

The Animals Issue

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I shall argue in this essay that the lives and sufferings of non-human animals (hereafter “animals”) make no direct moral claims on us. At the same time I shall argue that the lives and sufferings of human infants and senile old people *do* make such claims on us. In short: I shall argue that no animals possess *moral standing*, while arguing all human beings possess such standing. I shall allow, however, that some of the things that one might do (or fail to do) to an animal might attract justified moral criticism. But this will be criticism of an indirect and culturally local sort, not deriving from any violations of the rights that the animal might have. On the contrary, because animals lack standing, they have no rights.

1 Assumptions

In this section I shall lay out two sets of assumptions that form the background to my argument. One is about the mental lives and cognitive capacities of animals; the other is about the correct framework for moral theory. While I shall make no attempt to defend these assumptions here, they are quite widely shared, and each is, I believe, fully defensible.

1.1 *Animal Minds*

I shall assume that most animals have minds much like our own. They have beliefs and desires, and engage in practical reasoning in the light of their beliefs and desires. (This is true even of some invertebrates, including bees and jumping spiders, I believe.) Many animals feel pain and fear, and (in some cases) an emotion much like grief. (For discussion of the evidence supporting these claims, see Carruthers, 2006, ch.2.) In short: most animals can *suffer*. Stronger still, I shall assume for these purposes that most animals undergo experiences and feelings that are *conscious*, having the same kind of rich phenomenology and inner “feel” as do our own

conscious mental states.¹

I shall also assume, however, that animals don't count as *rational agents* in the following (quite demanding) sense: a rational agent is a creature that is capable of governing its behavior in accordance with universal rules (such as "Don't tell lies"), and that is capable of thinking about the costs and benefits of the general adoption of a given rule, to be obeyed by most members of a community that includes other rational agents. This assumption is quite obviously true in connection with most animals. I believe that it is also true (although this is slightly more controversial) in connection with members of other species of great ape, such as chimpanzees and gorillas. (If it should turn out that the members of some species of animal *do* count as rational agents in the above sense, then those creatures will be accorded full moral standing, on the approach taken here.) Why the absence of rational agency should matter will emerge in the sections that follow.

1.2 *Moral Theory*

I shall assume that some or other version of contractualist moral theory is correct. (The problems with utilitarian theories are notorious, and well known. Forms of virtue theory are best pursued and accounted for within the framework of contractualism, I believe.) All contractualists agree that moral truths are, in a certain sense, human constructions, emerging out of some or other variety of hypothetical rational agreement concerning the basic rules to govern our behavior.

In one version of contractualism, moral rules are those that would be agreed upon by rational agents choosing, on broadly self-interested grounds, from behind a "veil of ignorance" (Rawls, 1972). On this account, we are to picture rational agents as attempting to agree on a set of rules to govern their conduct for their mutual benefit in full knowledge of all facts of human psychology, sociology, economics, and so forth, but in ignorance of any particulars about

¹ I make this assumption because I believe that nothing of importance turns on it in the context of the present debate. Although I myself have defended a theory of consciousness that would probably deny conscious experiences to most if not all species of animal (Carruthers, 2000), I have also argued that unconscious forms of pain and suffering are perfectly appropriate objects of sympathy and moral concern (Carruthers, 2005) – which isn't to say, I should stress, that sympathetic concern for animals is morally mandatory; that is the topic of the present essay.

themselves – their own strengths, weaknesses, tastes, life plans, or position in society. All they are allowed to assume as goals when making their choice are the things that they will want *whatever* particular desires and plans they happen to have – namely, wealth, happiness, power, and self-respect. Moral rules are then the rules that would be agreed upon in this situation, provided that the agreement is made on rational grounds. The governing intuition behind this approach is that justice is fairness: since the situation behind the veil of ignorance is fair (all rational agents are equivalently placed), the resulting agreement must also be fair.

In another version of contractualism, moral rules are those that no rational agent could reasonably reject who shared (as their highest priority) the aim of reaching free and unforced general agreement on the rules that are to govern their behavior (Scanlon, 1982, 1998). On this account, we start from agents who are allowed full knowledge of their particular qualities and circumstances (as well as of general truths of psychology and so forth). But we imagine that they are guided, above all, by the goal of reaching free and unforced agreement on the set of rules that are to govern everyone's behavior. Here each individual agent can be thought of as having a veto over the proposed rules. But it is a veto that they will only exercise if it doesn't derail the agreement process, making it impossible to find any set of rules that no one can reasonably reject.

It should be stressed that within a contractualist approach, as I shall understand it, rational agents aren't allowed to appeal to any moral beliefs as part of the idealized contract process.² Since moral truths are to be the output of the contract process, they cannot be appealed to at the start. Put differently: since morality is to be constructed through the agreement of rational agents, it cannot be supposed to exist in advance of that agreement. It is also worth pointing out that on each of the above approaches, some moral rules will be mere local conventions. This will happen whenever the contract process entails that there should be *some* moral rule governing a behavior

² Not all forms of contractualism satisfy this constraint. (Some allow the contracting agents to appeal to antecedent moral *values*.) Where they don't, their implications for the animals issue are much more difficult to discern. I believe that the constraint is justified by the goal of providing a comprehensive moral theory that will be naturalistically acceptable, requiring us to postulate no properties and processes that wouldn't be acceptable to science.

or set of circumstances, but where there are no compelling grounds for selecting one candidate rule over the others.³

In what follows I shall often consider arguments from the perspective of *both* of the above forms of contractualism. In that way we can increase our confidence that the conclusions are entailed by contractualist approaches as such, rather than by the specifics of some or other particular variety of contractualism.

2 All Humans have Standing

In the present section I shall argue that all human beings have moral standing, irrespective of their status as rational agents. I shall argue first that all rational agents have standing, and shall then show that the same basic sort of standing should be accorded to human infants and senile (or otherwise mentally defective) adult humans.⁴ Since these arguments don't extend to animals (as we will see in Section 3), they constitute a reply to Singer's (1979) challenge. For Singer claims that contractualism can't consistently deny moral standing to animals without *also* withholding it from infants and mentally defective humans. This section and the one following will show that he is mistaken.

2.1 *The Basic Case: Rational Agents have Standing*

The contractualist framework plainly entails that all rational agents should have the same moral standing. For moral rules are here conceived to be constructed *by* rational agents *for* rational agents. It is obvious that rational agents behind a veil of ignorance would opt to accord the same basic rights, duties, and protections to themselves (that is to say: to all rational agents, since they are choosing in ignorance of their particular identities). And likewise within Scanlon's framework: it is obvious that any proposed rule that would withhold moral standing from some

³ By way of analogy, think of the rule requiring us (in the United States) to drive on the right. Obviously there should be a rule requiring people to drive on one side of the road or the other, or chaos will ensue. But it doesn't much matter which side is chosen.

⁴ It is an interesting question what this and related arguments show about the moral status of abortion. I believe (although I shall not argue here) that they would show early (e.g. first trimester) abortions to be permissible, while ruling out most later forms of abortion.

sub-set of rational agents could reasonably be rejected by the members of that sub-set.

It should be stressed that contractualism accords the same basic moral standing to all rational agents as such, and not merely to the members of some actual group or society. On Rawls' approach, contracting agents don't even know which group or society they will turn out to be members of once the veil is drawn aside. And on Scanlon's account, although we are to picture rational agents seeking to agree on a framework of rules in full knowledge of who they are and the groups to which they belong, those rules can be vetoed by *any* rational agent, irrespective of group membership. It follows that if Mars should turn out to be populated by a species of rational agent, then contractualism will accord the members of that species full moral standing.

2.2 *Non-Rational Humans: The Argument from Social Stability*

It seems that rational contractors wouldn't automatically cede moral standing to those human beings who are *not* rational agents (e.g. infants and senile old people), in the way that they must cede standing to each other. But there are considerations that should induce them to do so, nevertheless. The main one is this.⁵ Notice that the basic goal of the contract process is to achieve a set of moral rules that will provide social stability and preserve the peace. This means that moral rules will have to be *psychologically supportable*, in the following sense: they have to be such that rational agents can, in general, bring themselves to abide by them without brainwashing. (Arguably, no rational agent would consent to the loss of autonomy involved in any form of the latter practice.) But now the contractors just have to reflect that, if anything counts as part of "human nature" (and certainly much does; see Pinker, 2002), then people's deep attachment to their infants and aged relatives surely belongs within it. In general, people care as deeply about their immediate relatives as they care about anything (morality included), irrespective of their relatives' status as rational agents. In which case contracting agents should accord moral standing to all human beings, and not just to those human beings who happen to be rational agents.

Consider what a society would be like that denied moral standing to infants and/or senile

⁵ For other arguments for the same conclusion, see Carruthers (1992), chapter 5.

old people. The members of these groups would, at most, be given the same type of protection that gets accorded to items of private property, deriving from the legitimate concerns of the rational agents who care about them. But that would leave the state or its agents free to destroy or cause suffering to the members of these groups whenever it might be in the public interest to do so, provided that their relatives receive financial compensation. (For example, senile old people might be killed so that their organs could be harvested, or it might be particularly beneficial to use human infants in certain painful medical experiments.) We can see in advance that these arrangements would be highly unstable. Those whose loved ones were at risk would surely resist with violence, and would band together with others to so resist. Foreseeing this, contracting rational agents should agree that all human beings be accorded moral standing.⁶

2.3 *A Reply from Anthropology*

It might be replied against this argument that there have been many communities in the world where infanticide and the killing of the old have been sanctioned, without any of the predicted dire consequences for the stability of those societies. Thus in many traditional societies the smaller of a pair of twins, or any infant born deformed, might be abandoned by its mother to die (Hrdy, 1999). And some Inuit tribes are said to have had the practice of forsaking their old people to die in the snow when the latter became too infirm to travel.

One point to be made in response to this objection is that all of the communities in question were sustained and stabilized by systems of traditional belief (often religious belief: “The gods require it”, might be the justification given). This is no longer possible for us in conditions of modernity, where it is acceptable for any belief, no matter how revered and long-standing, to be subjected to critical scrutiny. And plainly the contract process envisaged by contractualism can’t make appeal to such traditional beliefs, either.

Another point to be made in response to the objection is that all of the communities in question were teetering on the edge of survival for their members; or at the very least the costs to

⁶ This doesn’t mean that all humans are accorded the same rights, however. While normal human adults might be given a right to autonomy, for example, it will make little sense to accord such a right to a human who isn’t an autonomous agent.

individuals for acting differently would have been *very* high. In which case it is far from obvious that the practices we are considering involve the denial of moral standing to infants and/or the old, anyway. For notice that in these communities death occurs from failure to support, or from the withdrawal of aid, rather than by active killing. And we, too, accept that it can be permissible to withdraw support, allowing someone to die, when the costs to oneself become too great. Think, for example, of someone in the process of rescuing another person from drowning, who has to give up their effort when they realize that the current is too strong, and that they themselves are in danger of drowning.

2.4 Conclusion: All Humans have Standing

We can conclude the following. If, as I claim, contractualism is the correct framework for moral theorizing, then it follows that all human beings – whether infant, child, adult, old, or senile – should be accorded the same basic structure of rights and protections. In Section 3 I shall show, in contrast, that contractualism leaves all animals beyond the moral pale, withholding moral standing from them.

Before concluding this section it is worth noting that infants and senile old people aren't by any means accorded "second class moral citizenship" by contractualism. Although it is only rational agents that get to grant moral standing through the contract process, and although the considerations that should lead them to grant moral standing to humans who aren't rational agents are indirect ones (not emerging directly out of the structure of the contract process, as does the moral standing of rational agents themselves), this has no impact on the product. Although the considerations that demonstrate the moral standing of rational agents and of non-rational humans may differ from one another, the result is the same: both groups have moral standing, and both should have similar basic rights and protections.

3 No Animals have Standing

In this section I shall maintain, first, that the argument just given for according moral standing to all human beings doesn't extend to animals. Then second, I shall consider two further attempts to secure moral standing for animals within contractualism, showing that they fail. The upshot can

be captured in the slogan: “Humans in, animals out.”

3.1 *Social Stability Revisited*

The argument of Section 2.3 was that non-rational humans should be accorded moral standing in order to preserve social stability, since people’s attachments to their infants and aged relatives are generally about as deep as it is possible to go. Someone might try presenting a similar argument to show that animals, too, should be accorded moral standing, citing the violence that has *actually* occurred in Western societies when groups of people (like members of the Animal Liberation Front) have acted in defense of the interests of animals. Such an argument fails, however, because members of these groups are acting, not out of attachments that are a normal product of human emotional mechanisms, but out of (what they take to be justified) moral beliefs.

Recall that rational agents engaging in the contract process are forbidden from appealing to any antecedent moral beliefs – whether their own or other people’s. (This is because moral truth is to be the outcome of the contract, and shouldn’t be presupposed at the outset.) So contracting rational agents should *not* reason that animals ought to be accorded moral standing on the grounds that some people have a moral belief in such standing, and may be prepared to kill or engage in other forms of violence in pursuit of their principles. The proper response is that such people aren’t entitled to their belief in the moral standing of animals unless they can show that rational agents in the appropriate sort of contract situation would agree to it.

Many people come to care quite a bit about their pets, of course, and this is something that rational contractors might be expected to know. Could this give rise to a social-stability argument for moral standing? The answer is “No”, for at least two distinct reasons.⁷ One is that it is far from clear that the phenomenon of pet-keeping and attachment to pets is a human universal (in contrast with attachment to infants and aged relatives). It may rather a product of local cultural forces operating in some societies but not others. And if the latter is the case, then such

⁷ A third problem is that moral standing would only be accorded, in any case, to those animals that are often kept as pets, such as dogs and cats. Animal species to whose members it is difficult to become emotionally attached would be left beyond the pale.

attachments aren't a "fixed point" of human nature, which should constrain rational contractors in their deliberations. They might appropriately decide, instead, that society should be arranged in such a way that people don't develop attachments that are apt to interfere with correct moral decision making.

A second problem with the suggestion is that attachment to pets is rarely so deep as attachments to relatives, in any case. Hence people should have little difficulty in coming to accept that pets can only be accorded the sorts of protections granted to other items of private property. Most of us would think that it would be foolish (indeed, reprehensible) to continue to keep a pet that threatens the life of a child (e.g. through severe allergic reactions). And when the state declares that the public interest requires that someone's dog be put down (e.g. because it is dangerous), it would surely be unreasonable to take up arms to defend the life of the animal, just as it would be unreasonable to kill to preserve a house that has been condemned for demolition.

3.2 *Representing the Interests of Animals*

While the argument from social stability doesn't show that animals should be accorded moral standing, other arguments could still be successful. One suggestion would be that some rational agents behind the veil of ignorance should be assigned to represent the interests of animals, much as a lawyer might be assigned to represent the interests of a pet in a court of law in a case involving a disputed will. If it was the job of those representatives to look out for the interests of animals in the formulation of the basic moral contract, then they might be expected to insist upon animals being granted moral standing.

This suggestion, however, is plainly at odds with the guiding idea of contractualism. For what possible motive could there be for assigning some agents to represent the interests of animals in the contract process, unless it were believed that animals *deserve* to have their interests protected? But that would be to assume a moral truth at the outset: the belief, namely, that animals deserve to be protected. We noted above, in contrast, that contractualism assumes that the contracting parties should come to the contract situation either without any moral beliefs at all, or setting aside (taking care not to rely upon) such moral beliefs as they do have.

The point is even easier to see in Scanlon's version of contractualism. Real individual

agents with knowledge of their own particulars, but who either lack moral beliefs or have set aside their moral beliefs while trying to agree rules that no one could reasonably reject, could have no reason to assign some of their number to represent the interests of animals. For to do so would be tantamount to insisting at the outset that animals should be accorded moral standing, preempting and usurping the constructive contract process.

3.3 *Ignorance of Species*

Another suggestion is that people behind the veil of ignorance should be selecting moral rules in ignorance of their species, just as they are ignorant of their life-plans, age, strength, intelligence, gender, race, position in society, and so on (Regan, 1984). Then just as rational agents might be expected to agree on rules to protect the weak, since for all they know they might end up to *be* weak, so, too, rational agents might be expected to agree on a system of fundamental rights for animals, since for all they know they might end up *being* an animal.

One problem with this suggestion is that Rawls' veil of ignorance is designed to rule out reliance upon factors that are widely agreed to be morally irrelevant. Amongst the intuitions that a good moral theory should preserve is the belief that someone's moral standing shouldn't depend upon such factors as their age, or gender, or race. In contrast we don't (or don't all) think that species is morally irrelevant. On the contrary, this is highly disputed, with (I would guess) a clear majority believing that differences of species (e.g. between human and dog) *can* be used to ground differential moral treatment.

The veil of ignorance is a theoretical device designed to ensure that deeply held moral beliefs about what is, or isn't, morally relevant should be preserved in the resulting theory. So although the contracting agents aren't allowed to appeal to any moral beliefs in the contract process, in effect the moral theorist has relied upon his prior moral beliefs in designing the surrounding constraints. Scanlon's version of contractualism, in contrast, digs deeper. It has the capacity to *explain why* the properties mentioned in the veil of ignorance are morally irrelevant. This is because one should be able to see in advance when one comes to the contract situation that if one proposes a rule favoring men, then this will be vetoed by those rational agents who are women, and vice versa; and so on for differences of age, intelligence, strength, race, and so on.

So if we are motivated by the goal of reaching free and unforced general agreement amongst rational agents, we should abjure proposals that might favor one group over another. For we can foresee that these will be vetoed, and that others could equally well suggest proposals favoring other groups, in any case, which *we* will need to veto. But there is no reason for us to abjure rules that favor humans over animals, in contrast.

The idea of choosing rules in ignorance of one's species isn't even coherent within the framework of Scanlon's form of contractualism, in which agents are supposed to have full knowledge of their own particular qualities and circumstances, as well as of general truths of psychology, economics, and so forth. So there is no way to argue for the moral significance of animals from such a standpoint. Indeed, one should be able to see in advance that a proposed rule that would accord moral standing to animals would be vetoed by some, because of the costs and burdens that it would place on us.

3.4 *Conclusion: No Animals have Standing*

I conclude that while the moral standing of all humans (including infants and senile old people) is entailed by contractualism, by the same token such standing should be denied to animals. Even if this position is theoretically impeccable, however, it faces a serious challenge. This is that most people believe very strongly indeed that it is possible to act wrongly in one's dealings with animals. And most people believe, too, that it is something about what is happening *to the animal* that warrants the moral criticism. These are intuitions that need to be explained, or explained away. This will form the topic of Sections 4 and 5.

4 **Forms of Indirect Moral Significance for Animals**

Imagine that while walking in a city one evening you turn a corner to confront a group of teenagers who have caught a cat, doused it in kerosene, and are about to set it alight. Of course you would be horrified. You would think that the teenagers were doing something very wrong; and the vast majority of people would agree with you. It would be a serious black mark against contractualist moral theories in general, and against the line that I am pursuing in this essay, if this intuition couldn't be accommodated.

4.1 *Offence to Animal-Lovers*

One suggestion would be that we have *indirect* duties towards animals. These fail to have any corresponding rights on the part of the animal, but rather derive from a direct duty not to cause unnecessary offence to the feelings of animal-lovers or animal owners. Compare the above scenario with this one: while walking through a city you come across a pair of young people, stark naked, making love on a park bench in broad daylight. Here, too, you would be horrified, and you would think that what they were doing was wrong. But the wrongness isn't, as it were, intrinsic to the activity. It is rather that the love-making is being conducted in a way that might be disturbing or distressing to other people: namely, in public. Likewise, it might be said, in the case of the teenagers setting light to the cat: what they are doing is wrong because it is likely to be disturbing or distressing to other people.

On the face of it this proposal isn't very promising. For while it can explain why the teenagers are wrong to set light to a cat in the street (since there is a danger that they might be observed), it can't so easily explain our intuition that it would be wrong of them to set light to the cat in the privacy of their own garage. Admittedly, there is some wiggle room here if one wanted to defend the proposal. For animals, having minds of their own, are apt to render public a suffering that was intended to remain private. The burning cat might escape from the garage, for example, or might emit such ear-piercing screams that the neighbors feel called upon to investigate. But we can demonstrate the inadequacy of this whole approach through an example where such factors are decisively controlled for. This is the example of Astrid the astronaut.

You are to imagine that Astrid is an extremely rich woman who has become tired of life on Earth, and who purchases a space rocket for herself so that she can escape that life permanently. She blasts off on a trajectory that will eventually take her out of the solar system, and she doesn't even carry with her a radio or other means of communication. We can therefore know that she will never again have any contact with another human being. Now suppose that Astrid has taken with her a cat for company, but that at a certain point in the journey, out of boredom, she starts to use the cat for a dart-board, or does something else that would cause the cat unspeakable pain. Don't we think that what Astrid does is very wrong? But of course the

ground of its wrongness can't be the danger that animal-lovers will discover what she has done and be upset. For we know from the description of the case that there is no such danger.

4.2 *Judging Acts by Character*

Another approach, which I shall spend most of the remainder of this essay developing and defending, would be to claim that the action of torturing a cat is wrong because of what it shows about the moral character of the actor, not because it infringes any rights or is likely to cause distress to other people. Specifically, what the teenagers do in the street and what Astrid does on her space-rocket show them to be *cruel*. And this would be our ground for saying that the actions themselves are wrong. In order for this account to work, however, it needs to be shown more generally that we sometimes judge actions by the qualities of moral character that they evince, irrespective of any morally significant harm that they cause, or of any rights that they infringe. I shall argue as much here, before briefly providing a contractualist rationale in Section 5.

Return to the example of Astrid the astronaut. But now suppose that, in addition to a cat, she has taken with her another person. In one version of the story, this might be her beloved grandfather. In another version of the story (to avoid contaminating our intuitions with beliefs about family duties) it might be an employee whom she hires to work for her as a lifetime servant. Now at a certain point in the journey this other person dies. Astrid's response is to cut up the corpse into small pieces, thereafter storing them in the refrigerator and feeding them one by one to the cat.

Surely what Astrid does is wrong. But why? It causes no direct harm of a morally relevant sort. (Her companion, after all, is dead, and can't know or be upset.) And nor can any harm be caused indirectly to others. For in the nature of the case, no one else can ever know and be offended. Nor are any rights infringed. For even if one thinks that the dead have rights (which is doubtful), Astrid might know that her companion was an atheist who took not the slightest interest in ceremonies for the dead. Indeed, he might once have said to her, "Once I am dead I don't care what happens to my corpse; you can do what you like with it", thus waiving any rights that he might have in the matter. But still what Astrid does is very wrong.

Why is what Astrid does wrong? Surely this is because of what it shows about *her*. Just

as her treatment of her cat shows her to be cruel, so her treatment of her dead companion displays a kind of disrespectful, inhuman, attitude towards humanity in general, and her companion in particular. (Note that practices for honoring the dead, and for treating corpses with respect, are a human universal. They are common to all cultures across all times.) And in each case we judge the action to be wrong because of the flaw that it evinces (both manifesting and further encouraging and developing) in her moral character.

Consider a different sort of example. Suppose that Lazy Jane is a doctor who is attending a conference of other medical professionals at a large hotel. She is relaxing in the bar during the evening, sitting alone with her drink in a cubicle. The bar is so arranged that there are many separate cubicles surrounding it, from each of which the bar itself is plainly visible, but the insides of which are invisible to each other. Jane is idly watching someone walk alone towards the bar when he collapses to the floor with all the signs of having undergone a serious heart-attack. Jane feels no impulse to assist him, and continues calmly sipping her martini.

Plainly what Jane does (or in this case, doesn't do) is wrong. But why? For we can suppose that no harm is caused. Since the man collapses in plain view of dozens of medical personnel, expert help is swift in arriving; and she had every reason to believe that this would be so in the circumstances. And no rights are infringed. For even if there is such a thing as a general right to medical assistance when sick (which is doubtful), the man had no claim on *her* help in particular. If he had still be able to speak, he could have said, and (perhaps) said truly, "Someone should help me." But he certainly wouldn't have been correct if he had said, "Jane, in particular, should help me." Since our belief in the wrongness of Jane's inactivity survives these points, the explanation must be the one that we offered in connection with Astrid above: it is wrong because of what it reveals about *her*. Specifically, it shows her to be callous and indifferent to the suffering of other people; or at least it shows that she lacks the sort of spontaneous, emotional, non-calculative, concern for others that we think a good person should have.

My suggestion, then, is that our duties towards animals are indirect in the following way. They derive from the good or bad qualities of moral character that the actions in question would display and encourage; where those qualities *are* good or bad in virtue of the role that they play in the agent's interactions with other human beings. On this account, the most basic kind of

wrong-doing towards animals is *cruelty*. A cruel action is wrong because it evinces a cruel character. But what makes a cruel character bad is that it is likely to express itself in cruelty towards *people*, which would involve direct violations of the rights of those who are caused to suffer.⁸ Our intuition that the teenagers and Astrid all act wrongly is thereby explained, but explained in a way that is consistent with the claim that animals lack moral standing.

5 Contractualism, Virtue Ethics, and Animals

How, in general, do qualities of character acquire their significance within a contractualist moral framework? This question needs to be answered before the position sketched above can be considered acceptable. And we need to investigate, too, in what ways cruelty to animals and cruelty to humans are linked to one another.

5.1 Contractualism and Character

Contracting rational agents should know in advance that human beings aren't calculating machines. We have limited time, limited memory, limited attention, and limited intellectual powers. In consequence, in everyday life we frequently have to rely on a suite of "quick and dirty" heuristics for decision making, rather than reasoning our way slowly and laboriously to the optimal solution (Gigerenzer et al., 1999). Contracting rational agents should realize, too, the vital role that motivational states and emotional reactions play in human decision making (Damasio, 1994). Hence they should do far more than agree on a framework of rules to govern their behavior. They should also agree to foster certain long-term dispositions of motivation and emotion that will make right action much more likely (especially when action is spontaneous, or undertaken under severe time constraints). That is to say: contracting agents should agree on a duty to foster certain qualities of character, or *virtues*.

For example, contracting agents should agree on a duty to develop the virtue of *beneficence*. This is because they should foresee that more than merely rules of justice (which

⁸ I am told by one of its officers that the UK's Royal Society for the Prevention of Cruelty to Animals has amassed voluminous evidence that people who are cruel to animals are also likely to engage in cruelty that involves human beings, and that the Society's prosecutions for cruelty to animals are almost always built upon this premise.

are for the most part negative in form: “don’t steal, don’t kidnap, don’t kill, etc.”) are necessary for human beings to flourish. We also need to develop positive attachments to the welfare of others, fostering a disposition and willingness to help other people when we can do so at no important cost to ourselves. For there are many ways in which people will inevitably, at some point in their lives, need the assistance of others if they are to succeed with their plans and projects, ranging from needing the kindness of a neighbor to jump-start one’s car on a frosty morning, to needing someone on the river bank to throw one a life-boy or a rope when one is drowning.⁹

Rational contractors should also agree that people’s actions can be judged (that is, praised or blamed) for the qualities of character they evince, independently of the harm caused, and independently of violations of right. This is because people *should possess*, or should develop, the required good qualities. Although these good qualities *are* good, in general, because of their effects on the welfare and rights of other people, their display on a given occasion can be independent of such effects. Hence we can, and should, evaluate the action in light of the qualities of character that it displays, independently of other considerations.

5.2 *Cruelty to Animals and Cruelty to Humans*

If the account given above of the reasons why it is wrong for the teenagers to set light to a cat is to be successful, then cruelty to animals must be psychologically and behaviorally linked to cruelty to humans. To a first approximation, it must be the case that there is a single virtue of kindness, and a single vice of cruelty, that can be displayed towards either group. How plausible is this?

Certainly it would appear that attitudes towards the sufferings of animals and of humans are quite deeply linked in Western culture. For many of us have pets whom we treat as honorary

⁹ Notice that this does *not* mean that actions undertaken out of generosity are really self-interested ones. (On the contrary, generous people are people who feel an impulse to help another simply because they can see that the other person needs it.) It only means that self-interest enters into the explanation of why generosity is a virtue. This is because self-interested rational agents attempting to agree on a framework of rules that no one could reasonably reject would agree on a duty to become a generous sort of person.

family members, towards whom we feel filial obligations. And our practices of child-rearing make central use of animal subjects in moral education. Indeed, a child's first introduction to moral principles will frequently involve ones that are focused upon animals. A parent says, "Don't be cruel – you mustn't pull the whiskers out of the cat", "You must make sure that your pet gerbil has plenty of water", and so on and so forth. It would not be surprising, then, if attitudes towards the sufferings and welfare of animals and humans should thereafter be pretty tightly linked. This will warrant us in saying that the teenagers who are setting light to a cat are doing something wrong, not because the cat has moral standing, but because they are evincing attitudes that are likely to manifest themselves in their dealings with human beings (who do have moral standing, of course).

It seems likely, however, that the linkages that exist between attitudes to animal and to human suffering depend upon local cultural factors. For it is implausible that these linkages should reflect properties of a universal human nature. In cultures where pets aren't kept, where people's interactions with animals are entirely pragmatic (e.g. through farming), and where animals aren't used as exemplars in moral education, it is likely that these attitudes are pretty cleanly separable. In which case, someone in such a culture who hangs a dog in a noose, strangling it slowly to death (perhaps because this is believed to make the meat taste better), won't be displaying cruelty, although someone in our culture who behaved likewise would be.

I suggest that our Western moral attitudes towards animals form part of the *conventional* content of our morality. If there is nothing in our human nature that links cruelty to animals with cruelty to humans, then contracting rational agents would have no reason to insist upon a rule forbidding cruelty to animals, or a rule mandating a virtue of kindness that extends to animals. But contracting agents have to settle upon some or other way of bringing up their children, and cultural practices (such as pet-keeping) may be adopted for reasons having nothing to do with the moral contract itself, but which nevertheless have an impact upon morals. Given such facts, we can become obliged not to be cruel to animals.

5.3 *Acting for the Sake of the Animal*

Notice that in our culture, someone with the right sort of kindly character who acts to prevent

suffering to an animal will do so *for the sake of the animal*. For this is what having the right sort of sympathetic attitude consists in. It involves a spontaneous upwelling of sympathy at the sight or sound of suffering. Likewise it is something about the animal itself (its pain) that forms the immediate object of the emotion, and of the subsequent response. Certainly someone acting to ease the suffering of an animal won't be doing it to try to make himself into a better person! Nevertheless, the reason why this attitude is a virtue at all can be because of the way in which it is likely to manifest itself in the person's dealings with other human beings.

We can therefore *explain away* the common-sense intuition that when we are morally required to act to prevent the suffering of an animal, we are required to do so *for the sake of the animal*, where this is understood to mean that the animal itself has moral standing. As a theoretical claim about what grounds our duties towards animals this is false, since animals lack standing. But as a psychological claim about the state of mind and motivations of the actor, who has acquired the right sort of kindly attitude, it is true. While agents should act as they do for the animal's sake (with the animal's interests in mind), the reason why they are required to do so doesn't advert to facts about the animal (which would require animals to have standing), but rather to the wider effects on human beings.

6 Conclusion

I have argued in this essay that moral standing is possessed by all and only human beings (together with other rational agents, if there are any), who thus make direct moral claims upon us. Animals, in contrast, lack standing and make no direct claims upon us. Nevertheless, I have shown how there can be justified moral criticism for things that we do, or don't do, to an animal. This will derive from the good or bad qualities of character that our actions evince. But these criticisms will have a conventional and culturally local quality, deriving from contingent facts about contemporary Western cultures. They aren't criticisms that are warranted by rules that no rational agents could reasonably reject (whatever their culture) when guided by facts about human nature.

Acknowledgments

The ideas in this essay develop and modify the position that I defended at much greater length in Carruthers (1992). I am grateful to many generations of skeptical students for helping me to think more clearly about these issues, and to Christopher Morris for his comments on an earlier draft of the essay.

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