



Københavns Universitet



## Animal ethics

Palmer, Clare; Sandøe, Peter

*Published in:*  
Animal welfare

*Publication date:*  
2011

*Document version*  
Peer reviewed version

*Citation for published version (APA):*  
Palmer, C., & Sandøe, P. (2011). Animal ethics. In M. C. Appleby, J. A. Mench, I. A. S. Olsson, & B. O. Hughes (Eds.), *Animal welfare* (2. ed., pp. 1-12). CABI Publishing.

## Chapter 1: Animal Ethics<sup>1</sup>

Clare Palmer (Texas A&M University, USA), Peter Sandøe (University of Copenhagen, Denmark)

### Abstract

This chapter describes and discusses different views concerning our duties towards animals. First, we explain why it is necessary to engage in thinking about animal ethics and why it is not enough to rely on feelings alone. Secondly, we present and discuss five different kinds of views about the nature of our duties to animals. They are: contractarianism, utilitarianism, the animal rights view, contextual views, and a respect for nature view. Finally, we briefly consider whether it is possible to combine elements from the presented views, and how to make up one's mind.

### 1. Introduction: The need to give reasons for one's ethical views

This chapter describes and discusses different views on right and wrong in our dealings with animals. What might be right or wrong is not a factual question, and therefore cannot be settled by the same methods as those used in biology and other natural sciences. Some readers of this chapter may even wonder whether moral issues can be settled at all; rather they may be seen as matters purely of feeling or taste. We'll suggest below that this position is problematic.

The primary focus of this book is to discuss *factual* issues relating to the way animals are used and treated by humans. Until recently ethics was seen as something that should be kept at arm's length from the fact-oriented science based study of animal welfare: only once the facts are established would it be appropriate to discuss, from an ethical perspective, where to draw the line between what is acceptable and what is not.

But the link between factual knowledge and sound ethical judgement is not that simple - often the study of the facts relies on tacit ethical judgements. For example, studying the consequences for animal welfare of various ways of housing farm animals proceeds on the assumption that it is

---

<sup>1</sup> The reference of the printed version is:

C. Palmer & P. Sandøe (2011): Chapter 1: Animal ethics. *Animal Welfare*. 2<sup>nd</sup> edition. M. C. Appleby, J. A. Mench, I. A. S. Olsson & B. O. Hughes (Eds.)

The definitive version is available at

<http://bookshop.cabi.org/?site=191&page=2633&pid=2233>

acceptable to use animals for food production as long as the animals do not suffer from bad welfare. And assessments of animal welfare rely on assumptions regarding what matters, ethically speaking, in our dealings with animals. Is it to avoid pain and other forms of suffering? Is it to give pleasure and other positive emotion? Or to allow animals to live natural lives? To be able to deal with such questions and to justify the tacit judgments underlying studies of animal welfare we need not only to know the facts but to engage with and be proficient in ethical thinking.

This chapter focuses on possible answers to basic ethical questions about animal ethics: Do animals have moral standing in their own right? And if so, what kind of duties do we have towards them? Does it matter whether animals are wild or domesticated? Do we only have obligations to individual animals or also to species or populations of animals? How should we balance our duties to animals against other kinds of duties? We do not attempt to answer these questions. Rather, we take a pluralist approach to animal ethics, presenting five diverse ethical positions, each with its own answers. We do not side with any of these views, but we encourage the reader to consider their strong points and why people have been drawn to them. Although we (as authors of this chapter) have our own views, we have tried to present the arguments in a balanced way (though we may not have always succeeded in concealing our sympathies).

However, we do take the view that it's important to adopt a reasoned approach to animal ethics, rather than one based on feelings alone. Reliance on feelings makes for difficulty in entering ethical debates, and in explaining to others why particular attitudes or practices are either problematic or beneficial. And for animal professionals to be taken seriously by people who hold different views, they must show that they can comprehend the nature of disagreements about animal ethics. This entails understanding why people make the moral judgments they do.

But what are moral judgements? They do not seem to be just statements of personal taste. The philosopher James Rachels (1993, p.10) suggests:

If someone says "I like coffee," he does not need to have a reason - he is merely making a statement about himself, and nothing more. There is no such thing as "rationally defending" one's like or dislike of coffee, and so there is no arguing about it. So long as he is accurately reporting his tastes, what he says must be true. Moreover, there is no implication that anyone should feel the same way; if everyone else in the world hates coffee, it doesn't matter. On the

other hand, if someone says that something is *morally wrong*, he does need reasons, and if his reasons are sound, other people must acknowledge their force.

Here, Rachels points out the importance of being able to give *reasons* to justify our ethical views. A consequence of the requirement to give reasons is a requirement of *consistency*: If something provides a moral reason in one case it should also count as a reason in other, similar cases. We can see this process of reasoning by appeal to consistency in the following famous passage, first published in 1789 (pp. 25-6), where Jeremy Bentham argues that animals ought to be protected by the law:

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 come one day 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 full-grown horse or dog is beyond comparison a more rational, as well as a more conversible animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise what would it avail? The question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?

Bentham asks the reader to consider on what grounds legal rights (for instance, legal protection against torture) are assigned to people. We now accept that factors such as skin colour are irrelevant to the possession of basic legal rights. But what, then, *is* the relevant factor? One possible answer, Bentham suggests, is the ability to reason and to use language. So, it might be suggested that reason and language provide a basis for separating humans and animals, and for assigning legal rights to humans, and not to animals. But Bentham raises a number of questions about this kind of response. First: why think that reason and language are relevant to the generation of legal rights (any more than, say, skin colour)? Second: some animals *do* appear to have reasoning abilities. And third: Some animals are at least as reasonable as some people – as human infants, or those who have severe mental disabilities – so reason and language do not obviously provide the suggested firm dividing line between *all* people and *all* animals.

Bentham makes us consider whether it is possible to argue *consistently* that all humans should be treated in one way, and all animals in another. The first of the five views presented below maintains that we can, indeed, consistently distinguish morally between animals and humans.

## 2. Five views about humanity's duties to animals

Moral philosophers distinguish a number of types of ethical theory, and in principle any of these might underlie a person's views about the acceptable use of animals. Here five prominent theoretical positions will be presented: contractarianism, utilitarianism, an animal rights view, contextual views, and a respect for nature view. These have direct implications for the ongoing debate over animal use.

### 2.1 Contractarianism

Why be moral? This is a central question in moral philosophy, and one to which the contractarian gives a straightforward answer: you should be moral because it is in your self-interest. Showing consideration to others is really for your own sake. Moral rules are conventions that best serve the self-interest of all members of the society.

Contractarian morality as here defined (the term may also be used of other views that we don't discuss here) applies only to individuals who can 'contract in' to the moral community, so it is important to define who these members are. The philosopher Narveson puts this as follows:

On the contract view of morality, morality is a sort of agreement among rational, independent, self-interested persons, persons who have something to gain from entering into such an agreement [...]

A major feature of this view of morality is that it explains why we have it and who is party to it. We have it for reasons of long-term self-interest, and parties to it include all and only those who have *both* of the following characteristics: 1) they stand to gain by subscribing to it, at least in the long run, compared with not doing so, and 2) they are *capable* of entering into (and keeping) an agreement. [...] Given these requirements, it will be clear why animals do not have rights. For there are evident shortcomings on both scores. On the

one hand, humans have nothing generally to gain by voluntarily refraining from (for instance) killing animals or ‘treating them as mere means’. And on the other, animals cannot generally make agreements with us anyway, even if we wanted to have them do so...

(Narveson 1983, p.56)

So, on this view, people are dependent on the respect and cooperation of other people. If someone treats fellow humans badly, he or she will be treated badly in return. In contrast, the animal community will not strike back if, for example, some of its members are used in painful experiments. So, a person needs only to treat animals well enough for them to be fit for his or her own purposes.

As non-human animals cannot enter into a contract, or agreement, governing future conduct, they cannot, according to the contractarian view, join the moral community. On this view, any kind of animal use may be desirable inasmuch as it brings human benefits, such as income, desirable food, and new medical treatments.

That animals are not members of the moral community does not necessarily mean that their treatment is irrelevant from the contractarian perspective: if people *like* animals, for example, animal use can become important, since it is in a person’s interests to get what he or she likes. But the contractarian view of animals is human-centred; any protection animals have will always depend on, and be secondary to, human concerns. A further implication is that on this view, it would be likely that levels of protection would differ across animal species. Since most people like cats and dogs more than rats and mice, causing distress to cats and dogs is likely to turn out to be a more serious problem than causing the same amount of distress to rats and mice.

This contractarian view accords with attitudes to animal treatment that are common in many societies. But it raises many problems. Is causing animals to suffer for a trivial reason really morally unproblematic, if no human being cares? After all, some *humans* – small children, for instance – also can’t behave in reciprocal ways, or make contracts with other people. Would it be morally acceptable to eat or experiment on them, if other human contractors didn’t object? Many people consider that it’s immoral *as such* to cause another to suffer for little or no reason, whether one’s victim is a human being or an animal. An ethical theory that captures this view is *utilitarianism*.

## 2.2 Utilitarianism

*Utilitarian* ethical theory provides probably the most well-known approach to animal ethics. Utilitarianism is *consequentialist* in form: that is, only *consequences* are important when making ethical decisions, and we should always aim at bringing about the best possible consequences. But what counts as the best possible consequences? Here, forms of utilitarianism diverge. One leading form – promoted by Jeremy Bentham – maintains that consequences should be measured in terms of *maximizing pleasures* and *minimizing pains*. If animals feel pain and pleasure, then they should be included in our calculations about what to do. Indeed, on this view, there's no reason to privilege human pain over animal pain. Pain is pain, wherever it occurs. So a certain kind of equality is very important: the pains of every being should be taken equally into account, whatever the species of the being concerned.

In recent animal ethics, this view has been most forcefully defended by the philosopher Peter Singer (1989, pp 152). Singer uses the language of *interests* in outlining his position: if a being can suffer, it has an interest in avoiding suffering, and its interests should be treated equally to the similar interests of other beings, whether they are human or not:

I am urging that we extend to other species the basic principle of equality that most of us recognize should be extended to all members of our own species. ...Jeremy Bentham incorporated the essential basis of moral equality into his utilitarian system of ethics in the formula: "Each to count for one and none for more than one." In other words, the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being.... The racist violates the principle of equality by giving greater weight to the interests of members of his own race, when there is a clash between their interests and the interests of those of another race. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species. The pattern is the same in each case.

For the utilitarian, what matters are the interests of those affected by our actions- not the race or the species of the beings who have the interests. The strongest interests should prevail no matter who has them. This view can have radical consequences. Take modern intensive livestock production. Broiler chickens and animals in confined feeding operations often suffer. Some basic interests of

these animals are set aside so that production is efficient and meat is cheap. But for affluent individuals cheap meat is not a basic interest; in a country such as Denmark ordinary consumers only spend around 10 % of their disposable income on food. If such consumers paid 30% or 50% more, and the extra money was used to improve the living conditions of the animals, this would mean an immense increase in welfare and a substantial reduction in suffering, without significantly decreasing human welfare. Therefore, according to the utilitarian view, we ought to make radical changes in the treatment of intensively farmed animals.

Indeed, Singer (1979, p.152) argues that we should become vegetarians, because consumption of meat and other products from commercially reared animals creates animal suffering that isn't outweighed by the human pleasure it generates. (There are also other utilitarian arguments in favour of reducing meat consumption based on the negative consequences for sentient beings from the effects of meat production on the environment, on climate and on resource use.)

However, utilitarianism does *not* endorse a principle that killing animals is wrong. Killing is certainly likely to be morally problematic for two reasons: it may cause suffering, and once a being is killed, it can no longer have positive experiences. So, killing *may* both increase suffering and reduce pleasure in the world. But it need not. As Singer says: "It is not wrong to rear and kill it [an animal] for food, provided that it lives a pleasant life, and after being killed will be replaced by another animal which will lead a similarly pleasant life and would not have existed if the first animal had not been killed. This means that vegetarianism is not obligatory for those who can obtain meat from animals that they know to have been reared in this manner".(Singer 1979:, p.153)

This utilitarian view on killing animals may give rise to worries which are animated by Michael Lockwood's (1979: 168) troublesome (fictional) case, Disposapup:

Many families, especially ones with young children, find that dogs are an asset when they are still playful puppies...,but become an increasing liability as they grow into middle age, with an adult appetite but *sans* youthful allure. Moreover, there is always a problem of what to do with the animal when they go on holiday. It is often inconvenient or even impossible to take the dog with them, whereas friends tend to resent the imposition, and kennels are expensive and unreliable. Let us suppose that, inspired by Singer's article, people were to hit on the idea of having their pets painlessly put down at the start of each holiday (as some pet owners already do), acquiring new ones upon their return. Suppose, indeed, that a company grows up, 'Disposapup Ltd', which rears the animals, house-trains them, supplies them to any willing



purchaser, takes them back, exterminates them and supplies replacements, on demand. It is clear, is it not, that there can, for Singer, be absolutely nothing directly wrong with such a practice. Every puppy has, we may assume, an extremely happy, albeit brief, life - and indeed, would not have existed at all but for the practice.

Some people may, after thinking a bit, accept that it is in principle acceptable to replace dogs in this way. However, they will then have to face a further, related problem: the apparent implication that we can painlessly kill humans, if we create new humans to replace them! This difficulty has led some utilitarians – including Singer himself – to make a further distinction, based on the possession of *self-consciousness*. Although it's difficult to define self-consciousness, some utilitarians have maintained that a self-conscious being is one that has a *preference* or a *desire* to go on living, and that the frustration of such basic desires is morally relevant. They argue that (either in addition to, or instead of) minimizing *pain*, we should minimize the *frustration of desires* in the world, especially the frustration of that most basic desire of a self-conscious creature - the desire to go on living.

However, this does not really seem to solve the problem. For it sounds as though, in principle, it would be morally permissible to painlessly kill a self-conscious human if the human were replaced by another human who lives a better life than the first (to make up for the loss incurred by the killing) and who would not otherwise have existed. Admittedly, the utilitarian may argue that killing humans and animals has very different consequences. Killing humans usually has negative emotional and social effects on survivors in a way that killing animals doesn't. However, to say that the wrong in painlessly killing humans lies in effects on other people may reasonably be regarded as missing the point.

Singer himself, in his book *Practical Ethics*, argues that the creation of a new desire to live cannot be weighed against the frustration of someone else's desire to go on living – that is, that preferences are not substitutable in this way. However, this starts to move away from some of the fundamental calculative elements of utilitarianism, since it suggests that there are some goods (such as a desire to go on living) that just can't be compensated for by the creation of more of the same goods (more desires to live). In fact, this kind of view – that some harms are just unacceptable, whatever the ensuing benefits – is much more closely associated with a different approach to animal ethics: a rights view.

### 2.3 *The animal rights view*

We can think about rights in two senses: *legal* and *moral*. Legal rights are rights that are created and that exist within legal systems. Moral rights, though, are not created by the law; those who argue from a moral rights-based perspective give a variety of different accounts of the origin of rights. One traditional - though now controversial - claim depends on the intuition that humans *naturally* have rights; to be a rights-holder is just part of what it is to be human.

Claims about rights are particularly important here for two reasons. *First* is the special force that rights language carries. Although the term ‘rights’ is sometimes loosely used just to mean having moral status (it’s in this loose sense that Singer is sometimes called the “father of animal rights”) philosophers generally understand rights in a more restricted sense. In this restricted sense, to say that a being has moral rights is to make a very strong claim that those rights should be protected or promoted. Indeed, sometimes possessing a right is described as having a ‘trump card’ – the kind of claim that wins out over any competing claims. *Second* is the fact that some philosophers have extended the idea of moral rights beyond humans, arguing that animals also have moral rights. After all, such philosophers argue, it’s not just being biologically human – a member of the species *Homo sapiens* – that gives a being rights. Rather, it must be the possession of particular *capacities* (such as sentience or self-awareness) that one has as a species-member that underpins humans’ rights. But if it’s *capacities*, not genes, on which rights possession is based, then perhaps some *animals* share the relevant basic capacities, and should be thought of as having rights? It’s this view that’s adopted by animal rights advocates, most prominently the philosopher Tom Regan in *The Case for Animal Rights* (1984).

Regan (2007, p.209) argues that all “experiencing subjects of a life” should be thought of as possessing moral rights. An experiencing subject of a life is “a conscious creature having an individual welfare that has importance to it whatever its usefulness to others”. Such beings “want and prefer things, believe and feel things, recall and expect things”. They can undergo pleasure and pain, experience satisfaction and frustration, and have a sense of themselves as beings that persist over time. Such beings have, on his account, *inherent value* of their own, based on their nature and capacities. They are not instruments for someone else’s use and benefit. Inherent value, Regan maintains, can’t be traded off, factored into calculations about consequences, or replaced. Creatures that possess it – and Regan argues that all mentally normal adult mammals fall into this category – have basic moral rights, including the right to life and to liberty. The evidence that infant mammals,

birds, fish, reptiles and some invertebrates are experiencing subjects of a life is less clear. However, since we cannot be sure about their inner worlds, Regan (1980 p.416) argues that we should give them the benefit of the doubt in moral decision-making, since they too may have inherent value.

Regan explicitly sets up his rights view in opposition to utilitarianism. Utilitarians, he maintains, are fundamentally mistaken in thinking that harming some beings to bring about good consequences for others is morally acceptable. On the contrary: “That would be to sanction the disrespectful treatment of the individual in the name of the social good, something the rights view will not - categorically will not - ever allow.” So utilitarian and rights views will, in some cases, diverge in practice – and they will always diverge in principle. Regan, for instance, comments on animal experimentation and commercial animal agriculture:

The rights view is categorically abolitionist. Lab animals are not our tasters; we are not their kings. Because these animals are treated routinely, systematically as if their value were reducible to their usefulness to others, they are routinely, systematically treated with lack of respect, and thus are their rights routinely, systematically violated....As for commercial animal agriculture, the rights view takes a similar abolitionist position. The fundamental moral wrong here is not that animals are kept in stressful close confinement or in isolation, or that their pain and suffering, their needs and preferences are ignored or discounted. All these *are* wrong, of course, but they are not the fundamental wrong. They are symptoms and effects of the deeper, systematic wrong that allows these animals to be viewed and treated as lacking independent value, as resources for us - as, indeed, a renewable resource. (Regan 2007, p.210)

Of course, sometimes the judgments of a utilitarian and a rights theorist about particular cases of experimentation or commercial animal agriculture will coincide: some animal experimentation, and most commercial animal agriculture as currently practised, should consistently be condemned by both. But the underlying reasons for these judgments differ. A utilitarian is primarily concerned about suffering or desire-frustration in cases where the benefits derived do not seem to outweigh the costs. In contrast, a rights theorist is concerned about failing to respect animals' inherent value, and violating animals' rights, irrespective of potential good consequences. From the rights perspective, the utilitarian idea that the interest of an animal in continuing to live may be outweighed by conflicting interests, i.e. the combined interests of the future animal which will replace it and human interests in animal production, is morally abhorrent. So a rights view is abolitionist, whereas in

contrast a utilitarian will ask questions about the benefits of any particular practice involving suffering to animals before coming to a view about its moral permissibility.

On Regan's rights view, killing – even where it is painless and another being is created – harms the being that is killed. Regan (1984, p.99) describes killing as harm by *deprivation* – an animal that is killed is deprived of all the goods that the rest of its life would otherwise have contained, even if its death is sudden and unanticipated. Indeed, to kill an experiencing subject of a life is to display ultimate disrespect, by destroying the animal's inherent value, and thus violating its rights.

An animal rights view such as Regan's – though providing a plausible alternative to utilitarianism – generates its own difficulties. One problem concerns how to handle rights conflicts. For example, it may be difficult to combine respect for the rights of all rodents with the aim of securing human health and welfare. If these “pests” are not “controlled” they may pose a threat because they eat our food, and because they spread disease. It seems to be either them or us. What has the rights view to say about this?

Regan certainly thinks that we are entitled to self-defence. If I am attacked by a bear, for instance, I may kill the bear since this is a case of my life, or the bear's. And, he might suggest, there are probably ways of avoiding conflict over food and disease, by more systematically and efficiently separating rodents from our food supplies. But still, it's possible that if human lives really were at stake from threats presented by rodents to our basic resources, killing them would be morally permissible, even on a rights view, as a form of self-defence.

While humans and animals may sometimes be in *conflict* over resources, on other occasions humans deliberately *share* their resources with particular favoured animals. After all, some animals live, by invitation, alongside us, as family members. More than a third of US households includes at least one dog; virtually a third includes at least one cat (AMVA 2007). What position does a rights view take with respect to pets?

Actually, there are different answers to this question. Some advocates of animal rights – such as Gary Francione (2000) – argue that pet-keeping depends on the idea that pets are human property. Since beings with rights should, most fundamentally not be treated as human property, we should not keep pets. But on Regan's account, it's plausible that, in principle at least, one could live with a pet (perhaps ‘companion animal’ would be a better term here) without infringing its rights. After

all, a pet is not necessarily being treated ‘merely as a means’ to the ends of the person with whom it is living; since one could live alongside an animal while respecting its inherent value.

However, in practice, pet keeping presents a number of challenges to a rights view. Animals kept as pets are frequently confined against their will, and often against their interests. Breeding practices may infringe on animals’ liberty, and the creation of some pedigree breeds generates animals unable to live healthy lives (albeit in shapes and sizes that are very appealing to people). Spaying and castration foreclose animals’ sexual and reproductive freedom and plausibly on this view constitute rights infringements (we would certainly think this in the human case, but, of course, it is very difficult to know what these freedoms might mean to animals). Many pet animals are fed carnivorous diets made out of *other* animals whose rights have been infringed (it is unclear whether all pets can flourish on a wholly vegetarian diet). The freedom to roam of some pets – cats in particular – may devastate wildlife; and although (since a cat is not a moral agent, as noted below) this doesn’t raise direct issues of the infringements of the rights of individual wild animals, it’s difficult to deny that human pet keepers are at least indirectly responsible for their pets’ predation. Yet confining a cat indoors may, on a rights view, deprive it of its right to liberty. For all these reasons, even though a rights view such as Regan’s does not necessarily condemn the keeping of pets in principle, it is likely to be at least uncomfortable with many common pet-keeping practices.

A rights view, then, allows for self-defence and, in principle, allows us to live alongside animals, provided that their rights are fully respected. What, though, about those animals that neither threaten us, nor live in our homes – wild animals that live their lives independently of us? What are our duties towards them? This issue is often thought to be problematic for rights views (and even more so for utilitarian views). For instance, does a rights view imply that humans should defend the rights of wild animals against wild animal predators? Should utilitarians promote wild animal rescue services, in case of storm or wildfire, to minimize suffering?

Regan argues that there is no duty to protect animals against threats from other animals. For, he maintains, rights only hold against *moral agents* – that is, those beings that can recognise and respect rights. Antelope don’t have rights against lions, because lions are not moral agents; lions don’t threaten their rights. So humans don’t have to act to protect antelopes against lions (though they should protect them against other *people*, since people are moral agents, and do threaten their rights). On Regan’s view, humans also don’t have duties to rescue wild animals, or at least not on the basis of their rights. Regan suggests that rights provide animals with protections against

particular kinds of *interference* from moral agents (inflicting pain, constraining liberty); this doesn't mean that humans have duties to *assist* in cases where harm was not caused by a moral agent.

For utilitarians, though, this issue is more difficult, since utilitarians are concerned to minimize suffering or desire frustration, *whatever* its cause. This does sound like a mandate to act in the wild. One utilitarian response is to maintain that acting in the wild to relieve wild animal suffering is likely – over time – to cause more suffering than staying out of it, since such actions might disturb natural systems. But neither view here is unproblematic; Regan's rights view seems to have *too little* to say about any kind of assistance (including to distant suffering *people*); while a utilitarian view may imply *too much* human action in the wild.

To summarize so far: There is genuine moral disagreement between a utilitarian and a rights view in relation to animals. However, there are also points on which both agree. For instance, both maintain that the *capacities* of individual animals are of primary importance in moral decision-making (even though they differ on which capacities, exactly, are relevant). In order to decide how to act, we need to ask questions such as: Does this being have the capacity to feel pain? Does it have the relevant capacities to be an experiencing subject of a life? If the answer is positive, then – providing, in the case of utilitarianism, we have some idea of the possible consequences of our actions – we have almost complete guidance as to what to do. However, on contextual views, of the kind we'll now consider, this capacities-oriented approach is too narrow, and ignores a range of *other* important factors that are relevant to our ethical duties towards animals.

#### 2.4 Contextual approaches

Several different positions can be grouped together as *contextual* approaches to animal ethics. These positions share the view that although animal capacities are not irrelevant to moral decision-making, and may indeed be very important to it, these capacities are not enough, in themselves, to give comprehensive guidance about how we should act. Advocates of contextual views argue that the capacities focused on in utilitarian and rights views are very narrowly understood; that utilitarian and rights views give no real weight to the different *relations* that humans have with animals; that they have no substantial place for human emotions such as empathy; and that they barely discuss the special obligations that humans may have towards particular animals, based on prior

commitments to them or prior interactions with them. We'll consider just two such contextual approaches here.

One kind of contextual approach emphasizes the role of what are sometimes called the moral emotions – such as sympathy, empathy and care – in all of our transactions with others, including animals. This view - as the philosopher of care, Nel Noddings (1984, p.149) maintains - certainly includes responding to animal (and human) suffering, but interprets this somewhat differently to utilitarian and rights views:

Pain crosses the line between the species over a wide range. When a creature writhes or groans or pants frantically, we feel a sympathetic twinge in response to its manifestation of pain. With respect to this feeling, this pain, there does seem to be a transfer that arouses in us the induced feeling, “I must do something”. Or, of course, the “I must” may present itself negatively in the form, “I must not do this thing”. The desire to prevent or relieve pain is a natural element of caring, and we betray our ethical selves when we ignore it or concoct rationalizations to act in defiance of it.

According to an ethics of care, what is wrong with causing suffering to animals is not primarily that suffering is increased (utilitarianism) or that it violates rights (an animal rights view) but that it demonstrates a lack of care, or inappropriate emotional response, in the person concerned.

A view of this kind provides a basis for differentiating between what's owed to animals in different contexts that's not easily available to a rights or a utilitarian view. So, for instance, people usually develop deep emotional relations with their pets, making them sensitive to that particular animal's wellbeing. Because people care for their pets, they protect them from external threats, give them veterinary treatment, feed them, and – as we've already noted - frequently understand them to be 'family members'. This emotional closeness, however, does not (usually) extend to wild animals; where bonds of care and sympathy are much weaker. So, on this account, even though two animals might have similar capacities, if human emotional relations to the animals differ, their ethical responsibilities will differ too.

An ethics of care, in this form, is controversial – in the human, as well as the animal case. Critics have pointed out that this view implies that we have no, or very few, duties towards distant strangers (both in the human and the non-human case) because we don't know them personally, and so have not developed caring relations with them. In the animal case, this might suggest that,

providing we made sure we never encountered animals heading for the slaughterhouse, we could eat them without any ethical concern. However, many ethicists of care are unhappy with conclusions of this kind, and have argued more recently that we can feel sympathy for the suffering of those we never encounter; that sympathy can be extended to strangers – including distant animals. This may not generate the intensity of obligation we have towards those to whom we are close, but since even distant suffering generates responses of care and sympathy, distant sufferers are nonetheless of moral concern.

Alternative contextual views, however, shift the focus from human *emotions* to human *relations*, interpreting ‘relations’ to include much more than human emotional responses to particular animals. On this approach, for instance, humans have quite different relations – and hence moral obligations - to wild animals than to domestic ones. This isn’t primarily due to differing human emotional responses (though these may play some part). Rather, it’s because humans are responsible for the very existence of domestic animals (unlike wild ones); and additionally, through selective breeding, for their natures; frequently natures that render these animals dependent and vulnerable, in ways wild animals are not. After all, we think that those who bring dependent and vulnerable human children into existence have a special responsibility to protect and provide for them; on this account, the same reasoning can be applied to animals. Alongside the creation of dependence and vulnerability through breeding and captivity, on this view other human actions also generate special obligations towards some animals. Suppose a population of animals has been displaced by human development, and is struggling to survive. Since humans have harmed these animals and increased their vulnerability, there’s a *special obligation* to assist them. This kind of special obligation wouldn’t exist towards animals struggling due to (say) natural drought or heavy snowfall. In summary then, this relational approach takes into account a variety of different factors, in particular human interactions with and causal responsibility for the situations of particular animals, before coming to a judgment about what obligations there might be in any particular context.

Of course, complications are generated by this view. One question concerns the way in which causal links are supposed to work here. Suppose someone dumps some kittens that they can’t sell. If I come across them, am I personally responsible to assist them? The kittens were bred by a human and dumped by a human, of course; but am I, on this view, responsible for all the ills committed by other people? If human relations to animals are to be thought of as morally significant in the sense that this view implies, then a complex account of how to think through individual and collective



moral responsibility for the actions of other individuals, and of groups of which one is merely one member, is required.

So while contextualist positions accept that the possession of particular capacities – such as the capacity to feel pain – provide a basis for moral status, unlike utilitarian and rights views, they maintain that we need to know more than this before deciding how to act. However, utilitarian, rights and contextual views do all share one thing in common: a focus on animals as *individuals*. It's the capacities of individual animals, and/or our relations to individual animals, that provide guidance as to how we should treat them. An alternative approach, though, shifts the focus away from individual animals towards protecting what's understood to be *natural*, and in particular to concern about groups perceived to be natural such as wild *species*.

### 2.5 Respect for nature

Moral concern about animals need not be based around the suffering, rights or wellbeing of particular individuals; it is also often expressed about the extinction of species. Indeed, such concern often extends to include the extinction of species of plants and insects, where suffering and the possession of rights is not an issue. The worry here is about the loss of a particular natural *form*, the species, that's manifested in each of the individual species members. Here, animals' value lies in their membership of a valued species, not in their individual capacities.

Although some species are obviously useful or potentially useful to people (for instance as resources for medical research) and others are of high symbolic value (such as polar bears) this isn't all that's at stake here. Some ethicists argue that a species has *value in itself*, and therefore should be protected (both from extinction, and from some kinds of 'meddling' in its genetic integrity). This kind of value – as Rolston (1989, pp.252-255) maintains below – falls outside the 'individualist' frameworks we've so far been considering, and is thus rejected by them. Holmes Rolston, for instance, makes this case:

Many will be uncomfortable with the view that we can have duties to a collection. ... Singer asserts, "Species as such are not conscious entities and so do not have interests above and beyond the interests of the individual animals that are members of the species." Regan maintains, "The rights view is a view about the moral rights of individuals. Species are not

individuals, and the rights view does not recognize the moral rights of species to anything, including survival.” ...

But duties to a species are not duties to a class or a category, not to an aggregation of sentient interests, but to a lifeline. An ethic about species needs to see how the species *is* a bigger event than individual interests or sentience... Thinking this way, the life the individual has is something passing through the individual as much as something it intrinsically possesses. The individual is subordinate to the species, not the other way round. The genetic set, in which is coded the *telos*, is as evidently a “property” of the species as of the individual. ...

Defending a form of life, resisting death, regeneration that maintains a normative identity over time - all this is as true of species as of individuals. So what prevents duties arising at that level? The appropriate survival unit is the appropriate level of moral concern.

On Rolston’s view, the extinction of a species is deplorable not just because of its consequences for the welfare of humans or animals but as something that is *in itself* bad. If the blue whale becomes extinct this is not, after all, a problem for animal welfare – individual whales, for example, do not suffer from becoming extinct. For Rolston, it reverses the correct order of things to say that loss of a species is bad because it is regretted by humans; rather, humans have duties to protect species – and regret their loss - because species are themselves valuable. Why is this? Rolston argues that a species is, in itself, rather like a living individual – a lifeline. A species comes into being, reproduces itself, and will eventually die, like any other living individual. Indeed, to push Rolston’s argument a bit further, we can even think of a species as having interests distinct from those of its members. So, for instance, we could keep all the remaining individuals of a particular species in captivity in a zoo for captive breeding: this might produce welfare problems for all those individuals, but it might nonetheless be good for the *species*, allowing it to continue and perhaps flourish in the future.

If the focus of this view is respect for nature, and in particular for natural species, what do those who hold such a view think about *domesticated* animals? The genetic make-up of domesticated animals has for countless generations been influenced, shaped and more recently, in some cases at least, controlled by human beings. Animals created in these ways are not members of ‘natural’ species in the sense that Rolston describes. Indeed, many members of domesticated species would find life extremely difficult were they to be taken out of human-created environments and placed into natural ones; we might describe such animals as being artefactual as much as natural.

For this reason, some environmental ethicists regard domesticated animals as being less valuable than wild ones; The environmental ethicist J.Baird Callicott (1980,p.53) has argued that domesticated animals are “living artefacts...they constitute yet another extension of the works of man into the ecosystem”. Unlike wild animals, they are bred to “docility, tractability, stupidity and dependency”. Indeed, not only do they lack the value of wild naturalness but they also threaten the very beings that do manifest such values, by over-running their habitats.

One response to views of this kind has been to argue that the wild/domestic divide on which this position depends just cannot be so clearly divined. Domesticated animals are still related to wild animals; indeed, in Europe some animals are now being bred for ‘de-domestication’, to fit back into natural landscapes as now extinct wild animal species, such as aurochs, once did. Some ‘wild’ animal species such as squirrels - wild in the sense that no-one has tried to domesticate them – have evolved alongside humans over generations. Even the wildest of animal species are now likely to be shaped by human impacts, for instance by agricultural expansion and by climate change, impacts that will only intensify in the future. Other critics of this view – such as Stephen Budiansky (1999)- argue that domestication should be regarded much more positively than Callicott’s view suggests, as a kind of ‘win-win’ contract, of benefit both to humans and to animal species themselves.

A further concern here may be with the kinds of processes humans use in order to *change* animal species. Someone with a ‘respect for nature’ view might regard all human attempts to change animals as morally impermissible, creating artefacts that threaten the flourishing of wild animal species. However, others maintain that some processes by which humans adapt animals are more ‘natural’ and thus more morally acceptable than others. So, for instance, it’s sometimes argued that slow, selective breeding, as practised by farmers across the centuries, merely accentuates and guides changes that could have happened naturally. These traditional practices, it’s maintained, are rather different from the fast-changing modern ‘engineering’ of animals by genetic modification and intensive breeding programmes, where animals are adapted to suit narrow human purposes. On this view, selective breeding and domestication, in the traditional sense, is understood to be relatively natural and so morally permissible, while genetic modification and intensive breeding programmes are understood to be unnatural and morally impermissible.

Of course – as with the other four positions we’ve considered – positions based on respect for nature have been widely challenged. One challenge focuses on the difficulty of identifying what is and isn’t natural, given human embeddedness in and entanglement with nature. Another challenge

asks why we should think that what's natural has some special value anyway. From a perspective centred on animal welfare, for instance, if a highly artificial process such as genetic modification could create animals resistant to certain painful diseases, then it would seem to be morally desirable as such a process could reduce animal suffering. Again, then, we see just how far different approaches to animal ethics can produce widely divergent views on how we should treat them.

### 3. Combining views and decision-making

In this chapter, we've outlined a number of different approaches to animal ethics: contractarian views, utilitarian views, rights views, contextual views and views concerned for the protection of natural species. These different approaches certainly seem to give divergent answers to the questions raised at the beginning of the chapter: "Do animals have moral standing in their own right? And if so, what kind of duties do we have towards them?" Must we, then, choose to adopt one of these approaches (or some other approach altogether) and reject all the others? Or are there ways of combining attractive elements from different approaches to create some kind of a 'hybrid view'?

Some kinds of hybridity do seem plausible. It's perfectly possible to be morally concerned about species extinction while also thinking that the well-being of individual species members is of moral significance. And frequently, both species-oriented and individualist views will recommend the same policies – protecting a species will usually protect individual members. But on occasions, these two values will come apart – for instance, where to protect an endangered species, sentient animals of another species would have to be culled. In cases of conflict of this kind, someone who held this kind of hybrid view would have to decide which ethical approach had priority.

Another kind of hybrid view might combine elements of a rights position with a kind of contextual view. So, for instance, one might argue that animals' capacities give them basic rights protections. However, this may not tell us *everything* about our moral responsibilities towards all animals; our relations with particular animals (such as pets) might give us additional special obligations that we owe only to a few animals and not (as with respect for rights) to animals in general.

The ground looks rather fertile, then, for possible hybridization, especially if one view is taken as 'baseline' or given priority in a situation where the different approaches may conflict. However, not all views hybridize well. The utilitarian aim at best consequences is in clear tension with the claim

of rights theorists that there are some actions we should never do, however good the consequences. But even here some form of hybridization might work. For instance, it might be argued that there are certain things that may never be done to animals, no matter how beneficial the possible consequences – perhaps causing an animal to experience intense and unrelenting suffering. But – on this hybrid view - as long as we abstain from these absolutely impermissible actions, we can otherwise reason as a utilitarian would. So, for example, painless killing of animals or causing them mild distress or inconvenience may be allowed if sufficiently good consequences follow, even though severe and unrelenting pain should never be inflicted.

## Conclusions

- Ethical decision-making relating to animals is problematic, highly contested, and requires reasoned discussion. A number of competing positions exist. We have outlined five leading positions here:
  - The *contractarian view* only considers human interests. Individual humans belong to a human-only moral contract that benefits the individual human concerned, along with other collaborating fellow humans.
  - According to the *utilitarian view*, we should consider not just the interests of all affected humans, but also of all affected sentient beings. The aim should be to produce the best balance of good over bad, by maximizing the fulfilment of sentient interests.
  - In the *animal rights view* animals that are sentient and have high-level cognitive abilities have rights to life, liberty and respectful treatment. The rights of individuals cannot be overridden in order to benefit others.
  - On contextual views, a variety of factors as well as animals' capacities are of moral significance, such as the emotional bonds between humans and animals and the special commitments humans have made to particular animals.
  - Finally, in the *respect for nature view* the protection of natural species, genetic integrity, and some kinds of natural processes are thought to be of moral significance; animals are valued as tokens of their species.
- These different theoretical approaches to animal ethics should not be understood as rigid and uncompromising. There are, for instance, ways in which they can hybridize with one another.

- These approaches can perhaps be thought of as lenses, each focusing in on a different aspect of what might be ethically troubling about animals as treated by humans – their suffering, their instrumentalization, their vulnerability and dependence, their natural form.

## Acknowledgements

The authors want to acknowledge the effort of Roger Crisp and Nils Holtug who were co-authors of the version of this chapter which was published in the first edition of the present book. Also we would like to thank Mike Appleby and Anna Olsson for comments to an earlier draft of this chapter.

## References

American Medical Veterinary Association (AMVA) (2007) *US Pet Ownership 2007* at <http://www.avma.org/reference/marketstats/ownership.asp>

Bentham, Jeremy ([1789] 1989) "A utilitarian view." In *Animal Rights and Human Obligations*. Regan, Tom and Singer, Peter (eds) Prentice Hall, Englewood Cliffs, NJ pp.25-26.

Budiansky, Stephen (1999) *The Covenant of the Wild* (New Haven: Yale University Press)

Callicott, J. Baird (1980) "Animal Liberation: A Triangular Affair" *Environmental Ethics* 2 pp.311-338.

Francione, Gary (2000) *Introduction to Animal Rights: Your Child or your Dog?* (Philadelphia: Temple University Press)

Lockwood, Michael (1979) "Singer on Killing and the Preference for Life" *Inquiry* 22 no 1 pp.157-171.

Narveson, Jan (1983) "Animal Rights Revisited". In *Ethics and Animals* Miller, Harlan B. and Williams, William H. (eds) (Humana Press) pp.45-60.

Noddings, Nel (1984) *Caring* (Berkeley: University of California Press)

Rachels, James (1993) *The Elements of Moral Philosophy* [2nd Ed.] (New York: McGraw Hill)

Regan, Tom (1984) *The Case for Animal Rights* (London: Routledge)

Regan, Tom (2007) "The Case for Animal Rights" in Lafollette, Hugh (ed.) *Ethics in Practice* (3<sup>rd</sup> Ed.) (Maldon MA and Oxford: Blackwell) pp.205-211

Rolston, Holmes (1989) *Environmental Ethics: Duties To and Values In the Natural World* (Philadelphia: Temple University Press)

Singer, Peter (1979) "Killing Humans and Killing Animals" *Inquiry* 22 no.1 pp.145-156

Singer, Peter (1989) "All Animals are Equal." In *Animal Rights and Human Obligations*, Regan, Tom and Singer, Peter (eds) (Prentice Hall, Englewood Cliffs NJ) pp. 148-162

Singer, Peter (1999) *Practical Ethics* (2<sup>nd</sup> Ed.) (Cambridge: Cambridge University Press)

Animal ethics. Rational argument about the right and wrong way to treat animals is made more difficult by the deep love that many of us feel for animals. For philosophers it raises fundamental questions about the basis of moral rights. Overview. Introduction. Animal Welfare Act 2007. Rights and ethics.