Animals Deserve Moral Consideration

Introduction

Should we believe animals deserve moral consideration? Some philosophers think we should not. Kant is often read as denying that animals deserve moral consideration. As he put it:

> Beings whose existence depends… on nature have… if they are not rational beings, only a relative value as means and are therefore called things. (Kant [1785] 1998: [Ak 4: 428])

And:

> The fact that the human being can have the representation "I" raises him infinitely above all the other beings on earth. By this he is… altogether different in rank and dignity from things, such as irrational animals, with which one may deal and dispose at one's discretion. (Kant [1798] 2010: 239 [Ak 7: 127])

As Peter Carruthers (1992, p. 89) put it: "the lives and sufferings of non-human animals… make no direct moral claims on us…. I shall argue that no animals possess moral standing." Timothy Hsiao (2015a), (2015b), (2017), (forthcoming a), and (forthcoming b) also denies that animals deserve moral consideration. He considers various motivations for holding that animals deserve such consideration and finds them wanting. In this paper I consider a motivation Hsiao has not yet discussed: We should accept a conservative view about how to form beliefs. And such a view will instruct us to believe that animals deserve moral consideration. Since my motivation is one Hsiao has not yet addressed, it is compatible with many of the points he makes against various other motivations in his many papers on this topic. So my paper should be understood as an invitation to Hsiao to consider a new target. I think conservatives like Hsiao do best to understand animals in such a way that upholds their moral status.

The Argument from Conservatism

Here is my argument for thinking that animals deserve moral consideration:

(1) Conservatism is true.

(2) If Conservatism is true, then we should believe animals deserve at least some moral consideration.

(3) So, we should believe animals deserve at least some moral consideration.

Regarding (1): Let me say a bit about Conservatism. I will understand it as the following claim:

> If a proposition seems true, is part of received tradition, and is widespread across cultures, then one should believe it in the absence of defeaters.

As Copan (2016) puts it:

> *Just as we generally trust our sense perceptions as reliable (unless there is good reason to doubt them), we should treat general moral intuitions (aversion to torturing babies for fun, rape, murder) as innocent until proven guilty*…. [W]e have basic moral instincts-for example, a revulsion at taking innocent human life or of raping (the "Yuck factor") or an inward affirmation regarding self-sacrifice for the well-being of my child (the "Yes factor"). The burden of proof falls on those denying or questioning basic moral principles. We are wise to pay attention to these basic moral instincts - even if these intuitions need occasional fine-tuning…. In… C.S. Lewis' book The Abolition of Man, he lists various virtues that have been accepted across the ages and civilizations (Greek, Egyptian, Babylonian, Native American, Indian, Hebrew, etc.).

When we are horrified by something, the conservative view is that we should take our horror at face value and trust it unless we have reason not to. When there is widespread cross-cultural endorsement of a moral view, the conservative view is that we should trust the view unless we have a good reason not to. As McIntosh (forthcoming, p. 1) puts it:

> Real progress is made not by destroying the imperfect and replacing it with something new and untried, but by building on the foundations of the tried and true. And that is what conservatism is all about: conserving the tried and true—not a blind allegiance to the past or maintaining the status quo.

Conservatism is the view that we keep the tried and true, keep the foundations of what has worked, while leaving space for defeaters and not being blindly allegiant to traditional ideas. As Huemer (2007, p. 30) puts it:

> I am a broad-minded epistemologist: I believe that epistemic justification is conferred by appearances of all sorts, whether sensory, intellectual, mnemonic, or introspective. In short, I endorse Phenomenal Conservatism… If it seems to S that p, then, in the absence of defeaters, S thereby has at least some degree of justification for believing that p.

So much for what Conservatism is. Why should we believe it? I don't think I need to do much to defend Conservatism here. The philosophers who like Hsiao's view, including Hsiao, are conservative. What I aim to show is that, by one's own lights, a conservative should believe animals deserve moral consideration.

Regarding (2): The proposition that animals deserve at least some moral consideration seems true, is part of received tradition, and is widespread across cultures. Descartes is often considered to have held the view that animals have no mental lives. In

the course of arguing that Descartes did not really hold this view, Harrison (1992, p. 220) writes:

> It is surely significant that, unlike many of his so-called disciples (most notably Malebranche), Descartes did not develop the most obvious theological corollary of animal insensitivity: namely, that if animals are by nature incapable of feeling pain, then God cannot be held responsible for visiting unmerited suffering upon these innocent creatures. Virtually every seventeenth-century proponent of the 'Cartesian' view of animals alluded to this advantage of what was otherwise a very implausible view.

If animals were not widely held to deserve moral consideration, there would be no need to suppose that they lack mental lives in order to explain why God (apparently) allows them to suffer. Indeed, animals (if they have mental lives) deserve so much consideration that the theoretical benefits of adopting the skeptical view that they lack mental lives was seen by many philosophers as outweighing the costs[1].

As Nussbaum (2001, 1506) puts it:

> In 55 B.C.E. the Roman leader Pompey staged a combat between humans and elephants. Surrounded in the arena, the animals perceived that they had no hope of escape. According to Pliny, they then "entreated the crowd, trying to win their compassion with indescribable gestures, bewailing their plight with a sort of lamentation.", The audience, moved to pity and anger by the animals' plight, rose to curse Pompey - feeling, writes Cicero, that the elephants had a relation of commonality (societas) with the human race.

If the audience did not believe animals deserve at least some consideration, then they would not have been moved to compassion on observing their suffering.

Hsiao (2017, p. 52) points out how natural it is to regard the practices of factory farms as horrific:

> The temptation is to look at certain practices and make sweeping generalizations based on one's own emotional revulsion: "But look at the way they are treating these chicks! How can anyone do this with a clear conscience?" Well, it is an empirical fact that many people *are* in fact able to work in animal agriculture with a clear conscience, just like how many are able to fight in war and preserve their moral integrity.

Compare this with the way humans treated each other in the Holocaust. We read about what was done. It causes emotional revulsion. Conservatism tells us we should trust that revulsion in the absence of defeaters. And the fact that some were able to operate concentration camps with a clear conscience is not a defeater. In the same way, Conservatism instructs us to trust our emotional revulsion at factory farming practices in

[1] For my explanation of why God allows animal (and human) suffering see Hill (manuscript).

the absence of defeaters. *Let me be clear*: I am not saying that factory farms are as bad as the Holocaust or that animals deserve the same moral consideration as humans. I do not believe that. I am only saying that if we look at animal suffering and are horrified, we should trust that horror unless we have a defeater for it. We are horrified and revolted by factory farm practices. There is widespread cross-cultural endorsement of the view that animals have at least some moral status. So the conservative view is that animals have at least some moral status.

Consider the way animals are depicted in the Bible and by prominent theological minds. It is strongly suggested that they deserve at least some moral consideration. Take, for example, Proverbs 12:10:

> The righteous care for the needs of their animals, but the kindest acts of the wicked are cruel.

Take beloved Roman Catholic Cardinal John Henry Newman's remarks[2]:

> Now what is it that moves our very hearts and sickens us so much at cruelty shown to poor brutes? … They have done us no harm and they have no power of resistance; it is the cowardice and tyranny of which they are the victims which make their sufferings so especially touching. Cruelty to animals is as if man did not love God…. There is something so very dreadful, so Satanic, in tormenting those who have never harmed us, who cannot defend themselves, who are utterly in our power.

Personally, I find Newman's comments to be a little over the top and exaggerated. But nevertheless they illustrate the idea that the default, conservative view is that animals deserve at least some moral consideration. And it requires a radical revisionism to deny this. Notice that Newman isn't simply saying he personally is revolted by inhumane treatment of animals. He is taking it as obvious common ground that we all are horrified by the torment of animals. Take beloved Protestant author C.S. Lewis's (1970, p. 441-2) remarks:

> The Christian defender of [vivisection]… is very apt to say that we are entitled to do anything we please to animals because they 'have no souls'. But what does this mean…? [T] absence of 'soul'… makes the infliction of pain upon them not easier but harder to justify. For it means that animals cannot deserve pain, nor profit morally by the discipline of pain, nor be recompensed by happiness in another life for suffering in this. Thus all the factors which render pain more tolerable or make it less totally evil in the case of human beings will be lacking in beasts. 'Soullessness', in so far as it is relevant to the question at all, is an argument against vivisection.

It is clear that Lewis thought animals deserve moral consideration[3].

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[2] Newman quote taken from Scully (2002, p. 67-9)

Hsiao's View Is Radically Revisionist

I have been arguing that Hsiao's view is revisionist. This is very different than the way he presents his view. As he (2017, p. 44) puts it:

> The account of moral status that I will defend has been the traditional one: in order for a being to have moral status of any kind, it must have the *capacity to reason*. It is this feature that is the *sine qua non* of morality and moral standing.

I think Hsiao's claim is partly right and partly wrong. The idea that rationality is required for *personhood* is the traditional view. And the idea that persons matter more than non-persons is the traditional view. But the idea that *only* persons matter is a radically revisionist position that is completely out of step with tradition. In a footnote to the just quoted passage, Hsiao says:

> Others who advance this argument include Adler (1967), Oderberg (2000), Scruton (2000), Reichmann (2000), Cohen (2001), Machan (2004), and Lee and George (2008). The idea that rationality is required for moral standing, however, goes as far back as Boethius.

Again, I think Hsiao is partly right. But I don't think these authors advocate the idea that animals have no moral status. And at least some of them explicitly reject it.
Scruton discusses the permissibility of using animals for sporting events and travel. When evaluating the permissibility of such uses, he (2000, p. 65) sets the following constraints:

> The first two uses of animals often involve training them to perform activities that are not natural to them but which exploit their natural powers. Two questions need to be addressed. First, does the training involve an unacceptable measure of suffering? Second, does the activity allow for a fulfilled animal life?

It is clear here that, for Scruton, whether such use of animals is permissible depends on how it affects the relevant animal. Whether the animal suffers and whether it can live a fulfilled life are morally relevant considerations. When discussing how much pain it is permissible to inflict on animals Scruton (2000, p. 69) says this:

> Here we come up against a teasing question, however. Just how much pain, and how much fear, are we entitled to inflict, in order to secure our purposes? In answering such a question it is necessary to distinguish the case where the good

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[3] Some of these points are anticipated in Bass (2011). Bass thinks a conservatism-like principle, what he calls 'moral lore', gets the result that killing animals or causing them pain at all is wrong. I don't go that far. I think what conservatism gets us is the result that animals deserve at least some moral consideration and that factory farming is immoral. But it doesn't get us to vegetarianism or veganism. For that we need further argument.

> aimed at is a good for the animal itself, and the case where the animal is sacrificed for the good of others. This distinction is fundamental when dealing with human beings, who can sometimes be hurt for their own good, but rarely hurt for the good of another. But it seems to apply to animals too.

Although Scruton thinks that animals can suffer for the good of humans, he thinks whether the suffering is for humans or for the sake of a good that the animal gets is relevant. Scruton thinks that factory farming is immoral. As he (2000, p. 73) puts it:

> Most people find the sight of pigs or chickens, reared under artificial light in tiny cages, in conditions more appropriate to vegetables than to animals, deeply disturbing and this feeling ought surely to be respected, as stemming from the primary sources of moral emotion…. Someone who was indifferent to the sight of pigs confined in batteries, who did not feel some instinctive need to pull down these walls and barriers and let in light and air, would have lost sight of what it is to be a living animal. His sense of the value of his own life would be to that extent impoverished by his indifference to the sight of life reduced to a stream of sensations. It seems to me, therefore, that a true morality of animal welfare ought to begin from the premise that this way of treating animals is wrong, even if legally permissible.

Just before this passage Scruton makes clear that it is the welfare of the relevant animals that matters. He says (2000, p. 73):

> If it is uneconomical to rear chickens for the table, except in battery farms, should they therefore not be reared at all? The answer to such a question requires us to examine the balance of comfort over discomfort available to a chicken, cooped up in those artificial conditions. But it is not settled by utilitarian considerations alone. There is the further and deeper question, prompted by both piety and natural sympathy, as to whether it is right to keep animals, however little they may suffer, in conditions so unnatural and so destructive of the appetite for life.

So for Scruton, the question of whether factory farming is permissible depends on two factors. First, does the animal suffer? Second, even if the animal does not suffer, does it have a life that is natural and amenable to enjoying life? Machan (2004, p. 21-2) makes similar points:

> One would damage one's character by being cruel, wasteful, or callous toward animals, given that they can experience pain…. Growing up on a farm in Hungary, I earned all kinds of admonition about how I ought to treat the animals. I was scolded for mistreating a cat but earned approval for taking the favorite cow grazing every day and establishing a kind of bond with it…. The suffering of animals is of concern to all conscientious human beings—but not to the point of sacrificing significant human benefits to spare animals the degree of suffering needed to secure those benefits.

Machan thinks our character is damaged by being cruel to animals in virtue of the fact that they can experience pain. The authors in question hold the view that rationality is required for *personhood*, they hold the view that persons matter more than non-persons, and they hold that animal suffering should be allowed to secure benefits for humans. But they also explicitly reject the idea that "in order for a being to have moral status of any kind, it must have the *capacity to reason*." Moreover, we have already seen in the previous section that there is a long tradition of thought, even among conservatives such as Cardinal Newman, of thinking that animals deserve moral consideration. Hsiao's claim that his view is the traditional one is false. Hsiao's view is radically revisionist and anti-traditional.

Intuitions, Theoretical Virtues, and Tradition Are Good Enough

Hsiao maintains that there is only a very specific way in which a theory of moral status may be justified. As he puts it:

> Any plausible theory of moral status will therefore need to show how the properties it regards as morally salient are conceptually linked to the concept of morality. In other words, we need to start with the concept of morality, from which we can then determine which welfare conditions are relevant in granting entry into the moral community.

I think this is mistaken. A standard way to support a philosophical theory is to show that it matches intuition[4]. Another way to support such a theory is to show that has theoretical virtues such as simplicity. And a conservative should think a theory can receive support in virtue of being in line with tradition. The theory that sentience is sufficient for at least some moral status matches intuition, is simple, and is the traditional view. So it receives as much support as any philosophical theory could hope for. As we have seen, the theory that rationality is required for any sort of moral status *at all* violates intuition badly and goes against tradition. So on the standard ways of evaluating philosophical theories, and by the lights of conservatives, it does poorly. It would be one thing if there were a plausible debunking argument for the intuition that animal suffering matters or that tradition has got it wrong. And it is worth noting if there is no conceptual link between sentience and moral status. But conceptual connections are not necessary for theory construction. Sentience can ground moral status even if it is not conceptually connected to moral status. The sentience view matches intuition, is simple, is the traditional view, and has no plausible defeaters. That is a sufficient explanation of the moral status of animals.

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[4] See Horta's (2018) argument that sentience is relevant to moral status.

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