

Equality for animals?

Racism and speciesism

III
 In the previous chapter I gave reasons for believing that the fundamental principle of equality, on which the equality of all human beings rests, is the principle of equal consideration of interests. Only a basic moral principle of this kind can allow us to defend a form of equality which embraces all human beings, with all the differences that exist between them. I shall now contend that while this principle does provide an adequate basis for human equality, it provides a basis which cannot be limited to humans. In other words I shall suggest that, having accepted the principle of equality as a sound moral basis for relations with others of our own species, we are also committed to accepting it as a sound moral basis for relations with those outside our own species – the nonhuman animals.

This suggestion may at first seem bizarre. We are used to regarding the oppression of blacks and women as among the most important moral and political issues facing the world today. These are serious matters, worthy of the time and energy of any concerned person. But animals? Surely the welfare of animals is in a different category altogether, a matter for old ladies in tennis shoes to worry about. How can anyone waste their time on equality for animals when so many humans are denied real equality?

This attitude reflects a popular prejudice against taking the interests of animals seriously – a prejudice no better founded than the prejudice of white slaveowners against taking the

interests of blacks seriously. It is easy for us to criticize the prejudices of our grandfathers, from which our fathers freed themselves. It is more difficult to distance ourselves from our own beliefs, so that we can dispassionately search for prejudices among them. What is needed now is a willingness to follow the arguments where they lead, without a prior assumption that the issue is not worth attending to.

The argument for extending the principle of equality beyond our own species is simple, so simple that it amounts to no more than a clear understanding of the nature of the principle of equal consideration of interests. We have seen that this principle implies that our concern for others ought not to depend on what they are like, or what abilities they possess (although precisely what this concern requires us to do may vary according to the characteristics of those affected by what we do). It is on this basis that we are able to say that the fact that some people are not members of our race does not entitle us to exploit them, and similarly the fact that some people are less intelligent than others does not mean that their interests may be disregarded. But the principle also implies that the fact that beings are not members of our species does not entitle us to exploit them, and similarly the fact that other animals are less intelligent than we are does not mean that their interests may be disregarded.

We saw in the previous chapter that many philosophers have advocated equal consideration of interests, in some form or other, as a basic moral principle. Few recognized that the principle has applications beyond our own species. One of the few who did was Jeremy Bentham, the founding father of modern utilitarianism. In a forward-looking passage, written at a time when black slaves in the British dominions were still being treated much as we now treat nonhuman animals, Bentham wrote:

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 one

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day come to be recognised that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? nor Can they talk? but, *Can they suffer?*

In this passage Bentham points to the capacity for suffering as the vital characteristic that entitles a being to equal consideration. The capacity for suffering – or more strictly, for suffering and/or enjoyment or happiness – is not just another characteristic like the capacity for language, or for higher mathematics. Bentham is not saying that those who try to mark ‘the insuperable line’ that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is.

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering – in so far as rough comparisons can be made – of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to

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mark it in an arbitrary way. Why not choose some other characteristic, like skin colour?

Racists violate the principle of equality by giving greater weight to the interests of members of their own race when there is a clash between their interests and the interests of those of another race. White racists do not accept that pain is as bad when it is felt by blacks as when it is felt by whites. Similarly those I would call ‘speciesists’ give greater weight to the interests of members of their own species when there is a clash between their interests and the interests of those of other species. Human speciesists do not accept that pain is as bad when it is felt by pigs or mice as when it is felt by humans.

That, then, is really the whole of the argument for extending the principle of equality to nonhuman animals; but there may be some doubts about what this equality amounts to in practice. In particular, the last sentence of the previous paragraph may prompt some people to reply: ‘Surely pain felt by a mouse just is not as bad as pain felt by a human. Humans have much greater awareness of what is happening to them, and this makes their suffering worse. You can’t equate the suffering of, say, a person dying slowly from cancer, and a laboratory mouse undergoing the same fate.’

I fully accept that in the case described the human cancer victim normally suffers more than the nonhuman cancer victim. This in no way undermines the extension of equal consideration of interests to nonhumans. It means, rather, that we must take care when we compare the interests of different species. In some situations a member of one species will suffer more than a member of another species. In this case we should still apply the principle of equal consideration of interests but the result of so doing is, of course, to give priority to relieving the greater suffering. A simpler case may help to make this clear.

If I give a horse a hard slap across its rump with my open hand, the horse may start, but it presumably feels little pain. Its skin is thick enough to protect it against a mere slap. If I slap a baby in the same way, however, the baby will cry and

presumably does feel pain, for its skin is more sensitive. So it is worse to slap a baby than a horse, if both slaps are administered with equal force. But there must be some kind of blow – I don't know exactly what it would be, but perhaps a blow with a heavy stick – that would cause the horse as much pain as we cause a baby by slapping it with our hand. That is what I mean by 'the same amount of pain' and if we consider it wrong to inflict that much pain on a baby for no good reason then we must, unless we are speciesists, consider it equally wrong to inflict the same amount of pain on a horse for no good reason.

There are other differences between humans and animals that cause other complications. Normal adult human beings have mental capacities which will, in certain circumstances, lead them to suffer more than animals would in the same circumstances. If, for instance, we decided to perform extremely painful or lethal scientific experiments on normal adult humans, kidnapped at random from public parks for this purpose, adults who entered parks would become fearful that they would be kidnapped. The resultant terror would be a form of suffering additional to the pain of the experiment. The same experiments performed on nonhuman animals would cause less suffering since the animals would not have the anticipatory dread of being kidnapped and experimented upon. This does not mean, of course, that it would be *right* to perform the experiment on animals, but only that there is a reason, which is not speciesist, for preferring to use animals rather than normal adult humans, if the experiment is to be done at all. It should be noted, however, that this same argument gives us a reason for preferring to use human infants [<]orphans perhaps – or retarded humans for experiments, rather than adults, since infants and retarded humans would also have no idea of what was going to happen to them. So far as this argument is concerned nonhuman animals and infants and retarded humans are in the same category; and if we use this argument to justify experiments on nonhuman animals we have to ask ourselves whether we are also prepared to allow experiments on human infants and retarded adults. If we make a distinction between animals and

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these humans, how can we do it, other than on the basis of a morally indefensible preference for members of our own species?

There are many areas in which the superior mental powers of normal adult humans make a difference: anticipation, more detailed memory, greater knowledge of what is happening, and so on. These differences explain why a human dying from cancer is likely to suffer more than a mouse. It is the mental anguish which makes the human's position so much harder to bear. Yet these differences do not all point to greater suffering on the part of the normal human being. Sometimes animals may suffer *more* because of their more limited understanding. If, for instance, we are taking prisoners in wartime we can explain to them that while they must submit to capture, search, and confinement they will not otherwise be harmed and will be set free at the conclusion of hostilities. If we capture a wild animal, however, we cannot explain that we are not threatening its life. A wild animal cannot distinguish an attempt to overpower and confine from an attempt to kill; the one causes as much terror as the other.

It may be objected that comparisons of the sufferings of different species are impossible to make, and that for this reason when the interests of animals and humans clash the principle of equality gives no guidance. It is probably true that comparisons of suffering between members of different species cannot be made precisely. Nor, for that matter, can comparisons of suffering between different human beings be made precisely. Precision is not essential. As we shall see shortly, even if we were to prevent the infliction of suffering on animals only when the interests of humans will not be affected to anything like the extent that animals are affected, we would be forced to make radical changes in our treatment of animals that would involve our diet, the farming methods we use, experimental procedures in many fields of science, our approach to wildlife and to hunting, trapping and the wearing of furs, and areas of entertainment like circuses, rodeos, and zoos. As a result, a vast amount of suffering would be avoided.

So far I have said a lot about the infliction of suffering on animals, but nothing about killing them. This omission has been deliberate. The application of the principle of equality to the infliction of suffering is, in theory at least, fairly straightforward. Pain and suffering are bad and should be prevented or minimized, irrespective of the race, sex, or species of the being that suffers. How bad a pain is depends on how intense it is and how long it lasts, but pains of the same intensity and duration are equally bad, whether felt by humans or animals. When we come to consider the value of life, we cannot say quite so confidently that a life is a life, and equally valuable, whether it is a human life or an animal life. It would not be speciesist to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities. (I am not saying whether this view is justifiable or not; only that it cannot simply be rejected as speciesist, because it is not on the basis of species itself that one life is held to be more valuable than another.) The value of life is a notoriously difficult ethical question, and we can only arrive at a reasoned conclusion about the comparative value of human and animal life after we have discussed the value of life in general. This is a topic for a separate chapter. Meanwhile there are important conclusions to be derived from the extension beyond our own species of the principle of equal consideration of interests, irrespective of our conclusions about the value of life.

Speciesism in practice

Animals as food

For most people in modern, urbanized societies, the principal form of contact with nonhuman animals is at meal times. The use of animals for food is probably the oldest and the most widespread form of animal use. There is also a sense in which it is the most basic form of animal use, the foundation stone on which rests the belief that animals exist for our pleasure and convenience.

If animals count in their own right, our use of animals for food

becomes questionable – especially when animal flesh is a luxury rather than a necessity. Eskimos living in an environment where they must kill animals for food or starve, might be justified in claiming that their interest in surviving overrides that of the animals they kill. Most of us cannot defend our diet in this way. Citizens of industrialized societies can easily obtain an adequate diet without the use of animal flesh. The overwhelming weight of medical evidence indicates that animal flesh is not necessary for good health or longevity. Nor is it an efficient way of producing food, since most of the animals consumed in industrialized societies have been fattened on grains and other foods which we could have eaten directly. When we feed these grains to animals, only about 10% of the nutritional value remains as meat for human consumption. So, with the exception of animals raised entirely on grazing land unsuitable for crops, animals are eaten neither for health, nor to increase our food supply. Their flesh is a luxury, consumed because people like its taste.

In considering the ethics of the use of animal flesh for human food in industrialized societies, we are considering a situation in which a relatively minor human interest must be balanced against the lives and welfare of the animals involved. The principle of equal consideration of interests does not allow major interests to be sacrificed for minor interests.

The case against using animals for food is at its strongest when animals are made to lead miserable lives so that their flesh can be made available to humans at the lowest possible cost. Modern forms of intensive farming apply science and technology to the attitude that animals are objects for us to use. In order to have meat on the table at a price that people can afford, our society tolerates methods of meat production that confine sentient animals in cramped, unsuitable conditions for the entire duration of their lives. Animals are treated like machines that convert fodder into flesh, and any innovation that results in a higher 'conversion ratio' is liable to be adopted. As one authority on the subject has said, 'cruelty is acknowledged only when profitability ceases'. To avoid speciesism we must stop these practices. Our custom is all the support that factory farmers

need. The decision to cease giving them that support may be difficult, but it is less difficult than it would have been for a white Southerner to go against the traditions of his society and free his slaves; if we do not change our dietary habits, how can we censure those slaveholders who would not change their own way of living?

These arguments apply to animals who have been reared in factory farms – which means that we should not eat chicken, pork or veal, unless we know that the meat we are eating was not produced by factory farm methods. The same is true of eggs, unless they are specifically sold as ‘free range’.

These arguments do not take us all the way to a vegetarian diet, since some animals, for instance sheep and beef cattle, still graze freely outdoors. This could change. In America cattle are often fattened in crowded feedlots, and other countries are following suit. Meanwhile, back at the research station, scientists are trying out methods of raising lambs indoors, in wire cages. As long as sheep and cattle graze outdoors, however, arguments directed against factory farming do not imply that we should cease eating meat altogether.

The lives of free-ranging animals are undoubtedly better than those of animals reared in factory farms. It is still doubtful if using them for food is compatible with equal consideration of interests. One problem is, of course, that using them as food involves killing them – but this is an issue to which, as I have said, we shall return when we have discussed the value of life in the next chapter. Apart from taking their lives there are also many other things done to animals in order to bring them cheaply to our dinner table. Castration, the separation of mother and young, the breaking up of herds, branding, transporting, and finally the moments of slaughter – all of these are likely to involve suffering and do not take the animals’ interests into account. Perhaps animals could be reared on a small scale without suffering in these ways, but it does not seem economical or practical to do so on the scale required for feeding our large urban populations. In any case, the important question is not whether animal flesh *could* be produced without suffering, but

whether the flesh we are considering buying *was* produced without suffering. Unless we can be confident that it was, the principle of equal consideration of interests implies that it was wrong to sacrifice important interests of the animal in order to satisfy less important interests of our own; consequently we should boycott the end result of this process.

For those of us living in cities where it is difficult to know how the animals we might eat have lived and died, this conclusion brings us very close to a vegetarian way of life. I shall consider some objections to it in the final section of this chapter.

Experimenting on animals

Perhaps the area in which speciesism can most clearly be observed is the use of animals in experiments. Here the issue stands out starkly, because experimenters often seek to justify experimenting on animals by claiming that the experiments lead us to discoveries about humans; if this is so, the experimenter must agree that human and nonhuman animals are similar in crucial respects. For instance, if forcing a rat to choose between starving to death and crossing an electrified grid to obtain food tells us anything about the reactions of humans to stress, we must assume that the rat feels stress in this kind of situation.

People sometimes think that all animal experiments serve vital medical purposes, and can be justified on the grounds that they relieve more suffering than they cause. This comfortable belief is mistaken. Drug companies test new shampoos and cosmetics they are intending to market by dripping concentrated solutions of them into the eyes of rabbits. Food additives, including artificial colourings and preservatives, are tested by what is known as the LD₅₀ – a test designed to find the ‘Lethal Dose’, or level of consumption which will make 50% of a sample of animals die. In the process nearly all of the animals are made very sick before some finally die and others pull through. These tests are not necessary to prevent human suffering: we already have enough shampoos and food colourings. There is no need to develop new ones which might be dangerous.

Nor can all university experiments be defended on the grounds that they relieve more suffering than they inflict. Three experimenters at Princeton University kept 256 young rats without food or water until they died. They concluded that young rats under conditions of fatal thirst and starvation are much more active than normal adult rats given food and water. In a well-known series of experiments that has been going on for more than 15 years, H. F. Harlow of the Primate Research Center, Madison, Wisconsin, has been rearing monkeys under conditions of maternal deprivation and total isolation. He found that in this way he could reduce the monkeys to a state in which, when placed among normal monkeys, they sat huddled in a corner in a state of persistent depression and fear. Harlow has also produced monkey mothers so neurotic that they smash their infant's face into the floor and rub it back and forth.

In these cases, and many others like them, the benefits to humans are either non-existent or very uncertain; while the losses to members of other species are certain and real. Hence the experiments indicate a failure to give equal consideration to the interests of all beings, irrespective of species.

In the past, argument about animal experimentation has often missed this point because it has been put in absolutist terms: would the opponent of experimentation be prepared to let thousands die from a terrible disease which could be cured by experimenting on one animal? This is a purely hypothetical question, since experiments do not have such dramatic results, but so long as its hypothetical nature is clear, I think the question should be answered affirmatively – in other words, if one, or even a dozen animals had to suffer experiments in order to save thousands, I would think it right and in accordance with equal consideration of interests that they should do so. This, at any rate, is the answer a utilitarian must give. Those who believe in absolute rights might hold that it is always wrong to sacrifice one being, whether human or animal, for the benefit of another. In that case the experiment should not be carried out, whatever the consequences.

To the hypothetical question about saving thousands of people through a single experiment on an animal, opponents of speciesism can reply with a hypothetical question of their own: would experimenters be prepared to perform their experiments on orphaned humans with severe and irreversible brain damage if that were the only way to save thousands? (I say 'orphaned' in order to avoid the complication of the feelings of the human parents.) If experimenters are not prepared to use orphaned humans with severe and irreversible brain damage, their readiness to use nonhuman animals seems to discriminate on the basis of species alone, since apes, monkeys, dogs, cats and even mice and rats are more intelligent, more aware of what is happening to them, more sensitive to pain, and so on, than many brain-damaged humans barely surviving in hospital wards and other institutions. There seems to be no morally relevant characteristic that such humans have which nonhuman animals lack. Experimenters, then, show bias in favour of their own species whenever they carry out experiments on nonhuman animals for purposes that they would not think justified them in using human beings at an equal or lower level of sentience, awareness, sensitivity, and so on. If this bias were eliminated the number of experiments performed on animals would be greatly reduced.

Other forms of speciesism

I have concentrated on the use of animals as food and in research, since these are examples of large-scale, systematic speciesism. They are not, of course, the only areas in which the principle of equal consideration of interests, extended beyond the human species, has practical implications. There are many other areas which raise similar issues, including the fur trade, hunting in all its different forms, circuses, rodeos, zoos and the pet business. Since the philosophical questions raised by these issues are not very different from those raised by the use of animals as food and in research, I shall leave it to the reader to apply the appropriate ethical principles to them.

Some objections

This book is not the first occasion on which I have put forward the position for which I have argued in this chapter. On previous occasions I have encountered a variety of questions and objections, some straightforward and predictable, some more subtle and unexpected. In this final section of the chapter I shall attempt to answer the most important of these objections. I shall begin with the more straightforward ones.

How do we know that animals can feel pain?

We can never directly experience the pain of another being, whether that being is human or not. When I see my daughter fall and scrape her knee, I know that she feels pain because of the way she behaves – she cries, she tells me her knee hurts, she rubs the sore spot, and so on. I know that I myself behave in a somewhat similar – if more inhibited – way when I feel pain, and so I accept that my daughter feels something like what I feel when I scrape my knee.

The basis of my belief that animals can feel pain is similar to the basis of my belief that my daughter can feel pain. Animals in pain behave in much the same way as humans do, and their behaviour is sufficient justification for the belief that they feel pain. It is true that, with the exception of those apes who have been taught to communicate by sign language, they cannot actually say that they are feeling pain – but then when my daughter was a little younger she could not talk either. She found other ways to make her inner states apparent, however, so demonstrating that we can be sure that a being is feeling pain even if the being cannot use language.

To back up our inference from animal behaviour, we can point to the fact that the nervous systems of all vertebrates, and especially of birds and mammals, are fundamentally similar. Those parts of the human nervous system that are concerned with feeling pain are relatively old, in evolutionary terms. Unlike the cerebral cortex, which developed only after our ancestors diverged from other mammals, the basic nervous

system evolved in more distant ancestors common to ourselves and the other 'higher' animals. This anatomical parallel makes it likely that the capacity of animals to feel is similar to our own.

It is significant that none of the grounds we have for believing that animals feel pain hold for plants. We cannot observe behaviour suggesting pain – sensational claims to the contrary have not been substantiated – and plants do not have a centrally organized nervous system like ours.

Animals eat each other, so why shouldn't we eat them?

This might be called the Benjamin Franklin Objection. Franklin recounts in his *Autobiography* that he was for a time a vegetarian but his abstinence from animal flesh came to an end when he was watching some friends prepare to fry a fish they had just caught. When the fish was cut open, it was found to have a smaller fish in its stomach. 'Well', Franklin said to himself, 'if you eat one another, I don't see why we may not eat you' and he proceeded to do so.

Franklin was at least honest. In telling this story, he confesses that he convinced himself of the validity of the objection only after the fish was already in the frying pan and smelling 'admirably well'; and he remarks that one of the advantages of being a 'reasonable creature' is that one can find a reason for whatever one wants to do. The replies that can be made to this objection are so obvious that Franklin's acceptance of it does testify more to his love of fried fish than his powers of reason. For a start, most animals that kill for food would not be able to survive if they did not, whereas we have no need to eat animal flesh. Next, it is odd that humans, who normally think of the behaviour of animals as 'bestial' should, when it suits them, use an argument that implies we ought to look to animals for moral guidance. The decisive point, however, is that nonhuman animals are not capable of considering the alternatives open to them or of reflecting on the ethics of their diet. Hence it is impossible to hold the animals responsible for what they do, or to judge that because of their killing they 'deserve' to be treated in a similar way. Those who read these lines, on the other hand, must

consider the justifiability of their dietary habits. You cannot evade responsibility by imitating beings who are incapable of making this choice.

Sometimes people point to the fact that animals eat each other in order to make a slightly different point. This fact suggests, they think, not that animals deserve to be eaten, but rather that there is a natural law according to which the stronger prey upon the weaker, a kind of Darwinian 'survival of the fittest' in which by eating animals we are merely playing our part.

This interpretation of the objection makes two basic mistakes, one a mistake of fact and the other an error of reasoning. The factual mistake lies in the assumption that our own consumption of animals is part of the natural evolutionary process. This might be true of a few primitive cultures which still hunt for food, but it has nothing to do with the mass production of domestic animals in factory farms.

Suppose that we did hunt for our food, though, and this was part of some natural evolutionary process. There would still be an error of reasoning in the assumption that because this process is natural it is right. It is, no doubt, 'natural' for women to produce an infant every year or two from puberty to menopause, but this does not mean that it is wrong to interfere with this process. We need to know the natural laws which affect us in order to estimate the consequences of what we do; but we do not have to assume that the natural way of doing something is incapable of improvement.

Differences between humans and animals

That there is a huge gulf between humans and animals was unquestioned for most of the course of Western civilization. The basis of this assumption has been undermined by Darwin's discovery of our animal origins and the associated decline in the credibility of the story of our Divine Creation, made in the image of God with an immortal soul. Some have found it difficult to accept that the differences between us and the other animals are differences of degree rather than kind. They have

searched for ways of drawing a line between humans and animals. To date these boundaries have been shortlived. For instance it used to be said that only humans used tools. Then it was observed that the Galapagos woodpecker used a cactus thorn to dig insects out of crevices in trees. Next it was suggested that even if other animals used tools, humans are the only tool-making animals. But Jane Goodall found that chimpanzees in the jungles of Tanzania chewed up leaves to make a sponge for sopping up water, and trimmed the leaves off branches to make tools for catching insects. The use of language was another boundary line – but now chimpanzees and gorillas have learnt the sign language of the deaf and dumb, and there is evidence that whales and dolphins have a complex language of their own.

If these attempts to draw the line between humans and animals had fitted the facts of the situation, they would still not carry any moral weight. That a being does not use language or make tools is hardly a reason for ignoring its suffering. Some philosophers have claimed that there is a more profound difference. They have claimed that animals cannot think or reason, and that accordingly they have no conception of themselves, no self-consciousness. They live from instant to instant, and do not see themselves as distinct entities with a past and a future. Nor do they have autonomy, the ability to choose how to live one's life. It has been suggested that autonomous, self-conscious beings are in some way much more valuable, more morally significant, than beings who live from moment to moment, without the capacity to see themselves as distinct beings with a past and a future. Accordingly the interests of autonomous, self-conscious beings ought normally to take priority over the interests of other beings.

I shall not now consider whether some nonhuman animals are self-conscious and autonomous. The reason for this omission is that I do not believe that, in the present context, much depends on this question. We are now considering only the application of the principle of equal consideration of interests. In the next chapter, when we discuss questions about the value of life, we shall see that there are reasons for holding that

self-consciousness is crucial; and we shall then investigate the evidence for self-consciousness in nonhuman animals. Meanwhile the more important issue is: does the fact that a being is self-conscious entitle it to some kind of priority of consideration?

The claim that self-conscious beings are entitled to prior consideration is compatible with the principle of equal consideration of interests if it amounts to no more than the claim that something which happens to a self-conscious being can cause it to suffer more (or be happier, as the case may be) than if the being were not self-conscious. This might be because the self-conscious creature has greater awareness of what is happening, can fit the event into the overall framework of a longer time period, and so on. But this is a point I granted at the start of this chapter (pp. 52–3, above) and provided it is not carried to ludicrous extremes – like insisting that if I am self-conscious and a veal calf is not, depriving me of veal causes more suffering than depriving the calf of its freedom to walk, stretch and eat grass – it is not denied by the criticisms I made of animal experimentation and factory farming.

It would be a different matter if it were claimed that, even when a self-conscious being did not suffer *more* than a being that was merely sentient, its suffering was more *important* because it was a more valuable type of being. This introduces non-utilitarian claims of value – claims which do not derive simply from taking a universal standpoint in the manner described in the final section of Chapter 1. Since the argument for utilitarianism developed in that section was admittedly tentative, I cannot use that argument to rule out all non-utilitarian values. Nevertheless we are entitled to ask *why* self-conscious beings should be considered more valuable and in particular why the alleged greater value of a self-conscious being should result in preferring the lesser interests of a self-conscious being to the greater interests of a merely sentient being, even where the self-consciousness of the former being is not itself at stake. This last point is an important one, for we are not now considering cases in which the lives of self-conscious beings are at risk but cases in which self-conscious beings will go on living, their

faculties intact, whatever we decide. In these cases if the existence of self-consciousness does not affect the nature of the interests under comparison, it is not clear why we should drag self-consciousness into the discussion at all, any more than we should drag species, race or sex into similar discussions. Interests are interests, and ought to be given equal consideration whether they are the interests of human or nonhuman animals, self-conscious or non-self-conscious animals.

There is another possible reply to the claim that self-consciousness, or autonomy, or some similar characteristic, can serve to distinguish human from nonhuman animals: recall that there are mentally defective humans who have less claim to be self-conscious or autonomous than many nonhuman animals. If we use these characteristics to place a gulf between humans and other animals, we place these unfortunate humans on the other side of the gulf; and if the gulf is taken to mark a difference in moral status, then these humans would have the moral status of animals rather than humans.

This reply, which has been dubbed ‘the argument from marginal cases’ (because grossly defective humans are thought of as being at the margins of humanity) is very forceful, because most of us find horrifying the idea of using mentally defective humans in painful experiments, or fattening them for gourmet dinners. But some philosophers have argued that these consequences would not really follow from the use of a characteristic like self-consciousness or autonomy to distinguish humans from other animals. I shall consider three of these attempts.

The first suggestion is that mental defectives who do not possess the capacities which mark the normal human off from other animals should nevertheless be treated as if they did possess these capacities, since they belong to a species, members of which normally do possess them. The suggestion is, in other words, that we treat individuals not in accordance with their actual qualities, but in accordance with the qualities normal for their species.

It is interesting that this suggestion should be made in defence of treating members of our species better than members

of another species, when it would be firmly rejected if it were used to justify treating members of our race or sex better than members of another race or sex. In the previous chapter, when discussing the impact of possible differences in IQ between blacks and whites, I made the obvious point that whatever the difference between the *average* scores for blacks and whites, some blacks score better than some whites, and so we ought to treat blacks and whites as individuals and not according to the average score for their race, whatever the explanation of that average might be. If we accept this we must reject the suggestion that when dealing with mentally defective humans we grant them the status or rights normal for their species. For what is the significance of the fact that this time the line is to be drawn around the species rather than around the race or sex? We cannot insist that beings be treated as individuals in the one case, and as members of a group in the other. Membership of a species is no more relevant in these circumstances than membership of a race or sex.

A second suggestion is that although mental defectives may not possess higher capacities than other animals, they are nonetheless human beings, and as such we have special relations with them that we do not have with other animals. As one reviewer of my book on this subject put it: 'Partiality for our own species, and within it for much smaller groupings is, like the universe, something we had better accept... The danger in [an] attempt to eliminate partial affections is that it may remove the source of all affections.'

This argument ties morality too closely to our affections. Of course some people may have a closer relationship with the most gravely retarded human than they do with any nonhuman animal, and it would be absurd to tell them that they should not feel this way. They simply do, and as such there is nothing good or bad about it. The question is whether our moral obligations to a being should be made to depend on our feelings in this manner. Notoriously, some human beings have a closer relationship with their cat than with their neighbours. Would those who tie morality to affections accept that these people are

justified in saving their cats from a fire before they save their neighbours? And even those who are prepared to answer this question affirmatively would, I trust, not want to go along with racists who could argue that because white people have more natural relationships with and greater affection towards other whites, it is all right for whites to give preference to the interests of other whites over the interests of blacks. Ethics does not demand that we eliminate personal relationships and partial affections, but it does demand that when we act we assess the moral claims of those affected by our actions independently of our feelings for them.

The third suggestion invokes the widely-used 'slippery slope' argument. The idea of this argument is that once we take one step in a certain direction we shall find ourselves on a slippery slope and shall slither further than we wished to go. In the present context the argument is used to suggest that we need a clear line to divide those beings we can experiment upon, or fatten for dinner, from those we cannot. Species membership makes a nice sharp dividing line, whereas levels of self-consciousness, autonomy or sentience do not. Once we allow that a grossly retarded human being has no higher moral status than an animal we have begun our descent down a slope, the next level of which is denying rights to social misfits, and the bottom of which is a totalitarian government disposing of anyone it does not like by classifying them as mentally defective.

The slippery slope argument is important in some contexts, but it cannot bear too much weight. If we believe that, as I have argued in this chapter, the special status we now give to humans allows us to ignore the interests of billions of sentient creatures, we should not be deterred from trying to rectify this situation by the mere possibility that the principles on which we base this attempt will be misused by evil rulers for their own ends. And it is no more than a possibility. The change I have suggested might make no difference to our treatment of humans, or it might even improve it.

In the end, no ethical line that is arbitrarily drawn can be

secure. It is better to find a line that can be defended openly and honestly. When discussing euthanasia in Chapter 7 we shall see that a line drawn in the wrong place can have unfortunate results even for those placed on the higher, or human side of the line.

It is also important to remember that the aim of my argument is to elevate the status of animals rather than to lower the status of any humans. I do not wish to suggest that mentally defective humans should be force-fed with food colourings until half of them die – although this would certainly give us a more accurate indication of whether the substance was safe for humans than testing it on rabbits or dogs does. I would like our conviction that it would be wrong to treat mentally defective humans in this way to be transferred to nonhuman animals at similar levels of self-consciousness and with similar capacities for suffering. It is excessively pessimistic to refrain from trying to alter our attitudes on the grounds that we might start treating mental defectives with the same lack of concern we now have for animals, rather than give animals the greater concern that we now have for mental defectives.

Ethics and reciprocity ^{* *omseidighet, inövertkan*}

In the earliest surviving major work of moral philosophy in the Western tradition, Plato's *Republic*, there is to be found the following view of ethics:

They say that to do injustice is, by nature, good; to suffer injustice, evil; but that there is more evil in the latter than good in the former. And so when men have both done and suffered injustice and have had experience of both, any who are not able to avoid the one and obtain the other, think that they had better agree among themselves to have neither; hence they begin to establish laws and mutual covenants; and that which is ordained by law is termed by them lawful and just. This, it is claimed, is the origin and nature of justice – it is a mean or compromise, between the best of all, which is to do injustice and not be punished, and the worst of all, which is to suffer injustice without the power of retaliation. ^{- vederjällning.}

This was not Plato's own view; he put it into the mouth of Glaucon in order to allow Socrates, the hero of his dialogue, to

refute it. It is a view which has never gained general acceptance, but has not died away either. Echoes of it can be found in the ethical theories of contemporary philosophers like John Rawls, Gilbert Harman and John Mackie; and it has been used, by these philosophers and others, to justify the exclusion of animals from the sphere of ethics, or at least from its core. For if the basis of ethics is that I refrain from doing nasty things to others as long as they don't do nasty things to me, I have no reason against doing nasty things to those who are incapable of appreciating my restraint and controlling their conduct towards me accordingly. Animals, by and large, are in this category. When I am surfing far out from shore and a shark attacks, my concern for animals will not help; I am as likely to be eaten as the next surfer, though he may spend every Sunday afternoon taking potshots at sharks from a boat. Since animals cannot reciprocate, they are, on this view, outside the limits of the ethical contract. ^{Vgo o. ta.}

In assessing this conception of ethics we should distinguish between *explanations* of the origin of ethical judgments, and *justifications* of these judgments. The explanation of the origin of ethics in terms of a tacit contract between people for their mutual benefit is quite plausible (though not more plausible than a number of alternative accounts). But we could accept this account, as a historical explanation, without thereby committing ourselves to any views about the rightness or wrongness of the ethical system that has resulted. No matter how self-interested the origins of ethics may be, it is possible that once we have started thinking ethically we are led beyond these mundane premises. For we are capable of reasoning, and reason is not subordinate to self-interest. When we are reasoning about ethics we are using concepts that, as we saw in the first chapter of this book, take us beyond our own personal interest, or even the interest of some sectional group. According to the contract view of ethics, this universalizing process should stop at the boundaries of our community; but once the process has begun we may come to see that it would not be consistent with our other convictions to halt at that point. Just as the first

mathematicians, who may have started counting in order to keep track of the number of people in their tribe, had no idea that they were taking the first steps along a path that would lead to the infinitesimal calculus, so the origin of ethics tells us nothing about where it will end.

When we turn to the question of justification we can see that contractual accounts of ethics have many problems. Clearly, such accounts exclude from the ethical sphere a lot more than nonhuman animals. Since permanent mental defectives are equally incapable of reciprocating, they must also be excluded. The same goes for infants and very young children; but the problems of the contractual view are not limited to these 'marginal cases'. The ultimate reason for entering into the ethical contract is, on this view, self-interest. Unless some additional universal element is brought in, one group of people has no reason to deal ethically with another if it is not in their interest to do so. If we take this seriously we shall have to revise our ethical judgments very drastically. For instance, the white slave traders who landed on a lonely part of the African coast and captured blacks to sell in America had no self-interested reason for treating blacks any better than they did. The blacks had no way of retaliating. If they had only been contractualists, the slave traders could have rebutted the abolitionists by explaining to them that ethics stops at the boundaries of the community, and since blacks are not part of their community they have no duties to them.

Nor is it only past practices that would be affected by taking the contractual model seriously. Though people often speak of the world today as a single community, there is no doubt that the power of people in, say, Chad, to reciprocate either good or evil that is done to them by, say, citizens of the United States is very limited. Hence it does not seem that the contract view provides for any obligations on the part of wealthy nations to poorer nations.

Most striking of all is the impact of the contract model on our attitude to future generations. 'Why should I do anything for posterity? What has posterity ever done for me?' would be the

view we ought to take if only those who can reciprocate are within the bounds of ethics. There is no way in which those who will be alive in the year 2100 can do anything to make our lives better or worse. Hence if obligations only exist where there can be reciprocity, we need have no worries about problems like the disposal of nuclear waste. True, some nuclear wastes will still be deadly for a quarter of a million years; but as long as we put it in containers that will keep it away from us for 100 years, we have done all that ethics demands of us.

These examples should suffice to show that, whatever its origin, the ethics we have now does go beyond a tacit understanding between beings capable of reciprocity, and the prospect of returning to such a basis is not appealing. Since no account of the origin of morality compels us to base our morality on reciprocity, and since no other arguments in favour of this conclusion have been offered, we should reject this view of ethics.

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