been giving reasons for accepting those common sense moral convictions that are typically accepted without giving reasons, and 2) we have also ended up in the position that what is clearly being assumed is the familiar common sense judgments of intrinsic value for which reasons cannot be given.

Very similar things can be said for promise keeping. And, as far as caring for others is concerned, even the hard bitten utterly ego-centered man, if he is also tough-minded, can see that his own happiness and well-being is not independent of caring for others. Kierkegaard would surely say, and rightly, that that is a paradigm of doublemindedness. But while it is not on my view of the matter an ethically appropriate justification for caring for others, it is a prudential justification, clearly showing that *reasons* can be given for caring for others. Moreover, we need not even stop there with plainly prudential reasons; we can also appeal to the fact that there could hardly be the sense of community and the human flourishing and the happiness that goes with it if people did not care for others. Once again we are brought back to familiar assumed judgments of intrinsic value.

The trouble with 'The interests of men should take precedence over the needs of animals' is that, while it is in order to ask for reasons for such a judgment, we seem at least to be quite unable to give sound reasons for

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such a conviction. It looks as if our common sense conviction here is little better than a pervasive human prejudice. Thus, though in different ways, it is unlike both 'Pleasure is good' and 'Promises are to be kept'.

Given this very unsatisfactory turn in the argument from the point of view of the man who would, in the spirit of Whewell, make such an appeal to common sense, it might be thought that we should seek some other argument to establish that my question in reality is a pseudo-question. The second objection I shall examine sets out this argument.

In trying to assert or deny that the interests of men should take precedence over the needs of animals, I have in effect, the argument goes, assumed something so problematic that it is far from clear that such talk actually makes sense. It is not evident how intelligible it is to ask whether human beings are better than animals, yet an answer to that question is clearly assumed in the above claim and in saying human beings are more deserving of consideration. But in saying human beings are *better than* other animals, or for that matter in denying it, what comparison is being made as relevant in giving us a ground for treating human beings differently?⁸

Even if we could make out that human beings were more beneficial or useful than the other animals, this, as we have seen, is of doubtful relevance. And 'morally good' seems not to apply to animals at all, so that in trying to say human beings are better than animals, that cannot be what we intend. But it is not clear what, if any, other sense of 'better' can be intended here. It looks like 'better' in this context is a Holmesless Watson. But if no sense has been attached to 'better' in 'Human beings are better than other animals' then it makes no sense to utter such an utterance and this puts, for allied reasons, 'A human life is worth more than an animal life', 'Human beings deserve preferential treatment', 'Human beings have greater intrinsic worth' or 'The interests of men should take precedence over the needs of animals', in similar jeopardy. We think we are saying something coherent, when we say such things, but in reality what we say is without determinate sense, for we do not understand what is meant in saying persons are better, worse or, morally speaking, the same as animals.

I am not convinced that that talk is so on the fringes of meaningfulness. But even if it is, this in reality favors, rather than cuts against, the central claim I want to make. Whether such a belief is incoherent or not, the extant common moral conviction in this domain is that human beings are deserving

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of preferential treatment over the other animals. We may, as humane men, have considerable moral concern for animals but where there is a conflict between the interests of an animal and a human, generally speaking, the interests of the human being takes precedence. I have tried to show that no one has yet given an adequate justification for such a belief and that it has the appearance at least of being an arbitrary human commitment. If the operative assumption that human beings are better than other animals is incoherent, then we have a short and snappy explanation of why there is not and never can be a justification for giving humans such a pride of place.

However, it is not evident to me that 'The interests of human beings take precedence over the needs of animals' is without determinate sense. My trouble is rather over the fact that it appears to be groundless. In uttering it, at least this much could quite sensibly be meant: when there is a conflict between what is good for human beings and what is good for animals, people, very special circumstances apart, are to let considerations of human good override considerations of animal good. This is intelligible enough and when filled out in a determinate context, guides conduct in a certain way. We understand what is being said and our common sense morality enjoins its acceptance. Our trouble, as we have already seen, is that, unlike a judgment of intrinsic value for which reasons neither can nor need be given, it is a judgment seemingly in *need* of justification for which no justification is apparent.

VIII

Human beings tend, without important countervailing forces, to be ethnocentric. That is to say, we tend, quite without justification, to regard our local ways of doing things and viewing the world as superior to all other ways of doing things and we tend to regard ourselves and most of the other members of our tribe, as superior to all other men. It seems to me that the situation we are in, vis-à-vis the animals, is in some important respects parallel. Indeed, it seems to me sufficiently parallel to justify claiming that we humans—or most of us at any rate—are, vis-à-vis the question of the moral relations between animals and men, *humanocentric*. That is to say, quite without justification, we regard ourselves as morally more deserving than animals, so that the satisfaction of our needs and desires, the realization of our ends and pleasures, should take pride of place over a

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similar satisfaction or realization for animals. The ethnocentric man with his tribal morality regards his people as superior and their tribal interests as coming first—all quite without justification. Similarly, we humans, as humanocentric men, regard ourselves as superior to the rest of the animal kingdom and yet can find no *relevant respect* in which we are superior and regard, without justification, our interests as coming first. Here humanocentrism is quite parallel to ethnocentrism. The ethnocentric man lives under the illusion that his own group is different in some relevant respect from human beings in other cultures. The humanocentric man, who appears at least to be the man accepting the prevalent common sense morality, likewise lives under the illusion that there is a relevant differentiating feature between persons and animals. In neither case, the argument goes, is there such a feature.

I do not mean to suggest that I am not a humanocentric man. I indeed feel as the humanocentric man does though I think it would be more forthright simply to acknowledge that our moral stance here rests on fellow feelings of group (more accurately species) solidarity. We are in effect saying to ourselves : I am a human and I will put things human first. But this is a humanocentric point of view and it is importantly analogous to ethnocentrism. The crucial question is, while we can show ethnocentrism to be a mistake, can we in a similar way, show humanocentrism to be a mistake and indeed would we want to show that it is a mistake or is it reasonable to believe that it is a mistake ?

IX

It is now time to pull together the threads of this tangled argument and to see how these conclusions apply to the problems with which we started.

It is evident that my answer to the question raised at the beginning of Section IV is a negative one. There appears to be no ground at all for our pervasive and deeply felt conviction that if a child wanders onto the highway on which I am driving at the same time as a dog that, if I cannot avoid hitting them both, I should hit the dog. Most of us have quite definite and quite settled moral responses in and toward such situations. Indeed this would be true of anyone who would be thought to be at all normal, but, as far as I can ascertain, we do not know how to justify responding in that manner.

If this is so, what implications does this have for a humane ethic and

generally for our attitudes toward animals? It has been said that man has a need for a humane ethic which would free itself of the pervasive man-centered concerns of most of us and show clearly that men have duties to animals and what these duties are. I tried initially to show that given the moral point of view extant in our culture, and given a reasonable knowledge of the facts, we indeed do have duties to animals if the animals in question are capable of suffering. We must not, to put it minimally, allow unnecessary suffering to anyone or anything and it is our duty to prevent it where we reasonably can.⁹ These are, or at least should be, commonplaces. But we saw that there was a problem about what counts as 'unnecessary suffering' or 'preventable suffering'. What I have been concerned to show is that our common sense morality, while allowing for considerable latitude here in what counts vis-à-vis animals as 'unnecessary suffering' or 'preventable suffering', still makes its discriminations in a certain way and with a certain rationale. It will sanction the suffering of animals where it will to a marked degree further the well-being of human beings; the suffering and/or death of an animal is quite unavoidable, if it cannot be avoided without causing suffering of some considerable magnitude to a human being or the death of that human being. There is, of course, no exact calculus for what counts as 'some considerable magnitude' here and desert-island cases can be introduced which will complicate matters, but this is the direction in which our common sense moral thinking clearly goes. Reformers have made us more sensitive to animal suffering and have widened our sympathies here. But what will count as acceptable extensions in our concern for animals is always limited by considerations of what will harm human beings.

However, if my arguments have been near to the mark, it looks as if these common sense beliefs are groundless. Moreover, it also shows that even our present reflective common sense morality is committed to such a view; there can, from that vantage point, be no overall abandonment of man-centered concerns. Such an ethic is thoroughly, in the ways I have specified, *humanocentric*.

There can, however, be a humane ethic compatible with that common sense framework which will recognize, in the way I have specified, duties to animals. Moreover, it will be an ethic which will embrace the truisms and commonplaces specified in the early sections of this essay. But it will not abandon its man-centered concerns and if to develop a truly humane ethic is to do so, then a humane ethic is incompatible with our common

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sense moral outlook. (But to generate such an incompatibility there would have to be some very questionable stipulations on 'humane ethic'.)

However, we have also seen that in this domain a commitment to common sense morality seems to be just a commitment—namely something that is without ground or rationale. The implications of this for our general concerns are as follows. First, if someone, roughly following Schweitzer, were to develop an ethic which took as its leading principle the claim that all life of sufficient complexity such that it was capable of suffering should be preserved and that we are only justified in destroying life to preserve still more life, we would have a moral principle in conflict with even our reflective common sense morality. But to tax such a 'Schweitzerian' with sentimentality while claiming that the common sense moral framework was realistic and tough-minded, would be to confuse familiarity with well-groundedness. Neither view has been proved or confirmed in any sense and it is not even evident how one could go about establishing either view. It looks like both would rest on commitment, i.e. on what a human being, after reflection and in a 'cool hour' would commit himself to. But then it is not true that one view could be rightly labelled sentimental and the other view realistic and tough-minded.

Could a view like the 'Schweitzerian' one I have just characterized come to be established rationally, so that it could reasonably be believed to be superior to the common sense view? Surely I do not want to set up any conceptual bans here or claim that it is impossible that this could be the case or, for that matter, alternatively, I do not want to deny that the common sense view on these matters could even establish itself on anything more than a general consensus. But I do not myself see how we are anywhere at all toward establishing either position. S says 'All life capable of feeling pain ought to be preserved' and C says 'Preserving all such life is important but human life must come first'. Exactly what evidence from our common life, from developments in science or philosophy, would give us evidence in favor of, or good reasons for accepting, one moral claim as over against the other?

Perhaps we would be led to reverse our attitudes (assuming we are humanocentric men) if we recognized and dwelled upon the fact that our tendency to favor the second claim grows out of our being reared in a Judeo-Christian culture with its distinctive but hardly rationally warranted cosmological framework. That could happen, but even if it did, it would not

constitute good evidence for the first claim and evidence against the second. Validity is independent of origin; what it would show is that what some of us might have thought was a reason for favoring the second was not, and that we are back where we started, to wit, to commitment.

It might be thought that scientific developments will make us more keenly aware of our interdependence with other sentient creatures and this will be confirming evidence or a good reason for accepting the first claim rather than the second. But to believe this is a mistake, for both S and C could be equally aware of these facts of interdependence and still continue with equal legitimacy to stick to their respective claims. I do not say this because I hold any particular views about the relation between the 'is and the ought' or because I am committed to non-cognitivism, but because of the fact that C fully aware of the ecological damage that would result or might very well result if certain species were destroyed or drastically reduced could argue in *man's own self-interest*, for a more humane ethic. Indeed this is typically what ecological arguments come to. Practically speaking, S and C would agree about what to do, as in a somewhat parallel case rational altruists and egoists often agree on social policy, while still holding their quite different moral positions. How, I would ask, could the facts of interdependence justify C's abandoning his position and adopting S's position? Like the Capitalist with Keynesian insights who makes more concessions to the working-class out of shrewd motives of self-preservation, C might cut down his consumption of animals or his invasion of their habitats out of enlightened self-interest. Increased scientific knowledge about the world might lead him to do that, but when, if ever, would it give him grounds for abandoning his position and making, so to say, 'common cause' with the animals so that he would adopt S's position and abandon his own? Perhaps my own imagination is somehow fettered or impoverished, but I do not see that there is any evidence which would to any degree strengthen S's position and weaken C's or vice-versa. It seems to me that where such questions are at issue we just have to decide what kind of moral universe we would like to see come into existence or, as the case may be, remain in existence. Reason does not seem to help us *here*, except to make us aware that we have reached a point where we just have to choose.

Suppose it is the case that if people throughout the world were to become vegetarians, the human race could still survive though the starvation

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rate of humans would slightly increase and the level of health of humans would be diminished, such that there would be less general vitality or creativity. Someone with S's moral outlook might very well, under such circumstances, argue for vegetarianism while someone holding C's view probably would not, though the latter could still be a man who had humane attitudes toward animals, but just does not believe that such sacrifices should be required of human beings.

It does not seem to me that one view could be shown to be more reasonable, more rational or more in accord with scientific fact than the other. Again we are in a place where, as Sartre might put it, we just have to commit ourselves without reasons.

X

It might be said, or at least thought, that this essay is typical of so many philosophical essays, namely that it is utterly impractical. No matter how correct my arguments may have been, they shed little light on the at least seemingly imponderable moral perplexities that face us in the twentieth century when we reflect on the vast suffering caused by animal research, the slaughtering of animals, man's pollution of the environment, man's use of animals for pets, clothing and the like. My essay does not tell us what we are to do here. And that, in this domain, is what most of all we want to know.

I will take no position on the general problem about whether philosophers or any other intellectual group are able, as part of their distinctive expertise, to answer these questions, beyond noting that there are respectable and indeed socially concerned philosophers who will say that this is giving philosophy a task which is not and cannot be its own.¹⁰ What I would like to say, *vis-à-vis* our particular problem, is that if my arguments have been near to their mark, that we can draw several important morals *apropos* these very pressing problems.

First, whatever we are to do here, we cannot come to know what to do, if indeed we can come to *know* what to do at all, simply by some complex and systematic hypothetico-deductive-inductive procedure by which we test hypotheses. In addition to anything like that, some very difficult and creative moral thinking and feeling through one's appreciation of the moral life needs to be engaged in. Secondly, even if this is done sensitively, accurately and non-evasively, it is still not evident how or that any fundamental

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position here can be established rationally. (And, if it cannot be *established* rationally, does it make any sense to say it can be established, or indeed even disestablished, at all? Isn't 'established rationally' a pleonasm?). Rather, it looks as if we cannot avoid making a non-rational but not an irrational leap. But this, if my argument is close to being correct, applies as much to a common sense ethics, such as Whewell's, as it does to a Schweitzer or a Mill who would extend our sympathies. These conclusions remain negative and indeed do not directly tell us what to do but they also free us from bondage to conventional wisdom and make us aware that we are facing here a choice concerning what kind of world we would like to see come into being. What remains to be done is the immensely more difficult task of trying to decide what that world should be like and considering whether, in making this decision, there is not, after all, a greater scope for reason than I have allowed.

NOTES

1 See here Jeremy Bentham, *An Introduction to the Principles of Morals and of Legislation*, William Whewell, *The Elements of Morality* and his *Lectures on the History of Moral philosophy*. See also his supplement to the third edition (1854) of his *The Elements of Morality*. For Mill's response to Whewell, see his "Whewell on Moral Philosophy" in John Stuart Mill, *Essays on Ethics, Religion and Society*, (Toronto: University of Toronto Press, 1969). Mill's essay was originally published in the *Westminster and Foreign Quarterly Review*, New Series, No. 4 (October, 1852).

2 H.B. Acton, "Animal Pleasures", *The Massachusetts Review*, Vol. II, No. 3, (Spring 1961), p. 546.

3 *Ibid.*

4 John Hospers, *Human Conduct* (New York: Harcourt, Brace and World, 1961), p. 237.

5 These remarks about religion and religious ethics may seem too cryptic and may even seem to smack of secularist dogmatism. My reply is that there I needed to be succinct. I have argued these matters in detail in my *Reason and Practice* (New York: Harper and Row, 1971), my *Scepticism* (London: MacMillan, 1972 and in my *Ethics Without God* (London: Pemberton, 1973).

6 The methodological considerations deployed here in testing ethical theories are to a considerable extent borrowed from E.W. Hall. See his *What Is Value?* (London: Routledge and Kegan Paul Ltd., 1952), Chapter 7, his *Philosophical Systems* (Chicago: The University of Chicago Press, 1960) and his *Categorical Analysis* (Chapel Hill: The University of North Carolina Press, 1964), pp. 3-14, 93-140.

7 Peter Winch, "Nature and Convention", *Aristotelian Society Proceedings*, New Series, Vol. LX (1959-60), pp. 231-252.

8 I am indebted here to D.G. Brown.

9 Kai Nielsen, "Justification and Moral Reasoning", *Methodos*, 1957.

10 Peter Winch, "Contemporary British Philosophy and Its Critics", *Universities Quarterly*, Vol. X (1955) and in his *The Idea of a Social Science* (London: Routledge and Kegan Paul, 1958), Chapter 1. J.L. Stocks, *Morality and Purpose*, (London: Routledge and Kegan Paul, 1969, Chapters 6 and 7, and D.Z. Phillips, *Faith and Philosophical Enquiry* (London: Routledge and Kegan Paul, 1970), Chapters IV, VIII, and XIII.