

BOOK REVIEW

Mark H. Bernstein, *Without a Tear: Our Tragic Relationship with Animals*. Urbana, Illinois: University of Illinois Press, 2004, 207 pp. (indexed). ISBN 0-252-07198-0, US \$25.00 (Pb).

Since Peter Singer's *Animal Liberation*, many philosophers have addressed the ethics of our relations with other animals with skill and insight. By and large, they have argued that something is badly wrong and therefore in need of radical reform, though there have been dissenters, like Peter Carruthers, in *The Animals Issue*. One feature many such works have had in common is the reliance of their authors upon contentious theoretical stances. There have been utilitarian, Kantian, and contractarian arguments, with theses and arguments in philosophy of language, philosophy of mind, and cognitive science called upon for supporting evidence.

Such an approach is hazardous to the extent that it makes it appear that persons interested in the issue must first be convinced of one or more complicated and controversial philosophical theories, and must also follow and agree with a further abstruse line of argument supposed to lead from the theories to practical conclusions. Especially in applied ethics, where the aim is, in part, to improve our practice, the heavily theoretical strategy runs the risk of making the discussion academic in the worst sense of the term, something of interest only to specialists. It would be an important gain if the theory-intensive approach to animal ethics could be avoided, without compromising rigor or substantive argument. Such a gain is what Mark Bernstein seeks to provide in *Without a Tear: Our Tragic Relationship with Animals*. This is a rich book, full of insight and arresting argument, written in a way that can be appreciated by philosophers and by intelligent citizens.

Though Bernstein is no enemy of moral theory or theorizing, he does not base his central arguments upon anything contentious. Like Mylan Engel and James Rachels, he does not cast his most important arguments in terms of controversial theories. Bernstein's approach is to articulate and defend something much simpler than a complete moral theory, something that will be plausible to readers committed to differing theoretical frameworks, or to none. His principle of gratuitous suffering is: "It is morally wrong to intentionally inflict (or allow the infliction of) gratuitous pain or suffering on another, innocent individual." (p. 7) Bernstein does a fine job of explaining what the

principle means and showing how plausible it is. As he presents it, the principle is, in the first place, plausible in itself. Its truth is the simplest explanation for numerous moral judgments we make. If there were an alien about whom we knew only that it was capable of suffering and that it was entirely innocent, plainly, it would be wrong to cause the alien pointless suffering. If so, however, it is hard to see how this truth could plausibly be explained by anything less than the principle of gratuitous suffering and hard as well to see why anything more demanding would be needed, though some more demanding principle might also be true.

Another point in favor of the principle of gratuitous suffering is that the various objections that might be urged against it can be convincingly rebutted. Bernstein considers global objections, stemming from moral nihilism and relativism, as well as more local and detailed objections, such as objections turning upon whether gratuitous suffering should be identified with unnecessary suffering. If, to use one of Bernstein's examples, Valerie can escape from a prospective mugging by hurting either of the muggers, Max or Milton, and does in fact hurt Max, should we say that his suffering is gratuitous, since it was unnecessary, as Valerie could have avoided being mugged by hurting Milton instead? If that is what the principle of gratuitous suffering requires, it is mistaken. Valerie's preemptive self-defense seems to be what is justified here. Bernstein's reply is to argue that gratuitous suffering should not be identified with unnecessary suffering, but with morally pointless suffering. Since there is a moral point to hurting Max, his suffering is not gratuitous and therefore does not raise problems for Bernstein's principle.

Further support for the principle comes from a consideration of Peter Singer's principle, which Bernstein calls the principle of moral importance: "If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it." (p. 25) Bernstein considers a number of objections to this principle and argues that, even if they show it to be inadequate, they do not affect his own principle of gratuitous suffering. Bernstein's principle is less demanding and less committal than the principle of moral importance, since it is entailed by, but does not entail, Singer's principle and, being less committal, is less vulnerable to objection.

As a matter of presentation, it would have been better if Bernstein had spoken of two principles instead of one. While, given the qualifications Bernstein supplies, it is wrong to intentionally inflict gratuitous suffering and to allow it to be inflicted, the wrongness of inflicting gratuitous suffering seems to be more evident than the wrongness of merely allowing it to be inflicted. Some philosophers might agree that intentional infliction is wrong, while doubting that merely allowed infliction is also wrong. Separating the two parts into a principle addressing the intentional infliction of gratuitous suffering and a principle addressing the allowing of gratuitous suffering might have clarified

some matters, especially, since almost all the harms to animals with which Bernstein is concerned involve intentional infliction. Persons who are more doubtful about the wrongness of allowing gratuitous suffering could still be addressed on the subject of the gratuitous suffering we intentionally inflict upon animals, while avoiding distractions pertaining to merely allowing it.

Bernstein turns in the second chapter to philosophers who would attempt, in one way or another, to restrict the scope of the principle of gratuitous suffering primarily or entirely to human beings. Some thinkers endorsing such a view will be secular, while others will be religious, and Bernstein undertakes to reply to both. Such inherentists, as he calls them, will often admit that animals may be harmed or benefited, but, in one common form of the view, will hold “that the disparity between human and animal value is so great that it makes the gratuitous infliction of pain and suffering all but impossible. Indeed, even the notion of disparity is misleading, since it suggests that the value of humans and that of animals are comparable, whereas they are not. Rather, they differ fundamentally, not just in degree.” (p. 40) The view of such inherentists is that human beings alone have inherent value, a kind of value which is not relative to the way we are valued, whether by ourselves or others, or our usefulness for some purpose. By contrast, the value of other animals is only instrumental, relative to some purpose or goal. Such inherentists also hold that such inherent value is based on our intrinsic properties, is possessed equally among human beings, whether rich or poor, smart or stupid, normal or handicapped, or wise or foolish, and is the basis upon which we are justified in treating all human beings as having equal basic rights. An alternative inherentist position, which will come to much the same thing in practice, will have us admit that animals have some inherent value, but, dropping the claim that all who possess it do so equally, will require that human beings have much greater inherent value than other animals. Such attempts to deny or minimize the inherent value of animals come in two major forms: secular attempts to say that human beings have some morally important property lacked by other animals, and religious doctrines that hold that human beings have been in some fundamental way set apart from other animals by God.

Against the secular attempts, which typically have us focus on properties such as rationality or possession of language, Bernstein deploys the argument from marginal cases. The core of the argument is that inherentists who try to draw a morally fundamental distinction between human beings and animals needs to satisfy two conditions. First, they must find some property possessed by all the human beings who are to be included within the moral community according to the view in question, and not by any other animals. Second, the property must be morally relevant. Since it is supposed to underwrite an enormous difference in how human beings and other animals may legitimately be treated, it must be plausible that the property matters morally. As Bernstein notes, even if it were true that all and only human beings have fingernails, it

would not do to nominate the property of having fingernails as the morally crucial difference between human beings and other animals. The problem such secular inherentists face is that, for just about any property that might be thought morally relevant, it is either possessed by some animals, not possessed by some human beings, or both. If the standard is set sufficiently high that no other animal possesses the property, then there will be many human beings who will not possess it, either. If it is set low enough to include all human beings, as it should be, then a great many other animals will also qualify. A reason for including human beings while excluding or minimizing the importance of other animals cannot be found in secular moral theory.

Many thinkers sympathetic with Bernstein's position would end the discussion of the moral status of animals at this point, perhaps with dismissive remarks about religious doctrines of human dominion over the animal world. It is to Bernstein's credit that he takes a different tack. Dismissiveness towards religion may satisfy secular philosophers and their largely secular audience of fellow-philosophers, but it cannot help seeming, to the religious, to be unfairly dismissive. Bernstein's response is to examine more deeply and sympathetically the religious tradition itself. Interpretations that would have understand human dominion over the world as a form of morally unlimited domination of our fellow creatures are not the only ones available; other and more plausible interpretations of dominion as a kind of stewardship are also available. His principal focus is upon the understanding of scripture and the traditions of understanding our relation to other animals that developed within Judaism, but his discussion should be of interest to Christians as well as Jews, because the dominion passage from Genesis and many others relevant to the relation between human beings and animals, are to be found in scriptures common to both Judaism and Christianity. When Bernstein argues that the resources for a different and less instrumental view of the status of animals are to be found within the religious tradition, he removes one of the important supports in the minds of many people for the idea that animals exist solely for our benefit.

Inasmuch as no good reason, either secular or religious, has been supplied for excluding animals from the scope of the principle of gratuitous suffering, we have to consider whether our actions amount to intentionally inflicting gratuitous suffering on animals, or allowing it. Over three chapters, Bernstein turns to significant areas of human-animal interaction, factory farming, hunting and animal experimentation, and argues that our actions do amount to intentionally inflicting and allowing gratuitous suffering. Bernstein's chapter detailing the horrors of factory farms, where the vast majority of the animals and animal products we consume are produced, is graphic and disturbing. It is difficult to read without being convinced that there is much gratuitous suffering caused to animals which we ought neither to participate in nor to support. His chapter on hunting provides an important perspective on the harm hunters do and a rejoinder to those ecologically-minded defenders who maintain that

the practice plays an important role in preventing cycles of exploding and crashing animal populations. His chapter on animal experimentation provides a convincing brief statement of the scientific problems in extrapolating from animal models to conclusions about human health, disease and well-being, but he does not let the case rest there. He points out that we have far better models than can be provided by any animal, in other human beings. If it is not acceptable to perform medical experimentation upon handicapped human beings, how, Bernstein asks, it can be acceptable when performed upon animals. The only satisfactory answer would seem to be that some morally relevant property is possessed by all human beings and not by any other animals. Yet, such an answer is just what we failed to find in the earlier consideration of the argument from marginal cases. In the remaining two chapters, Bernstein addresses the status of animals before the law and examines developments in feminist ethics to see what light might be cast from that direction upon the status of animals and our relations to them, as well as the light cast upon feminist ethics from issues related to our treatment of animals.

Without a Tear is impressive. Its central arguments are powerful, well-developed, and not dependent upon a controversial moral theory. A further attractive feature is the transparent sincerity of the author. Bernstein clearly cares a great deal about the issues he discusses, and we might expect him to be tempted to overstate his case or exaggerate the import of the claims for which he argues. If he was, he seems to have successfully resisted the temptation. Repeatedly, he makes more restrained claims than might have been expected and contents himself with argument that some position he favors is plausible or reasonable rather than that it is rationally inescapable. The fact that he is unwilling to claim too much for his arguments has the effect of adding to the persuasive power of the conclusions he does endorse. *Without a Tear* is written in a way that should be accessible to non-specialists, but without oversimplifying or sacrificing argumentative rigor. It is a book which deserves and will repay study.

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