

ANIMAL ETHICS
Past and Present Perspectives

edited by
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λογος

BERLIN 2012

Animal Ethics: Past and Present Perspectives
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Bibliographic information published by the Deutsche Nationalbibliothek.
The Deutsche Nationalbibliothek lists this publication in the Deutsche
Nationalbibliografie; detailed bibliographic data are available in the
internet at <http://dnb.d-nb.de>.

Layout - artwork:
Dedevesis Graphic Arts
172, Inachou str., 21200 Argos, Greece
Tel: +30 27510 62012, Fax: +30 27510 22155
www.dedevesis.gr

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ISBN 978-3-8325-2999-4
Logos Verlag Berlin GmbH
Comeniushof, Gubener Str. 47,
D-10243 Berlin
Germany

Tel.: +49 (0)30 42 85 10 90
Fax: +49 (0)30 42 85 10 92
www.logos-verlag.de

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ANIMAL RIGHTS, OR JUST HUMAN WRONGS? **

Reportedly ever since Pythagoras, but possibly much earlier, humans have been concerned about the way non human animals (henceforward “animals” for convenience) should be treated. By late antiquity all main traditions with regard to this issue had already been established and consolidated, and were only slightly modified during the centuries that followed. Until the nineteenth century philosophers tended to focus primarily on the ontological status of animals, to wit on whether – and to what degree – animals are actually rational beings; accordingly they allowed – or denied – them some kind of moral standing. This *modus operandi* was for the first time seriously questioned by Jeremy Bentham, who put the issue on a different track. If the question, as Bentham suggested, is not if animals can think or speak, but if they can suffer¹, then it seems plausible that moral agents *ought to* abstain from inflicting unnecessary suffering on animals; in other words, humans might have at least *one* – even limited – *moral duty* towards animals. And if this, in turn, is true, then animals should arguably be allowed the commensurate *moral right*, namely the right not to be inflicted unnecessary pain. Then, if animals possess *this* right, they could probably possess *others*, as well. This is how *grosso modo* the issue of animal rights became a pivotal part of the discussion concerning animal ethics. Bentham himself, of course, wouldn’t have gone that far; to him even the idea of *human* rights sounded like “simple... rhetorical nonsense upon stilts”.² It was mostly due to his views, however, that the debate was moved from the way things *actually are* to the way things *should ideally be* – thus merging into what, in my view, should always have been: one primarily concerning ethics.

I. INTRODUCTION

The case for animal rights officially opened in 1792, mostly as a practical joke. It was then that Thomas Taylor decided to parody Mary

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Wollstonecraft's *A Vindication of the Rights of Women*³ by means of anonymously publishing his own *Vindication of the Rights of Brutes*⁴. The main idea was that if women *could* be allowed moral rights, then – on exactly the same grounds – brutes *should* also be granted rights; this, however, in Thomas Taylor's mind was simply ridiculous. Judging from what followed, one can tell that if there is any transcendental entity, a *Geist* that moves the strings of history, it surely is a witty one, and at that time it obviously was in a rather hilarious disposition towards poor Thomas Taylor. Not only did Taylor fail to lead the original debate to a *reductio ad absurdum* according to his initial intention, but he also ignited a new issue, one he never intended to: the case of animal rights. Both issues soon acquired a *momentum* Taylor could not have anticipated: nowadays the view that women indeed have – not the *same* with men, but *equal* – rights is beyond dispute, and it no longer seems ridiculous that animals might be acknowledged some rights on their behalf, as well; it took the seed Taylor planted less than two hundred years to sprout. As Heraclitus once said, time is a child playing dice.⁵

Although the argument by analogy Taylor employed was indeed preposterous – since the alleged similarities invoked concerning the moral status of women and brutes are totally arbitrary –, in this short essay I will endeavor to do him some justice, though only with regard to the first part of his implicit analogy, the one that refers to the moral rights of brutes. I will maintain that animals by virtue of their nature can not be *active* members of the moral community (moral agents), but only *passive* ones (moral patients); hence, since moral rights are nothing but moral claims that require and presuppose *agency*, animals are not suitable to be attributed with moral rights. Therefore, humans are not just the *par excellence* right bearers, but the *only possible ones*. Nevertheless, I will argue that this view does not necessarily imply that humans actually do not have certain duties *towards* or *regarding* animals, since moral duties are not owed to moral agents alone, nor do they always answer to a correlative moral right, although a moral right might always entail – and be commensurate to – a specific moral duty. In other words, even if – in my opinion, at least – animals are not moral agents and, hence, not qualified to be considered as genuine bearers of moral rights, there seems to be no plausible reason why they should be totally deprived of moral status and excluded from moral consideration. Moral agents can perform either virtuous or vicious

deeds regarding animals; therefore, they can be morally praised or blamed accordingly.

II. DO ANIMALS HAVE RIGHTS?

In everyday speech one can explicitly or implicitly refer to the rights of an individual animal – or of all animals in general – without being worried lest he or she should commit some fallacy, or enter a controversial debate. For instance we often say that this or that poor creature has a right to its life or its well being, so we have either to leave it alone, or help it through some situation that threatens it. Sometimes we tell off our dog for wetting our precious carpet, yelling that it had no right to do such a thing, something that seems to imply either that the dog *could be allowed* this specific right, or that it *is actually allowed* other rights, but not this one. By these, of course, we are not choosing sides in the debate concerning animal rights; we are just indulging in the convenient vagueness of everyday communication. But this is only the *language of man*, according to Maimonides' distinction.⁶ In the language of ethics the term *moral rights* – when used with reference to animals – becomes a highly controversial one. In my opinion this is mainly due to the very essence of ethics, as well as to the precise import of this particular notion, *moral rights*.

Ethics is not a spontaneous structure, nor is it of transcendental or metaphysical origin, at least as far as secular ethics is concerned. On the contrary, it is a social institution based on mutual acceptance, a covenant by which individuals are freely and deliberately contracted to other individuals, in order to improve the quality of their lives. Hence, ethics can apply only in the context of a given society – or in that of several ones, as far as their members have agreed to adhere to the same covenant. In nature, however, no such agreement can have any force. Therefore, ethics applies to social beings that are placed in some society, and not to just natural ones. It is true that human societies are not the only ones, nor are humans the only social species; as early as Aristotle it is known that animals such as wolves, bees and dolphins form societies, as well.⁷ However, animal societies seem to function in the absences of any ethics-like institution; instead they seem to be determined only by instinct and the laws of nature.

Therefore, ethics is an institution that is created *in the context of, by and for* human societies, and only in such a context it is intelligible, applicable and valid. If humans were miraculously to vanish from the face of earth, or if they suddenly were made unable to form societies and come to mutual agreements, no ethics would exist. It could not be otherwise, since ethics stem from one's need to be provided with guidance when one

is on the horns of a dilemma; that is, of course, not of any dilemma, but one that is not addressed either by law or by a *strong impetus* (by this I refer to passion in the Stoic sense, to wit to an irrational motion of the soul, an impulse in excess⁸, such as extreme love and hatred, as well as instinct). Since a moral dilemma is nothing more than a moral question of at least two possible solutions, there has to be an *individual* that is *aware* of the fact that there is a question, that *understands* its meaning, *is able to distinguish* the alternatives in addressing it, *is concerned* about which one it opts for, and *is also free* to choose one of them.⁹ An individual that manages to meet with all the above requirements is – at least *prima facie* – eligible for being awarded the ambiguous title and office of a *moral agent*, and allowed an *active part* in the moral community. This individual obviously can only be a human one, since animals are mainly moved by this strong impetus – could it be instinct, or the laws of nature, or anything of the kind –, and they never seem to be on the horns of any dilemma. To be eligible for moral agency one should be able to autonomously make moral judgments and freely act with reference to – but not necessary in accordance with – what he or she thinks right or wrong. It is obvious that these *a priori* demands limit moral agency to humans, and all the more so, not to all humans, but only to those that meet with these specific requirements.

The covenant of ethics is an ineffable pact or agreement among moral agents who belong to a moral community, share a common idea of what is right and wrong, and have voluntarily agreed that the former should be preferred to the latter. As active parts of this contractual agreement, moral agents can impose certain claims as just or due towards other moral agents; these claims in the language of ethics are usually referred to as *moral rights*.¹⁰ It is only by virtue – and in the context – of the covenant of ethics that moral agents can make moral claims towards others, to wit claim moral rights; and only in the context of this very agreement violating the rights of moral agents is morally wrong, since it means transgressing an already agreed covenant. *Sequitur*, it takes a moral agent to violate another moral agent's rights, since only the former would have been able to enter into a contractual agreement with another moral agent in the first place. At the same time, only a moral agent's rights may be violated, since he or she might also in the first place have engaged others in this mutual agreement. Obviously animals do not enter into agreements on a par with humans, so they are not eligible for moral agency and, hence, for being bestowed with moral rights, exactly as they are not bound by moral duties towards anybody. In that respect animals can not be praised or blamed for respecting or violating a moral agent's right (this, I think, is a commonplace), and a moral agent can not be

just or unjust *towards* an animal, but only *regarding* it.¹¹ Animals actually have no idea of this peculiar pact, the covenant of ethics, which conditions human societies: they have never stipulated anything, nor will they ever. If it was the other way round, a lion that savors the reckless wonderer in the savannah would be doing him or her wrong or injustice. However, it does neither; it just has its meal. It is entirely meaningless to talk of *morally bad* animals: they can perform no morally bad deeds, for they can perform no good ones either.

If only human beings can qualify as active members (moral agents) of the moral community – one that is being conditioned by a specific moral agreement –, it follows that only humans can either claim or violate moral rights. *A fortiori*, since moral rights are just plausible demands towards other members of the society – the satisfaction of which is claimed as due on the basis of an already endorsed contractual agreement –, if one is to be attributed with moral rights, one needs at least be aware of (i) the existence and the validity of such an agreement, (ii) the fact that one has freely and voluntarily contracted one's self to others, and that others have done exactly the same, (iii) one's potentiality of abiding by or violating this agreement, and others' commensurate potentiality of doing exactly the same, (iv) the fact that one's claim is righteous and reasonable due to the existence of this contractual agreement, which will be violated if his or her claim is not satisfied. In other words, when one says: "I have a right to my life", one means: "You and I, on a par with all members of the community we live in, have *a priori* and ineffably agreed to respect each other's life, and this agreement you are now about to break; you have the option and the capability to do this, but thus you will be breaching the contract, and this is unacceptable". This, of course, calls for two or more *enlightened consciences* that are aware of the facts and understand the terms used; this necessarily leaves animals out of the discussion concerning moral rights.

It is often argued that animals – that is, *some* animals, primarily higher primates – should be granted rights because they seem to have preferences, or because they have an autobiographical sense of their self, or just because they are sentient beings capable of feeling pain and pleasure. In my opinion, however, and apart from what I have already argued, rights are not suitable for beings that just happen to have preferences, are capable of suffering or have an autobiographical sense of self. Instead, moral rights are a tool of ethics forged for moral agents alone, to wit for social, sentient, self aware, rational beings that are capable of entering into contractual agreements *in order to condition their preferences* according to predetermined patterns of behaviour. Proper subjects of moral rights – more than being capable of

preferring pleasure from pain and life from death – should be able to *claim*, reserve themselves or even *disclaim* their rights. On the other hand, I do not see what kind of a moral right is one that can not be claimed, reserved or disclaimed; unless we are discussing another, a *different type* of moral rights, an “as if it were” one. For I feel that a right that can not be reserved or disclaimed is no more a right, but either a duty or an obligation; and again, if it can not be claimed, it surely lacks its necessary binding force and becomes something like wishful thinking or a veiled prayer.

It is true that we often seem to acknowledge rights to human beings that can neither claim, nor reserve themselves, or disclaim their moral rights: to individuals in a permanent vegetative state, to madmen, to fetuses and infants, even to the deceased and the generations to come. This, however, could only be due to some kind of *psychological inertia*: the corpse once was a moral agent, the madman occasionally resembles one, and the fetus or infant will surely become one. However, one can only admit that the comatose patient, the madman and, more evidently, a carcass, are by no means moral agents *anymore*, hence they can not be deemed the possessors of any moral right; on the other hand, the fetus, the infant and the generations to come are not *yet* moral agents, although they will probably become such. Unless moral rights are to be taken as properties human beings *a priori* possess *irrespective* of their situation, and not as *a posteriori* attributed to humans *because* of their situation, it is obvious that in all the above mentioned cases there can be traced no moral agency and, therefore, no moral attributes such as rights. Resembling a moral agent, having once been or going to be one are neither sufficient nor necessary conditions for enjoying moral agency: these are only borderline cases for ethics, and a border is where the picture either fades out or ends.

Moreover, having preferences, being sentient or alive (and, at the same time, aware of the fact that one is alive), is not a morally significant reason for granting one the right to satisfy one’s preferences or to preserve one’s life. Arguments of that kind seem to suffer from the so called naturalistic fallacy: they seem to be defining what *should be* – or what moral agents *ought to do* – on grounds of natural properties, to wit of what actually *is*. Some animals indeed seem to have preferences; when their life is being threatened, they seem to strive to preserve it, hence one could reasonably infer that they prefer to stay alive than to perish. From the same point of view oysters also seem to have preferences; they firmly attach themselves to some rock, and resist any attempt to be removed from their environment. Even some plants seem to have preferences: the sunflower clearly prefers to follow the orbit of the sun in the sky; it also spreads its roots deep into the ground, etc. These,

of course, are not sufficient or necessary conditions for granting either the sunflower or the oyster *the right* to satisfy their preferences. It is true, oysters and sunflowers do not seem to have an autobiographical sense of their self, while some animals, especially higher primates, do. Could this be a reason for ranking those animals' preferences higher than the ones of other creatures? Surely, but then this would also not necessitate that animals are granted the right to satisfy these specific preferences solely on the grounds that they have them, unless the naturalistic fallacy should be welcomed in the debate. Consider that humans, the *par excellence* animals with preferences and an autobiographical sense of themselves, are not granted the right to satisfy their preferences just because they have some, but only because it is anticipated as righteous to have a specific preference satisfied, to wit because the common agreement of ethics allows for – or necessitates – such a satisfaction. The person on the death row surely is aware of what is going to happen to him or her and prefers not to be executed, but this awareness together with his or her preference does not remit him or her to any moral right. Obviously, even with regard to genuine moral agents it takes more than that: respect for their life and the satisfaction of their preferences are subject to the rules of a pre-existing agreement. Being alive, self aware or sentient means not that one has the right to remain alive, or not to experience the stress of imminent death, or not to suffer. The only condition that necessitates that one *has the right* to avoid such untoward situations is that one belongs to a moral community that allows him or her such a right as due. But, as already argued, this calls for moral agency. Animals, comatose patients, madmen, fetuses and infants are only *moral patients*; they cannot enter into contractual agreements and, hence, they can claim nothing, not to speak of moral rights.

III. DO ANIMALS NEED TO HAVE RIGHTS?

In my view, were it not directed to a righteous and virtuous purpose, the debate over animal rights would be a theoretical one meant only to provide intellectual satisfaction to some peculiar guys, the philosophers. This wouldn't be the first time philosophers indulged to abstract mind games; actually this is a part of what they are expected to do. This debate, however, is of obvious tangible significance and of practical purpose. Most of the philosophers who engage themselves in this prickly discussion do so because they *ex hypothesi* hold that granting moral rights to animals is a sufficient and/or a necessary condition for upgrading the animals' moral status in such a degree, that it would become imperative for humans to extend moral consideration on animals, and thus secure their decent and

respectful treatment by totally eliminating callousness and cruelty. This is a plausible reason for supporting the case for animal rights; however, it seems to be the only one: even the most fervent champion of animal rights would promptly denounce his or her views if this could guarantee the abolition of meat eating, the interdiction of vivisection, and the unanimous moral disapproval and rejection of the maltreatment of animals in general. Since, however, this doesn't seem to be the case, the champions of animal rights hold that to achieve these goals, there needs to be a morally convincing argument based on a strong claim; and no claim is stronger than that which is substantiated into an irrefutable moral or legal right. If restoring the moral status of animals is the final destination, then ascribing rights to animals looks like the *via regia* towards it. In my opinion, this view would – even *arguendo* – stand if moral rights were actually the only – or the most important – prerequisite, a *conditio sine qua non* for moral respect and kind or decent treatment. Or, conversely, if lack of moral rights necessarily rendered every being prey to “the caprice of its tormentors”. Nevertheless, in my view neither is the case.

This is because – unlike rights that, as I have already argued, are reserved only for genuine moral agents –, all beings (and often even mere “things”) are eligible for moral consideration, respect and decent treatment, on condition that ethics makes allowance for – or dictates – this. Whether or not ethics allows for or necessitates moral consideration is only subject to the *consensus* of moral agents. Most of the time, actually, moral consideration, concern or respect seem totally unrelated to claims such as moral rights are. Nobody seriously argues, for example, that the Grand Canyon or Michelangelo's *Pietà* have a good of their own, one that they can claim as due; both, however, are highly respected and eagerly protected by normal moral agents. These “things” just do not need to have rights to have their “wellbeing” guaranteed. The same applies not only to natural and cultural heritage, but also to humans. Achilles denied the dying Hector of Troy the right to a proper burial; Hector's corpse, however, (finally) earned much more respect by his enemy. But there is no need to dig into sagas in order to document the view that rights are not a *conditio sine qua non* for moral consideration or respect. Let us just focus on humans that are not *yet*, or are *no more* moral agents, and, therefore, no bearers of rights: comatose patients, madmen, the deceased and fetuses. It is manifest that in these – borderline for ethics as well as for the law – cases, there is no self-awareness, nor rationality, nor sentience; in a word there is no conative life. In the absence of conative life there can be no interests and, hence, no good of one's own, the achievement of which could be one's due.¹² Obviously, in

cases as such there can be no claimant and, therefore, no claim. However, even the most ardently rights-focused ethicist would not dare suggest that this is an excuse for moral agents to make use of these creatures according to their “caprice”.

As to patients in permanent vegetative state, for instance, it is morally impermissible – even more, it is abominable – to have them stored one on top of the other, even if this would make space in crowded intensive care units for patients with much better prospects of survival. Furthermore, moral agents ought not to leave them exposed, experiment with them or dress them up in funny ways to create a less regrettable atmosphere. They are even not justified to address them improperly, despite of the fact that neither this, nor anything from the previously mentioned would make any difference to a comatose patient. Even when there is no family or friends nearby – or at all –, all these apply no less: moral agents are supposed and expected to abstain from behaving in indecent ways to comatose patients, and this is not due to some duty owed to the patients’ friends or relatives, but due to one owed directly to the patients themselves. Obviously, in the case of comatose patients with no relatives, even if there is a right to be claimed, there is still no one to claim it; this, however, does not make moral agents feel less bound by compelling duties towards or regarding comatose patients. The deceased, on the other hand, are the *par excellence* no-right-bearers; however, moral agents usually feel morally urged to give them all due honors, even if they are sure that this means a lot of trouble to them and no relief or satisfaction for the dead body. That is not, of course, because moral agents believe that a corpse *has* the right to a proper funeral, or to an eloquent obituary. Actually, a corpse is not anymore capable of having anything at all. But this makes no difference, obviously because apart from rights, the covenant of ethics is also about duties, obligations, principles, rules etc. Ethics is a prescriptive faculty, not a descriptive one. This means that irrespective of whether a being actually is the possessor of rights or not – and regardless of its overall status –, ethics might no less compel moral agents to act in a certain way towards it and avoid others that seem improper or indecent. Corpses and comatose patients *do not have to have* rights to be respected; moral agents *just have to feel* that they ought to be respected. Actually, corpses and comatose patients are treated a lot better than animals, and this, despite the fact that no debate over corpses’ or comatose patients’ rights was ever seriously held.

As for fetuses and infants, although there is a highly controversial ongoing debate concerning whether fetuses have rights or not, no one really questions the view that moral agents have certain duties towards – or

regarding – fetuses. A fetus or an infant *stricto sensu* can not be deemed the bearer of moral rights – but only a *future* or a *potential* one, since for the time being it lacks all the necessary features of a moral agent. As Bentham had noticed, “A full grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, a week, or even [a] month old.”¹³ Irrespective of this, the woman who carries her fetus – of course as long as she has decided to maintain her pregnancy – has certain duties towards it: she ought to quit smoking, abstain from extreme sports, visit her doctor frequently and even trade her Beethoven records for Vivaldi ones. Her family and social background, at the same time, ought to do certain things to protect her pregnancy, and abstain from others that could harm the fetus. Unborn fetuses are surely being treated with much more respect than full grown horses, despite the fact that both never endorsed any contractual agreement, they have no good of their own, they are not self aware and in no position to make claims to decent or proper treatment on the basis of any covenant. The same applies with regard to madmen, to patients suffering from the Wernicke-Korsakoff syndrome, to retarded people etc. It seems that being included in moral concern or consideration and, hence, being treated decently, kindly and respectfully does not presuppose the possession of rights. The moral status of a being is surely enhanced and enforced if it is granted rights; but then, not everything that needs having its moral status enhanced can – or needs – be acknowledged moral rights. One of the tracks that lead to enhanced moral status and moral consideration surely passes through the moral rights’ territory; but there is not only one track to this destination.

Moral concern is not reserved for moral agents alone, because ethics is not about moral agents alone; it is equally about *moral patients*, entities such as non-sentient human beings and mere “things”. May it be that animals are not suitable to be deemed right bearers; does this necessitate that they can be treated callously or cruelly? If one feels like answering positively to this question, then he or she still has to prove that moral agents actually *do have the right or are otherwise morally justified* in treating animals callously or cruelly.¹⁴ For even if a cow might not have a right to her life or to decent conditions of living, humans could still be *unjustified* to butcher it, or impose on it indecent conditions of living. This could well be not due to some right the cow allegedly possesses, but only due to a certain duty of ours towards either the cow, or to ourselves, or to humankind. Rights, it is true, entail certain duties that are correlated and commensurate to them. Nevertheless, duties are not necessitated exclusively by rights; they are also initiated by *strong moral sentiments* or by some kind of *moral intuition*. In

other words, as I previously argued, humans could – and often they actually do – prescribe to their species moral duties towards animals, exactly as they extend their moral consideration to the *Pietà* or the Grand Canyon, despite the fact that nobody acknowledges moral rights to natural formations or works of art.

This could plausibly be objected on the grounds that moral duties actually are not owed to entities such as the *Pietà per se*, but *regarding* them, or in *indirect relation* to them: moral agents have the duty to respect and preserve natural and cultural heritage not for its sake, but for the sake of other humans, the future generations included. To this I will not object. However, apart from this, there still seems to be some *transparent moral duty* towards these entities *per se*, one that significantly matters with regard to their moral status to such an extent that, if it is left out of consideration, the discussion seems a bit sketchy. Moral agents, for instance, have duties in relation to things that either are others' property, or of which others are the direct or indirect beneficiaries. There is a certain duty, for example, to respect your neighbors' yard and keep your dog from digging holes in it, for this would be a nuisance to your neighbor. If, however, everybody but you had abandoned the town for ever, every yard would be an ideal playground for your dog. That is, for the last man in town all duties towards other people's property would have vanished together with the owners or beneficiaries of these assets. Could we infer that the same would apply in the case of the last man on earth and all natural or cultural heritages? If everyone on the planet had died due to some virus to which only you and your dog were miraculously immune, you would probably still keep your dog from trimming its nails on the *Pietà*, although there would seem to be nothing morally wrong about it anymore, since nobody's interests would be damaged. The *Pietà* seems to have a value on its own, one that is independent from its usefulness to moral agents. *A fortiori*, Richard Routley in his *last man argument* asks us to imagine the hypothetical situation in which the last person, surviving a world catastrophe, acted so as to ensure the elimination of all other living things and the destruction of all the landscapes after his demise. He points out that there is a moral intuition that this would be morally wrong.¹⁵ An explanation for this is that those nonhuman objects in the environment, whose destruction is ensured by the last person, have intrinsic value, a kind of value independent of their usefulness for humans.¹⁶ It seems that moral agents *feel* morally bound by direct duties to entities that possess no rights, such as works of art and natural landscapes. Why not to animals, as well?

Actually, this question could be of interest primarily – if not only –

to professional philosophers; in everyday life and to common moral agents, however, the issue seems already settled. Irrespective of whether one believes in animal rights or not, there are very few – if any – that consider human behaviour to animals as morally indifferent. Descartes's and Malebranche's views that animals are not capable of experiencing pain or pleasure and, hence, humans can be neither cruel nor kind to them, are obsolete and long ago disclaimed. Now it is a common ground that animals do suffer, as it is, at the same time, commonly accepted that "there can be no moral justification for refusing to take that suffering into consideration"¹⁷. "Brutes, as they are capable of being treated by us either mercifully or cruelly, may be the objects either of virtue or vice."¹⁸ *Sequitur*, humans can be either cruel or benevolent to animals, and cruelty is always morally unjustifiable as a vice *per se*. Conversely, kindness is always a virtue, no matter to whom it is directed. If this is true, then why should we not "be bound by the laws of humanity to give gentle usage to these creatures"¹⁹? Anyone that is callous or cruel to animals obviously falls short of what a decent and virtuous person is expected and ought to do²⁰; the fact that animals may not be apt to be deemed bearers of rights makes human cruelty towards them no less abominable. In my view, what is significant is not whether animals actually have rights or not, but whether we, humans, have certain duties towards or regarding them or not. If the answer to this last question can only be positive, as I believe, then there is an obvious and urgent task for philosophers who engage in the debate concerning animal ethics: instead of discussing – *in absentia* of the direct beneficiaries – the possibility of acknowledging rights to non human animals, philosophers could focus on the much more tangible duties that humans seem to have towards – or regarding – animals and try to transubstantiate these duties into certain patterns of behaviour.

IV. A POSTSCRIPT ON SPECIESISM

Does denying animals the status of a genuine moral agent – and, hence, the capability of being deemed bearers of rights – make one a speciesist? In my opinion, it does not. Actually, telling a speciesist from whether he or she acknowledges rights to animals or not, seems to me very much like blaming one as a sexist for not acknowledging men the right to abortion. As far as I am concerned, rejecting the suitability of animals for being considered as bearers of rights is strictly *description*, and not at all *moral evaluation*. Disclaiming moral rights for animals renders them by no means morally *inferior* to humans; it only makes them morally *different*. On the other hand, including them to the moral community *as moral patients* seems much less controversial, and much more effective.

NOTES

1. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, edited by Robert M. Baird and Stuart E. Rosenbaum (Amherst, New York: Prometheus Books, 1988), 311.
2. See Jeremy Bentham, "Anarchical Fallacies; Being an Examination of the Declaration of Rights Issued during the French Revolution", in *Nonsense upon Stilts*, edited by Jeremy Waldron, 29-76 (New York: Methuen, 1987), 53. See also Amartya Sen, "Human Rights and Capabilities", *Journal of Human Development* 6.2 (2005): 151-166.
3. See Mary Wollstonecraft, *A Vindication for the Rights of Women* (New York: Dover Publications, 1996).
4. Thomas Taylor, *Vindication of the Rights of Brutes* (New York: Scholars Facsimilies & Reprint, 1966).
5. H. Diels and W. Kranz, *Die Fragmente der Vorsokratiker*, vol. 1, 6th edition (Berlin: Weidmann, 1951), Heraclitus, Fr. 52.
6. Cited in Roger Scruton, *Spinoza* (New York: Oxford University Press, 2002), 48.
7. Aristotle, *Historia animalium* 488a 7-10.
8. See Diogenes Laertius, *Vitae philosophorum* VII 110 7-9: "ἔστι δὲ αὐτὸ τὸ πάθος κατὰ Ζήνωνα ἢ ἄλογος καὶ παρὰ φύσιν ψυχῆς κίνησις ἢ ὁρμὴ πλεονάζουσα."
9. See Jurriaan De Haan, "The Definition of Moral Dilemmas", *Ethical Theory and Moral Practice* 4.3 (2001): 267-284, 269 ff.
10. See Joel Feinberg, "The Nature and Value of Rights", *The Journal of Value Inquiry* 4.4 (1971): 243-257.
11. See Immanuel Kant, "Duties to Animals and Spirits", in his *Lectures on Ethics*, translated by P. L. Heath (New York: Cambridge University Press, 1997), 212-213.
12. Joel Feinberg, "The Rights of Animals and Future Generations", in *Philosophy and Environmental Crisis*, edited by William Blackstone, 43-68 (Athens, Georgia: University of Georgia Press, 1974), 45.
13. Bentham, *An Introduction*, 311.
14. See Steve Sapontzis, "Moral Community and Animal Rights", *American Philosophical Quarterly* 22.3 (1985): 251-257, 254.
15. Richard Routley, "Is There a Need for a New, an Environmental Ethic?", *Proceedings of the 15th World Congress of Philosophy* (Sophia: Sophia Press, 1973), vol. 1, 205-210.
16. See "Environmental Ethics", in *Stanford Encyclopedia of Philosophy*. <http://plato.stanford.edu/entries/ethics-environmental/>.
17. See Peter Singer, "All Animals are Equal", on page 169 of this book.
18. See John Balguy, "The Foundation of Moral Goodness", in *British Moralists, being Selections from Writers principally of the Eighteenth Century*, edited by L. A. Selby-Bigge (New York: Bobbs-Merill, 1964), vol. 2, 64.
19. David Hume, *Enquiry Concerning the Principles of Morals* (New York: Oxford University Press, 1975), 186.
20. "It does not follow that there are no requirements at all in regard to them [the animals], nor in our relations with the natural order. Certainly it is wrong to be cruel to animals and the destruction of a whole species can be a great evil. The capacity for feelings of pleasure and pain and for the forms of life of which animals are capable clearly imposes duties of compassion and humanity in their case." John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), 512.