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Three Approaches to the Ethical Status of Animals

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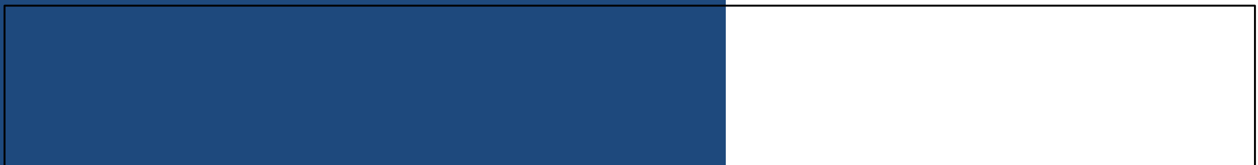

Three Approaches to the Ethical Status of Animals

Introduction

In recent years, the topic of the ethical status of n
animals has become a legitimate focus of philosophical
Attempts to justify the widespread practice of giving l
consideration to the vital interests of animals (the mo
one being the interest in avoiding suffering) have been
from several different ethical perspectives. This lectu
explore three of the most common perspectives utilita
ism, natural rights theory, and social contract theory
explain why none of them is likely to justify activitie
factory farming and (at least most) animal experimentat
Despite the existence of a vigorous and vocal animal ri
movement, the majority position is that the moral statu
mals is vastly inferior to that of human beings. While
ple may be somewhat disturbed at learning the details o
tory farming methods and many medical and psychological

monly called the argument from marginal cases. I will
both that social contract theory fails to give such an

out of malevolent curiosity. ur common moral sensibili
appalled by such behavior. tilitarianism provides a cl
nation of what is wrong with the abuser s behavior. The
and cats are made to suffer for no sufficient reason. I
respect, the utilitarian answer accords with ordinary i
ut the utilitarian approach also calls into question m
monly accepted animal agriculture and experimentation.
short lives of many millions of chickens, pigs, cows, a
raised for human consumption, are filled with suffering
experimental subjects, such as rats, mice, rabbits, and
keys, are also made to suffer in the process of medical
chological, and product research. erhaps we could deny the
moral significance of this treatment of animals by deny
they feel pain. It is often claimed that this was Desca
tion, though the truth, as I will explain shortly, is m
cated. Whatever Descartes and his contemporaries may ha
thought, however, it is hard to find anyone today who s
ly claims that animals don t feel pain. The evidence th
do, both physiological and behavioristic, is simply ove
ing. It seems, then, that in order to justify the wides
infliction of animal suffering, a utilitarian will have
a pretty hefty outweighing benefit. What are the prosp
such an argument to succeed

erhaps a utilitarian defender of the status quo will
she needs to argue for a large benefit to outweigh anim
fering. erhaps she will say that I was mistaken to cla
all suffering is intrinsically bad. It is only human suff
is intrinsically bad, she might say. r perhaps she wil
that animal suffering is, indeed, bad, but not nearly a
human suffering. What reason could she supply for such
ential concern for animal suffering erhaps she will c
animal suffering is of lesser (or no) moral significanc
animals themselves are of lesser (or no) moral signific
They have less intrinsic value than humans, or maybe no
all. While this line of reasoning is fairly common in
cussions of the ethical status of animals, it is not on
a utilitarian can appeal. tilitarians hold that certai

states have intrinsic value and disvalue, not types of
Talk of an individual creature s intrinsic valu
stood in terms of the intrinsic value of the life of th
which in turn amounts to the intrinsic value of the sta
ally the mental states) that comprise the life.
oretical primacy of judgements about the intrinsic valu
mental states of individuals, claims about the intrinsi
the individuals themselves cannot be used to justify cl
about the intrinsic value of the individuals mental st
may well be that the typical human life is of greater i
value than the typical bovine life, but this will be be
human life is comprised of a greater and richer variety
riences, emotions, hopes, aspirations, and the like. Th
ings, however, of a cow, considered in and of themselve
of no lesser (or greater) moral significance than the l
ings of a human being.

There is one other line of reasoning open to a utilit
deny moral significance to animal suffering. Consider t
lowing partial characteri ation of what Derek arfit ca
reference edonism

> n the use of pain which has rational and moral
> significance, all pains are when experienced
> unwanted, and a pain is worse or greater the
> more it is unwanted.

Some might even claim that it is part of the very con
pain that it is unwanted. Even if we deny this, it seem
ble to say that a pain is only bad to the extent that i
ed. If someone really doesn t care about a pain, in and
it is hard to see how the pain could be intrinsically b
could, of course, be associated with something that is
mentally bad, such as bodily damage.) I am told that ce
drugs leave pain qualitatively unchanged, but remove th
ject

ty. owever, it is worth pointing out that, even if we
example of the desire for a utenberg ible depending o
belief, it may well be that other, perhaps more basic,

the ethically significant ones, such as the desire that
cease, do not seem to do so. Even if we define desires
a way that no nonlinguistic creature has them, there is
some mental state of the suffering dog that is imp
similar to a human s desire that the pain cease.

So much for any utilitarian attempt to dismiss the in
ethical significance of animal suffering. Isn t it none
sible that the suffering involved in factory farming an
experimentation is outweighed by the benefits thereby p
duced otice that a utilitarian demands of
or institution not that it result in a greater amount o
than unhappiness, but that it resul balance of hap greater
piness than available alternatives (ignoring the possib
ties). This detail is important, though sometimes ignor
discussions of the justifiability of factory farming an
experimentation. et me illustrate the difference, with
erence to a common criticism of utilitarianism. Some cr
charge that utilitarianism is defective on the grounds
could be used to justify the institution of slavery. Im
say, a society with a small number of slaves and a larg
ber of free citi ens. erhaps the slaves are exceedingl
py. erhaps, indeed, the unhappiness of each slave is m
times greater than the happiness of each free citi en.
if there are enough free citi ens, their happiness will outw
the unhappiness of the slaves. ut this is still not en
the system to be justified on utilitarian grounds. erh
free citi ens could have been just as happy, or even ha
a society without slaves. In which case, assuming that
slaves would have been happier not being slaves, there
have been a bigger balance of happiness over unhappines
the free society. (The point of this example is not to
utilitarianism couldn justify some system of slavery, but to
point out that the possibility of such a system
fied on utilitarian grounds is even more remote than it
initially appear.)

a particular practice that inflicts significant suffer
it is not enough to argue that the benefits of› the prac
ably to humans) are greater than the suffering of the a
What needs to be argued is that nothing like as much be
could be achieved without significant animal suffering.

k onsider first the system of factory farming. What ar
benefits to humans from such a system any will claim
the chief benefit is a plentiful supply of cheap
other animal products. iven the health risks of consum
large amounts of animal products, however, it is
doubtful whether this is a benefit at all. If meat and
mal products were in shorter supply and consid
more expensive, many people would in fact live healt
lives. et s suppose, however, what is almost certainly
that many people s lives would be, on balance, worse wi
the availability of cheap factory farmed meat and other
products. onetheless, would the

though, to conclude that huge numbers of animal iments provide little or no benefit, and could never ha reasonably expected to do so. any drugs are tested on mals in order to compete on a market already glutted wi drugs that do the same job. uch psychological research ly confirms what commonsense tells us, and serves only advance the career of the researcher. Even many of thos experiments that do, arguably, give results that have b applications may not be justified on utilitarian ground only a lesser benefit could have been achieved without suffering. onetheless, the difference in benefit may w smaller than the suffering in question.

It is sometimes objected that we cannot apply a utili approach to the justification of individual experiments we simply never know when we might make a significant breakthrough. If we had to justify each experiment in a we wouldn t justify any, and would thereby miss out on that do lead to great benefits. If the utilitarian appr been used in the past, it is claimed, we would have mis on many of the beneficial advances in medicine. This li reasoning, though, either fails in its own terms or beg question against the utilitarian approach. Either the fits from the use of animals in research really do outw animal suffering or they don t. If they do, an expected calculation will give the result that at least some exp are justified. If they don t, the fact that we would mi the benefits if we abandoned animal research is not cient, morally, to justify such research. ut perhaps s of research will claim that we simply never know w experiments will result in benefit, even though, on bal benefits outweigh the harms. So we can never justify an iment in advance, on utilitarian grounds, even though w good reasons to believe that the practice of animal exp tation as a whole can be so justified. This response as too pessimistic a view of our powers of prediction. es don t select lines of enquiry at random, simply hoping lucky. There is plenty of evidence on which to base dec

It is surely reasonable that, in order to justify the c
tion of suffering on animals, there has to be some reason to
expect a significant benefit. In the absence of such a
we cannot simply resort to the claim that the unexpecte
sometimes happens. Despite these considerations, there
well be some animal experiments that are justified on u
an grounds, but it is likely to be a small fraction of
actually performed.

To summari e the conclusions of the present section,
seems clear that a utilitarian approach to morality wil
such widely accepted practices as factory farming and a
most animal experimentation. Whatever benefit, if an
comes from such practices is simply not enough to just
amount of suffering involved.

. atural ights Theory

In this section I will discuss an approach to the eth
tus of animals that, for the sake of convenience, I ref
natural rights theory. This approach focuses on ident
certain natural features or properties of individuals c
as the basic grounds for the attribution of differing e
tus. So, for example, rationality has often been claime
grounds for the superior ethical status of human beings
animals. or the purposes of this discussion, to claim
humans have a superior ethical status to animals is to
that it is morally right to give the interests of human
weight than those of animals in deciding how to behave.
claims will often be couched in terms of rights, such a
rights to life, liberty or respect, but nothing turns o
minological matter. ne may claim that it is generally
kill humans, but not animals, because humans are ration
animals are not. r one may claim that the suffering of
counts less than the suffering of humans (if at all), b
humans are rational, and animals are not. These claims
proceed through the intermediate claim that the rights
humans are more extensive and stronger than those (if a
animals. Alternatively, one may directly ground the jud

about the moral status of certain types of behavior in
about the alleged natural properties of the individuals
uch of the debate over the moral status of abortion pr
along these lines. any opponents of abortion appeal to
tures that fetuses have in common with adult humans, in
to argue that it is, at least usually, just as s
to kill them as it is to kill us. or example, ohn oo
that it is the possession of a full human genetic code

selected as justifying the attribution of superior mora
humans will either be lacking in some humans or pre
some animals. To take one of the most commonly suggeste
features, many humans are incapable of engaging in mora
reflection. or some, this incapacity is tem
the case with infants or the temporarily cognitively di
thers who once had the capacity may have permanently l
it, as is the case with the severely senile or the irre
comatose. Still others never had and never will have th
ity, as is the case with the severely mentally disabled
base our claims for the moral superiority of humans ove
mals on the attribution of such capacities, won t we ha
exclude many humans Won t we then be forced to the cla
that there is at least as much moral reason to use cogn
deficient humans in experiments and for food as to use
mals erhaps we could exclude the only temporarily dis
on the grounds of potentiality, though that move has it
problems. onetheless, the other two categories would b
nerable to this objection.

I will consider two lines of response to the argument
marginal cases. The first denies that we have to attrib
ferent moral status to marginal humans, but maintains t
are, nonetheless justified in attributing different mor
animals who are just as cognitively sophisticated as ma
humans, if not more so. The second admits that, strictl
ing, marginal humans are morally inferior to other huma

> ability, to perform the full moral functions natu ral to human beings are certainly not for that reason ejected from the moral community. The issue is one of kind. . . . What humans retain when disabled, animals have never had.

Alan White argues that animals don t have rights, on grounds that they cannot intelligibly be spoken of in t guage of a right. y this he means that they cannot, fo ple, claim, demand, assert, insist on, secure, waive, o der a right. This is what he has to say in response to argument from marginal cases

> or does this, as some contend, exclude infants, children, the feeble-minded, the comatose, the dead, or generations yet unborn. Any of these may be for various reasons empirically unable to fulfill the full role of right-holder. ut . . . logically possible subjects of rights to whom the full language of rights can significantly, however falsely, be used. It is a misfortune, not a tautol ogy, that these persons cannot exercise or enjoy, claim, or waive, their rights or do their duty or fulfil their obligations.

David Schmidt defends the appeal to typical characte of species, such as mice, chimpan ees, and humans, in m decisions on the use of different species in experiment also considers the argument from marginal cases

> f course, some chimpan ees lack the charac teristic features in virtue of which chimpan ees command respect as a species, just as some humans lack the characteristic features in virtue of which humans command respect as a species. It is equally obvious that some chimpan ees have cognitive capacities (for example) that are superior to the cognitive capacities of some humans. ut whether every human being is superior to every chimpan ee is beside the point. The point is that we can, we do, and we should make decisions on the basis of our recognition that mice, chimpan ees, and humans are rele vantly different types. We can have it both ways after all. r so a speciesist could argue.

There is something deeply troublesome about the line argument that runs through all three of these responses

argument from marginal cases. A particular feature, or
features, is claimed to have so much moral significance
presence or lack thereof can make the difference to whether a
piece of behavior is morally justified or morally outra
then it is claimed that the presence or lack of the fea
particular case is not important. The relevant question is
whether the presence or lack of the feature is normal. Such an
argument would seem perfectly preposterous in most othe
cases. Suppose, for example, that famous people are on trial
in the afterlife for crimes against humanity. › n the ba
clusive evidence, five are found guilty and five are fo
guilty. our of the guilty are sentenced to an› eternity
ment, and one is granted an eternity of bliss.› our of
cent are granted an eternity of bliss, and one is sente
an eternity of torment. The one innocent who is s
to torment asks why he, and not the fifth guilty person
go to hell. Saint eter replies, Isn t it obvious, r.
are male. The other four men Adolph itler, oseph Stal
ichard ixon, and ilton riedman are all guilty. Ther
the normal condition for a male defendant in this trial
The fact that you happen to be innocent is irrelevant.
of the five female defendants in this trial, only one w
Therefore, the normal condition for female defendants i
trial is innocence. That is why argaret Thatcher gets
heaven instead of you.

As I said, such an argument is preposterous. Is the r
the argument from marginal cases any better erhaps it
be claimed that a biological category such as a species
natural, whatever that means, than a category like a
male (or female) defendants in this trial. Even se
the considerable worries about the conventionality of biolo
categories, it is not at all clear why this distinction
morally relevant. What if it turned out that there were
cally relevant differences in the mental abilities of m
women Suppose that men were, on average, more skilled
manipulating numbers than women, and that women were, o
average, more empathetic than men. Would such differenc

what was normal for men and women justify us in prefe
an innumerate man to a female math genius for a
an accountant, or an insensitive woman to an ultrasympa
icman for a job as a counselor I take it that›the biol
tinction between male and female is just as real as tha
between human and chimpan ee.

A second response to the argument from marginal cases
to concede that cognitively deficient humans really
an inferior moral status to normal humans. Can we, then
such humans as we do animals I know of no one who takes
the further step of advo› cating the use of marginal
for experimentation or food. ow can we advocate this s
response while blocking the further step Warren sugges
there are powerful practical and emotional reasons f
tecting non›rational human beings, reasons which are ab
the case of most non›human animals. ere is Steinbock
similar vein

> I doubt that anyone will be able to come up with a concrete and morally relevant difference that would justify, say, using a chimpan ee in an experiment rather than a human being with less capacity for reasoning, moral responsibility, etc. Should we then experiment on the severely retarded Utilitarian considerations aside, we feel a special obligation to care for the handi capped members of our own species, who can not survive in this world without such care. . . . In addition, when we consider the severely retarded, we think, That could be me. It makes sense to think that one might have been born retarded, but not to think that one might have been born a monkey. . . . ere we are getting away from such things as morally relevant dif ferences and are talking about something much more difficult to articulate, namely, the role feeling and sentiment in moral thinking.

This line of response clearly won t satisfy those who
that marginal humans really do deserve equal moral cons
ation with other humans. It is also a very shaky basis
to justify our current practices. What outrages human

bilities is a very fragile thing. uman history is litt
examples of widespread acceptance of the systematic
treatment of some groups who didn t generate any sympat
ic response from others. That we do feel a kind of symp
retarded humans that we don t feel for dogs is, if true
tingent matter.

erhaps we could claim that the practice of giving gr
weight to the interests of all humans than of animals i
fied on evolutionary grounds. erhaps such differential
has survival value for the species. Something like this
be true, but it is hard to see the moral relevance. We
ly justify the privileging of human interests over anim
ests on the grounds that such privileging serves
interests

Although the argument from marginal cases certainly p
a formidable challenge to any proposed criterion of ful
standing that excludes animals, it doesn t, in my view,
tute the most serious flaw in such attempts to justif
tus quo. The proposed criteria are all variations on th
Aristotelian criterion of rationality. ut what is the
vance of rationality Why should we think that the poss
of a certain level or kind of rationality renders the p
interests of greater moral significance than those of a
sentient being In entham s famous words, The questio
not, an they reason nor an they talk ut, an they

What do defenders of the alleged superiority of human
ests say in response to entham s challenge Some, such
arl ohen, simply reiterate the differences between hu
and animals that they claim to carry moral significance
are not members of moral communities they don t engage
moral reflection they can t be moved by moral reasons
fore( ), their interests don t count as much as ours.
such as Steinbock and Warren, attempt to go further. e
Warren on the subject

cooperation. If we view the essence of morality as reci
the significance of rationality is obvious. A certain
all›too›common, interpretation of the olden ule is th
should do unto others in order to get them to do unto
There s no point, according to this approach, in giving
any, consideration to the interests of animals, because
simply incapable of giving like cons›ideratio
ests. In discussing the morality of eating meat, I have
times, heard students claim that we are justified in ea
meat, because the animals would eat us, if given half
chance. (That they say this in regard to our practice
cows and chickens is depressing testimony to their know
of the animals they gobble up with such gusto.) I
as there is a consistent view being expressed here
concerns self›interest, as opposed to morality. Whether
serves my interests to give the same weight to the inte
animals as to those of humans is an interesting questio
is not the same question as whether it is right to give animals
interests equal weight. The same point, of course, appl
the question of whether to give equal weight to my inte
or those of my family, race, sex, religion, etc., as to
other people.

erhaps it will be objected that I am being unfair to

to the interests of animals.

It seems that any attempt to justify the status quo w
respect to our treatment of animals by appealing to a m
relevant difference between humans and animals will fai
least two counts. It will fail to give an adequate answ
argument from marginal cases, and, more importantly, it
fail to make the case that such a difference i
relevant to the status of animals as moral patients as
to their status as moral agents.

. Social ontract Theory

or the would›be defender of the status quo, the most
promising ethical approach is social contract ›theory, c
tractualism. iven its classical expression in obbes s
eviathan, ousseau s The Social ontract, and ocke s Second
Treatise on overnment, contrac› tualism views morality a
some sense a human construct. If human beings were to l
without rules, in what obbes and ousseau refer to as
of nature, life would be, in obbes memorable› phrase
tary, poor, nasty, brutish, and short. It would then b
interests of everyone to agree to abide by certain rule
as a rule against killing others, on condition that oth
agree. The content of the agreement, or contract, provi
rules of morality. It is no part of the theory that the
such an agreement. The contract itself is an e›nlighteni
tion, useful to discover the requirements of morality.
same way, a utilitarian can appeal to the fiction of an
informed, impartial, and benevolent observer to explain

tractualism accord full direct moral status to all huma
ing the severely cognitively impaired, and deny direct
status to all animals. e further claims that such an a
can explain the wrongness of many instances of cruelty
mals, without accepting that factory farming or animal
mentation is wrong, or that the animals who are the vic
wrongful cruelty have direct moral significance. arrut
bases his discussion on two influential contemporary ve
of contractualism the theories of ohn awls and Tho
Scanlon. ere are arruthers summaries of the main poi
the two theories

> The basic idea, then, is that we are to think of morality as the rules that would be selected by rational agents choosing from behind what awls calls a veil of ignorance. While these agents may be supposed to have knowledge of all general truths of psychology, sociology, eco nomics, and so on, they are to be ignorant of their own particular qualities (their intelligence physical strength, qualities of character, project and desires), as well as the position they will occupy in the society that results from their choice of rules. . . . The point of the restrictio is to eliminate bias and special pleading in the selection of moral principles. . . . ence his pro posal is, in fact, that moral rules are those that we should rationally agree to if we were choos ing from a position of complete fairness. . . . ost importantly, the agents behind the veil of ignorance must not be supposed to have, as yet, any moral beliefs. or part of the point of the theory is to explain how moral beliefs can arise.
>
> Scanlon s account of morality is roughly this moral rules are those that no one could reason ably reject as a basis for free, unforced, general agreement amongst people who share the aim of reaching such an agreement. . . . here the agents concerned are supposed to be real ones, with knowledge of their own idiosyncratic desires and interests, and of their position with in the current strunimr Tm TmT nr e restrictions

agreement . . . the contractors will know that
there is no point in rejecting a proposed rule on
grounds special to themselves, since others
would then have equal reason to rej›ect any pro
posed rule.

So, how do animals fare on these approaches It is fair
that they won t be assigned more than indirect› moral si
cance. Since the contractors, on both models, are ratio
agents motivated by self›interest, only rational agent
assigned direct rights. The reasoning that leads to› this con
clusion is slightly different on the two appro›aches, so
sider Carruthers treatment of each in turn. First, aw
ry

Since it is rational agents who are to choose the

eral, or rules that allow my privacy to be invaded, or
jects to be interfered with, at the whim of other peopl
basic principle that we should agree upon is one of res
the autonomy of rational agents. f course, if one of my pro
jects is to safeguard the interests of animals, a rule
others to disregard those interests allows my project to be
interfered with. It seems that respect for autonomy wil
incorporate a very strong moral asymmetry between what
done and what is allowed to happen. et s assume, for t
of argument, that such an asymmetry is justified. There
two serious objections that arise from within arruther
approach.

irst, there is the problem of marginal cases again.
same reasons that animals don t get assigned moral star
in the contractualist framework, nonrational humans don t
seem to count either. arruthers response is to sugges
arguments that the contractors would use to justify rul
accord full moral standing to marginal humans. irst, t
the following slippery slope argument

> There are no sharp boundaries between a baby and an adult, between a not-very-intelligent adult and a severe mental defective, or between a normal old person and someone who is severely senile. The argument is then that the attempt to accord direct moral rights only to rational agents would be inherently dangerous and open to abuse.

It is because starting out with a rule that distinguish
between rational and nonrational humans might lead to the
mistreatment of rational humans, that the rule has to i
all humans. Excluding animals, on the other hand, wouldn
have the same dangerous consequences. Anyone who
argued from the accepted denial of moral standing to ch
pan ees to the conclusion that some humans shouldn t ha
moral standing either would not be taken seriously.
arruthers second argument has a similar reliance on
chological claims. It is simply a fact about human bein
says, that they care deeply for their offspring, irres

nfortunately, neither argument has the requisite psych
force.

ontractarianism fails, then, to give a convincing an
the argument from marginal cases. It also fails to acco
what arruthers calls our common›sense attitudes toward
mals. It seems to deny direct moral status to animals a
prevailing view may be that animals interests› are not
ni cant as those of humans, but it is not that they cou
nothing. According to this view, the cat torturer may n
doing something as bad as the child torturer, but his b
is nonetheless morally abominable. urthermore, it is w
done to the cat itself that is morally objectiona
tractarian approach might suggest rules against cruelty
mals, on the grounds of protecting the interests of ani
ers and lovers. ut this doesn t capture the central wr
torturing a cat. It would still be wrong, even if it we
and no one else found out about it. arruthers response

ordinary view that the cat torturer s behavior is moral
inable is in no way contingent on the belief th
turer is also likely to mistreat people. If you were
er that other Teresa routinely tortured cats for fun,
wouldn t think, Well, what do you know I guess tortur
for fun isn t always wrong. either would you think,
what do you know I guess other Teresa was actually a
danger to people. What luck that she died before she go
around to torturing any. ou would probably be dismay
learn that someone who had so much compassion for peopl
could be so callous towards animals. The reason for you
may, though, would be your belief that such callousness
towards animals is wrong in itself.

The problem with the contractarian approach, at least
presented by Carruthers, is that the speci cation of th

T E A . A I E E TE ET I S A D I

ES SI I IT

The leaders of Southern ethodist niversity believe that a
versity does not fully discharge its responsibility to its st
the community at large if it hands out knowledge (and the pow
which that knowledge eventually yields) without posing questi
about its responsible uses. Through the ary . aguire ente
Ethics and ublic esponsibility, S strives to foster the m
cation and public responsibilities of those whom it empowers

- Supporting faculty research, teaching, and writing in ethics
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ignore the urban habitat they helped to create and on which t
depend. Thus, while not an advocacy group, the aguire enter
to be integrally a part of the etroplex, attending to the mo
daries and controversies that beset our common life. To that
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