

Agency and Autonomy: A New Direction for Animal Ethics

by

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## **Abstract**

The main problem addressed in animal ethics is on what grounds and to what extent we owe animals moral consideration. I argue that many animals deserve direct moral consideration in virtue of their agency, selfhood and autonomy.

I start by providing an account of agency and selfhood that admits of degrees, from minimal to complex, among animal species that is supported by current research on consciousness and the mental capacities of animals. I posit that agency and selfhood are morally valuable as they allow for subjective mental experiences that matter to conscious individuals.

I then develop a view of autonomy that corresponds to my view of agency and selfhood, whereby the degree to which an individual is self-aware indicates the degree to which that being is autonomous. I argue that autonomy not only consists in the rational and reflective capacities of humans, but also at a more minimal level where autonomy is simply the ability to make choices. I support this view of autonomy as choice with an account of 'naturalized autonomy' and explain some of the implications of this view for animals.

After considering the views of Peter Singer, Tom Regan and Bernard Rollin on animal ethics, I analyze the flaws in their reasoning and argue that my own view provides a stronger account for the direct moral consideration of animals. This is due to my inclusion of agency, selfhood and autonomy, which these philosophers mainly neglect.

I review some current reinterpretations of Kant's moral arguments that claim animals ought to be considered ends-in-themselves. I present reasons why the inclusion of selfhood would strengthen this claim and further develop my argument for respecting the autonomy of animals.

I conclude that a theory of animal ethics based on agency, selfhood and autonomy provides the strongest account for the direct moral consideration of animals, as it is empirically informed and provides a moral middle path between animal welfare and animal rights.

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## Introduction

Despite the increase in awareness of the welfare of animals<sup>1</sup> in western culture, animals are still treated, by and large, merely as resources for human use. Practices such as factory farming, entertainment and scientific experimentation on animals demonstrate a general view of animals as objects rather than as subjective individuals with the capacity for experiences and interests. Even though many people adore their pets and treat them with affection and care, these same people can dismiss the cruel treatment of animals in other ways as unimportant or irrelevant to them. Midgley describes this sort of person as an “...absolute dismitter...” who “...takes the exclusion of animals from serious concern as something obvious and established. Against this background, any sympathy or regard that we may choose to pay to some of them counts as something of an optional fancy, not any sort of duty.”<sup>2</sup> This inconsistency in how we treat animals can be considered a result of the belief that there is a categorical divide between the moral value of humans and other animals. Theories of animal ethics tend to focus on the question of which morally relevant features are shared between humans and other animals, and my view follows this trend by attempting to answer two main questions:

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<sup>1</sup> Throughout my thesis, for the sake of brevity, I will refer to nonhuman animals

<sup>2</sup> Midgley, Mary. 1983. *Animals and Why They Matter*. Athens: The University of Georgia Press. p. 17.

1. Do we owe animals direct moral consideration, and if so, on what grounds?
2. To what extent do we owe animals direct moral consideration?

When we talk of direct moral obligations towards other humans, we often include the consideration of rights and personhood as paramount. However, my focus will be on the moral obligations we have towards animals, without entering into the legal and political debate regarding rights and personhood. This is because while these are important concepts, moral obligations do not necessarily imply rights. I will take the view of Lomasky when he writes that, “Rights establish moral constraints that must not be violated, but one who never violates a right might nonetheless show himself to be thoroughly wicked. To do what is right and to do what is demanded by rights should not be conflated.”<sup>3</sup> This is important as within the field of animal ethics, the rights position is seen to be in opposition to the animal welfare position. While animal rightists often adopt an abolitionist view on the use of animals, and animal welfarists believe it is acceptable to use animals for human purposes with some consideration of their interests, my own view posits that the right way to treat animals does not entail rights, but does entail avoiding the use of animals merely as a means to our own ends. In this way I reject both views as correct understandings of our moral obligations towards animals.

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<sup>3</sup> Lomasky, Loren E. 1987. *Persons, Rights, and the Moral Community*. New York: Oxford University Press. p. 224.

The main issue in animal ethics is whether or not there are good reasons for including animals in the moral community, which consists of selves whose interests should be considered equally. In what follows, I will present an argument in favour of adopting direct moral obligations towards animals, based on the agency, selfhood and autonomy of animals, and by using the support of already established moral theories that place an emphasis on these concepts. Many moral theories and moral philosophers exclude animals from moral consideration for reasons that are not logically entailed by their own arguments. As Taylor writes, “If we examine the principles that underlie our beliefs about how we should treat our fellow human beings, then we shall see that many of the ways we treat animals cannot be justified by our own principles. Therefore, to refuse to recognize that these ways of treating animals are wrong is to be irrational.”<sup>4</sup> I believe that this flaw in moral reasoning stems from the common lack of knowledge of current scientific research on animals minds, and as such, my own view will take this evidence as crucial support for the moral position I take in favour of direct moral obligations towards animals.

In chapter one, I argue in favour of a conception of agency and selfhood that admit of degrees among species, and that is supported by current theories of consciousness, agency and self-awareness, as well as research on the mental capacities of animals that support the existence

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<sup>4</sup> Taylor, Angus. 2009. *Animals and Ethics: An Overview of the Philosophical Debate*. Third Edition. Peterborough: Broadview Press. p. 63.



of selfhood in animals. Agency and selfhood in animals is also supported through arguments related to the evolutionary continuity of species. I also introduce the claim that selfhood is morally valuable as it indicates that all conscious animals have subjective mental states as a result of the experiences they have as they navigate the world around them, and that these experiences matter to those that have them. I consider some objections to the issue of whether or not we can accurately study the minds of animals and respond to them.

In chapter two I claim that autonomy also admits to degrees of complexity in a way similar to agency and selfhood, and that the degree to which an animal is an agent and self-aware indicates the degree to which that animal is autonomous. I compare the ‘common view’ of autonomy as a feature that only humans possess to a more basic account of autonomy as choice, and argue that both levels of autonomy are plausible, and can be understood as more or less complex for both humans and other animals. I provide an account of ‘naturalized autonomy’ that supports my own view, and explain how our treatment of animals would be changed by the attempt to respect the autonomy that animals have to the greatest extent possible.

As there are many other views of how ethics applies to animals, in chapter three I consider three of the most influential philosophers who have argued for the moral consideration of animals from different perspectives. These include Peter Singer, who is known for his utilitarian

account of animal ethics, Tom Regan, who endorses an animal rights and abolitionist view of animal ethics, and Bernard E. Rollin, who has developed a position on animal ethics based on the 'telos' of different species. Although these three philosophers make compelling arguments, each of them suffers from flaws that can be addressed by the inclusion of my own view on the importance of agency, selfhood and autonomy in animals. I argue that my own view provides stronger reasons than theirs for the direct moral consideration of animals.

Kantian ethics is normally not the place to look for an account of direct moral obligations towards animals, as Kant claimed that we only owe animals indirect moral duties, out of respect towards the rest of humanity. In chapter four, I consider modern reinterpretations of Kant's arguments to provide support for the claim that animals should be considered ends-in-themselves. I argue that despite the strength of these accounts, the concept of agency and selfhood that I support provides a better foundation for claiming animals as ends-in-themselves, and that respect for animal autonomy can be grounded on a Kantian argument for the respect of autonomy more broadly. I claim that in virtue of their agency and selfhood, animals should be considered ends-in-themselves, thereby including them in the moral community.

My view is novel in that it includes agency, selfhood and autonomy as those features which make anyone, human or nonhuman, morally considerable. As it is supported through empirical research and moral

theory, it makes a stronger case for the continuity of animal species that prevents any strict moral divide between humans and other animals. I maintain however, the commonsense view that more complex mental capacities result in greater moral consideration, as these capacities correlate to levels of autonomy. This makes sense of why we generally believe we have greater moral duties towards apes than frogs, and why we believe we ought to be paternalistic towards small children or pets, but not adult humans or chimpanzees in the wild (for example). My view is challenging as it demands that we take the autonomy of animals seriously, which would result in significant changes to the ways we currently treat animals in agriculture, entertainment, and research. Changing the long history of exploitation and denial of animal mentality is the purpose of my thesis, and it is my hope that the arguments and concepts here can be usefully applied to the treatment of animals in practice.

## **Chapter One: Agency, Selfhood and Animals**

### **Introduction**

This chapter provides an argument for the view that we owe many animals direct moral consideration based on certain mental capacities they possess. Although many would agree with the notion that the suffering of animals is sufficient in making them morally considerable, I will argue that the possession of agency and self-awareness obligate us in different, and sometimes stronger ways, towards certain animals more than others. My main claim is that the concepts of agency and self-awareness apply not only to humans, but also to other animals. As agency and self-awareness are capacities that autonomous individuals possess, this chapter paves the way for my claim in chapter two, that we ought to respect autonomy in animals.

In this chapter, I will begin by providing a description of agency including the cognitive features that are required to be a 'minimal' agent. I will then argue that it makes sense to say that many animals ought to be considered agents, capable of acting for reasons. Although there is evidence provided by empirical research into animal minds, it is important to notice that this evidence is based on theoretical arguments and assumptions that make sense of animal behaviours. The study of animal cognition relies on the assumption that animals are agents, even if only minimally so. This is because "If nonhuman animals don't have

beliefs, and if all cognitive systems have beliefs, then animals wouldn't be the proper subjects of cognitive studies. If animals aren't agents because their behavior isn't caused by propositional attitudes, and if all cognitive systems are agents, we get the same conclusion.”<sup>5</sup> As it is widely accepted among cognitive scientists that animals are proper subjects of study, it is also widely accepted that animals have beliefs and can act intentionally. I will explain the theoretical arguments that justify such assumptions in order to assert that many animals are agents. I will do this while acknowledging that while complete consensus does not exist among scientists that animals can be agents, it is the job of the philosopher to “...distinguish more clearly among different features of animal cognition”, in order to differentiate which mental capacities should be used to ground ethical arguments about animals.<sup>6</sup>

## **Agency**

Are animals agents? Discussions of agency generally are complicated by the lack of agreement on two questions. First, there are various answers to the question of what agency is, with definitions based on the full range of biological or neurological to fully-fledged reflective rationality.

Second, there are also an abundance of answers to the question of which

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<sup>5</sup> Andrews, Kristin, "Animal Cognition", *The Stanford Encyclopedia of Philosophy* (Winter 2012 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2012/entries/cognition-animal/>.

<sup>6</sup> Allen, Colin, and Marc Bekoff. 2007. Animals Minds, Cognitive Ethology, and Ethics. *The Journal of Ethics*. 11, pp. 301-302.

specific cognitive features constitute agency, and these are based on the definition provided in response to the first issue. Without providing a detailed overview of the various definitions and descriptions of agency, there is some agreement that whether or not we are talking about biological or fully rational agency, what is relevant here is the general ability to control one's own actions, or to act intentionally. There is also a general consensus that an agent can be more or less aware of and/or more or less able to evaluate their own reasons for acting. In other words, while all agents are able to initiate their own actions, there are degrees to which an agent can evaluate their own actions. I will argue that all agents act for reasons, but that there is a distinction between individuals who are minimally rational and those who are fully rational when it comes to evaluating reasons for acting.

An agent must possess beliefs, desires, goals and preferences that motivate their actions. Without these features, we would be lacking any explanation for the causes that initiate actions. Agents have degrees of self-awareness that are relevant to beliefs, experiences and perceptions that give rise to intentional actions. Without even a most minimal sense of self, an individual could not distinguish between oneself and the rest of the environment, and so could not have preferences or desires to achieve certain goals. In what follows, I will show that some animals possess the relevant features that constitute agency, and so should be considered intentional agents. In chapter two, I will argue that it is in

virtue of animal agency that these animals are autonomous, even if only in the most minimal sense, and so are deserving of direct moral obligations.

### **Beliefs, Desires and Preferences**

Before we can discuss whether or not animals can be said to have beliefs, desires and preferences, it is worth noting the underlying assumptions found within the field of experimental psychology known as 'cognitivism'. It is important as this view rejected the previous methodology and ideology of behaviorism that denied the existence of mental states such as beliefs and desires in favour of focusing exclusively on external and observable behaviors and the conditions under which they were elicited. Cognitivists assume that people and some animals have minds.<sup>7</sup>

Arguments to support this view are powerful. For instance, Kristin Andrews explains that there are two main forms of argument used to support the notion that animals have minds by cognitive psychologists and philosophers. The first is the argument from analogy, and the second is the inference to the best explanation argument. The argument from analogy can be summarized as:

1. All animals I already know to have a mind (i.e., humans) have property x.

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<sup>7</sup> Dennett, Daniel. 1995. Do animals have beliefs? In, Roitblat, Herbert L., and Jean-Arcady Meyer. *Comparative Approaches to Cognitive Science*. Cambridge: The MIT Press. p. 111.

2. Individuals of species *y* have property *x*.
3. Therefore, individual of species *y* probably have a mind.<sup>8</sup>

The inference to the best explanation argument can be summarized as:

1. Individuals of species *x* engage in behaviors *y*.
2. The best scientific explanation for an individual engaging in behaviors *y* is that it has a mind.
3. Therefore, it is likely that individuals of species *x* have minds.<sup>9</sup>

Although there is considerable debate as to what is meant by animals having minds, as there is on the nature of consciousness itself, these two arguments provide a reasonable foundation for the study of animal cognition. For without accepting or assuming animals have minds, there would be no reason to investigate whether or not animals have beliefs, desires or preferences. Any creature that has a mind can also be assumed to possess the cognitive features that constitute agency. As Dennett explains, "Cognitivists...take the mind seriously, and develop theories, models, explanations, that invoke, as real items, these internal, mental goings-on. People (and at least some other animals) have minds after all—they are *rational agents*."<sup>10</sup> This shows how assumptions of minimal rationality and agency in animals is non-controversial in the study of animal minds.

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<sup>8</sup> Andrews, Kristin, "Animal Cognition", *The Stanford Encyclopedia of Philosophy* (Winter 2012 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2012/entries/cognition-animal/>.

<sup>9</sup> Ibid.

<sup>10</sup> Dennett, Daniel. 1995. Do animals have beliefs? In, Roitblat, Herbert L., and Jean-Arcady Meyer. *Comparative Approaches to Cognitive Science*. Cambridge: The MIT Press. p. 111.



In support of animal agency, Dennett provides an argument that adopts the terms of 'folk psychology' to answer questions about when we are justified in attributing 'minds' to others. When we assume the 'intentional stance' towards something, we are claiming that "anything that is usefully and voluminously predictable from the intentional stance is, by definition, an intentional system."<sup>11</sup> When we apply folk psychology to animals, we are accepting the assumption that animals (or at least some of them) are minimally rational in the sense that they believe what they perceive and can act on those beliefs in order to satisfy their desires and achieve their goals. Taking the intentional stance towards animals means that what it is for an animal to be an intentional agent is for its behaviors to be explained and predicted by ascribing beliefs, desires and preferences etc. to them. Actions by agents are governed by the rational consideration of their beliefs and desires. As Dennett explains "the intentional stance is the strategy of interpreting the behavior of an entity (person, animal, artifact, whatever) by treating it as if it were a rational agent who governed by its 'choice' of 'action' by a 'consideration' of its 'beliefs' and 'desires'." <sup>12</sup> Despite the difficulties of finding agreement on the term 'belief', Dennett argues that "...whatever information guides an

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<sup>11</sup> Dennett, Daniel C. 2012. Intentional Systems Theory. Tufts University. URL: <<http://ase.tufts.edu/cogstud/dennett/papers/intentionalsystems.pdf>> p. 1

<sup>12</sup> Ibid., p. 1

agent's actions is counted under the rubric of belief."<sup>13</sup> The best explanation for animals having beliefs, according to Dennett, is because their behavior can best be explained and predicted by assuming that this is true. Very simply, we can observe animals, watching what they notice and figuring out what they want through interpreting their behaviors and this allows us to explain and predict their actions. The intentional stance is a valuable tool because it works. The 'reality' of beliefs is irrelevant to the usefulness of assuming that (some) animals are intentional agents.<sup>14</sup>

Critics of this approach might claim that in ascribing such things as beliefs, desires and preferences to animals, we are guilty of anthropomorphism. The claim is that we ought not to ascribe complex cognitive abilities to animals if we are able to explain their behaviors in non-mentalistic terms, similar to the psychological behaviorism approach to studying minds. A good response to this criticism is provided by Frans de Waal, who responds to these critics in a way that supports Dennett's views. He argues that to dismiss the attribution of cognitive states to animals *a priori* can be called 'anthropodenial'. It is a mistake, according to de Waal, to reject the notion that humans and animals share characteristics and possess similar behaviors. He says that "While it is true that animals are not humans, it is equally true that humans are animals. Resistance to this simple yet undeniable truth is what underlies

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<sup>13</sup> Dennett, Daniel. 1995. Do animals have beliefs? In, Roitblat, Herbert L., and Jean-Arcady Meyer. *Comparative Approaches to Cognitive Science*. Cambridge: The MIT Press. p. 111.

<sup>14</sup> *Ibid.*, p. 2

the resistance to anthropomorphism.”<sup>15</sup> If we can overcome this anthropodenial, then we can see the usefulness of explaining and predicting animal behavior by ascribing cognitive terms to the study of animals. To use such language, just as Dennett argues, is valuable and useful for the scientific study of animal minds. De Waal explains that,

Obviously, if anthropomorphism is defined as the misattribution of human qualities to animals, no one wishes to be associated with it. But much of the time, a broader definition is employed, namely the description of animal behavior in human, hence intentionalistic, terms. Even though no anthropomorphism proponent would propose to apply such language uncritically, even the staunchest opponents of anthropomorphism do not deny its value as an heuristic tool. It is this use of anthropomorphism as a means to get at the truth, rather than as an end in itself, that distinguishes its use in science from that by the layperson. The ultimate goal of the anthropomorphizing scientist is emphatically not the most satisfactory projection of human feelings onto the animal, but testable ideas and replicable observations.<sup>16</sup>

When we apply intentional terms to animal behaviors, that we would normally apply to human behaviors, we are not making any claims that what goes on in an animal mind is exactly the same thing. Most would agree that we can not with any certainty know what it is like to be in animal’s mind, or to think like an animal. But it is both premature and inaccurate to dismiss the possibility that what goes on in the minds of animals is not similar to what goes on in the minds of humans. As we

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<sup>15</sup> de Waal, Frans. 2006. *Primates and Philosophers: How Morality Evolved*. Princeton: Princeton University Press. p. 65.

<sup>16</sup> *Ibid.*, p. 63.

can, in many cases, successfully predict and explain animal behavior using intentional language, it is the most logical method to use and apply to the study of animal minds. As Dennett and de Waal agree on this methodology, as do most cognitive psychologists and ethologists, it shows that ‘anthropodenial’ is unjustified and inaccurate.

One way of explaining animal behaviors as intentional is to describe them as ‘goal-oriented’ as opposed to ‘goal-directed’. A strong argument that supports this claim is made by Eric Sidel, who claims that animal agency as goal-oriented behavior is contrasted with goal-directed behavior in a way that supports the notion of animals possessing beliefs, desires and preferences. His argument is particularly useful in its ability to make an important distinction between animals (including humans) as intentional agents and objects, such as plants or inorganic artifacts.<sup>17</sup>

Sidel’s main claim is that “...behavior that is appropriately explained in terms of mental states such as beliefs and desires is behavior directed at a goal relative to which the agent is able to *learn*; and since human behavior meets this criterion, I argue, we should expect, on evolutionary grounds, that some animal behavior meets this criterion

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<sup>17</sup> The importance of this distinction will be developed in further throughout subsequent chapters. Mainly, this distinction draws the line between animals (including humans) and other objects in a way that can be useful for establishing moral categories. The first (animals) are those to whom we owe direct moral obligations, and the second (objects) are those to whom we (may) owe indirect moral obligations (like nature, or plants).

as well.”<sup>18</sup> Saidel adopts a realist position regarding belief-desire explanations, such that any behavior that is accurately explained as a result of assuming beliefs and desires is considered to genuinely possess them, and that they cause the behavior being examined. He wants to argue that some animal behaviors are caused by such mental states, and I will focus on the elements of his argument that are most important in supporting this claim.<sup>19</sup>

Saidel argues that both beliefs and desires are forms of representations or internal mental states of both the world as it is, and the way the animal wants it to be. While remaining agnostic as to the ‘true’ nature of these representations, he simply claims that animals have some kind of mental representation of their goals and what they need to do to achieve them. These representations cause the animal to act in accordance with their desires. Although Saidel does not call this agency, I argue that it explains what is needed to be an agent most basically, which is the ability to direct one’s own behavior in accordance with one’s goals, beliefs, desires and preferences. There must be some mental content, in the form of beliefs and desires etc., even minimally, that causes one to act. This is important in distinguishing between agents and other objects, as agents act as a result of distinct mental representations, whereas plants ‘act’ as a result of goal-oriented causes. Saidel describes

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<sup>18</sup> Saidel, Eric. 2009. Attributing mental representations to animals. In, Lurz, Robert W. Ed. *The Philosophy of Animal Minds*. New York: Cambridge University Press. p. 35.

<sup>19</sup> *Ibid.*, pp. 35-36.

how some plants move in such a way as to follow the sun, as a result of chemical reactions between the light from the sun and chemicals in the plant. This behavior is goal-oriented, as it is not based on mental representations of any kind, but rather an evolutionary mechanism that helps the plant achieve a particular goal. The goal itself plays no role in the movement of the plant, but rather it is oriented by evolution to achieve a particular goal. Such behavior can be found in some animals as well, such as stereotypical behavior that is beneficial from an evolutionary perspective, and which the animal performs without needing any mental representations of its goal.<sup>20</sup>

Goal-directed behavior is contrasted with goal-oriented behavior as it is based on a representation of a particular goal, and the animal in question acts in such a way as to achieve that goal. Examples of this provided by Sidel include rats navigating a maze or chimpanzees cracking nuts on rocks using sticks, both which demonstrate the ability to "...abandon one behavior and adopt another while still retaining the goal that the previous behavior was aimed at achieving, and toward which the new behavior is now directed."<sup>21</sup> Goal-directed behavior thus requires a kind of learning that only some animals are capable of. They have the ability to learn specific ways to achieve their goals by forming new associations of their goals.<sup>22</sup> Sidel continues his argument by providing

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<sup>20</sup> Ibid., p. 38.

<sup>21</sup> Ibid., p. 39.

<sup>22</sup> Ibid., p. 39.

specific examples of such behavior in animals from empirical studies, which I will not include here. However, the main point he is making is that animals would not be able to act in a goal-directed fashion unless they had mental representations of both the means to achieve their ends, as well as representations of those ends. Attributing beliefs and desires to these animals, Saidel argues, is the best way to explain their behaviors.<sup>23</sup>

Some of Saidel's argument is in agreement with Dennett and de Waal, as he agrees with them that the methodology of adopting the intentional stance is most useful in explaining the behavior of animals. He differs from Dennett in his distinction between goal-oriented and goal-directed behaviors, as Dennett would argue that taking the intentional stance would not only explain the actions of humans and animals, but also machines or objects. As Saidel focuses on the element of learning to distinguish goal-directed behavior from goal-oriented behavior, his argument provides more support for the claim that I want to make that agents are distinctively different from other objects and this has important implications for the moral treatment of them. Only agents can be said to be autonomous, and so only agents are deserving of direct moral obligations.

## **Rationality**

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<sup>23</sup> *Ibid.*, p. 51.

An important feature of agency is rationality. A very commonly cited 'gap' between humans and other animals is the ability to reason. However, reason can mean many different things, and one can be more or less able to reason. The intellectually disabled and small children are examples of those humans whose ability to reason is greatly diminished, and yet we would still treat them and view them as agents. In a similar way, animals can be more or less rational, and here I take reason to refer to the ability to make choices or act for reasons, whether good or bad, evaluated or not. If animals do act for reasons, based on their beliefs, desires, and preferences, then they are acting rationally, and thus are intentional agents. I claim that the difference between humans and other animals, in terms of rationality, is then a matter of degree, rather than one of the existence of rationality itself.

Fred Dretske makes some important distinctions between the kinds or levels of rationality that exist in humans and animals, and argues that (some) animals are minimally rational, as opposed to biologically rational or fully rational. Biological rationality, according to Dretske, is something like our blink reflex, where the action is not purposeful, but can be understood as designed by natural selection to achieve greater fitness. This is because biological rationality is not governed by thought.<sup>24</sup> Dretske argues that minimal rationality differs from biological rationality, as, "Minimal rationality requires that what is done be done for reasons,

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<sup>24</sup> Dretske, Fred I. 2006. Minimal Rationality. In, Hurley, Susan and Nudds, Matthew. (eds.) *Rational Animals?* Toronto: Oxford University Press. p. 107.



but it doesn't require that it be done for good reasons. Nor does it require reasoning. Although the behavior must be explained by a thought in order to qualify as minimally rational, it needn't be rationalized or rationally justified by the thought that explains it, and the agent needn't have computed (reasoned) his way to that result."<sup>25</sup>

Dretske believes that it is useful to assume that animals act for reasons and based on thought as it allow us to separate the question of having good reasons from having reasons at all. As we tend to judge reason on the basis of having good reasons, we can tend to ignore reason as the cause of behaviors that we can't, at first glance, understand. Once again, this view seems to support the intentional stance by making the assumption that animals act as a result of reasons, and therefore are intentional agents. Without this first assumption, we could not even begin to investigate what reasons an animal may have for its behavior, thus making it impossible to understand animal behavior at all. Further support is provided by Dretske, who similarly to Sidel, contends that learning is integral in distinguishing minimally rational actions from mechanistic ones. Referring to cases where birds learn not to eat monarch butterflies or any butterflies that look similar to monarchs as a result of becoming ill, Dretske argues that it must be thought that allows the birds to engage in this avoidance behavior. Some kind of internal

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<sup>25</sup> Ibid., p. 108.

mental representation in the bird's mind of these butterflies explains the causes of the resulting behaviors.<sup>26</sup> Dretske concludes:

Is the bird's behavior really purposeful? Does the bird really *think* (mistakenly) that the bug it sees tastes bad? Is this really why it avoids the bug? All I have argued, I know, is that in this kind of learning process an internal state that indicates or means something about the animal's external environment comes to play a role in the animal's subsequent behavior, and it comes to play that role because of what it means...The informational content or meaning of this internal, causal, element is, thus, genuinely explanatory. This, I concede, is not sufficient to show that *thought* is governing the acquired behavior in the relevant (explanatory) sense since I have not shown that internal states with meaning of this kind are thoughts. Still, we have here, if not thought itself, a plausible antecedent of thought—an internal representation whose meaning or content explains why the system in which it occurs behaves the way it does...To my ear, that sounds enough like thought not to haggle about what is still missing.<sup>27</sup>

As we encountered with the concepts of agency and belief, the wide variety of definitions of rationality and thought make it difficult to reach one certain concept of each. But if we can explain an animal's behavior by identifying the possible reasons and mental representations that cause it, then we can at least agree that regardless of the specific nature of such representations, assuming them is the best way to explain and predict that behavior. When studying animal behavior, researchers look for capabilities that may be associated with reason, such as tool use and

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<sup>26</sup> *Ibid.*, pp. 112-113.

<sup>27</sup> *Ibid.*, pp. 114-115.

problem-solving skills. Tool use by animals is best explained, for example, as the ability to identify a problem, consider various ways of solving the problem, and understanding how objects can be used to overcome the problem.<sup>28</sup> According to Dretske, this would be a good example of minimal rationality.

Rationality, as the ability to act for reasons, is required for one to be considered an agent. These reasons are constituted by and best explained as a result of the possession of beliefs, desires and preferences. Some animals can be considered minimally rational, and able to direct their own actions and behaviors based on internal mental representations.

### **Self-Awareness and Selfhood**

Self-awareness is also an important feature of agency, as it allows one to be aware one's own beliefs, desires and preferences, even if only in a minimal sense. Most importantly, it allows one to have preferences which can determine one's choices among various options for acting. This is important as it relates to autonomy, as we value the freedom to make our own choices, good or bad, as a result of what we value. Restricting the ability to make free choices is to restrict one's autonomy, as I will argue further in chapter two. There are good reasons for

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<sup>28</sup> Andrews, Kristin, "Animal Cognition", *The Stanford Encyclopedia of Philosophy* (Winter 2012 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2012/entries/cognition-animal/>.

accepting the assumption that many animals are self-aware, based on both empirical research and the acceptance of the intentional stance in explaining and predicting animal behavior.

Self-awareness, on my view, is an important feature of consciousness in virtue of its moral significance. It is however, also considered to be the ‘hard problem’ within the study of consciousness generally.<sup>29</sup> Broadly construed, “...self-awareness means to be aware of one’s own feelings or emotions and to be conscious of pain, but self-awareness also includes awareness of one’s body (e.g. allowing recognition of oneself in a mirror), one’s state of mind, one’s self in a social context, and numerous other, ill-defined attributes that we would assign ourselves.”<sup>30</sup> This suggested definition of self-awareness clearly admits of degrees, from a basic awareness of one’s own body and feelings, to a more complex awareness of oneself and others required for social interactions.

I’m going to show that there are two levels of self-awareness, minimal and rich. Some people define self-awareness only at higher-order levels, where “...our thoughts and experiences become available to us for introspection: we can think about what we think, and know what

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<sup>29</sup> Griffin, Donald R. 2001. *Animal Minds: Beyond Cognition to Consciousness*. Chicago: The University of Chicago Press. p. 14.

<sup>30</sup> Rogers, Lesley. 1997. *Minds of Their Own: Thinking and Awareness in Animals*. Australia: Allen & Unwin. p. 15.

we know.”<sup>31</sup> This view is based on a sense of self that allows for personal identity, or an ‘I-ness’, where one’s self can become an object of examination and reflection. A good characterization of this view is provided by Cheney and Seyfarth, who describe this sense of self as “...an explicit sense of self emerges in children at roughly the same age as the ability to attribute knowledge and beliefs to others.”<sup>32</sup> This ‘explicit’ sense of self, I claim, may be found in some primates, elephants, and dolphins, partly due to their ability to successfully pass mirror self-recognition tests that indicate an advanced understanding of the difference between self and other. These sorts of tests, however, should be interpreted with caution, as some species may not pass them due to differences between such things as ‘primary sensory modalities of recognition’ that can vary among species.<sup>33</sup> However, an explicit sense of self-identity is not required for less complex forms of selfhood to exist, and degrees of selfhood can be explained, in part, as a result of biological theories or observations made in cognitive ethology. For example, Bekoff and Sherman argue:

The position of an individual on the self-cognizance continuum is determined, ultimately, by natural selection, based on the degree to which members of its species or group (e.g. males or females) repeat competitive or cooperative interactions with the same conspecifics over their lifetimes

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<sup>31</sup> Cheney, Dorothy L. and Robert M. Seyfarth. 2007. *Baboon Metaphysics: The Evolution of a Social Mind*. Chicago: The University of Chicago Press. p. 200.

<sup>32</sup> *Ibid.*, p. 203.

<sup>33</sup> Bekoff, Marc and Paul W. Sherman. 2004. Reflections on Animal Selves. *Trends in Ecology and Evolution*. 19, 4, p. 178.

and benefit from changing their responses in light of outcomes of those previous interactions.<sup>34</sup>

Bekoff and Sherman stress the point that self-cognizance is a matter of degree across species and individuals, rather than a matter of kind. They argue that there are three main categories or levels of self-cognizance, including self-referencing (which can be noncognitive), self-awareness, and self-consciousness. The more social the species is, they argue, the more likely that individuals of that species are self-conscious, which allows for reflective responses to the behaviours of others. Self-awareness is described as perceptual consciousness, or mine-ness or body-ness, which we will examine further in the next section.<sup>35</sup>

Importantly, the main emphasis of their research establishes that selfhood is found at more than just the richest level we associate with humans, in other animal species.

Self-awareness, in its less complex levels, has been described as a sense of 'mineness', or 'phenomenal' self-awareness. This level of self-awareness also means that there is 'something it is like' to be that particular animal. One view that captures this level of self-awareness is described by Marc Bekoff as 'mineness' as a sense of 'bodyness'. This level of self-awareness is more complex than simple perceptions of stimuli in the external world, which is also referred to as sentience.

Bekoff explains 'bodyness' or 'mineness' in the following way: "Thus, for

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<sup>34</sup> Ibid., p. 177.

<sup>35</sup> Ibid., p. 177.

example, some experimental treatment, object, or other individual might cause pain, and the receiving individual says something like ‘Something is happening to this body, and I had better do something about it.’ There is no need to associate *this* body with *my* body or ‘me’ (or ‘I’).<sup>36</sup> Further to this, he describes how his dog, Jethro, obviously knew that he was not his dog friend, Zeke. He argues that most animals are able to identify objects as their own (i.e., ‘this is my toy, or my mate’, etc.), and that this knowledge is what allows animals to function in their own ‘worlds’.

Bekoff says:

He (Jethro) and other animals have a sense of possession or a sense of mine-ness, or body-ness, if you will. So, in this way they have a sense of self...Jethro could communicate a wide variety of messages, socially interact in numerous and varied contexts, and enjoy life as a dog. So, too, can chimpanzees, rhesus monkeys, wolves, bears, crows, sweat bees, ants, and many others animals...He (Jethro) also showed social self-awareness in that he was aware of his various and different relationships with others. Whether or not he had an introspective self and a theory of his and others’ minds remains unknown. It surely would be premature to conclude that he did not.<sup>37</sup>

On this view, selfhood in its minimal sense refers to an awareness of oneself and others, and allows an individual to interact with others in social relationships. This sense of mine-ness does not require a full or rich sense of personal identity, or even a theory of mind, but rather it requires a level of consciousness whereby an animal is simply is aware of

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<sup>36</sup> Bekoff, Marc. 2003. Considering Animals—Not “Higher” Primates: Consciousness and Self in Animals: Some Reflections. *Zygon*, 38, 2, p. 232.

<sup>37</sup> *Ibid.*, p. 233.

its own body, and which allows that animal to respond to objects and other animals in appropriate ways. For me to acknowledge this pain as belonging to me, there must be a 'me' there, or a subject that experiences this pain as my own. This sense of self is immediate, and basic to all conscious creatures, including animals. If there was no sense of self, even minimally for an individual, there would be nothing to which the experience belonged to, or no one to experience pain.

Another good argument in favour of minimal selfhood is provided by Dan Zahavi, who argues that less complex levels of selfhood exist: "Contrary to what some of the self-skeptics are claiming, one does not need to conceive of the self as something standing apart from or above experiences, nor does one need to conceive of the relation between self and experience as an external relation of ownership. It is also possible to identify this pre-reflective sense of mineness with a minimal, or core, sense of self."<sup>38</sup> The sense of mineness can also be described as 'phenomenal consciousness', which is simply the feeling that accompanies self-awareness.

Phenomenal consciousness refers to "the qualitative, subjective, experiential, or phenomenological aspects of conscious experience, sometimes identified with qualia."<sup>39</sup> The extremely skeptical take issue

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<sup>38</sup> Zahavi, Dan. 2005. *Subjectivity and Selfhood: Investigating the First-Person Perspective*. Cambridge: The MIT Press. p. 125.

<sup>39</sup> Allen, Colin. 2011. "Animal Consciousness", *The Stanford Encyclopedia of Philosophy (Winter 2011 Edition)*, Edward N. Zalta (ed.), URL =



with the epistemological issues raised by the topic of knowing other minds. For them, the idea of access to other minds across species would be laughable. For as Nagel argues, although there is surely something it is like to be a bat, we could not ever know, through science, observation, or description, what it is *actually* like to be a bat.<sup>40</sup>

However, while I don't know what it is like to have wings and fly, neither do I know what it is like to be blind, or to be a man, for that matter. But for us to communicate and function in the world we focus on the shared features of experiences that we do have. Granted, I may have less in common with a dog than with a man, but through the observation of responses to various stimuli, physical and physiological similarities, etc., I can still make substantiated claims about the experiences of the dog. The important point in determining if animals have a self at all is whether or not they have experiences of what it is like to be them, rather than determining what it is *actually* like.

If animals are phenomenally conscious, then they have a self, at least in a form less complex than found in humans. This is a result of the nature of experience and perception, which requires a subject, as a property of consciousness. As Zahavi describes, "...there is a minimal sense of self present whenever there is self-awareness. Self-awareness is

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<<http://plato.stanford.edu/archives/win2011/entries/consciousness-animal/>>.

<sup>40</sup> Nagel, Thomas. 1979. What is it Like to be a Bat? *The Philosophical Review*, 83, 4, pp. 435-450.

there not only when I realize that I am perceiving a candle, but whenever I am acquainted with an experience in its first-personal mode of givenness, that is, whenever there is something it is like for me to have the experience. In other words, pre-reflective self-awareness and a minimal sense of self are integral parts of our experiential life.”<sup>41</sup> Zahavi further writes in a footnote to this passage that,

If this is true, it has some rather obvious consequences for the attribution of both self and self-consciousness to animals. It is also obvious, of course, that there are higher and more complex forms of self-consciousness that most, if not all, nonhuman animals lack. As for the question of where to draw the line, i.e., whether it also makes sense to ascribe a sense of self to lower organisms such as birds, amphibians, fish, beetles, worms, etc., this is a question that I will leave for others to decide. All I will say is that if a certain organism is in possession of phenomenal consciousness, then it must also be in possession of both a primitive form of self-consciousness and a core self.<sup>42</sup>

The ‘core self’ is a useful term to denote the most minimal form of selfhood, which has also been described in this chapter as ‘mine-ness’, ‘body-ness’, and phenomenal consciousness. It is not a rich sense of personal identity, or as fully reflective as the self-consciousness that most humans possess, but it is selfhood nonetheless. Selfhood is not the kind of mental characteristic that either exists in its richest form or not

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<sup>41</sup> Zahavi, Dan. 2005. *Subjectivity and Selfhood: Investigating the First-Person Perspective*. Cambridge: The MIT Press. p. 146.

<sup>42</sup> *Ibid.*, pp. 235-236.

at all, but rather it appears in degrees across species and among conscious individuals.

A strong argument that supports the existence of self-awareness in animals is made by DeGrazia, who claims that self-awareness is required for intentional behavior, based on the ‘belief-desire’ model of intentional action. He claims that “Much behavior among sentient animals suggests desires. Much of this same behavior, I submit, is best understood as reflecting beliefs that, together with the relevant desires, produce intentional action.”<sup>43</sup> DeGrazia admits, as Sidel and Dennett do, that beliefs and desires are difficult to define, but that despite these problems we can generalize that animals do have mental representations based on perceptions that provide content, providing the grounds or reasons for their actions. Desires and intentional actions require a sense of oneself persisting through time, and even if only rudimentary, this requires self-awareness and the ability to desire the intended goal, create a plan to achieve it, and a representation of completing the plan. DeGrazia claims that “If this is correct, then a common-sense appreciation of the ordinary behaviors of many animals suggests a kind of self-awareness—namely, bodily self-awareness, here with an emphasis on the agency aspect.”<sup>44</sup> After citing various studies of animals using tools and solving problems, DeGrazia concludes that such evidence supports the claim that

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<sup>43</sup> DeGrazia, David. 2009. Self-Awareness in Animals. In, Lurz, Robert W. *The Philosophy of Animal Minds*. New York: Cambridge University Press. p. 204.

<sup>44</sup> *Ibid.*, p. 205.

intentional action is only possible if these animals have a sense of themselves persisting in time long enough to achieve their goals, a sense of their own bodies as distinct from the rest of their environment, and of their bodies as subjects of their own direct control.<sup>45</sup> In this way, DeGrazia provides an important connection between beliefs, desires and preferences and the self-awareness needed to possess such capabilities in order to be considered an intentional agent. Without self-awareness, animals could not act in goal-directed ways, or intentionally.

McGinn argues in favour of selfhood in animals in a similar way to Zahavi, by maintaining the view that experiences cannot exist with a subject that unifies them. I agree with his claim, when referring to work by Frege, McGinn says:

Experience can never exist as a simple unanalyzable quality. The experience is always for something that is not itself an experience. We have a dyadic structure, consisting of a subject and what that subject experiences. The subject is not represented in the content of experience, of course; it is rather a precondition of there being any experience at all. The self is what has the experience, not something that the experience is about.<sup>46</sup>

This minimal sense of selfhood is all that is required for interests to matter to an individual. This would apply equally to small human children and those with intellectual disabilities. There is no good reason to not include animals into the community of selves, if we believe that

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<sup>45</sup> Ibid., p. 206.

<sup>46</sup> McGinn, Colin. 1995. Animal minds, animal morality. *Social Research*, 62, 3, p. 2.

marginal humans belong to it, as in many cases animals possess greater degrees of selfhood than these human individuals.

McGinn argues that although different species of animals may have different moral weight, depending on the complexity of selfhood, every experiencing organism belongs to the same category as a subject of consciousness. He says:

People have slowly come to accept that animals have experiences, in just as robust a sense as we do, but they have been reluctant to grant selfhood to animals. Selfhood is the thing that is held to distinguish us from the beasts, to put us on a different moral plane. This matters morally because the primary object of moral respect is precisely the self—that to which experiences happen...The moral community is the community of selves, and animals belong to this just as much as humans.<sup>47</sup>

McGinn rejects common moral objections to such a minimal requirement for moral consideration, including the idea that only moral agents capable of reflection are morally significant. Even a minimal sense of selfhood indicates that an individual can experience pain and suffering, for example, and to kill an animal is, "...snuffing out a self, not simply interrupting a sequence of connected experiences."<sup>48</sup>

An important implication of this sort of view is supported by Cavalieri and Miller, who argue that the self is *prescriptive* as every sentient being has an awareness of how things seem to them as well as how things are going for them. They claim that just because animals are

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<sup>47</sup> Ibid., p. 2.

<sup>48</sup> Ibid., p. 7.

unable to express their mental states with language, it does not mean that they are lacking mental states or subjectivity that humans possess. They acknowledge that it is more difficult to understand the subjectivity of animals than of humans, but that we have enough evidence to show that many animals (particularly social species) are perceptually conscious, and that this requires a sense of self. Social animals, as they must understand relational, predictive and manipulatory problems (within social groups or between predators and prey) display a theory of mind as, “we become selves as we come to recognize selves.”<sup>49</sup> As animals navigate their way through their environments, they make decisions based on their interests. And, “interests bring an evaluative aspect of the self which adds to the descriptive one. But the root goes deeper than interests. Why would the self see the satisfaction of its interests as good and value it, if it did not value itself?”<sup>50</sup> By not acknowledging the moral value of selfhood in animals, yet respecting it in humans, Cavalieri and Miller argue that we are simply being speciesist.

Being speciesist is immoral in the same way that being racist or sexist is immoral. Basically, it means placing the interests of one’s own species above the interests of other species for no other reason than species membership. This view was made popular by Peter Singer, who claimed that species is an arbitrary category with which to make moral

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<sup>49</sup> Cavalieri, Paola and Harlan B. Miller. 1999. Automata, Receptacles, and Selves. *Psyche*, 5, 24, p. 4.

<sup>50</sup> *Ibid.*, p. 7.

distinctions, if sentience is shared between the species in question whose interests may be in conflict.<sup>51</sup> Although Singer, as a utilitarian, focuses on the interests of individuals and sentience as mattering morally, Cavalieri and Miller believe that selfhood must also be recognized as a morally relevant feature across species. So to deny that animals have selves would not only be empirically inaccurate, but it would also be speciesist, and thus, morally wrong.

Although many contemporary moral philosophers have made room for the consideration of animal interests in their theories, they do not go far enough in respecting the selfhood of animals. This is mainly due to their acceptance of animal consciousness, but not animal selfhood. As I will argue further in Chapter Two, the autonomy that accompanies selfhood requires that we respect every individual's choices to the greatest degree possible, out of respect for the individual, not just their interests. It tends to be the case that when we focus on the interests of an animal we can still justify our treating it as merely a means to our own end, and not as an individual deserving of being treated as an end-in-itself. Cavalieri and Miller would agree with my view as they conclude:

But, insofar as the deep, unifying prescriptive aspect of the self is not recognized, nonhuman lives are seen as expendable, and nonhuman interests are seen in a fragmentary way, and are subjected to aggregative calculus without any side constraints in the form of basic protection from interference. In what has been aptly defined 'utilitarianism for

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<sup>51</sup> Singer, Peter. 1990. Animal Liberation. New Revised Edition. New York: Avon Books. p. 9.

animals, Kantianism for humans' (Nozick, 1974), while humans are emphatically seen as selves, the other animals are considered as mere receptacles of experiences which can be separately weighed and traded-off. In fact, one could say that for mainstream moral philosophy nonhumans, though conscious, have no self.<sup>52</sup>

Taking the animal self seriously means rejecting a utilitarian account of animal ethics that focuses on the interests that animals possess, rather than animals themselves, as I will argue further in Chapter Three. A Kantian account of the moral importance of selfhood and autonomy provides a solution to the problem raised by Cavalieri and Miller, as it can be argued that animals are ends-in-themselves in the same way that humans are. I will argue for this in Chapter Four. If we accept that animals are conscious and thereby self-aware, then the moral significance of selfhood requires us to respect the autonomy of that accompanies it.

### **Empirical Evidence for Selfhood in Animals**

Evidence for selfhood in animals takes many different forms, and there is no singular experiment or type of test that can be applied to animals to search for consciousness. However, if we take the body of evidence for animal consciousness as a whole, a strong argument can be made that cumulative evidence suggests many animal species are not only conscious, but also self-aware, and in varying degrees. In what

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<sup>52</sup> Cavalieri, Paola and Harlan B. Miller. 1999. Automata, Receptacles, and Selves. *Psyche*, 5, 24, p. 10.



follows, I have organized a sampling of the kinds of evidence that support the existence of consciousness and selfhood in animals.

### Mirror self-recognition tests

Perhaps the most well known experiments designed to search for self-awareness in animals is the mirror self-recognition test, originally designed by Gallup and used on chimpanzees. By placing a mark of rouge on anesthetized chimpanzees and then putting them in front of mirrors after awakening, he observed whether or not the animal would touch the reflection in the mirror or on its own head to examine the rouge mark.<sup>53</sup> Animals that touch or attempt to touch the mark on their own bodies while watching themselves in a mirror are considered to have successfully passed the test, and are considered self-aware. These tests have been performed on many other species, and only human children over the age of two, dolphins, elephants, and great apes have passed the test along with chimpanzees.<sup>54</sup> However, one challenge posed by such tests is that animals from dissimilar species will require uniquely designed experiments to test for this ability. For example, as dolphins do

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<sup>53</sup> Toda, Koji and Shigeru Watanabe. 2008. Discrimination of moving video images of self by pigeons (*Columba livia*). *Animal Cognition*, 11. p. 699.

<sup>54</sup> Ibid., pp. 699-700. See also Reiss, Diana and Lori Marino. Mirror self-recognition in the bottlenose dolphin: A case of cognitive convergence. *Proceedings of the National Academy of Sciences of the United States of America*, 98, 10, pp. 5937-5942, Plotnik, Joshua M., Frans B. M. de Waal, and Diana Reiss. 2006. *Proceedings of the National Academy of Sciences of the United States of America*, 103, 45, pp. 17053-17057, and Martin, Kenneth and Suchi Psarakos. 1995. Evidence of Self-Awareness in the Bottlenose Dolphin (*Tursiops truncatus*). In Sue Taylor Parker, Robert W. Mitchell and Maria L. Boccia. Eds. *Self-Awareness in Animals and Humans: Developmental Perspectives*. New York: Cambridge University Press. pp. 361-379.

not have arms or hands, it meant that it posed more of a challenge to interpret their behaviour after being ‘marked’ as indicative of self-recognition (during experiments).<sup>55</sup> So, aside from the fact that these experiments do not provide an absolute standard for identifying selfhood, they are difficult to design for various species. Fortunately, they are not the only source of evidence for selfhood in animals.

Although there are many kinds of memory, the focus of many studies on animals relates specifically to episodic memory. This is described as, “...the conscious recall of specific past experience...” and, “thus, episodic memory provides information about the ‘what’ and ‘when’ of events (temporally dated experiences) and about ‘where’ they happened (temporal-spatial relations)...This suggests that episodic memory is critically dependent on the concept of self.”<sup>56</sup> Animals including cephalopods (octopuses and cuttlefish, in particular), food-storing birds such as scrub jays and the storing marsh tit, chimpanzees, rhesus monkeys and gorillas, some rodents (mice and rats), and dolphins have all demonstrated behaviours considered indicative of episodic memory.<sup>57</sup> This is a particularly important mental capacity for supporting

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<sup>55</sup> Marino, Lori, Reiss, Diana and Gordon G. Gallup, Jr. 1994. In Sue Taylor Parker, Robert W. Mitchell and Maria L. Boccia. Eds. *Self-Awareness in Animals and Humans: Developmental Perspectives*. New York: Cambridge University Press. pp. 387-388.

<sup>56</sup> Reznikova, Zhanna. 2007. *Animal Intelligence: From Individual to Social Cognition*. New York: Cambridge University Press. p. 76.

<sup>57</sup> *Ibid.*, pp. 77-83. See also Genarro, Rocco J. Animals, consciousness and I-thoughts. In Lurz, Robert W. Ed. 2009. *The Philosophy of Animal Minds*. New York: Cambridge University Press. pp. 188-189, and Hampton, Robert R.

the existence of selfhood in animals, as it suggests that along with basic concepts of objects, comes an understanding of them as enduring through time. As Genarro suggests, "...if a conscious organism can reidentify the same object at different times, then it implicitly understands itself as something which endures through time."<sup>58</sup> The ability to recall past experiences requires at least a minimal form of 'mental time travel', and this requires at least a minimal form of self-awareness.

Although the definition of what counts as a 'tool' has been debated among scientists studying animals, it is generally agreed that it involves intentional action, problem-solving skills and an awareness of the purpose for which it is intended.<sup>59</sup> Tools are different from 'artefacts' such as beaver dams and nests, as they require that the animal select, prepare and understand the function of the objects they choose for their particular purpose.<sup>60</sup> Many birds have been observed to use tools for the purposes of gaining access to food, grooming feathers, as a hammer, or used as a missile. Birds including blue jays, Darwin's finches, crows, ravens, marsh tits, rooks, and Egyptian vultures have used tools for the

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Rhesus Monkeys Know When They Remember. *Proceedings of the National Academy of Sciences of the United States of America*, 98, 9, pp. 5359-5362.

<sup>58</sup> Genarro, Rocco J. *Animals, consciousness and I-thoughts*. In Lurz, Robert W. Ed. 2009. *The Philosophy of Animal Minds*. New York: Cambridge University Press. p. 189.

<sup>59</sup> Griffin, Donald R. 2001. *Animal Minds: Beyond Cognition to Consciousness*. Chicago: The University of Chicago Press. p. 113.

<sup>60</sup> Reznikova, Zhanna. 2007. *Animal Intelligence: From Individual to Social Cognition*. New York: Cambridge University Press. p. 186.

aforementioned purposes. Rodents, sea otters, primates of various kinds and elephants have also been shown to use tools, mainly for gaining access to food, but also for such things as protecting sensitive body parts against sharp objects (like coral or walking on rocks), to play with, as weapons or for simply prodding others into play.<sup>61</sup> While tool use may seem to indicate the existence of very complex mental capacities, insects such as ants and wasps, as well as crabs have also used simple tools to ward off attackers or lure prey.<sup>62</sup> This may make it seem absurd to suggest that tool use is linked to self-awareness, unless we consider that mental capacities differ among species according to the particular environment in which they live. So while some insects are capable of using tools, they may not exhibit social behaviour, or the capacity for communication, all of which have been attributed to certain primates and dolphins, for example.

Communication among animals takes many different forms, depending on the species and its physical and behavioural traits. Communication is basically the exchange of information between sender and receiver using behavioural or other signals. Animal communication performs multiple functions, including, “(1) to advertise individual identity, presence and behavioural predispositions; (2) to establish social

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<sup>61</sup> Griffin, Donald R. 2001. *Animal Minds: Beyond Cognition to Consciousness*. Chicago: The University of Chicago Press. pp. 113-121. See also Reznikova, Zhanna. 2007. *Animal Intelligence: From Individual to Social Cognition*. New York: Cambridge University Press. pp. 186-209.

<sup>62</sup> Griffin, Donald R. 2001. *Animal Minds: Beyond Cognition to Consciousness*. Chicago: The University of Chicago Press. pp. 113-115.

hierarchies; (3) to synchronise the physiological states of a group during breeding seasons; (4) to monitor the environment collectively for dangers and opportunities; (5) to synchronise organized activities (migration, foraging).”<sup>63</sup> These signals can be olfactory (such as scent glands or specialized skin cells in fish), taste (such as cats, sheep and goats tasting urine), audition (such as bird or primate vocalizations), or vision (such as gesturing, using body postures or making facial expressions).<sup>64</sup> Studying animal communication can provide important evidence in support of animal consciousness, as it indicates that animals understand both the situation they find themselves in, as well as the concept of other minds. As communication provides benefits for animals (such as predator/prey interactions), those with more developed communication skills may have greater evolutionary success. This would explain the evolutionary success of humans, but it would also support the notion that the cognitive capacities underlying language and communication are simply more or less complex, rather than considering human language as a defining feature of humans (and thereby supporting the idea that only humans have thoughts and/or concepts).

There are too many specific examples of animal communication to provide here, but a few are worth mentioning. One distinction in studying animal communication is between human/animal experiments,

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<sup>63</sup> Reznikova, Zhanna. 2007. *Animal Intelligence: From Individual to Social Cognition*. New York: Cambridge University Press. p. 325.

<sup>64</sup> Rogers, Lesley and Gisela Kaplan. 1998. *Not Only Roars and Rituals: Communication in Animals*. St. Leonards: Allen & Unwin. pp. 9-15.

where humans ‘train’ animals to respond to cues, and observations of animal communication in the wild. Perhaps most well known are studies where experimenters have taught various primates to use sign language. It has been shown through numerous experiments that primates are not just imitating signs, but that they understand what they are saying.<sup>65</sup>

Parrots have also been taught to use English, most notably the African grey, Alex, who learned more than 100 words and demonstrated that he understood what he was saying, by correctly responding to various questions, and by indicating his own preferences (like where to sit, or when to exercise, etc.).<sup>66</sup> Irene Pepperberg, who trained Alex, has argued that parrots with this ability are most likely at least perceptually conscious in order to make correct associations between objects and words, and to answer questions correctly (in a statistically significant way) that they have not heard before.<sup>67</sup> Experiments involving gaze-following in dogs and chimpanzees and human experimenters have shown an immediate grasp and understanding by these animals of human gestures.<sup>68</sup> Dolphins excel in understanding human language

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<sup>65</sup> Reznikova, Zhanna. 2007. *Animal Intelligence: From Individual to Social Cognition*. New York: Cambridge University Press. pp. 330-337.

<sup>66</sup> *Ibid.*, pp. 337-339.

<sup>67</sup> Pepperberg, Irene M. and Spencer K. Lynn. 2000. Possible Levels of Animal Consciousness with Reference to Grey Parrots (*Psittacus erithacus*). *American Zoologist*, 40, 6, p. 898.

<sup>68</sup> Barth, Jochen, Reaux, James E. and Daniel J. Povinelli. 2005. Chimpanzees’ (*Pan troglodytes*) use of gaze cues in object-choice tasks: different methods yield different results. *Animal Cognition*, 8, pp. 84-92. See also Sproni, Krisztina, Miklosi, Adam, Csanyi, Vilmos and Jozsef Topal. 2001.

(usually an 'artificial' language of gestures), and it has been claimed that they understand the semantic and syntactic features of sentences.<sup>69</sup>

Communication among animals has been observed in so many forms, it is too extensive to list here. Suffice to say, this is an area of scientific study that is increasing as more acceptance of intentional behaviour in animals is increasing.<sup>70</sup>

Other research into the social relationships among animals, their abilities to play, deceive, and imitate also provide evidence in favour of the existence of selfhood in animals.<sup>71</sup> For animals to be capable of such behaviours, they must be able to have at least a minimal sense of self, and a sense of other minds, in some cases of time, and of the world around them and the choices it presents to them. They may not rationally reflect on these experiences, but they must have a level of self-

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Comprehension of Human Communicative Signs in Pet Dogs (*Canis familiaris*). *Journal of Comparative Psychology*, 115, 2, pp. 122-126.

<sup>69</sup> White, Thomas I. 2007. *In Defense of Dolphins: The New Moral Frontier*. Malden: Blackwell Publishing. pp. 96-102.

<sup>70</sup> Many scientists have hesitated in the past to call animal signals and communication intentional. But as discussions and acceptance of animal consciousness is increasing, so too are those interested in understanding the many forms of animal communication. For further discussion, please see, Griffin, Donald R. 2001. *Animal Minds: Beyond Cognition to Consciousness*. Chicago: The University of Chicago Press. pp. 164-211. And, Rogers, Lesley and Gisela Kaplan. 1998. *Not Only Roars and Rituals: Communication in Animals*. St. Leonards: Allen & Unwin.

<sup>71</sup> For further discussion on social traits, including play behaviours, see, Bekoff, Marc. 2006. *Animal Passions and Bestly Virtues: Reflections on Redecorating Nature*. Philadelphia: Temple University Press. The highly social minds of baboons are described and explained extensively in, Cheney, Dorothy L. and Robert M. Seyfarth. 2007. *Baboon Metaphysics: The Evolution of a Social Mind*. Chicago: The University of Chicago Press. The ability to deceive and manipulate the minds of other animals is described in, Griffin, Donald R. 2001. *Animal Minds: Beyond Cognition to Consciousness*. Chicago: The University of Chicago Press. pp. 212-228.

awareness that allows them to make decisions based on their own beliefs, desires, and goals. On my view, the more mental capacities that a species possesses as demonstrated by the kinds of evidence presented in this chapter, the more complex sense of selfhood that species has.

## **Conclusion**

In this chapter, I have argued that animals should be considered agents, and as self-aware in some cases, at least minimally. Many animals possess beliefs, preferences, and desires and are self-aware and agents to greater or lesser degrees. Not only is this view well supported by evidence, both empirically and logically, but it is also relevant when determining who we ought to count as autonomous and thus morally considerable. It also assists us in understanding to what extent we are morally obligated towards animals of various species, based on varying degrees of autonomy as it results from varying degrees of self-awareness and agency. This chapter provides the groundwork for what follows in chapter two, where I argue that agency and selfhood imply that some animals are autonomous in varying degrees, and that this provides us with specific guidance as to how we ought to treat other animals.



## Chapter Two: Autonomy and Animals

### Introduction

In chapter one, I argued that agency and selfhood are features of conscious animals, and that these capacities exist in more and less complex levels depending on the mental capacities found in different species. I also argued that agency and selfhood are morally valuable as they indicate a subject for whom experiences matter. But we need more explanation for why we ought to respect agency and selfhood in animals, and for how we can do this. Autonomy, as a moral concept, best fits with my view on agency and selfhood as it requires respect not only for someone's interests, but for the individual as the one who experiences the thwarting or fulfillment of those interests. Just as I argued that agency and selfhood can be more or less complex, so too can autonomy exist in varying degrees.

That is not to say that the various conceptions of autonomy that most accept are not important, or that there are levels of autonomy that are not uniquely human. The attempt to achieve 'authenticity' or 'heroic' autonomy is a human quest, and a worthy one. But if autonomy ranges from self-governance over our most trivial actions to authenticity, then the concept clearly admits to existing in degrees. A person who is intellectually disabled is autonomous but not to the same level of complexity as someone who reads Spinoza in an attempt to achieve

authenticity. However, on my view each level of autonomy is equally valuable in terms of the moral obligations owed to each person.

I will support this view by first considering what I call the ‘common view’ of autonomy, whereby only normal, adult humans are considered autonomous persons. After pointing out the problems with this conception of autonomy, I posit the view that autonomy can exist at both rich, human levels and more minimal, animal and ‘marginal human’ levels. We simply owe individuals respect for their autonomy to the extent that they are self-aware. I explain how moral duties are founded on autonomy, by including an analysis of Gewirth’s argument on this subject. I also consider other views of autonomy that complement my own, and that challenge the ‘common view’ to show that although not widely popular, accounts of a more minimal autonomy in animals are plausible and well-supported.

### **The Common View of Autonomy**

Autonomy is a commonly used moral concept with which to judge our treatment of others. In medicine, for example, we use the concept of autonomy to help determine if someone has made an informed and free decision regarding a prescribed treatment or procedure. We shun overly paternalistic models of professional physician-patient relationships because we believe that significant harms can result from overriding a patient’s wishes and decisions regarding their own treatment. Autonomy

also guides us in our personal relationships with others, and provides us with a measure of how we ought to treat our friends, family members, and partners. 'Good' relationships are usually judged by the level of respect each member has for the other, to allow for the maximal personal fulfillment of each person. We also believe that to respect someone else means to also respect their autonomy, as personhood implies certain faculties and characteristics that allow one control over their own actions and decisions. In a moral sense, we want to respect the autonomy of others because we want the same respect to be given to us. Just as we value our own freedom to act in accordance with our desires and preferences, so too do we value the same freedom in others. Generally speaking, we refer to this freedom as autonomy.

Gerald Dworkin describes the various meanings of autonomy:

It is sometimes used as an equivalent of liberty (positive or negative in Berlin's terminology), sometimes as equivalent to self-rule or sovereignty, sometimes as identical with freedom of the will. It is equated with dignity, integrity, individuality, independence, responsibility, and self-knowledge. It is identified with qualities of self-assertion, with critical reflection, with freedom from obligation, with absence of external causation, with knowledge of one's own interests. It is even equated by some economists with the impossibility of interpersonal comparisons. It is related to actions, to beliefs, to reasons for acting, to rules, to the will of other persons, to thoughts, and to principles. About the only features held constant from one author to another are that autonomy is a feature of persons and that it is a desirable quality to have. It is very unlikely that there is a core meaning which underlies

all these various uses of the term.<sup>72</sup>

Of particular importance in this passage is Dworkin's claim that the two constant features of autonomy are personhood and that it is a desirable quality to have. It is also significant that he claims that autonomy defies a core meaning. In other words, there are many different definitions of autonomy, which allows for ample debate on the topic. Generally, personhood is related to autonomy as a way of delineating those who are owed direct moral obligations from those who are not, and this would distinguish humans as persons from non-human animals. As such, it gives us a neat classification between 'someone' and 'something', that latter of which we may owe indirect moral duties, as in Kant's theory as to how we ought to treat animals (in chapter four I present a fuller account of this). Autonomy as a desirable quality to have can be understood as our desire to act freely, in order to fulfill our interests and preferences. The freedom to do so allows us to achieve the fulfillment of what we believe is good for us, or makes us happy and satisfied. To act without autonomy is to be manipulated, coerced, or forced to act against our own will, which mainly results in frustration and suffering.

Without a core meaning, it can be difficult to narrow down why autonomy is such a desired feature. But if we think about the role that autonomy plays in moral theory, we can roughly argue that it is valuable

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<sup>72</sup> Dworkin, Gerald. 1988. *The Theory and Practice of Autonomy*. New York: Cambridge University Press. p. 6.

as it represents the ability people have to direct their own actions independently from the influence of others. That is, autonomy basically means being able to make one's own decisions, for one's own reasons. And autonomy provides us with a moral and political standard to guide us in determining appropriate ways to interact with each other. Although it would be impossible to make decisions without the influence of others entirely, autonomy allows us to control everything from our most basic actions to those that reflect our grandest future goals. Moral theories and laws protect this ability or freedom we have by elaborating on the ways we can best exercise and develop it through our relationships with others individually and within society as a whole.

Nomy Arpaly analyzes the concept of autonomy and argues that there are roughly eight different kinds of autonomy that people are commonly referring to. I have summarized them below:

1. Agent autonomy. This refers to the agent's ability to choose between various motivational states, and can be equated with self-control or self-governance.
2. Personal Efficacy-Material independence. This is the general ability to get along in the world without help, in material matters.
3. Personal Efficacy-Psychological independence. This is the general ability to get along in the world without help in psychological matters.

4. Normative, moral autonomy. This is the freedom to make one's own decisions and the freedom from paternalistic intervention.
5. Authenticity. This refers to the idea of being true to oneself (Frankfurt), and that there is a 'real self' or personal identity.
6. Self-identification. This is described as someone who has a harmonious and coherent self-image that never experiences her desires as an external threat.
7. Heroic Autonomy. These are ideal concepts of autonomy such as Spinoza's freedom, Aristotle's life of contemplation, Freud or Jung's ideas of liberation, and Nietzsche's ideal of free spirit.
8. Response to Reasons. This is the kind of autonomy that allows one to act rationally and to respond to reasons in general and moral reasons, and includes Kant's concept of rational autonomy.<sup>73</sup>

This sketch of the different kinds of autonomy emphasized that there are different perspectives on how to define the concept, and some of these kinds overlap in various ways. Arpaly argues that none of these conceptions of autonomy properly apply to nonhuman animals, as she endorses the 'agent-autonomy' view, which requires that an agent can decide on which of her motivational states she wants to follow.<sup>74</sup> She believes that autonomy at any level requires a certain degree of reflection and deliberation that animals do not have, as they are unable to act as a

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<sup>73</sup> Arpaly, Nomy. 2003. *Unprincipled Virtue: An Inquiry into Moral Agency*. Toronto: Oxford University Press. pp. 119-126.

<sup>74</sup> *Ibid.*, p. 118.

result of moral reasons. That is not to say that animals never act as a result of reasons, but as they do not act from moral reasons, they should not be included as autonomous creatures. For her, there may be other reasons for treating animals morally, but they are not related to autonomy.<sup>75</sup> This view maintains the common view of autonomy that includes only humans.

Discussions of the importance of autonomy tend to assume that only humans are autonomous agents in virtue of their rational capacities to reflect on their goals, desires, and decisions. It is also assumed that autonomy requires the capacity for high-level mental representations, memory and imagination that allow a person to both remember their past and anticipate their future.<sup>76</sup> Only under these conditions can free choices be made, according to many. Although there is no consensus on the meaning or conditions of autonomy, it is described in such a way as to fit the purpose of the moral argument it is found in. The following describes perhaps the most common understanding of autonomy:

Autonomy, in the sense fundamental to the idea of human rights, is a complex assumption about the capacities, developed or undeveloped, of persons, which enable them to develop, want to act on, and act on higher-order plans of action which take their self-critical object one's life and the way it is lived. As Frankfurt put it, persons "are capable of wanting to be different, in their preferences and purposes, from what they are. Many animals appear to

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<sup>75</sup> Ibid., pp. 145-148.

<sup>76</sup> Rachels, James and William Ruddick. *Lives and Liberty*. In, Christman, John. Ed. 1989. *The Inner Citadel: Essays on Individual Autonomy*. New York: Oxford University Press. pp. 226-228.

have the capacity for... 'first-order desires' or 'desires of the first order,' which are simple desires to do or not do one thing or another. No animal other than man, however, appears to have the capacity for reflective self-evaluation that is manifested in the formation of second-order desires." These capacities enable persons to establish various kinds of priorities and schedules for the satisfaction of first-order desires.<sup>77</sup>

Animals are denied autonomy on this account as they are believed to lack the ability for reflective evaluation of their actions and choices. Instead, most would describe animals as 'acting on instinct' without the ability to regulate their own behaviours. This makes sense given the history of science that for many years denied animals the ability to think or feel.<sup>78</sup> Although many people would be hesitant now to deny animals these abilities, there is still a great reluctance to attribute intentional mental states to animals as well as the capacity for autonomous action. Because of the common connection between personhood and autonomy, and the connection between personhood and legal rights, the consequences of accepting animals as autonomous would have profound effects on the ways we treat and legislate protection for animals.

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<sup>77</sup> Richards, David A. J. Rights and Autonomy. In, Christman, John. Ed. 1989. *The Inner Citadel: Essays on Individual Autonomy*. New York: Oxford University Press. p. 205.

<sup>78</sup> Bernard E. Rollin spends much time describing the history of science, including behaviorism, and its exclusion of animals as thinking and feeling beings. See, Rollin, Bernard E. 1998. *The Unheeded Cry: Animal Consciousness, Animal Pain, and Science*. The Expanded Edition. Ames: Iowa State University Press.



While it is true that many humans possess autonomy in a rich sense that includes life goals and second-order desires, it does not mean, as I have argued above, that autonomy does not exist in a more minimal sense among animals. R. G. Frey argues that the attempts that have been made to include beings other than humans into the moral class of autonomy illustrates the moral privilege that we associate with being autonomous.<sup>79</sup> Although Frey does not endorse cruelty towards animals, he believes that autonomy is irrelevant in explaining why we should avoid causing animals suffering, and that animals are not autonomous in any way. He does believe that autonomy indicates the value of a life, and so when it comes to killing, the fact that animals are not autonomous (according to him) is relevant, as it means that, "...the threshold for killing animals is lower than that for killing normal humans..."<sup>80</sup> After admitting that autonomy is understood in many different ways, he endorses a view that he calls 'autonomy as control', which focuses on being able to control our first-order desires in the attempt to shape our own lives in accordance with our conception of the good life.<sup>81</sup> He writes:

For it enables us to live our lives as we see fit and to make of them what we will; it becomes, then, a means to that rich full life of self-fulfillment and achievement, quite apart from any satisfaction and fulfillment that comes through the satisfaction of our appetites, that so separates men from animals. When we look back and say of a human being that he led a rich, full life, we allude to something incomparably beyond that to

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<sup>79</sup> Frey, R. G. Autonomy and the Value of Animal Life. *The Monist*, 70, p. 50.

<sup>80</sup> *Ibid.*, p. 51.

<sup>81</sup> *Ibid.*, p. 55.

which we would allude, were we to say the same thing of a chicken or a dog. And autonomy is a key to this notion of a life of accomplishment and self-fulfillment, lived according to one's conception of the good life.<sup>82</sup>

For Frey, only full persons are autonomous, and so infant humans and those who are “seriously defected” along with animals, are excluded from this moral category.<sup>83</sup> In fact, his claim is that those people who are autonomous have more value, or moral weight, than those who do not. As such, he is very much in opposition to animal rights or the comparison of animals to humans on egalitarian grounds as he maintains a strict division between autonomous and non-autonomous beings. However, if we consider the idea that many humans are not fully autonomous, such as addicts or the mentally ill, does that push them out of the autonomous category, or does it just make them less autonomous than those who are more rational? It is not clear why his view of control autonomy is more valuable than say, the preference autonomy view of Tom Regan, and it also seems that despite his emphasis on autonomy as an all-or-nothing category, this simply is not the case for humans.

Regardless, the important question here is whether or not some forms of autonomy are more important or valuable than others. Are our moral obligations greater towards those who possess the ability to achieve authenticity, than those who are capable of personal efficacy?

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<sup>82</sup> Ibid., p. 54.

<sup>83</sup> Ibid., p. 50.

What reasons might we have for valuing some forms of autonomy over others? It is not clear from this sketch how each form of autonomy ought to be valued, or to what extent it ought to be respected. It simply lays out, more specifically, the ways that people have conceived of freedom in various philosophies, and emphasizes the common view that humans are unique in possessing autonomy.

### **Two Levels of Autonomy**

Notions of autonomy quite often represent what are considered to be the distinguishing and unique features of human nature, which include a complex level of rational, reflective thought, higher order desires to shape ourselves into morally virtuous people, and the freedom to act as a result of our 'true' selves. This 'rich' view of autonomy grants humans special moral status, as agents who can freely choose among alternative possibilities and who are responsible for their actions. Most animals would clearly not count as autonomous on this view.

But, I propose that just as there are both 'rich' and 'basic' levels of self, so too are there 'rich' and 'basic' levels of autonomy. These different levels of autonomy result in different kinds of moral treatment. If we only assume the 'rich' level of autonomy, which is characterized as reflective, rational thought, then the majority of animals would remain outside the scope of moral concern. What I am arguing for here is a more 'basic' level of autonomy, that correlates with the 'basic' selfhood I have

presented above. It is in virtue of this 'basic' level of autonomy that we have moral obligations towards animals. The degree to which a being is autonomous ought to be respected as fully as possible, and the degree to which a being is self-aware indicates how autonomous it is. Specific traits and interests would vary according to species membership, and we would need to evaluate species individually to determine the level of autonomy possessed by an individual and the ways we can best respect it.

Steven M. Wise has made one such attempt to support the notion of degrees of autonomy by creating a 'scale of practical autonomy', where one can assign 'autonomy values' to animals creating four categories, each of which requires different levels of moral and legal treatment.<sup>84</sup> He posits that 'practical autonomy' entails basic liberty rights when a creature can desire, can try to fulfill its desires through intentional action, and possesses an awareness, even minimally, of itself and that its desires belong to it. Consciousness and sentience are required in order to possess practical autonomy, but no level of reflective evaluation of one's preferences is needed.<sup>85</sup> In Category One, he places animals that are self-aware and that can pass mirror self-recognition tests, as he believes this justifies the belief that they have part or all of a theory of mind, and that, "...they understand symbols, use a sophisticated language or language-

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<sup>84</sup> Wise, Steven M. 2002. *Drawing the Line: Science and the Case for Animal Rights*. Cambridge: Perseus Books.

<sup>85</sup> *Ibid.*, p. 32.

like communication system, and may deceive, pretend, imitate, and solve complex problems.”<sup>86</sup> Category Two includes animals that have a simpler sense of self, and who can simply make choices among their options for acting. This category is broad, and animals within this category will have varying liberty rights (in terms of strength) based on taxonomic class and, “...the nearness of her evolutionary relationship to humans.”<sup>87</sup>

Where animals are placed in Category Two is also dependent on their mental and cognitive capacities. Category Three includes animals that we do not know enough about to dismiss as conscious, and Category Four includes animals that we believe lack all consciousness, and who are remote from humans on a taxonomic and evolutionary scale. <sup>88</sup>

Although Wise is making this particular argument to support the idea of legal rights for animals, it is useful for highlighting the relation between consciousness and autonomy and the idea that they exist in varying degrees among animals. There is no denial here that humans can have a more complex level of autonomy that includes life plans and goals or moral agency. However, as Wise points out, many humans do not act as a result of rational reflection and what I have called the ‘common’ conception of autonomy. It’s very difficult to claim that humans act as a result of reason and not desire, and in the courtroom, according to Wise, “Judges accept the nonrational determination of Jehovah’s Witnesses to

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<sup>86</sup> Ibid., p. 36.

<sup>87</sup> Ibid., p. 37.

<sup>88</sup> Ibid., p. 37.

die rather than accept blood transfusions. The mentally ill are not usually confined against their wishes unless they pose a threat to themselves or others.”<sup>89</sup> As such, Wise claims, the reality for moral and political philosophers, as well as for judges, is that ‘lesser autonomies’ do exist, and all that is required of someone to be considered autonomous is the ability to make choices and to act in ways to satisfy her own preferences. This is true even if the person is unable to evaluate their own choices, or evaluate them very well.<sup>90</sup>

Autonomy can be taken to mean the freedom to direct one’s actions towards attaining goods recognized as such by a self-aware creature. Self-awareness is what allows a creature to recognize things that matter to itself. It is in virtue of having a self, in terms of having a ‘self-directedness’, that a creature can direct its actions and intentions towards attaining certain goals. The importance of autonomy for animal ethics is that it indicates the need to consider how we can respect both positive freedoms as well as negative freedoms. According to moral theories in general, the absence of pain or suffering is not enough because autonomy asks us to also consider the positive freedoms of an individual to “have a quality of life commensurate with their needs and dignity: physical, psychological, social, and cultural.”<sup>91</sup>

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<sup>89</sup> Ibid., p. 31.

<sup>90</sup> Ibid., p. 32.

<sup>91</sup> Rogers, Lesley and Gisela Kaplan. 2004. All Animals Are Not Equal: The Interface between Scientific Knowledge and Legislation for Animal Rights. In,

In the case of animals, these positive freedoms will be specific to the species and context. Indeed, there is no one unifying characteristic or capacity that magically bestows moral standing on only humans, or only on certain animal species. James Rachels argues that:

There is no such thing as moral standing *simpliciter*. Rather, moral standing is always moral standing with respect to some particular mode of treatment...It is appropriate to direct moral consideration toward any individual who has any of the indefinitely long list of characteristics that constitute morally good reasons why he or she should not be treated in any of the various ways in which individuals may be treated... We would distinguish three elements: what is done to the individual; the reason for doing it or not doing it, which connects the action to some benefit or harm to the individual; and the pertinent facts about the individual that help to explain why he or she is susceptible to that particular benefit or harm.<sup>92</sup>

On my view, both 'marginal' humans and animals would possess autonomy in a minimal sense as opposed to normal adult humans, who would possess autonomy at a richer level. Paternalism is normally understood to be a threat to autonomous people, as it can result in coercion and can compromise their ability to make free choices. For those who are autonomous in the minimal sense, paternalism can be beneficial when applied with the goal of protecting the individual from

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Sunstein, Cass R. and Martha C. Nussbaum. Eds. 2004. *Animal Rights: Current Debates and New Directions*. Toronto: Oxford University Press. p. 196.

<sup>92</sup> Rachels, James. 2004. Drawing Lines. In, Sunstein, Cass R. and Martha C. Nussbaum. Eds. 2004. *Animal Rights: Current Debates and New Directions*. Toronto: Oxford University Press. pp. 170.

harm by others. In this way, as Rachels points out above, an understanding of the degree to which an individual is autonomous can meet the criteria of explaining why he or she is susceptible to harms or benefits in ways that others are not. That is, my view maintains the value of all autonomous individuals while providing a way to guide our actions towards them, whereas those who only endorse the rich view of autonomy would neglect marginal humans and animals. In the case of a child or companion animal, adult humans act as guardians to protect their interests, while acknowledging and respecting their minimal autonomy at the same time.

### **Aiming for Consistency**

When it comes to making ethical judgments, our broad aim is towards consistency. That is, we generally believe that in order to be fair, our ethical judgments should not be based on arbitrary prejudice or emotional reactions. Instead, they should be based on rational principles or moral concepts that apply to certain groups. For humans, we typically owe others moral obligations in virtue of certain qualities they possess, such as autonomy and agency. If people possess these qualities, then we owe them moral obligations, and we do this to varying degrees depending on the complexity of these qualities as they are found in different individuals. This is why the nature and extent of our moral obligations towards others vary, as in the differences between what we owe (morally)



towards other adults or towards children, or towards those who are intellectually disabled, etc. What we agree on is the importance and value of respecting the autonomy of others when and where we find it.

On my view, autonomy exists when an individual is an agent who acts on the basis of their own beliefs, desires, and preferences etc., and who is self-aware. As many animals share these qualities with humans, as I have argued above, then we also owe them moral obligations in the form of respecting their autonomy. In this way, we are acting consistently, in terms of our moral behaviour. If we deny animals moral obligations, despite the evidence that they possess agency, self-awareness (even minimally) and autonomy, just as humans do, to greater or lesser extents, then we are simply acting inconsistently and irrationally.

### **Autonomy and Duties**

The link between selfhood and autonomy that I am arguing for finds support in the work of Alan Gewirth, who provides an account of autonomy that is based on fundamental features of the self. Although we differ profoundly in our conclusions regarding the autonomous status of animals, I believe this is due to an oversight on Gewirth's part of current research into animal minds and selfhood, rather than a necessary conclusion following from his own argument. In what follows, I will explain his theory of self, agency, and autonomy and in what ways it enriches my own view.

Gewirth summarizes his argument into a few main claims. For simplicity, his main claims are outlined below.

- (1) "I do X for end or purpose E."
- (2) "E is good."
- (3) "My freedom and well-being are necessary goods."
- (4) "I must have freedom and well-being."
- (5) "I have rights to freedom and well-being." (Self-Fulfillment, pp. 81-82)
- (6) "All other persons ought at least to refrain from removing or interfering with my freedom and well-being."
- (7) "I have rights to freedom and well-being because I am a prospective purposive agent."
- (8) "If the having of some quality Q is a sufficient condition of some predicate P's belonging to some individual S, then P must also belong to all other subjects that have Q."
- (9) "All prospective purposive agents have rights to freedom and well-being."
- (10) "Act in accordance with the generic rights of your recipients as well as of yourself."<sup>93</sup>

Gewirth believes that this argument must be accepted on logical grounds by every rational agent, as all purposive action is a result of an agent acting towards the achievement of what seems 'good' to her. From

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<sup>93</sup> Pluhar. Evelyn G. 1995. *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*. Durham: Duke University Press. pp. 243-244.

this, he derives the supreme principle of morality stated as, “Act in accord with the generic rights of your recipients as well as of yourself.”<sup>94</sup> As such, one can argue that all autonomous agents are deserving of rights, and this means respecting their autonomy in both negative and positive ways. Negatively, agents have the right to be free from direct or indirect compulsions, and positively by being in control of their own actions through freedom of choice.

It is in virtue of the selfhood of the agent that the supreme principle of morality exists at all. “The self, person, or agent to whom the choices belong may be viewed as an organized system of dispositions in which such informed reasons are coherently interrelated with other desires and choices. Insofar as a person’s behavior derives from this system, it is the person who controls his behavior by his unforced choice, so that it is voluntary. And because it is voluntary, it constitutes part of the justificatory basis of the supreme principle of morality.”<sup>95</sup> Gewirth describes the ‘prospective purposive agent’ as someone who simply has purposes she wants to fulfill. The mere possession of purposes is enough to grant someone rights to the freedom to attain those purposes, on his account. It is a consequence of this that as someone who desires

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<sup>94</sup> Gewirth, Alan. 1978. *Reason and Morality*. Chicago: The University of Chicago Press. p. 135.

<sup>95</sup> *Ibid.*, p. 31.

to act, you must also claim those conditions that allow you to act, and thus you must claim rights to autonomy.<sup>96</sup>

Gewirth considers the application of this theory to non-human animals in one page, where he argues that animals lack the potentialities to agency, and thus they do not have the generic rights that humans do. He believes that animals are deserving of protection against 'wanton infliction of pain' due to the similarity of feelings of pain that animals share with humans. He also argues that the freedom of animals must be subordinated to the freedom of humans when the rights of humans are infringed upon.<sup>97</sup> It is interesting however, that in an earlier part of the same book, where he is describing the importance of the agent's ability to control his own behavior, he explains how it is we know that the ability to act freely is valued by someone as an intrinsic good. He says, "In addition to this instrumental value, the agent also regards his freedom as intrinsically good, simply because it is an essential component of purposive action and indeed of the very possibility of action. This is shown by the fact that when he is subjected to violence, coercion, or physical constraint, he may react negatively, with dislike, annoyance, dissatisfaction, anger, hostility, outrage, or similar negative emotions, even when he has no further specific end in view."<sup>98</sup> Non-human animals react in just the same ways when subjected to the same constraints on

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<sup>96</sup> *Ibid.*, p. 31.

<sup>97</sup> *Ibid.*, p. 144.

<sup>98</sup> *Ibid.*, p. 52.

their behavior. According to his own argument, if their reactions are the same, then they must also value their own abilities to act freely and without constraint.

As I see it, it is in virtue of the shared capacity for agency, characteristic of self-awareness, between humans and other animals that provides the basis of autonomy for both. This does not mean that they possess the same degree of autonomy, or that they are both moral agents. For being a moral agent is not required for moral rights, even on Gewirth's account. He includes 'marginal agents' such as very young and mentally disabled humans under his rights view, as they too have desires and purposes that include food, drink, shelter, and companionship. Purposiveness is what grants these individuals full rights, even if their freedoms must at times be limited in order to prevent them from causing harm to themselves or others due to their limited capacity to rationally evaluate their reasons for acting in accordance with their desires. Gewirth accords rights to those with even the most minimal desires, such as newborn babies, in virtue of their purposiveness.<sup>99</sup>

Why then, does he not see that his argument must also logically apply to most non-human mammals? This is especially worrisome given that there are many cases where adult non-human mammals have more complex desires and abilities to achieve their goals than newborn babies or intellectually disabled human adults. It seems that the likeliest answer

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<sup>99</sup> Pluhar. Evelyn G. 1995. *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*. Durham: Duke University Press. pp. 250-251.

is simply due to his ignorance of current biological and ethological research into animal minds that supports the existence of self-awareness and intelligence. For if he acknowledged, even at the simplest level, that non-human animals have desires and purposes, then he must admit to their rights to freedom and autonomy in order to fulfill them. Given my own view on animals and selfhood, in conjunction with Gewirth's theory of autonomy, animals must be autonomous in virtue of their 'purposiveness'. On this point we would disagree. However, I do agree with Gewirth that given this selfhood and autonomy, animals are thus deserving of rights, in the same ways humans are. We simply cannot deny these rights, based on minimal agency, as a result of speciesism or homocentrism, without being guilty of logical inconsistency. The extent to which we must sometimes restrict certain freedoms of both human and non-human animals for their own safety, would be determined in similar fashion, as it would be based on the level of rationality and thus the ability to evaluate available options for action in light of the nature of their desires and goals. For as we all know, sometimes the restriction of certain actions is in the greater good of the overall or longer term freedoms of an individual, even if they don't see it that way themselves. In the case of animals, we would rely on the increasing body of research and knowledge regarding different species and their respective traits to guide us towards actions that would best respect their freedoms.

## **A Naturalized View of Autonomy**

A more 'naturalized' account of autonomy that is grounded in the idea of the evolutionary continuity between humans and animals does not require robust notions of reflective, rational agency to establish the moral importance of animals who have a 'basic' sense of self. One such view, as developed by Bruce Waller, argues that autonomy can be understood as autonomy-as-alternatives, whereby alternative possibilities for action are a result of options provided by the natural environment around us. Rather than choices being explained by a mysterious uncaused self-willing independent of environmental factors, Waller argues that as animals are products of their environment, their choices are shaped by the available options available to them. He describes autonomy-as-alternatives in this way:

We do not want freedom for choices with no causal antecedents, freedom from all environmental contingencies, freedom to make inexplicable choices. To the contrary,...we (humans and white-footed mice) want to be able to be able to act otherwise if we choose otherwise; that is, we want other options available when we experience different circumstances in our changing environment...The choice made is the result of complex environmental influences, including the long-term environmental history that shaped the species to occasionally explore different paths. The choice nonetheless meets the white-footed mouse autonomy requirements: not a choice independent of all natural influences, but instead one of many open alternatives that can be followed in a changing environment under 'different

circumstances.<sup>100</sup>

For Waller, the difference between human and animal autonomy is based on the capacity for abstract reasoning, which allows humans to identify a wider range of alternative possibilities for action presented in their environment. This is the 'rich' sense of autonomy here, and it explains why such importance has been placed on the reflective capacities of humans who are able to anticipate such things as the possible consequences of their actions, hopes for the future, goal-setting, etc. This 'rich' sense of autonomy correlates with the 'rich' level of selfhood, where a person can reflect on the kind of person they are or desire to be, and direct their actions and choices in accordance with the possibilities their environment affords them in order to achieve their goals.

Most animals that possess the 'basic' level of selfhood are autonomous in their actions as they are able to choose between the alternative paths provided in their environments. The more complex the level of selfhood a species has, the more alternatives they are able to recognize in their environment. Social animals, for example, exhibit more complex patterns of behaviours and wider ranges of emotions as a result of their cognitive capacities. For example, if an experiment is being performed on a dog where she is subjected to an invasive surgical procedure, and where a wound is left open for better observation, she will

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<sup>100</sup> Waller, Bruce N. 1998. *The Natural Selection of Autonomy*. Albany: State University of New York Press. P. 11.



be restricted in her movements and she will not be allowed to play or interact with other dogs. Her physical pain is alleviated by medications. From this experiment, we can see that the dog's possibilities for action are limited and restrict the interests she has in the freedom to act socially, for example. This would most likely lead to boredom and abnormal repetitive behaviours, which are considered to be accurate indicators of emotional suffering. It is not just that she is free from physical suffering that is morally relevant, but also that her autonomy to positively fulfill her interests and preferences, as a member of a social species, have been greatly reduced by those performing the experiment. Restricting available options for animals to act by restricting their environments is one way that humans can disrespect autonomy in animals, as it limits their choices.

Some would argue that the 'rich' level of autonomy is the only kind of autonomy worth caring about or worth respecting in others. Surely, some would say that having one's goals in life restricted by others is worse than being locked in a cage. What is mistaken here is the assumption that we should *only* value the 'rich' level of autonomy and not the 'basic' level of autonomy. We do value the 'basic' level of autonomy in ourselves, perhaps even more so than the richer level as it is required for us to have the luxury of increased options for action. That is, the basic options for action are needed prior to and in order for richer options to be available to us. If I am locked in a cage, or starving, or

deprived of all social contact, then my basic level of autonomy has been violated, and I am unable to act on alternative possibilities in the richer sense because they are simply not available to me. Indeed, the suffering caused by restrictions on my basic needs can be far worse than restrictions placed on my richer interests.

### **Obligations Towards Animals**

To respect the autonomy of animals, we would need to make some radical changes to our current treatments of them. To determine how we ought to treat animals that are already kept in captivity (in zoos, for example), we would have to begin by learning about the kind of animal self we are concerned with, and to what extent they are self-aware. For example, in the case of a captive dolphin, we would need to gather and analyze research on dolphin mentality in order to better understand what kinds of interests dolphins have, so that we can have an account of the dolphin self. This will allow us to identify the level of autonomy dolphins have, so that we can act in ways that respect that autonomy.

For example, a utilitarian view would suggest that as long as the dolphin is free from pain, and has its needs for survival met, then there is no moral problem involved in its captivity. On my view, in order to respect the autonomy of the dolphin, it would require such things as a variety of different natural environments, much larger containment areas, and much greater opportunities for social interactions with other

dolphins than currently exist. It would also mean that its interests could not be overridden by human interests as easily as they are now, for just as we do not believe it is right to override the autonomy of other humans for reasons that are unnecessary, such as for entertainment, or economic gain, where someone is used merely as a means to one's own end. In the case of dolphins, this would mean that it is not acceptable to capture dolphins and keep them in captivity merely as a means for our own entertainment.<sup>101</sup> To do so would be to disrespect the autonomy of wild dolphins to live their lives without harmful human interference.

To study the minds of animals also raises questions of autonomy, as many experiments are performed in laboratories under 'unnatural' conditions. Not only does this affect the results of such studies, but it can also harm the autonomy of these animals by the restrictions placed on their natural behaviours. On my view, the practices of cognitive ethology, which consist mainly of observing animals' behaviours in natural settings, would be preferred to experiments in laboratories as it best respects the autonomy of animals by allowing them the freedom to act according to their own desires. If required, animals kept in captivity for experimental purposes should be provided with the most freedom possible, in terms of their living environment and behaviours. If this is not possible, then the experiments should not occur.

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<sup>101</sup> For animals currently kept in captivity, it would not be a good idea to simply release them back into the wild, as they have not developed the abilities to survive in the same ways those born in the wild have.

For domesticated animals, such as companion animals and ‘pets’, respecting their autonomy would consist in allowing them to make their own choices to the greatest extent possible. This can be difficult to navigate as these animals live within human environments where such behaviours as scenting furniture or dragging killed prey are not appreciated. However, by understanding the kinds of desires and preferences that dogs have, for example, can allow for accommodations within the home that respect their autonomy. Providing opportunities for running, socializing with other dogs, playing, etc., demonstrates this respect, as these are the kinds of things dogs require for well-being and good health.

Respecting autonomy in animals does not necessarily mean granting full legal rights to them, but it does mean much more careful thinking about what kinds of choices are available to them as a result of their mental capacities, and how we need to alter our own actions to best respect the autonomy they have to make those choices. For many, this would be difficult as beliefs about animals as objects or merely possessions is so deeply ingrained into our human culture. One can also be skeptical about the ability of humans to respect autonomy at all, given the violence and abuse that abounds in society. However, it is a moral ideal and ethical goal to strive towards that as I have argued, is supported by strong arguments and evidence.

## **Conclusion**

Autonomy is the morally valuable feature of a self-aware creature. Autonomy would not exist if there were no capacity for phenomenal self-awareness or self-consciousness. This is because self-awareness is what allows for creatures to identify with their own desires and preferences, or interests. This also means that potential options for action matter to self-aware creatures, because they allow for choice, and the freedom to choose among alternate possibilities without restriction or constraint.

Greater levels of self-awareness create more complex desires and preferences through rational reflection, so there will be more factors to consider when attempting to respect the autonomy of a human as opposed to that of a mouse, for example. But, in both cases, it is still correct to refer to each creature as autonomous. The preference of the mouse could simply be to follow one route to its food source rather than another, while the preference of a human could be to study philosophy rather than psychology at University. In both cases, actions taken to limit these options, or force one path upon each creature rather than the alternative to what they desire would effectively reduce the autonomy of each. Not all humans share the same level of autonomy. Certainly some primates, for example, would have a richer level of autonomy than severely intellectually disabled humans. But as long as there is self-awareness, even in some basic form, autonomy would still exist for these humans as well.

Why should we care about the autonomy of the mouse at all? Simply because we value freedom, and we believe that we ought to respect autonomy where and when we find it. We believe that it is a good for a creature to pursue its own ends to the greatest extent possible. That is not to say that conflicts between autonomous creatures will not occur, or force us to choose to respect or deny autonomy for certain individuals in specific cases. But the goal should be to respect and/or increase the opportunities to exercise autonomy when possible.

In the next chapter I will consider attempts made by other philosophers in animal ethics to provide arguments in favour of the moral considerability of animals. By doing so, I will demonstrate that the inadequacies of their views can be strengthened by the inclusion of the selfhood that animals possess. Although my own view and theirs share some common reasoning, the foundations for moral obligations towards animals differ in important ways.

## Chapter Three: Other Views of Animal Ethics

### Introduction

In the previous two chapters, I have argued that what makes an animal morally considerable is the capacity for selfhood, and that the degree to which an animal is self-aware indicates the corresponding degree of autonomy that we ought to respect with regard to our treatment of them. My approach is not dissimilar to other philosophers who take a 'capacity orientation' to the study of animal ethics.<sup>102</sup> This is due to the difficulty of identifying what makes anyone morally considerable, animal or human. Regardless of which moral theory you choose, it will inevitably conclude that certain capacities are what distinguish the moral significance between rocks and dogs, or dolphins and humans.

Just as I have argued that selfhood and autonomy are the most morally relevant features of individuals, so too have other philosophers focused on certain capacities that humans and other animals share. However, in this chapter I will argue that my own account, with its inclusion of current research into consciousness and autonomy, more thoroughly and accurately addresses why animals are morally considerable and to what extent we owe individuals from different species fewer or greater moral obligations. Specifically, I will examine a

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<sup>102</sup> Palmer, Clare. 2010. *Animal Ethics in Context*. New York: Columbia Press University. p. 25.

utilitarian view and two rights views that are the most dominant in the study of animal ethics currently. These views are best represented by the arguments of Peter Singer, Tom Regan, and Bernard Rollin, respectively.

As well as providing a general summary of each of these philosopher's arguments in favour of the moral consideration of animals, I will focus on a few particular questions. These include: What capacity makes animals morally considerable? To what extent do we owe animals moral consideration based on this capacity? What kinds of conceptual and practical problems result from each view, and how does my account provide a better solution to each problem?<sup>103</sup>

### **Peter Singer and Utilitarianism**

Peter Singer's theory of animal ethics is an extension of the principle of the equal consideration of interests, particularly as it is found in utilitarianism, to non-human animals. This principle requires us to take into consideration the interests of all those affected by our actions regardless of our personal characteristics when we making ethical judgments. Equality is an important feature of Singer's view of

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<sup>103</sup> It is important to note that while I will be arguing that my account is more nuanced and able to answer the two important questions about animals that I identified in my introduction, each of these philosophers has broken ground in the resurgence of the moral importance of animals in western ethics. For more on this, see Paola Cavalieri, "The Animal Debate: A Reexamination," in Singer, Peter. Ed. 2006. *In Defense of Animals: The Second Wave*. Malden: Blackwell Publishing. Pp. 54-68.



utilitarianism, and this principle provides an objective way to weigh the interests of everyone without personal bias.<sup>104</sup>

Singer is a preference utilitarian, whereby an individual's preferences, in the form of interests, are to be considered by others when making moral decisions. This means that according to this theory, we ought to weigh the interests of all those involved, and determine who stands to be harmed or benefited by the action in question, so that our action will bring about the least amount of suffering and greatest amount of pleasure for all those affected. In order to treat everyone equally, we ought to consider the interests of all those affected without prejudice; that is, there is no good reason, according to Singer, to place more value or weight on the interests of one person over another. This is the importance of the principle of equal consideration of interests. It allows for a non-biased evaluation of interests that is not dependent on such features as race, religion, gender, or in this case, species. Singer writes:

The essence of the principle of equal consideration of interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions. This means that if only X and Y would be affected by a possible act, and if X stands to lose more than Y stands to gain, it is better not to do the act...What the principle really amounts to is this: an interest is an interest, whoever's interest it may be.<sup>105</sup>

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<sup>104</sup> Singer, Peter. 1993. *Practical Ethics, Second Edition*. New York: Cambridge University Press, p. 21.

<sup>105</sup> *Ibid.*, p. 21.

The last line above is most important to the application of this principle to animals, because it means that the only interests that matter are those based on the capacity to suffer or experience pleasure. These interests are not determined by race, gender, or species, as the capacity to suffer is not dependent on these traits. That is not to say that the causes of suffering are not related to these traits, as we know that racism, sexism, or speciesism can cause suffering specific to those who possess these traits. It simply means that the capacity to suffer and to experience pleasure is shared features of most animals, both human and non-human, and that they are interests worthy of moral consideration. Whether animals have interests beyond these are a matter of debate, and are dependent on the characteristics of specific species, for Singer.

When Singer applies the principle of equal consideration of interests to animals, he begins by quoting a passage by Jeremy Bentham that foresees the application of utilitarianism to animals as well as humans. This passage is worth quoting, as it provides such a clear explanation of the importance of sentience for moral consideration.

Bentham wrote:

The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or

the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a fullgrown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason*? Nor Can they *talk*? but, *Can they suffer?*<sup>106</sup>

Here, Bentham argues that just as skin color has been rejected as a barrier to moral consideration based on suffering, so too will species membership be rejected as a barrier to moral consideration based on suffering, as any being capable of feeling is also capable of being tormented by those with more power. This capacity for sentience becomes the foundation for Singer's more developed argument that animals are morally equal to humans in terms of the consideration of their interests for suffering and enjoyment. Sentience is the basis for all moral consideration, for Singer, as it is the necessary condition for the possession of interests at all. Singer argues that "The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way...If a being suffers, there can be no moral justification for refusing to take that suffering into consideration."<sup>107</sup>

Because sentience underlies all other interests, and the weighing of interests is the basis of utilitarian decision-making, sentience is "...the

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<sup>106</sup> Ibid., p. 57.

<sup>107</sup> Ibid., p. 57.

only defensible boundary of concern for the interests of others.”<sup>108</sup> As many non-human animals are sentient, the principle of equal consideration of interests applies to them in the same way it applies to all humans. Indeed, those who refuse to consider animals under this principle of equality for no other reason than giving preference to the interests of members of their own species are referred to as ‘speciesists’ by Singer, which denotes its similarity to ‘racism’ and ‘sexism’. This simply means that when we give weight to the interests of certain sentient beings based on traits that are irrelevant to the capacity to suffer, we are acting in an unjustifiably biased way.<sup>109</sup> In the case of animals, the belief that humans are more intelligent or more spiritually valuable than non-human animals and therefore have the right to treat animals without any moral consideration is wrong and speciesist. This is because it denies the moral importance of suffering and enjoyment as the basis of all other interests for both humans and animals.

It is important to note that the principle of equal consideration of interests does not necessarily result in equal treatment, and that in each case the amount of suffering of all those involved would need to be measured and compared in order to conclude who is suffering most. Priority must be given to whoever is suffering most under the circumstances, whether human or non-human animal. Although the capacity to suffer itself is not usually the *most* concerning issue or

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<sup>108</sup> Ibid., p. 58.

<sup>109</sup> Ibid., pp. 57-60.

problem under this theory, the amount of suffering may be affected by other capacities that differ between species. Singer argues “...that we must take care when we compare the interests of different species”<sup>110</sup> and that, “there are many areas in which the superior mental powers of normal adult humans make a difference: anticipation, more detailed memory, greater knowledge of what is happening, and so on...it is the mental anguish that makes the human’s position so much harder to bear.”<sup>111</sup> These cognitive capacities increase one’s ability to suffering mentally and emotionally in ways that other humans with diminished mental capacities may not, or that other species may not possess at all or may possess but in lesser degree. Singer states that in some cases animals may suffer more than humans because of their limited capacity to understand the situation that they are in. His response to the concern that it is impossible to know and compare the suffering of different species is that, “...precision is not essential” so long as the total quantity of suffering is reduced in the universe by treating animals in ways that would reduce or eliminate their suffering even if the interests of humans are not affected at all.<sup>112</sup>

Singer’s arguments have had an undeniable impact on the moral status of animals in society, and he has successfully argued that the capacity to suffer is what makes animals morally considerable, and that

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<sup>110</sup> Ibid., p. 58.

<sup>111</sup> Ibid., p. 60.

<sup>112</sup> Ibid., p. 61.

this trait is shared with humans. He believes that on the whole, we ought to reduce the use of animals in experiments that cause suffering, and that we should adopt a vegetarian diet. However, Singer's view does not go far enough in terms of the full range of moral obligations we owe animals in virtue of their interests, agency and selfhood. I will argue that this weakness relates to the omission of personhood and autonomy, and the problems that arise as a result of the aggregation of interests that occur in all forms of utilitarian calculus.

Although Singer advocates for the cessation of eating animals on the grounds that current factory farming methods create an overall increase in aggregate suffering in the world, he admits that the 'replaceability argument' justifies the killing of animals under certain conditions. For example, if chickens are killed painlessly and replaced by other chickens who would otherwise not have existed, who themselves go on to live pleasurable lives, then there is nothing wrong with killing chickens.<sup>113</sup> This justification of killing is entailed by his view of persons and non-persons. For Singer,

A self-conscious being is aware of itself as a distinct entity, with a past and a future...A being aware of itself in this way will be capable of having desires about its own future. For example, a professor of philosophy may hope to write a book demonstrating the objective nature of ethics; a student may look forward to graduating; a child may want to go for a ride in an aeroplane. To take the lives of any of these

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<sup>113</sup> Ibid., pp. 133-134.

people without their consent, is to thwart their desires for the future. Killing a snail or a day-old infant does not thwart any desires of this kind, because snails and newborn infants are incapable of having such desires.<sup>114</sup>

As the principle of the equal consideration of interests specifies that we weigh like interests equally, those with more interests, due to capacities like valuing the future will easily outweigh those who do not even have a concept of the future. Applied to animals, this means that the majority of animals are not considered to be persons by Singer, and thus it is not nearly as morally wrong to kill an animal as it is to kill a human in the majority of relevant cases. Ultimately, Singer's argument does not entail that we stop eating animals, even under current farming practices, as the benefits for humans that also include financial ones, in addition to gustatory pleasures, and acting primarily in the interests of human 'persons' will almost always outweigh acting in the interests of other animals.<sup>115</sup>

Another problem with Singer's argument concerns the omission of autonomy as the grounds for moral consideration. Consider the following example: If we were to include both human and non-human animals in an experiment, controlling any pain or suffering for both, and the results were of great benefit to a larger populace, then we would have

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<sup>114</sup> Ibid., p. 90.

<sup>115</sup> A lengthier discussion of the problems with Singer's arguments regarding vegetarianism from a utilitarian perspective can be found in, Rowlands, Mark. 2009. *Animal Rights: Moral Theory and Practice: Second Edition*. New York: Palgrave Macmillan. pp. 53-57.

to ask if anything wrong or immoral is happening here. Singer would argue that as long as suffering is reduced, and greater happiness is created, then there is nothing morally wrong here. However, if we recognize that the humans were able to provide informed consent to be subjects in the experiment, but the non-human animals were not, there seems to be a problem. This problem, I believe, can only be explained fully by introducing the notion of autonomy.

When we ask for informed consent, we are doing so in order to respect the autonomy someone has over his or her own choices. We believe that a person should not be forced or manipulated by deception into making a decision because of their right to freedom, both positive and negative. If someone is aware of all the risks of an experiment, and chooses freely to consent to participate in the experiment then we accept that their decision is autonomous, and thus morally acceptable. In the case of non-human animals, however, they cannot consent to participate in the experiment, because they cannot understand the risks or benefits involved. Many would argue that because non-human animals cannot do this, they are not autonomous. Therefore, we only need to concern ourselves with their suffering, and as long as we control or eliminate any suffering, there is no moral harm being committed.

Autonomy, for Singer, only properly belongs to 'persons' who are self-aware, rational, and who possess the ability to imagine a future. He not only denies that most animals possess these traits, but he also argues



that autonomy is not valuable in itself, but only as one of many other interests. For example, Singer states that “Utilitarians do not respect autonomy for its own sake, although they might give great weight to a person’s desire to go on living, either in a preference utilitarian way, or as evidence that the person’s life was on the whole a happy one.”<sup>116</sup> He believes that autonomy is a useful concept that we can choose to respect if we wish to, as it generally leads to overall good consequences for people when respected.<sup>117</sup> But, because on his view, we only need to consider like interests equally, the human and non-human animal in the experiment differ because the interest of autonomy only applies to the human, and not to the non-human animal (as the animal is not likely a ‘person’). Singer’s view, while it advocates for the reduction of suffering, does not provide grounds for respecting the interests in well-being or flourishing that non-human animals have *other than* increasing overall pleasure and reducing suffering for the aggregate whole.<sup>118</sup>

One reason for Singer’s denial of ascribing autonomy to animals is a result of his conception of what autonomy actually is. Singer states

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<sup>116</sup> Singer, Peter. 1993. *Practical Ethics, Second Edition*. New York: Cambridge University Press, p. 99.

<sup>117</sup> *Ibid.*, p. 100.

<sup>118</sup> Another concern here relates to the concept of an interest. Various authors have defined interests differently, and there is no clear consensus on what counts as an interest for humans or animals. As such, it would be easy to define interests with specific desired conclusions in mind. For an example of this see, Frey, R. G. 1980. *Interests and Rights: The Case Against Animals*. Oxford: Clarendon Press. Frey argues against animals possessing similar interests to humans, in part to his definition of interests as requiring complex cognitive capacities that only humans possess.

that autonomy is the ability to choose between and act upon one's own decisions. He says that, "Rational and self-conscious beings presumably have this ability, whereas beings who cannot consider the alternatives open to them are not capable of choosing in the required sense and hence cannot be autonomous."<sup>119</sup> He believes that while non-human animals are conscious, the majority of them are not self-conscious or rational, and so only their ability to experience pleasure and pain are morally relevant. While this view of autonomy is shared among many, there are more naturalized accounts that include both human and non-human animals, as I have argued in chapter two, and which I will further support in chapter four through an analysis of a Kantian view.

Finally, any version of utilitarianism is subject to criticism based on the methods used to obtain the morally right answer to an ethical dilemma. Utilitarian calculus, regardless of the specific units of measurement, can often favour the interests of the many, or the whole, to the detriment of the few, or the one. The objection runs like this:

According to utilitarianism, the aim of moral action is to bring about, or make likely, the best total balance of good over bad consequences—of pleasure over pain according to classical utilitarianism, of satisfaction over frustration of preferences according to the contemporary version for which Singer himself in the end opted. A fundamental objection to this all-inclusive calculation is that it doesn't sufficiently take into

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<sup>119</sup> Ibid., p. 99.

account the *separateness* of individuals.<sup>120</sup>

For humans, this results in the possibility that severely disabled infants, for example, could be experimented on if the benefits for the common good outweigh the suffering of the infants. Singer has been criticized for these implications of his argument, and has responded by saying that all this shows is that his view is truly anti-speciesist. For animals, it means that if the satisfaction of preferences for humans to eat or experiment on animals outweighs the suffering of the animals, then it is morally acceptable to do so. This is not to say Singer by any means endorses cruelty to animals, but rather that he is unable to provide reasons that are directly based on his own arguments to counter these problems. These are simply the logical implications of Singer's view:

Rodeos give much pleasure to a great number of people, so that the aggregate of pleasure for the humans is surely greater than the total of pain caused to relatively few animals. Much the same reasoning would remove the usual objection to zoos. And for all of his misgivings, Singer has to admit, however reluctantly, that experimentation on animals cannot be excluded altogether.<sup>121</sup>

On my account, respect for autonomy means that individuals and small groups cannot have their interests overridden for the greater good.

Cases where we might override someone's autonomy would include harm

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<sup>120</sup> Cavalieri, Paola. 2001. *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Toronto: Oxford University Press. p. 91.

<sup>121</sup> Frankin, Julian H. 2005. *Animal Rights and Moral Philosophy*. New York: Columbia University Press. p. 11.

to themselves or potential harm to others, and this would only occur under very serious and exceptional circumstances.<sup>122</sup> The best way to support this view is to adopt Kant's second formulation of the Categorical Imperative (which I will argue for in chapter four) whereby individuals must not be treated merely as a means to someone else's ends. In utilitarianism, there is no protection against such use, and as such, Singer's view does not provide a strong enough foundation for direct moral obligations towards animals, or for individuals more broadly.

### **Tom Regan, Inherent Value, and Rights**

Tom Regan rejects the Utilitarian view of animals due to his concern that it does not account for the value an individual has regardless of their interests. For Regan, inherent value means that individuals have value in themselves, and that they are not reducible to the value attached to their experiences, preferences, or interests. Regan argues that, "They have value in their own right, a value that is distinct from, not reducible to, and incommensurate with the values of those experiences which, as receptacles, they have or undergo."<sup>123</sup> He compares

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<sup>122</sup> Examples of this could include treating an animal medically even if it means reducing their autonomy for a period of time, or in the case of humans, when someone threatens another with violence and in doing so, effectively threatens the reduction of the autonomy for the potential victim. In such cases, we normally accept an infringement on autonomy.

<sup>123</sup> Regan, Tom. 1983. *The Case for Animal Rights*. Berkeley: University of California Press, p. 236.

this view of inherent value to that of utilitarian value through a cup analogy, saying:

On the receptacle view of value, is *what goes into the cup* (the pleasures or preference-satisfactions, for example) that has value; what does not have value is the cup itself (i.e., the individual himself or herself). The postulate of inherent value offers an alternative. The cup (that is, the individual) has value *and* a kind that is not reducible to, and is incommensurate with, what goes into the cup (e.g., pleasures), but the value of the cup (individual) is not the same as any one or any sum of the valuable things the cup contains.<sup>124</sup>

Inherent value, according to Regan, is a feature of all individuals who are a 'subject-of-a-life', including humans and mammals over the age of one year. He specifies this because he believes that it is not simply in virtue of being conscious or alive (like plants) that something has inherent value. Instead, subjects-of-a-life are characterized by certain features, namely:

...beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference and welfare interests; the ability to initiate action in pursuit of their desires and goals; a psychosocial identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests.<sup>125</sup>

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<sup>124</sup> Ibid., p. 236.

<sup>125</sup> Ibid., p. 243.

These characteristics support the view that adult mammals, according to Regan, are intentional agents and self-conscious.<sup>126</sup> This is because when we observe and analyze the behaviours of animals it is reasonable to interpret them as intentional, and intentional behaviours are only possible if a creature is self-conscious.<sup>127</sup> When we attempt to ‘draw the line’ between those animals that are not self-conscious and those who are, we are faced with difficulty. But, according to Regan, we should focus on whether or not we have good reason to believe that “...mammalian animals not only are conscious and sentient but also have beliefs, desires, memory, a sense of the future, self-awareness, and an emotional life, and can act intentionally.”<sup>128</sup> He concludes that we do have such evidence, for similar reasons to those that I explained in Chapter One.

For Regan then, the problem with utilitarianism is that it only values individuals insofar as respecting their interests increases the overall utility for all involved. The individuals themselves are not valuable for themselves, but only as ‘receptacles’ of interests that can be judged good or bad in terms of the suffering or pleasure they bring

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<sup>126</sup> In more recent writings, Regan includes birds in his experiencing-subject-of-a-life category. He also discusses the possibility that fish should also be considered as having rights. However, he admits that his goal is to argue for the ‘least controversial’ cases, and that ‘drawing the line’ on which creatures should be included as rights-bearers is difficult beyond mammals and birds. See, Regan, Tom. 2004. *Empty Cages: Facing the Challenge of Animal Rights*. Toronto: Rowman & Littlefield Publishers, Inc. p. 61.

<sup>127</sup> Regan, Tom. 1983. *The Case for Animal Rights*. Berkeley: University of California Press, p. 75.

<sup>128</sup> *Ibid.*, p. 77.

about. Regan believes that an individual is either a subject-of-a-life or not, depending on the relevant features described above, for “One either is a subject of a life, in the sense explained, or one is not. All those who are, are so equally. The subject-of-a-life criterion thus demarcates a categorical status shared by all moral agents and those moral patients with whom we are concerned.”<sup>129</sup> If something or someone does not have these features, then we do not owe them direct moral obligations (like a blade of grass or a rock). If someone is a subject-of-a-life, then they are deserving of respect and moral treatment, regardless of whether or not they are a moral agent or a moral patient. All subjects-of-a-life are equally valuable, according to Regan, and that is why animals are deserving of rights equal to humans.

Indeed, Regan calls for the complete abolition of the use of animals in science, agriculture, and hunting in all its forms. He believes that animals should not be used for human purposes whatsoever, for any sort of human benefit, because the use of animals presupposes that animals are simply resources, with no value of their own. If they are indeed individuals with inherent value, then they are equal in value to human individuals.<sup>130</sup>

Regan also believes that some animals are autonomous, and he distinguishes between two views of autonomy; the Kantian view, and what Regan calls ‘preference’ autonomy. On the Kantian view, Regan

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<sup>129</sup> Ibid., p. 245.

<sup>130</sup> Ibid., p. 244.

argues that autonomy means being able to act on reasons that one can will everyone else to act on in similar circumstances, assuming that everyone's reasons would be the same as my own, arrived at through deliberation and reflection. To act on the basis of one's own deliberations is to act autonomously. This level of reasoning, according to Regan, would most likely only belong to humans, who can reflect impartially on their own situations and those of others.<sup>131</sup>

Regan's view of autonomy states that, "...individuals are autonomous if they have preferences and have the ability to initiate action with a view to satisfying them."<sup>132</sup> He calls this view 'preference autonomy', and believes that it does not require one to be able to reason abstractly about the reasons for acting. Instead, according to Regan, "...it is enough that one have the ability to initiate action because one has those desires or goals one has and believes, rightly or wrongly, that one's desires or purposes will be satisfied or achieved by acting in a certain way."<sup>133</sup> Regan believes that mammals, while not autonomous in the Kantian sense, are autonomous under the preference view, and that they possess the requisite cognitive capacities to act according to their own preferences. Regan defends this view against the idea that the Kantian sense of autonomy is the only true sense of autonomy by arguing that

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<sup>131</sup> Ibid., pp. 84-86.

<sup>132</sup> Ibid., pp. 84-85.

<sup>133</sup> Ibid., p. 85.



Kantian autonomy is only required in order to be a moral agent, rather than a requirement for autonomy in any sense.<sup>134</sup>

In order to respect the autonomy of animals, we must respect the interests that they have, in similar ways we do with other humans. Specifically, Regan argues that animals, "...live well relative to the degree to which (1) they pursue and obtain what they prefer, (2) they take satisfaction in pursuing and getting what they prefer, and (3) what they pursue and obtain is in their interests."<sup>135</sup> Regan believes we ought to resist too much paternalism in order to respect the autonomy of individuals to have control over and satisfaction with the unfolding of their lives. He describes the case of a captive wolf whose desire for food is met by being fed by his keeper, but who would be more satisfied through the effort and exertion required to acquire his own food. Human and non-human animals that are prevented from acting autonomously are less satisfied and less likely to live a 'good' life, and thus we must respect the liberty of both to pursue what they prefer, assuming that what they prefer is in fact, good for them.<sup>136</sup>

Regan offers more support for direct moral obligations towards animals than Singer does, by focusing on the value of the individual beyond the sum of its interests. There are however two main conceptual problems with his subject-of-a-life criterion and his view of autonomy

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<sup>134</sup> Ibid., pp. 85-86.

<sup>135</sup> Ibid., p. 93.

<sup>136</sup> Ibid., p. 92.

that are better addressed with my own view. Also, Regan believes that the implications of his own arguments necessitate an abolitionist view on the use of animals, which I believe is somewhat misguided and can be detrimental to our understanding of the relationships we have with other animals.

An individual that is an experiencing subject-of-a-life, for Regan, must possess the full list of criteria as described above in order to qualify as inherently valuable and deserving of rights. There are two problems with this criterion. First, some have claimed that the specific features that make up this criterion are chosen in order to be able to include nonhuman animals and 'marginal' humans. Garner suggests, "But isn't this the wrong way round? In other words, should we not be establishing what characteristics are essential for moral considerability before describing who meets the criteria we have established? Regan points out that his subject-of-a-life principle explains the 'moral sameness' and 'moral equality' between humans and animals. But isn't it this very moral equality that needs explaining in the first place?"<sup>137</sup> This is an important consideration as any theory of animal ethics has implications for marginal cases such as young children or people with intellectual disabilities who are often discounted from moral consideration due to their lack of 'personhood' in the fullest sense. To first determine what makes someone morally considerable at all and then examine whether or

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<sup>137</sup> Garner, Robert. 2005. *Animal Ethics*. Malden: Polity. P. 55.

not animals and marginal humans possess this quality only strengthens the resulting arguments and implications for acting morally.

Pluhar similarly points out that Regan's view that all subjects-of-a-life are owed equal consideration and respect lies on an initial assumption that marginal humans are owed respect, but that he doesn't actually provide an argument to support this 'reflective intuition'.<sup>138</sup>

Franklin adds to this criticism by pointing out that Regan also begins with "...the prereflective intuition that animals cannot be treated in just any way at all and then moves on to the idea of inherent value and the respect principle."<sup>139</sup> Once again, Regan's starting point has not been justified, which makes the subject-of-a-life criterion seem somewhat arbitrary.

As I have argued, minimal selfhood, agency and minimal autonomy are the criteria for inclusion into the moral community. This claim resulted from an investigation into what makes anyone morally considerable at all, rather than beginning with the assumption that marginal humans and animals are deserving of moral treatment. This is partly a result of my previous work in environmental ethics, where the question of how non-sentient objects, such as 'nature' or 'trees' can have moral standing can lead one into some absurd arguments and conclusions. Regan acknowledges this problem saying, "As in the case of

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<sup>138</sup> Pluhar, Evelyn B. 1995. *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*. Durham: Duke University Press. Pp. 239-240.

<sup>139</sup> Franklin, Julian H. 2005. *Animal Rights and Moral Philosophy*. New York: Columbia Press. p. 28.

nonconscious natural objects or collections of such objects, however, it must be said that it is radically unclear how the attribution of inherent value to these individuals can be made intelligible and nonarbitrary.”<sup>140</sup> But this does not mean that we automatically owe animals moral obligations either, as for centuries humans have included animals within the realm of ‘nature’, and therefore outside of the realm of moral consideration. My argument, based on the notion that minimal selfhood is the basis for moral consideration, allows us to investigate who possesses this quality, and thus who should be included in the moral community. Further to that, it provides us with guidance in determining to extent to which we owe an individual respect and moral consideration, which leads us to a second, and related problem with Regan’s subject-of-a-life criterion.

A second, and related problem with Regan’s argument is that the full range of mental features he includes in his criterion for a subject-of-a-life is an all-or-nothing category, and it sets the bar very high in order to qualify as someone with inherent value. This would make it difficult for both some marginal humans and many animal species to be deserving of moral consideration and rights. Regan does anticipate this objection, and responds with the claim that his criterion is a sufficient, but not necessary condition for attributing inherent value to individuals. It is possible, he claims, that comatose humans or sentient animals may not

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<sup>140</sup> Regan, Tom. 1983. *The Case for Animal Rights*. Berkeley: University of California Press, p. 246.

possess all of the conditions of a subject-of-a-life, but may still be said to have inherent value. He argues, “Since the claim is made only that meeting this criterion is a sufficient condition of making the attribution of inherent value intelligible and nonarbitrary, it remains possible that animals that are conscious but not capable of acting intentionally, or, say, permanently comatose human beings might nonetheless be viewed as having inherent value.”<sup>141</sup> The focus here, for Regan, is on the idea that his criterion provides an intelligible and nonarbitrary standard for attributing inherent value to both marginal humans and animals as moral patients, thereby including them in the category of moral considerability along with moral agents. The problem is that it is not clear why he does not simply argue that all sentient creatures, human or animal, are deserving of rights. It is not at all apparent how a comatose human, who does not exhibit any of the features of his criterion could be said to have “a life that fares well or ill for them, logically independently of their utility for us or of our taking an interest in them--...”.<sup>142</sup> Also, it does not assist us in determining whether or not any animals aside from adult mammals or birds should be owed moral consideration with any sort of clarity.

On Regan’s view, anyone who fulfills his criterion for moral consideration is owed the same level of respect, and has equal rights to everyone else. On my view, an individual is owed moral consideration to

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<sup>141</sup> Ibid., p. 246.

<sup>142</sup> Ibid., p. 244.

the extent that they are conscious and self-aware, which makes it more plausible when considering the differences in moral obligations we owe to a fully conscious person as opposed to one who is comatose. For surely we would want to argue that we owe a fully conscious person more consideration than a comatose one. That is not to say that I have not created a category for those who deserve moral consideration in a similar way to Regan in that anyone who is conscious and minimally self-aware is morally relevant, and anything outside of that category is not morally relevant.

But, my view provides a more nuanced approach to dealing with the degrees of mental capacities that exist among humans and between species. My view maintains a clear line between objects (such as plants or rocks) and subjects (such as humans and animals) and allows for the inclusion of minimally self-aware animals to be given moral consideration. Based on the extent to which a creature is self-aware, conscious, and able to act as an agent, we adjust the extent to which we respect their autonomy. I believe this view avoids the problems Regan encounters when trying to justify our obligations towards marginal humans and animals.

Finally, the abolitionist stance that Regan believes is a consequence of his rights view is problematic as it creates a false dichotomy between 'animal welfarists' and 'animal rights' views. He argues that if we accept the view that to treat all subjects-of-a-life equally, then we are committed

to an animal rights position that entails that any use of animals for human interests must be abolished. He claims that “In my view, since the utilization of nonhuman animals for purposes of, among other things, fashion, research, entertainment, or gustatory delight harms them and treats as (our) resources, and since such treatment violates their right to be treated with respect, it follows that such utilization is morally wrong and ought to end. Merely to reform such institutional injustice (by resolving to eat only ‘happy’ cows or to insist on larger cages, for example) is not enough. Morally considered, abolition is required.”<sup>143</sup> Abolitionist views go further than insisting on the cessation of animals being used in agriculture or entertainment however, calling for the cessation of any use of animals at all by humans, including keeping animals as companions or interfering with wildlife. Animal welfarist views argue for the improvement of the lives of animals used by humans, such as better living conditions on farms and in research. So, on Regan’s view, we are left with either accepting the use of animals by humans, which disrespects their rights, or not using animals at all or in any way.<sup>144</sup>

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<sup>143</sup> Regan, Tom. 2001. *Defending Animal Rights*. Chicago: University of Illinois Press. p. 43.

<sup>144</sup> Gary Francione also advocates for the complete abolition of the use of animals by humans. He believes that we should not breed animals for any reason, and that we should leave wildlife alone. Again, this is an unattainable goal as conflicts between humans and animals cannot be prevented when sharing the same planet and resources. For further elaboration on his view, please see Francione, Gary L. 2008. *Animals as Persons: Essay on the Abolition of Animal Exploitation*. New York: Columbia University Press.

For me, this is not a reasonable position to advocate for, as there are many mutually beneficial relationships between humans and other animals whereby animals are not treated merely as a means to fulfill the interests of humans. Animal-assisted therapy is one such example, where both the animal and human benefit from their relationship with each other. Using sled dogs for transportation in northern climates is another. This is not to say that these relationships are never abusive towards the animals, but that if they are based on the kind of respect for autonomy I have presented in Chapter Two, then the relationship can be a morally good one. The point is, there are many ways that we do interact with animals, and that we need moral principles to guide us in those interactions. To argue that we must accept complete abolition on the use of animals or else fall into utterly abusive relationships with them is inaccurate. In Kantian terms, as long as the other creature is treated as an end and not simply as someone's means, then their autonomy can still be respected within a relationship where the use of one by the other is beneficial. On my view, as in Regan's, using animals purely as a means to satisfy our gustatory desires or to benefit from research on them is clearly unacceptable, as are most of the current relationships we have with animals for other reasons.

Regan provides a much stronger argument in support of the direct moral consideration towards animals than Singer does, and my view coincides with his regarding the importance and moral value of



experiencing subjects. However, I believe that my own view provides a more nuanced account of the extent to which we owe individuals moral consideration than Regan's, that results in better applications and which more directly supports further research into animal minds. As my own view is not abolitionist, I believe it encourages mutually beneficial relationships between humans and animals that are denied on Regan's account.

### **Bernard Rollin and Teleology**

Rollin is more in agreement with Regan's views than with Singer's. He rejects a utilitarian view of animal ethics for the same reasons Regan does, namely, that individuals have value in themselves and are not simply receptacles of interests. Rollin argues that animals, with interests, are ends in themselves, and that makes them objects of moral concern. In order to have interests, as opposed to simply having needs (like plants), conscious awareness is required. He argues that in order for an animal to care about whether or not its needs are met, some kind of mental life, however rudimentary, is needed. Not only are pain and pleasure indicators are unmet needs, but so too are "Frustration, anxiety, malaise, listlessness, boredom, and anger...".<sup>145</sup> When these kinds of emotions are

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<sup>145</sup> Rollin, Bernard E. 2006. *Animal Rights and Human Morality. Third Edition.* Amherst: Prometheus Books, p. 102.

demonstrated, we can be reasonably certain that the animal has interests, not only needs, that are not being met.<sup>146</sup>

Rollin argues that morality is fundamentally concerned with respect for an individual's interests regardless of whether it is a human or an animal. He summarizes the main claims in his argument as follows:

It is enough that we, as moral agents, can sensibly assert that the spider has interests, which are conditions without which the creature, first of all, cannot live or, second of all, cannot live its life as a spider, cannot fulfill its *telos*. And thirdly, and most important, as we shall shortly discuss, it is necessary that that we can say sensibly of the animal that it is *aware* of its struggle to live its life, that the fulfilling or thwarting of its needs *matter* to it. (Once again, we must stress that a man may not be conscious of his need for oxygen, but thwarting that need certainly *matters* to him. This sort of talk is senseless *vis-à-vis* a rock.) Further we are aware that it is in our power to nurture or impede these needs and even to destroy the entire nexus of needs and activities that constitute its life. And once this is recognized, it is difficult to see why the entire machinery of moral concern is not relevant here, for it is the awareness of interesting living (human) beings that we have argued is constitutive of morality in the first place.<sup>147</sup>

He later states "Thus we have tried to argue that any living thing, insofar as it evidences interests, with or without the ability to suffer, is worthy of

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<sup>146</sup> Rollin provides a list of the kinds of evidence we have for believing that animals are conscious, which is very similar to what I have argued for in Chapter One. He includes neurophysiological, biochemical, behavioural, the presence of sense organs, and evolutionary theory as sources of evidence for consciousness in animals.

<sup>147</sup> Rollin, Bernard E. 1992. *Animal Rights and Human Morality*. New York: Prometheus Books, p. 75.

being an object of moral concern. Insofar as we can inform ourselves of the interests of a creature, we must at least look at that creature with moral categories.”<sup>148</sup> This means that when we evaluate our actions towards animals, we must take into consideration the interests that they have and whether or not we are respecting or disrespecting them. This would be the same for both humans and animals, to the extent that they share the possession of consciousness and interests, even at the most minimal levels. It does not, however, mean that all species have the same kinds of interests. Rollin admits, similarly to Singer, that the more complex the level of awareness or consciousness that an animal has, the more valuable it is in terms of moral consideration and the right to life. Although he admits it would not be clear how to deal with conflicting interests, both in situations between different animals, and between humans and other animals. He suggests, rather than performing a utilitarian calculus that we must consider each situation individually, and resolve it dialectically.<sup>149</sup>

Indeed, Rollin favours a Kantian view over that of utilitarianism, as it supports his view that all conscious animals have intrinsic value. Rollin argues that animals are ends-in-themselves, and that, “...any living thing with interests is an end in itself, worthy of moral consideration merely in virtue of its being alive. That in turn means that even if we use another

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<sup>148</sup> Ibid., p. 79.

<sup>149</sup> Rollin, Bernard E. 2006. *Animal Rights and Human Morality. Third Edition.* Amherst: Prometheus Books, p. 133.

living creature as a means, it must never be merely as a means, but we should always keep in mind a respect for its end, that is, its life, and the interests and needs associated with that life that matter to it.”<sup>150</sup>

According to Rollin, it is not rationality that makes someone worthy of moral consideration, but rather it is conscious life that possesses interests. This is important as for Rollin, we do not need to be abolitionists in order to respect the rights that animals have, as long as we do not treat animals merely as a means to our own ends. For Rollin, this would mean that zoos are acceptable as long as animals are provided with an environment that allows for their interests to be met. For example, giraffes should have plenty of space to stand up fully and stretch their necks, and social animals should never be kept in isolation. In this way, rights are not absolute for animals, just as they are not absolute for humans, as they can be overridden in certain cases. He just wants to emphasize that when we do use animals, we do use with their intrinsic value and interests in mind.<sup>151</sup>

Figuring out exactly what the moral obligations are towards animals, Rollin adds to his argument that the telos of an animal informs us of the specific ways in which we can respect creatures belonging to different species. Telos for living animals is intrinsic to them as members of a particular species, or part of the genetic makeup that gives

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<sup>150</sup> Rollin, Bernard E. 1992. *Animal Rights and Human Morality*. New York: Prometheus Books, p. 89.

<sup>151</sup> Rollin, Bernard E. 2006. *Animal Rights and Human Morality. Third Edition*. Amherst: Prometheus Books, pp. 116-118.

members of different species their distinctive features. This is different from the telos of a car or man-made object as it is extrinsic to the object as a result of it being conceived of and created by someone else. For example, Rollin says regarding a spider, that "...it has what Aristotle called a telos, a nature, a function, a set of activities intrinsic to it, evolutionarily determined and genetically imprinted, that constitute its 'living spiderness'."<sup>152</sup> The specific kinds of moral obligations we have towards animals are provided by the nature of the specific interests each possesses in virtue of its own telos. He claims that:

If the life of an animal has intrinsic value and should weighed in our moral deliberations, so too, should its interests, which is to say its nature or telos. Indeed, it is the existence of interests that makes something a moral object in the first place. So I am now explicitly suggesting that the essence of our substantive moral obligations to animals is that any animal has a right to the kind of life that its nature dictates. In short, I am arguing that an animal has the right to have the unique interests that characterize it morally considered in our treatment of it.<sup>153</sup>

This results in basic, common sense conclusions regarding the treatment of animals in terms of things like not keeping birds in cages too small to fly or stretch their wings, but also in larger, more radical conclusions that challenge the uses of animals in agriculture, entertainment, and research.

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<sup>152</sup> Ibid., p. 100.

<sup>153</sup> Rollin, Bernard E. 1992. *Animal Rights and Human Morality*. New York: Prometheus Books, p. 90.

To treat an animal in accordance with their telos is to respect the rights they have in virtue of their natures. For example, to keep a social animal in isolation would be wrong, as it would violate their right, as social creatures, to experience the company of other animals. To keep a bird in a cage, as a pet or in a zoo, would also violate the rights birds have in virtue of their 'flying' nature to fulfill those interests specific to its telos.

Rollin admits that there are obvious problems with using the terms 'telos' or 'nature', as it has repeatedly been abused in order to justify the harmful treatment of others, such as oppression of those of other races or genders. But, he defends his view by pointing out the sciences we use in order to learn about various species, such as ethology and biology, allow us form accurate views on the features of various species.<sup>154</sup> On this view, the increasing body of knowledge on animals and their species-specific traits creates the opportunity for greater accuracy in our moral treatment of animals.

Rollin's argument then is twofold; first, that animals are creatures that are ends in themselves in virtue of having interests that matter to them, which can be harmed or benefited by the moral actions of humans, and second, that we can identify the specific ways we ought to treat animals by understanding their telos. While I agree that animals should not be treated merely as a means to the ends of humans, using the concept of telos to determine the morality of our specific actions towards

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<sup>154</sup> Ibid., p. 91-95.

animals is problematic in ways that Rollin does not admit to. Although he admits to problems with the use of telos in the past to justify harms committed to various groups, he dismisses these objections by simply saying that we ought to be more careful when we employ the concept.

He further claims that there are concerns about how the science is performed that informs us of this telos. For, he argues, if science is performed dispassionately then it will ignore or deny the 'needs' or 'interests' of animals as such. He argues that science should be performed with an empathetic understanding of the natures of animals for it to provide us with the requisite knowledge we need in order to extract from it moral prescriptions. He refers to a 'gestalt' shift that is required in order to see animals with the kind of moral value he ascribes to them, and that this shift is needed in science in order for it to be a source of knowledge concerning the telos of creatures.<sup>155</sup>

This raises two problems that my view on selfhood and autonomy avoids. First, to require science itself, and its methods, to undergo a 'gestalt shift' from dispassionate, quantitative research to empathetic understanding of the telos of animals is unreasonable given the constraints and conditions under which science is understood and performed. While I appreciate the sentiment of this kind of shift in thinking on a large scale, it is also important to keep in mind the need for knowledge and research that attempts to eliminate bias for the sake of

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<sup>155</sup> Ibid., p. 92-95.

greater truth. Too much empathy or subjective influence can also have a negative impact on science, and can lead to results that could be harmful to animals as well, through such things as the wrongful interpretation of animal behaviours or actions. While a certain amount of anthropomorphism, for example, is inevitable in science focused on animals, it must be carefully justified with empirical data in order to avoid simply mistaken or false conclusions regarding the 'natures' of various creatures.

Secondly, the reliance on telos as a concept that dictates moral behaviour is overly complicated and can detract from the more fundamental moral concepts that are already established. Because telos can be subject to such extensive debate and criticism, it tends to lead people away from the more fundamental issues of why we owe animals moral obligations at all. On my view, minimal selfhood and autonomy provide the grounds for our moral obligations towards animals, and these concepts are simply what we already use to understand morality in general. Telos across species will be distinctly different for every animal we attempt to analyze, whereas minimal selfhood and autonomy are features that are universal to conscious creatures, regardless of species. Certainly selfhood and agency will manifest different behaviours and traits in different species, but they are shared features that simply exist in varying degrees across species, which provides a common ground for both science and morality. Telos is much more elusive than selfhood or



agency, and more difficult to identify with any level of certainty. We assume that all birds with wings are meant to fly, but this isn't necessarily the case with all birds. So while the concept can be generally helpful, there are dangers in making unsupported assumptions about the telos of various species that could result in the mistreatment of them, or in actions that could harm rather than benefit that species.

As a result of this problem, my view seems more plausible as there is more evidence and methods for investigating minimal selfhood than for the telos of any particular species. As we attempt to gain an understanding of 'what it is like' for individuals of various species, we gain more accurate knowledge and insight into what actions will benefit or harm them. My view also provides a method for evaluating the weight of the moral obligations we owe towards different species, as the more minimal sense of self would require less of us, morally speaking, than what we would owe to pigs, for example. This is not clearly addressed by Rollin, although I suspect it would amount to a form of interest calculus similar to Singer's view.<sup>156</sup> As I have argued in Chapter Two, autonomy provides us with the strongest grounds for the moral consideration of animals, and combined with the focus on selfhood, it allows for a more precise guide to how we ought to treat animals than Rollin's account.

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<sup>156</sup> Tzachi Zamir refers to the 'Rollin-Bentham' view as a more inclusive form of utilitarianism based on sentience rather than just the ability to suffer. See, Zamir, Tzachi. 2007. *Ethics and the Beast: A Speciesist Argument for Animal Liberation*. Princeton: Princeton University Press. pp. 20-21.

## **Conclusion**

Singer, Regan and Rollin provide detailed and complex arguments in favour of the moral consideration of animals from different moral perspectives. Each view has been criticized for various reasons, and I have explained what I believe to be the most important of these in order to demonstrate how my own view attempts to overcome them.

Utilitarianism and rights views do not seem to be as compatible with my own view as the focus on autonomy is lacking in them. In chapter four, I will look more closely at Kantian moral theory to see how it supports my own view of the agency, selfhood and autonomy of animals.

## Chapter Four: Kantian Ethics and Animals

### Introduction

In chapter three, I presented three of the main positions in animal ethics, represented by Singer, Regan, and Rollin, respectively. These positions all provide arguments and specific criteria with which to grant moral consideration to animals. However, I have argued that agency, selfhood and autonomy provide stronger foundations for a theory of animal ethics than these three views. As Kantian moral theory places such importance on freedom and respect for autonomy, a more thorough investigation of how this theory could provide support for my own view is warranted. At first glance this could be seen as problematic since Kant himself believed that animals are only owed indirect moral duties to humanity, as they do not qualify as persons on his account. Recent reinterpretations of Kant present alternative readings of his arguments to support direct moral duties towards animals, and I will argue that these create the best moral foundation for my own view.<sup>157</sup>

In this chapter I will present a brief summary of Kant's view regarding animals, and a more in-depth examination of two particular

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<sup>157</sup> There are accounts other than those by Wright and Korsgaard that attempt to find reasons for direct moral obligations towards animals. While I acknowledge that these are good attempts, the views of Wright and Korsgaard are the most thorough and useful for supporting my own account. See, Skidmore, J. 2001. Duties to Animals: The Failure of Kant's Moral Theory. *The Journal of Value Inquiry*, 35, pp. 541-559. Egonsson, Dan. 1997. Kant's vegetarianism. *The Journal of Value Inquiry*, 31, pp. 473-483.

attempts, made by Wright and Korsgaard, to reinterpret his views to support direct moral duties towards animals. Although not without problems, these two views provide an account of autonomy and why we ought to value animals as ends-in-themselves. I will argue that the inclusion of agency and selfhood strengthens these two positions while preserving the integrity and consistency of Kant's own arguments.

### **Kant on Animals**

Kantian moral theory has generally been interpreted to provide an indirect account of moral obligations towards animals. This means that animals are only morally considerable insofar as our treatment of them reflects on our own moral character, either cultivating cruel and mean behaviours or kind and compassionate ones. We do not, according to Kant, owe animals direct moral obligations as they do not share with us a rational nature, which is the requirement for status as an autonomous, moral person. Having a rational nature gives someone the status of an end-in-themselves, to be treated accordingly as an end and never purely as a means to an end. Kant is clear that, "Beings whose existence depends, not on our will, but on nature, have none the less, if they are non-rational beings, only a relative value as means and are consequently called things. Rational beings, on the other hand, are called persons

because their nature already marks them out as ends in themselves--."158

Indeed, his views on animals and their proper treatment are quite clearly indicated in this passage. Animals are not, according to Kant, ends-in-themselves, and have value only as things that can contribute to our own moral growth as humans. This view is clearly explained in the following,

But so far as animals are concerned, we have no direct duties. Animals are not self-conscious and are there merely as a means to an end. That end is man...Our duties towards animals are merely indirect duties towards humanity. Animal nature has analogies to human nature, and by doing our duties to animals in respect of manifestations which correspond to manifestations of human nature, we indirectly do our duty towards humanity. Thus, if a dog has served his master long and faithfully, his service, on the analogy of human service, deserves reward, and when the dog has grown too old to serve, his master ought to keep him until he dies.<sup>159</sup>

From this passage, it seems safe to say that Kant has a clear position on the moral status of animals as a means only and that they are only indirectly valuable to us through our duty to humanity. In other words, we should treat animals well in order to learn how to treat other humans well, as it encourages us to develop respect more generally, and as we have a direct duty to treat other humans with respect, this is beneficial to our moral development.

However, Kant does not endorse the cruel or abusive treatment of animals, and makes various claims about how we ought to treat them

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<sup>158</sup> Kant, Immanuel. 1964. *Groundwork of the Metaphysic of Morals*. Translated by H. J. Paton. Toronto: Harper Torchbooks. P. 96.

<sup>159</sup> Kant, Immanuel. 1963. *Lectures on Ethics*. Translated by Louis Infield. New York: Harper Torchbooks. Pp. 239-240.

kindly and with consideration. He states that, “We can judge the heart of a man by his treatment of animals.”<sup>160</sup>, and prohibits the use of animals in experiments without purpose or killing for sport.<sup>161</sup> Indeed, he admits that animals can feel pain, and that animals can act in ways analogous to humans and that some of their acts “spring from the same principles.”<sup>162</sup> As such, we should not overwork them, and should show them gratitude for their service to us by treating them as members of our own family. If we must kill them, it should be quickly and without suffering.<sup>163</sup> After discussing why we should not wantonly destroy nature or plants for fear of destroying the propensity in men towards appreciating beauty, he says, “With regard to the animate but nonrational part of creation, violent and cruel treatment of animals is far more intimately opposed to man’s duty to himself, and he has a duty to refrain from this; for it dulls his shared feeling of their pain and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one’s relations with other men.”<sup>164</sup> The acknowledgement on Kant’s part of animal’s capacities for performing acts of duty, experiencing pain, “sensation and choice”<sup>165</sup> is surprising given the time when he was writing.

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<sup>160</sup> Ibid., p. 240.

<sup>161</sup> Ibid., pp. 240-241.

<sup>162</sup> Ibid., p. 240.

<sup>163</sup> Kant, Immanuel. 1991. *The Metaphysics of Morals*. Translated by Mary Gregor. New York: Cambridge University Press. p. 238.

<sup>164</sup> Ibid., p. 238.

<sup>165</sup> Ibid., p. 237.

As Kant did not believe that animals are rational, and thereby persons or moral agents, he advocated for indirect duties towards animals. Some would argue that this is enough to get the kind of moral consideration towards animals that most would want, as it does require us to treat animals humanely and with compassion.<sup>166</sup> However, Kant's view maintains the idea that there is a distinct and categorical difference between animals and humans that is no longer supported by evidence, as I have explained in chapter one. In what follows I will focus on two attempts to reinterpret Kant's arguments as supporting direct moral obligations towards animals.

### **Wright on Animals and Kant**

Wright argues that Kant's Formula of the End-in-itself is commonly interpreted to mean that, "...every rational agent is committed to taking rational nature as an end, and this commitment stems from the fact that we each necessarily view our own rational nature as an end."<sup>167</sup> When we find this rational nature in others, we must also take it as an end, and

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<sup>166</sup> One such view is supported by Lara Denis, who argues that Kantian duties regarding animals would have a large impact on our current practices involving eating and using animals for research and entertainment. These duties amount to duties toward ourselves and humanity, as she takes Kant's position, as outlined above, at face value. As I believe that direct duties are owed to animals in virtue of their selfhood, I've focused on arguments that attempt to reinterpret Kantian ethics in such a way as to support direct moral duties towards animals. See, Denis, Lara. 2000. Kant's conception of duties regarding animals: Reconstruction and reconsideration. *History of Philosophy Quarterly*, 17, 4, pp. 405-423.

<sup>167</sup> Wright, William A. 1993. Treating animals as ends. *The Journal of Value Inquiry*, 27, p. 356.

this exists only in other human beings. Wright contends that what is meant by 'rational nature' is up for debate by post-Kantians, and that there are three ways to interpret it. First, there is the 'strict autonomy view', that says if someone has a rational nature they must always act in accordance with the moral law. Wright rejects this option as a satisfactory definition of rational nature as we all know that people do not have fully rational natures, and that we often act on other desires or impulses. And so, secondly, there is the 'positive freedom view' that suggests rational nature simply means that we have the ability to act for reasons that we can evaluate (according to the Categorical Imperative). This implies that we do not always act morally, but that we strive to live according to certain moral standards. The third and final view of rational nature is the one Wright endorses, which he calls the 'negative freedom view'. This view requires only that someone possess the ability to make choices, voluntarily and with intentions.<sup>168</sup>

Wright supports this view of rational nature as simple choice with textual references to Kant (the full extent to which I will not include here), but more importantly, with the notion that under the positive freedom view, children and the disabled would not be included as they are not capable of evaluating their own actions as moral or immoral.<sup>169</sup> This is a common problem for Kantian moral theory, and by endorsing the 'negative freedom' view Wright provides grounds for direct moral

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<sup>168</sup> Ibid., p. 357.

<sup>169</sup> Ibid., p. 358.



obligations towards marginal humans and animals. For, as he suggests, if the idea that animals can make choices can be supported with evidence, then they too possess rational nature, according to the 'negative freedom' view, and are end-in-themselves deserving of moral consideration. This is because, "In the course of deliberating about what to do, everyone necessarily views herself or himself as able to make choices independently of desires or coercion. This ability is the end of their actions in the sense of being a ground of action, not in the sense of being something produced or following from the action. The same ability is manifested in others as they deliberate, and consistency requires that what grounds our actions must be treated with equal respect wherever it appears. Consequently, we must never treat rational nature wherever it appears merely as a means but always as an end."<sup>170</sup>

This is very similar to part of Korsgaard's argument (which I will examine later in this chapter) where she claims that it is the choice of a desired end that is more important than the consequent rational reflection on it, in terms of what obligates us towards others. That is, to universalize a maxim into moral law, we must first make a choice about which end to pursue, and then rationalize it into a moral law. But this does not mean the rational reflection about that choice obligates us more than the initial choice, as the initial choice indicates that the creature to which it belongs must be a creature with interests, and to whom things

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<sup>170</sup> Ibid., pp. 358-359.

matter (good or bad).<sup>171</sup> It is to creatures that can make choices about what is good or bad for them that we owe direct moral obligations, and that includes animals and marginal humans, for both Wright and Korsgaard.

For Wright to support his claim that animals can make choices, he refers to a couple of animal behavioral scientists that discuss animal play, use of tools, and deception. His main claim is that scientific evidence provides enough support to claim that animals have the mental representations necessary to make decisions about goals and activities. He also supports the view that animals are conscious using arguments from evolutionary continuity and the principle of parsimony in interpreting animal behavior.<sup>172</sup> He does not, however, believe it is necessary to show that animals are self-conscious, as he believes that making choices does not require it. He argues that only at the level of evaluating choices is self-consciousness needed, and that if animals are conscious, then they are able to make choices and thus meet the criteria for being morally considerable.<sup>173</sup>

He specifies that animals to be included as conscious and capable of making choices include higher primates, and domesticated animals that are kept as pets and companions. He suggests that the ability of

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<sup>171</sup> Korsgaard, Christine. 2012. A Kantian Case for Animal Rights. In, Hanni, Julia, Michel, Margot, and Daniela Kuhne. *Animal Law: Tier und Recht*. Zurich, Dike Verlag. p. 16.

<sup>172</sup> Wright, William A. 1993. Treating animals as ends. *The Journal of Value Inquiry*, 27, pp. 359-361.

<sup>173</sup> *Ibid.*, p. 360.

animals we raise for food fall into a 'grey area' in terms of their ability to make choices, and says that, "Chickens seem to pursue only food and survival, and we seldom speak as if they choose to act as they do. We should not put too much emphasis on how we happen to interpret animals' behavior, but the clear cases of animals to be respected in all our actions are those who meet both conditions: (1) their actions are easily interpreted as resulting from choices, and (2) they are conscious (according to our best arguments)."<sup>174</sup>He concludes his argument with examples of how we ought to treat animals according to his view, which basically amounts to treating animals as ends, and not merely as means to our own ends. And so, we do not only have negative obligations to not hurt animals, but we are also obligated to increase the happiness of them and preserve their natural habitats.<sup>175</sup>

Wright's account of rational nature as the ability to make choices preserves the strength of Kant's Categorical Imperative and provides a strong foundation for valuing the autonomy of others wherever we find it. On my view, minimal autonomy is similar to Wright's 'negative freedom' view in the sense that what is morally important is an individual's ability to control their own actions and pursue their own ends. Although Wright does not discuss the relation between his conception of rational nature and autonomy in much detail, I believe that it is important to emphasize that autonomy should not be considered as

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<sup>174</sup> Ibid., p. 362.

<sup>175</sup> Ibid., p. 365.

only possible through the use of rational reflection (as I have argued in chapter two). To acknowledge that choice requires freedom means that to respect one's autonomy one must respect and allow individuals to make their own choices, to the greatest extent possible. This applies to both moral agents and moral patients (as Wright and Korsgaard would agree), which is where my own view would differ from Kant's.

Wright's dismissal of the importance of self-consciousness does not affect the strength of his argument as a whole, but it does conflict with my own view that to be conscious is to be aware of one's own experiences, and means that the creature in question is self-aware, even if only minimally so (as I have argued in chapter one). My own view of agency and self-consciousness allows for a more complex account of the degree to which we owe various species moral obligations, as minimal self-consciousness and minimal agency imply minimal autonomy. It also strengthens the reasoning beyond why someone is morally valuable, as it is only being self-aware that someone can care about what happens to them. That is, only self-aware creatures who are agents, even minimally, have experiences of what happens to them, which give rise to preferences and desires, for example, and so it is in virtue of this self-awareness that they can be ends-in-themselves. Respecting the autonomy of an individual follows from the value of selfhood, even if only minimally, and Wright's view lacks this connection.

Also, Wright seems to be suggesting that very few species would qualify for inclusion in the moral community, and he favours species that the average person would perceive to be able to make rational choices. This does not reflect an awareness of the scientific sources that include birds and fish, for example, along with many other species. For example, just by focusing on one area of research, animal welfare science, we can see that chickens, pigs and cows (what Wright terms 'food animals') have clear preferences that go beyond food and survival. To improve the welfare of farm animals, many studies have shown that allowing animals to build nests, socialize with other animals, and providing them with choices for living conditions demonstrates that these animals too possess rational natures on Wright's own account.<sup>176</sup> If they didn't, the entire field of animal welfare science would be redundant. As such, it seems conspicuous that Wright places an emphasis on higher primates, with whom humans are perceived to be 'closest' to in terms of their traits, and companion animals, with whom we generally have the closest emotional bonds. As there is so much at stake for the animals themselves, it seems odd that Wright would state that we should not place too much emphasis on interpreting animal behaviours as conscious or as making choices. If they are ends-in-themselves, or potentially so, then morally it would make more sense to err on the side of caution and interpret animal

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<sup>176</sup> Druce, Clare and Philip Lymbery. Outlawed in Europe. In, Singer, Peter. (Ed.) 2006. *In Defense of Animals: The Second Wave*. Malden: Blackwell Publishing. pp. 123-131.

behaviours generously in favour of consciousness and self-awareness rather than too stringently.

### **Korsgaard and Animals**

Christine Korsgaard challenges the standard interpretation of Kant's position on animals, saying that not only does she think it is possible to provide an account of direct moral duties to animals using Kant's theories, but that he himself did not see the implications of his own argument and how it could be used to support such a position. Korsgaard posits that animals are also ends-in-themselves by virtue of what she calls their 'animal nature', which is also shared by humans. Korsgaard begins her argument by stating that her overall goal is to find within Kant's own arguments the "...ground of our obligations to the other animals."<sup>177</sup> She is intent on showing that although Kant argues that direct moral duties are only properly bestowed on rational human agents as a result of their ability "...to regulate their conduct in accordance with an assessment of their principles...", it does not follow that we have no moral obligations to animals.<sup>178</sup> In fact, she argues that animals are ends-in-themselves, and thus deserving of direct moral

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<sup>177</sup> Korsgaard, Christine. *Fellow Creatures: Kantian Ethics and Our Duties to Animals*. The Tanner Lectures on Human Values, University of Michigan. [http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard\\_2005.pdf](http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard_2005.pdf) p. 82.

<sup>178</sup> *Ibid.*, p. 87.

obligations based on an account of animal nature that, while reflecting Kant's original definition of animal nature, reinterprets it in a novel way.

Korsgaard gives an account of Kant's argument regarding the status of ends-in-themselves as rational, human beings. She says that the key characteristic of a rational end-in-itself is the legislative will. It is only humans as "...rational animals, by contrast, that think about and therefore assess the principles that govern our beliefs and actions."<sup>179</sup> She argues that for Kant, rationality means "...the capacity for normative self-government".<sup>180</sup> Kant also states that, "Because we regulate our conduct in this way-in accordance with our own conception of laws-Kant describes us as having 'legislative wills,'... and of regulating our beliefs and actions in accordance with those judgments."<sup>181</sup> For this reason, only humans are ends-in-themselves, as they are the only creatures that can morally assess and regulate their conduct through their awareness and reflection on the reasons they have for acting. As animals are not conscious of the principles and reasons for the ways they act, they cannot assess them rationally, and thus do not have legislative wills which would allow them to belong to Kant's 'kingdom of ends'. If animals have no moral obligations to each other or to us, then Kant argues we have no obligations to them, as we cannot hold them accountable for their actions

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<sup>179</sup> Ibid., p. 86.

<sup>180</sup> Ibid., p. 87.

<sup>181</sup> Ibid., p. 87.

as we do with other humans.<sup>182</sup> As animals cannot enter into moral contracts with us, in the form of legislating moral laws, they are not moral agents. Only moral agents, through their ability to reason and have legislative wills are worthy of direct moral consideration for Kant. Korsgaard questions this reasoning, arguing that although animals do not themselves have moral obligations<sup>183</sup>, it does not follow that we do not have any moral obligations to them.<sup>184</sup>

Although Korsgaard agrees with Kant that animals do not have legislative wills, and thus this cannot be “...the source of obligation”, in the same way humans are, she does say that it does not follow that animals cannot be ends-in-themselves in a different sense. She argues that animals can be the source of legitimate normative claims, as they *can* obligate us.<sup>185</sup> In the same way that Kant’s ‘passive citizens’, such as children and women, can obligate us “in the sense having a claim on him in the name of a law whose authority he acknowledges...”, we can choose

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<sup>182</sup> Elsewhere, Korsgaard refers to this as a “reciprocity argument” and explains its importance in questions of animal law, or current laws that view animals as human property. See, Korsgaard, Christine. 2012. A Kantian Case for Animal Rights. In, Hanni, Julia, Michel, Margot, and Daniela Kuhne. *Animal Law: Tier und Recht*. Zurich, Dike Verlag. p. 21.

<sup>184</sup> Korsgaard, Christine. Fellow Creatures: Kantian Ethics and Our Duties to Animals. The Tanner Lectures on Human Values, University of Michigan. [http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard\\_2005.pdf](http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard_2005.pdf). p. 87.

<sup>185</sup> Ibid., pp. 95-96.



to will into existence laws to protect non-human animals through rational reflection.<sup>186</sup>

Korsgaard argues that, for example, we would choose to legislate against being tortured, hunted, or eaten, not just because these things would assault our autonomous, rational nature, but rather because these things would assault our animal nature. Our animal nature, which of course is shared with other, non-rational animals, is derived from the notion that all animals have a ‘good’ for themselves. This ‘good’ is something that the animal is aware of and strives towards, through pursuing those things that benefit it and avoiding those that harm it. She says “For an animal has the capacity to experience and pursue what is naturally good or bad for it.”<sup>187</sup> Although animals cannot reflect on their ends as good, Korsgaard argues that,

...an animal experiences the satisfaction of its needs and the things that will satisfy them as desirable for pleasant, and assaults on its being as undesirable or unpleasant. These experiences are the basis of its incentives, making its own good the end of its actions. In that sense, an animal is an organic system to whom its own good matters...We could even say that an animal is an organic system that matters to itself, for it pursues its own good for its own sake.<sup>188</sup>

In this way Korsgaard provides an account of animal nature that both humans and non-humans share. This means that we can value our

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<sup>186</sup> Ibid., p. 96.

<sup>187</sup> Ibid., p. 102.

<sup>188</sup> Ibid., p. 103.

animal nature as an end-in-itself, which gives us a reason to extend moral obligations to animals as well as humans, through our legislative wills. She says that to the extent that we value things like eating, drinking, playing and curiosity, and disvalue things like pain, loss of control, and physical mutilation, we are valuing our animal nature. When we legislate for or against these things, we are legislating on behalf of our animal nature. She argues that what Kant *really* meant was that,

Human beings...are not distinguished from the other animals by being in connection with some sort of transcendental, rational order beyond nature with which the other animals have nothing to do. Instead we are distinguished by our ability to *construct* a transcendental, rational order out of the essential love of life and the goods of life that we share with other animals.<sup>189</sup>

So, our moral obligations to other animals come from a shared state of being an end-in-itself, based on an animal nature that indicates that all animals pursue their own good, for their own sakes. Humans are distinct from animals only in the sense that we can create value and place it on ourselves and others through our rational, legislative wills. We would not have a rational nature or legislative will, were it not for our animal nature, and thus we should take our animal nature to be an end-in-itself, and as a reason to extend direct moral obligations to animals.

The claim that animal nature is an end-in-itself and Korsgaard's explanation of what this means leads to a problem with her argument.

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<sup>189</sup> Ibid., p. 105.

The idea that both plants and animals have a ‘good’ for themselves, along with the lack of justification for the idea that animals experience their ‘goods’ in ways plants do not, raises questions as to how, exactly, humans ought to be morally obligated to animals and yet not plants.

In her explanation of what animal nature is, she focuses on the idea that animals have their own goods that matter to them. Indeed, she describes the kind of good that an animal has as something that it can “experience and pursue...”, for its own sake.<sup>190</sup> Plants too, have their own goods, but not in the same sense that animals do. Both plants and animals have natural goods, and they can both be said to ‘matter to themselves’. While plants have goods in the sense of having needs that can be affected by things that interfere with their functioning, animals have goods in what she says is “...a deeper sense still”.<sup>191</sup> An animal can *experience and pursue* what is good or bad for it, in a directed, intentional sort of way that plants cannot. She also explains that the only distinction between humans and animals is the capacity for humans to reflect on those goods and ends, which is associated with rational nature rather than simply animal nature. An animal has, as its incentives, the pursuit of things that will satisfy its desires, and the avoidance of things that are undesirable. It is through the *experience* of these incentives that

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<sup>190</sup> Ibid., pg. 102.

<sup>191</sup> Ibid., pg. 102.

an animal makes its own good the end of its actions, and it pursues its own good for its own sake.<sup>192</sup>

In another work, Korsgaard presents this argument in a slightly modified way, as part of a discussion about the way we legislate moral laws, and how they pertain to animals. She writes,

The stronger way to make the argument is just to say that because the original act of self-respect involves a decision to treat what is naturally good or bad for you as something good or bad objectively and normatively, the self on whom value is conferred is the self for whom things can be naturally good or bad. And the self for whom things can be naturally good or bad is your animal self: that is the morally significant thing we have in common with other animals. It is on ourselves as possessors of a natural good, that is, on our animal selves, that we confer value. Since our legislation is universal, and confers value on animal nature, it follows that we will that all animals are to be treated as ends in themselves.<sup>193</sup>

The idea of 'natural good' is what we share with animals through our animal nature, and it is the source of our moral obligations towards them. In her discussion of 'natural goods' she relies on the Aristotelian concept of 'telos' to explain what she means. Korsgaard believes that animal nature possesses such goods as the interests in avoidance of pain, the pursuit of pleasure, etc. But these are only valuable insofar as they give rise to our rational natures, which allow us to be autonomous, moral agents that can legislate moral laws. So although she is arguing that

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<sup>192</sup> Ibid., pg. 103.

<sup>193</sup> Korsgaard, Christine. 2011. Interacting with Animals: A Kantian Account. In, Beauchamp, Tom and R. G. Frey. Eds. *The Oxford Handbook of Animal Ethics*. New York: Oxford University Press. p. 98.

animal nature is valuable in itself, it is difficult to see how she makes this connection. For if animal nature is valuable as a means to rational nature, how can it also be valuable in itself?

This problem is why she includes the argument of natural goods and telos as support for her claims. I argued in chapter three that the concept of telos is ambiguous, as we are unable to provide good reasons for claiming that animals for plants have some kind of purpose or innate value specific to species. To rely on such a concept to explain why animals are owed moral consideration but plants are not does not explain why animal nature is valuable in itself. It would be better for her to omit this from her argument and focus on the idea that as conscious beings, animals experience things as good or bad for them. This is the basis of interests that matter morally, as it means that human actions can affect the fulfillment or thwarting of these interests in ways that can harm or benefit animals. Certainly, we can harm the interests of a plant to flourish, but as plants do not experience and value what happens to them, they are cannot be said to be autonomous, and thereby cannot be owed direct moral obligations.

Korsgaard considers the possible objection to her argument that only animals that have a self-concept can properly be said to be the kinds of things that can matter to themselves. It is this point that raises the biggest challenge to her argument, and an important part of her argument states there is a clear distinction between rational and animal

nature such that animals are only morally considerable as a result of the legislation of their value by rational agents themselves. The way in which Korsgaard has set up the value of animal nature indicates that we must also accept a notion of animal nature that is itself rational, which means that the kind of self animals have is differentiated from rational, human nature only by a matter of degree, not by kind. For if the key distinction between animals and plants is that animals can experience their 'goods' as goods, then animals must have a conscious self-awareness, even if only minimally, that allows them to identify with those goods. They must also be able to direct their actions towards ends that 'matter to themselves', as agents. As such, the distinction between rational human nature and non-human animal nature is not one that Korsgaard can maintain as a result of the argument that she has made. This is because animals must be able to make choices about what ends they wish to pursue (as Wright describes in his 'negative freedom' view). In order to be capable of this, animals must be self-aware, at least minimally, to be considered conscious at all. Clearly Korsgaard would not endorse the view of minimal selfhood that I have argued for in chapter one, where I argue that conscious experience requires self-awareness, even if in the most minimal sense. However, my view makes more sense of the claim that conscious and self-aware animals have interests that vary according to the complexity of the self that they possess.

Returning to the claim Korsgaard considers above, that “...some people will be tempted to say that only an animal with a self-conception can be said to ‘matter to itself’”, Korsgaard says that one problem here is finding a univocal definition of a self-concept.<sup>194</sup> Granted, this is not an easy question, but I think the importance of pursuing this question is underestimated by Korsgaard, both in regards to the distinction she is trying to maintain between rational and non-rational beings, and to her goal of basing direct duties to animals based on the shared animal nature of humans and non-humans. She says that the self-consciousness of human beings is constructed from a conception of their inner states and activities as being their own inner states and activities, and that this comes from an ability to “...situate oneself within one’s inner world, identify oneself as the subject of one’s own representations.”<sup>195</sup>

As I have argued previously, animals do have minimal selfhood and the ability to identify with their own experiences. There is no good reason to posit fully reflective self-awareness as the only form of selfhood at all. Selfhood can include both rich and reflective self-awareness and a minimal sense of ‘mineness’. It would make more sense for Korsgaard to argue that animal and rational nature exist on a continuum, rather than in separate categories, especially as she describes

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<sup>194</sup> Korsgaard, Christine. *Fellow Creatures: Kantian Ethics and Our Duties to Animals*. The Tanner Lectures on Human Values, University of Michigan. [http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard\\_2005.pdf](http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard_2005.pdf). p. 103.

<sup>195</sup> *Ibid.*, pg. 103.

rational nature as 'emerging' from animal nature. Korsgaard wants to maintain a clear distinction between the two, but this is not possible given that she describes rational nature as emerging from animal nature. Having a self-concept, if it means being self-aware, is a feature of animal nature that allows that animal to value (what matters to itself) and act as an agent based on its own beliefs, desires, and preference, etc.

Although Korsgaard briefly entertains possible analogues of self-awareness found among various studies performed on animals, including mirror self-recognition tests, the ability to respond to names when called, and the ability of social animals to locate themselves within a social hierarchy, she dismisses them as unimportant to her argument. Her response to these claims is that according to the view she has already laid out, all animals can be said to pursue what is naturally good for them, and that this is the *only* requirement needed to make her argument work. She dismisses the need for a self-concept in animals as being what makes them directly morally considerable, on the grounds that the value animals have is conferred on them by us, rational human agents, and as such, we do not need to look for rational, autonomous behaviour in animals themselves in order to grant them direct moral duties. But this seems to maintain a distinction between humans and animals that is arbitrary, and not based on the evidence of minimal selfhood in animals. Also, it does not explain why we should value the ability of animals to pursue what is good for them and to act as agents. So instead, she says



that it is in virtue of our shared animal nature that we can confer value onto animals, and that is sufficient in order to achieve her goal, without providing support for this claim other than arguing that it the source of our rational nature.<sup>196</sup>

Korsgaard concludes from this that our actions towards animals would need to change quite radically, including the cessation of hunting, cruel experimentation, and the eating of animals.<sup>197</sup> But this is after claiming that both plants and animals are similar in that they are both “...self-maintaining beings and in that sense are oriented toward their own good.”<sup>198</sup> She does not believe that there is a clear line between plants and animals, in terms of moral obligations, and yet she supports a clear line between rational and animal nature. In the end, her suggestions for how we ought to act towards animals sounds very much like Kant’s own view on indirect duties (with the exception of not eating animals).

In a later work, Korsgaard does consider the different kinds of self-consciousness that animals and humans have, in the attempt to clarify the key differences between them, and explain why animals ultimately do not have rational nature. She acknowledges that animals have some forms of self-consciousness, in their abilities to be aware of themselves in space, and sometimes in their abilities to be aware of their own emotions

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<sup>196</sup> Ibid., pg. 104.

<sup>197</sup> Ibid., pg. 108.

<sup>198</sup> Ibid., p. 106.

and desires. She does not deny that animals possess various levels of intelligence that allow them to direct their own behaviours in accordance with their desires and goals. But she denies that animals are aware of their reasons for acting, and argues that animals cannot provide justifications of their actions by reflecting on their reasons. This is a result of her view of reason itself, and what it means to be rational, as opposed to what it means to be intelligent. Korsgaard explains this, saying,

Reason looks inward, and focuses on the connections between our own mental states and attitudes and the effects that they tend to have on us. It asks whether our actions are justified by our motives or our inferences are justified by our beliefs. I think we could say things about the beliefs of intelligent non-human animals that parallel what I have said about their actions. Non-human animals may have beliefs and may arrive at those beliefs under the influence of evidence; by analogy with our own case we may say that they have reasons for their beliefs. But it is a further step to be the sort of animal who can ask yourself whether the evidence really justifies the belief, and can adjust your conclusions accordingly...Human beings have a particular form or type of self-consciousness: consciousness of the grounds of our beliefs and actions.<sup>199</sup>

She claims that this makes a big difference in the kind of self-consciousness between animals and humans, in that for humans, this allows for normative self-government, which she believes is the essence

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<sup>199</sup> Korsgaard, Christine. 2011. Interacting with Animals: A Kantian Account. In, Beauchamp, Tom and R. G. Frey. Eds. *The Oxford Handbook of Animal Ethics*. New York: Oxford University Press. pp. 92-93.

of morality and autonomy. This means that humans are rational and autonomous, whereas animals are not. Animals are thus moral patients rather than moral agents, and this means that only humans can will universal moral laws regarding our obligations towards them, as animals cannot do so.

What this means for her argument, is that although she has recognized that some animals are self-conscious in some ways, it still does not grant them autonomy or agency. She maintains the distinction between animal and rational nature and maintains that our obligations are based on what we have in common with animal nature. Humans have a rational, autonomous self, and an animal self. We can confer value as 'lawmakers' onto our own animal natures, and on the animal self found in non-human animals. It is in virtue of the 'natural goods' that result from our animal natures that we are the kinds of rational creatures that can will moral laws into existence, and which obligate us towards each other and towards other animals. However, due to the ambiguities of 'natural goods', and without granting animals autonomy, the problem remains of how we can have direct moral obligations towards animals themselves if the value they have is dependent on our 'willing' and if animal nature is only valuable as a means to rational nature. This may explain why her view, which she claims would radically alter the ways we treat animals, ends up sounding so similar to Kant's view on our indirect duties regarding animals, as I posited earlier.

Although Korsgaard makes reference to some research on the mental capacities of animals in her later work, she dismisses the possibility that this research demonstrates rationality. In dismissing the importance of research into animal minds and their cognitive abilities as irrelevant to her own argument, Korsgaard is maintaining a clear distinction between rational and nonrational nature. Extensive research shows however, that this line is not so easy to maintain, given the ability of many mammals to direct their own actions towards their goals, their abilities to communicate and learn language, etc. If reason is a feature of consciousness, then certainly there are degrees of it that correlate to the various levels of consciousness, agency and self-awareness. Animals that are agents will be able to direct their actions towards their own goals to varying degrees, and the extent to which they have control over their behaviours will also indicate the level of autonomy that they have. In the practical attempt to treat animals according to their nature, we must learn about their capacities through this sort of research. And this research is not irrelevant to establishing an argument in favour of direct moral obligations towards animals, as it helps us determine the extent to which we owe animals obligations based on their degree of selfhood and corresponding degree of autonomy. If animals possess even minimal selfhood and are minimally autonomous, then it is not us, as humans, that are placing value on them. Rather, it is in virtue of their agency,

selfhood and autonomy, and the importance of those features as determinants of moral value that obligate us towards them.

If we accept Korsgaard's line of reasoning, and posit the view that animals do not have the same kind of self-concept that humans do, we are unable to get the level of normative restrictions on our treatment of animals that she claims. This brings us back to the idea of what it means to be an entity that has a good. If plants and animals both have natural goods, and the only difference between them is some sort of 'deeper' sense in which animals are aware of their own goods, it is difficult to see how we can achieve the level of difference in the way we ought to treat animals as opposed to plants. It seems that there is an important difference between the way in which plants have goods and the way in which animals have goods. If that is true, then it would seem that we also need to legislate for duties towards plants, including things like the cessation of harvesting plants for food, growing plants for experiments with toxic chemicals, and the picking of flowers for our kitchen centerpieces.

What I am arguing is that if animal nature is basically a consideration of 'natural goods' in living entities, and a self-concept is not required for direct moral consideration, then it is not clear how we are to distinguish between the importance of those natural goods for plants and animals. If we are to be primarily concerned with 'natural goods', then are we not obligated to protect them in all living entities, as

we share with them the desire to have our goods met and not interfered with...including plants?

Korsgaard argues that animals have goods in a *deeper* sense than plants as they experience the attainment of their needs, and that these experiences are the basis of their incentives, with their own good as the goal of their actions. What is significantly different here from the account we have of plants? The difference seems to reside in the ability of animals to experience and pursue their natural goods, whereas plants do not. The questions that can now be asked are, what is the nature of this experience for the animal, and what allows the animal to pursue various means to achieve its goal? I think this is where the importance of a selfhood enters the picture. An animal that can experience the satisfaction of its needs, and pursue the sorts of actions required to fulfill those needs requires at minimum, a certain level of consciousness.

I would argue further that it requires at least minimal self-awareness more specifically. If animals are conscious (particularly self-conscious) and plants are not, then it would seem that we are discussing a difference in kind, and not only of degree, in terms of a living entity that has natural goods for itself. Besides, the kind of good that Korsgaard ascribes to plants is not the kind of good that would obligate us towards them directly. If animals have the same kind of good as plants, then we would not be directly obligated towards them either. The difference between the two lies directly in the self that animals possess

and that plants do not. Animal nature, as Korsgaard describes it, does not seem valuable only in its status as a precursor to rational nature, but rather it is valuable in its own right. An animal can direct its actions towards the fulfillment of its goods, and can also experience the fulfillment of these goods as pleasurable. It can do these things because it is self-aware and an agent.

I believe that in order for an animal to experience the fulfillment of its own goods as pleasurable, it must also have the capacity, even minimally, to evaluate those fulfillments, and to associate them with itself. An animal that can touch the painted dot on her forehead while looking at herself in a mirror does know, at least minimally, that the dot she is touching is on her body, and not someone else's. An animal that responds to the sound of his name being called knows, at least minimally, that that sound relates to him, and not some other animal.

But how does this all relate back to the necessity of a self-concept for direct moral duties? When Korsgaard argues that the only requirement for direct duties to animals lies in the shared animal nature between human and non-humans, she is basing this on the idea that we share the same kinds of natural goods, and that we both experience the fulfillment of those natural goods in the same ways. And yet, she is not willing to concede that humans and non-human animals share a rational nature, but rather that rational nature is grounded in and emerges from animal nature. It seems to me that is not enough to gain direct moral

duties to animals, based on the notion that 'natural goods' for a creature that 'matters to itself' is also applicable to plants.

A self-concept in animals would make more sense of the idea that animals matter to themselves in a deeper sense than plants matter to themselves, as Korsgaard suggests. But from this I would argue that what Korsgaard is really talking about is the existence of at least a minimally rational nature in animals, or at least some animals. A full account of what kind of evidence we can find for associating reason with animals cannot be provided here, but it seems that for Korsgaard's conclusions about the kinds of changes in our treatment of animals would require the acceptance of a minimally rational animal nature. Korsgaard would not be able to accept this conclusion and at the same time maintain the distinction in kind between rational human nature and non-human animal nature. Any duties towards animals would need to be based on duties to animals that do not result solely from our legislation of them, as rational agents, but rather from the idea that Kant was wrong about the nature of animals themselves.

## **Conclusion**

Kantian ethics provides a strong foundation for the value of autonomy and selfhood for humans, as well as indirect duties regarding animals. However, in order to reinterpret Kant's arguments to provide support for direct moral duties towards animals, an argument must be



made to include animals in the category of ends-in-themselves. Both Wright and Korsgaard provide strong arguments in favour of doing so, even though their views have weaknesses that I have explained in this chapter. For them, the ability an individual to choose an end to pursue is what grants animals direct moral consideration. For Wright, the ability to choose redefines rational nature itself on his 'negative freedom' view, and in this way we can consider animals as ends. For Korsgaard, it results from our shared animal nature, as creatures for whom ends matter, which includes both humans and other animals.

While Korsgaard maintains that animals are not autonomous or rational, Wright considers animals minimally autonomous due to their ability to make choices. My own view, which focuses on the moral value of selfhood and respect for autonomy, provides a better way to assess the extent to which we owe animals of various species direct moral obligations, while maintaining the principles Kantian ethics in how we ought to treat ends-in-themselves. In the next chapter, I will provide a summary and brief discussion of how this would work in practice in our relationships with other animals.

## Conclusion

Many animals, including mammals and some birds, are minimal, self-aware agents and autonomous beings that are deserving of direct moral consideration. As research into animal minds continues, we will have more understanding of the specific mental capacities that give rise to selfhood, and this can be used to better gauge the specific ways we can respect autonomy in various species. Although challenges exist in interpreting animal behaviours correctly to make inferences about the experiences that animals have, too much skepticism that results in the denial of animal selfhood is unwarranted. An empirically informed theory of animal ethics is the best way to support the inclusion of animals into the moral community.

In chapter one, I argued for a view of agency and selfhood that is more or less complex, depending on the species in which it is found. I supported this view with evidence from scientific research into animal minds, and also with arguments based on the evolutionary continuity of animal species. In chapter two, I posited a view of autonomy that relies on agency and selfhood, and that provides us with reasons to respect an individual's ability to value their subjective experiences and control their own behaviour. To maintain a view that animals and humans are divided into separate moral categories cannot be maintained given my view of selfhood and autonomy.

Many animal ethicists have argued that animals are morally considerable, but as I have argued, their theories lack an account of what makes all animals (human or nonhuman) morally relevant as they have failed to focus on the importance of agency, selfhood and autonomy in giving rise to interests that matter to every self-aware individual. Singer, Regan and Rollin have provided accounts of animal ethics that have had important impacts on animal welfare and rights, but the implications of their views demonstrate that they are inadequate in overcoming the perceived divide between the moral value of human and animals. For Singer, animals remain their status as resources for human use, as they lack autonomy and self-awareness. On Regan's account, the implications of both his high-level category of experiencing subjects-of-a-life and his abolitionist views result in limited inclusion of animals into the moral community, and an unrealistic prohibition on human-animal relationships. Rollin provides more specific ways of respecting animals in virtue of their 'telos', but the problems inherent in such an ambiguous concept make his view impractical in practice.

On my account, as agency, selfhood and autonomy can exist in varying degrees, we are morally obligated towards animals to the extent that we can plausibly identify the complexity of an individual's agency and self-awareness, and this applies to all animals, including humans. As the view of Wise shows, this can be practically implemented using an 'autonomy scale' to classify animals and the duties we owe them

according to the level of autonomy they possess. This shows the importance of scientific research, as it provides us with the information necessary with which to perform such a classification. It also means that autonomy is not just a human feature, although I have argued that there is no reason to give up a richer sense of autonomy such as Frey's autonomy as control view, as long as we recognize that autonomy as choice is also deserving of moral respect.

I expanded this argument of autonomy as choice in conjunction with Kantian arguments that posit animals are ends-in-themselves. Although Wright and Korsgaard make strong arguments in favour of this claim, they neglect the importance of selfhood, as a feature of consciousness, in making animal choices possible. While Wright would support my notion of autonomy in degrees, Korsgaard maintains the view that autonomy is only possible in fully reflective, rational agents. However, by arguing that autonomy as choice exists in animals, I claimed that animals are deserving of respect and direct moral consideration as ends-in-themselves, and that Wright and Korsgaard, if they acknowledged the evidence in support of selfhood in animals, would have to adjust their arguments accordingly.

If we include selfhood and autonomy in the discussion about whether or not animals should be included in the moral community we have created as humans, then we cannot ignore the inconsistencies in our current treatment of animals. To do so would be arbitrary and irrational.

Although animal welfare and animal rights proponents have made significant improvements for the well-being of animals, my view provides a middle path between the two that places an emphasis not only on the moral importance of the interests of animals, but also on animals themselves, and the relationships between animals, both human and nonhuman.

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