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Virtue Ethics and the
Moral Significance of Animals

by

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Abstract

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What does our treatment of animals say about our moral character? To ask this question is to think about the issue of animal ethics in terms of virtue and vice. It appears that no one writing on either animal ethics or on virtue theory has tried to address this question at length. The aim of this dissertation is to rectify this shortcoming and in so doing, develop a robust theory of the moral significance of animals from the perspective of virtue ethics.

Before we can ask any questions about the moral significance of animals, however, or even about virtue itself, we first have to answer some questions about the foundations of the ethical framework to which we will be appealing. Hence, I begin by laying the groundwork, both metaethical and psychological, for virtue ethics as we will employ it in the subsequent chapters. The primary tool used to lay this groundwork is the moral significance of the emotions and their connection to rationality. I explore the emotions as they have been traditional construed in philosophy, and in ethics in particular, and argue that this traditional view is inadequate due to several considerations. Accordingly, I attempt to sketch a superior alterative view that accommodates these considerations.

In the second chapter, I argue that our new understanding of the emotions fits naturally with several of the major themes of virtue ethics, including the moral significance of motives, moral education and the importance of the emotions themselves. In these first two chapters our strategy will not be so much to argue for virtue ethics as it is to outline the general framework in which I will be considering virtue ethics for the duration. Chapters 3 and 4 will expand on the details of virtue ethics as I understand it, and argue that a proper understanding of virtue entails considerable regard for the well-being of non-human animals. Chapter 5 and Appendix B will contrast the theory I develop in the prior chapters with the dominant views of animal ethics, namely utilitarianism and rights theory. Chapters 6 and 7 will apply the account I have developed to the practical moral issues of animal experimentation and eating meat.
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Chapter 1) Why Ethics Needs To Make Room For The Emotions

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1.1) Introduction—What does our treatment of animals say about our moral character? To ask this question is to think about the issue of animal ethics in terms of virtue and vice. It appears that no one writing on either animal ethics or on virtue theory has tried to address this question at length. The aim of this dissertation is to rectify this shortcoming and in so doing, develop a robust theory of the moral significance of animals from the perspective of virtue ethics.

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In the second chapter, I will argue that our new understanding of the emotions fits naturally with several of the major themes of virtue ethics, including the moral significance of motives, moral education and the importance of the emotions themselves. In these first two chapters our strategy will not be so much to argue for virtue ethics as it is to outline the general framework in which I will be considering virtue ethics for the duration. Chapters 3 and 4 will expand on the details of virtue ethics as I understand it, and argue that a proper understanding of virtue entails considerable regard for the well-being of non-human animals. Chapter 5 and Appendix B will contrast the theory I develop in the prior chapters with the dominant views of animal ethics, namely utilitarianism and rights theory. Chapters 6 and 7 will apply the account I have developed to the practical moral issues of animal experimentation and eating meat.

1.2.1) "The Standard View" of Emotions in Philosophy—The emotions have been castigated in moral philosophy since at least as far back as Plato. With a few notable exceptions, such as Aristotle, emotions have traditionally been seen as, at best a distraction from, and at worst corrosive of pure, cold, rational, deliberative moral reason. Good sound moral decision making, it is claimed, needs to be made dispassionately without the unreliable distractions of the emotions. This abasement of emotion is amplified by the mind/body dualism of Rene Descartes and reaches its apogee with the moral philosophy of Immanuel Kant, in which emotion is the apotheosis of irrationality. Because of its historical prominence, I will call this take on the emotions "the standard view."
The contemporary resurgence of virtue ethics has coincided with (and perhaps partially inspired) some philosophers questioning the standard view.\(^1\) Recent arguments in feminist epistemology, for example, have drawn attention to the limits of an emotionless ‘pure reason’ approach to knowing.\(^2\) This questioning has correspond to, and been encouraged by arguments from other fields, such as neuropsychology, which have suggested that emotion is, in certain contexts at least, part and parcel of reason itself.\(^3\) In what follows I will suggest three ways in which emotion and reason are intertwined. The first is the way emotions focus our perceptions; the second is the way emotions guide our thoughts; the third is the way emotions motivate our behavior. Though each of these three aspects of emotion are closely related to each other I will do my best to distinguish them where possible and highlight their inexorability when necessary. After first outlining each of these three aspects I will show how they each, in their own way, relate reason to ethics. It is my thesis here that emotions serve as a bridge between rationality and value in the form of the Aristotelian concept of *phronesis* or *moral wisdom*.

**1.2.2) The Entanglement of Emotion and Reason: Emotions as Perceptions—**

One part of wisdom, according to Aristotle, is to not demand more precision of a subject than it naturally admits. This advice is especially worthwhile with regard to thinking

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\(^1\) Robert Solomon has characterized emotions as ordering our experiences and priorities, equating rationality and emotion. ("Emotions and Choice" in *Explaining Emotions*, Rorty, Amelie (ed) p.103-126. University of California Press, Berkley, CA. (1980)) Martha Nussbaum has suggested that emotions are perceptions of value, profound and powerful ways of knowing that cannot be captured adequately with words. (*Upheavals of Thought: The Intelligence of Emotions*, Cambridge University Press, Cambridge, UK (2001))


about the emotions. Exactly what an emotion is has been a topic of much debate. Part of what makes them so hard to define is the fact that they are notoriously difficult to generalize over. What you can truly say about one set of emotions may not hold true for other sets of emotions. Nonetheless, some degree of generalization is necessary if we are to talk about emotions in anything other than a piecemeal fashion. In what follows we will often speak of 'the emotions' as if they were a homogenous class. This should be taken as shorthand for certain prominent classes of emotions, which will sometimes be specified and other times will not. Exceptions to the various generalizations should not be viewed as counterexamples, but rather as mere exceptions, instances falling outside the scope of the intended generalization. With this preliminary in mind, let's see what we can say about 'the emotions' in general.

It seems that practically everyone from Charles Darwin to Sigmund Freud have offered competing accounts of what emotions are. The account that I wish to use as a point of departure is that of William James. In his essay "What is an emotion?" James suggests that emotions are apprehensions of one's physiological state. "Our natural way of thinking about these standard emotions," says James "is that the mental perception of some fact excites the mental affection called the emotion... My thesis on the contrary is that the bodily changes follow directly the PERCEPTION of the exciting fact, and that our feeling of the same changes as they occur IS the emotion." It is this notion of emotions as perceptions is the first of three aforementioned ways in which emotions are entangled with reason.

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4 James, William, "What Is an Emotion?" *Mind*, 1884, 9, p. 189-190 (Emphasis from the original)
There is certainly something to what James is saying here, but it cannot be quite right as it stands. For one thing, as Jean-Paul Sartre pointed out\(^5\), emotions in many cases at least are intentional—that is to say, they are about something. If I am walking in the forest and a bear steps out from behind a tree (to use James’ example), I naturally find myself afraid. Common sense suggests that what I am afraid of is the bear; that is, the subject of that fear is the bear itself. This intentionality, however, does not track with James’ thesis. If my fear just is the perception of this physiological change in my body as I see the bear, then it seems that contrary to my assumption, the subject of my fear isn’t the bear. In fact, my fear isn’t really ‘of’ anything at all, since physiological changes aren’t really ‘about’ anything. Such changes may be caused by things (i.e.—my seeing the bear) but they don’t have the proper intentional structure to be about something.

The inability of James’ theory to track the intentionality of emotions shows that his theory is flawed in regard to the identification of emotions with bodily changes, but not necessarily in regard to the general idea that emotions are a form of perception. Even Sartre agrees with James (to an extent) that “an emotion is a certain way of apprehending the world.”\(^6\) James was simply mistaken about what part of the world is being perceived. My fear of the bear can indeed be construed as a perception, for example, the perception that I am in great danger. This is not a perception of my internal physiological state, but rather a perception of my relationship to my immediate surroundings. Of all of the objects in my visual field my fear is both caused by and focuses my attention on the single most important object, the bear.

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\(^6\) Ibid, p. 248
Someone who failed to react with fear upon seeing a bear, someone whose attention was not focused in this way has a serious failing, a failure to appreciate an important part of the world. We can say that this is a failure of reason, but this might be misleading, confusing or controversial as many different conceptions of exactly what reason is may conflict here. I think it will be less controversial, however, to suggest that such a person has a failure of wisdom in a quasi-Aristotelian sense of that term.

'Wisdom' also has many different interpretations for our purposes here I hope it will not be too contentious to stipulate that wisdom is the ability to see and understand what is truly worthwhile, truly important, truly advantageous in life. (What determines what is worthwhile, important and advantageous—specifically whether or not these are determined by the individual, society or some independent and absolute fashion—are issues we will address in (2.3).)

The example of the bear illustrates the fact that emotions serve as a mode of perception of the world. To perceive well, that is, to perceive what is truly important, is one part of wisdom, since in order to understand we must first see. And the process of seeing, in the literal sense, is a process that is directed by emotion. Hence, the emotions are central for this aspect of wisdom, seeing what matters, what deserves our attention. This is not to say that wisdom is entirely about emotion. The understanding that is central to wisdom will clearly contain large rational elements as well. Indeed, the ultimate purpose of invoking wisdom here is to show that it operates as a sort hybrid between the rational and the emotional.

In the same sense that the emotion of fear frames and directs my perception of the bear, the emotion of love will likewise frame and direct my perception of my beloved.
Emotions such as anger, sorrow and frustration will also frame and direct one’s perceptions in their own particular ways. Without this framing and direction there would be no way of distinguishing what aspects of our perceptual field deserve our attention from those that are irrelevant. As Ronald de Sousa puts it, “emotions are among the mechanisms that control the crucial factor of salience among what would otherwise be an unmanageable plethora of objects of attention, interpretations, and strategies of inference and conduct... They frame, transform, and make sense of our perceptions, thoughts and activities.” These three points (perceptions, thoughts and activities/motives) are precisely the venues in which I am claiming reason intertwines with emotion.

1.2.3) The Entanglement of Emotions & Reason: Emotions as Judgments—

Let’s turn now to the second of the three venues in which the emotions are entangled with rationality, namely judgment. As I have already mentioned, the standard view on emotions pins them as corrosive of good judgment. Even if an adherent of the standard view were willing to grant the crucial role emotions play in focusing our perception, they may want to argue that once our attention is thus focused the emotions should be set aside so that cold, dispassionate reason can take over and make the necessary analysis, decisions and judgments. Emotions may be useful with regard to what we perceive, but with regard to how we perceive and how we process our perceptions they are fundamentally disruptive. When our judgments are based in emotion the associated acts are impulsive, capricious, motivated by bias and ignorance. The primal, almost elemental power of our emotions distorts and blinds our rational faculties to what would, in our more calm moments, be seen as more important values and reasons. In the spirit of Kant, such arguments suggest that inasmuch as emotions tend to incline us towards the right

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decisions they do so purely by accident, or thanks to the underlying guidance of reason, in spite of the power of the emotions. Thus, my suggestion that emotions are part in parcel of good judgment must confront the standard view on this point before moving forward.

It is doubtlessly true that emotions complicate otherwise simple situations. The argument being made here is not the claim that emotions are per se superior in all contexts to reason. Rather, the point is simply that we ought not to simply dismiss the emotions as being detrimental to good moral thinking. (As Alison Jagger puts the point, "although our emotions are epistemologically indispensible, they are not epistemologically indisputable. Like all our faculties, they may be misleading and their data, like all data, are always subject to reinterpretation and revision."8) Since the emotions have such a powerful effect on us they often distort and blind us to otherwise important values and reasons. But it should be noted that the ‘otherwise important values and reasons’ which strong emotions can blind us to are often (if not always) either themselves emotions, or have some emotional component to them. Our anger at a disobedient child, for example, can momentarily blind us to the love that we bear for them, even though this love is the foundation of our concern (and ergo our anger) in the first place. The standard view seems to suggest that if we really value these things towards which emotions incline us we should sideline our emotions and let reason pursue them. There is a tension here that, while far from preposterous, should give us pause.

More to the point, the core problem with this objection is how broad it is. To paint all emotions with this wide of a brush is to ignore the variety and nuance that is

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characteristic of the emotions in general. It is all too easy when thinking of emotions to only think of the extreme, the explosive, the dramatic, such as rage, despair and grief. I do not mean to write off these emotions, or concede to the standard view that they are nothing more than corruptors of good judgment; I merely wish to point out that many emotions are much more subtle than these, so much so that they frequently escape our notice, such as care, concern, interest, and boredom. These emotions, by in large do not blind us in the way the standard view has been suggesting. Quite to the contrary, it is these emotions that enable us to make judgments in the first place. In fact, as I will argue momentarily, without emotions, judgment of any kind would be impossible.\(^9\)

Before we get to that, however, we should note that emotion is not the only faculty that is capable of blinding us to otherwise important values and reasons. Despite its much-lauded immaculate reputation, cold, dispassionate reason can also prevent us from making good judgments. Reason, like emotion, can seem to pull us in opposite directions or simply in the wrong direction, all things considered. Such a suggestion is inconceivable for Kant, but his apotheosizing of reason plays a key role in perhaps the best example of just how such a fanatical dedication to reason can lead one astray, the example of Adolf Eichmann. As the architect of Hitler’s “final solution,” Eichmann molded his moral philosophy on the reason-based, duty-centered model provided by Kant. As Hannah Arendt describes it, “He did his duty, as he told the police and the court over and over again, he not only obeyed orders, he also obeyed the law...he

\(^9\) This echoes what various existential philosophers, such as Kierkegaard and Heidegger have suggested: without care or concern nothing would be salient since we would not be able to ‘parse’ the world into comprehensible categories at all.
suddenly declared with great emphasis that he had lived his whole life according to Kant’s moral precepts, and especially according to a Kantian definition of duty.”

It would be premature to simply accept Eichmann’s own self-analysis at face value. It is reasonable to consider the possibility that Eichmann had merely acted from fear (of disobeying the Fuhrer, of being arrested for treason, as Heinrich Himmler had been, etc.) and his overtures to Kant at his trial were merely an ad hoc, self-serving attempt to defend his indefensible actions. But it would be equally premature to simply reject Eichmann’s claim out of hand, as Arendt does (she calls it “outrageous on the face of it.”) The actual truth about Eichmann’s psychology and motivation are, for our purposes, neither here nor there. Neither does it matter if Eichmann’s reading and application of Kant’s ideas is ‘correct’ in any sense of that term. It is sufficient to maintain that it is possible that Eichmann’s claims are true, that a devotion to dispassionate reason in the Kantian vein was what guided his actions. If it is even merely possible that reason alone, Kantian or otherwise, could have been the basis for such genocidal judgments then no more needs to be said in defense of the claim that reason, like emotion, can also blind us. There are of course less horrifying, more quotidian examples of reason interfering with what we care about, but few examples are this stark.

It is one thing to note that many subtle emotions do not blind us and that it is possible that reason itself may interfere with good judgment; it is quite another to give a

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11 "This was outrageous on the face of it, and also incomprehensible, since Kant’s moral philosophy is so closely bound up with man’s faculty of judgment, which rules out blind obedience.” It is also worth noting that at a certain point Eichmann himself also gave up the pretense of the Kantian-defense: “Upon further questioning, he added that he had read Kant's *Critique of Practical Reason*. He then proceeded to explain that from the moment he was charged with carrying out the final solution he had ceased to live according to Kantian principles, that he had known it, and that he had consoled himself with the thought that he no longer "was master of his own deeds," that he was unable "to change anything."” (Ibid, p. 136)
general defense of emotions against the standard view. One way to begin such a defense is to inquire if there is some means by which we can distinguish when a set of reasons—be they rational or emotional—are compelling and should be decisive. If we had some faculty by which to make such distinctions the fact that some emotions distort good judgment would be moot, since we could distinguish which emotions in a given context should be given credence and which ones shouldn't. Here again we come back to the Aristotelian notion of wisdom. Sadly of course, there is no simple clear-cut way to determine what 'the wise decision is' in all cases, especially for truly pressing dilemmas. But it is not uncommon of us to say of a person who reliably makes good decisions that they are wise. As amorphous as the conception of wisdom maybe there is a strong common sense appeal to the idea of someone who knows what truly matters and makes good judgments accordingly. Even if we cannot give a completely general account of wisdom, casuistry may still yield us useful insights into its nature.

With that in mind, let's think again of the bear example used in establishing the connection between emotions and perceptions. It does not take too much analysis to realize that there is an intimate relationship between emotions as they relate to our perceptions and emotions as they relate to our judgments. When I see the bear in front of me, my fear does not just focus my perceptual attention on the animal, it also sets aside any previous or mundane thoughts that may have occupied my mind moments before. My thoughts become focused on the object of fear, inspiring a rapid deployment of possible responses: Should I run? Should I stay still? Should I try to intimidate? Ideally that focus, rather than corroding, blinding or obscuring my thinking, actually increases the alacrity at which I weigh my options, consider which strategies will be most likely to
succeed, and decide which course of action to pursue. Hopefully, I will employ that focus in combination with my general understanding of the situation and any relevant background knowledge and make ‘the right decision,’ which is to say ‘the wise decision.’ Alternatively, of course, as the standard view suggests, that focus might become so acute that it obliterates the capacity for any thought, paralyzing me on the spot or causing me to flee in a mindless panic. This would easily be categorized as a failure of courage, but it is also a failure of wisdom, since the courageous decision in this circumstance is also the wise decision.

Similar stories can be told about love. While love, like emotion in general, is notoriously difficult (if not impossible) to define, one seeming constant is that it leads us to think disproportionately about our beloved. It would not make much sense to speak of loving someone if that didn’t imply the elevation of that person in the mind, greater time and energy spent thinking on that person, and increased consideration of their interests over other persons. Despite being one of the quintessential (and most mysterious) emotions, love has inexorable implications for how we think about the world around us. And we all know from experience that some things merit our love and others are not; distinguishing between which is which is likewise the job of wisdom.

Love and fear are also revealing because they are both clear examples of emotions as judgments. This concept that has its roots in Stoic philosophy and has been a mantra of Robert Solomon’s for many years now. His thesis has received a surprising amount

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12 The phrase ‘wise decision’ is probably preferable to ‘right decision,’ since a wise decision doesn’t necessarily guarantee the desired outcome, whereas the right decision seems make such a guarantee. In most situations, such guarantees are just not forthcoming.

13 Or perhaps a better way to phrase this notion is ‘the person who distinguishes between what does and does not merit their love is, in this respect, wise.’

14 See, for example, Solomon, Robert “Emotions and Choice” in Explaining Emotions, Rorty, Amelie (ed) p.103-126. University of California Press, Berkley, CA. (1980); and The Passions: Emotions and the
of resistance given its relative simplicity (although oversimplifying his position has lead to much misdirected criticism.)¹⁵ Put simply, an emotion for Solomon is not merely an affect, a sensation or a somatic change, but rather it is (in part) a tentative conclusion about a certain part of the world. With fear, for example, the conclusion is that some part of the world is a threat to you in some sense. With love the conclusion is that some person has certain qualities that you happen to prize above others in a certain ineffable way (love is, in this way, much harder to articulate than fear). This is not to say that all threats are therefore feared, or that all people with prized qualities are therefore loved; rather it is just to say that where fear or love are present these judgments are made. Frequently these judgments are felt as an emotion long before they are thought as anything resembling a ‘purely rational’ apprehension. In a recent article attempting to refine his position, Solomon has stressed, “A judgment is not a detached intellectual act but a way of cognitively grappling with the world. It has at its very basis and as a background a complex set of aspirations, expectations, evaluations (‘appraisals’), needs, demands, and desires.” With this notion in mind Solomon rephrases his original claim that “emotions are judgments” as “emotions are subjective engagements in the world.”¹⁶

Solomon doesn’t say much about distinctions in quality amongst these ‘subjective engagements.’ The original phrasing of ‘emotions as judgments’ makes such distinctions somewhat clear, as certainly some judgments are better than others (although in a given

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¹⁵ Solomon has been criticized for saying emotions are nothing but judgments, for equating emotions with ‘propositional attitudes’ and for asserting ‘a cognitive theory of the emotions,’ all charges he considers misrepresentations of his theory.

situation it may be hard to know which is better than which.) The ability to make perspicacious judgments is the quality of wisdom that I have been repeatedly harping on. For this reason I will retain Solomon’s original phrasing of ‘emotions as judgments’ throughout. In a different context I would take issue with other details of Solomon’s proposal,¹⁷ but for our purposes here the core of his position is what matters. (I think this core position is retained, even if the original phrasing is used.) If Solomon is basically right, as I think he is, then emotions are much more akin to thoughts than philosophers have typically assumed. And while being cautious as to not ‘over-cognize’ the emotions, I think we can reasonably say that emotions are much more intimately involved with reason, thought and our conception of the world than the straw-man characterization of the emotions (i.e.—sensation, affect, etc.) that the standard view proposes.

De Sousa makes a similar point in slightly different terms. Reacting to the suggestion that the emotions are somehow cognitive in nature, De Sousa suggests that “a more contextual thesis is that emotions are genuine representations not just of the inside world of the body but also, through that, of the external world of value.”¹⁸ This notion of an ‘external world of value’ raises questions of the objectivity of value, a point we shall return to in (2.3.)

**1.2.4) Which is it, Perceptions or Judgments?**—I want to briefly set aside the case against the standard view in order to quickly to dispel a perceived tension between the perspective put forward in (1.2.2) and that put forward in (1.2.3.) In the prior section

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¹⁷ For example, I see no reason to back away from the claim that an emotion may, in some cases at least, be some form of propositional attitude. The summary I gave above about fear as a judgment that a part of the world is a threat seems to fit that description just fine. One can avoid a ‘cognitive theory of the emotions’ (seemingly Solomon’s overriding concern) without backing away from emotions as propositional attitudes.

I argued that emotions are perceptions; in the later I argued that emotions are judgments. So which is it, perceptions or judgments? A paradigmatic perception is the act of seeing something, a process that is immediate, involuntary; a judgment on the other hand is, in many cases at least, in some sense deliberative, something that we must work at and is hence not just voluntary but concerted. This difference suggests that perceptions are not judgments, and judgments are not perceptions, so emotions can’t possibly be both, can they? Despite this sensible reservation, I suggest that emotions are, in fact, both perceptions and judgments.

People are understandably hesitant to blur the lines between two previously distinct categories. But the position being argued for here is not an ad hoc move to salvage a theory. Quite to the contrary, the considerations I have thus far marshaled suggest, on their own merits, that the distinction between perception and judgment is not as clear as we might like to think. Certain perceptions are clearly not judgments, just as certain judgments are not perceptions, but many cases involve a much more ambiguous relationship between the two, and the role of the emotions here just serves to underline that fact. Consider again the case of the bear walking out from behind the tree and you being struck with fear. Do you perceive the bear as a threat, or do you judge it to be a threat? In one sense it doesn’t really seem to be a perception; a bear that’s a threat could the exact same shape size and color as a bear that isn’t a threat (such as, say, one I knew to be behind an invisible wall of Plexiglas.) But at the same time it doesn’t really seem to be a judgment, either; I don’t need to deliberate about anything, I don’t need to come to the conclusion that the bear is a threat, I simply (in contradiction to our prior
consideration) see her as a threat. Again, similar stories could be told about love, anger, envy and a variety of other emotions.

How are we to understand this sort of case? We could say that emotions are neither perceptions nor judgments, and instead are something else entirely (i.e.—'mere sensation') but this option would fly in the face of all arguments thus far presented. We could simply bite the bullet and insist that emotions are either perceptions or judgments, but not both. But to do this would to blatantly mischaracterize our emotions as we experience them. If we want an honest account of the emotions then we must take our emotions seriously, and that means accepting them as they appear to us. The only remaining option, and ergo the only sensible conclusion, it seems, is to acknowledge that despite our initial reservations, emotions are in fact both perceptions and judgments (in certain cases, at least.) This not only resolves the tension mentioned above, it allows us to make sense of emotional experiences such as fear which seem to have this dualistic nature to them.

1.2.5) The Entanglement of Emotions and Reason: Emotions as Motives—

I wish now to return to the case against the standard view by looking at the third respect in which emotions are entangled with reason, namely in the role that emotions play as motivations. It is no deep insight to point out that emotions move us to do a wide variety of actions, and that thus we can explain a wide variety of actions by appealing to emotions. The very word 'emotion' itself suggests that it is something that imparts motion unto us, something that moves us. The case of the bear above shows that, with regard to emotions like fear, this may quite literally the case. Other profound emotions have similar effects: we smile because we are happy, we cry because we are sad, we
shout because we are angry, we cheer because we are excited. These actions are understood in terms of these emotions because we have all felt such emotions and as a result engaged in such behavior, or at least felt inclined to do so. To say that these actions make sense in light of these feelings is another way of saying we recognize a sort of rationality to such behavior and emotion. If we did not see these forms of behavior as (in some sense) rational responses to feeling these emotions we would not accept them as any sort of explanation for such behavior.\textsuperscript{19}

It is not just the powerful and passionate emotions that move us to act. Emotions motivate us in much more quotidian ways as well, often with such subtlety that we do not even recognize the motivation as emotive. Actions as simple as choosing whether to do a simple chore or relax on the couch instead are intricately tied into our emotional states. Neurologist Antonio R. Damasio illustrates this point with an anecdote about a patient in his book *Descartes' Error: Emotion, Reason and the Human Brain*. The patient in question had suffered damage to his ventromedial prefrontal-lobe, a section of the brain involved with decision-making, social interaction and emotional regulation, but having no effect on language, memory, learning or intellect. (Damasio describes his patient as “a modern day Phineas Gage,” in reference to a famous 19\textsuperscript{th} century patient who had similar damage to the same brain region, and serves as a ‘poster child’ for the kinds of cases that are Damasio’s specialty.) One day, when trying to schedule the next appointment, Damasio asked his patient which of two would work best for him. The result was quite revealing:

For the better part of a half-hour, the patient enumerated reasons for and against each of the two dates: previous engagements,

\textsuperscript{19}This is not to say that feeling the ‘appropriate’ emotion justifies any corollary action, a topic we will return to in (1.3.1); it is just to say that emotions can explain actions, and hence are in this sense rational.
proximity to other engagements, possible meteorological conditions, virtually anything that one could reasonably think about concerning a simple date... He was now walking us through a tiresome cost-benefit analysis, an endless outlining and fruitless comparison of options and possible consequences.  

Damasio closes the story by describing it as “a good example of the limits of pure reason.” Damasio’s book is littered with similar cases and examples.

The implications of Damasio’s work are relevant for both motivation and judgment. Emotions both enable and motivate even mundane decisions. Damasio’s patient suffers from a two-fold failure. On the one hand he is incapable of making simple judgments (not only ‘which day to choose’, but also ‘this decision is simple and I should not expend too much time on it.’). At the same time, he was unable to motivate himself to make up his mind. This fact reinforces our earlier point about how judgment and motivation are themselves intertwined in inexorable ways. Certain judgments are intrinsically motivating. The judgment most people would make in the patient’s shoes, ‘I’m spending too much time trying to decide’ practically entails the motivation ‘I should just pick one.’ That judgment and the motive it entails can jointly be described in terms of the emotion of impatience. Spending that much time on such a trivial decision just isn’t worth it, but because of his condition Damasio’s patient simply can’t see that. We might even say that his condition has obliterated his capacity for wisdom (in many contexts at least, if not in general.) This one instance illustrates that the emotions in their role as judgments are, in many cases at least, intrinsically normative and hence motivational. This bifocal nature of emotions is just another respect in which the emotions tie together disparate threads in ways not appreciated by the standard view.

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There is clearly more to judgments and motivations than just emotions. Understanding the various ‘costs and benefits,’ for example, is seemingly more a matter of ‘pure reason’ than it is one of emotion. But at the same time weighing those factors is clearly more emotion than reason. Decisions of this sort need to be motivated and reason alone is insufficient for this task. This contradicts the standard view’s assumptions about how we rationally assess decision-relevant circumstances. The process of so-called ‘rational’ decision-making contains a necessary emotional motivation.

Damasio’s work may be the most concrete refutation of the standard view of emotions that one could ask for. If human psychology genuinely worked in the cold, dispassionate, emotionless vacuum that the standard view says it does/should then we would all be judgmentally paralyzed, incapable of making even the simplest of decisions. We cannot dispense with the emotions in analysis and decision making because, as De Sousa puts it when he summarizes Damasio’s conclusions, “emotions are essentially implicated in our capacity to live a coherent and reasonably well-regulated life: unless you care, your life will be a mess.”

As we’ve seen, the role emotions play in perception is intimately intertwined with emotions as judgments, which is in turn intertwined with the motivational role of emotions. This pervasive web interjects the emotions deep into the very heart of reason. If emotions play such an integral role in the way we see the world, think about the world, and make decisions in the world then this will have ramifications for practically every aspect of ethics, from moral decision making to determining what

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22 Blaise Pascal’s famous observation that “the heart has reasons that reason knows nothing of” is on point, if somewhat oversimplified.
subjects have moral significance in the first place. Some story about how the role that the emotions play in ethics must be told. It is these points to which we now turn our focus.

1.3.1) **Rationalistic Ethics And Emotions**—Before we look closer at virtue ethics specifically, we should first overtly spell out the implications that the conclusions from (1.2) has for ethics in general, both at the foundational and theoretical levels. We have seen that the emotions entwine with reason (in the form of wisdom) in regard to perception, thought and motivation. As we have already noted, many emotions are themselves intrinsically normative, though in a manner that requires rational processing or mediation. This interconnectedness requires us to rethink the role of emotion (and reason) in our ethical theories. As E.O. Wilson, the father of sociobiology put the point, self-knowledge is constrained and shaped by the emotional control centers in the hypothalamus and limbic system of the brain. These centers flood our consciousness with all the emotions—hate, love, fear, and others—that are consulted by ethical philosophers who wish to intuit the standards of good and evil... That simple biological statement must be pursued to explain ethics and ethical philosophers.  

Any ethical theory that wishes to give any role to reason in ethics must, hence, make room for the emotions. Anyone who wants to maintain that ethics can be both normative and explanatory must accept the idea that emotions have an inexorable role to play in moral decision making. That means that a moral theory that precludes emotions entirely is forced to divorce metaethics and ethical theory from the process of actual moral decision making. In effect, this is to admit the utter irrelevance of higher order

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23 Wilson, E.O., *Sociobiology: The New Synthesis*, p. 3, Harvard University Press, New York, NY, (1975). Strictly speak, Wilson was referring to the fact that the emotional centers of the brain evolved via natural selection, not the fact that the emotions themselves drive ethics, but since importance of the prior point depends on the validity of the later point, I don’t think I am distorting his meaning by omitting that detail from the quote above.

24 Wilson’s other point, that moral philosophers need to reconcile their theories to evolutionary biology, is also worth noting, and one that I will aspire to be mindful of as I develop my account.
moral questions. If moral theories are not allowed to take seriously the actual practical
decisions that people make and the ways in which they make them, then metaethics and
moral theories will be wholly extraneous.

These statements may seem presumptuous at this stage. After all, we have only
shown some varieties of reason to be intertwined with emotion. Damasio’s patient had
no problems apply certain kinds of reason; his mathematical, logical and puzzle-solving
abilities were unaffected by is condition. In fact, in certain circumstances the patient’s
lack of emotion was greatly advantageous for accomplishing certain goals that a person
with normal emotional functioning would have had much more difficulty with, confirming our earlier admission that emotion can obscure and obstruct, as well as clarify
and assist. What reason do we have to think that the sort of reason involved in ethics
should be of the kind that is infused with emotion, rather than the kind that is not?

This would seem to be the sort of response given by the classical rationalist
thinkers in ethics, the same thinkers who advanced the standard view of emotions in
(1.2.1). Plato and Kant are perhaps the two most notorious proponents of such theories.
Both compared the reasoning involved in ethics with the reasoning involved in
mathematics: cold, dispassionate, unemotional. All moral problems can be best solved
by the rigid application of formal logic when unencumbered by passion. If such a

25 Damasio tells of his patient driving to the laboratory on a cold winter day: “Freezing rain had fallen, the
roads were icy, and the driving had been hazardous... I asked the patient, who had been driving himself,
about the ride... His answer was prompt and dispassionate: it had been fine, no different from usual, except
that it had called for some attention o the proper procedures for driving on ice... He had seen cars and
tucks skidding off the roadway because they were not following these rational procedures... A woman
driving ahead of him... had entered a patch of ice, skidded and rather than gently pulling away from the
tailspin, had panicked, hit the brakes, and gone zooming into a ditch. One instant later, apparently
unperturbed by this hair-raising scene, my patient crossed the ice-patch and drove calmly and surely
ahead... In this instance not having the normal [emotional] mechanism was enormously advantageous.”
Damasio, Antonio Descartes Error: Emotion, Reason and the Human Brain, p. 192-193 Penguin Putnam,
contention were correct than the interconnectedness of reason and emotions would not
have a terribly profound impact on the rational foundations of ethics.

Strictly speaking, nothing we have seen thus far disproves this contention. But if
ethics are founded on this sort of emotionless reason then there is a very strange
disconnect between ethics in theory and ethics in application. The manner in which we
approach ethical questions and issues in practice is demonstrably emotive in many
respects. This is quite profoundly demonstrated by Damasio’s work. The moral
character of his patients with pre-frontal lobe damage degrades dramatically; this goes
hand in hand with our conclusion that he has lost his capacity for wisdom (in many
contexts at least.) With regard to one subject suffering from prefrontal-lobe damage
Damasio asks, “May he be described as having free-will? Did he have a sense of right
and wrong, or was he a victim of his new brain design, such that his decisions were
imposed upon him and inevitable?”26 As a scientist Damasio acknowledges that these
questions are beyond his area of expertise, but it is quite clear that his findings will have
to be taken into account when addressing these questions. At one point, Damasio
strongly suggests that “behaving ethically...require[s] knowledge of rules and strategies
and the integrity of specific brain systems,”27 specifically those responsible for emotion.

The inadequacy of ‘purely rational’ moral reasoning is vividly demonstrated in
these cases. Damasio tells the story of Elliot, one of his patients, with an inability to feel
emotion graphically illustrates the limits of his moral thought. Damasio said that Elliot
“seemed to approach life on the same neutral note. I never saw a tinge of emotion in my
many hours of conversation with him: no sadness, no impatience, no frustration with my

26 Ibid, p.19
27 Ibid, p.17
incessant and repetitious questioning."\textsuperscript{28} Elliot was one of several patients to whom Damasio administered a Standard Issue Moral Judgment Interview, a version of Lawrence Kohlberg’s test for the development of moral reasoning; he passed with flying colors. “Elliot attained a global score of 4/5, indicating a late-conventional, early-post-conventional mode of moral thought. This is an excellent result.”\textsuperscript{29} It might seem then that Elliot is proof that we can do without the emotions in our moral reasoning, but this conclusion disregards the fact that, like most all of Damasio’s patients, Elliot’s ability to make moral decisions in his actual life was devastated since his injury. He maintained all of the social knowledge necessary to answer the Kohlberg questions correctly, but he could not actually process real live, dynamic moral situations at all. For that, you need what Elliot did not have: a fully functioning emotional brain.

Damasio himself contrasts his view with the “high-reason” view of Plato and Kant in a proposed moral dilemma (the specifics of which are irrelevant here). After laying out how the high-reason view would approach the dilemma Damasio submit[s] that if this strategy is the only one you have available, rationality, as described above, is not going to work. At best your decision will take an inordinately long time... At worst, you may not even end up with a decision at all because you will get lost in the byways of your calculation... What the experience with patients such as [these] suggests is that the cool strategy advocated by Kant, among others, has far more to do with the way patients with prefrontal damage go about deciding what to do than with how normals usually operate.\textsuperscript{30}

Simply put, the vast majority of human beings just do not engage in moral reasoning the way that the rationalist picture suggests.

\textsuperscript{28} Ibid, p.45
\textsuperscript{29} Ibid, p.49
\textsuperscript{30} Ibid, p.172
This conclusion is further supported by recent work done in field of positive psychology. This relatively recent development in psychology arose as a deliberate reaction to the excessive focus on mental illness and disorder in the field. Martin Seligman, who is generally credited with pioneering positive psychology in the late 1990's, wanted to use the tools and techniques of psychology to study what makes human beings live well, what contributes to human happiness and what makes us flourish. (It's worth noting that the language of virtue ethics pervades the literature on positive psychology.) In general, the results of the last decade's worth of investigation on these topics present a serious challenge to the standard enlightenment-era rationalism about ethics and the moral theories that depend on it (especially Kantianism and utilitarianism.)

Jonathan Haidt, in his lucidly written book *The Happiness Hypothesis*, speaks to the general problem that positive psychology has with the idea of grounding ethics in pure reason. Using the metaphor of deliberate, conscious reason as a 'rider' mounting the back of an 'elephant' that stands for the emotions and their related non-rational psychological operators, Haidt lays out the problem with the rationalist approach in terms of moral education.

The... problem with the turn to moral reasoning is that is relies on bad psychology. Many moral education efforts since the 1970's take the rider off of the elephant and train him to solve problems on his own. After being exposed to hours of case studies, classroom discussions about moral dilemmas, and videos about people who faced dilemmas and made the right choices, the child learns how (not what) to think. Then class ends, the rider gets back on the elephant, and nothing changes at recess. *Trying to make children behave ethically by teaching them to reason well is like trying to make a dog happy by wagging its tail. It gets causality backwards.*

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Haidt's observations here are pertinent not only to the moral education of children, but to the teaching of ethics on the college level as well. My own (far from unique) experiences teaching animal ethics reflects Haidt's point. After spending a couple of weeks covering the written arguments of Peter Singer and Tom Regan (as well as their critics) most of my students find their arguments against eating meat to be rationally convincing, but very few (if any) express any real interest in changing their eating habits. But after showing a video detailing some of the gruesome practices common in factory farms the wave of disgust that washes over the class is palpable. When asked about their eating plans at that point, I have found that students are much more likely to give serious consideration to giving up meat. Whereas a straightforward rational argument, even when conceded, fails to inspire a genuine moral reconsideration the use of the emotionally potent images seems to do the trick more effectively. While these anecdotal observations should not be confused with the sort of scientific proof that positive psychology aspires to, it is worth noting that I have heard similar stories from several other teachers. (Haidt himself includes a personal anecdote attesting to a similar effect in his own life.)

One possible option for the rationalist is to just bite the bullet on this radical divergence between theory and practice in ethics. Because of the way the human brain is constructed making decisions may require the use of emotions, but that's no reason to think that the emotions are somehow an inherent part of ethics, or required to answer the abstract question \textit{what is the morally right thing to do?} No amount of facts about neuropsychology or positive psychology can dictate answers to questions of metaethics or ethical theory.
While such a strategy is technically available to the rationalist, it comes at a remarkably high price. For one thing, it completely divorces moral psychology from ethical theory, which will in turn obliterate any explanatory value that a moral theory may have. A purely rational moral theory may tell us what the right thing to do is, but despite that fact it can never tell us why we should care about doing the right thing, why we think the right thing is the right thing, why we think a certain act is justified, why we think a judgment is morally wise, etc.

Consider a set of examples to illustrate the intrinsic ethical significance of the emotions as a result of their place in our motivational psychology. As we saw in (1.2.5) there is an intrinsic rational structure to the interplay of emotion and motivation. There are at least three immediate ethically significant consequences of this rational structure: emotions can justify, mitigate and excuse otherwise questionable behavior. These consequences are immediate because of the aforementioned explanatory role of emotions. We are all familiar with the experience of someone doing something foolish or inconsiderate and then apologizing by appealing to ‘just being angry’ or ‘falling in love.’

We accept these explanations, inasmuch as we do, because we can empathize (a

32 Shakespeare, perhaps love’s greatest apologist, speaks to this common experience in Sonnet #51:

Thus can my love excuse the slow offence
Of my dull bearer, when from thee I speed:
From where thou art, why should I haste me thence?
Till I return, of posting is no need.
O, what excuse will my poor beast then find
When swift extremity can seem but slow?
Then should I spur, though mounted on the wind;
In winged speed no motion shall I know.
Then can no horse with my desire keep pace;
Therefore desire, of perfect’st love being made,
Shall neigh—no dull flesh—in his fiery race.
But love, for love, thus shall excuse my jade:
Since from thee going he went wilful-slow,
Towards thee I’ll run, and give him leave to go
faculty of emotion, if not an emotion itself) with the experience of emotions as a powerful motivating force in our own behavior. Foolish acts are somehow expected when someone is falling in love, just as inconsiderate behavior makes sense when someone is angry. This sort of explanatory function of emotion presupposes a standard of rationality, one that is infused with emotional content. Thus, emotions are performing both a moral function (justifying/mitigating/excusing) while simultaneously, through the exact same means, performing a rational function (explaining). This curious fact is one that any satisfactory moral theory should be able to make sense of, but if we exclude emotions from moral theory at the outset, the chances of doing so are slim.

How might a rationalist attempt to make sense of the justifying/mitigating/excusing role of emotions without making room for them in moral theories themselves? One possible response would be to take a hard-line; perhaps we shouldn't accept emotions as excuses, justifications and mitigations, despite the fact that people generally do. That people do this just shows that their moral reason has been corrupted by emotion, and if they could purge themselves of the passions they would not fall victim to such weak-willed sentimentality. Alternatively, the rationalist might accept these as problem cases, but attempt to marginalize their significance. Of course emotions have their place, but it is relatively minor one. The emotions are not, after all, a get-out-of-jail-free card for any behavior whatever. The love of Paris for Helen does not justify his absconding with her, nor does Menelaus' wounded sense of pride justify the ensuing Trojan War. It is one thing to justify or excuse foolish or inconsiderate behavior (relatively minor offenses in ethical terms) and quite another to justify or excuse

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33 Indeed, this is one aspect of what de Sousa means when he speaks of "the rationality of emotion."
34 But as we shall see shortly there is much more ethical content to be found in the emotions.
malicious or cruel behavior. If the crime is serious enough then emotions, regardless of how profound, universal or rational, may not even provide mitigation, much less an excuse or justification.

Neither of these responses is terribly persuasive. Attempting to deny the moral and rational functions of the emotions simply flies in the face of both our first person phenomenological experiences as well as our established social norms. The actual feeling of falling in love is so closely connected with giving disproportionate thought to the beloved's regard that to divorce the two would, in effect, destroy the emotion of love itself. Any moral theory that insists that love cannot justify/mitigate/excuse certain behaviors is a theory that is incompatible with love itself. A hard-line against these moral functions would run counter to this deep aspect of our nature. Attempting to marginalize these moral functions of the emotions will fail for similar reasons. While there certainly are limits to the how far these moral functions of the emotions can stretch, the impact that the emotions have on our decisions and behaviors is simply too pervasive to sweep under the rug. The upshot of Damasio's work is that it emotions are so entrenched in our day-to-day lives that it is hard to find an instance of a normal moral judgment that doesn't have some emotional component to it.

Another possible response on behalf of the rationalist might be to appeal to the particulars of the moral theory that arises from the rationalist foundation. It might be the case that the theory itself could prescribe us to accept emotions as justifications, etc. in the proper circumstances. Rather than building emotions in at the metaethical level, the emotions can be made sense of at the applied level of a rationalist theory. After all, any
reasonable moral theory will have to be able to account for common human behaviors and humans are often emotional.

One possible example of this might be Barbara Herman’s interpretation of Kant’s ethics.\(^\text{35}\) Herman thinks the traditional reading of Kant (in which the emotions are viewed as antithetical to proper moral motivation and moral praiseworthy action) has lead to much misplaced criticism. If Kant truly demands that we act solely from the motive of duty, without even a hint of inclination or emotion moving us in order for our action to be of moral worth, then Kant’s moral psychology seems grossly implausible. Herman, however, thinks that Kant has been misunderstood on this point, and that instead Kant is best understood as claiming that the presence of emotions is compatible with the moral worth of an action done from duty, so long as the motive of duty is the one that is actually acted upon. Hence, the core moral psychological concept of the theory (the notion of duty) is spelt out in purely rationalistic terms, while still allowing room for the emotions.

Whether or not Herman’s reading of Kant is the best reading is beside the point for our current purposes. What matters in our current context is whether or not Herman’s reading of Kant can accommodate the considerations about the emotions that we have been outlining so far in this chapter and still properly be considered a rationalistic ethical theory. At first glance it might appear that she can; the fact that human beings, as a matter of neurological necessity are motivated by emotions does not preclude human beings acting from the motive of duty, and it might in turn to be the case that we are duty bound to accept the emotions as justifications/mitigation/excuses (Herman does not herself explore this possibility, but it does not seem precluded by anything she has said.)

And since duty is still determined by way of the rationalistic categorical imperative, it looks like Herman might be able to find room for the emotions without granting them the same pride of place that Kantians want to give to reason.

While Herman’s reading of Kant does a much better job on this score than the traditional reading of Kant does, it is nonetheless ultimately unsatisfactory. Like the attempt to marginalize the moral functions of the emotions above, this strategy fails to appreciate how pervasive the emotions are with respect to our moral decision making. While Herman is not committed to the idea that only emotionless actions can have moral worth, she still cannot account for the fact that genuinely emotionless action, in point of fact, turns out to be morally catastrophic. The case of Phineas Gage is a graphic illustration of this fact. Marc Hauser summarizes Gage’s case thusly:

Gage [was] a well respected railroad worker who, in 1848, was struck down by a tamping iron—almost four fee long and weighting thirteen pounds—that rocketed through the frontal lobe of his brain. Gage soon stood up, shaken but not too badly stirred, and then proceeded to have reasonable conversation with the member of his crew as well as an attending doctor. Soon thereafter, however, all semblance of moral sensibilities deteriorated, including an eruption of profanities and a disrespect for other members of his community... Gage left his town, finding odd jobs here and there, ultimately dying in 1860 of epileptic seizures and overall poor health.36

Gage, like Damasio’s patent above, became physically incapable of integrating the emotional aspects of his psyche with the rational aspects. Any emotion he felt would be expelled in brief, infrequent outbursts, while the rest of the time he would be cool and deliberative, rational as ever, with complete emotional detachment. “Phineas Gage the model citizen [was] turned into Phineas Gage the moral deviant.”37

36 Hauser, Marc, Moral Minds: How Nature Designed our Universal Sense of Right and Wrong, p.226
37 Ibid, p. 229
If the traditional reading of Kant were correct, then Phineas Gage (at least in his emotionless phases) should have been the most moral person who ever lived (or in the very least, in a better position to become so than the rest of us whom are still encumbered with emotion.) Herman’s version of Kant doesn’t seem to have much of an advantage on this front; while she has made room for the emotions, her theory doesn’t allow for the fact that without integration between emotional and rational faculties what you get is not a passionless devotion to moral duty, but rather an amoral nightmare. In a normally functioning human brain, there simply is no such thing as cold moral reason, unadulterated by emotion and hence it cannot possibly be the foundation any ethics for actual flesh-and-blood human beings.

1.3.2) Emotivist Ethics And Reason— David Hume would no doubt agree that rationalistic theories are destined to fail. Hume was convinced that the emotions were pretty much the only things that are intrinsically normative and thus the only possible foundation for an ethics of any kind. Hume held that the only place reason had in ethics was to connect the dots, to determine how to achieve the goals set by the emotions. In this respect he rather famously proclaimed (in a deliberate reversal of Plato’s thinking) that reason was, and ought to be, the slave of the passions.

Emotivists, such as A.J. Ayer, are in many ways the 20th century intellectual progeny of Hume, and would likely agree with him on this point. Emotivism maintains that moral statements such as ‘abortion is wrong’ have no cognitive content, and that they cannot be either true or false. Instead, moral statements are merely assertions of emotions, such as an exclamation or a jeer (e.g.—‘abortion, BOOO!’) Because they hold that moral statements lack any sort of propositional content, emotivists and other so-
called ‘non-cognitivist’ theories would likewise reject the suggestion that reason plays any role in ethics other than enabling the emotions to achieve their ends.

The problem with this suggestion is just the flipside of the problem that plagued the rationalists. Hume and the emotivists came to their conclusions under the assumption that rationality and emotions were a breed apart, rather than interconnected, as I have endeavored to show that they are. But just as you can’t base ethics on emotion-free reason, you cannot base it on reason-free emotion. Two of the primary aspects of emotions that we saw in (1.2) are that they are *intentional* and *judgmental*, and hence have an inherently rational structure. On this point Martha Nussbaum hits the nail right on the head:

> Because emotion and desire contain object-directed intentionality, belief need not subserve them as a slave. Belief (or some related form of predictional perception) is already in them...This means that we may deliberate not only about how to get to ends that are already fixed, but also about the ends themselves—asking, for example, whether they are consistent with our other ends, how we ought to specify one of our ends more concretely, and so forth.

To put this point in terms that I have been using, if we remove the deliberative, judgmental element of the emotions it makes it impossible to say whether or not an emotion-based decision is wise. This is problematic not only because we *in fact do* make such determinations, but also because doing so is a remarkably useful way of making sense of how people relate to their values.

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38 Perhaps in light of this we might recast Hume’s/the emotivists’ position as contending that only the emotional aspects of reason can be normative. I will not discuss this suggestion in detail. Suffice to say, based on how intertwined we have seen reason and emotion to be, I do not think that we will be able to meaningfully extricate them for such purposes.

To sum up: there are a host of facts about the emotions that we have to come to terms with. Some of these facts are phenomenological: emotions shape the way we perceive and judge the world. Some of these facts are psychological: emotions motivate our behavior in a variety of ways, and to fully understand human behaviors we often need to appeal to emotions. Some of these facts pertain to the normative functions of emotions: they can justify, mitigate and excuse otherwise questionable behavior. Lastly, some of these facts are neurological: functioning emotional faculties in the human brain are necessary for a variety of functions, including moral reasoning and socially proper behavior. *Any adequate moral theory must be able to make sense of these facts.* Because these facts straddle the emotion/reason divide, they cannot be accounted for solely in terms of one or the other. Ergo, any theory that is either purely rationalistic (such as Kant's) or purely emotivistic (such as Hume's and Ayer's) will, by necessity, fail to fully make sense of these facts.

1.4.1) **Reason and Emotion, Internalism and Externalism**—Recognizing the intertwined nature of reason and emotion can help us with other traditional problems in moral psychology as well. One example is the internalism/externalism debate. This debate surrounds the nature of moral claims, reasons for action, and the relationship between moral judgments and motivation. Externalism claims that motivations/reasons for action are not built into moral claims themselves, and instead must be supplied by combining moral claims with other psychological operators, such as the individual agents beliefs and desires. By contrast, internalism maintains that the moral claims are themselves intrinsically motivating and that once we truly accept these claims we automatically have motivating reasons to behave in accordance with those claims.
It may seem at first glance that the position I have developed so far places me solidly in the internalist camp. I have claimed, after all, that emotions (part of) the core of ethics, and that emotions are inherently motivating. It makes sense to conclude from this that I would maintain that moral claims are inherently motivating, thus making me an internalist. While there is an element of truth here, it obscures a more profound point. I contend that this perennial dispute can be greatly clarified if we consider it in the light of an integrated view of reason and emotion. When we reconsider this debate in terms of the integration of emotion and reason as we have thus far been exploring, we can split the horns of this dilemma and transcend this debate entirely.

To see why this is, it will be useful to examine the internalism/externalism debate in more detail. The literature on this debate is sizable and I do not have time to summarize it all here, much less address all of the primary arguments. One illustrative argument from the externalist camp that I do wish to focus on is the so-called ‘amoralist objection.’ David Brink provides a nice summary of the problem:

Another traditional kind of skepticism accepts the existence of moral facts and asks why we should care about these facts. Amoralists are the traditional way of representing this second kind of skepticism; the amoralist is someone who recognizes the existence of moral considerations and remains unmoved.40

There have been many responses to the amoralist objection from the internalist camp. One response, which Brink anticipates, comes from R.M. Hare, who claims that the amoralist is a conceptual impossibility.41 If the amoralist truly accepted these moral claims then he would, per force, be motivated to act morally. The fact that the amoralist

does not act morally proves that he doesn’t really accept the moral claims. At best the amoralist accepts moral claims placed in “inverted commas,” as a statement about what other people generally believe, but not a claim that the amoralist truly accepts as true or binding. Brink’s response to this argument is very revealing, especially the last sentence.

The problem is that...[this response]... does not take the amoralist challenge seriously enough... We can imagine someone who regards certain demands as moral demands - and not simply as conventional moral demands - and yet remains unmoved... [if] we are to take the amoralist challenge seriously we must attempt to explain why the amoralist should care about morality.42

We can perhaps explicate Brink’s reply if we make a careful distinction between three categories that a person may fall into with regards to a claim: ‘understanding’, ‘accepting’ and ‘motivated by.’ For our purposes here, we can explicate these categories as follows: We understand a claim when we can adequately restate it in novel terms and explore the logical implications thereof; we accept a claim when we would assent to it, endorse it as true, reject anything that directly contradicts it and so forth; we are motivated by a claim when, as a result of accepting it, we are inclined to behave in certain ways that stem directly from the claim. In some contexts the line between these three categories will be very thin, if it exists at all. If I understand and accept the claim ‘the earth revolves around the sun’ then I will perforce be motivated to say so if someone asks me about the relationship between these two bodies (provided I have no overriding reason to lie, disregard the question, etc.) But in other contexts there may be profound gulfs between these categories. If someone tells me that the greatest joy in life for a human being is to spend as much time as possible torturing small children, I understand

their claim, but I will be very far from either accepting it or being motivated by this claim to buy a cat o' nine tails and start stalking kindergartens.

One of the main points of contrast between the internalist and the externalist will be whether or not there are any clear-cut cases in which a person can both understand and accept a moral claim but not be motivated by it. According to the externalist the amoralist provides us with precisely such an example, claiming he both understands and accepts moral claims but is not motivated by them. The internalist, by contrast will insist that while the amoralist understands the moral claims he does not truly accept them, and this explains why he is not motivated by them.

This argument dates back at least as far as Plato's *Republic*, in which Plato attempts to answer Thrasymachus' question 'why be moral?' Plato is probably the archetypal internalist and is best juxtaposed by David Hume, whose stanch insistence that no claim, concept, statement or fact can ever motivate by itself makes him the archetypal externalist. (The fact that Plato is a rationalist and Hume is an emotivist should also not escape our attention. Just as both rationalism and emotivism were found to be unsatisfying because of their mutual failure to properly construe the relationship between practical reason and the emotions, so to will internalism and externalism. But alas, I get ahead of myself.)

1.4.2) The Arationalist—Before returning to directly address Brink's concern, it might be helpful to approach the issue from an oblique angle. If the externalist's challenge to the internalist is to prove that accepting moral claims can, in and of themselves, impart motivation it makes sense to ask if accepting *any* kind of claim could ever do this. Imagine a similar challenge, also taking cue from Plato, call him 'the
arationalist.’ This individual understands certain epistemic claims, such as ‘we ought to believe what the preponderance of the evidence implies’ and accepts these claims as rational. He understands both the content of these claims as well as their justification and he could explain them in detail if called upon to do so. Nonetheless, the arationalist is unmotivated by these claims. This lack of motivation might manifest itself in a number of ways (e.g.—refusing to believe statements for which, by his own admission, there is copious evidence in favor of, and no rational reason to reject.) When pressed on these rational claims, he responds ‘Oh, I understand that these claims are rational and that not being motivated by them is irrational, I simply don’t care. I don’t believe that I should to allow my behavior to be governed by rationality.’

Is the arationalist a challenge to the idea that reason is intrinsically normative? Or, to borrow from Brink’s final sentence above, must we attempt to ‘explain why the arationalist should care about rationality?’ It seems like a fools errand to even try. For what methods could we use? We could try making an argument, but it is always possible that he may, true to form, accept that our arguments are persuasive but nonetheless refuse to be motivated by the conclusions. Once rational persuasion is off the table we are left trying to appeal to a non-rational justification. We could try the threat of physical force, but that would be self-defeating, as it would then be the threat of force that was motivating him, not the accepting of the claim. We could try a ‘purely emotional appeal’ (whatever that is) but what emotions would be effective in this particular endeavor? If it turns out that the arationalist is simply unmoving, must we then accept externalism about the motivating power of all reasons, not just moral ones? While David Hume
might be content biting this bullet, I suspect that more than a handful of externalists would not.

One reply to the internalist charge that the amoralist is conceptually impossible is to point to exemplary cases in philosophy, fiction and real-life.\textsuperscript{43} Brink sites Thrasymachus, and Dickens's Uriah Heep; Gary Watson provides a detailed case-study of thrill-killer and sociopath Robert Harris.\textsuperscript{44} Likewise, we can also find examples of arationalists in these venues as well. In philosophy, post-modern thinkers such as Michel Foucault and Jacques Derrida have launched a stark challenge to the authority of rationality. The eponymous hero of Voltaire's satiric novel \textit{Candide} provides an excellent illustration as well; in response to a question pertaining to the rationality of his actions Candide replies, "Beautiful maiden [...] when a man is in love, is jealous, and has been flogged by the Inquisition, he becomes lost to all reflection."\textsuperscript{45} Both Albert Camus in \textit{The Plague}\textsuperscript{46} and George Orwell in \textit{1984}\textsuperscript{47} contemplated the possibility that a

\textsuperscript{43} Despite these attempts at demonstrating real-life amoralists, it might just be the case that there is, in fact, no such thing. This is suggested by the literature on dissociative psychology. Damasio and Van Hoesen detail a condition called 'akinetic mutism,' which is suffered by patients with damage to the emotional centers of their brains. In this condition, patients lie motionless in bed in perpetuity. When they recover the patients say that they were fully conscious, but that they felt no emotions at all and hence were completely unmotivated to act. (Damasio and Van Hoesen, "Emotional Disturbances Associated with Focal Lesions of the Limbic Frontal Lobe," in \textit{Neuropsychology of Human Emotion}, Heilman and Satz (eds.), Guilford Press, New York, NY (1983).) If, as I have been claiming, the emotions are a core component of moral claims this might suggest that a pure amoralist is a practical impossibility. While the suggestion is certainly there, I have not made a case strong enough to support this claim as yet. So far I have claimed that all moral claims are, in part, emotional claims; I have not claimed that all emotional claims are moral claims. It may be possible that an amoralist could be immune to only those emotional claims that help constitute moral claims, while still being receptive to other emotional claims, keeping him from akinetic mutism. While at this point this is a technical possibility, it is a point that will be addressed (and dismissed) in my discussion of Evan Simpson's article below.


tyrannical government might use force to overpower reason itself and decree that 2+2 does not equal 4. Tertullian’s famous (if misquoted) doctrine *credo quia absursum* (I believe because it is absurd) is a picture-perfect example of arationality, and points us towards the legion of mystics and fideists throughout history and today, which knowingly embrace statements that by their own admission fly in the face of reason. Certain varieties of young earth creationism admit that the available evidence suggests that the universe is billions of years old, and will concede that such a belief is rational. Nonetheless, they still insist that the earth is less than 10,000 years old on the basis of faith in their interpretation of the bible. Perhaps this *sole fide* approach is the result of an internalization of Martin Luther’s vituperative rebuke that “reason is a whore, the greatest enemy that faith has.” We could hardly ask for a more concrete demonstration of the arrationalist mindset.

The parallels between the amoralist and the arationalist bring us back to one of the core points of the chapter: how the traditional understanding of reason as being a cold, dispassionate faculty is not (entirely) correct. Brink acknowledges this in the aforementioned last sentence quoted above, in which he says that we need to “explain why the amoralist should *care* about morality.” The fact that care, a decidedly emotional faculty, is playing the determining role here is of central relevance. The amoralists’ problem is not a *purely* rational one, it is (at least in part) an emotional one.

1.4.3) Amoralists in the Real World—Empirical evidence for this claim is marshaled by Jesse Prinz in his book *The Emotional Construction of Morals*. As his title suggests, Prinz attempts to build a strong metaethics on the basis of the emotions, and in

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47 "Freedom is the freedom to say that two plus two make four. If that is granted, all else follows." Orwell, George, *1984*, p. 81, Signet Classic, New York, NY, (1949).
so doing argues in favor of internalism. Prinz wants to cut the amoralist objection off at the knees by appealing to actual analyses of psychopaths. While it might seem that psychopaths appear to support the externalist case by providing us with real-world examples of people who accept moral claims but are not motivated by them, a closer look reveals this not to be the case. According to Prinz, psychopaths actually "seem to furnish internalists with a useful piece of supporting evidence. In psychopathy, a deficit in moral motivation co-occurs with a deficit in moral competence. This suggests that the two are linked. In fact, leading explanations of psychopathy maintain that the deficit in moral comprehension is a direct result of the emotional deficit."^48 Prinz presents a mountain of psychiatric evidence to suggest a causal relationship between these two deficits,^49 and in so doing makes a powerful case that the traditional reading of psychopathology in the internalism/externalism debate is mistaken, and in fact the cuts in the opposite direction.

Yet Prinz seems to underestimate the rationality of emotion, and hence underestimate the role that reason plays in metaethics. Like so many others, Prinz views emotions and reason as diametrically opposed, rather than integrated. That notion drives many of his conclusions, including the claim that a metaethics that has emotion as part of its foundation (as mine is) must be committed to internalism. But this conclusion is only supported by Prinz's analysis if you assume that internalism and externalism are the only

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^49 For example: "Blair demonstrates that psychopaths fail to grasp the moral/conventional distinction... He asked criminals who had been diagnosed as psychopaths to consider various scenarios in which rules had been violated. Some of the rules were moral and some were conventional, but the psychopaths were not alerted to this fact. They were simply asked to rate the wrongness and seriousness of the violations, and to justify their answers. They were also asked whether the described behavior would have been wrong if an authority had allowed it. The results were striking. Psychopaths did not treat moral and conventional wrongs significantly differently. Unlike a control group of non-psychopathic criminals, they tended to ignore victim's welfare when justifying their answers about moral wrongs." Ibid, p. 44
two possible positions. If there is a third alternative, as I am suggesting, then Prinz’s case for internalism may also support that alternative with equal force, if not more.

This leads us to the heart of the flaw in the internalism/externalism debate. Both sides have been debating whether or not moral claims are intrinsically motivating. Both sides are correct, yet both sides are mistaken. To see this we can think again of Elliot, Damasio’s pre-frontal lobe patient who did so very well on the Standard Issue Moral Judgment Interview, but whose personal life was nonetheless a moral nightmare. Elliot’s rational faculties were perfectly intact, but his emotional faculties were all but obliterated. How would internalists and externalists account for this case? Both would concede that Elliot understands the moral claims involved, and that they do not motivate him—that much is obvious and undeniable. The point of contention is whether or not accepting the moral claims in question is necessary in order to score so well on the Interview.

The internalist would like to conclude that all that is necessary to score well on the Standard Issue Moral Judgment Interview is an understanding of the moral claims involved, and that acceptance of those claims is not required. Some of the data that Prinz discusses would seem to suggest this, and hence this may seem plausible at first glance. We might imagine Elliot simply telling the interviewer what he thinks the interviewer wants to hear, or simply reiterating what he thinks the social norms are. Unfortunately for the internalist, it is far from clear that this is the case. The Interview is designed specifically to differentiate, not simply between moral beliefs, but between modes of moral justification. Administrators have to be thoroughly trained in order to distinguish

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50 Here is how Judith Alpert details the Interview: “The Standard Issue Moral Judgment Interview consists of three hypothetical moral dilemmas. Each dilemma is followed by 9 to 12 standardized probe questions designed to elicit justification, elaboration and clarification of the moral judgment... The scoring system is lengthy and involves scoring rules, stage criteria, and definitions of developmental sequences... Kohlberg
and interpret the responses, and one of their primary tasks is to distinguish between answers driven by conventional moral reasoning (R.M. Hare's aforementioned "inverted commas") and answers driven by a profound internalization of moral norms. If Elliot had been simply telling the interviewer what he thought they wanted to hear (or what he thought most people would say, etc.) then in all likelihood he would have scored lower than he had, most likely a 3 (conventional; interpersonal accord and harmony). Kohlberg himself denied that the stages of moral development were a product of socialization, and instead claimed that they arose from the way we as individuals process moral problems; in other words, simply giving the socially acceptable answers results in comparatively poor performance on the test. It is possible, of course, that Elliot was nonetheless able to game the system, perhaps by being familiar with the test in advance, or simply being remarkably adept at fooling others in this regard, but either way, the internalist cannot simply claim an easy victory here.

It may seem then that this gives the externalist the upper hand. If we have good reason for thinking that acceptance of the relevant moral claims is necessary to do well on the Interview, then we have good reason to think that merely accepting moral claims is not sufficient to motivate. The case of Elliot would appear to be concrete proof that there is no hard connection between accepting a moral claim and being motivated by it. But two points would seem to cause problems for this interpretation. First off is the analysis of psychopaths that Prinz provided above. While there are differences between Elliot the criminals in the studies Prinz looked at, they are both dealing with cases that strongly

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resemble the traditional amoralist problem Brink described above. Whereas Prinz’s data supports internalism, the case of Elliot (along with Damasio’s related cases) seems to support externalism. These contradictory results should give us pause. Perhaps there is a significant but unnoticed difference between the subjects of these cases that accounts for the discrepancy, or perhaps the data has been misinterpreted in some way. Or perhaps the problem is not with the studies, but with the overly narrow categories of internalism and externalism that are trying to draw support from them.

Secondly, even if Prinz is wrong and the externalist analysis is correct, given the actual circumstances of this case, this may turn out to be a hollow victory. The significance of Elliot’s case for the rest of us is greatly undermined by the very fact about him that drew Damasio to him in the first place, namely his malfunctioning emotional brain. The fact remains that the emotions do motivate, and the emotions are fundamentally intertwined with these moral claims (at least, for anyone with a functioning emotional brain.) We could not possibly explain to Elliot why he should care about morality in any terms that he would be able to incorporate into his life. Elliot’s problem is that, unlike the rest of us, he cannot make the necessary emotional connections to translate his acceptance of these moral claims into motivation.

The externalist may be correct that, in the strict logical sense, accepting moral claims does not, by itself, motive. This might be a plausible interpretation of cases like Elliot’s. But the arationalist showed that what is true of morality here is also true of rationality; merely accepting a given claim is never, by itself, sufficient for motivation of any kind. The catch, however, is that no claim—moral or rational—is ever ‘by itself.’ Isolating claims in this way is pure intellectual abstraction that does not honestly reflect
the way the vast majority of human beings encounter, process and resolve moral
problems. Moreover, atomizing claims not only strips them of their motivational force, it
also strips them of any meaning at all. Claims always come bundled with other claims,
presupposed values (moral and epistemic), and most importantly for our purposes here,
emotional associations.\(^{52}\) It is only in the context of this web that claims have any
meaning, much less epistemic, moral or motivational value.\(^{53}\) From a purely logical point
of view, the externalist may be right; from a purely practical point of view the internalist
may be right. All things considered, neither does a very good job of making sense of
either practical rationality or moral psychology.

Once we understand the intertwined relationship between reason and emotion the
debate ceases to be very pressing, if it doesn’t dissolve entirely. The externalist may still
try to claim victory, since strictly speaking, cases such as Elliot’s seem to show there is a
logical disconnect between ‘accepting’ moral claims and being motivated by them. Yet
at the same time, the internalist may also try to claim victory since for the way that the
vast majority of all human beings, ‘accepting’ moral claims is fundamentally tied to
emotion, and hence is (for all intents and purposes) intrinsically motivational. In the end,
the debate ends up being over which sense of the word ‘accepting’ is preferable, the
purely logical or the purely practical. In the first sense of the term, the amoralist does
accept the moral claims, whereas in the second sense he does not. I see no reason
necessarily to prefer one sense to the other in any and all contexts.

\(^{52}\) W.V.O. Quine’s notion of the ‘web of belief’ comes to mind here, only it is not merely beliefs that are
part of the web.

\(^{53}\) The externalist may try to resurrect the problem by arguing that the elements of this web that are
responsible for meaning are not the same elements that are responsible for the values. This is true, but
seems to again miss the point. The metaphor of a web is chosen specifically to make the point that
isolating whole portions of it in this way is unproductive because doing so changes the context so
profoundly that no useful conclusions can be drawn.
1.4.4) An Alternative to the Internalist/Externalist Debate—Evan Simpson has suggests an alternative approach to this seemingly intractable debate. According to Simpson, the relationship between accepting moral claims and being motivated by them is neither logical necessitation (as the internalist holds) nor is it merely contingent (as the externalist holds). After conceding that accepting moral claims does not *necessitate* motivation (in the strict logical sense), Simpson nonetheless maintains other kinds of strong logical relationship may hold between these two attitudes. “We can say, for example, that one kind of thing logically depends upon another if it is logically impossible for things of the first kind always to occur in the absence of the second, but logically possible that the first should sometimes occur alone.” While it may not be true of all people all the time, in many individual cases when people make moral judgments motivation is part and parcel of those judgments. As Simpson explains, this position splits the horns of the traditional dilemma, just as I have been suggesting we should do.

The evil of suffering is tied to pity as danger is tied to fear, so that to identify suffering as evil normally motivates, though sometimes one may harden one’s heart against it. This inherent tendency is not consistent with an externalist account on which my moral belief that people ought not to suffer leads me to act when conjoined with the contingent fact of sympathy. The problem is that I would not have the moral belief at all if I did not sometimes feel the pity that includes the perception that someone is suffering miserably. But it is not consistent with an internalist account either, since I can have the belief and not care to help. It is only that I cannot both have beliefs of this kind and never care to help.

While I take issue with many of the particular details of Simpson’s account, the general idea is certainly in harmony with what I have so far proposed (note that in addition to

55 Ibid, p. 206
rejecting the internalist/externalist dilemma, he has also invoked many of the same concepts I have: fear, judgment, perception, etc.)

One element that is conspicuously missing from Simpson’s account that would greatly strengthen his general case is the role that the emotions play in forging a relationship between belief and motivation, and how the rational structures of those emotions serve to justify that relationship. This brings us back to my central contention here, the importance of recognizing how reason and emotion are deeply intertwined. The debate between internalism and externalism only arises when we insist that the emotions are completely separate from reason. For the amoralist, the moral claims they reject do not fall into an analogous portion of their moral-psychological web as it does for the rest of us. The externalist says this means ‘moral claims don’t intrinsically motivate’, while the internalist says this means ‘he doesn’t accept the claims.’ We can dismiss both of these interpretations: the externalist because the term ‘intrinsically’ is meaningless in this context and the internalist because ‘accepting the claims’ is not the issue, so much as it is the relationship between rationality and the emotions, and how this relationship structures our motivations.

This cursory sketch is far from an exhaustive examination of the internalism/externalism debate, or the suggested alternative approach, and as such I have no illusions that it will completely settle the controversy. Such an ambitious effort could not possibly be accomplished in such a short space as this. In the very least, I hope this brings to the surface a problem with this traditional dichotomy, and how revising our

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56 While Simpson does bring up several emotions, such as fear and pity, in his discussion, he never explicitly focuses on the emotions or explicates the role that their rational structure could play in such an account.
traditional understanding of practical rationality to make room for the emotions can help us deal with some established problems in moral psychology.

1.5) Conclusion—Hopefully the considerations sketched in this chapter have adequately motivated the notion that we need a third approach to the role of the relative importance of reason and emotions in ethics, one that recognizes how entangled they are, and hence gives equal priority to both. This sort of pluralistic suggestion tends to be resisted because thinkers seem to want a univocal authority to settle potential disputes. But as we saw in (1.2.3) even if either emotions or reason were exclusively fundamental, disputes can still arise, given the complexity of the problems ethics deals with. Since emotions are inexorably intertwined with reason by way of wisdom any attempt to put one but not the other at the heart of ethics will invariably fail. This means that we must make room for both reason and the passions, with neither as slave to the other, but rather as coequals, joint masters over their mutual domain, mediated by wisdom. Hence, any acceptable metaethical theory or applied moral theory must necessarily have both a rational component and an emotional component to it.

Since I will be arguing for the general sufficiency of virtue ethics in this regard, it only makes sense at this point to ask how virtue ethics can accommodate these rational and emotional components. That will be the subject of the next chapter; how competing moral theories attempt to make sense of the emotions will be considered in later chapters.

57 Strictly speaking, there is yet another approach, which is to deny any place for either reason or emotion and base ethics on something else entirely. While this is a logical possibility, I cannot imagine how one could ever completely get away from reason and emotion. Trying to base ethics on mutual consent, as with contractarianism, for example, will still necessitate reason (in the construction of the contract, for example) and emotion (to determine that the costs of violating the contract outweigh the benefits, for example.)

58 Specifically, contractarianism will be considered in chapter 3, utilitarianism will be considered in chapter 5, and rights theory will be considered in appendix B.
Chapter 2) The Emotions as a Metaethical Foundation for Virtue Ethics

2.1) What is Virtue Ethics?
2.2.1) Virtue Ethics, the Emotions and Moral Psychology
   2.2.2) Virtue Ethics, Emotions and Motivations
   2.2.3) Virtue Ethics and Emotions as Judgments and Perceptions
   2.2.4) Virtue, Emotion and Moral Education
   2.2.5) Facts About the Emotions and Moral Psychology That Moral Theories Need To Explain

2.3.1) Questions of Moral Relativity and Moral Objectivity
   2.3.2) Cultural Relativism: Virtues and Emotions
   2.3.3) Virtue, Emotion and Objectivity
   2.3.4) Emotion and Reason; Subjectivity and Objectivity

2.1) What is Virtue Ethics?—In the previous chapter we saw that the emotions serve as a bridge between rationality and value; in this chapter I will argue that because virtue ethics provides room for a robust conception of the emotions, that bridge provides strong support for virtue ethics. Before we delve into the specific role of the emotions in virtue ethics, however, we should first make a brief and general sketch of what virtue ethics is, what its distinctive characteristics are and what distinguishes it from other types of moral theory.

Historically, virtue ethics traces its roots back at least as far as Aristotle and was the prevailing moral theory in Western culture at least until the dawn of the Enlightenment. The central questions asked by a virtue approach to ethics are typically some variation on the following: 'What kind of person should I be?' 'What kind of life should I live?' 'What do my actions, thoughts, feelings and motives say about my moral character?' Virtue ethics is less concerned with good and bad consequences of action

59 Saying the virtue ethics is less concerned with these considerations deserves emphasis, as two common straw-man objections to virtue ethics often arise here, namely that it is insensitive to consequences and inimical to rules. The first of these objections is easily dismissed by pointing out that a person who places no weight on the consequences of her actions could hardly be considered virtuous. The second was ably
(the primary concern of so-called 'consequentalist' moral theories) and less concerned with determining which rules ought to govern my behavior (the primary concern of so-called 'deontological' moral theories.) Because of its heavy emphasis on the role of character, and in contrast with consequentalist and deontological theories, virtue ethics is sometimes classified as *characterological* in nature.

The two primary concepts that guide our assessment of questions of character are the notions of 'virtue' and 'vice.' These notions are roughly corollary, the prior term referring to a positive character trait and the later term referring to a negative one. Both terms are by-in-large interdependent, such that determining the nature of one will also determine the nature of the other. With this in mind we will, for the purposes of this chapter, be focusing on questions about the nature of virtue, leaving corollary questions about the nature of vice largely unasked, under the assumption that the answers to such questions will follow naturally from the answers to questions about virtue. When questions about the nature of vice do not harmonize naturally with questions about the nature of virtue, special attention will be drawn to the difference.

Specifying exactly what a virtue is has historically proven to be a notoriously difficult endeavor. Aristotle defined virtue as "a characteristic involving choice, and consist[ing] in observing the mean relative to us, a mean which is defined by a rational principle, such as a man of practical wisdom would use to determine it."\(^60\) James Rachels suggests that a virtue is "a trait of character, manifested in habitual action, that it is good

for a person to have."⁶¹ George Sher defines virtue, with appropriate obliqueness, as "a character trait that is for some important reason desirable or worth having."⁶² From this mélange of definitions we can see several of the primary themes of virtue ethics (choice, rationality, mean, practical wisdom, character, habit, good for the possessor), but we still don’t really penetrate the core problem of what a virtue is. I lament to say that I will not shed any further light on this mystery here. Suffice to say that virtues (and their corollary vices) are some of the deepest parts of who we are as human beings, what kind of lives we live, and what sort of people we are. As such, questions of virtue and character will be deeply complex and connect in intimate ways with many aspects of our being, including our values, desires, interests, expectations, motives, thoughts, perceptions, and (most fundamentally on my account) emotions.

With this in mind it should be readily apparent that, unlike certain other moral theories, virtue ethics will be concerned with a lot more than simply how we act. In order for one to genuinely have and exercise a virtue, the thinking goes, it is not sufficient merely to behave in a certain way. A virtue is more than just a disposition to perform certain actions; it is additionally a set of dispositions to perform certain actions for certain reasons, to feel certain ways, to hope for certain things, to think certain things, and to perceive the world in certain terms. Failing on these fronts may undermine a claim to a given virtue, even if they perform the ‘right action’ (i.e.—the act that a person who genuinely had the virtue would perform in those circumstances). For example, consider what appears to be an act of generosity and compassion, such as donating money to

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relieve world hunger. From the outside this may look generous, but if the person does this for the ‘wrong reason’ (i.e.—a reason that the virtuous person would NOT act from), such as getting a tax write off, or currying favor with philanthropic friends, then this act could not meaningfully be considered an example of the virtue of either generosity or compassion.

It is likewise not possible to attribute a virtue to someone on the basis of a single action. A person may act generously and do so for the right reason, but if doing so is a fluke, a single instance of generosity in a life full of stinginess, then we could not meaningfully say that they are ‘a generous person.’ The disposition to act virtuously (and for the right reasons) must go ‘all the way down,’ so to speak, to the very core of their being in such a way that it is a part of who that person is. Aristotle metaphorically summarizes this idea (albeit in a slightly different context) when he says, “one swallow does not make a summer, nor does one sunny day.” It is in this sense that the virtues are thought to be deeply interconnected to our very nature, to who we are, not just what we do and why we do it.

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63 This is not to say that a person who on occasion fails to act generously when they should is forever disqualified as a generous person. As with many sorts of dispositions, it must be a reliable predictor of what the person will do, but it need not be an absolute guarantee. One can fall short of full, perfect virtue and still be considered to be virtuous in a meaningful sense. A virtue ethics that was completely unforgiving of any shortcoming at all would be too strict to be practically workable.

64 Aristotle was actually talking about eudemonia or human flourishing. He was contrasting the mood of happiness, which is fleeting, with the deeper, longer, more profound satisfaction of living a meaningful life. This slightly different context notwithstanding, the metaphor applies equally well here and is consistent with Aristotle’s general point.


66 Stanislaw Lem’s science fiction novel *Solaris* (and even more so, the 2002 Steven Soderbergh film based on the novel) proposes a thought experiment that puts this thought to the test. In the story the main character has a chance to be reunited with his dead wife, the only catch being that it is not actually his wife, but rather a perfect simulation of his wife. The being posturing as his wife, while from an external point of view behaves indistinguishably from the real thing, is hollow on the inside; it has no actual thoughts and feels no emotions at all (it is a ‘zombie,’ to use David Chalmers’ term.) The dilemma that *Solaris* proposes is this: would this be good enough? Would we be satisfied with other humans who behave perfectly but feel nothing? Both novel and film certainly imply that it would not be.
Many other questions naturally arise at this point and they will (hopefully) all be dealt with in time. How do we know which motives are ‘the right motives’? (2.2) How do we know which character traits are virtues and which are vices? (2.3) Why should we think that nonhuman animals are morally significant with regard to our moral character? (Chapter 3) What sort of differences will there be between human and nonhuman animals with regard to our moral character? (Chapter 4) How does the virtue ethics account of animals compare with other moral theories? (Chapters 5 and Appendix B) What sort of practical implications does virtue ethics have for the way we treat and conceptualize animals? (Chapters 6 and 7) If all goes well, by the end we will have a robust understanding of virtue ethics and the place of animals therein. But before we ask these questions we must first look at how the emotions, as I conceived them in the prior chapter, provide a foundation of virtue ethics.

2.2.1) Virtue Ethics, the Emotions and Moral Psychology—in this section we will examine in detail how virtue ethics makes sense of the role emotions play in rationality, moral psychology and ethics in general. In particular, the three aforementioned respects in which emotions and reason intertwine will tie in to three traditional strong points for virtue ethics. First off, the intrinsic normativity of emotion itself, as well as the role of emotions in the rationality of motivation will have clear implications for how we assess emotions and moral motivation. Secondly, the role of emotions in the rationality of perception and judgment will play key roles in the moral education of children. Lastly, the rationality of emotion in general will play a key role in understanding the virtues themselves and help us answer questions about which character traits should be considered virtues and which should be considered vices. Each
subsection will deal with certain roles the emotions play in moral psychology that require explanation in terms of a moral theory. We will close the section by listing the set of relevant emotional aspects of our moral psychology that any moral theory should be able to make room for. Whether or not a moral theory can provide an adequate explanation will serve as a test of the adequacy of that theory.

2.2.2) Virtue Ethics, Emotions and Motivations—In (2.1) we noted that virtue ethics speaks directly to several of the deep aspects of who we are, including our emotions. In (1.2.5) we observed how the role of emotions in our motivational psychology gives them an intrinsic normative significance. We saw a concrete illustration of that significance in (1.3.1) with emotions operating as justifications, mitigations and excuses. How does virtue ethics make sense of this example? To answer this question it helps to ask another: what would we think of someone who utterly refused, as the hard-line rationalist did in (1.3.1), to accept emotions as a justification, mitigation or excuse in any circumstance whatsoever? We might characterize them as lacking in forgiveness, understanding, sensitivity and tolerance. Alternatively, we may say that they are unforgiving, disagreeable, insensitive, and intolerant. The first set of four terms would easily qualify for any list of virtues, as the second would qualify for a list of vices. To generalize, we can say that the virtuous person will accept emotions as justifications, mitigations and excuses in the proper circumstances.

This is, as we noted above, only the tip of the iceberg. We noted in (1.3.1) that appreciating the role emotions play in the behavior of others is only possible if one can empathize, which means one must have felt and been motivated by those emotions for oneself. So to be virtuous in this respect (as well as others) is to have and act on certain
motives. In other words, virtues are (among other things) dispositions to act for certain reasons, including (but not limited to) certain emotions. But in order to act on an emotion one must feel that emotion. Thus, virtues are dispositions to feel emotions, as well as to act on them. That is, virtues are (among other things) dispositions to feel emotions and act on them as motives. Let’s now take a look at the first conjunct, virtues as dispositions to feel emotions; we will turn to the second of the two conjuncts (acting on emotions as motives) in a moment.

I said a moment ago that in order for emotions to motive us we must feel them. This may mislead us into thinking that the primary ethical significance of emotions is the actions to which they lead us. Virtue ethicists tend to reject this sort of act-centered approach to ethics. Feeling the proper emotions at the proper time is intimately intertwined with virtue. The virtue of compassion, for instance, goes far beyond simple behavior or dispositions to act. To be compassionate one must identify with the feelings (physical and emotional) of the other. (The word ‘compassion’ itself derives etymologically from the Latin com-pati, literally ‘to suffer with another.’) To genuinely possess the virtue of compassion one must feel the suffering of another as thought it was their own in reaction to the experience of their suffering. Similar stories about the feeling of an emotion at the proper time being central to the possessing of a virtue can be told for courage, benevolence, charity and loyalty, among others.

On this front the most articulated argument probably comes from Rosalind Hursthouse. In her book *On Virtue Ethics* Hursthouse has made a strong case for the moral importance of emotions as reactions to the world. The virtues, according to Hursthouse, are not just dispositions to act, but also dispositions to feel. The emotions
(or certain ones, at least) have not merely an instrumental value in that they dispose us to act in (hopefully) moral ways, but also an intrinsic value all their own. One example Hursthouse uses to illustrate this point is the emotion of regret. Feeling regret will dispose us to act in certain ways (i.e.—to apologize, to try not to repeat the regretted action, etc.) But beyond its motivational value the pure experience of feeling regret is itself valuable simply because it is "the way to feel here/what one should feel about this/what anyone decent would feel about this."  

Emotions, even (or perhaps especially) the unpleasant ones should be felt in certain circumstances, because failing to do so would be to exhibit vice (callousness is the most likely candidate here, but other vices such as chauvinism or impatience may be appropriate, depending on the circumstances.)  

There is a related point here that seems to have been largely overlooked in the literature on moral psychology, namely the relationship between emotions and apologies. For a typical performative utterance, such as an issuing a command for instance, all that is necessary for the performance is to say the words ('close the door,' 'pick up after yourself,' 'wake up,' etc.). By and large, the psychology of the performer is irrelevant to the performance itself. Apologizing, however, seems to be an exception to this rule, since (as we all know from personal experience) merely saying the words is not enough. When someone wrongs us we want them to apologize, but the mere act of saying they're sorry, by itself isn't enough; we want them to be sincere in their apology. Their

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68 Thoreau makes the point with characteristic poignancy: "Make the most of your regrets; never smother your sorrow, but tend and cherish it till it come to have a separate and integral interest. To regret deeply is to live afresh." *The Heart of Thoreau's Journals*, Shepard, Odell (ed.) p. 10, Dover Publications, Inc., New York, NY (1961). The notion of living a life of regret as 'living afresh,' in combination with the idea that feeling regret (in the proper circumstances) as a mark of virtue speaks to the common virtue ethics theme of the virtues benefiting their possessor.
emotional state makes all the difference to the act itself. If the person apologizing does not genuinely feel sorry then the apology fails; as far as the recipient is concerned an insincere apology is no apology at all. If the wrong is considerably grievous then the depth and severity of the apologetic feeling must be all the more profound. If we feel a person has offered an insincere apology we will likely not forgive them. The propriety of the need for sincerity is codified in our legal system, wherein a defendant who expresses sincere remorse for their crime is oft punished less harshly than they otherwise might be. In order to be deserving of forgiveness the person must feel the proper emotions. This is because if someone has indeed wronged somebody they ought to feel genuinely sorry; in terms of virtue theory this is what the virtuous person would feel in this circumstance.

Likewise, accepting an apology also requires certain emotional attitudes. A person who says ‘I accept your apology’ but who nonetheless continues to bear a grudge, feel resentful, etc. has not actually accepted the apology, despite their claim to the contrary. Accepting an apology seems to be a species of the broader category of pronouncing forgiveness, which also clearly requires a certain emotional state, in addition to the speaking of the given words, to actually occur. The relationship between emotions and apologies is noteworthy, given (1) how much moral importance we place on apologies in our personal lives and (2) how overlooked this relationship has been in moral psychology. Other (perhaps less clear) examples of performative utterances with emotional components may include promising, welcoming, approving, praising and condemning (in the moral sense) and in certain instances, insulting. These common experiences are considerable testimony to the ethical role that emotions play in our everyday lives.
So to be virtuous is to feel the proper emotions at the proper times. Combing this with the aforementioned motivational force of emotions and we can conclude that the virtuous person is motivated by the proper emotions at the proper time. But what makes an emotion in a given circumstance the proper motive? This is a deep issue that I cannot explore adequately here. Suffice to say that in the very least, the motives for acting must be consonant with the reasons why we were initially inclined to think the act was good in the first place. Making this determination will, of course, require practical wisdom. Consider again the example given in (2.1) above, in which a person donated money for the relief of world hunger for the purposes of currying favor with philanthropic friends. We think donating money to relieve world hunger is a good thing because we think the suffering of world hunger is a bad thing. Someone who empathizes with that suffering, who feels compassion for starving people and for that reason aspires to alleviating that suffering is laudable, in and of itself. In the case as described above, however, alleviating that suffering is not what motivated the agent; they were motivated by a desire for personal gratification. When the emotion/motive is discordant with the reasons we think the act is a good one (something we need wisdom to judge), then the person/action in question cannot be attributed the relevant virtues (in this case, compassion and generosity.) The virtuous person wants to do the right thing because *they feel* it is the right thing. Or perhaps more ambitiously, the very reasons why a given action is the right action are perceived in the form of an emotional reaction, and that

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69 I do not mean to imply here that the proper motive in all cases will be or will involve some emotion (although I suspect it will). It is sufficient for our current purpose that in some, and perhaps many cases the proper motive will involve emotion.

70 It should be noted that just because we cannot rightly attribute a virtue in such a case that does not necessarily mean we should attribute a full-fledged vice, either. There is nothing per se vicious about giving money to charity for the sake of personal gain, provided certain conditions are met (e.g.—one does not deceive others about their reasons for doing so.) This is one of those rare aforementioned instances in which virtue and vice are not wholly complimentary.
reaction is the reason why the virtuous person wants to do the action in question. (This more ambitious formulation is clearly unsupported here, but foreshadows questions we will address in (2.3).)

Before moving on to the next section, I want to pause to address a rather notorious circularity objection that is frequently leveled at virtue ethicists here. The objection notes that virtue ethicists say that the right action is defined by what the virtuous person would characteristically do in that situation. But I have just said that the virtuous person is motivated by (what they feel to be) the rightness of the action itself. So right action is defined by what the virtuous person would do, and what the virtuous person would do is determined by right action. The virtue ethicist appears to be chasing her own tail. There are numerous ways of couching this objection. In my opinion, the most honest and constructive version of the objection comes in the form of a variation on Plato’s Euthyphro argument: does the virtuous person recognize the rightness of the action and therefore choose it, or is the action right because the virtuous person chooses it? If the former then we need an independent standard of rightness; if the latter then we need an independent standard of the virtuous person. In simpler terms, what is morally basic: agents or actions?

A variety of replies have arisen to this objection. Aristotle characterizes the virtuous agent as “someone who sees or perceives what is good or fine or right to do in any given situation.” Michael Slote says this suggests Aristotle’s ethics isn’t ‘agent-based’; the virtuous act is perceived as the virtuous thing to do, and THAT, not the traits

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of the person, are what make it the virtuous thing to do. J.L.A. Garcia concurs with this strategy, since Garcia doubts we can derive act evaluations from a prior evaluation of character, and hence virtuous character has to be defined in terms of virtuous conduct.

Nancy Sherman tries to split the horns of the dilemma by suggesting that we need to reevaluate our conception of practical moral reason as being a matter of pure intellectual discernment of rules and add (much like I have been suggesting) an affective element into the mix. Slote himself also tries for a third way out by suggesting an 'agent-focused' view, which is a hybrid of making BOTH agents and actions as basic.

The details of these replies need not concern us here. I offer them, not in an attempt to advocate a particular solution to the objection, nor to further the general cause of resolving the underlying problem. I present them here merely to illustrate that there are many alternatives available for the virtue ethicist with regard to avoiding this objection. Now that this objection has been set aside, let's turn to the question of how virtue ethics makes sense of the judgmental role of emotions.

2.2.3) Virtue Ethics and Emotions as Judgments and Perceptions— I have already argued that emotions are both perceptions and judgments, that they guide both the way we see the world and the way we think about the world. Given the close relationship between these two aspects of emotion it should come as little surprise that it can be hard to distinguish the role emotions play with regards to our thoughts about the world and the role emotions play with regards to our perceptions of the world. Hursthouse treats them

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72 Slote, Michael "Agent-Based Virtue Ethics" in Virtue Ethics (Crisp and Slote, eds.) p.239-262 Oxford University Press, New York, NY (1997)
as effectively the same when she says, "the emotions involve ideas or images (or thoughts or perceptions) of good and evil, taking 'good' and 'evil' in their most general, generic sense, as the formal objects of pursuit and avoidance."\textsuperscript{75} Aristotle himself conflates the two when he says, "the decision rests in perception."\textsuperscript{76} While there are subtle differences between the two for purposes here we will see their interconnectedness is largely unavoidable.

Think, yet again, of the bear example, only this time imagine that I am walking with Joe and Jane in the forest together when the bear arrives. Joe and I are both immediately afraid, but Jane feels nothing at all. I said above, echoing Solomon, that the emotion of fear is both a perception \textit{of} and a judgment \textit{that} a certain part of the world as/is a threat of some kind. That perception/judgment guides thoughts in certain specific ways (enumerating the options, weighing alternatives, etc.) Let's imagine that for me, that thought process connects with my general understanding of bears, our current surroundings, what tools we have at our disposal, etc. and I use that information to make 'the right choice.' Given that we have neither shelter nor weapon nearby, nor any such tool to easily extricate us from the situation, the 'right choice' would be to stay still, in spite of my strong desire to flee.\textsuperscript{77} Joe, on the other hand is so overwhelmed with fear that he is terrified beyond the capacity for any sort of thought and he freezes in panic on the spot. Jane, all the while, feeling nothing just stands there with the two of us, looking at the bear. After a brief moment (that for Joe and I feels like an eternity) the bear goes on about her way, back into the woods.

\textsuperscript{76} (Aristotle, NE 1109b23)
\textsuperscript{77} Bears run, climb and swim much faster than humans, and running triggers their natural instinct to chase.
To an outside observer the behavior of all three of us is identical, but from the inside the character that we exhibit is very different. I demonstrate the virtue of courage while Joe demonstrates the vice of cowardice and Jane demonstrates the vice of foolishness. Jane is foolish because she fails to recognize a genuine threat to her life; in failing to be afraid, Jane fails to make the proper judgment of the situation. While this may look like courage from the outside it is most definitely not. As Aristotle says "the courageous man... will fear what is fearful; but he will endure it in the right way and as reason directs for the sake of acting nobly." Joe’s failure is a failure to endure his fear in ‘the right way’; he felt ‘the right thing’ but did not deal with that emotion properly. In Joe’s case it seems fear ceased to be a judgment and simply became an obliterating force that eliminated all judgment.

This example can be used as a schematic for how emotions ought (in the moral sense of that word) to direct our judgments. First off, unlike with the case of Jane, the emotions should be present in the right situations (that is, situations in which the judgment that the emotion makes is correct). Second, they should not focus our thoughts so acutely that they strangle all thought entirely. In their capacity as directing our judgments, emotions are at their best when they draw our concentration on the relevant circumstances, connect our background experiences and knowledge to those circumstances and help us make decisions that reason alone cannot determine.

To underline this, consider another example, the virtue of compassion. Among the virtues, compassion has the (not wholly unique) distinction of being both a virtue and an emotion. This dual nature of compassion by itself speaks volumes about the role of

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79 Think here again of Damasio’s patient with ventromedial prefrontal-lobe damage.
emotions in virtue ethics. But like many virtues, compassion is a matter of balance. To not feel the suffering of other people enough is to fall short of compassion and to demonstrate the vice of indifference; to feel the suffering of other people too much, to amplify their suffering in your own experience (such as thinking that a person getting a paper cut is a great tragedy) is to overshoot compassion and embody the vice of oversensativity. This is an example of what Aristotle referred to as the ‘doctrine of the mean.’ In the case of either vice the associated emotional judgment being made is the wrong one. To hit the golden mean, to have the virtue of compassion is to make the proper emotional judgment given the circumstances. Not all virtues will have emotional components that are this ‘close to the surface,’ but for most any virtue there will, at some level or another, be an associated emotion that connects to the virtue by way of its judgmental capacity.

In the above example I made moral judgments about Joe and Jane, that they each experienced a moral failing, despite the fact that their actions were the same as mine. This sort of judgment is quite common. We frequently make judgments of people, not based their actions, but also on the way they perceive and think about the world. If such judgments are to be justified we need a way to account for this. Virtue ethics claims that the way we perceive and think about the world is a reflection of our moral character, subject to the assignment of vice or virtue. This echoes (2.2.2), where we saw that the virtuous person will have the proper emotional reactions at the proper time. Since we’ve also seen that emotions are perceptions and judgments it makes sense that we can judge people based on their perceptions and judgments. The clearest examples of this arise

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80 This term is not quite the proper one, but I cannot think of a single term that more accurately captures the spirit of the vice at hand.
when we consider two extremes: moral atrocities and examples of what Aristotle called ‘heroic virtue.’

Consider the following thought experiment: two men, Abe and Bob are visiting the former concentration camps at Auschwitz. Upon learning of the events that took place there during World War II, both say that they have come to the uncontestable conclusion that what occurred there was morally wrong. For both men this conclusion carries with it a number of related judgments (i.e.—that it ought not to have happened, that if they could have done something to prevent it they would have, that the perpetrators should be condemned and punished, etc.) But there is a difference between how the two men react: Abe is struck by the sheer horror of the pictures of mass graves, the gas chambers and the stories of what the inmates were subjected to. He is aghast, dumbfounded, deeply and profoundly saddened. Bob, on the other hand, much like Damasio’s patient Elliot above, has no emotional reaction whatsoever. When asked if he thinks what the Nazis did was wrong, both Bob and Abe agree that it was. When pressed, Bob is just as adamant and uncompromising in his conclusion as his distraught partner. If you asked either man their thoughts about their moral evaluation of what took place at the camp they would give you the same answer. But for Bob this acknowledgement is purely cognitive, having no emotional component whatsoever. His reaction is as if the horrors committed in Auschwitz were hypothetical, fictional, imaginary. If you were to ask Bob his *feelings* about what he saw he would respond coolly and dispassionately.

How are we to understand and evaluate this case? In light of the idea that emotions are a means of perceiving and judging the world, which we saw in (1.2.2) and (1.2.3), we can say that Bob experiences a failure to perceive and understand the world in
the proper terms. It seems that, despite his claims to the contrary, Bob does not really and fully understand the wrongness of what the Nazis did. His judgment lacks a necessary component, namely the sense of revulsion that such atrocities should engender. Since Bob’s understanding is purely cognitive he does not grasp the full normative force of these judgments in the way that Abe does. Bob’s judgment that ‘what the Nazis did was wrong’ seems normatively on par with the judgment that ‘2+2=5 is wrong’ or ‘the claim that planet earth is flat is wrong.’ In all three cases there is a purely cognitive normativity involved in the judgment: one ought not to believe that 2+2=5 because it is factually incorrect; likewise, one ought not to commit genocide because it is morally incorrect. This sort of sterile, passionless judgment is manifestly not the same judgment that Abe makes. Bob’s judgment lacks the true force, the teeth of Abe’s full, genuine and proper moral judgment. One cannot truly appreciate that what the Nazis did was wrong, unless on top of that cognitive judgment, unless one also has the emotional reaction, the emotional judgment of standing aghast by what the Nazis did.81

But on top of exhibiting a failure of perception and understanding Bob is also exhibiting a moral failing, he doesn’t feel the right thing at the right time. In fact that moral failing seems to consist of that failure of moral perception and understanding; both failures are one and the same. This intuition is captured well by an appeal to the nature of Bob’s character. From the perspective of virtue ethics, we might first say that the Bob has various shortcomings in his character, a moral insensitivity, a lack of empathy and

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81 Rosalind Hursthouse makes a similar point in term of Justice: “It is often said, even by virtue ethicists, that justice does not involve emotions, but the example of racism seems to me to show that this is a mistake. A white person who was not horrified and grieved by Martin Luther King’s assassination and overjoyed by the eventual emergence and triumph of Nelson Mandela is far from perfect in justice, no matter how impeccable their every action.” (On Virtue Ethics, p.117, Oxford University Press, Oxford, UK, (1999))
compassion. Bob’s failure to have the correct emotional reaction to the horrors of the holocaust reflects on these vicious aspects of his character. Virtue ethics clearly gives us a robust apparatus to make this assessment.

These same points can be made from the other direction when we consider the magnificent acts of good will performed by various iconic moral figures, those who exhibit ‘heroic virtue.’ Think here of the works of Mohandas Gandhi, Martin Luther King Jr., Mother Teresa, and Albert Schweitzer. Can one truly appreciate the wonderful things these people did unless they are struck by feelings of awe, admiration and reverence? Does one who fails to be moved by their works not exhibit a moral insensitivity, a moral failure to properly empathize? To simply respond to the lives of these paradigms of virtue by acknowledging they did great things without having an emotional reaction is to fail to fully comprehend the magnitude of what they did.

These extreme cases just serve to bring out the point that holds for all cases of ethical import, namely that emotional reactions serve both as a basis for the moral evaluation of a person’s character and as a component of moral understanding. These points hold true in most all cases where issues of ethics arise, not merely in cases of extreme viciousness or virtuousness, nor merely in cases of difficult moral dilemmas. To fully understand even small acts of courage or cruelty we have to feel the significance of those acts as such in a way that is more than just a cold cognitive assent.

I have thus far made much appeal to the notion of ‘proper’ moral reactions. This maybe all well and good when talking about judging the Nazis, but the judgments that interest us the most are the ones which aren’t so clear-cut. How do we come to know what the proper moral reactions are? How can we say when we are perceiving and
judging the world in the proper moral/emotional terms? These are both ways of asking *how do we know what wisdom is, how do we know if we are wise, and how do we impart it to others?* These questions bring us to the topic of our next section, moral education.

2.2.4) Virtue, Emotion and Moral Education—The importance of the emotions is hopefully by now quite clear. But in practical terms it is little more than a series of interesting reflections unless we can articulate a mechanism by which the proper emotions can be cultivated and the wisdom of the emotions be passed on from one generation to the next. There are, of course, many approaches to moral education, and not all of them place a high premium on the emotions. We will not have time to examine comparative approaches in detail (although we will see some points of comparison in (5.4) and Appendix B), nor will we have the time to develop a full-fledged virtue approach of moral education, nor will we have time to vet even a small portion of the objections to which such an approach gives rise. What we will endeavor to do is to give a general picture of what such an approach would look like, show how it connects to the previous sections and make the whole thing seem by-and-large plausible. Let’s begin with a few of the common characteristics that virtue approaches to moral education share.

The first and most obvious component (given what we seen thus far) of the virtue approach to moral education is the centrality of training the emotions. If the emotions are as central to ethics and moral psychology as I have thus far argued then this should come as no surprise. Rosalind Hursthouse makes this same point from the opposite direction in her analysis of the role emotions play in moral *miseducation*, in the form of the indoctrination of racism. “Extreme racism expresses itself in emotion… it generates not only hatred and contempt, but fear, anger, reserve, suspicion… No one relatively free of
racism thinks that any of these emotional responses is any sense natural; they all have to be inculcated, and from a very early age." If moral miseducation involves such profound emotional components then clearly a proper moral education will involve them as well.

In reaction to the issue of racism one may be inclined to use a set of strict rules in moral education (i.e.—‘treat people equally,’ ‘don’t judge people by their race,’ etc.) The most superficial approaches to moral education emphasize similar sets of rules (i.e.—‘maximize utility’ ‘respect other’s rights’, etc.) While this is certainly a useful approach, by itself such a facile strategy, even if successful in bringing subjects to adopt and adhere to such rules, will not suffice for making them good people since it ignores the very emotional component so central to Hursthouse’s account. We’ve seen above that being a virtuous person involves more than simply acting in the right way; it also involves feeling the right things at the right times, being motivated by the right things at the right times, and seeing and thinking about the world in the proper terms. A simple rule-based approach to moral education cannot adequately appreciate this. It is worth repeating here what Jonathan Haidt said above about the findings of positive psychology:

"Trying to make children behave ethically by teaching them to reason well is like trying to make a dog happy by wagging its tail. It gets causality backwards."

What needs to be done, on the virtue ethics approach, is to inculcate robust character traits in a broad context of specific situations. We need to teach, not just how

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83 While these ‘superficial approaches’ are clearly inspired by utilitarianism and rights theory I do not mean to suggest that these approaches are the best such theories can do. A closer, more charitable look at what alternatives these theories have to offer with regard to moral education will come in later chapters. For now, I am merely using these superficial approaches as a counterpoint.
to behave, but also how and what to feel. On this point Aristotle emphasizes 'the importance of having been trained in some way from infancy to feel joy or grief at the right things.' The previous sections have shown us that feeling the proper things at the proper times is intimately tied into what proper motives are, and how to perceive and think of the world and others in it; teaching children these things as well are also key aspects of moral education.

The process of moral education is, of course, a remarkably complex process and we don't have time to explore it in detail but some general comments can be made. There are many different venues for moral education, from parents and family, to schools, to literature and the arts, to mass media. They each have their own idiosyncrasies, but there are some common themes. One is the use of so-called 'moral exemplars.' The use of moral exemplars is a very complex phenomenon, but a superficial gloss reveals several elements amenable to virtue ethics. Good parents, for example, try to teach their children what kind of people they want them to be by embodying the relevant character traits themselves and surrounding their children with people who are likewise morally admirable. The process of identifying with another person such that one is inclined to emulate them is a deeply emotional experience. It requires (and enhances) the faculties of appreciation and admiration, both of which are virtues and highly emotive. Exposure to virtue is a key factor in cultivating virtue.

86 Throughout I will refer to the moral education of children, and many of the comments apply specifically to children, though several of them may also apply to adults going through a process of moral reeducation, such as a 'recovering racist,' or for that matter, any one of us whose eyes are being opened to moral issues we were previously close-minded towards.
87 The role that animals play in moral education will be discusses in later chapters.
Literature, film and other narrative arts can provide both positive and negative exemplars, characters that embody virtues and vices in ways that make them attractive or unattractive, respectively. This can be done both by illustrating the consequences of vice and virtue (in a ‘cheaters-never-prosper’ fashion) and by showing the inherent value/disvalue of various modes of character (while Othello dies and Iago is arrested, can anyone deny that the prior’s jealousy and the latter’s vindictiveness are punishments in and of themselves?) Mass media can likewise showcase moral exemplars. Think of comic book superheroes and villains. Spiderman’s dictum that “with great power comes great responsibility” is a very simple, very powerful piece of moral education that millions of children learn from, not simply by way of the dictum itself, but because embodying that dictum makes Spiderman so admirable. The most salient features of such characters are the ones we wish to inculcate or inoculate against: Othello’s jealousy, Iago’s vindictiveness, Spiderman’s courage, etc. When we expose children to moral exemplars we are exposing them to a range of characters (in both sense of that term).

The edifying value of narrative also works in much more profound ways. Since at least as far back as Sophocles societies have used narrative as a tool for moral education, not only for young children, but for adults as well. The unique power of narrative is that it commands participation, a psychological investment that trains and conditions the emotions. It can engage the moral imagination, allowing us to see through another person’s eyes. With respect to this (and in keeping with Hursthouse’s theme of racism) Martha Nussbaum singles out Ralph Ellison’s *Invisible Man*, Harriet Beacher-Stowe’s *Uncle Tom’s Cabin*, and Richard Wrights’ *Native Son* as clear examples of morally
The novels of J.M. Coetzee perform a similar function with respect to moral education and animals. These works of fiction, like all narratives at their best, enhance our 'emotional vocabulary' in ways that expand our capacity to understand our own feelings. They allow us to experience powerful emotions such as grief and remorse vicariously in preparation for (and in reflection of) the moments in our lives when such feelings ought to be felt. Because of the centrality of the emotions in virtue ethics it is capable of incorporating and making sense of this sort of education in ways that other theories that don't emphasize the emotions cannot.

At certain stages of moral education, when we are trying to teach children how to make difficult and troubling choices the appeal to a wise exemplar is frequently used. The question 'What would Jesus do?,' while probably more frequent on bumper-stickers than in actual moral deliberation, is an appeal to an exemplar determined to be wise enough to provide us with guidance. At early stages of moral development such guidelines can be used as a mere crutch for the youthful inability to understand and process complex moral questions, a sort of 'moral short cut,' if you will. Ideally the intrinsic worth of the virtues the exemplar possess will not merely be internalized by the child but will also come to be appreciated independently in their own right. Jesus, to stick with our example, is not merely to be thoughtlessly emulated, but appreciated for the content of his character in such a way that the child aspires to be like him in the relevant ways. This same tactic of appealing to a moral exemplar is so effective that it

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serves, not only for moral education, but also as a tool for the resolution of perplexing moral dilemmas.\(^9\)

Another respect in which virtue ethics is amendable to the practical demands of moral education is the fact that virtue predicates 'scale' in ways that allow for flexibility and adaptation to track with moral development. One can be more or less courageous, more or less compassionate, more or less reliable. This 'scalar' nature of virtue predicates allows moral educators to make more realistic demands on their subjects at various stages of moral development. Deontic terms do not scale (right, righer, rightest?) and hence present only one absolute, unwavering standard that all must live up to regardless of their stage of moral development. This leads to two likely possibilities: either the standard will be too low not allowing for any progress in moral development, or it will be too high demanding more of them than can be reasonably expected. If the first is the case and standards are too low then we will be left without tools to educate children beyond a very basic point. If the later is the case and moral standards are set too high they will generate frustration, resentment and perhaps a sense of futility. If one is doomed to fall short of the moral absolute why even bother trying to be moral? A workable system of moral education needs to yield to the practical realities of psychological and moral development; otherwise it will not be able to accomplish its stated goal.

\(^9\) Rosalind Hursthouse makes this point very nicely when considering (and rebutting) an objection: “If I am less than fully virtuous [the objection goes], I shall have no idea what a virtuous agent would do... In response, it is worth pointing out that, if I know I am far from perfect, and am quite unclear what a virtuous agent would do in the circumstances in which I find myself, the obvious thing to do is to go and ask one, should this be possible. This is far from being a trivial point, for it gives a straightforward explanation of an important aspect of our moral life, namely the fact that we do not always act as ‘autonomous,’ utterly self-determining agents, but quite often seek moral guidance from people we think are morally better than ourselves.” Hursthouse, Rosalind, *On Virtue Ethics*, p. 35, Oxford University Press, New York, NY, (1999).
Any system of moral education must, as an essential first step, help children recognize the existence of others. The solipsist has little need for moral education. Thankful most children seem to achieve this first step more or less on their own through basic cognitive development. But this principle needs to be taken to much more complex and sophisticated heights. Children need to recognize, not just the general reality of other beings, but also the psychological, emotional and moral reality of others. This is at the core, not just of moral education, but also to ethics in general. The sociopath, while not a solipsist, still falls prey to the same basic refusal to recognize the deeper realities of other beings. Once we broaden the sphere of moral significance beyond ourselves to encompass other beings we begin a process that starts with those humans in closest proximity to us and over time expands to encompass all of humanity and beyond.

Commenting on this phenomena, Charles Darwin used explicitly virtue-ethical terms to describe the relationship between moral education and moral progress.

Sympathy beyond the confines of man, that is, humanity to the lower animals, seems to be one of the latest acquisitions... This virtue, one of the noblest with which man is endowed, seems to arise incidentally from our sympathies becoming more tender and more widely diffused, until they are extended to all sentient beings. As soon as the virtue is honored and practiced by some few men, it spreads through instruction and example to the young, and eventually becomes incorporated in public opinion.  

If we were to give a specific name to the virtue that Darwin invokes here, it would probably be the virtue of empathy, which Martha Nussbaum aptly defines as “the imaginative reconstruction of another person’s experience.” It is empathy, more so than any other single capacity that must be cultivated for the recognition of the deeper realities of other beings. It is for this reason that no meaningful moral education

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whatsoever can be accomplished without developing an articulated and overt sense of empathy.

Exactly how we teach children to empathize with others is beyond our current scope, but what this accomplishes speaks right to our primary themes. One way of characterizing the moral failure of Bob in (2.2.3) is to say that he fails to empathize with the victims of the Nazis, which in turn inhibited the virtue of compassion. He fails to see and understand the moral gravity of the crime because he does not himself have any first-person sense of the suffering involved. In training our children to empathize with others we are training them to see the suffering of others as morally equivalent to their own suffering; we are teaching them that the proper emotional reaction to suffering and atrocity is compassion, sorrow and grief. Couple this with the aforementioned intrinsic motivational power of emotions such as compassion and we have keyed our children into one of the most important motives from which to act.² It would not be a stretch to say that the process of moral education just is the process of training children to feel, see, understand, be motivated by and do the proper things.

2.2.5) Facts About the Emotions and Moral Psychology That Moral Theories Need To Explain—In this chapter we have surveyed a wide variety of roles that emotions play in our moral psychology. Collectively these create a set of deeply significant facts about who we are as human beings, including the way we think and feel about ethics, our own lives and what it means to live well. These facts cut right to the heart of some of the most profound ethical conundrums. Thus, any adequate moral

² Because of the nature of the given example what their compassion should motivate them to do is unclear. As always, the circumstances will make a tremendous difference. In certain contexts we should not act on the motive of compassion, such as when in circumstances where more important virtues, such as honesty may take priority.
theory should at least be able to directly address these facts, if not make sense of them entirely. I have tried to at least sketch a general idea of how virtue ethics accounts for these ideas.

I would like to now explicitly summarize those facts so that when turn to contrast virtue ethics with other theories (in chapter 5 and Appendix B) we will have a basis for comparative analysis. For the sake of thoroughness I will include a brief explanation of how virtue theory makes room for these facts. (In such brief space each of these ‘explanations’ will amount to little more than mere statements that virtue ethics builds the concept into the ground-floor of the theory. If this were just an ad hoc way of reverse engineering the theory to fit the facts this is may look like a problem. But each point was established above through a detailed examination of the emotional/moral concepts involved; each explanation is the resort of long traditions in virtue ethics of placing emotions center stage in the theory. In order for more substantive explanations to be made, the particulars of each case must be spelled out. Likewise, the frequent use of ‘certain’ (as in ‘certain emotions’ ‘at certain times’ etc.) may seem horribly open ended. Alas, we cannot in advance say which circumstances will be the relevant ones for all conceivable cases. Making the relevant determinations in practice is the job of practical wisdom, not abstract theory.)

First off, let’s reiterate what we saw in chapter 1 about the entanglement of the emotions and reason. This is background information that bolsters the subsequent facts from chapter 2. Some of the relevant facts are:

a) Because emotions have a rational structure they can explain, otherwise perplexing behavior. Emotions, such as anger or love can lead to behavior that is best explained in terms of those emotions.
b) *Emotions can justify, mitigate and excuse otherwise questionable behavior.* Because we understand the rational structure of the emotions they can play a role in our normative assessment of the behaviors they inspire.

c) *A functioning emotional brain is necessary for many aspects of rational and moral behavior.* Patients who suffer damage to the emotional centers of their brain have incredibly difficulty making simple decisions and solving everyday moral problems.

In (2.2.2) we looked at the emotions themselves and the role they play in motivation. Some of the relevant facts are:

d) *Feeling certain emotions at certain times can be either morally appropriate or morally inappropriate.* Virtue ethics makes room for this by straightforwardly stipulating that the virtuous person would feel the appropriate emotions at the appropriate times.

e) *Certain performative speech acts of intrinsic moral significance (apologizing, forgiving, etc.) require an appropriate emotional state in order to occur.* Virtue ethics makes room for this by claiming that the virtuous person will feel the given emotion and ergo naturally perform the given act.

f) *Certain actions on certain occasions should be motivated by certain emotions.* Virtue ethics makes room for this by positing that the virtuous person will feel the respective emotions and ergo be motivated by them.

In (2.2.3) we looked at the moral role emotions play in perception and judgment. Some of the relevant facts are:

g) *Seeing the world in certain emotional terms can be the basis for moral evaluation, both of what is seen and of the person doing the seeing.* Virtue ethics makes room for this by insisting that ones emotional reactions to the world are a deep aspect of ones character and hence at the very core of moral evaluation.

h) *Judging the world in certain emotional terms can be the basis for moral evaluation, both of what is judged and of the person doing the judging.* Virtue ethics makes room for this by insisting that ones emotional engagements with the world are a deep aspect of ones character and hence at the very core of moral evaluation.

In (2.2.4) we looked at the role emotions play in the moral education of children. Some of the relevant facts are:

i) *A proper moral education will involve the training of the emotions; this will include training with regard to the above considerations of feeling them at the proper times, being motivated by them at the proper times, seeing the world in*
the proper emotional terms and judging the world in the proper emotional terms. Virtue ethics makes room for this by emphasizing the importance of the emotions in moral education and the development of character, especially with regard to the aforementioned considerations.

j) Moral education involves various tools (moral exemplars, narrative, etc.) that play especially effective roles. Virtue ethics makes room for this by stressing that what we showcase with these tools is the importance of character and the role that being virtuous/vicious plays in living a worthwhile life.

k) The development of children's moral psychology is a graduated process that includes a gradual acclimation to the demands of morality. Virtue ethics makes room for this by employing moral terms that 'scale' depending on the circumstances.

l) Children's recognition of other beings as morally significant is a process that requires the cultivation of emotional faculties, such as empathy. Virtue ethics makes room for this by insisting that the virtuous person recognize other beings and empathize with them to the appropriate extent.

Collectively, these twelve facts represent a broad survey of some of the major themes in moral psychology. Several common approaches to these issues may be able to account for one or two of these items, but that will surely be inadequate. Any theory of moral psychology (or moral theory, or theory of the emotions, or theory of reasons, etc.) that cannot speak to a preponderance of these facts will have serious shortcomings on several levels (explanatory, normative, psychological, etc.) While a complete accounting of all of these facts may be too much to hope for, a minimally adequate theory should at least be able to speak a larger percentage of these ideas. While our treatment of how virtue ethics accounts for these facts has been cursory, it has hopefully been sufficient to meet this particular challenge.

Each of these facts, however, gives rise to other questions about how profound these themes are. Several of these facts seem decidedly 'Eurocentric' in nature; will the patterns of motivation, moral education and normativity (to pick but a few) that I have mentioned here apply in exotic and alien cultures as well as our own? In other words,
one might ask if these facts are basic to all human moral psychology or if they are simply artifacts of the psychological evolution of modern western culture. It is to questions such as these that we will turn in our final section.

2.3.1) Questions of Moral Relativity and Moral Objectivity—Thus far I have only implicitly addressed some of the key questions in metaethics: are values absolute across time and space or are they relative in some sense (i.e.—to society, to individuals, etc.)? Are these values somehow a part of the fundamental fabric of reality or are they a product or creation of culture? Phrased more specifically to the theory I have been constructing thus far, we might ask if the perceptions and judgments constituted by emotions are in some sense absolute or if they are relative. Given the inherently subjective nature of the emotions what implication does that have for the metaethical foundations of this theory? In this final section of this chapter I want to address these questions directly, to answer some of them where possible, and to demonstrate that some of them are ill-posed and need to be rethought before anything resembling an answer can be found. More specifically, I want to suggest (I regret that I will not have time to make a full argument for the idea) that the basic subjective/objective divide is generally a poor rubric for considering metaethical issues.

2.3.2) Cultural Relativism: Virtues and Emotions—The question of moral relativity is one of the oldest and most pressing problems in metaethics. Refuting moral relativism was one of Plato's principle preoccupations in The Republic and it has lurked in the background of pretty much every major discussion of ethics ever since. The basic question is whether there are any moral absolutes, or if all ethics is in some sense or another relative, either to the culture or to the individual. In terms of virtue ethics we
might phrase the question thusly: are at least some of the character traits that we call ‘virtues’ uniform across all cultures, independently of which traits those cultures take to be good or bad?

It is, of course, an undeniable fact that different cultures consider different character traits to be morally desirable. St. Thomas Aquinas considered courage, temperance and justice moral virtues, as do we. But Aquinas considered charity a theological virtue (along with faith and hope) and practical wisdom and an intellectual virtue. Hindu ethics considers detachment (asanga or vairagya) (from material goods, physical pain and pleasure, etc.) and purity (saucam), two of their cardinal virtues. In certain Native-American cultures the virtue of quietness (as in literal silence) is considered amongst the most important. Politeness and loyalty to one’s ruler are key virtues in the Japanese Bushido, the moral code of the Samurai. Confucianism and Taoism both consider filial piety to be among the most important virtues. Knights in medieval Europe were profoundly committed to chivalric virtues, among them unquestioned obedience to Church and Throne. Both the knight and the samurai agree that honor is a virtue, but they have vastly different conceptions of what that means, and both would reject the Hindu virtue of non-violence (ahimsa) as laughable. While some people in our culture might share the belief that some of these traits are virtues many would clearly not agree with some and no one can agree with all, as certain ones are mutually exclusive with others.

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93 One of the most commonly perceived examples of the ‘relativity of virtue’ is pride. In Homeric Greece pride is viewed as a virtue; in medieval Christian Europe pride is viewed as one of the seven deadly sins; in various 20th century ‘identity politics’ spheres pride is again taken to be a virtue (i.e.—‘black pride,’ ‘gay pride,’ etc.) Robert Solomon has astutely noted that the appearance of relativity here is merely illusory since the conceptions of pride in the Christian sense is notably different from the conception of pride in the Homeric sense and in the identity politics sense.
To make matters worse, emotions, the very things we are considering as the foundation of virtue ethics, also seem to vary from one culture to another. Differences in social customs, language, general philosophy and beliefs about the emotions themselves will give rise to various different 'emotional repertoires,' to use Robert Solomon's term. Moreover, the causes, meanings and significance of various emotions will also vary across cultures. To a certain extent some emotions seem to be vary not just inter-culturally but intra-culturally, as well. Some people claim that certain emotions, such as love are wholly unique to each individual person; if they're right then it seems that emotions are inter-personally relative (and perhaps even intra-personally) as well. If there is this much relativity in what I have claimed is at the foundation of virtue ethics then it might seem as if virtue ethics must necessarily be committed to moral relativism of some variety or another.

This conclusion would be premature however. Virtue ethics as such is agnostic when it comes to questions of moral relativism. One can be a virtue ethicist and agree with relativism or agree with moral absolutism. There are numerous prominent virtue ethicists on both sides of this divide. Bernard Williams and Alasdair MacIntyre are two thinkers frequently associated with virtue ethics whom are often taken to be relativists (despite the fact that Williams denies he is a virtue ethicist and MacIntyre denies he is a relativist.) Philippa Foot and Rosalind Hursthouse have both argued, echoing Aristotle, that judging a person to be a 'good person' is just as objective as judging a knife to be a good knife. While all of these conversations are worth looking at I wish to approach the question at hand from a slightly different perspective than any of these thinkers, so I will acknowledge them and set them aside.
2.3.3) **Virtue, Emotion and Objectivity**—If a virtue ethicist wanted to be an objectivist they might be tempted to reject my claim that the emotions are the foundation for virtue ethics in an attempt to purge at least some of the relativity from virtue ethics. This would, I think, actually make things even worse for the objectivist for a number of reasons. First off, turning our backs on emotions will also compromise our ability to appeal to the relationship between emotions and reason in our analysis of metaethical questions. This, as we shall see momentarily, will be a very useful tool. Secondly, the cultural variability of emotions actually plays a rather powerful role in explaining the cultural disagreements about the virtues. The picture of moral epistemology I have been developing uses the emotions as a primary tool for 'perceiving' and understanding morals. If the education of the emotions varies from one culture to another it only makes sense that how people use their emotions to perceive (and what they perceive) will vary, too. As with any sense modality or means of understanding the world, how we train it is going to effect how (and what) we know about the world. If we reject the idea that the emotions are foundational for virtue ethics this explanation will be much less significant.

The apparent problem with trying to ground an objective ethics on the emotions is that it seems to commit us to some form of 'emotional chauvinism.' Mustn't the objectivist say that there are certain objectively right emotions that one must have if they are to properly perceive the objective moral truth? This suggestion surely seems strange. Nonetheless, I think that answer to this question is 'maybe and no.' The 'maybe' is in a rather limited sense that does not fall prey to the chauvinism objection, and the 'no' is in the more general sense. But before we can explore why this is we need to make a few more observations about the supposed relativity of the virtues.
As James Rachles notes, the mere fact that there is disagreement about morals across cultures does not entail that therefore there are no objective morals. If this were the case then the fact that there are disagreements about various ‘scientific’ facts (i.e.—the shape of the earth, the origin of the universe, etc.) across cultures would also entail that there are no objective scientific facts. In addition, Rachles points out that many apparent moral disagreements are actually illusory and hinge, not on a disagreement about questions of value, but instead on questions of fact (i.e.—about the nature of the afterlife, the existence of god, human nature, differences between the sexes, etc.) So the fact that different cultures have different beliefs about what counts as a virtue, while still a fact that needs to be accounted for, is not as damning as it might seem at first glance.

Moreover, while there is much disagreement there also appears to be some agreement. Almost all of the cultures listed above (with the possible exception of Homeric Greece) seem to consider compassion and honesty—or some similar concepts—to be virtues. Other character traits, while not necessarily showing up on all cultures’ list of virtues are at least compatible with most every cultures’ conception of virtue. Likewise, certain emotions seem to be ‘basic’ in that they appear in some form or another in nearly all cultures, as well as in many non-human species.

Charles Darwin was ahead of his time, as usual, when he made the case for the trans-cultural (and trans-species) nature of the emotions in his 1872 book The Expression of the Emotions in Man and Other Animals. Following in Darwin’s footsteps, Paul Ekman, a psychologist at the University of California, San Francisco, has done

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considerable work in discovering cross-cultural similarities with regard to the emotions. In particular, anger, disgust, fear, joy, sadness, and surprise appear to be universal, and contempt appears to be nearly so. These findings ran contrary to the general consensus when Ekman began his research, with many prominent anthropologists (including Margaret Mead) insisting that emotions were socially constructed. Today Ekman's findings are generally accepted as dispositive on the issue.

Ekman's conclusion, that emotion is biologically grounded in the very architecture of the brain itself hints at a common emotional foundation for a trans-cultural ethics. An interesting question arises here: could the shared emotions that Ekman identifies relate to the shared virtues I've alluded to above? Do the 'basic' emotions provide a foundation for the shared virtues in the way I have suggested emotions can provide a foundation for virtues in general? This question is, at least in part, an empirical one so I don't want to presuppose an answer to it here, but I do suspect that there would be just such a relationship. If this is the case, then in response to the above question about 'objectively right emotions,' one could make the case that there are at least near-universal emotions, and that they may provide a foundation for the 'objectively' right virtues. This limited sense of 'objectivity' avoids concerns about chauvinism since its objectivity is predicated on its supposed universality.

While this might play a part in a complete argument, by itself it proves little. The sense of 'objectivity' here is notably different from the kind typically sought by

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95 See, for example, *The Nature of Emotion: Fundamental Questions* (with Richard Davidson) Oxford University Press, New York, NY (1994). Ekman, unlike Darwin, has focused primarily on emotions in humans, but Ekman's vindication of Darwin with respect to humans bodes well for Darwin's hypotheses with regard to nonhuman animals.

96 We've also seen in Antonio Damasio's work strongly suggest that *care* is essential for basic decision-making and hence survival.
objectivists. For one thing, it is rather anemic, encompassing only a small handful of emotions and virtues. Regardless of how important these emotions and virtues are, if they are the extent of the objectivity of virtue then that objectivity will not get us very far. Perhaps more to the point, however, the objectivist typically wants to say that ethics is grounded in more than mere cross-cultural consensus. Just as the existence of disagreement does not entail relativism the existence of agreement does not entail objectivism, in the deeper sense of that term. If this issue is to be resolved we need to do more than just anthropology; we need to analyze several aspects of ethics itself.

2.3.4) Emotion and Reason; Subjectivity and Objectivity—How are we to go about such an analysis? The standard philosophical approach is so obvious that it often goes unstated: we rationally analyze the concepts, facts and arguments. Reason, in contrast with (subjective) emotion, is seen as an objective way of resolving such issues. But a large upshot of what we have seen in this chapter and the last is that reason itself is imbued with emotion—the very thing we are trying to understand—on many levels. In fact, at this point it makes sense to wonder to exactly what extent we can treat them as distinct capacities in any comprehensive sense. Hence any such analysis must be very careful that it doesn’t end up chasing its own tail, reflecting its own prejudices or simply begging the question. I do not mean to suggest that such an effort is necessarily doomed to failure. Nonetheless, the intimate relationship between emotion and reason makes standard analytic attempts to deal with questions about metaethics much more complicated than the standard view of emotions would like it to be.

If we consider reason to be paradigmatic of objectivity and emotions as paradigmatic of subjectivity then the connection between emotions and rationality leads
to interesting questions about the relationship between objectivity and subjectivity.

Mayhap this dichotomy is inadequate for addressing the questions that we really want out of metaethics. Rather than taking the fundamental question to be ‘are ethics relative or objective?’ perhaps we should take it to be ‘what reasons can a person give for grounding their ethical beliefs?’ With the standard view’s conception of reason it is easy to see how this later question devolves into the prior question. But with our revised conception of reason the prior question ceases to make any sense at all. What we need is not an objective foundation for ethics, but rather a way to make sense of moral reason, given that emotions are an inalienable part thereof.

At present this is a mere suggestion, far from a complete account, much less a full defense of such an account. It is a suggestion, though, that leads me to the single most important point in this section with regards to everything else that follows, namely that questions of objectivity and subjectivity are besides the point. In order for the following chapters to carry weight I do not need to answer the question of what character traits count as virtuous and which ones count as vices. This is because each person has, by and large, answered such questions for themselves already and they don’t need me to do it for them. As Rosalind Hursthouse puts the point, virtue ethicists take as premises that, for example, compassion is a virtue... When they do so, they rely on our being honest and sincere in our reactions to them. We could object, theoretically, to their moral premises and point out that... someone from a different cultural background might disagree. But do I disagree? If I do not, then their [that is, the virtue ethicist’s] arguments are relevant to me and I should take them seriously.  

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Hursthouse, Rosalind Ethics, Humans and Other Animals: An Introduction With Readings p.155 Routledge, London UK (2000). Hursthouse appeals to moral education in making her ‘practical response’ to the subjectivity objection: “Despite believing [that morality is subjective], many strive to bring up their own children well, [and] are concerned when they seem to be going astray.” This sort of performative contradiction implies, according to Hursthouse, that most of us do not sincerely believe that morality is subjective.
So long as the reader recognizes the moral importance of (at least many of) the emotions I will appeal to and likewise recognize (at least many of) the character traits I will claim to be virtues as such, then all other meta-level problems are irrelevant for my purposes. If the reader recognizes neither the importance of these emotions, nor these character traits as virtues then very little I have to say will sway them. A more foundational discussion needs to occur before any work can be done on the levels I am about to address. But I imagine that this will not be a problem, since I will endeavor to appeal to emotions and virtues that most any moderately emotionally 'healthy' adult in early 21st century Western culture will by generally disposed to. The only way to determine if I will succeed in this endeavor is to turn now to those issues.

Chapter 3) Virtues, Vices and Animals

3.1.1) What Does Our Treatment of Animals Say About Our Moral Character?
3.1.2) Virtues Regarding Animals vs. Virtues towards Animals
3.1.3) Indirect Virtue Views: Indicator, Practicing Ground and Contractualist Views
3.1.4) Relevant Similarities and Differences
3.2.1) Animals as Moral Agents in Virtue Ethics
3.2.2) The Viciousness of Nonhuman Animals
3.3.1) List of Virtues and Vices
3.3.2) The Anti-Theory Objection
3.4) Conclusion

3.1.1) What Does Our Treatment of Animals Say About Our Moral Character?

—Now that we have seen how the emotions act as a metaethical foundation for virtue theory I want to shift gears and begin the discussion of that will occupy the rest of this dissertation, namely what virtue ethics will say about animals. The central question, around which most of my other inquires will orbit is this: What does our treatment of animals say about our moral character? This is a schematic question, of
course, not one that calls for a direct answer, but rather a call for a general framework that articulates what virtues and vices we can display towards nonhuman animals. I will return to this question in various forms periodically. Such a framework can assist us in making character judgments based on a person's psychology and behavior with respect to animals.

But before we can begin to build such a framework, however, I think it is important to actually justify its central question. Why should we think that our attitudes and behavior towards animals has any reflection whatsoever on our moral character? In this chapter, we will examine several positions that relegate animals to a subclass of beings, at best tangential to, and at worst irrelevant for the assessment of our character. We will see why these positions fail, and explore a list of virtues and vices that cross the species barrier, as well as a list that holds only for humans. We will close the chapter by considering an objection, from a virtue-theory perspective, to the attempt to systematize these lists, before moving on to chapter 4 where we will attempt to harmonize and unify these virtues.

3.1.2) Virtues Regarding Animals vs. Virtues towards Animals—Throughout most of the history of ethical thought animals have been given little regard, and in the history of western civilization they have been treated effectively as mere objects. Thus a good place to begin this inquiry would be from a position of skepticism. Why should animals be any different from, say, rocks, twigs, plastic toys or any other inanimate object when it comes to our moral character? This skepticism raises another question: what do our attitudes and behavior towards inanimate objects say about our moral character? The implication above is that it says absolutely nothing, but is this necessarily
the case? Before we can say whether or not animals are to be relegated to the same level of moral significance (or insificance) as inanimate objects, we must first have a sense for what level of moral significance that is. This may seem like an absurd question. After all, what possible moral difference could it make whether or not I choose to kick a rock on the side of the road, snap a twig in half, or throw my plastic toy in the garbage? It certainly doesn’t matter to the rock, twig or toy, nor does it matter to anyone else, so what possible moral significance could these inanimate objects have?

This level of incredulity is certainly appropriate for most inanimate objects, but not for all. Some objects have a symbolic value that may affect the moral significance of my actions and attitudes towards them. Burning something in effigy, such as a flag, a religious icon, or a caricature of a hated public figure may indeed reflect on my moral character. My treatment of certain inanimate objects might inform and shape my treatment of other people whom do have moral significance, especially in my formative years (think especially of anthropomorphic toys.) Other objects might have aesthetic value and damaging them for the sake of destroying something beautiful, or hording them so that no one else may enjoy them may reflect on my moral character. Still other objects have historical value and certain behaviors towards them may reflect my regard for posterity and thereby count towards the assessment of my moral character. Likewise, and perhaps the most obvious case, if an object belongs to another person then my actions towards it may indeed count towards the assessment of my moral character.

So clearly not all inanimate objects are morally insignificant, nor are they all morally equivalent. But this does not mean that inanimate objects qua objects have some level of moral significance. Inasmuch as the above instances show anything, they show
that objects may matter *indirectly* to the moral evaluation of one’s character. That is, they matter not for the sake of the object itself, but rather for the sake of some other person or persons that my attitudes and actions ultimately regard or affect. Thus we might say that we can be virtuous or vicious *with regard* to a mere object, but never *towards* a mere object. I will call such views ‘indirect virtue’ views towards inanimate objects.

There seem to be at least three different types of indirect virtue views. There are those that see certain behaviors and attitudes towards some objects as (1) a mere display of one’s virtue (but not actual instances thereof.) Let’s call this the ‘indicator view.’ There are also views that see inanimate objects as (2) a rehearsal for actual virtue (but not subjects of virtue per se.) Let’s call this the ‘practicing ground’ view. Lastly there are views that consider inanimate objects (3) as related to a person’s virtue by way of the claims of another person (but never as the object of virtue, itself.) Let’s call this the ‘contractualist view.’ We can see how the above examples fall into these three categories: burning something in effigy or destroying aesthetic objects for the sake of it seem to fall into the first category, the indicator view. Treatment of objects that inform and shape our attitudes towards other people (such as anthropomorphic toys) fall into the second category, the practicing ground view. Lastly, behaviors towards objects of historical significance and towards other people’s property fall into the third category (although they may also fall into the first), the contractualist view. These three options seems to adequately and sufficiently exhaust the scope of ways in which our treatment of and attitudes towards inanimate objects can have any bearing on our moral character.
Now that we have settled the question of inanimate objects, we can return to our original question: why not consider animals as having the same moral significance as inanimate objects? If animals were morally on par with mere objects, then the three indirect virtue views would likewise exhaust the moral significance of animals. Other systems of ethics, such as Kantianism and contract theory, seem to make use of views of this sort with regard to animals. Perhaps virtue ethics should entertain claims of this sort. Let's consider this suggestion in more detail.

3.1.3) Indirect Virtue Views: Indicator, Practicing Ground and Contractualist Views—To begin by giving away the ending, all three indirect views will not hold up because there is no non-ad hoc way to characterize all of the virtues such that they apply only to humans and not to (at least some) non-human animals directly. Perhaps some virtues will apply exclusively to humans or merely apply to animals by proxy. However, any such virtues will do so because of relevant differences between humans and non-human animals. Likewise, relevant similarities between human and non-human animals will entail that other virtues will apply equally to both. These relevant similarities and differences will be crucial in assessing what can and what cannot be the subject of our virtue.

But before delving into relevant similarities and differences, let's take a closer look at the claims made by the indirect virtue views. The first claim is that our behavior and attitudes towards animals may reflect our virtue, or that they may be indicative of the kind of character we have, but such behaviors and attitudes are never themselves instances of virtue or vice. This view is designed to parallel the analogous view towards inanimate objects. According to this view it is not actually vicious to burn an effigy of a
hated public figure, but it may indicate a vicious character in someway. Likewise, the parallel view holds that it is not actually vicious to torture a small animal for the sheer sadistic joy of it, but that doing so reveals a vicious aspect of one’s nature. It’s fair to assume that one who treats certain inanimate objects and/or animals ‘viciously’ will be vicious towards humans as well, even though they are not actually exhibiting a vice in their behavior.

The second (and closely related) view holds that our behavior and attitudes towards animals is merely a practicing ground for us to develop our virtue (or our vice, if so be the case.) The real venue of virtue and vice is our behavior and attitudes towards humans, both others and ourselves. Kant seems to take this view towards animals when he noted that, “he who is cruel to animals becomes hard also in dealing with men,” and “tender feelings towards dumb animals develop humane feelings towards mankind.”

Thus behaving ‘viciously’ (or ‘virtuously’) towards an animal would not actually be vicious, but it may cultivate actual viciousness (that is, towards humans) in the agent. This is analogous to the claim that ‘vicious’ behavior towards inanimate objects is not actually vicious, but may cultivate actual viciousness (i.e. towards at least some certain animate objects) in the agent.

The third view is more extreme, saying that our behavior and attitudes towards animals is relevant to our virtue only when another person has established some sort of claim on the animal. Killing someone’s cat is a vicious thing to do, not for the sake of the cat itself, but for the sake of the person who owns the cat. Killing a companion

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98 Kant, Immanuel “Duties to Animals and Spirits” in *Animal Rights and Human Obligations*, Regan, Tom and Singer, Peter (eds.), p. 24, Pretence-Hall, Inc. Englewood Cliffs, NJ, (1989). It should be noted that Kant also says on the same page “we can judge the heart of a man by his treatment of animals,” which seems to indicate a view of the first sort, as well as of the second sort.
animal, on this view, is vicious for the same reason that destroying someone’s car is vicious, because it is the destruction of another’s property, or more generally, the destruction of something that another person cares about. Killing a stray cat is not vicious at all on this view, nor is it indicative of or promotional of vice, as the first two views held. This attitude most closely resembles the view of animals held by some contract theorists, which is why I have dubbed it the ‘contractualist view.’

Now that all three views have been articulated in detail, let’s consider some objections. One initial reply to the first view (the indicator view) is to question if such a view is even a coherent one. It’s not clear that a behavior can be indicative of a disposition without being an instance of that disposition. In other words, we might ask what is being displayed towards the animal in question if it is not a virtue or a vice? What is it that we are seeing if not a character trait, the actualization of a disposition on the part of the agent? Isn’t having such a disposition exactly what it means to have a virtue or a vice? A behavior that is indicative of a virtue or vice, this reply claims, cannot be meaningfully separated from an instance of that virtue or vice itself.

A similar reply can be made to the practicing ground view. How is it possible to develop virtues and vices by way of our dealings with animals if what are being exercised are not the virtues or vices, themselves? Perhaps the suggestion is that the same character trait is morally neutral in one context (regarding animals) and morally significant in another (regarding humans.) But what could possibly explain this shift in significance? Some account must be given that explicates such a radical and seemingly capricious

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discrepancy in moral significance, and no such account seems forthcoming. Or perhaps the suggestion is that there is a different character trait that arises with regard to our treatment of animals that gives rise to virtue and vice with regard to our treatment of humans. But what mechanism could explain how a moral character develops by proxy through interaction with beings that are not themselves inherently morally significant? It would be an awkward and cumbersome moral psychology that posits some faculty X that is not itself virtue or vice, but that translates behavior and attitudes towards animals into actual virtue and vice, when redirected towards humans. Is there any independent reason to think that such a faculty exists, other than as a way to disavow the direct moral significance of animals?

While this objection definitely raises legitimate concerns, its force is undercut by the analogy to inanimate objects. It seems at least plausible that a person may cultivate or exhibit their virtue and vice in their dealings with inanimate objects without those dealings being instances of virtue or vice themselves. A child who plays exorbitant amounts of violent videogames may become desensitized to violence towards real human beings. While acting with callous disregard to computer generated images of people may not be itself vicious, it may give rise to vicious attitudes. Training soldiers to kill real human beings by using lifelike dummies is another example; attacking a dummy may not be vicious, but with practice it can develop viciousness in a person. And if a person attacks such a dummy with excessive relish and delight, then it is not hard to judge that such a person has a vicious character. Since the suggestion being made is that, ethically speaking, animals are more like inanimate objects then they are like humans, it would

100 Any such account, even if one does exist, would seem to have to appeal to some account of relevant similarities and differences between animal and humans. As such, the discussion of relevant similarities and differences below will make such an account even more implausible.
follow from the above examples that there may be behaviors and attitudes that are morally neutral when done to animals that indicate or cultivate a virtuous or vicious moral character.

It should be noted, of course, that these analogies do not provide a direct answer to the questions raised in the objections above. They do not tell us how one can meaningfully distinguish a behavior that is indicative of a virtue or vice from an instance of that virtue or vice itself. Nor does it say whether or not these examples are instances of the same character trait that is morally neutral in one context (towards the animal) and morally relevant in another (towards the human), or if they are instances of one character trait in one context (such as faculty X above) giving rise to another character trait in another context (an actual virtue or vice.) Such questions are complex ones that cannot be answered here. The analogies simply serve to point out that these questions do indeed have answers, and this fact is enough to undercut the above objections.

3.1.4) Relevant Similarities and Differences—There is another objection that applies to all three views, however. This objection appeals to the aforementioned "relevant similarities and differences" and it is much more devastating. The purpose of appealing to relevant similarities and differences is to draw our attention to the nature of the virtues and how they arise from relations between agents and subjects. Relevant similarities and differences compel us to accept the fact that many of the same virtues and vices that pertain to other human beings also pertain to nonhuman animals as well.

To see why this is, consider under what conditions could a behavior or attitude towards X be virtuous and yet at the same time the same behavior or attitude towards Y
not be virtuous? There must be something, some difference between either the nature of X and Y, or their relationship to the agent. If X and Y were identical, literally the exact same thing then it would be impossible for such a difference in moral evaluation of a behavior or attitude to arise. Thus there must be a difference (intrinsic or relational) between X and Y for this to happen. But not just any difference will suffice. Many differences are clearly morally irrelevant. X being to the right of the agent while Y is to the left of the agent is clearly not itself a difference that matters morally. Thus X and Y must be relevantly different in some way in order to account for a disparity in moral significance. Likewise, if there is no disparity in moral significance between X and Y then there must be some sort of relevant similarity that accounts for that identical evaluation.

This raises the next question: what are the standards of relevancy here? How are we to determine which similarities and differences matter and which ones do not? These questions will be answered by the set of virtues and vices that we choose. The nature of the virtue or vice will determine what factors are relevant by delineating what features are morally significant. Take for example the vice of maleficence, defined here as the actual doing of harm. In order to be the subject of maleficence one must be able to be the subject of harm. Thus, two beings both capable of being the subject of a harm are relevantly similar such that they may both be the subject of maleficence. Likewise, a being incapable of being the subject of harm is relevantly different such that it cannot be the subject of maleficence. 101

101 The specific example of maleficence raises the question ‘what constitutes a harm?’ I will not be addressing here, both because this was merely an illustrative example, and because this question is a subject all to itself and has been addressed substantially elsewhere (See, for example, Feinberg, Joel, Harm To Others, Oxford University Press, New York, NY (1984.))
This brings us back to the question we considered at the end of the first chapter: how do we determine what character traits are virtues and which are vices? We saw this question can be cast as an objection to the tenability of the project of making sense of animals in terms of virtue ethics. What is considered to be a virtue or a vice may vary from one person to another or from one culture to another. How are we to determine a single set of virtues that would both apply to and compel the assent of everyone, regardless of circumstance? Without such a universal list of virtues and vices, this objection goes, a single uniform set of relevant similarities and differences would be impossible; therefore a single uniform account of the moral significance of animals would also be impossible. Thus without such a uniform list the plausibility of a virtue-theoretic account of the moral significance of animals is in jeopardy.

We closed the last chapter with a quick analysis of why the question driving this objection is ill posed. The supposition that a single, objective list of character traits is required for virtue theory to have any traction or reason giving force, is specious. Indeed, virtue theory sees this objection as fundamentally backwards. For one, only if one insists on ethics as being absolute and universal does this objection have any force. If one is willing to allow for at least some degree of relativity then the force of this objection is drastically reduced. Virtue theory, ever since Aristotle, is amenable to at least some relativity in ethics because of its openness to the relevance of circumstance.

This openness to circumstance, however, does not necessarily entail whole-sale relativism. I do not personally claim to have a single, uniform and universal set of virtues and vices that apply to all persons in all cultures, but this does not mean that such a list does not exist. More to the point, however, as we saw at the end of the last chapter, such
a universal list is not as necessary as the above objection would have us believe. While we may not be able to create a list of virtues and vices that will be encompassing and compelling to absolutely everyone in any given culture, this does not mean that we cannot create a list that covers most of the common-sense views held by most people in our culture (that is, Western Civilization at the start of the 21st century.)

How to generate such a list? In the previous chapter I argued that the emotions provide us with a foundation for virtue ethics. When we experience an emotion, such as sympathy when we see another person in pain, that serves as an indicator of what might be a virtue. Recall that key to the picture of emotions I developed there was the idea that emotions are (a) perceptions and judgments, as well as (b) rational and comprehensible. If we understand this emotion as a perception, both of another’s pain and a judgment about the moral significance of that pain, if we comprehend our sympathetic reaction as proper and appropriate in that it enriches our lives despite the painfulness of the sensation, this gives us a good reason to think that compassion is a virtue. We can, of course, imagine possible scenarios that might explain away our reaction, conditions that might defeat compassion as a virtue, and we should explore these thoughts with diligence. Arguments and thought experiments should be entertained as a point of intellectual honesty, and if they sow a considerable amount of sincere doubt then we should perhaps suspend, or even reverse our judgment. But if at the end of such a vetting process we still feel the appropriateness of our emotional reaction, if we still feel that our lives are better for having them, then the considered objections are moot. The fact that we can imagine a sociopath, or a member of an exotic culture not having a sympathetic reaction does nothing to change the fact that we feel that sympathetic reaction. And
surely this is enough. True, the fact that these emotions and virtues will not necessarily be universal does undermine any strong claim to absolute authority. Nonetheless, it will compel those people who do feel those emotions and accept those intuitions to accept the implications that follow with regard to relevant similarities and differences. Nor will it be problematic if not everyone accents to each and every virtue and vice on the resultant list; what matters is that we get a general picture of what character traits we consider morally relevant with regard to our behavior and attitudes towards human beings.

I imagine that the most productive way to proceed with such a list would be by appealing to (what we suspect will be) the most general, most commonly shared emotional reactions. Perhaps Paul Ekman's list of basic emotions (anger, disgust, fear, joy, sadness, and surprise), which we saw in chapter 2, would seems like a reasonable place to start, since according to Ekman's research, these emotions are truly universal, common to human beings in all cultures.\(^{102}\) We would probably want expand this list to some less basic, yet nonetheless profound emotions that are very common, if not universal. Exactly which emotions end up on the list, however, does not matter too much for our purposes here, so long as it can capture a large amount of our relevant emotional reactions. The next step would be to examine each emotion and trace what sorts of virtues and vices arise when we confront these emotions. If we could then determine, scientifically (or failing that, through compelling anecdotal evidence and common-sense) that certain species of animals share these emotions, it would stand to reason that these virtues and vices would apply to them, too, due to the fact that they share the same underlying emotional foundations. Thus, even though we develop the list with humans in

mind many if not most of the virtues and vices on it will apply to many nonhuman animals as well. Any plausible list of virtues and vices will have to include character traits to which non-human animals can be subjected just as surely as humans can be subjected. This is result of the fact of the fact that human and nonhuman animals share many relevant similarities, such as these emotions. In the same fashion, some virtues and vices will apply only to humans and not to non-humans. This is a result of the fact that there are relevant differences between humans and animals.\footnote{Likewise, some virtues and vices will only apply to some humans (or animals) and not to others, also because of relevant differences. For a quick example, you can't be loyal or disloyal to someone to whom you have taken no oath. Thus, having taken an oath to someone amounts to a relevant difference between them and those to whom you have taken no oath.}

This is the real reason why the first two of the indirect virtue views of animals fail; because any attempt to draw up a list of virtues and vices that will entail that all and only human beings are morally significant for their own sake will invariably be \textit{ad hoc}. It will either be disingenuous with respect to our emotional reactions, or it will ignore some morally relevant similarity between human and nonhuman animals. To view the torture of an animal as merely an indicator of cruelty, rather than as an instance of cruelty itself, ignores the basis for the emotional judgment of cruelty in the first place; that emotional judgment only makes sense if we regard such behavior as vicious, regardless of whether the recipient is human or not. Likewise, to see the nursing of a wounded animal as a mere practicing ground for compassion, but not an instance of compassion itself, is to ignore relevant similarities between human and nonhuman animals, which makes such ‘practice’ possible in the first place. Since humans, can feel pain and can take succor, this is surely the reason that our compassion towards them is virtuous; if animals, no less than humans, can also feel pain and also take succor, our compassion
towards them cannot be any less virtuous. (I will return to the question of which similarities and differences are relevant in much more detail in chapter 4.)

The analogy to inanimate objects does not hinder this objection, as it did with the previous objection, since any reasonable characterization of the virtues will account for distinctions between animate and inanimate objects, between sensate and insensate beings, between emotional and emotionless beings, and so forth. The relevant differences and similarities between the two will allow us to exclude inanimate objects (for the most part) from the scope of virtue. Thus we can firmly conclude that our behavior towards animals is not merely practice for, nor merely indicative of our virtue.

But so far we have only rebuffed the first two versions of the indirect virtue views. Before we can conclude that our behavior and attitudes towards animals is actually constitutive of our virtue we must rule out the third option as well. This view fails for much the same reason as the other two. It held that our behavior and attitudes towards animals is relevant to our virtue only inasmuch as other humans are affected by our behavior and attitudes towards animals. This contractualist view cannot generate a plausible account of the virtues as it cannot do justice to a wide array of intuitive moral precommitments, not the least of which is the role of our emotions in ethics. To see why, consider the following thought experiment.

Imagine your friend is leaving town for a few weeks and you agree to take care of her cat while she is gone. Shortly after she leaves, however, indifference sets in and you do not bother to go over to her place and feed the cat and as a result the cat goes hungry and suffers considerably. Surely failing to take care of the cat when you promised to do so is to exhibit the vice of unreliability toward your friend. But is it really tenable to say
that you have not also exhibited a vice \textit{towards the cat} if you have knowingly and willing let the companion animal suffer when you could have easily prevented this? It may cross your mind that the cat is suffering, but you decide that this suffering is irrelevant (after all, you tell yourself, if the cat dies you can just buy your friend a new one when she gets home.) Certainly this callousness towards the cat is a moral failing on your account, one that cannot be accounted for solely by appeal to the effect your behavior will have on your friend. Certainly it would be more vicious to fail to feed a friend’s cat when you promised to than it would be to fail to wash their car when you promised to do so; certainly this is because not feeding the pet caused undue suffering on the part of the cat.

This intuition is explained in terms of relevant similarities between cats and humans. We exhibit the vice of callousness towards humans when we show an indifference to their pain and suffering. To be the subject of callousness a being must therefore be able to feel pain and suffering. This is equally true of cats as well as humans. Therefore failing to feed your friends’ cat would be a case of callousness \textit{towards} the cat, not merely unreliability towards your friend.\footnote{There are doubtlessly many other vices that you display here, both towards your friend and the cat, beyond mere callousness and unreliability. These are chosen merely to illustrate the point, not to explain all of the vice involved.} Since animals are sensate, since they have the capacity to feel pain in the same way that humans do, how we act, react and regard that capacity will be constitutive of our virtue.

\textbf{3.2.1) Animals as Moral Agents in Virtue Ethics—}Before moving on, I want to consider one last view about the moral insignificance of animals. On this view, animals have no moral significance because they are not subject to the bounds of morality. On this view the heart of ethics is reciprocity. If one cannot, at least in principle, behave morally towards me I have no obligation to behave morally towards them. Unless a
being can behave in a moral fashion, have a moral personality or can act from a conscientious moral motive, then they are not morally significant. In other words, one morally significant difference between human and nonhuman animals is that they are merely moral patients, whereas we are moral agents. This intuition can also be found at the heart of various contractualis views, as well as some rights views. In virtue ethics terms, it would be said that because animals cannot be virtuous or vicious nothing I do to them (or think about them) makes me virtuous or vicious.

In the animal ethics literature this objection is traditionally met by the 'argument from marginal cases.' This argument draws our attention to certain classes of humans that don't meet the above stated conditions for moral significance; infants, patients in permanently vegetative states and people suffering from dementia, schizophrenia or Alzheimer's disease are typical examples. If it was truly the case that in order to be a moral patient then one must be a moral agent, then these human beings would not qualify as moral patients and hence, our treatment of them would be morally irrelevant. This conclusion is unacceptable; not only do these people have moral status, the fact that they are among the most vulnerable is all the more reason they need moral protection.

Virtue theory can avail itself of the argument from marginal cases. (Indeed, it can even put added pressure on the argument in a very common-sense moral fashion by asking a pointed question: *what kind of person would mistreat a defenseless human being?*) But in addition to this argument a more novel reply can be made on top of it. That is, even if one rejects the argument from marginal cases, virtue theory may still hold onto the proposition that many animals are still morally significant because of how virtue theory characterizes morality. To be a moral agent, according to virtue theory, one must
have a moral personality; that is, one must have virtues and act from them. On this understanding it is not hard to see that many non-human animals qualify as moral agents. Dogs can be loyal to their masters, dolphins can be reverent towards pregnant divers, horses can be courageous when charging into a battle, beavers can be industrious when building a damn and so forth. Aristotle recognized this, and explicitly made the connection between virtues in humans and virtues in horses.

We must, however, not only describe virtue as a state of character, but also say what sort of state it is. We may remark, then, that every virtue or excellence both brings into good condition the thing of which it is the excellence and makes the work of that thing be done well; e.g., the excellence of the horse makes a horse both good in itself and good at running and at carrying its rider and at awaiting the attack of the enemy. Therefore, if this is true in every case, the virtue of man also will be the state of character which makes a man good and which makes him do his own work well.  

While Aristotle certainly did not give animals much consideration as an ethicist, the naturalist in him cannot help but recognizing the underlying similarity. Is it such a stretch to suggest that these similarities extend beyond the biological and into the characterological as well?

Perhaps so. John McDowell suggests as much in his essay “Virtue and Reason.” McDowell argues that in order for a character trait to be a genuine virtue, it cannot be “the outcome of a blind, non-rational habit or instinct, like the courageous behavior—so called only by courtesy—of a lioness defending her cubs." Virtues are only virtues, for McDowell, when the reasons for their related actions are cognitively recognized for what they are. Echoing both Aristotle, and a theme I defended ardently in chapter 1, he suggests that having a virtue is “a sort of perceptual capacity” that enables one to ‘see’

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moral reasons. McDowell caps his argument by appealing to Aristotle’s distinction between ‘virtue strictly so called’ and ‘natural virtue’; “For both children and brutes have the natural dispositions to these qualities, but without reason these are evidently hurtful.”

We have seen the repost to this objection foreshadowed in a number of places thus far. The notion of virtue as a kind of ‘perceptual capacity’ is certainly a point I would agree with, but the context in which I developed that theme in chapter 1 was an attempt to break down the traditional hard-line distinction between reason and emotion. Virtue is rational, indeed, but so too is emotion; virtue is perception, true enough, but emotion too is perception (among other things.) This is not to say that virtue is emotion, but rather to underline the close relationship between the two. Thus, construing virtue in such exclusively cognitivist terms ignores the rationality of emotions, as well as the role of the emotions in virtue ethics.

Moreover, McDowell himself seems to realize this, or at least have an inkling of it. McDowell dedicates a section of his essay to a response to non-cognitivist objections, arguing that the rationality of virtue can only be understood ‘from the inside.’ “The rationality of virtue, then, is not demonstrable from an external standpoint. But to suppose that it ought to be is only a version of the prejudice discussed [earlier in the essay]. It is only an illusion that our paradigm of reason, deductive argument, has its rationality discernible from a standpoint not necessarily located within the practice itself.”

This closely echoes Roland de Sousa’s talk of the rationality of emotion being comprehensible only from the inside out. Another way of looking at the point McDowell

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is trying to make is by saying that rationality need not be 'cognitive' in the way his interlocutors are construing it.

Once we turn this insight back on the issue of animals McDowell's (not to mention Aristotle's) position reverses itself. It is hypocritical for McDowell to criticize non-cognitivists for insisting that the rationality of virtue be demonstrable from an external standpoint, and then use that same external standpoint to impeach the notion of animal virtue. From the inside, the lioness sees her reasons for behaving as she does in much the same way we do. To say that the lioness defends her cubs out of a 'habit or instinct' just is to say that she perceives the reasons why she should act this way. We could easily imagine an instance where a human mother faces down a dangerous situation in defense of her children; would we even be tempted to say that she is not courageous simply because she acted out of 'maternal instinct?' It seems more reasonable to say that such an instinct just is the recognition of the reasons the mother had for defending her children. It is a gross double-standard to dismiss animal behavior as 'merely instinctual' when the analogous behavior in humans is among the most laudable. The 'natural virtue' of motherly love is not some lesser form of virtue that is inferior to 'virtue strictly so called,' but rather is among the best and most important of the virtues. This recognition is not a purely cognitive one in the way McDowell initially envisioned it, but neither is the rationality of virtue for which he argues.

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109 While it there are obvious barriers to imaginatively projecting ourselves into the consciousness of another being, much less a being of another species (one thinks of Thomas Nagel's famous "What is it Like to be a Bat?"), I am going to rely on the common-sense projection here, since I do not have the space for a more exhaustive argument here. I will return to this point, in passing, in chapter (3.1.2).

110 In a recent conversation in which I pressed McDowell on this point, he conceded that the phrase 'so called only by courtesy' was not the most accurate for the point he was trying to make. He still insisted that there was a significant difference between human virtues and any virtue we might attribute to animals, but he seemed more comfortable with the idea that the difference was of degree, rather than kind.
Moreover, if a human mother did not feel that maternal instinct to protect her children we would likely see this as a moral failing; why then should we make a different judgment when speaking of a lioness? It is certainly possible that a lioness might not defend her cubs, but leave them to die instead. This is precisely the point Philippa Foot makes in her book *Natural Virtue*. "Like lionesses, human parents are defective if they do not teach their young the skills they need to survive." Foot makes a protracted case in favor of the idea that the same basic metaethical framework from which we derive our conclusions about human character can naturally be extended into the animal kingdom. It will surely not be denied that there is something wrong with a free-riding wolf that feeds but does not take part in the hunt... These free-riding individuals of a species whose members work together are just as defective as those who have defective hearing, sight, or powers of locomotion. I am therefore, quite seriously, likening the basis of moral evaluation to that of the evaluation of behavior in animals.

Foot’s position here is a direct challenge to Aristotle's distinction between ‘natural virtue’ and ‘virtue strictly so-called.’ This distinction seems to rest on the idiosyncratic fact that *homo sapiens* are the only species that has the articulated cultural institutions that can serve to craft and cultivate character in the mold of a wide variety of traditions and conceptions of the good life. While this certainly will make a huge difference in many regards, what reason do we have to think this necessitates completely separate conceptions of virtue? The bottom-line is that anything that lives can live well, or live poorly, can flourish or wither. Due in no small part to our evolutionary heritage, many of the things that are necessary for humans to live well are necessary for nonhuman animals as well, and this includes norms of behavior. Thus, if certain animals are moral agents, according to virtue theory, then they may also be moral patients as well.

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112 Ibid, p. 16
3.2.2) The Viciousness of Nonhuman Animals—Another objection might arise here. Perhaps the problem is not that animals lack character, but rather that they, for the most part, have bad character. I certainly do not mean to paint an overly-rosy picture of animals. It is also true, of course, that animals can exhibit vices as well. Lions can be malicious, house cats can be irreverent, dogs can be lazy and gorillas can be irascible, and so on.¹¹³ At best, this objection maintains, certain species of animals, or certain individual animals have good character, but the animal kingdom on the whole does not. (The fact that Thomas Hobbes contrasted civilization with the morality-free zone he dubbed ‘the state of nature’ is apropos here.) Non-human animals (or at least the wide majority of them) lack moral status because they are generally vicious on this view.

While there is a certain coherence to this view, it faces a rather serious problem, namely the fact that many human animals also demonstrate rather stunning deficiencies of character. Humans, no less than animals, can be (and often are) cruel, vindictive, spiteful, arrogant, callous and so forth. One does not need to be cynic, much less a misanthrope, to think that these traits are a deep part of what it means to be human. Yet this pronounced vicious streak in humanity does not detract from our status as morally significant. It would be prima facie inconsistent to argue that these bad traits in non-human animals result in a forfeiture of their status as moral patients, while holding that this is not the case for human animals.

¹¹³ It may seem odd (dare I say ‘anthropomorphic’) to use such distinctively human virtues and vices when talking about animals. This is an issue I will address in more detail in chapter 3, but for now I will content myself to a couple of quick observations. The first is that we commonly ascribe these traits to animals, especially those we spend a significant amount of time with, such as our companion animals, and seem reasonably secure in doing so. Second, while certain relevant differences across the species might make the attribution of some of these traits to animals illegitimate, relevant similarities will no doubt make many indubitably appropriate. If fear is truly a universal emotion, for example, then courage will be a universal virtue.
Perhaps a person who wanted to hold tight to this distinction would argue that the vices of such animals vastly outweigh their virtues. They would hold that human beings who are substantially more vicious than they are virtuous do forfeit their moral status. This is why certain punishments, such as the death penalty, are warranted for criminals whose crimes show considerable moral depravity. If human beings can forfeit their moral standing by exhibiting extreme viciousness why shouldn’t the same be the case for animals, especially since there is a presumption that they don’t have as much moral standing to begin with?

There are three replies to be made here. First off is to note that this is, to a certain degree, an empirical claim that all, or even most animals are more vicious than they are virtuous, one that I find prima facie extremely implausible. Too many species rely on evolutionary strategies such as cooperation, altruism and symbiosis for their survival for such a claim to hold true; if most animals were excessively vicious their species simply would not have survived. Perhaps some animals would indeed prove to be more vicious, and that may indeed raise special problems regarding our treatment and attitudes towards those animals. If nothing else, judgments about particular animals, such as our pets for example, would likely warrant those specific animals moral significance. But in the absence of specific data regarding whole species of animals’ mere speculation is fruitless.

But suppose that such data did support this thesis, despite my incredulity towards it. In that case, the second reply to this attitude would be to argue that it is, in most cases at least, a prejudiced view. Such a view might be justified with regard to particular animals whom one interacts with and judges to be vicious. But this sort of mentality could never be used to justify certain grand-scale treatments of animals, such as that of
factory farms, for example. Even if it were the case that cows or chickens are, on average, substantially vicious and even if we concede that this justifies the revocation of the moral status of particular cows and chickens we cannot make the judgment en masse about all cows and chickens. To judge an animal vicious, not on the basis of its particular character, but on the basis of the general qualities of the rest of its species seems to be a form of speciesism.\footnote{It is interesting to note that 'speciesism' here has a slightly different use than it typically does in the ethics literature on animals. Commonly, speciesism is used to refer to the judgment that nonhuman animals have no moral status (or a reduced moral status) simply because they are of a different species. Here however, it is not species-membership itself that is the relevant factor, but rather the fact that the members of such species tend to behave in vicious ways. This might be seen as a more 'sophisticated' speciesism, as what is held to be relevant isn’t 'mere species' but the virtues and vices of the members of such species. Despite its sophistication, however, this view is just as deplorable. One may think of the analogous forms of 'sophisticated' racism or sexism, claiming that it is not sex or race itself that matters, but the fact that members of such and such a race or sex are generally deficient in some regard or another. Even if such claims held true (which they would most certainly not in actuality) judging all of the individuals in a large group by the average standards of that group is unfounded and prejudicial. Surely, each individual should be judged by their own merits, regardless of the typical merits of the groups they belong to.}

Exactly how a virtue theorist should understand speciesism is not a question that I will pursue here, but suffice to say that as a form of prejudice it is a vice, the deficiency of the virtue of fairness.

Even inasmuch as this attitude would be fair with regard to those animals for which it is true that they are exceptionally vicious, there is another reply that can be made. This third reply is to highlight a tension in the attitude it represents. Holding that vicious creatures, even creatures who are exceptionally vicious, loose their moral significance seems, itself, like a rather cold-heart, callous, close-minded, implacable, harsh and intolerant position; that is, it seems like a vicious attitude. The moral judgments we make about others are certainly part of what constitutes our virtue. Holding excessively strict views on what beings are deserving of moral status is not merely an error in judgment, but also a moral failing. Making a moral judgment such as the one suggested here seems to suggest a defective moral character. Thus it would seem
rather hypocritical for someone to accept the virtue ethic position (as we have done here, by stipulation) and use it to condemn some to moral irrelevance for being exceptionally vicious, given that such an attitude itself seems rather vicious.

This third reply may be objected to on the grounds that it begs the question. After all, in order for judgments about the moral status of others to be itself a vicious act, such judgments must be excessively strict. But the claim that such a judgment is excessively strict is precisely what is denied by the person who holds the attitude in question. They believe that a proper moral evaluation of a being (human or nonhuman) involves a revocation of their moral status if they are exceptionally vicious. Without an independent means of concluding that this attitude is vicious it is unfounded to just posit the fact for the sake of undermining the attitude. While I don’t have such an independent argument readily available, I do think that a careful and articulated theory of the particular virtues and vices in question would, indeed, yield just such an argument.

As I said, this discussion of the status of animals as moral agents is largely an aside. Ultimately, we won’t be content to rest the whole moral significance of animals on their capacity for virtue. Virtue theory does not hold a general position that to be the subject of virtue, one must be capable of virtue—it would be a remarkably narrow theory if it did—and as such there’s no reason to think that virtue theory should take this stance towards animals. There must be something else, a deeper and more profound explanation of why our behavior towards them says something about our moral character. This explanation is grounded in the notion of relevant similarities and differences that we briefly sketched above. Developing a more articulated account on this basis will be the subject of chapter 4.
3.3.1) **List of Virtues and Vices**—Thus, all four of the above views that relegate nonhuman animals to marginal moral status are unacceptable. This means that animals can, indeed, be subject to some of our virtues and vices. The next question is, what virtues and vices can they be subjected to?

This question also arose when we discussed relevant similarities and differences. In order to provide a basis for determining which similarities and differences are relevant and which ones are not, we first need a list of virtues and vices that we can display towards humans. Once we have this list we will be able to see what properties on behalf of the subject underlies each virtue and vice. From there we ask whether or not at least some non-human animals share those properties or not. If they do then we have identified relevant similarities; if they do not we have identified relevant differences. This means that we can determine which virtues and vices are relevant exclusively in our behavior and attitudes towards humans and which pertain to our behavior and attitudes towards at least some non-human animals.

Rather than go through all of the above steps I have just given the end product. First a list of virtues and vices that apply, in my esteem, to both humans and at least some non-human animals. It should also be noted that these lists only include virtues and vices that are relevant to our attitudes and behavior towards others; virtues that are entirely ‘self-regarding’ (i.e.--moderation, integrity, dignity, tranquility, corruption, sloth, weakness, irascibility, gluttony, etc.) have been excluded since they are by definition not directly applicable by humans toward non-human animals. This is not to say that these virtues and vices are wholly irrelevant with regard to animals (one can surely, for example, exhibit integrity by sticking to their moral principles and not buying a leather
jacket, even if they are tempted to do so), nor that such virtues and vices will play no role
in the following discussion of the moral significance of animals. The purpose of the
following list is merely to specify which virtues and vices can be exhibited directly
towards animals themselves, and thereby determine what similarities and differences
between human and non-human animals are relevant. This is the foundation for a virtue-
theoretic account of the moral significance of animals and is therefore a necessary first
step. Discussions of other virtues and vices that are relevant indirectly will come later.

Here is the list of virtues that are relevant to most humans and to at least some
non-human animals, alphabetized by virtue:

<table>
<thead>
<tr>
<th>Vice of Deficiency</th>
<th>Virtue (Mean)</th>
<th>Vice of Excess</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disregard</td>
<td>Appreciation</td>
<td>Adulation</td>
</tr>
<tr>
<td>Maleficence (actual doing of evil)</td>
<td>Beneficence (actual doing of good)</td>
<td>(none)</td>
</tr>
<tr>
<td>Malevolence (desire or disposition to do evil)</td>
<td>Benevolence (desire or disposition to do good)</td>
<td>(none)</td>
</tr>
<tr>
<td>Stinginess</td>
<td>Charity</td>
<td>Spendthrift</td>
</tr>
<tr>
<td>Cruelty/Indifference</td>
<td>Compassion</td>
<td>Oversensativity</td>
</tr>
<tr>
<td>Negligence/Recklessness/Unscrupulousness</td>
<td>Conscientiousness</td>
<td>[&quot;Rule-worship&quot;]</td>
</tr>
<tr>
<td>Uncooperativeness</td>
<td>Cooperativeness</td>
<td>Submissiveness</td>
</tr>
<tr>
<td>Cowardice</td>
<td>Courage</td>
<td>Rashness</td>
</tr>
<tr>
<td>Shamelessness</td>
<td>Decency</td>
<td>[Stuffiness]</td>
</tr>
<tr>
<td>Cantankerousness</td>
<td>Friendliness</td>
<td>[Obsequiousness]</td>
</tr>
</tbody>
</table>

115 It should be noted that many of the virtues listed here have no clear vice of excess. It is not my intention for this to be a commentary on the viability of the Doctrine of The Mean; it is simply my personal estimation of the virtues at hand. Also, several of the vices of excess appear more than once. This is simply because the same vice applies to more than one virtue. It should not be taken to imply synonymity of the respective virtues or vices of deficiency.

116 Not all of the vices of excess can be exhibited towards animals, even if their corollary virtues and vices of deficiency can. To keep these distinguished, I will place such vices in brackets.
<table>
<thead>
<tr>
<th>Vice of Deficiency</th>
<th>Virtue (Mean)</th>
<th>Vice of Excess</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incivility</td>
<td>Civility</td>
<td>Priggishness</td>
</tr>
<tr>
<td>Discourteousness</td>
<td>Courteousness</td>
<td>Complaisance</td>
</tr>
<tr>
<td>Indiscretion</td>
<td>Discretion</td>
<td>Taciturnity</td>
</tr>
<tr>
<td>Self-Depreciation</td>
<td>Modesty</td>
<td>Boastfulness</td>
</tr>
<tr>
<td>Disobedience</td>
<td>Obedience</td>
<td>Servility</td>
</tr>
<tr>
<td>Vulgarity</td>
<td>Refinement</td>
<td>Stuffiness</td>
</tr>
</tbody>
</table>

And here is the second list, those virtues and vices that are relevant to humans alone (but not necessarily all humans), and cannot be displayed towards non-human animals, again alphabetized by virtue:
As I said above, these lists are only tentative, and neither exhaustive, nor absolute. Because of the inherent vagueness and plasticity of the language of virtue some items on the list may be redundant, and others that may appear to have been overlooked may be covered by another term, which I deem synonymous enough for our purposes here. Other virtues and vices may indeed have been overlooked. You need not agree with each and every item on each list nor think the list to be exhaustive or authoritative in order for it to serve its general purpose here. All that is required for that is for you to agree with the general tenor of the lists and feel that a majority of the most prominent and important virtues and vices have been covered.

Many of the items on the first list, those that can be displayed to at least some non-human animals, may seem awkward and implausible. I drew this list as broad as possible to try and capture any possible interactions that one could conceivably have with animals, not the narrow construal of interactions that one usually has with animals. As I said above, this list is designed primarily as foundation for the virtue-theoretic model of the moral significance of animals; if some of these virtues and vices almost never arise in practice, so be it.

It is also worth noting that these virtues and vices need not depend on the animals in question appreciating them as such. The virtue of compassion, for example, is not

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Some may jump at this admission, objecting that the language of a moral theory needs to be precise and specific for it to be of any use to us. Virtue ethics tend to think this objection is backwards. The moral world as we experience it is far from precise and specific most of the time, so why should we expect to find such qualities in the language we use to describe it? Certainly the job of a moral theory is, in part, to help clarify and refine our moral perceptions of the world, but a theory can do this without insisting on absolute precision in its language. Moreover, any theory that does not acknowledge the vagueness and ambiguity of morality and reflect that fact in its language is, in all likelihood, overly simplistic and dismissive of the subtle details and texture of our moral experience. I will examine this objection and reply in more detail in chapter (6.2)
dependant upon the subject’s understanding and appreciation of the compassion they are receiving. Virtues and vices do not depend on their recognition as such, either on the part of the their bearers or on the part of their subject, to qualify as virtues and vices.

2.3.2) The Anti-Theory Objection—Ideally, this list of virtues and vices should share some principled common grounds. It would be odd (and not speak well of virtue theory’s chances of making sense of the moral significance of animals) if those virtues and vices were random and capricious. One or more principled connections between the items on the list would provide a harmony within the list, common reasons why we should take animals seriously with regard to these virtues/vices. Moreover, such a systematic theory would also give us an even further reason why we should take these virtues/vices seriously as well.

There are some thinkers whom are associated with virtue ethicists who will no doubt resist this attempt to systematize the virtues. One of the main complaints that such thinkers have leveled against both deontology and consequentialism is that they are too systematic, too formulaic in nature. These theories are criticized for trying to develop a ‘moral calculus,’ treating moral problems like math problems that simply need inputs plugged into the variables in order to be given the one ultimate, indubitable, solution. Such models of ethics fail to represent the moral world as we actually experience it. They don’t allow for unpredictable elements, such as the emotions, and leave no room for personal judgment, two factors which are inexorably tied to the way we actually live our lives and confront our moral problems. Rather than trying to eliminate such elements by developing a moral calculus, we should embrace them and understand morality in a way that accounts for them and leaves a place for them. Virtue ethics, according to these
thinkers, is precisely what the doctor ordered. Not being formulaic is an advantage of virtue ethics and it should not succumb to the temptation to be turned into a 'system.' Many thinkers have gone as far as to even resist the label 'virtue theory,' because it suggests a model that it scientific, rather than a model that is idiosyncratic to ethics. This distinctive approach has come to be labeled 'anti-theory.'

There are many different ways of articulating and defending such a position. John McDowell, for instance, who is one philosopher often associated with anti-theory, proclaims morality to be “uncodifiable,” a position he takes to be Aristotle’s. “Occasion by occasion, one knows what to do, if one does, not by applying universal principles but by being a certain kind of person: one who sees situations in a certain distinctive way.”

For McDowell, the main point is that if by ‘theory’ one means a set of universal rules that apply to all circumstances, and which are exhaustive of the whole of morality, then no moral theory can be adequate.

If this is what one means by anti-theory, then I suppose I would also count myself an anti-theorist. But this seems like a misuse of the term. There is still room for generalized, abstract thinking in both Aristotle and McDowell, it is just that such thinking

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118 The roster of thinkers tagged with the ‘anti-theory’ label is somewhat nebulous, but may include G. E. M. Anscombe (“Modern Moral Philosophy,”), Philippa Foot (“Moral Arguments” and ”Moral Beliefs”), Michael Stocker (“The Schizophrenia of Modern Ethical Theories” and Plural and Conflicting Values), Susan Wolfe (“Moral Saints”), Martha Nussbaum (The Fragility of Goodness) and Annette Baier (“Doing Without Moral Theory?”). Historically, Friedrich Nietzsche is also associated with anti-theory, and is possibly the only person on this list who would whole-heartedly embrace the label, had it been coined in his day.

119 To my knowledge, McDowell himself never openly declares himself to be an anti-theorist. He is often grouped with anti-theory, however, due to the inclusion of his classic article “Virtue and Reason” in Anti-Theory in Ethics and Moral Conservatism (Clarke, Stanley G. and Simpson, Evan, eds.) Robert Louden, a staunch defender of moral theory, makes McDowell one of his targets in his book Morality and Moral Theory: A Reappraisal and Reaffirmation (Oxford University Press, 1992). I am not convinced that this anti-theory interpretation of McDowell is the most reasonable way to read him, but for now I will stick with the convention.

can be neither universal, nor exhaustive. McDowell admits as much when he cites the *Nicomachean Ethics* (1, 3), reminding us that “Aristotle consistently says, the best generalizations about how one should behave hold only *for the most part.*”\(^\text{121}\) But of course, generalizations that hold only for the most part still hold. This means there is clearly still a sizable role for theory to play in applied ethics and any view does this cannot properly be called ‘anti-theory.’

Perhaps a more suitable example of anti-theory can be found in Bernard William’s article “A Critique of Utilitarianism.” Williams’ notorious ‘Jim and the Indians’ thought experiment (in which a person is forced to decide between personally doing a horrible act with utility-optimal results or refraining from said act and with the result that another person does a much worse act, drastically undermining utility) illustrates Williams’ resistance, not just to utilitarianism, but to moral theories in general. Utilitarianism serves as an exemplar here because the ‘moral calculus’ is so clear cut: ‘*positive utility*’ - ‘*negative utility*’ = ‘*total utility*’; whichever option has the highest total utility is the morally right act. The problem with such a plug-and-chug formula for Williams is that it reduces the great complexity of ethics down to a two variable equation. “It is… a question of what sort of considerations come into finding the answer… it cuts out a kind of consideration which for some others makes a difference to what they feel about such cases: a consideration involving the idea, as we might first and very simply put it, that each of us is specially responsible for what *he* does, rather than what other people do.”\(^\text{122}\) This will be a problem, not just for utilitarianism, but for any theory that attempts to provide universal abstract rules that apply in any and all cases. Such theories

\(^\text{121}\) Ibid, p. 148, (emphasis mine)

cannot leave room for considerations of (among other things) personal integrity, a key component of our ethical lives as we live them.

I am certainly sympathetic to Williams’ core claim here, but to take this line of reasoning to imply a rejection of moral theory *tout court* is to cure the disease by killing the patient. Indeed, I agree that a plug-and-chug moral calculus that does not take into account the myriad x-factors that are inalienable to any morally complex situation should be resisted. Such a moral calculus will inevitably be inadequate on many fronts, and is therefore undesirable. This will be one of my main criticisms of utilitarianism in chapter 5. But this is no reason to completely resist any semblance of systematic thinking. There should be *some* degree of deliberate and articulable principle involved in our ethical thinking, or else there will be no regularity, no comparability, no consistency, nothing that can properly be called ‘ethics’ at all. What would prevent such a perspective from endorsing an act at one moment and condemning that very same act the next? Such a phantasmagoric approach to ethics would be chaotic, capricious and beyond any sort of internal critical scrutiny or appraisal.

A balance needs to be struck between the rigidity of a theory and the plasticity of open-ended moral judgment. This balance is similar to (but not isomorphic with) the balance discussed in chapter 1, between the roles of reason and the roles of emotion in metaethics and moral epistemology/psychology. Just as we saw there that neither a purely rationalist, nor a purely emotivist approach to the foundations of morality will be acceptable, so to here, neither a purely theory-based, nor a purely particularist approach will suffice. The mean between these two extremes will be a virtue (so to speak.) Our judgment must be guided, but not completely determined by our theory. It is this sort of
balance that I hope my account will be able to provide. Ascertaining whether or not my account achieves such a balance is a task that must be metered out as the theory develops. It is a question that I will try to return to periodically (especially in chapters 5 and 6). For now, let me outline a few reasons to hint that such a balance will be forthcoming.

The first point that suggests such a balance is possible is to note that what I have proposed to systematize is not the entirety of virtue ethics, but merely the other-regarding virtues listed in the previous chapter. Merely classifying types of virtue and vice does not thereby entail that a purely systematic moral calculus must follow. The application of these virtues in practical situations may indeed still be (at this point) wholly unprincipled and erratic. Some virtues might be given priority in certain circumstances, while different types take precedence in other cases, with no principle determining when or why. As I have indicated, such a moral perspective is just as unattractive as one that treats moral problems like a math formula, and both must therefore be avoided. The point here is merely that systematizing the types of virtues does not lead to a purely formulaic moral theory. A degree of systematizing is, in this sense, compatible with a non-theoretical, non-principled virtue ethics.

Moreover, the lack of such a classificatory scheme would leave us without a rationale for the above-proposed list of virtues and vices. That list would reduce to nothing more than a collective cultural intuition, the shared belief that the trait in question is desirable or undesirable. Without a deeper principle to ground them we could build our cultural biases into the applications of these concepts with no check or balance against it.\footnote{We may do this anyway, even with a systematic approach, but such an approach seems more likely to be able to expunge such prejudice than simply going on intuition alone.} We may inadvertently view select groups as being relevant to our virtue
while disregarding others as irrelevant, not because of the true nature of the groups, nor
because of the nature of the virtue in question, but only because we are irrationally
predisposed to crediting one group and marginalizing the other. We might say, for
example, that cruelty is only cruelty when it is practiced on an adult, male, heterosexual
human being of Anglo-Saxon decent, and all other supposed instances of ‘cruelty’ aren’t
genuine. Without a general theoretical grounding for what constitutes cruelty, and to
what sorts of being it can apply to, we would have no reason for rejecting such a
prejudiced claim. The only way to check against such irrational discrimination is to rest
our virtues, not merely on piece-meal cultural intuition, but on a systematic, principled
understanding of the virtues.

Not only will such a system be a check against such prejudice, it will also serve as
an independent review of the virtues and vices listed above. As I said, the items on the
list were tentative and open to revision. If a certain virtue turns out to be an anomaly, one
that is not reasonably classified with any of the other virtues, then this may be a reason to
consider rejecting such a virtue from the overall list. Conversely, if a virtue seems to fit
well with a family of other virtues, then this may be a reason to hold on to it, even if we
may be initially inclined to strike it from the list. Such reasons, either way, need not be
ultimate and there may be other good reasons to keep or not to keep the virtue on the list,
despite its irregularity or conformity. If we cannot make sense of important moral
intuitions without it, for example, we should probably keep it, even if it is peculiar
(though we should seriously consider jettisoning the intuition along with the virtue, just
in case.) If a virtue seems to serve no purpose in any imaginable moral context, then
perhaps we should discard it, despite being similar to other accepted virtues. If we can
ground the traits on the list in common, principled types then the familial similarity of each will help justify the entire set. Consistency between the various basic moral elements is a strength (another virtue, if you will) of any theory.

Lastly, besides having good practical effects for our theory, there is the fact that several of the above listed virtues and vices just seem to have something in common. To resist acknowledging these similarities between the virtues simply because we are averse to systematic moral thinking is to stick our heads in the sand and ignore the obvious. Regardless of whether or not systematizing our virtues is a good thing or a bad thing, the similarities are there and will not disappear simply because we wish them away. Even those who resist systematic moral thinking are best to recognize the similarities and see what follows from them, rather than obstinately refusing that they are there simply because they don’t like them.

3.4) Conclusion—In this chapter we have seen why the major arguments that marginalize the moral status of animals fail. We took a look at some of the major virtues and vices that pertain to our treatment of and attitudes towards other people, and have been given some preliminary reasons for thinking they will apply to animals, too. An objection to the idea that these virtues and vices need to be systematized was considered and rejected. In the next chapter, we will see how to create such a system, by taking a close look at the relevant similarities and differences between human and nonhuman animals, and the consequences for virtue theory that follow from them.

Chapter 4) Relevant Similarities and Differences

4.1.1) Introduction
4.1.2) The Anthropocentric Objection
4.2.1) First Similarity: Pain and Pleasure
4.2.2) Second Similarity: Beliefs and Desires
4.2.3) Third Similarity: Emotions
4.2.4) Fourth Similarity: Social Relations
4.2.5) Leftovers and Crossovers
4.3.1) Alleged Morally Relevant Differences: Historical Arguments
4.3.2) Alleged Morally Relevant Differences: Contemporary Arguments
4.3.3) Alleged Morally Relevant Similarity: Life Itself
4.4) What about the Environment?
4.5) Conclusion

4.1.1) Introduction—In the previous chapter we saw the idea that animals are morally insignificant is untenable, and therefore we must conclude that animals do indeed have some moral significance. But we are still left wanting a general account that both explains and their overall moral significance and the details and nuances of that significance. Given that animals matter morally, how much do they matter? What about animals makes it the case that they matter? What differences between species of animals will make a difference with regard to their moral significance? Answering these questions will be the aim of this chapter.

The strategy will be largely comparative. We will begin by eliciting general intuitions about the nature of various virtues as they regard human beings. From there we will explore what it is about human beings that makes it such that these virtues apply to them. Next I will argue that many nonhuman animals share those same qualities. The extent to which they do share those qualities, we will have found a relevant similarity; the extent to which they do not share those qualities, we will have found a relevant difference. I will close out each section by briefly examining some of the ethical implications of these similarities. The last section of the chapter is dedicated to discussing and rejecting other alleged morally relevant similarities and differences. Before we begin, however, I want to consider a preliminary objection.
4.1.2) The Anthropocentric Objection—Some may object to the strategy I have just outlined on the ground that it is too anthropocentric. To start our analysis of nonhuman animals by looking at human animals would be the epitome of speciesism. Something like this objection is presented especially well by Stephen Zak:

Lives don’t have to be the same to be worthy of equal respect. One’s perception that another life has value comes as much from an appreciation of its uniqueness as from the recognition that it has characteristics that are shared by one’s own life... The orangutan cannot be redescribed as the octopus minus, or plus, this or that mental characteristic: conceptually nothing could be added to or taken from the octopus that would make it the equivalent of the oriole. Likewise, animals are not simply rudimentary human beings, God’s false steps, made before He finally got it right with us.\[124\]

If we want to discover the moral significance of animals, Zak seems to imply, we should start by looking at animals, not by looking at humans. To approach the question of animals through the lens of human beings will invariably distort our answer. Animals are beings of their own independent moral significance, and thus they must be understood in terms independent of that of humans. To hubristically cast animals in the mold used for humans is not only an investigative mistake, it also runs the risk of marginalizing animals as creatures with a parasitic or derivative moral significance.

There seem to be a number of overlapping concerns here, and none of them seem at the outset to be entirely without warrant. However, once we tease out the different concerns, I feel there are reasons why we should not find them wholly persuasive. First, let’s consider the criticism as expressing concern for our heuristics. If our everyday common-sense morality that we use when interacting with other human beings is indeed the wrong apparatus for understanding animals, then our answers to the questions we raise about animals will be distorted. After all, the ways we approach the study of

animals in other fields, such as psychology and sociology are largely independent of and
distinct from the ways we study ourselves. Why should our study of the moral
significance of animals be any different? To maintain the integrity of our investigation,
we should approach animals on their own terms.

As I indicated, I feel there is merit to this concern, but in this form, the
anthropocentric objection is too shortsighted. My purposes here are not solely heuristic
in nature. As is often the case, strategic concerns must sometimes take precedence over
investigatory ones. The purpose of this examination is not merely to explore the moral
significance of animals as a purely academic question. As with most, if not all writings
of this sort on animals (and, indeed, in ethics in general) there is something of a
proselytical element involved. It is my intention and my hope that the concerns laid out
here will further persuade people, not merely to acknowledge that animals have moral
significance, but also to act on that acknowledgment; to not merely think that animals
have significance, but to feel the weight of that significance and adjust their lifestyles,
attitudes and behaviors regarding animals accordingly.

In my estimation the most promising strategy to this effect is to appeal to general
qualities about our moral character that are desirable or repellant to our everyday moral
intuitions. The vast majority of people in this culture have not fully internalized the
notion that the character trait of (say) callousness has anything to do with (say) the food
they order at a restaurant. In order to get people to broaden their moral horizons to
encompass those whom have previously been excluded, one must often work from the
inside out—explicate the relevant moral qualities as they apply to the included group and
thereby show that the qualities themselves entail their relevance towards the excluded
group. If this strategy is successful I am willing to stomach a certain degree of
‘anthropocentric distortion’ in exchange. A more accurate and articulated account that is
free of such distortion is something that can wait for a later date, when the general
consciousness of the culture has shifted towards a more inclusive framework.

Another way of reading the charge of anthropocentrism is as a challenge, not
merely of our heuristics, but to how we think about animals as a whole. It’s not merely a
question about the approach we take to learning about the moral significance of animals,
but rather the entire way we think about animals in the first place; it’s not merely the
investigative apparatus that we need to revise, it’s our entire conceptual apparatus
regarding animals. As it stands the way we tend to think about animals is as ‘diminished
humans,’ beings with only some of our qualities and capacities, and to degrees that are
substantially reduced in comparison to us. This objection is suggested by the titular
character in J.M. Coetzee’s novel Elizabeth Costello. “The question should not be: do we
have something in common—reason, self-consciousness, a soul—with other animals?
(With the corollary that, if we do not, then we are entitled to treat them as we like,
imprisoning them, killing them, dishonoring their corpses).” This way of thinking
about animals will cripple, not only our understanding of their moral significance, but

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125 This strategy is explicitly invoked by (among others) Peter Singer in his classic Animal Liberation and I
echo it here with admiration. Shakespeare also famously employs it in Shylock’s moving call for moral
recognition in The Merchant of Venice: “Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions,
senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same
diseases, heal’d by the same means, warm’d and cool’d by the same winter and summer, as a Christian is? If
you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die?” If we
replace the word ‘Jew’ with the word ‘animal’ and the word ‘Christian’ with the word ‘human’ in this
passage, the heart and soul of the current chapter is laid bare.

126 One recalls Aristotle’s contention that women were somehow ‘incomplete men.’ Such a contention no
doubt blinded Aristotle to fully appreciating, not only the moral significance of women, but also from
appreciating women in a more general sense. In much the same way, a view of animals as ‘incomplete
humans’ would inhibit both our appreciation of the moral significance of animals, as well as our
appreciation of the nature of animals in general.

also our understanding of animals in a more general sense. If we are to fully grasp and appreciate animals on all levels, we must recognize and acknowledge their existence as independent beings, possibly bearing capacities completely alien to us, and to degrees that may make us pale in comparison.

Again, I believe there is considerable weight to this objection, but also again, I feel there are reasons to set it aside. There is a very real question as to whether or not we have any alternative approach to the anthropocentric one we are taking. It is not clear, to me at least, that it is truly possible to understand the moral significance of animals, or anything else for that matter, in a way that does not make at least some reference to ourselves as humans. We are inescapably human, our values are human values, our moral perspective is that of humanity. This is not to make the metaethical claim that animals only have ethical significance by way of humans, or derivatively from humans; it is rather to make the epistemic claim that our comprehension of the moral significance of animals must be in terms that we are most intimately familiar—that is, in human terms. A similar point can be made about emotions. Animal emotions are not fundamentally less significant than human emotions; however, a human being can only understand the emotions of an animal by empathetic reference to their own emotions, to the emotions of a human. One could easily make a parallel claim about a given human being trying to understand the emotions of another human being. As we can never literally feel the emotions of another, we can only to so vicariously, by way of empathy. We presume (often automatically) that the feelings that others have are at least similar to those that we have in similar circumstances. This fact does not marginalize the emotions of the other, but simply outlines the conceptual framework by which one person comprehends the
emotions of another. Attempts to step outside of this framework may prove futile, despite the creative and earnest attempts that have been made in this direction.\textsuperscript{128}

To the extent that such attempts do not prove futile, we must ask if the increased effort will prove worth it. If indeed we can remove ourselves, at least in part, from viewing animals in human terms such a drastic shift in perspective will no doubt be complex and arduous. Again, pragmatic and strategic concerns reassert themselves and lead us to think that, for the time being at least, it may be more effective to simply retain our current milieu (flawed as it may be) in exchange for a greater accessibility by a general audience, who may be more resistant towards such a drastic and fundamental shift. As before, we have to pick our battles wisely.

The final way to interpret the charge of anthropocentrism is one that questions the nature of ethical significance that animals will receive from a system that uses humanity as the barometer. The history of human interaction with animals is rife with supposed justifications for their mistreatment, made largely in terms of what makes us significant and them insignificant. It would not be hard to construct a general theory of moral significance that smuggles our chauvinism and prejudice in the back door and thereby unduly marginalizing animals in the process. Given our rather spotted history, there is a natural skepticism that arises when I say that we need to understand animals in terms of humans.

I am most wary of this variety of the anthropocentric criticism, but ultimately I feel that it too is misplaced. At bottom, I do not think the account I will present is indeed anthropocentric in this sense. While the approach is indeed in terms of humanity, and the

\textsuperscript{128} I think again here of Elisabeth Costello, who criticizes philosophers, such as Thomas Nagel, for failing to have enough imagination to truly realize "What it is Like to be a Bat?"
general conceptual apparatus is anthropocentric, the ultimate goal is to present a general moral theory that accounts, without prejudice, for both humans and animals alike. The account will not give (if you’ll pardon the pun) the lion’s share to humans and only leave animals begging for the remaining scraps. My aim here is precisely to show that there is nothing essentially or exclusively ‘humanistic’ about virtues such as benevolence, or vices such as cruelty; one can be subject to these traits (more or less) regardless of one’s species. In this regard, the charge of anthropocentrism is not a criticism of my approach, but rather provides a test for the ultimate success of the resultant theory. If my account does end up being anthropocentric in this sense, there will be good reason to suspect that I have erred along the way.\footnote{Alternatively, if this does result from my account, we might instead conclude that there is nothing wrong with the account at all, and the conclusion that animals have only a truncated moral significance is a fair one. Likewise, if my account does conclude that animals have full moral significance, one who rejects this idea at the outset may conclude that there must be something wrong with the account that lead to this conclusion. In either case, the burden falls on the one who contends that there is a flaw in the account to show where that flaw lies, how it could be corrected (if at all) and what conclusion would then follow from the modified account. With respect to the first possibility, I need only foreshadow that I do not come to such a conclusion. With regard to the second possibility, I will do my best in the current and coming chapters to shore up arguments in favor of my position and to consider and reject criticisms thereof.} The proof will be in the pudding, as it were.

Thus, it seems to me that, while we should be cautious about our anthropocentrism, it is either (a) something that can be useful, even if it is problematic (b) something that is perhaps unavoidable, or (c) something that my theory is quite deliberately trying to overcome. With this objection dealt with, let’s turn now to the set of relevant similarities and differences between human and nonhuman animals, and see why and to what extent they have relevance for our moral character.

4.2.1) First Similarity: Pain and Pleasure—The first and most obvious relevant similarity between human and nonhuman animals is the capacity to feel pain and pleasure. I take it as philosophically, scientifically, and intuitively uncontroversial that
nonhuman animals feel pleasure and pain. It seems quite astonishing in retrospect that there is a substantial literature struggling over this point, one that ranges over hundreds of years, several different countries and a plurality of fields. I have neither the time nor the inclination to rehash the entirety this literature. I will content myself to two brief points.

Firstly, the historical figure that is most commonly associated with the denial of animal pain is doubtlessly Rene Descartes. Despite his reputation, Descartes has been notoriously misread in much of the animal ethics literature (including such notable figures as Peter Singer and Tom Regan) as saying that animals do not feel pain. According to science historian Anita Guerrini, this is a subtle, but slanderous misreading. Guerrini says that, "Descartes believed that animals did feel pain as a nervous phenomenon, but that they did not experience it cognitively." A very delicate distinction must be drawn between pain (purely physical, but nonetheless phenomenologically real) and suffering (conscious reflection and self-awareness of oneself as being in pain.) At first glance it may be hard to separate these two, especially with the traditional reading of Descartes hanging in the background, but Guerrini does an admirable job correcting this conflation, with support from considerable textual and historical evidence. Descartes certainly maintained that animals lacked consciousness, but he did not think them incapable of pain, nor did he think them the moral equivalent of rocks.

Following what they took to be Descartes' lead, vivisectionists for generations to come would deny animals the capacity to feel pain. How differently might the history

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131 Although Guerrini also denies that this practice (at least inasmuch as it was inspired by Descartes) was as widespread as many in the animal ethics tradition seem to think. Even if she is technically correct here,
of the animal sciences have unfolded if only Descartes had been more deliberate and specific with respect to his conception of animals? Perhaps not as much as some of us may wish; after all, animals were marginalized long before Descartes came along. Either way, the central point here is not a historical counter-factual, but rather to correct a misapprehension. If the most prominent thinker associated with the denial of animal pain did not, in fact, deny animal pain this makes the position seem even less attractive. Now those who deny animal pain can’t even allude to Descartes and claim they’re in good company.

The second relevant point comes from evolutionary theory. There is simply no way to reconcile what Darwin showed us to be true about our common ancestry with nonhuman animals with the notion that they do not feel pain. There are simply too many similarities in the neural structures of the central nervous systems of other animals and our own to make any such denial plausible. As Darwin himself said, “The lower animals, like man, manifestly feel pleasure and pain, happiness and misery. Happiness is never better exhibited than by young animals, such as puppies, kittens, lambs, etc. when playing together, like our own children.”¹³² (The fact that Darwin focuses primarily on pleasure, whereas Descartes focused primarily on pain is a contrast that may reflect tellingly on the moral character of each.) If the phenomena of pain had only arisen with the advent of Homo Sapiens, there would need to be some wholly distinct physiological difference that could account for this sui generis capacity. Despite a thorough (albeit incomplete) study however, it is undeniable that (1) many have taken Descartes to marginalize the moral significance of animals (and not just moral philosophers, but also animal scientists, as well) and (2) Descartes’ thought has been a profound force in the shaping of the general Western intellectual mindset. If nothing else, these two facts provide a prima facie justification for such general statements.

of the neurological basis of pain in animals, human and nonhuman alike, no such
difference has been discovered. Additional research in psychology, animal ethology, and
sociology has bolstered the now intuitively obvious conclusion; if we can feel pleasure
and pain, they can feel pleasure and pain.

Granted that the capacity to feel pleasure and pain is a similarity between human
and nonhuman animals, we now need to see why this is a morally relevant similarity.
The moral significance of pleasure and pain is undeniable; it constitutes the substance of
such a broad array of moral issues that any ethical theory that fails to make room for
pleasure and pain and take account of it will not be satisfactory. There are simply too
many of our primary concerns about ethics that occupy this terrain. And hence, as with
humans, it is because animals are sensate that many of our actions towards them have
moral significance and more specifically, are relevant to the moral assessment of our
character.

With respect to articulating the moral relevance of pleasure and pain,
utilitarianism has been tremendously accomplished and it is the power of this moral
relevance that explains the great success of utilitarianism within moral philosophy over
the last two hundred years. Even though many working in the utilitarian tradition have
branched out to more sophisticated conceptions of utility, much work in this tradition has
focused on articulating the hedonistic version of the theory. This work contains powerful
and important insights that I both appreciate and admire. In light of such a prodigious
literature, it may appear difficult for virtue theory to have anything to say on the topic.
Accordingly, any adequate theory of the virtues must do two things with respect to
pleasure and pain. First, it must carve out specific virtues and vices that relate to and
account for the moral significance of pleasure and pain. Second, it must add something to the conversation to distinguish it from utilitarianism.

To address the first point, we might revisit the schematic question I introduced in chapter (3.1): given that animals can feel pleasure and pain, what does our behavior and attitudes towards them say about our moral character? If we take a quick moment to imagine a few examples of the ways human beings treat animals, it is not hard to think of specific virtues and vices that describe such behavior. A person who electrocutes dogs because they find their pained yelps humorous is certainly callous and cruel, among other things. Conversely someone who nurtures a wounded sparrow back to health because of an empathetic connection to the wounded bird is undoubtedly kind and generous. Other specific virtues from the list I gave in chapter 3 might include benevolence, beneficence, compassion, and sensitivity, as well as vices such as malevolence, maleficence, and harshness. By their very nature, these virtues and vices can only be exhibited towards creatures capable of feeling pleasure and pain. This is no big revelation. If a being is capable of feeling pain then disregarding that pain is callous; indeed, this is practically the definition of callousness. Conversely, it makes no sense to speak of one being benevolent to a wall or malicious towards a piece of metal precisely because these things do not and cannot feel one way or the other about our behavior.

These are all points that both a utilitarian and a virtue theorist can recognize. If one were to create ‘utilitarian virtue theory,’ benevolence, compassion and the like would be the centerpiece, if not the entirety of the substance. A more robust virtue theory will distinguish itself from this kind of theory by giving important roles to other non-utilitarian virtues. I will discuss such virtues in the coming sections, but before doing so I
want to consider a unique contribution that virtue theory can make to the discussion of the moral significance of pleasure and pain. To do this, I want to consider an old problem that utilitarians have long dealt with.

Pleasure and pain come in many different varieties and to many different extents. Not all creatures are capable of feeling the same sensations to the same degrees, and thus appraising pleasure and pain will be of critical importance with regard to having and exercising these virtues and vices. Making such assessments, however, is notoriously problematic. Often times it is not possible for the individual to make wholly accurate assessments of what type of feeling they are having or how severe the feeling is. The borderline between pleasure and pain is not as stark as we sometimes think it is. Likewise, making comparisons of a particular pleasure or pain between individuals may not be entirely possible. To a certain extent it seems that the subjective experience of pleasure and pain are incommensurable with the objective metric that such comparisons require. To make matters worse, comparing different types of pleasure and pain, even within a given individual much less between individuals provides even more difficulties. And to top it off, when we try to make comparisons of pleasure and pain across species entirely new problems arise. Most nonhuman animals lack language, making specific reports unavailable to us, leaving us only with behavior and (in certain circumstances) brain activity. The physiological differences between species make phenomenological comparisons fraught with obstacles.

In light of these problems, two points are commonly made. First, we should note that we necessarily make assessments and comparisons of pain and pleasure every day. Despite our fallibility, we judge and weight, not only pleasures and pains in ourselves, but
also those of others. Often times we could not make even simple decisions if we did not, at least implicitly, compare the pleasures and pains that may result from alternate courses of action. We do not always make the right decisions, of course, but most of the time we seem to do fairly well. We are living lives that involve interactions with other beings, wherein we are constrained by limited resources. This leaves us with no choice other than to do our best. And while making assessments of how the experiences of a nonhuman animal compare to those of humans does provide more perplexity, the basic problem is still the same.

The second point to be made, is that in most everyday cases perfect precision is, thankfully, not necessary. Our common-sense understandings of pleasure and pain are reasonable guides in most cases. When a sensate being is cut open by a blade under normal conditions (i.e.—no anesthetic, no paralysis, etc.) we can clearly conclude that it feels pain; that we can’t say exactly how much pain they feel is beside the point. A pin-prick to one individual will hurt that individual less than the dismemberment of a second individual will hurt that second individual, more or less regardless of the species to which the individuals belong.133 In those cases where exact comparisons will be necessary, again we are at the mercy of our best judgment, and we can only hope that we are wise enough for the task. Many dilemmas hinge on the problems of making such assessments and comparisons.134 In such cases we have little recourse other than to make the most careful judgments available and hope that we are more perspicacious than we realize.

133 Within certain limits, of course. Obviously a being with no central nervous system (such as a tree) will not experience more pain from being dismembered than a being with a central nervous system (such as a dog) will experience from a pin-prick.
134 It is interesting to note that such dilemmas are not really moral dilemmas at all, but rather epistemic ones. It is morally uncontroversial that, all other things being equal, more pleasure is better, more pain is worse. The problem is in how we are to assess which alternative will indeed result in more pleasure and less pain.
These two points, which are frequently made by utilitarians\textsuperscript{135} have something in common which is worth focusing on. Both the ability to make reasonable estimates of another’s pleasure and pain, and the ability to make comparisons between the pains and pleasures of individuals relies on a faculty we discussed in chapters 1 and 2, namely that core Aristotelian virtue of practical wisdom. I argued there that this \textit{phronesis} is, to a large extent, an emotional faculty; one does not truly understand what it means to say ‘torturing the cat hurts the cat’ unless one feels the emotional impact of this sentence, and unless one understands why this impact gives us a reason not to torture the cat. This is why we generally agree that a word like ‘torture’ is a ‘morally loaded’ term, and that emotionally well-adjusted people will recoil at the prospect of torture. If pressed to justify our reactions, we could perhaps put a fancy rationalistic gloss on our psychology, and there may even be a large measure of truth to what we say in those circumstances. Such rationalizations, however, are almost always just that; \textit{post hoc} reconstructions of a basic emotional reaction in philosophically loaded jargon designed to make those reactions seem more respectable. These reconstructions are very important; they guide our emotions, allowing us a fuller understanding of them and helping us check them for consistency and accuracy. This is why it is not accurate to say that wisdom is a ‘purely emotional’ faculty, since this overtly rational component is both inexorable and indispensable. But we should not confuse these ratiocinations with accurate descriptions of our in-the-moment moral phenomenology. That experience is a perception, an emotional reaction that we automatically recognize, often without conscious deliberation, as a morally significant one. Most people do not need a philosophical argument to

\textsuperscript{135} See, for example, Sidgwick, Henry \textit{The Methods of Ethics}, p. 136, Macmillan and Co., London, UK (1884)
convince them that it is wrong to torture cats (and those that do need such an argument are probably not the kind of person most of us would willing choose to associate with.)

Recognizing these basic emotional and moral truths is a minimum requirement for being considered a morally wise person. One who does not (or cannot) recognize these truths is condemned with opprobrium ranging from ‘callous’ to ‘sociopathic.’

The other extreme is also worth considering. How do we know that kicking a rock down the street is not callous, malicious or vicious in any capacity, for that matter? I do not mean this as a profound epistemological question, but rather a basically practical one: why is it that when you are about to kick a rock down the street you don’t pause and wonder if what you are doing isn’t a horrible act? If we reflect on it for even a split second, we might say that the rock has no central nervous system, no nerves, no consciousness, it cannot feel pain, it is not even alive and hence it cannot possibly ‘matter’ to it (nor presumably to anyone else) whether or not I kick it. It has none of the relevant similarities I am in the process of outlining, and an array of relevant differences.

This is, of course, true. But again, this does not describe our in-the-moment phenomenology; these thoughts don’t go through our heads when we are actually kicking rocks down the street. It seems we rely on our basic emotional circuitry to warn us when we are wading into morally questionable waters. When that circuitry sends up an alarm, that is when we being our conscious moral deliberations—something feels wrong; should I be doing this? Emotions such as guilt, shame, fear, regret, remorse, as well as a host of empathetic reactions are all key elements to this circuitry. These emotions are the foundation of that indispensable piece of moral psychology we call conscience. Rocks, however, simply don’t trip the alarm, on any of these measures and so our conscience is

136 Setting aside issues of effigy and the like, which we discussed in chapter 2
never brought to bear on them. Moreover, we would likely have critical thoughts for someone who did think that ‘rocks are people, too’, that they deserve our moral consideration, that we should not kick them down the street, etc. Someone who held such views would either have a gross misunderstanding of the nature of rocks, or a profoundly miscalibrated moral compass, or both. Either way, we would certainly not consider such a person ‘wise’ in any sense of the term.

Only somewhat less extreme (but considerably less hypothetical) is the ‘ethic of reverence for life,’ advocated by Nobel Peace Prize laureate Albert Schweitzer. According to this ethic, anything that lives is worthy of moral consideration. In Schweitzer’s words, “ethics thus consists in this, that I experience the necessity of practicing the same reverence for life toward all will-to-live, as toward my own. Therein I have already the needed fundamental principle of morality. It is good to maintain and cherish life; it is evil to destroy and to check life.”137 It is hard to reconcile the profound implications of such a view with our common-sense everyday morality (it implies, for example, that we “break off no flower” and that should we “pass by an insect which has fallen in a pool, [we ought to] spare the time to reach it a leaf or stalk on which it may clamber and save itself.”138) At the same time, however, it is also hard to read about the life and works of Albert Schweitzer and not consider him to be very wise indeed. I will return to this ethic in chapter (3.3.3) and consider there whether wisdom dictates such a radical shift in our ethics.

As J.S. Mill famously said, “There is no difficulty in proving any ethical standard

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138 Ibid. p.33
whatever to work ill, if we suppose universal idiocy to be conjoined with it." The implied converse of this statement is that wisdom is necessary for any moral theory to succeed. But the utilitarian framework, for all its merits, has not found room within the theory itself for the role of such wisdom. This has not stopped them from appealing to wisdom in various forms, of course, in various forms (from rational expected utility calculations to corrected preference utilitarianism.)

Of course, no moral theory can be expected to internalize all operationally relevant considerations; it would not be fair to criticize virtue theory for failing to have an internalized theory of logic, one that explains how logic works in terms of virtue theory. Hence this lack of an integrated theory of wisdom is certainly not a fatal flaw on the part of utilitarianism (I’ll save those for chapter 5). However, the contrast this creates with virtue theory, which places wisdom in the very center of its conceptual apparatus, is noteworthy. It is a unique (possibly even essential) contribution that virtue theory can add to the discussion of the moral relevance of pleasure and pain is an integrated account of the role practical wisdom in moral psychology.

4.2.2) Second Similarity: Beliefs and Desires—A virtue theoretic account of animals can also be distinguished from that of utilitarianism by looking at the next set of virtues and vices, those that arise because of the psychological properties of those we interact with. I will constrain myself here to considering only beliefs and desires in the

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140 The virtue of wisdom, in the context of a eudemonistic account of the good life, can help utilitarianism on these points, too. How do we compare long-term to short-term consequences? Do we apply a discounting scheme over long periods of time, or is utility completely time-neutral? Does the pleasure/preference of the sadistic killer off-set the overall disutility of his actions? How do we make sense of adaptive preferences, such as the infamous 'sour-grapes' scenario in the fable of Aesop? All of these questions can be fruitfully addressed by employing the virtue of wisdom. We will revisit some of these issues later (i.e.—we will see the problem of ‘sadistic utility’ in chapter 6.5), but unfortunately, we do not have time for such discussions here.
most generic sense. Non-hedonistic utilitarians, in particular preference utilitarians, could say much about the role of desires, but I wish to put aside comparisons with utilitarianism for now, and pick them up again in the next chapter.

A few preliminary remarks need to be made in justification of the alleged similarity. Do nonhuman animals, in fact, have beliefs and desires? The suggestion that they do not may seem, to some, as ridiculous as the suggestion that they do not feel pleasure and pain. Yet a small, yet noteworthy set of contemporary thinkers have maintained just this. Most prominent among them is probably R.G. Frey. Animals lack beliefs and desires, according to Frey, because they lack language. "If someone were to say, e.g., 'The cat believes that the door is locked,' then that person is holding, as I see it, That the cat holds the declarative sentence 'The door is locked' to be true; and I can see no reason whatever for crediting the cat or any other creature which lacks language, including human infants, with entertaining declarative sentences."¹⁴¹

This position depends heavily on particular suppositions about the nature of language, cognition and psychology, and Frey makes a serious, but wholly unsatisfactory attempt to articulating and defending these ideas. For example, Frey recognizes that in order for his argument to work it must be the case that the content of belief in the mind of the believer must be a declarative sentence. He gives us three reasons to support this idea.

First, I do not see how a creature could have the concept of belief without being able to distinguish between true and false beliefs... Second, if in order to have the concept of belief a creature must be possessed of the difference between true and false beliefs, then in order for a creature to be able to distinguish true from false beliefs that creature must—simply must, as I see it—have some awareness of, to put the matter in general terms,

how language connects with, links up with the world... Third, I do not see how a creature could have an awareness or grasp of how language connects with, links up with the world, to leave the matter at its most general, unless that creature was itself possessed of language.\textsuperscript{142}

One minor problem with Frey’s position that should be pointed out immediately is the way he has phrased his position. The issue at question is not whether animals have “the concept of belief,” (as Frey says in two of the three reasons quoted above) but rather beliefs. Certainly these are two distinct, albeit related things. One can have a belief without having a concept of beliefs. Perhaps this was an honest mistake on Frey’s part and nothing of substance hangs in the balance. The principle of charity suggests we amend Frey’s claim to “I do not see how a creature could have beliefs without being able to distinguish between true and false beliefs.”

That minor point aside, Frey’s arguments have been thoroughly criticized in the animal ethics literature. For example, Bernard Rollin points out that Frey’s position makes it seem impossible for a nonlinguistic being to learn language.\textsuperscript{143} But this happens all the time, not just with human children, but also with various animals, such as Koko the gorilla, who has a working sign-language vocabulary of over 1000 signs, and who can understand approximately 2,000 words of spoken English.\textsuperscript{144}

It also makes it very difficult to understand how language could have developed in the first place; how could homo sapiens have developed language if we did not have preexisting beliefs and desires for our protolanguage to map on to? Any theory of language that cannot account for language development (both individuals and species)

\textsuperscript{142} Ibid., p. 41-42.
\textsuperscript{144} See \texttt{http://www.koko.org/}, Koko’s official website for more on her.
cannot be acceptable. (Rollin goes even further to provide a plausible way of understanding how animals could have thoughts without language, but I do not wish to rehash his argument here.)

There are other serious problems with Frey’s arguments. His first argument, for example, says that to have beliefs a being must be able to distinguish between true and false beliefs. This is because there has to be some way of adapting ones’ beliefs and desires as circumstances change (i.e.—you can’t desire to attain something if you believe you have already attained it, ergo once you believe you’ve attain that thing, you need to adapt your desires accordingly; if you can’t distinguish whether or not the relevant belief is true or false you can’t adopt your desires.) But Frey gives us no reason to think that language is the only way to achieve this adaptability. In fact, we have very good evidence that language is not the only way to achieve such adaptability, namely the behavior of nonlinguistic animals, themselves. It is undeniable that animals adapt their behavior to changing circumstances (think of Pavlov’s dogs, for example) and it is reasonable to ask for a psychological explanation for this fact. The common-sense account is fairly potent; as circumstances change, their beliefs and desires change, which in turn explains the adaptations in their behavior. Common-sense explanations\(^\text{145}\) of several other facts about animal behavior also appeal to beliefs and desires, including

\(^{145}\) Using the ‘folk-psychology’ language of beliefs and desires cannot help but bring to mind the eliminative materialism of Paul and Patricia Churchland (see, for example, Churchland, Paul, “Eliminative Materialism and the Propositional Attitudes”, \textit{Journal of Philosophy} 78: 67-90 (1981), and Churchland, Patricia, \textit{Neurophilosophy: Toward a Unified Science of the Mind/Brain}. Cambridge, MA: MIT Press (1986).) The Churchlands have proposed an alternative to belief/desire psychology, but whether or not it is plausible is not a topic I can entertain here. For our purposes, the salient point is this: if the Churchlands are correct then no animals, human or otherwise have beliefs or desires, and our entire conception of animals, as well as ourselves, needs to be revised. Regardless of whether or not the Churchlands are correct, this will not amount to a relevant difference between human and nonhuman animals.
animal communication, tool use, and problem solving.\footnote{146 For a detailed account of these behaviors and why they imply beliefs and desires in animals, see Griffin, Donald R. "Ethology and Animal Minds" in Animal Rights and Human Obligations, Singer, Peter and Regan, Tom, (eds.) p. 51-59, Prentice Hall, Englewood Cliffs, NJ, (1989).}

If Frey wishes to deny beliefs and desires to animals he has to supply an alternative account of the psychological operations undergirding these behaviors. To my knowledge, neither Frey, nor anyone else has even suggested a plausible explanation of these facts that excise beliefs and desires. The behaviorist program of B.F. Skinner in the 1930's through the 1950's attempted this (for all animals, human and nonhuman) and anyone with even a passing familiarity with that program knows that it ended in spectacular failure.

Another profound reason to reject Frey’s hypothesis can be gleaned from an analysis of our own everyday experiences. While we certainly often think in linguistic terms, that is far from exhaustive of our experience of beliefs and desires. Sometimes we ‘feel’ desires in ways that defy, at least for the moment, linguistic expression. On occasion we struggle to find the words that express our most profound and deeply held beliefs. Often times we do not even need language to communicate, relying on any number of forms of ‘nonverbal’ communication, including anything from body language and facial expressions to gestures and actions. Understanding and expressing such nonverbal communication is a big part of ‘emotional intelligence’\footnote{147 See, Goleman, Daniel, Emotional intelligence: Why It Can Matter More Than IQ, Bantam Books, New York, NY, (1997).} bringing us back, once again to the primary theme of emotions.

One might retort that even on these occasions when words fail us, the content of what we believe/communicate is still some declarative sentence, and what we desire is still some state of affairs which can be described with language. But to make such a
retort would be to miss the point; to say that language can describe these things is
irrelevant if language does not, by necessity, play the relevant role in our psychology,
which is the crux of Frey’s case.\textsuperscript{148} Hence, I think it is safe to say that Frey’s argument
that animals do not have beliefs and desires can be rejected. While there are other
arguments in the philosophical literature to this same effect, we do not have time to
traverse them all. Accordingly, we must let Frey represent that position, and hope that I
have not chosen a straw-man.

Simply because we have established that the capacity for beliefs and desires is a
similarity between human and nonhuman animals does not yet mean we have established
that this is a morally relevant similarity. While the relevance is not especially difficult to
explain, it is not quite as obvious as the relevance of pleasure and pain. Hence, it is a
good idea to again revisit the schematic question: Given that animals have beliefs and
desires, what does our behavior and attitudes towards them say about our moral
character?

We exhibit certain virtues and vices towards others in light of the fact that we can
lead them to believe things and because we can satisfy or frustrate their desires. The
virtues of honesty, generosity, sincerity, thoughtfulness, tolerance, and patience, as well
as their corollary vices of dishonesty, stinginess, insincerity, thoughtlessness, intolerance
and impatience are all exhibited towards beings as reactions to their mental states. While
we cannot converse with animals as we can with people, we can still lead them to believe
things, true or false, and doing so can be virtuous or vicious. Likewise, our facilitating

\textsuperscript{148} To clarify this point: language needs to play this role, not as an abstraction, but in our actual psychology,
because it is in our minds that we “distinguish true from false beliefs,” which is the core of the first part of
Frey’s argument. And language must perform this role by necessity, because if there is a nonlinguistic way
of performing these psychological operations than language cannot be necessary for beliefs and desires.
the satisfaction of the desires of an animal is, all other things being equal, virtuous and the frustrating of such desires is, all other things being equal, vicious.

Those *ceteris paribus* clauses are almost never satisfied, however. Such abstractions, while a helpful starting point, are ultimately inadequate because they say nothing of the psychology of the agent. The motives, intentions and emotions of the person doing the satisfying or frustrating have to be brought to bear before we can say anything about their character. As an illustration, consider again Pavlov's dogs.\(^{149}\) This is a clear example of leading a nonhuman animal to expect and anticipate something (in this case, a tasty treat) through conditioning. When the bell rings, the dog *believes* that a treat is imminent; it is because the dog *desires* the treat that it beings to salivate when that belief appears to be false. This is, strictly speaking, deceptive and manipulative on the part of the experimenter. Were we strict Kantians with respect to animals, we might see this as morally impermissible. But it seems clear to me that this is, at worst a very minor concern. To call someone a deceptive, manipulative person based on one such, or even repeated instances of this experiment stretches the potency of these words. But it is not hard to see how if we tweak the experiment just a little vice can come to the surface. If a person taunts and teases a dog, not for the sake of learning about or demonstrating their psychology, but instead for the purposes of relishing in the dog's confusion and frustration, or to wield power over a dependant creature, the descriptions 'deceptive' and 'manipulative' suddenly seem more appropriate. These subtle nuances, wherein the psychology of the person in question makes substantial differences in our moral

\(^{149}\) What I have in mind here is not the literal experiments that Ivan Pavlov performed, which are not only highly technical, but also morally problematic on several levels, as a result of those technicalities. Rather, as should be obvious by my presentation of the case, I am thinking of the simplified, idealized experiment here, as it has been captured in the popular imagination.
assessment is familiar territory for virtue ethics.

Before moving on the next similarity, I want to quickly address an entanglement problem with regard to desire and pleasure and pain. It might seem to be hard to fully tease apart desires from pleasure and pain, as the two are very closely linked in our psychology. Certainly it is the case that both human and nonhuman animals, in general desire pleasure/freedom from pain, and that the satisfaction of our desires brings us pleasure, while their frustration brings us pain. Thus, it may seem like desires collapse back into the realm of pleasure and pain; the moral significance of desires is reduced to the pleasure and pain they cause us. Hence, this is not a distinct morally relevant similarity between human and nonhuman animals, but rather the same one we saw in the previous section repackaged.

One thing that should be freely conceded here is that this points to the fact that, in real life, virtues and vices rarely come one-at-a-time, but are instead intertwined with other virtues and vices. The same act may be both compassionate, due to its response to a being’s capacity to feel pleasure and pain, and generous, due to its response to that being’s capacity to desire. Another act may be both callous due to its disregard of another’s suffering and thoughtless due to its neglect of their desires. Sometimes the same act may be vicious in one of these regards but virtuous in another. I may tell the truth when I say to another person that I don’t care how they feel, thus simultaneously exhibiting the virtue of honesty and the vice of callousness (we might call this ‘brutal honesty.’) This sort of entanglement just seems to be a result of the complexity of our moral and psychological worlds. It is certainly no strike against virtue theory that it owns up the this complexity and tries to make sense of it in its own multifarious terms, rather
than trying to force our experience into a more simplistic, but ultimately mistaken framework.

Ultimately, it is this complexity that makes the attempt to reduce desire to pleasure and pain. While it is true that satisfied desires (usually) brings us pleasure and frustrated ones (usually) bring us pain, the hedons they cause are not the only reason we care about them. We care about the world being a certain way, irrespective of how that makes us feel. This point is memorably illustrated by Robert Nozick’s “experience machine” thought experiment in his classic *Anarchy, State and Utopia*. Preference utilitarians, such as R.M. Hare, saw this, which is why they branched off from hedonistic utilitarians. To conflate desire and pleasure is to make a gross distortion of our psychology, and hence, of ethics itself.

4.2.3) Third Similarity: Emotions—One might wonder why the emotions are designated here as a separate category. It may seem like desires are emotions, and many, if not all, emotions are desires. Think back to William James’ example of the bear from chapter 1, for example: to say I fear the bear to say nothing more than that I desire to get far away from the bear. In his *Ethics*, Spinoza defines several emotions in terms of desires. For example, Spinoza defined regret as “the desire or appetite to possess something, kept alive by the remembrance of the said thing, and at the same time constrained by the remembrance of other things which exclude the existence of it.”

Cruelty for Spinoza “is the desire, whereby a man is impelled to injure one whom we love or pity.” Can’t we parsimoniously articulate desires to account for anything we

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152 Ibid, p.185
may wish emotions to do?

The attempt to reduce emotions to desires is similar to the attempt to reduce

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desires to pleasure and pain, and it fails for the same reason, namely that it does not do

Justice to our personal, firsthand experience. Certainly there is a close relationship

between desire and emotion, but the later cannot reduce to the former. Some quick

phenomenological reflection on our emotions will illuminate this. For one, there are

some emotions that simply don’t seem to reduce so easily. What desires could we use to

define ennui, despair, or elation? None of these seem to easily or gracefully reduce to a

desire. Secondly, some emotions are more nuanced than desires. Consider James’

example of the bear again. If my fear of the bear just is a desire to get away from the

bear, then how is fear distinct from, say, contempt, which may also manifest itself as a

desire to get away from its object. One might think that the strength of the desire would

make the difference—my fear of a bear is a very strong desire to get away from it, while

my contempt for a hypocritical colleague is only a mild desire to get away from her. But

this cannot due for two reasons. First off it implies that the difference between fear and

contempt is merely a matter of degree, whereas anyone who has felt both can tell you this

is not the case. Second, there is such a thing as a mild fear and a powerful contempt; if

the levels are adjusted appropriately, this view would imply that these are the exact same

thing.

Another example of this lack of nuance can be see when we try to distinguish joy

from schadenfreude in terms of desires. By their nature, both involve pleasure at a given

state of affairs, so we might say that they involve a desire for that state of affairs to

continue, but this would not distinguish one from the other. What makes schadenfreude
distinctive from regular joy is not the phenomenology, per se, so much as the nature of
the state of affairs that engenders it, the intentional object of the emotion. While there
might be a tinge of guilt accompanied with schadenfreude, it is not an essential element;
that guilt comes later, not as an aspect of the original emotion, but at a recognition of it.
This means we might experience schadenfreude and not even be aware of it, mistaking it
for regular joy; that which I desire with respect to joy might not be distinguishable from
what I desire with respect to schadenfreude. Hence, any attempt to reduce emotions to
desires will not be able to make the distinction between these two emotions. Similar
problems arise, on occasion, with regard to other emotions. How many tragic stories are
propelled by the protagonists’ inability to distinguish between love and infatuation?

A third reason why a reductionist belief/desire psychology cannot account for the
emotions is offered by Robert M. Gordon, who proposes a penetrating thought
experiment:

Jones, the department chairperson, is having an affair with Smith, one of the new
assistant professors. Jones is an unmarried woman; Smith is a married man. She
gives him her book manuscript for comment. Smith takes it home and leaves it on
his desk. The two drive to a conference in another city. Smith’s wife burns the
book manuscript, one page at a time. Why did she do that? What desire might
figure in the explanation of her behavior?

Gordon considers several earnest attempts to answer this question but, suffice to
say, none of them are adequate. In particular, it is the fact that Smith’s wife burns the
pages one at a time that makes the case so difficult. No desire, such as, say for revenge,

\[153\] I am here glossing over a rather serious issue in the philosophy of emotions, namely exactly what
distinguishes one emotion from another. Few thinkers seem to maintain that the phenomenology of an
emotion is what distinguishes it from another because (among other reasons) this would make it really hard
to account for errors in our assessment of our own emotions. What is not agreed upon is exactly what the
right account of differentiation is. Here I am following the lead of Robert Gordon, who argues that the
intentional object of the emotions is for the most part what distinguishes them. While I am not sure if I
agree with this theory across the board, it works well in the current context.

(1987)
or to hurt Jones, can account for that aspect of the story. And yet, that aspect of the story makes perfect sense in the context of an emotionally distraught spouse. Gordon’s conclusion, with which I concur, is that the structure of emotions are simply too complex to reduce to mere desire.

The distinction between emotions and desires might now be turned against me, to form an objection from the complete opposite end of the spectrum. Perhaps we can accept that animals have beliefs and desires, which are relatively simple on the whole, but by my own admission, emotions are much more complex and sophisticated. Is it not plausible to suggest that, at least many, if not most nonhuman animals lack emotions? There seems to have been a rough consensus among a large percentage of animal behaviorists throughout much of the 20th century that holds precisely this: to speak of animal emotions is, at best, scientifically irrelevant, and at worst, utterly incoherent. The Oxford Companion to Animal Behavior puts the point rather bluntly: “One is well advised to study the behaviour, rather than attempting to get at any underlying emotion.”

I will return to this objection in chapter 6, when I consider animal emotions in the context of scientific experiments on animals. But a few preliminary points can be made here to ameliorate the concern. First off, it is worth noting that this scientific orthodoxy that denies emotions to animals is in direct contradiction with the stated opinions of Charles Darwin. This is not to imply that Darwin couldn’t have been mistaken, of course, but if he was wrong then it would have to rank as one of the largest mistakes in his career. So convinced was he of the obvious reality of animal emotions that he wrote


Darwin maintained, in that book, as well as elsewhere, that the continuity between human and nonhuman animals implied a shared sphere of emotional experience, and that any differences in this regard were matters of degree, not matters of kind. In *The Descent of Man,* Darwin draws the following conclusions.

> It has, I think, been shewn [sic] that man and the higher animals, especially the Primates, have some few instincts in common. All have the same senses, intuitions, and sensations—similar passions, affections, and emotions, even the more complex ones, such as jealousy, suspicion, emulation, gratitude and magnanimity; they practice deceit and are revengeful; they are sometimes susceptible to ridicule, and even have a sense of humor; they feel wonder and curiosity; they possess the same faculties of imitation, attention deliberation, choice, memory, imagination, the association of ideas, and reason.\(^{156}\)

This is no mere assertion, no mere article of faith on Darwin’s part; he clearly thinks this is a sound scientific conclusion. And again, while Darwin is certainly far from infallible, it is hard to see how such an esteemed and experienced scientific mind such as his could commit such an egregious example of the ‘anthropomorphic fallacy.’ Unless of course such descriptions are in fact neither anthropomorphic, nor fallacious.

Darwin’s theory of evolution itself also gives us good reason to think nonhuman animals have emotions. Just as we saw in 3.2.1, complicated biological functions do not generally appear in one species without precursors in ancestral species. When major changes in function do occur, it is accompanied by a substantial physiological change. No such morphological punctuation has been identified that would suggest that consciousness, pain, or emotions are a novel development with homo sapiens. In fact, quite the opposite is true; the limbic system, one part of the human brain that is closely

associated with emotions is phylogenetically one of the oldest parts of the brain, so much so that it has earned the nickname ‘the reptile brain.’

One major challenge to the scientific validity of the denial of animal emotions was provided by D.O. Hebb in 1946. Hebb showed that zoo attendants simply could not do their job if they were barred from using emotional locutions about animals. In Hebb’s experiment, zoo attendants were instructed to keep detailed records of the behavior of several chimpanzees, with the intention of making a manual that new staffers could use to better deal with the animals. After a time, the staff was instructed to remove all ‘anthropomorphic’ language, in particular talk of emotions and intentions. After two years, Hebb concluded that the records that were taken after this purge were far less helpful than the ones taken before it. With the ‘non-anthropomorphic’ records, there was no way to tell which apes could be approached and in what manner without reference to emotions. “All that resulted was an almost endless series of specific acts in which no order or meaning could be found.”

By contrast, in the ‘anthropomorphic’ records, easy and direct conclusions could be reached. “By the use of... concepts of emotion and attitude one could quickly and easily describe the peculiarities of the individual animals, and with this information a newcomer to the staff could handle the animals as he could not safely otherwise.”

Certainly two measures of the value of a scientific theory is practical use its predictions can be put to and its overall ability to render the world intelligible. By these measures, the denial of animal emotions is an unambiguous failure, while the common sense suggestion that animals have emotions is a resounding success.

Despite the prevailing orthodoxy, the conclusion that animals have emotions been
reaffirmed in many different scientific venues over the last several decades. For example, Dr. Jaak Panskeep, distinguished professor of psychobiology at Bowling Green University pulls no punches: "There is overwhelming evidence that other mammals have many of the same basic emotional circuits that we do... Indeed, the evidence is now inescapable: At the basic emotional level, all mammals are remarkably similar." While Hebb’s experiment was limited in scope to chimpanzees, and Panskeep’s conclusions are circumscribed to mammals, there are many scientists who have made noteworthy speculations about birds, reptiles and amphibians.\(^{159}\)

So given that animals have not just beliefs and desires, but also a discrete psychological category of emotions, what is the distinctive moral significance of animal emotion? Yet again, we return to the schematic question: given that animals have emotions, what does our behavior and attitudes towards them say about our moral character? I will address this question in more detail in chapters 5 and 6, but a few preliminary remarks can be made here.

As we saw in chapter 1, emotions are inherently normative. Any general theory regarding what it means for a being to live well must take the heterogeneous array of emotions into account. We also saw that a key component in living well for human beings is the faculty of empathy. In brief, this means that for us to live a well-adjusted life, one that is emotionally appropriate for a person, we must empathize with the emotions of the beings around us. To fail to empathize with these beings is exhibit the

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vice of callousness. Ergo recognizing (both cognitively and emotionally) the emotions of
other beings (both human and nonhuman) is a key part of living well for a human being.
This recognition will direct our actions in many ways. If we have even the slightest bit of
empathy we cannot, for instance, separate a mother cow from her calf without
recognizing the anguish this causes them both. It should cause us anguish, too; we
should feel their torment by proxy, and this feeling, far more than any purely rational
argument, should compel us to condemn their treatment. Conversely, we should feel awe
and reverence, for example, when we observe an animal giving birth; the beauty, mystery
and power of birth, that common underlying experience that all mammals share (and
through which we all enter this world) should resonate with all of us. If we are incapable
of having these emotional reactions in these circumstances we betray an emotional and
moral blind-spot, an insensitivity, which not only forebodes an emotionally deficient life,
but is itself, part-in-parcel of the deficiency.

4.2.4) Fourth Similarity: Social Relations—Aristotle famously said that humans
are, by nature, social animals, and that we cannot live a truly fulfilled existence except in
social interdependence with our fellow human beings. He clearly thought that this
aspect of our nature was one of the elements that elevated us above the rest of the animal
kingdom: “Anyone who either cannot lead the common life or is so self-sufficient as not
to need to, and therefore not partake of society, is either a beast or a god.” At the same
time, Aristotle was far too observant a naturalist to fail to notice that many nonhuman
species are also social creatures: “Social creatures are such as have some one common
object in view; and this property is not common to all creatures that are gregarious. Such

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161 Aristotle, *Nicomachean Ethics*, Book IX, Chapter IX. See also, *Politics*, Book I Chapter II.
162 Aristotle, *The History of Animals*, Book I, Chapter I
social creatures are man, the bee, the wasp, the ant, and the crane.” Given that humans are but one of many social creatures it makes sense to ask about social interactions between human and nonhuman animals and the possible ethical significance of such interactions.

Aristotle himself would probably not be too receptive to this question. Despite the similarity between man and these other animals, Aristotle viewed humans as political in a more profound sense; “That man is much more a political animal than any kind of bee or any herd animal is clear.” He continues in the same section to assert that this is because “man alone among the animals has speech....[s]peech serves to reveal the advantageous and the harmful and hence also the just and unjust. For it is peculiar to man as compared to the other animals that he alone has a perception of good and bad and just and unjust and other things of this sort; and partnership in these things is what makes a household and a city.” We have already addressed the relevance of language in (4.2.2) and will come up again in (4.3), and I would also contest his claim that nonhuman animals lack ‘a perception of good and bad,’ but neither of these points seem to be the core point to be made here.

The core point is the political one, about which Aristotle is certainly correct; humans are ‘more political’ than bees or any other animal, for that matter. Yet he does not here explicitly say that this difference is a morally relevant one in the fashion I am considering here (nor would I expect him to, as that consideration was not his concern in the Politics.) Despite his original intention, however, it is not that hard to use Aristotle as a point of departure to challenge the moral relevance of social relations on the part of

163 Ibid.
164 Aristotle, Politics, 1253a8. (Carnes Lord, trans.)
animals. ‘Sure, they might have social relationships,’ the objection would go, ‘but they don’t have the right kind of social relationships.’ While it is doubtful that the political relationship is the necessary kind of social relationship here (we already saw the inadequacies of the contractualist view in (3.1.3)), there is nonetheless such a gulf between humans and most nonhuman animals in terms of their social relations that this objection needs to be taken seriously.

Perhaps the best way to couch this objection is by revisiting charge of anthropomorphism. Social interactions are predicated on things like a shared common language, culture and norms, none of which humans can share with animals on the whole. Certainly some animals, such as Aristotle’s bees, have their own private social spheres, but they are no more a part of our social world than we are part of theirs. Sure, animals often find themselves within our social sphere, but they are merely part of the background, not active participants in our social lives. Animals, some may suggest, are simply incapable of interacting socially with human beings in any deep or meaningful sense.

There is a glimmer of truth behind this suggestion, but no one can wholeheartedly endorse it without being deliberately obtuse. Clearly we cannot interact with nonhuman animals with the full range and depth that we do with (most) humans. Moreover, there are certainly many animals with which we can have no meaningful social relationships at all, and the vast majority of animals in the world never in fact come into our social sphere. For these animals any considerations that arise from the similarity of social relations will not apply; this should not worry us, however, since social relations is not supposed to be a necessary condition for moral significance. The
other categories of relevant similarity (may) still apply.

These exceptions notwithstanding, it is hard to deny that we relate to many non-human animals in a social capacity. Once we’ve established that animals can have beliefs, desires and emotions and that our interactions with animals connect us on these levels, it is not much of a stretch to see them as beings we socialize with as well. We interact socially with our companion animals,165 farm animals, animals in zoos, animals in public parks, sometimes even as coworkers in a professional capacity.166 They are objects of our affection, we rely on them, we struggle with them, we make promises and commitments to them, we even share moments of profound beauty and significance with them.167 Even within the basic, rudimentary relationships and interactions that we have with them we can exhibit these virtues and vices.

It is natural to wonder at this point what precisely constitutes a ‘social relationship’ (as I’m using the phrase here), how these relationships arise and what are their specific natures. I do not pretend to have a general theory of social relations here, but I do feel a few conditions can be laid down. Clearly some form of interaction is required, either directly or indirectly, for a relationship to arise. Some examples of such interaction might be the sharing of a living space, the provision of food, shelter or care, as

165 While common parlance refers to them as ‘pets’ (along with its corollary term ‘owner’) that term has been criticized as carrying an objectifying and marginalizing connotation. Accordingly, I employ the term ‘companion animals’ here, which is taken to imply a greater degree of respect and at least a modicum of moral and social equality. While I will use the term ‘pet’ elsewhere for the purposes of ease, I do so with reservations, and I wish to at least draw attention to this alternative term here.
166 One example of this might be police officers who work with dogs and horses. It is worth noting that in news stories about mounted officers and K-9 units, the animals are often praised by police for their courage.
167 Consider again the experience of witnessing an animal giving birth. Moreover, it is not merely humans who recognize the profundity of birth. Dolphins have been known to sense when a woman is about to give birth and gather round. When a baby is born in water with dolphins, they have been known to muzzle the baby to the surface to help it breath. While as of this writing there does not seem to have been any academic or scientific studies of this behavior, numerous website are marketing ‘dolphin assisted birth’ to pregnant women in various locales the world over.
well as the agreement to do so. Other interactions might be verbal exchanges, physical contact or even eye contact. These interactions may provide a venue for the virtues of friendliness and trustworthiness.\textsuperscript{168}

Social relationships arise from established norms and standards of interaction with other psychological beings. Such norms and standards of interaction need not be formal, specific or even obvious to those who share in them. Two ‘strangers’ who share no previous culture (be they humans from different cultures or animals from different species) may find themselves entering into such a relationship spontaneously upon meeting each other for the first time. Humans, like many non-human animals, are social beings, and they naturally relate to others in a social capacity.

One might also ask what distinguishes this set of ‘social virtues’ from the previous sets of ‘emotional virtues.’ Just as the emotions being closely related to the beliefs and desires, may have tempted some to conflate them, so to might the close relationship between emotions and social relations tempt some to reduce the later to the prior. This temptation is understandable, as the two are deeply intertwined with one another. Social relations obviously supervene on psychological properties; one cannot relate socially with an inanimate object—social interaction is a ‘two-way street.’ This interconnection aside, there are some points of distinction between the two that make reducing social relations to emotions unwise.

For example, there are several virtues that, while having emotional components, cannot be fully accounted for in emotional terms alone, and only make sense when understood in a distinctively social light. Virtues such as cooperativeness, dependability,

\textsuperscript{168} One might recall Christine Korsgaard’s argument for how obligations towards animals can arise in \textit{Sources of Normativity} as another way of understanding such relationships; certainly an obligation is a relationship, not only a moral one, but a social one as well.
devotion, friendliness, loyalty, and trustworthiness as well as vices such as unreliability, disloyalty, and cantankerousness can arise from our social relationships. These virtues and vices can, in principle at least, apply to both human and non-human animals. Friendship, for example, has a profound emotional aspect, but it is also a social institution. What we expect out of our friends, what they mean to us, and how we related to them are all elements that are conditioned by social custom and can vary from one culture to another.\(^{169}\)

With the topic of friendship in mind, it makes sense to return for the final time to our schematic question: given that we have social relationships with animals, what does our behavior and attitudes towards them say about our moral character? The most obvious forum to consider this question is in terms of friendship, perhaps the best exemplifications of the social relationships I have in mind. While we might befriend animals in a variety of contexts, the most common one (and therefore the one I wish to focus on) is with respect to our companion animals. Our behavior and attitudes towards these animals are, in many ways, similarly to how we behave towards our family members and friends; indeed, we often refer to our companion animals as 'one of the family.' Perhaps this is just a figure of speech that we should not take literally, but when we see the profound connections and commitments that people have with their companion animals, this seems unlikely. Family relationships and structures are, of course, notoriously complex, and it is beyond the scope of this investigation to make general conclusions about how virtues and vices arise in this context. Yet it is undeniable

\(^{169}\) I noted in chapter 2.3.2 that many emotions are, themselves, social constructions that vary in their expression, intensity and phenomenology from one culture to another. This further illustrates the deep interconnection between the emotional and the social similarities between humans and animals, and warns us against hard and fast distinctions between these two spheres.
that our attitudes and behavior towards the members of our family (both human and nonhuman) says an awful lot about who we are as people.

Earlier in the chapter we saw Darwin's quote, in which he reflected on the happiness exhibited by young animals when they play together, "like our children." In (5.4) I will say more about the role of animals in the moral education of children, but a few quick words about play and friendship are appropriate here. Anyone who has ever spent the afternoon in a park with a dog knows the simple joy of playing with an animal. Yet despite its simplicity (and perhaps even its banality), play can be deeply revealing of our character. The capacity to sincerely\(^\text{170}\) play with an animal can illustrate a great deal about the emotional and social capacities of a person. This is the reason why single people often take their dogs to dog parks, to demonstrate their animal-loving nature to potential mates. While Kant was thinking primarily about cruelty, his famous statement applies equally well with respect to kindness and friendship: "We can judge the heart of a man by his treatment of animals."\(^{171}\)

The fact that we can make such a judgment about people in lieu of their treatment of animals implies something about the social capacities of animals themselves. The social nature of animals that we befriend in this fashion is so profound that it cannot help but bear on our virtue. The richness, the fulfillment that a companion animal can bring into our lives is among the most palpable kinds of flourishing we are likely to experience. The strong bond that is unique between a person and their companion animal can elevates them both and brings into their lives connections and commitments unlike any other

\(^{170}\) By 'sincerely' here, I mean to speak of more than just going through the motions (going for a walk, throwing a ball, etc.) but actually enjoying oneself, and experiencing it in their own mind as play.

relationship. If this is not 'the right kind of social relationship' to have a bearing on our virtue then I challenge anyone to characterize a relationship that is.

Friendship and play are only the most obvious ingredients in this social recipe. In lieu of the relationships we have with our companion animals a wide array of attitudes and behaviors can be reasonably expected from us. If Jane neglected her cat, for example, by failing to feed it, clean up after it and provide it with proper medical care, what would we say about her? Certainly Jane is callous and thoughtless, and these may be the more grievous vices, all things considered, but she is no doubt also untrustworthy and unreliable (at least in certain respects) as well. Sadly this is not an illustrative fiction; it seems that every other week or so we see news stories about people who neglect, abuse or otherwise mistreat animals in their charge. The conclusions that the public draws about the person in question (ranging from 'sadist' to the more colloquial 'sick bastard!') avail themselves nicely of a virtue-ethic perspective. A virtuous person would have a relationship with their companion animals that could honestly be described as 'loyal,' 'devoted,' and 'thoughtful,' among others.

Moreover, it seems that we can quite reasonably expect our companion animals to behave towards us in a mutual fashion. The fact that dogs are characteristically so faithful to their human companions is one of the reasons they are the archetypal domesticated animals; even the name 'Fido' is derived from the word 'fidelity.' If these animals do not reciprocate in these social relationships then behavior that would otherwise be reprehensible becomes understandable. If Jane decided, out of sheer caprice, to abandon a trusting and loving dog whom had been with her for years, this would be disloyal and reckless. But if Jane had adopted a cat that simply refused to be
assimilated into Jane’s home (i.e.—refusing to use the litter-box, destroying furniture, violently attacking anyone who came close, etc.) then giving the cat away would certainly be condonable. The reciprocal nature of social relationships we have with nonhuman animals shows animals are a venue for our true moral character to show itself.

4.2.5) Leftovers and Crossovers—Before we move on to other supposedly relevant similarities and differences there are a few points I want to make for the sake of completeness. First off, there are a few virtues and vices on the list from chapter 3 which can fall into more than one of the above sets. Recklessness and negligence might be vices of the first sort, in that they are bad because they are a failure to properly act towards a being capable of physical pain. Or they might be vices of the second kind, a failure to act properly towards a being with whom one has engaged in a certain social relationship. Parallel claims can be made about the virtues of gentleness and conscientiousness.

In some circumstances, virtues and vices that I have classified as one type may cross over into another type. For example as Baruch Brody notes, caring for a PVS patient may be an act of compassion, even though the patient is not feeling any pain.\footnote{Brody, Baruch, \textit{Life-and-Death Decision Making}, pg.37 Oxford University Press, Oxford, UK, (1988).} This is because such care is an appropriate response to the patient’s loss of function. In such a case, compassion would be classified as a virtue of the second type. But in most common cases, compassion relates to responses to a being’s capacity to feel physical pleasure and pain, and therefore be a virtue of the first type.

Other circumstances in which a virtue or vice may cross over these classification lines will be more common. Consider for example the myriad forms of deception (classified as a vice of the second type) that rely on some social relationship or institution
(making it also a vice of the third type.) In these cases the relevant fact is that deception in its most basic form is one pertaining to psychological states of the beings we interact with. Virtues and vices that I have here classified as being of the third type cannot be reduced to one of the more basic sorts.

Lastly I wanted to say something about legitimate morally relevant differences between human and nonhuman animals (in contrast to the illegitimate ones I will discuss in a moment.) So far I have been focusing almost exclusively on morally relevant similarities: the capacities for pleasure and pain, beliefs and desires, emotions and social relationships. This is no accident, as it should be plainly obvious that I feel that our similarities with nonhuman animals are for more morally significant than our differences. It seems that, with respect to the four major categories of similarity and difference I have outlines, there are no relevant differences of kind between human and nonhuman animals, taken as a set. Certain species of animals are likely incapable of having social relationships with us, while others might not have anything that can be reasonably classified as emotions, but there is no major category of moral consideration that applies only to humans qua humans.

But I do not wish to give the impression that I think there are no morally significant differences between human and nonhuman animals, as that is clearly not the case. These morally relevant differences, however, are differences in degree, rather than kind, between humans and nonhuman animals. I mentioned at several points that, while nonhuman animals share many capacities with us in principle, in practice there are substantial differences. For example, because of our shared language, our ability to make other humans believe something is far more sophisticated and nuanced than that capacity
with respect to nonhuman animals. This complexity gives rise to moral problems with
other humans that have no analog with nonhumans; I have difficulty imaging a situation
in which we have to decide between lying to a nonhuman animal and or hurting its
feelings with the truth. These practical differences apply at pretty much all levels; the
kinds of pleasures and pains human feel differ from those of much of the animal
kingdom, the emotions we feel are particular and often distinctive, and our social
relationships with our fellow humans have dimensions that are not shared by our
relationships with nonhumans. While there is much that could be said about these
practical differences, I think they are at this point largely self-evident so I will let them
be.

4.3.1) Alleged Morally Relevant Differences: Historical Arguments—What of
other potential relevant similarities and differences? Throughout history animals have
been said to be relevantly different from humans on several levels. Let’s consider some
of the ways in which various people have argued that animals are relevantly different
from humans and see if these claims stand to reason. We’ve already seen what is perhaps
the most famous alleged difference (at least in the history of philosophy), Rene
Descartes’ denial that animals have minds. We saw that this was taken by many to imply
that animals were mere machines, insensate and ergo morally irrelevant. Such a
difference, if indeed genuine, would clearly be morally relevant, as it would mean that all
of the aforementioned virtues and vices would not apply to animals. We also saw why
this suggestion fails, because it is almost certainly false. By any definition of the term
‘pain,’ be it behavioristic, neurological, pathophysiologica, or otherwise, there is nothing
that one can point to in human beings that qualifies them to experience it, while
simultaneously disqualifying all non-human animals from experiencing it; thus, there is no divide between human and nonhuman animals with regard to pain. Simply put, if we feel pain, so do they. Similar lines of argument work to rebut the ideas that animals are incapable of beliefs, desires and sociological relationships.

Like Descartes, we also looked at Aristotle, who claimed that animals differ from humans because they lack 'rational souls.' A large part of Aristotle's belief in this matter was, like Descartes, based on the belief that nonhuman animals lack the capacity for reason and language. Something similar to this suggestion was also made by Frey, who argued that animals lack beliefs and desires because they lack language. Again, modern animal science seems to put this line of argument to bed. It seems quite clear today that most animals are capable of reason to one degree or another, and that many species are even capable of some form of rudimentary language or another.

Another oft-purported relevant difference between humans and animals appeals to a different sort of idea about the soul. Embodied most clearly in the Judeo-Christian tradition, the idea is that the possession of a soul distinguishes humans from animals not merely on a cognitive, linguistic or behavioristic level but on deeper metaphysical level. Human beings have a vital, integral, immaterial and undying aspect, which is our truest nature, our fundamental core. This central aspect of our being is endowed to us by our Creator and transcends the death of our physical bodies. Animals, unlike humans, do not have an immortal soul. The long and short of this position is aptly summarized in Aristotle.

It might seem somewhat ironic that I here repudiating Aristotle in the name of a virtue-theoretic account of animals, given that Aristotle is largely seen as the father of virtue ethics. This irony is merely a surface matter, however, and not a serious philosophical problem. Simply because Aristotle pioneered the theory doesn't mean either that he had an absolute authoritative understanding of it, or that his beliefs on tangential matters, such as the nature of nonhuman animals, must therefore go unquestioned by people who adopt his theory. No modern virtue ethicist accepts Aristotle's aforementioned understanding of women as 'incomplete men' simply because they find his general approach to ethics the correct one. Likewise, no one committed to Aristotle's theory in general needs therefore accept his take on animals as gospel.
Catholic Dictionary: “Man has been given dominion over the animal kingdom, and it is to be exercised in conformity with human reason and God’s Will.”\textsuperscript{174} For this reason animals do not have moral significance, or at least not very much moral significance.

Even if it is true that this is a genuine difference between humans and animals, it is unclear why this point, as stated, is a relevant difference. Even if animals are not in possession of an immortal soul, the fact remains that they are capable of experiencing pleasure and pain, capable of having beliefs, desires and emotions, and capable of engaging in social relationships with others. Thus the above sets of virtues still seem to apply to animals, regardless of whether or not they have souls. At best, there are other, theological virtues and vices that only apply with respect to other humans, but not animals.

In fact, if animals don’t have immortal souls then it seems like that’s all the more reason to view them as being of greater moral significance than human beings. The trials and tribulations of human beings are mitigated by the fact that their essential being will survive their physical body in a paradisiacal afterlife that they can enjoy for eternity. Nonhuman animals on the other hand have only this mortal coil; the slings and arrows they suffer on the physical plane characterize the entirety of their existence. They have no rapture to look forward to, and therefore have a stronger claim on the few pleasures and satisfactions available in this flawed and imperfect realm. We often make considerable and disproportionate sacrifices for the sake of those we believe to be fatally ill, due to the fact that we view their short remaining lives should be made as comfortable as possible. The same rationale should compel those who can look forward to eternal

bliss make considerable and disproportionate sacrifice for the sake of those who have no such rewards coming their way. If this is all they have, oughtn't we to sacrifice our petty and ephemeral pleasures of the flesh so that their brief existence can be at least marginally more tolerable?

In order to undermine the claim that the virtues I listed above apply to animals as well as people, the significance of the soul must be more profound. The claim must be that our soul is what enables us to feel pleasure and pain, and have thoughts, beliefs, desires and other psychological states. Animals have no soul, and therefore they do not have these capacities. In that case the absence of a soul would undermine my argument that the other virtues apply to animals; one would needs a soul in order to feel pain as pain, or in order to have actual beliefs, desires and emotions, or to actually connect socially with other beings. On this understanding of the role of the soul, since animals lack souls they cannot actually be the subjects of these virtues, despite outward appearances to the contrary.

While such an argument is clearly valid, establishing the truth of the premises seems to run into the same problems of the Cartesian argument above. The only way to establish that the soul is responsible for the experience of pain as pain is to presuppose it as a conclusion. By definition, since the soul is immaterial, we cannot witness its presence in humans or its absence in animals. Despite several thousand years of studying animals in various formal and informal capacities there still seems to be nothing that we can point to which counts as evidence (either scientific or even anecdotal) for the existence of the soul. And given that there is no way to tell what beings do and do not have a soul, what is to stop, say, the racist from denying that people with dark skin have a
soul? What is the principled difference here between those that would deny souls to nonhuman animals and those that would deny them to humans of other races? I do not mean here to say that souls therefore do not exist (although it does open questions about the reasonability of believing in them). Rather it is merely to undermine the idea that humans have them and animals don’t, or that they are responsible for the morally relevant factors listed above.

Perhaps the appeal to possession of a soul as a morally relevant difference might take a slightly different approach. It is often said, on top of the above listed aspects, that a soul is what allows us to act freely of our own independent volition, and therefore enables us to be morally responsible for our actions. St. Thomas Aquinas advocated something like this view in the 13th century; “Among all others, the rational creature is subject to divine providence in the most excellent way, in so far as it partakes of a share of providence... The light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the divine light.” Our ability to behave morally is a result of the divine that we share with God, as we were made in His image; since animals do not share this divine light they are not able to discern good from evil, and therefore they are not morally significant. The best way to see why this argument fails is by looking at its contemporary counterparts.

4.3.2) Alleged Morally Relevant Differences: Contemporary Arguments—

Another approach can be made from a secular angle, not appealing to the idea of a soul, but simply pointing out that no one proposes that we hold animals accountable for their actions on a moral level. The morally relevant difference, strictly speaking, isn’t the presence or absence of a soul, but rather the presence or absence of a moral

consciousness. This is the line of argument given by Carl Cohen in his half of The Animal Rights Debate, a book he authored in exchange with Tom Regan. According to Cohen, "The concepts of wrong, and of right, are totally foreign to animals, not conceivably within their ken or applicable to them... [therefore] rights do not apply to them." Morality, it might be said, is a two-way street; in order to be morally significant one must be able to recognize moral significance.

The reply to this argument has already been made in (3.2). First off, this two-way street approach neglects the difference between so-called 'moral patients' and 'moral agents.' The cost of this neglect is considerable, due largely to (yet again) the loss of moral significance to 'marginal cases,' exceptional people whom do not have a moral consciousness. St. Thomas did not have to account for such humans in his day, while Cohen, to his credit, bites the bullet and admits that such humans have no rights. This does not mean that we can treat them however we please, according to Cohen, it merely means that the particular moral category of rights does not apply to them. I agree with Cohen on this point of course, since I do not think the category of moral rights applies to anyone, but this is a discussion that must be set aside for now and revisited in Appendix B.

Secondly, we saw that many nonhuman animals are also capable of behaving in what can only be reasonably be characterized as 'virtuously' and therefore do seem to have at least some degree of moral consciousness. Therefore, in order to be consistent those who want to claim that having a moral consciousness is a morally relevant difference will have to in many cases attribute more moral significance to such 'virtuous

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animals' than they do to such 'marginal humans.' While some people may be comfortable with this conclusion, I suspect that most will immediately recoil from such a proposition, suggesting that they do not sincerely consider moral consciousness to be a genuinely significant difference.

Yet another alleged difference is suggested by Lawrence C. Becker, who uses a virtue-theoretic approach to support his titular thesis in "The Priority of Human Interests." Because there is a greater ‘social distance’ between (most) humans and (most) nonhuman animals the virtuous person should usually give priority to the interests of their fellow human. “[Nonhuman] animals are typically ‘farther away’ from us than human beings. Thus, to hold that people ought to have the traits constitutive of virtue is to hold, as a consequence, that people ought (typically) to give priority to the interests of members of their own species.”

Becker appeals to ‘reciprocity’ and ‘empathetic identification’ as the virtue basis of his argument, noting that (1) a virtuous person would embody both traits and (2) that both traits scale with social distance. Becker is quick to clarify that his argument will not “deny consideration to the interests of animals in the making of moral decisions, or deny that those interests can often override human ones,” and that his “argument is not a defense of the cruelty to animals found in factory farming and much scientific experimentation.”

With that qualification firmly in mind, I do not find Becker’s suggestion as objectionable as his title might initially suggest. He is, after all, appealing to one of the four main categories of moral similarity that I have outlined, namely social relationships, and skewing it to point out that our social relationships to most humans are much

178 Ibid, p. 87-88
stronger than they are to nonhuman animals. Yet, while I am partially sympathetic to Becker’s notion of ‘social distance,’ the incompleteness of Becker’s account calls into question exactly how much mileage we can get out of this concept. He does not give a strong argument that reciprocity is a virtue (something I would reject), nor does he give much of an account of the role empathy plays in the psychology of the virtuous person (something I have tried to do). I would contend, first off, that the virtue of empathy has much greater force than Becker seems to imply, and secondly, once we take the whole array of other-regarding virtues into account the differences between human and nonhuman animals would be marginalized even further. There will no doubt be some remaining differences in certain particular contexts, but since Becker does not provide us with much of a hint at the practical implications of his ideas, I choose not to second guess how truncated these differences would become once a more fleshed out virtue theory is brought to bear.

There is one last attempt to point out morally relevant differences between human and nonhuman animals that I wish to consider. Rather than trying to point at some specific difference or set of differences, one might suspect that I have begged the question in my selection of the virtues and vices that I placed on my lists. Perhaps the suggestion is that there are other virtues, which I have omitted that apply to humans in virtue of the fact that they have souls, minds, or some other property exclusive to humans and will therefore not apply to animals because they lack this property. If I were to include these virtues and vices in a more complete set of lists they would point to genuinely significant differences.

I confess that I have trouble imagining what sort of virtues these might be, but
nonetheless, I see no reason at the outset to reject the possibility of such virtues. I must admit the possibility that my own particular moral perspective has screened out certain characteristics that did not seem appropriate to me, but which may in fact carry some moral weight. Clearly I feel I have done my best, but I am subject to the same sorts of limitations and biases that everyone else is, so it seems only fair to acknowledge the prospect. However it is one thing to concede the possibility of a point and quite another to concede the point itself. Someone who wishes to make the case for these virtues would have to name them, articulate their meanings and explain the role they play in our moral reasoning, as well as what sort of behavior it would justify with regard to those with the relevant property and those without. Again, I have troubling conceptualizing any role that such virtues could play, which could not be explained more gracefully in terms of other virtues. And if other virtues can do the job, such virtues will seem *ad hoc* and otiose. But for the time being I will remain open to the possibility that there may indeed be a unique roll for such character traits.

But no matter how such an explication works out, it seems highly implausible that these virtues could account for the drastic inequity between the moral significance that our culture attributes to humans, and that which we attribute to animals. Given that all of the other virtues still apply to animals, it’s difficult to imagine that they could all be trumped, or even marginalized by these hypothetical virtues. Perhaps a certain degree of favoritism could be justified on such an account, but certainly it will not be much. In either case, I take the burden of proof to lie at the feet of the person who wants to (a) argue for the existence of such virtues and (b) argue that they justify any sort of difference in treatment between humans and nonhumans.
4.3.3) Alleged Morally Relevant Similarity: Life Itself—Earlier in this chapter I mentioned another alleged morally relevant similarity, which was proposed by Nobel Laureate Albert Schweitzer, that of the mere fact of being alive, and it is now time to return to it and assess its plausibility. On Schweitzer’s account, the mere fact that nonhuman animals are, like us, alive, is a morally relevant consideration. “Therein I have already the needed fundamental principle of morality. It is good to maintain and cherish life; it is evil to destroy and check life.”\textsuperscript{179}

It is undeniable (even tautological) that being alive is a similarity that all (living) humans share with all (living) nonhuman animals, but is this difference a relevant difference? If it were, this would require a radical revaluation of both our habitual practices, as well as the common sense morality that guides them. Schweitzer’s ethic would, for example, give us a compelling moral reason to only eat foods that is not brought about by the death of any living thing. We would likewise have a compelling moral reason to never drive cars, since doing so often results in the killing of insects on the windshield. If we adopted this ethic, our lives would have to be transformed to resemble that of practicing Jains, who take such arduous steps to ensure that their actions do not bring about the death of any living thing that they silt all of their food and sweep the ground in front of their feet when they walk to ensure that they do not eat or step on even the smallest bug.

This practical difficulty of such a radical transformation of our common practices is not, by itself, an argument against such an ethic. It was no doubt very hard for conscientious slave-holders in the antebellum South to live without slaves, but that would

have not been a good argument against abolition. Nowhere is it written that being ethical needs to be easy to be compelling. At the same time, however, there is a long-standing phrase in ethics that holds that being ethical needs to be possible to be compelling: *ought implies can*. Given how pervasive life is, there does not seem to be any way we could possibly feed every human being on this planet (not to mention the nonhuman animals) without ending the life of some things. For that matter, it is hard to see how you could even feed one human being without killing something. Eating vegetables brings about the death of the plant; picking a fruit or harvesting wheat brings about the death of the cells that compose it; dairy products contain microbes and bacteria, which die during the process of digestion. There is very little that we put in our mouths that is not organic, and hence, alive (water, vitamins and minerals seem to be the only exceptions, and no human can live off of just those.) So while the difficulty of Schweitzer’s ethic may not be a mark against it, its impossibility just might.

Faced with this objection, Schweitzer is not without recourse. *Perfection* might be unattainable on his scheme, but how is that different than any other ethical theory? Does anyone suspect that we will actually maximize optimal utility any time soon? Could there be a world with no violations of rights? When was the last time even one human being lived a whole life without any vices, in full perfect virtue? While there is a point to be made here, it will not take Schweitzer very far, since all of the above mentioned theories have scalability (for the utilitarian more utility is better than less, etc.) and comparability (these values compare with those values thusly) built into them. But on Schweitzer’s ethic *all life* has the same moral status, making any practical scalability and comparability impossible. Killing a single microbe is just as grievous as killing a
person. No sensible ethical evaluations can be made on such a scheme.

Perhaps Schweitzer's view could be modified to say that a thing being alive gives us a reason not to end it's life, not that this reason is overwhelming. Something like this view is advanced by Mary Anne Warren in her book *Moral Status*. "On what I call the Life Plus view, life is a valid criterion of moral status, but it is not the only valid criterion. On this view, life is sufficient for some moral status, but not full moral status." Warren, who also provides a more thorough critique of Schweitzer’s ‘life only’ view, softens the extreme nature of Schweitzer’s general position. If we have sufficiently compelling reasons (such as maintaining human sustenance) then they might trump the value of life, itself.

I am considerably more receptive to Warren’s ‘life plus’ view than I am to Schweitzer’s ‘life only’ view, but major questions need to be answered before a full-scale assessment can be made. If this is a concession he would make, then he needs to provide us with at least some idea of how much ‘weight’ the value of life itself carries, what sort of values might trump it, and in what conditions, whether it is equal in all beings or if it varies, etc. Without a more fleshed out theory it is difficult to come to any considered conclusions of Warren’s position. And while Warren does provide an interesting ‘biosystemic’ argument for ascribing even unicellular organism moral status, she does not give us any sense as to how much value that status has. Warren’s position seems to face a dilemma. On the one hand, if the value of life itself is too strong, such that it commands the sacrificing of considerable moral values, it faces serious plausibility problems. On the other hand, if the value of life itself is too weak, such that virtually any interest, no matter how trivial, can override it, then it risks irrelevance in our overall

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ethical scheme. Warren might be able to find a happy balance here, but for now I will leave it an open question.

4.4) What about the Environment?—The strategy used thus far in outlining what virtues apply to animals by appealing to relevant similarities and differences doesn’t seem to transition gracefully to questions about the environment. None of the four categories of relevant similarities apply to the environment; the ecosystem does not feel pleasure or pain, it does not have beliefs and desires nor does it have emotions, or social relationships. Surely there are some similarities between humans and the environment, but given the level of abstraction on which they occur they are not ‘relevant’ in the manner in which I have been using the term here. For these reasons it might seem at first glance that the system of virtue ethics I have developed thus far will have difficulty making moral sense of the environment. Because of the reliance on the notion of ‘human flourishing’ as it’s central moral concept, virtue ethics in general is often portrayed as anthropocentric, if not out-and-out egocentric. Trying to find room for the value of the environment in such an ethic might seem to be rather difficult.

This portrayal of virtue ethics is neither charitable, nor accurate. The relevant similarities between human and nonhuman animals that I have been sketching are not meant to be necessary conditions for relevance with respect to our virtue. The theory of virtues that I have been sketching so far is not meant to be an exhaustive account of the virtues. As I stated in chapter 3, the virtues I have been discussing have been limited to

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\[181\] In making this assertion, I am implicitly denying the ‘Gaia Hypothesis’ advanced by persons such as James Lovelock (Gaia: A New Look at Life on Earth Oxford University Press, New York, NY, (2000)). This hypothesis proposes that the living and non-living parts of the planet earth integrate to constitute a single organism. While there is a robust and engaging literature surrounding this hypothesis, I do not have time to recapitulate it here, much less to weigh in on the core question. As such I am merely setting it aside without argument or analysis.
'other regarding' virtues. This is because I have been trying to focus only on those virtues that would be relevant with respect to nonhuman animals. While the environment does not qualify as 'other' in this sense, that does not mean that someone may behave in any fashion whatsoever towards the environment without that having a bearing on their character. There are clearly meaningful and legitimate questions that can be asked about a person's virtue in regard to their behavior towards the environment.

By it's very nature virtue ethics requires that we genuinely care about things other than our own flourishing. Aristotle argued that a genuinely eudemonistic life requires friendships, and the only way I can have genuine friends is if I care about those friends for their own sake, not merely as a means to the end of my own flourishing. John O'Neill has pointed out that a parallel argument can be made with respect to the environment; to truly live well we must care for and value the environment for it's own sake, not merely as a tool to be exploited for our personal gain. O'Neill's argument is but one piece of the sizable literature on 'Environmental Virtue Ethics' (commonly abbreviated as 'EVE') and breaching this topic could easily consume volumes. As such, I will merely present here a brief sketch of how virtue ethics, as I have presented it thus far might address environmental issues.

Thomas E. Hill has said "The question is, 'What sort of person would destroy the natural environment—or even see it's value solely in cost/benefit terms?'" While certainly a very good question, I do not think it can be the question, at least, not if that is meant to suggest the exhaustive, central or fundamental question for EVE. This is because many of our individual actions cannot honestly be construed as 'destroying the

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environment,' but when aggregated with millions of other people performing the same action, that is the achieved affect. Not recycling a single aluminum can, or wasting an entire tank of gasoline by driving aimlessly for a few hours are not actions that, by themselves, 'destroy the environment.' Nonetheless, given the fact that the combined effect of such actions from billions of human beings over time is most certainly destructive the actions of the individual most certainly do bear on the state of their character *visa-vie* the environment. So we must also ask a series of questions: A) What sort of person would destroy the natural environment? B) What sort of person would contribute (even in miniscule amounts) to that destruction? And C) what sort of person would see the value of the environment solely in cost/benefit terms?

I do not have time here to offer a thorough examination of how we could go about applying and answering these questions in general or particular cases, but I can mention some of the virtues (appreciation, humility, impartiality, and reverence) and vices (biasness, bigotry, chauvinism, insensibility, and irreverence) that would arise in such a discussion. It’s not hard to see how these virtues and vices tie into the above questions. Clearly a person who orders, participates in or approves of the slash-and-burn deforestation of millions of acres of old-growth trees is being insensible to the natural beauty and value of the woodlands. Someone who evaluates the Arctic National Wildlife Refuge solely in terms of the economic value of the oil reserves located there (especially if they have a claim to some of that worth) is exhibiting rampant chauvinism.

Conversely, someone who makes it a point to always recycle (especially if they have to go out of their way to do so) out of concern for the environment is behaving

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184 This is not to say that many actions cannot be meaningfully construed as 'destroying the environment'; someone dumping thousands of gallons of toxic waste into the ocean clearly qualifies.
conscientiously, and reverently. Someone who views the planet as merely a tool to suit human purposes is clearly being chauvinistic; one who understands the towering importance of the planet for its own sake is being humble.

For each of these exemplar cases there is a range of mid-level alternatives. Someone might recycle most of the time, or some of the time, but not all of the time. Someone might view the Alaskan wildlife refuge primarily, but not exclusively, in monetary terms. Someone might decimate a relatively small amount of old-growth forest, and leave the rest untouched. One of the advantages of virtue ethics is its ability to account for such a spectrum of cases.\textsuperscript{185} Due to variants on the circumstances of the case, and the particular psychological and emotional condition of the agent, they may exhibit virtues and vices to a greater or lesser extent. Depending on the specifics of each case, an agent may fail to exhibit a given virtue/vice, but also not quite embody the corollary vice/virtue. Virtue theory's having such a fine gradation of moral judgments reflects the moral ambiguity and vagueness inherent in dealing with the natural environment.

Thus far I have been trying to sketch a picture of how virtue ethics leaves room for the value of the environment for its own sake, in a manner that goes beyond the picture of virtue ethics I have constructed thus far. This does not mean that the 'other regarding' virtues that I have explored above are not relevant in our discussion of the environment. Damaging the environment can also cause harm to countless sensate creatures, human and nonhuman alike. Destruction of ecosystems can leave animals without food, drinkable water or shelter. Pollution of the air and water can cause measurable health problems for people exposed to them. Many of the 'doomsday

\textsuperscript{185} As opposed to, say, Kantianism, which is notoriously poor at making such subtle distinctions.
scenarios' envisioned by environmental scientists predict incredible amounts of pain and anguish as a result of our behavior towards the environment.\(^{186}\) A truly virtuous person would not merely be concerned with the well-being of actual individuals alive today, but also with our children's children's children. We are stewards of the planet, and as such we should behave accordingly.

Since so much actual and potential suffering follows directly from our collective actions, it's no surprise that virtues of the first and second types (physical pain/pleasure, and psychological properties, respectively) are also relevant here. The role of psychological properties is slightly more oblique than that of physical pleasure/pain, so let's begin with the prior. Some of the relevant virtues are conscientiousness, thoughtfulness, and trustworthiness; the corollary vices are recklessness, negligence, thoughtlessness, and untrustworthiness. Given that all living creatures are dependant, to one degree or another, on the natural environment for survival, no one individual, set of individuals, or species has a privileged claim to use it exclusively for their own purposes. To behave without regard to all those affected by one's actions is thoughtless. For the first time in the history of the human race, the last century has found mankind forced to acknowledge the far reaching consequences of its own genius. To not observe this awesome new power with caution and discretion is to be reckless and negligent.

This extends not just to the physical pleasure and pain of those affected (which we'll talk about shortly) but also to the preferences and mental states of the agents. People's preference to live in a world that is more than just concrete, metal and plastic, to

\(^{186}\) For example: rising levels of carbon emissions contribute to global climate change. As a result of this the polar ice-caps melt, raising the sea level and flooding costal areas around the globe, causing massive economic damage and displacement of local populations, as well as the humanitarian and medical crises that invariably follow from such upheaval.
have a living connection to their heritage and their planet, to relish the majesty and
beauty of the natural world are all profound and important desires. When we tailor our
behavior out of regard for these desires of other people (both those currently living, and
of future generations to come), we exhibit thoughtfulness and conscientiousness.
Recalling that we are stewards of this planet for the next generation, maintaining it in a
clean and proper fashion is to prove trustworthy of such a weighty responsibility.

Many of these concerns quite obviously tread very closely to those regarding the
physical pain and pleasure of the respective agents. (Indeed, they intertwine so
thoroughly that it is difficult to create examples that tease the two apart.) Nonetheless,
there are distinct virtues and vices that pertain to these considerations. Benevolence,
beneficence, charity, compassion, and sensitivity, are some of these virtues; malevolence,
malfeasance, stinginess cruelty and callousness are some of the vices. Given how we’ve
already seen how suffering connects with our actions towards the environment, spelling
out how each of these virtues and vices are exhibited seems redundant. Suffice to say,
virtue requires us to give heavy regard to the pleasure and pain of human and nonhuman
animals, both current and future, and such regard is nowhere as systematically pervasive
as it is in re our treatment of the natural environment.

As I said at the outset of this section, this is far from a comprehensive treatment
of EVE. While several of these considerations will arise briefly in (7.4) (when we look at
the ethics of eating animals and the environmental considerations that bear on that issue)
for the most part this will be all I have to say on the issue of the environment. More
complete coverage of this topic has been accomplished by other thinkers in other
places. For now, this brief sketch merely serves to set aside some initial concerns about how the environment could be accounted for in the theory I have been developing, and indicate how virtue ethics in general could tackle the complex moral issues associated with the environment at the dawn of the 21st century.

4.5) Conclusion—The strategy in this chapter was to discover what it is aspects of human beings make it such that our attitudes and behavior towards them relevant to our moral character and then see if those same aspects hold for nonhuman animals. After dispensing with an objection that this approach was too anthropocentric, we identified four categories that we recognize as morally significant in humans: (1) pleasure and pain, (2) beliefs and desires, (3) emotions, and (4) social relationships. We saw why each of these categories needs to be taken seriously, and not reduced to each other. We looked at objections to the idea that nonhuman animals have these capacities and found them unconvincing, and how we can find room for environmental virtues in the theory I have developed.

The conclusion we are driven to in this chapter is this: basic consistency demands that many of the attitudes and much of the behavior that reflects on our virtue when directed at a human reflects in much the same way when directed at nonhuman animals. If we are to say that disregarding the suffering of another being makes a person callous, then that judgment must hold irrespective of whether that being is human, cat, rat, dog or frog. In addition to making this consistency claim on us, these four sets provide strong set of unifying principles that harmonize a virtue ethic approach to animals, making good on a promise first put forward in chapter 3.

See, for example, Environmental Virtue Ethics, Sandler, Ronald and Cafaro, Philip (eds.) Rowman and Littlefield, New York, NY, (2005)
Despite some obvious points of contention, much of what was said in this chapter could be endorsed and appropriated by either a utilitarian or a rights theorist. Several of the strategies and argument forms employed in this chapter were first pioneered by thinkers aligned with these theories. In the next chapter, we will see how virtue theory compares with utilitarianism with respect to some of the major themes have explored thus far, specifically the emotions, motivations and moral education.

Chapter 5) Animals, Utility and Virtue

5.1) Introduction: Virtue Theory and Utilitarianism on The Moral Significance of Animals
5.2) Animals, Utility and Motives
5.3) Animals, Utility and Emotions
5.4) Animals, Utility and Moral Education
5.5) Animals, Utility and the Causal Impotence Objection

5.1) Introduction: Virtue Theory and Utilitarianism on The Moral Significance of Animals—Many of standard arguments for the superiority of virtue ethics over consequentialism and deontology are especially relevant in the context of animals. In (2.2.5) we saw a list of facts, culled from the previous sections of chapter 2, about the emotions and moral psychology that moral theories need to explain. These included facts about the role of the emotions in our moral psychology, such as the fact that feeling certain emotions at certain times can be either morally appropriate or morally inappropriate. We also saw the importance of the role motives play in our moral psychology, such as the fact that certain actions on certain occasions should be motivated by certain emotions. The process of the moral education of children was also crucial, including facts such as children’s recognition of other beings as morally significant is a process that requires the cultivation of emotional faculties, such as
empathy. We saw in that chapter how virtue ethics attempts to make sense of these facts by building into the theory a psychological architecture that makes room for them. These three categories, the emotions, motivations, and moral education as they apply to animals will be the primary basis for my criticisms of utilitarianism in this chapter. In addition, we will also consider the issue of ‘causal impotence’ and how these two theories can deal with this supposed problem in the context of animals. In the Appendix B, we will consider these same issues with regard to rights theory.

For the purposes of this chapter I will be assuming that the reader is conversant with the general ideas behind utilitarianism, the varieties of utilitarian moral theory and how utilitarianism is applied in particular cases, specifically those regarding animals. If the reader is in need of a quick recap of these details, I have a brief rundown of them in Appendix A. In addition, I also consider some general objections that utilitarianism might have with respect to virtue ethics, and attempt to give some cursory responses to them.

5.2) Animals, Utility and Motives—Let’s begin with the moral significance of the motives from which we act. To focus our discussion, consider two cases: in one case, a man kills a dog so he may eat it; in the other case a man kills a dog for the sheer, sadistic joy of the animals’ suffering and the experience of killing it. In both cases the amount of pain suffered on the part of the dog is the same. It seems clear that, while both acts may be wrong, the case of killing for the sake of killing is worse. The virtue model that I have so far sketched makes sense of this intuition by explaining that a person who kills a dog for food exhibits the vices of callousness, chauvinism, and perhaps cruelty.
However, a person who kills a dog for the sheer sadistic pleasure of it exhibits all of these vices, as well as maliciousness and malevolence.

Consequentialist theories have a much harder time trying to accommodate this intuition, since in both cases the consequences are quite similar (in both cases the dog suffers equally, the dog dies, and the human is satisfied.) In fact, hedonistic utilitarianism may even judge the act of killing for pleasure to be morally better than the act of killing for food. We may stipulate that the person who kills for the sheer sadistic joy of it experiences a deep, prolonged and profound pleasure in the act of killing; meanwhile, the person who kills only for food might receive very little pleasure at all. He might, for example, mistakenly believe that he is in a life-or-death situation. Let’s say he is lost in the woods with his dog companion, and that he possesses no survival skills of any kind. He can find water and shelter, but no food of any kind. After a few days he is famished and comes to think that killing and eating his dog is the only way he will survive. He realizes that killing a sensate being (his own friend, no less) is in general wrong and he feels conflicted; but nonetheless, his desire to live wins out and he kills and eats his dog. The man is remorseful and even willfully eschews gustatory pleasure as a result. But, unbeknownst to him, if he had merely held out for one more hour, as he surely could have, he and his dog would both have been rescued.

According to hedonistic utilitarianism, the thrill-kill may still be a bad thing, but the negative utility of the kill is offset by the pleasure the killer gets from the act. As for the food-kill, the feelings of guilt the man experiences are at best wholly irrational and at worst actively immoral. Inasmuch as the person can help it, he should completely

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188 Then again, if the thrill on the part of the killer really is strong enough, it may in fact outweigh the pain that the dog feels. But I will stipulate for our current purposes here that it does not.
suppress feelings of guilt and savor what he's done, regardless of how horrific it may be. Doing so would at least partial mitigation, as it would do something to counterbalance the negative utility. But since, nonetheless, he does experience these feelings of grief, the total amount of negative utility is even higher than it is for the thrill-killer. Therefore, the thrill-kill is morally better than the food-kill, by hedonistic utilitarian standards.

Likewise, preference utilitarianism may make the same judgment. Again, we can stipulate that the thrill-killer has a strong preference to kill, while the food-killer has only a mild preference to eat (this would be a different version than the life-or-death scenario above; here it is simply a casual act to satisfy gustatory pleasure). Satisfaction of the stronger preference is morally better on preference utilitarian grounds, so again the thrill-kill would be the morally superior to the food-kill. Both hedonistic and preference utilitarianism may still conclude that both acts are wrong because of the negative utility caused by killing the dog, but this is beside the point; both hold the untenable position that it is possible that a thrill-kill can be morally preferable to a food-kill.

Arguing for the consequentialist value of acting from certain motives will not solve this problem. The 'motive utilitarian' argument here would look something like this: It is certainly true that one particular instance of a thrill-kill might have some offset utility that the food-kill lacks, and so in the short term the thrill-kill is morally preferable. But precisely because the thrill-kill is partaken with such relish and enjoyment the thrill-killer's pattern of motivation makes it much more likely that he will kill again and do so more frequently, compared to either the motivation patterns of the reluctant food-killer or the casual food-killer. Since the act of killing is itself still immoral (due to the disutility on the part of the animal) acting from a thrill-kill motive will create a greater overall
dearth of utility over time compared to acting from a food-kill motive. Thus, in the long run, acting from a thrill-kill motive is less moral than acting from a food-kill motive, and the unpleasant conclusion above has been avoided.

The standard way to rebut such motive utilitarian arguments is to just stipulate that the case is question is *sui generis* and won't lead to other acts of its kind. Each act could be taking place, for example, in a remote location such as a desert island where there is only the one animal and where the agent will be spending the rest of his life. Thus, the argument goes, there is no pattern of behavior, but rather just a single act. And since the thrill-kill motive generates more total utility (albeit still a negative total) compared to the food-kill motive in that single act, this shows that by utilitarian standards thrill-kill is a inherently a better motive than food-kill. Therefore the thrill-kill cannot possibly be made worse (nor can the food-kill be made better) by simply iterating the situation off of the island where more animals are available to be killed. Since motive utilitarianism can't capture the intrinsic wrongness of a single act, how can it be expected to explain the wrongness of many acts of similar type?

Such desert island scenarios are probative and it does seem like motive utilitarian arguments are impotent with regard to such cases. However, such scenarios are also highly contrived and we should be reluctant to draw too strong of a conclusion from them. Our everyday moral experience is simply not like this at all. The vast majority of actions are not *sui generis*, and actions of one kind often do lead to more actions of that kind. Indeed, this is why motive utilitarians refer to *patterns* of motivation, rather than simply one motive. We cannot parse the moral world into whatever divisions will best support our moral theory; we need to accept the world as we actually experience it and
then see which theory best accounts for it. Because desert islands cases so explicitly deviate from the cases that interest us most such cases, while still problematic for motive utilitarians, are far from dispositive.

There is another, more persuasive response to the motive utilitarian, and that is simply to deny their basic premise that the thrill-kill motive will lead to more killings than a food-kill motive. On its face the motive utilitarian’s premise seems plausible, but what real reason do we have for believing that acting from a thrill-motive would result in more killing than acting from a food-motive? We were not wholly persuaded by the desert-island response above because it deviated too far from our typical moral experience; as such it is suitable that we turn to such typical moral experience to see whether thrill-kills or food-kills generate a greater amount of subsequent killing. Such a claim is, after all, an empirical claim. So does the actual world reflect the truth of the motive utilitarian premise?

Once we put the question thusly even a cursory look at the world around us leaves little doubt that the premise is wrong. Killings based on patterns of motives to procure food drastically outstrip killings that follow from motivational patterns of sadistic joy. Even when you account for the fact that there seem to be relatively few people who act from sadistic patterns of motivation compared to those who act from food patterns, the numbers still don’t support the motive utilitarians contention. The amount of animals slaughtered every year for the purpose of food is so staggering it almost seems trivial to consider the amount killed for sadistic pleasure. It is the motive of eating meat on the part of the consumer that creates the economic motive to supply meat on the part of the industrial agro-farming industry. Thus the aggregate motives of millions of people
translate directly into the slaughter of some 8 to 10 billion animals every year (not
counting fish). The killing of animals for food seems much more of an easily habituated
behavior than killing for pleasure.

Some might think that this is disingenuous, that this is merely a statement about
the way things in fact are, and that we can't conclude from such a mere fact anything
general about the tendencies of one pattern of motives verses another. If things were
different than they in fact are we would come to a different conclusion. But what
counterfactual could such people have in mind? Could there be a world in which people
killed animals more frequently for sheer pleasure than they did to eat them? Surely such
a world is logically possible, but it seems so far beyond our world that drawing any
substantive moral conclusions from it seems ill advised. If desert island cases are
unreliable because they do not resemble our actual moral experience, then hypothetical
worlds where thrill-kill motives vastly outstrip food-kill motives are equally unreliable.

Perhaps the suggestion is that other unintended/unforeseen negative consequences
may result from acting from a thrill-kill motive that don't follow from acting on the
hunger-motive. We previously noted Kant's claim that one who kills animals for the
thrill of it may become hard or insensitive to his fellow humans, or perhaps even kill one
of them for the thrill (or at least desire to.) Such a claim seems plausible. But
nonetheless, this is insufficient to account for the aforementioned intuitions on this case
that brought up this problem in the first place. For one, even if Kant's claim is generally
true, it may not be true in all cases. If there were an individual whose pattern of
motivation leads him to kill animals for the thrill of it, but doing so never tainted his
dealing with other humans, then in his case the argument would not work.\footnote{Such a case, while hypothetical, doesn’t seem to be so wildly fantastical as to disqualify it in the way that the desert island cases and the above possible world were.} This points to the basic problem with appealing to the consequences of acting from various motives, the problem that the desert-island scenario was trying to illustrate; such a strategy does not account for the intrinsic moral disvalue of acting from certain motives. A thrill-kill seems worse \textit{just for its own sake}, because it is such a malicious act, not because of any consequences (either in the particular instance, or from the general pattern of acting from such a motive) that follow from it. No set of consequences that results from such motives captures the inherent negative moral force of the malice in such an act itself. Acting from such a motive isn’t wrong because of \textit{any} sort of utility that results from (or is instantiated by) such a motive. Rather it is wrong \textit{simply because} it is wrong to have and to act on such motives.\footnote{This is not to say that acting from such motives explains \textit{entirely} why such acts are wrong. Other factors will matter when assessing the overall act. But with regard to the assessment of the motives alone, some motives (namely, the vicious ones) are simply wrong to have and to act from, and some (namely the virtuous ones) are simply right to have and to act from.} No deeper explication can be (nor needs be) provided.

Certain varieties of objective-list, corrected-preference utilitarianism may avoid this set of problems. Rather than simply accepting the preferences that people in fact have, if we maintain that only certain preferences count then we can capture the inherent disvalue of acting from certain motives. It does this by setting the standard of correct preferences as those that give rise to good motives (and don’t give rise to bad motives). Remember that we are analyzing the role of moral motivation in various theories. Corrected preference utilitarianism has the potential to side step the problems seen by other forms of utilitarianism because of the relationship between motives and
preferences. The exact nature of this relationship is a tricky one\textsuperscript{191} and cashing out exactly how it works goes beyond the scope of this investigation. Suffice to say that motives in general 'point to' or imply preferences and preferences in turn give rise to motives. Motives are action-guiding directives that purport to satisfy preferences. When someone is motivated by, say, compassion, that motive implies the agent prefers some state of affairs in which the suffering of others is relieved, that they prefer to act such that suffering is lessened, etc. When someone prefers a state of affairs in which the suffering of others is inflicted, when they prefer to act such that suffering increases, these preferences gives rise to, or consist of malicious motives.

A theory of corrected preference utilitarianism could simply blacklist all 'bad motives' and discount the preferences to which they point, while listing all 'good motives' and amplifying the preferences to which they point. Thus, the satisfaction of thrill-kill preferences would be disavowed and thus not add to the overall utility. In fact, we could even structure the corrected-preference theory such that the satisfaction of preferences that are pointed to by 'bad motives' count against the overall utility. This sort of corrected preference theory can make perfect sense of the thrill-kill/hunger-kill problem above. With more tweaking and specification, I imagine it could be designed to address any other concerns we may have regarding the role of motivation in our moral psychology.

Would this sort of corrected preference utilitarianism be sufficient then? Maybe, at least as far as motives are concerned. Remember, though, that this is not just any corrected preference theory here, but rather a very specific type of objective-list corrected

\textsuperscript{191} See Brandt, Richard, \textit{A Theory of the Good and the Right}, Oxford University Press, New York, NY (1979). While Brandt doesn't argue for this particular version of corrected preference utilitarianism, it is his ideas that I have in mind in crafting this response.
preference theory. Other corrected preference theories would not suffice here. A corrected preference theory that stipulated conditions under which preferences were legitimate (such as the agent having full relevant knowledge, being in a clear state of mind, etc.) would be inadequate. It's entirely conceivable that any such conditions would be met and the agent would still have preferences that give rise to bad motives. Nor would just any objective-list corrected preference theory work; the list would have to be such that any and all bad motives are precluded by the preferences on the list.

Given this requirement on the list, the particular type of objective-list corrective preference theory we are considering here is so specific that it seems to no longer be, strictly speaking, a utilitarian theory. Rather it has become a pluralist theory with utilitarianism as its prime component and virtue theory as its subsidiary component. After all, the list of 'bad motives' is effectively a list of vices, and the list of 'good motives' is effectively a list of virtues.¹⁹² We might call this theory 'virtue-corrected preference utilitarianism.' Since I do not have the time to consider such pluralistic theories here, I will acknowledge that such a theory may be able to avoid these problems, and await the day when someone chooses to articulate this response.

5.3) Animals, Utility, and Emotions—Let's now turn to the moral significance of our emotions and how our comparative theories make sense of them. In chapter 1, we saw that the emotions are morally significant in at least two separate but related regards. First, the emotions that an agent feels as reactions to moral decisions they face effect our moral evaluation of their character. Secondly, the emotions are involved in how one

¹⁹² Again, this is not to say that virtues and vices just are these motives. Character traits involve much more than simply motives. They also include things like inclinations to have certain emotions in certain situations, which we will explore momentarily.
perceives the world, specifically how they perceive and understand (or fail to perceive and understand) the moral aspects of the world.

Let's start with the first point, the moral significance of emotions as reactions to moral decisions people face. One can imagine variations on Bernard Williams' 'Jim and the Indians' case, where in Jim has to decide between killing 1 dolphin (or any nonhuman animal) to save 5 of the same.\(^{193}\) Presuming that the particular utilitarian theory in question gives some weight to the lives, pleasures, and/or preferences of dolphins, the right thing to do should be clear; kill the one to save the 5. But even if the utilitarian is correct that this is the right thing to do, it still seems like it should be a harder decision to come to; it shouldn't be as simple as running the numbers. Emotional reactions such as sorrow, regret and shame seem morally appropriate, even if the right decision has been made. A great deal of suffering has occurred due to the agent (in some sense or another) and this fact should weigh heavily on the mind of the virtuous person.

Consequentialist theories have a hard time accommodating these sorts of intuitions. Hedonistic utilitarianism in particular cannot make sense of them. For the hedonistic utilitarian, not only is it irrational for Jim to feel regret, it is a morally bad thing that he does so, since feeling so only adds to the overall disutility. If it is within his power the moral thing for the man to do is feel glad, happy, ecstatic even because this will help to offset the disutility caused by the animal's death. Like the thrill-killer above, he should relish the excitement, revel in the thrill of taking a life. But this seems like a horrible reaction to such an unfortunate set of circumstances. Nor can the utilitarian can't say that such a reaction is bad because it may encourage him to do wrong in the future.

He’s only killing because he has no other option; we can stipulate that he won’t do it again.

Preference utilitarianism doesn’t fair much better, especially if the man had a preference for killing animals but refrained from doing so on the grounds that it is generally morally unacceptable. Now that he’s in circumstances where that behavior is morally acceptable (indeed, morally required), the indulging of his preference by way of relishing the kill (without regret) would count as a plus on the utility scale. (One strategy to deal with these issues is, again, to create a corrected preference utilitarianism designed specifically to address them, but again I will not consider such a possibility here.)

The emotions are also morally significant with regard to animals in a second way. Our emotions play a critical role in the way we see and relate to animals. Recall from (2.2.3) the importance of our emotions in our moral perception of the world. A person who comes to the correct moral judgments but does so through a purely cognitive assessment fails to fully understand the moral aspects of the situation. A person who agrees that what the Nazi’s did at Auschwitz was an egregious moral wrong, but who is not struck by the horror of it has a moral failure of insensitivity, but also fails to fully understand what it means to say that what the Nazi’s did was wrong. That emotional component of moral understanding is integral to a proper perspective on the world in moral terms.

No understanding of animals is complete unless it involves this emotional component. One reason why this is the case is because animals themselves are emotional creatures with a deep capacity for articulated and nuanced feelings. They experience
fear, hope, love, friendship, grief, sadness, joy, shame and compassion. Not all animals experience all of these emotions, of course, and perhaps some experience none at all. But many animals experience several, if not all of these feelings, and more. To fully understand animals and their moral significance one must understand their capacity to experience, not merely sense datum, nor merely pleasure and pain, but the rich variety of emotions of which they are capable. And to understand this is not merely a cold, cognitive acknowledgment. Unless one has felt these feelings for themselves, unless one understands the subjective phenomenological experience of these emotions and connects that feeling with what it is that animals experience, then one does not understand what it means to say that animals feel. This is to say that the virtue of empathy is indispensable in a complete understanding of animals.

These shared emotions are responsible for the profound sense of communion that humans also share with animals. Just as we are capable of bonding with other humans, we may, and often do connect with animals in a deep and life-enriching fashion. Biologist Douglas Chadwick spoke of this spiritual union after spending almost two years in Africa, India and Southeast Asia: “If I have learned anything from my time among the elephants it is the extent to which we are kin. The warmth of their families makes me feel warm. Their capacity for delight gives me joy. Their ability to learn and understand things is a continuing revelation for me.”

The emotional power of death is also a forge for emotional connections with animals, just as it is with humans. Darwin spoke of this when he observed “In the agony of death a dog has been known to caress his master, and every one has heard of the dog

suffering under vivisection, who licked the hand of the operator, this man... unless he had a heart of stone, must have felt remorse to the last hour of his life." The paternal bond, which is so constitutive of a meaningful life in humans, is another dimension in which can humans commune with animals. Anyone who has shared the birth of their companion animal's babies understands the intimacy and beauty of such an experience and how emotionally moving it can be, especially if that experience is shared with one's own children. These are but a few examples of the myriad ways in which human beings make contact with animals, across the vastness that is the species barrier, by way of our shared emotional capacities.

Experiencing these feelings in these situations is the mark of an emotionally and morally well-adjusted person. These are experiences that not only are fundamental in our general understanding of animals; they are indispensable with regard to our grasping their moral significance. You can no more account for the moral significance of animals in abstraction from these emotional experiences than you can account for the moral significance of humans absent these emotions. Virtue ethics provides us with a robust theoretic framework in which to make sense of these feelings, both in terms of how we approach moral decisions regarding animals, and how we relate to and experience animals. The virtuous person is predisposed to feel the proper emotions at the proper times. In the above discussion, the virtues of sensitivity and empathy in particular played

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196 Darwin, Charles The Descent of Man, p.90, Penguin Books, London. (2004) It is also worthwhile to reiterate a previously cited quote from The Descent of Man on moral education and animals: "Sympathy beyond the confines of man, that is, humanity to the lower animals, seems to be one of the latest acquisitions... This virtue, one of the noblest with which man is endowed, seems to arise incidentally from our sympathies becoming more tender and more widely diffused, until they are extended to all sentient beings. As soon as the virtue is honored and practiced by some few men, it spreads through instruction and example to the young, and eventually becomes incorporated in public opinion." Ibid, p. 127.
roles, but other emotions, such as *compassion* and *generosity* could easily play roles in similar sorts of cases.

How would a consequentialist theory make sense of these emotions? Obviously many of these emotions are pleasant, gratifying or fulfilling. A moderately sophisticated utilitarian, even a hedonistic one, could easily count these feelings as positive utility and therefore morally good and desirable. Peter Railton has emphasized how important deep emotional connections are for promoting the best possible consequences. But these thoughts seem to miss the point. While no one contests the point that experiencing *some* of these emotions is a pleasurable thing, what we want is a deeper account of *all* of these emotions. Why, for example, would a morally good person feel grief rather than joy at the passing of a beloved companion animal? Why would they react with *awe* at the sight of a newborn giraffe as it suckles her mother for the first time? The only answer the utilitarian seems able to give is that such feelings either count as utility in some form or another, or they will incline us to behave in ways that will promote utility in the future. But neither of these answers is satisfactory. In fact, they are quite diminishing, dismissive, even of the power and irreducible significance of these emotions.

Nor can the utilitarian explain how these emotions play such an essential role in the way we perceive and relate to animals. Why should a morally good person feel *specifically* a communion with animals, rather than any other private, solitary feeling of pleasure? Why does the person who fails to react with horror upon learning of the atrocities committed in a modern factory farm have a moral failing, even if they fully acknowledge that such acts are morally wrong? Any attempt to explain these things in

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some form of utility or inclinations towards utility-producing acts is to, at best, speak of the fringes of the emotions involved. Again the reductive simplicity of utilitarianism, even in its more complex varieties fails to fully grasp the deep moral significance of these emotions.

**5.4) Animals, Utility and Moral Education**—A closely related point of contention that virtue theories commonly have with other ethical theories is their accounts of moral education (or lack thereof). A proper moral education involves (among other things) the training of the emotions to react in the proper ways, as described above. An adequate moral theory must do more than simply provide us with action guiding moral rules; it must also fully explain how and why one generation passes those moral rules (and the values that go with them) onto the next generation. This was a central concern of Aristotle’s and modern virtue theories have picked up on this as a point of strength on their behalf.

But strangely, it seems that no virtue ethicists have talked about the role that animals play in the moral education of children. This is quite surprising given that, upon reflection, we can see how animals often play a key role in acculturating our children to the moral reality of other beings. Children tend to have a natural affinity with, and wonder regarding animals and we often use this a bridge to develop deeper moral sympathies. Perhaps this is because the emotions of animals are more basic and therefore more palpable to young children whom are not mature enough to understand the

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198 See, for example, *Nicomachean Ethics*, Book II.

199 Peter Caruthers, generally not particularly sensitive about questions of animal ethics, nonetheless makes this point quite well: “We frequently use animals as moral exemplars in the training of the young….It may be true of many children in our society that their first introduction to moral notions is to be told that it is cruel to pull the whiskers out of the cat. So, again, if someone is cruel to an animal, then this is evidence that something may have gone drastically wrong with their moral education.” *The Animals Issue* (p. 162) Cambridge University Press, 1992
psychological complexities and social conditions in which so many of our emotions are couched. It would be something of an irony if the relative emotional simplicity of animals, something that typically leads to the degradation of their moral status in the eyes of many humans, were the very thing that enables them to be such an invaluable allies in the moral and emotional education of our children. Parents with young children will often introduce them to companion animals, not merely so the children will have someone to play with, but also (whether they realize it or not) to teach them about loving, caring for, and being responsible for another living, feeling, emotional creature. We take our children to zoos, not merely because they enjoy it, nor to merely expose them to the raw zoological facts about animals, but also so they can experience an emotional connection with them, indulge their fascination with them, see them care for their young, and appreciate their beauty, majesty and grace.

It is likewise true that animals can play a key role in the moral miseducation of young children. Rosalind Hursthouse’s discussion of how the inculcation of racism is a prime example of moral miseducation serves as a guide here; just as certain attitudes regarding people of other races are inculcated by an improper moral upbringing, so to are certain attitudes towards nonhuman animals.\(^{200}\) Yet again, Kant’s point about a person who is cruel to animals becoming hard in his dealings with men resonates here. It is no surprise to anyone when they hear that some serial killer first practiced his butchery on small animals as a child, then larger animals later in life, before moving on to killing humans. Even those children that don’t graduate to homicide may still carry with them a moral callousness in their heart that prevents them from truly empathizing with other beings as adults. It is important to reemphasize, though, that the problem of moral

miseducation isn’t merely (as Kant’s quote might suggest) that it will adversely affect ones interactions with other people (or even other animals, for that matter.) The inculcation of this sort of vice is a detriment in and of itself to the possibility of the individual having and living a full and genuinely satisfying emotional and moral life. Just as virtues benefit their possessor\textsuperscript{201} vices harm their possessor. As Shakespeare noted, the wanton boys that kill flies for sport exhibit a gratuitous cruelty matched only by the gods themselves.

Good parents try to steer their children away from this sort of behavior, not merely (or perhaps even at all) for the sake of the animals, but also for the sake of the moral development of their children. We evidently believe that the harm they do is not merely to the animal, but also to themselves. This is a rather striking fact. There are few instances in the realm of ethics where harming another being so clearly qualifies as the harming of oneself. That there is such an intimate relationship between how one treats animals at a young age and that persons’ capacity to grow, mature and lead an emotionally and morally fulfilling life is something that any adequate moral theory should be able to explain.

It should be noted that, as it appears here, this fact about the role that animals play in our moral education is not an argument for the moral significance of animals, though such an argument can surely be made. Why and how animals would have this role in our moral education if they did not have any moral significance themselves is a deeply perplexing question, one which I believe would ultimately lead to the conclusion that animals must have moral significance in their own right. But then again, we do use some

\textsuperscript{201}Ibid. p. 163-191
tools in education, such as fairy tails and myths, which we latter disavow; perhaps a case could be made that animals should be thought of like this.

Regardless, at this point I feel I have already adequately defended the idea that animals have moral significance\(^\text{202}\), and ergo I feel I am entitled to assume that the role they play in our moral education is directly due to their moral significance. My purpose at this juncture is to explore which moral theory best accounts for that moral significance, including the role they play in moral education. I contend that virtue ethics can adequately explain the role that animals have in our moral education, whereas other theories cannot.

So exactly how does virtue ethics do this? For starters, the language of virtue ethics avails itself quite nicely to this sort of moral education. We tell our children ‘Don’t do that to the cat, it hurts him, you don’t want to be cruel,’ ‘You should be kind to the dog,’ ‘We need to be gentle with the mice,’ etc. To train children to respond emotionally to animals, to empathize with them and treat them well is precisely to inculcate the virtues that are most fundamental to ones’ moral character. Virtue ethics explains: (1) how animals play a role in the moral development of children, (2) how these lessons come to constitute part of a full, proper emotional and moral life, and (3) how failure to teach children these lessons can yield appalling results.\(^\text{203}\)

What of utilitarian theories? A naïve utilitarianism might seem to imply that we tell our children the basic utilitarian take on animals, and the true and proper moral

\(^{202}\) See chapters 3 and 4.

\(^{203}\) There are other ways to give children a proper moral education that don’t involve animals, for sure. I do not mean to suggest that exposure to animals is absolutely necessary for the full and proper emotional and moral development of a person. It is somewhat difficult to imagine a person who regards animals with their full moral significance if they have not had some exposure to them in a morally instructive context, but it is by no means impossible. Still, few other arenas illustrate all three of these points so clearly as our interactions with animals.
understanding of them, from this perspective. As such, we should teach our children to maximize the pleasures of animals and minimize their pains as best we can. Such a lesson is clearly of crucial importance, but it cannot be all there is with regard to the role of animals in training our children to be good people, to lead good lives. Such an approach focuses too exclusively on behavior while neglecting emotion and psychology. A child may grow up following these utilitarian rules with regard to animals and yet never truly understand why animals matter, why we should be concerned with their well-being. Even if they understand the basic utilitarian perspective that ‘animals feel pain’ and that ‘pain is bad,’ they still have merely a superficial understanding of the moral significance of animals. It is of no use to tell our children they ought not to hurt other creatures if we have not given them a deep understanding of the emotional, psychological and moral dimensions of animals. If children are to be taught to empathize with other beings, to be compassionate and considerate they must be taught to genuinely care for them, to invest themselves emotionally with them. Merely teaching them to maximize animals’ pleasure and minimize their pain will not suffice to this end.

There are, of course, more sophisticated utilitarian replies. The core aim of utilitarianism, after all, is not to propagate the truth of utilitarianism, but to maximize utility, through whatever means necessary. Hence a utilitarian might say, ‘any moral education that results in my children maximizing utility is a good one; hence we may not want to teach our children to be utilitarians, if that is not a utility optimal form of moral education. If it means training them as if virtue theory were the true theory, despite the fact it isn’t, then so be it.’ And indeed, many utilitarians have made just his point. Jeremy Bentham wrote, “It is not to be expected that this process [his hedonic calculus]
should be strictly pursued previously to every moral judgment." John Stuart Mill agreed: "It is a misapprehension of the utilitarian mode of thought to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large." Henry Sidgwick added, "It is not necessary that the end which gives the criterion of rightness should always be the end at which we consciously aim." Clearly the most respected utilitarian thinkers feel free to avail themselves of whatever means of moral education serves their purposes.

While this approach has definite advantages over the naïve account we saw a moment ago, it has at least one major problem, namely, it is a whole-hearted embracing of what Michael Stocker calls 'moral schizophrenia.' On this sophisticated utilitarian version of moral education the morally required thing to do is to lie to our children about the nature of morality and the role of animals therein. Suppose a child asks their utilitarian parent about why animals matter morally. If we assume, as I have suggested above, that the strict utilitarian answer (because they can feel pleasure and pain) would not be utility optimal the parent would again have two choices: they could give the honest utilitarian answer, and thereby undermine utility, or they could go with the dishonest, non-utilitarian (but utility optimal) answer. If they go with the first option they engage in a fundamental hypocrisy, trying to promote the truth of utilitarianism at the cost of undermining utility. If they go with the second option they also engage in a fundamental hypocrisy, maximizing utility by teaching their children that they need to do more than

simply maximize utility. Either way, they are engaging in hypocrisy in the service of morally edifying those who trust them implicitly. There is a deep paradox here (especially since one of the things a moral education needs to teach a child is the value of telling the truth.) To even call such a practice ‘moral education’ is a perversion of the concept.

It is not hard to see how this basic problem would generalize to other important areas of ethics, too. What kind of answers should the utilitarian give regarding the value of friendship? Integrity? Courage? The emotions? If the honest utilitarian answers are not utility optimal (and at least some must be, otherwise there is no difference between this account and the naïve account given earlier) then the utilitarian parent must either knowingly undermine utility or knowingly deceive their child. This would not just be dishonest, but unfriendly, corrupt and cowardly, as well.

Such deception is no mere white lie, akin to telling our children of Santa Claus or the Easter Bunny. Being taught how one ought to live, what one ought to value and what moral beliefs one should have, are surely among the most important things a parent can teach a child. And unlike fantastic tales of innocent youth, the deception about the moral nature of animals, why we should care about them, what makes them morally significant and what part they should play in our moral lives are lessons that will stay with a child as he or she grows up. If they are not given both wise answers to those questions and a moral framework that allows them to make overall moral sense of animals (and morality

208 A parallel case to this one can be constructed in terms of telling the truth. One can imagine a situation in which a child asks their utilitarian parent about the value of honesty. How could they respond? If we assume, for the sake of argument, that the strict utilitarian answer would not be utility optimal, they have two choices. First, they could give the honest utilitarian answer, and thereby undermine utility. Or, they could go with the dishonest, non-utilitarian (but utility optimal) answer. Either way, hypocrisy abounds.
in general) then this deficit will continue to cast a veil over their moral psychology for the rest of their lives. A proper moral education with respect to animals on the utilitarian account is one that either completely obscures the truth about morality, or commits us to perpetual confabulation. To insist that we engage in hypocrisy and self-deception, as the sophisticated utilitarian account we are considering now compels us to do, is to endorse hypocrisy and self-deception as key moral values. What could possibly be more morally schizophrenic than that?

5.5) Animals, Utility and the Causal Impotence Objection—Let’s close our consideration of utilitarianism by returning to the issue of motives, but from a different angle than we were before. It is commonly held that in order for moral theories to be applicable they must motivate us, must give us reasons to act; it must tell me what sort of reasons I should accept and what sort of reasons I should reject. One of the great strengths of utilitarianism is that the reasons it provides for us are simple and straightforward: the fact that an act will cause pleasure/minimize pain is a reason to do it and the fact that an act will cause pain/minimize pleasure is a reason not to do it. Accordingly, we have a reason to not eat meat, since the process of raising and slaughtering animals for our consumption causes much more pain than the pleasure we get from eating them.

One notorious problem facing this simple utilitarian argument is the so-called ‘causal impotence objection.’ In short, this objection charges that no action on my part can bring about the morally preferable consequences. With regard to eating animals the

209 Recall that the quotes from Bentham, Mill and Sidgwick above were not, strictly speaking, about moral education, but about the moral psychology of the agent in day-to-day life.
210 This is, of course, merely the simplest formulation of utilitarianism, hedonistic utilitarianism. Preference utilitarianism, rule utilitarianism, motive utilitarianism and other varieties will have different, and increasingly complex, accounts of moral reasons.
morally preferable consequences involve the reduction of animal suffering on factory farms and slaughterhouses around the world. The objection charges that because of the massive scale of the market for meat and animal products my abstaining from eating has absolutely zero effect on the total amount of animal suffering. If I have a choice between eating a meal consisting of meat and a meal consisting of a non-meat alternative, then no matter what I choose, the amount of animal suffering in the world will be the same. Hence, the objection goes, from the utilitarian perspective there is no moral reason for me to choose the non-meat alternative. In fact, if I would enjoy the meal consisting of meat even marginally more than I would enjoy the alternative, utilitarianism actually tells me that the moral thing for me to do is to actually choose the carnivorous option.

The primary thing to note about the causal impotence objection is that it speaks directly to the very core of utilitarianism, namely its consequentialist component. In order to genuinely be a utilitarian, one must concede that if, in fact, we are impotent to bring about the favored consequences, then we have no moral reason to act. Thus, any reply to the causal impotence objection must either (1) deny that we are in fact impotent or (2) point to some other, unanticipated set of consequences that will be sufficient to motivate us.

Most utilitarians seem to opt for strategy (1). They maintain that we have good reason to think that despite the immensity of the market for animal products we as individuals can still make a difference. Over the last several decades the steady increase in the percentage of vegetarians and vegans in Western countries has doubtlessly had an effect on the amount of animals raised and slaughtered and ergo a similar effect on the
amount of overall animal suffering. If all of those persons had not decided to give up eating meat then the amount of animals raised and killed would be much higher.

But this counterfactual might seem unpersuasive; even if it is true how does that give me a reason to give up eating meat? Of course it is better if millions of people do not eat meat, but I have no control over millions of people. I only have control over myself, and my conversion will make no difference whatsoever. The market is simply too large and insensitive to respond to my actions, and that means that the consequentialist approach fails to give me a reason act.

At this point sophisticated utilitarians employ a clever mix of expected-utility calculations and the idea of an ‘economic threshold.’ The suggestion is that there is some point at which the number of people giving up eating meat will have an effect on the market. Let’s say that point is at 10,000 people. Once that many people give up eating meat the market will react by proportionately reducing the number of animals raised and slaughtered each year. Hence, if each person eats an average of 1 cow worth of beef a year then when the 10,000-person threshold is reached then 10,000 fewer cows will be raised and slaughtered each year. Hence, while there is a 1/10,000 chance that my decision to give up eating meat will tip the threshold, the potential benefit is 10,000 fewer cows a year leading lives of unmitigated suffering. When you cancel out the odds for the potential benefits, my giving up eating meat is the practical equivalent of saving one cow a year. Since this would prevent more suffering than the enjoyment I would get by eating
meat I have a reason to go vegetarian. The collective effect of each individual decision
has an impact and every person who gives up eating meat contributes.\textsuperscript{211}

Many people react to this reply with a degree of skepticism. It seems like an
abstruse and indirect way to dispel a complicated problem. Some argue that the market
doesn’t necessarily work this way. For example, there are other reactions to a drop in
demand besides reducing production; the company might keep production constant, but
lower prices, allowing those who previously could not afford to buy much meat to
consume more. Government farm subsidies might also offset a shrinking demand,
effectively paying the companies to produce meat that goes to waste. In either case, the
simplistic ‘economic threshold’ model from above does not accurately reflect the real
world.

It is also worth pointing out that, as the world population grows ever larger, as
globalization connects and broadens markets, the economics of animal production (as
with other morally problematic products) only becomes more complicated and occult. As
international markets merge and connect we are on the verge of going from being one
person out of three hundred million, to one person out of six billion. The mechanisms
that relate consumer demand to industrial production will become, by orders of
magnitude, more complex and inscrutable. The causal impact of the individual will only
become more and more marginalized and diffuse. Perhaps more importantly, as the
world becomes financially more enriched our ability to make rational predictions about
the impact of our individual actions will grow progressively impoverished. If we accept

\textsuperscript{211} For more detailed versions of this argument, see Singer, Peter, “Utilitarianism and Vegetarianism”
a moral perspective that answers all moral questions in terms of what consequences we can rationally expect, we may find ourselves without any answers at all.

Utilitarians are quick to reply that, these complications notwithstanding, there is *still some point* at which the drop in market demand will prompt a change in production. Regardless of how complex the market is, or may become, it is still fundamentally a market, which means it will respond to consumer demand (or lack thereof). Those same globalizing forces that complicate the market also expand the ability of the individual to reach out to the rest of the world an influence it. Communications technologies allow conscientious people to connect, organize and proliferate. The double-edged sword of globalization gives us reasons to be optimistic, as well as pessimistic, about our ability to make a positive impact on the world. At worst, the intricacies of real world markets and the perplexity of globalization suggest that the actual threshold will be significantly larger than the 10,000 suggested here, but it will by no means be unreachable. And at the end of the day, the expected utility will still cancel out the odds, no matter how long those odds are.

For the virtue ethicist, all of this economic theorizing, while interesting, fundamentally misses the point. While our moral theories should certainly be responsive to the practical realities of the real world, to place the entire weight of such a huge moral question on exactly which market model is the most accurate shows a fundamental problem with the moral approach under consideration. When ethics is held hostage by economics in this way we need to take a step back and reexamine our assumptions. The attempt to reduce moral questions to economic ones shows a fundamental disconnect
with what applied ethics is fundamentally about according to virtue ethics, namely how my actions relate to me, what my actions say about my character.

One way to illustrate this disconnect is to notice that even if reply (1) is absolutely correct for most people, this reply does not apply to all persons in all circumstances. Some people truly are causally impotent. Any situation in which the agent is not involved in a reactive market, or in which the chances of sufficient numbers to reach the economic threshold are extremely low are cases of genuine causal impotence. People in prison, in the military, in a controlled-market economy, or in a foreign land in which concern for animal welfare is nonexistent may qualify as such genuine cases of impotence. For people in these circumstances, rational expected utility calculations will, in all likelihood, dictate that we not give up eating meat.

To focus our discussion, consider a story from my own personal experience. When I first became a vegetarian at the age of 15 my parents did not understand my decision. They assumed that I was going through a phase and that it would pass and I would soon go back to eating meat. Despite my protestations and many attempts to explain my reasons they continued to purchase the same amount of meat as they always had and serve it to me at meal times. When I would not eat it the rest of my family merely took up my slack. Because I myself was not a consumer and not engaged in the market my conversion to vegetarianism did not contribute to the economic threshold at all. My parents continued their shopping and eating habits until I left for college three years later.

A utilitarian might have a number of responses here. They might say that even though my family did not respond I could not have known that in advance and I had a
good reason to at least try. They might add that my refusal to eat meat might have had a
publicity effect among my friends, potentially helping to convince one of them to give up
eating meat. Furthermore, they could continue, becoming a vegetarian early was good
practice for later in life when I would enter the market and my choices would make a
difference. They might also try appealing to option (2) and argue that giving up eating
meat would have other good consequences, such as having a positive effect on my health,
life expectancy and general sense of well-being, both moral and physical.212

While there may be some truth to these replies, they can be rebuffed without
much effort. I might know my parents well enough to be quite certain in advance that
they will not be swayed; my friends might be just as implacable as my family; giving up
meat later in life might be just as easy as giving it up now; any health benefits that I may
have received seem compensated for by the detriment to the health of the rest of my
family from eating my share of meat.213 Furthermore, when one factors in all the familial
strife that my decision caused, the utilitarian calculus still seems to suggest that I ought to
have continued eating meat.

There is a deeper problem, however, with the utilitarian replies here; as I said
above, these moves seem to fundamentally miss the point. Whether or not I had moral
reasons to give up eating meat, and whether or not my decision to do so was the right one
cannot fundamentally depend on what the rest of my family chooses to do. While proper
moral reasons and correct moral decisions are certainly going to be sensitive to such

212 See, for example, Garrett, Jeremy, “Utilitarianism, Vegetarianism and Human Health: A Response to the
213 Indeed, given my relative youth and my parents relative age, their ‘picking up my slack’ may have
caused more damage to their health than my eating it would have to mine. At that age, any damage done to
my health would have considerable time to heal, whereas at my parents’ age the extra damage done by the
extra meat would be added to the accumulated harm of a lifetime of regular carnivorous dietary habits.
circumstances the entire weight of these questions cannot be settled merely by looking at what other people do in reaction to my decisions. I contend that even if I know with certainty in advance that my actions will have absolutely no effect on the overall consequences I still have moral reasons to give up eating meat. Such reasons may not be dispositive, but they are reasons nonetheless that arise regardless of what the utilitarian calculus says.

This contention is, by definition, utter nonsense to the utilitarian. However I suspect that most other people will be sensitive to the spirit, if not the specifics, of the suggestion. Could virtue theory be a sufficient alternative to utilitarianism in this regard? Thus far I have done much to lay the groundwork for the claim that it can, but I have not done a protracted analysis of applied issues in animal ethics. Either way, let us set this conflict aside for the time being, as we will return to it later in chapter 7.

A full comparison of virtue ethics with the dominant theories of animal ethics would not be complete without a contrast with Tom Regan's rights-based approach. However, since many of the core points of comparison either have little to do directly with animals (and instead focus on the underlying contrast between rights and virtues) or instead simply highlight inadequacies within the rights-based account (and have little to do directly with the virtue) I have placed this discussion in Appendix B. This way as we proceed into the next two chapters we can stay focused on the core themes by looking at how virtue ethics deals with applied issues, specifically that of animal experimentation (chapter 6) and the use of animals for food (chapter 7.)

Chapter 6) Virtue, Vice and Vivisection

6.1) Introduction

6.2) A Virtue Approach
6.1) Introduction: Walking The Moral Tightrope

"We must apply the test of character, and ask ourselves not merely, 'What will happen if I do this particular [experiment]?’ but 'What sort of man will I be if I do it?"

--George Bernard Shaw

Utilitarianism and rights theory have dominated the literature on animal ethics. With regard to the question of animal experimentation each of these views suffers from a vice of excess (in the case of utilitarianism) or deficiency (in the case of rights theory.)

According to utilitarianism\textsuperscript{214}, all that is required for an act or program of animal research to be justified is that greater overall utility result in the long run than any alternative action available. Animals could be subject to the most inhumane torture, provided that torture yields a mascara that is marginally enjoyed by a sufficiently large number of people to make it the utility-optimal alternative. Such a position is unpalatable for anyone with the smallest bit of empathy for animals. Rights theory\textsuperscript{215}, on the other hand, avoids this extreme only by going to another and prohibiting any and all research whatsoever. Even if the survival of all life on the planet earth depended on performing a


\textsuperscript{215} Most notably, Regan, Tom The Case for Animal Rights, The University of California Press, Berkeley, CA (1983). When I refer in this chapter to 'rights theory' it is primarily Regan's thought that I have in mind, and would perhaps be more accurately called 'strong rights theory' to distinguish it from the 'weak rights theory' of thinkers such as Mary Anne Warren (Moral Status, Oxford University Press, New York, NY, (1997)). Nonetheless, for the sake of brevity, I will simply refer to Regan's strong rights view as 'rights theory.'
relatively painless, minimally invasive experiment on a single animal, rights theorists must on pain of contradiction refuse and let the heavens fall.\textsuperscript{216}

Neither of these implications is acceptable. There must be some circumstances in which vivisection is justified, but it cannot simply be whenever the net pleasure outweighs the net pain. There is a moral tightrope that must be walked here.

Sophisticated responses from both of these camps can be made to try and walk it more gracefully and avoid the unpleasant implications of the base theory.\textsuperscript{217} Such responses, however, quickly lead the revised theories into charges of inconsistency, being \textit{ad hoc}, or leading to absurd conclusions in other areas of ethics. Such moves are more trouble than they are worth, and suggest that we should look elsewhere for another perspective.

Virtue theory provides us with a more balanced way to walk the tightrope. Since it has neither the maximization component of utilitarianism, nor the deontological constraints of rights theory, virtue ethics can restrict animal experimentation to a narrow set of justified cases, while not prohibiting it outright. Virtue theory, more so than any other ethical theory, is capable of recognizing the moral vagueness and ambiguity raised by this issue. I contend that virtue theory can capture the general appeal of both utilitarianism and rights theory while avoiding the major problems of each. In addition, virtue theory can make sense of other strong moral intuitions ignored by these two theories.

\textsuperscript{216} These caricatures of utilitarianism and rights-theory will do doubt seem like straw men at this stage. Rhetorical force and spatial limitations make this a necessity at this point, but more robust versions of these theories will be addressed in due course.

\textsuperscript{217} The most obvious, and perhaps most plausible such response for both is probably to claim that, while in principle their theory is committed to the aforementioned conclusions, in practice these circumstances never arise. There is certainly some truth to this response, but it can only be satisfactory for someone whose principle concern is applied ethics and who does not regard ethical theory as an autonomous field of inquiry. Those of us who see ethical theory as more than just a practical tool, but also as a field unto itself and ergo demanding a standard of general consistency across the board will want something more.
theories, most notably, the intuitions that make animal experimentation such a divisive issue in the first place.

6.2) A Virtue Approach—How would virtue ethics approach the question of animal experimentation? This question does not appear to have been previously explored thoroughly in print by either virtue ethicists or by those working in animal ethics. I imagine this is because dilemma resolution is not considered to be a strong suit for virtue ethics. Unlike some other moral theories, virtue ethics has no single supreme moral principle nor is there a 'moral calculus' wherein the correct values are inserted for respective variables in turn yielding a definite, clear-cut solution to every moral conundrum. Virtue ethics tends to see the world as too morally complex, too 'fuzzy' to submit to such simplistic approaches and as such attempts to reduce all moral values into a single common denominator are bound to fail. Those interested in virtue ethics therefore tend to focus on other questions besides dilemma resolution and those interested in dilemma resolution have accordingly focused on theories other than virtue ethics.

I believe this mutual aversion has been to the detriment of both fields. While the answers that virtue ethics gives may not be as definite and univocal as other theories, it is more than capable of addressing the relevant issues. Moreover, it can address them in ways that make sense of the fact that they are dilemmas, ways that respect the considerations of both horns in ways that other theories cannot. While the primary concern of virtue ethics should remain 'how should one live?,' it should not be so reluctant to consider how dilemmas such as those posed by animal experimentation are relevant to that primary concern.

218 Aristotle, Nicomachean Ethics, 1103b26-31.
Before looking directly at animal experimentation, we should note that one result of the aforementioned 'fuzziness' of virtue ethics is that it is a mistake to think of it as a single unified approach to ethics. There are many different 'virtue theories' and different ones may come to completely antithetical conclusions at all levels of inquiry (theoretical, psychological, applied, etc.) In recent years much attention has been paid to Kantian and even utilitarian theories of virtue. Virtue theory, as such, does not commit us to any practical conclusions with regard to animal experimentation; conclusions will depend entirely on how one structures the particulars of the theory, which character traits matter the most, how they are 'weighted' (if at all), how conflicts are to be resolved, etc. One could construct a virtue theory that concludes, like the rights theorist, that the virtuous person would never experiment on an unwilling being, even if the fate of the world depended upon it. Conversely, one might also hold that the virtuous person would side with the utilitarians and perform such an act whenever maximal utility comes from it. But either of these approaches would inherit the implausibility of their kindred positions and are hence unacceptable. Any plausible approach to animal experimentation, be it in terms of virtue or otherwise, must walk that moral tightrope. Hence it makes sense to explore a virtue approach that, in the spirit of Aristotle, tries to find the mean between the extreme permissiveness of utilitarianism and the extreme unpermissiveness of rights theory.

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219 See, for example, Driver, Julia Uneasy Virtue (Cambridge University Press, Cambridge, UK, 2001) for utilitarian theories of virtues. For Kantian theories of virtue, see, for example, Sherman, Nancy Making a Necessity of Virtue (Cambridge University Press, Cambridge, UK, 1997)

This variability notwithstanding, all virtue approaches to the issue will first and foremost consider the role of character to be of central importance. As the epigram from Shaw suggests, the guiding question needs to be (adjusting for Shaw's gender bias)

'What kind of person will I be if I do this experiment?' or, since most of us will never be in the position such that this question will apply to us, 'What kind of person would do such an experiment?' Phrased thusly it may seem a loaded question, implying that only a monster would perform such research. But this need not be the case. If we understand these questions to be open and honest, rather than leading and accusatory, we can see that a sincere answer can be given either way, depending on the circumstances. Indeed, we can also ask (in fact, must ask) the corollary question, 'What kind of person will I be if I don't do this experiment?'

How should we go about answering these questions? We need to start by looking at questions of character and aspects of moral psychology, including emotions, moral education and motives. From there we need to consider what circumstances of the experiment in question will be relevant and how we can properly judge their comparative importance both scientifically as well as morally. We will conclude, not with any quick and easy answers to moral dilemmas in animal research, but rather with a small sampling of guidelines that may help in making hard decisions.

6.3) Animals and Emotions—We saw in (3.2.1) that the standard reading of Rene Descartes, which holds he asserted that nonhuman animals were mere automatons,

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221 The use of the agent-centered perspective is distinct and worth focusing on. Utilitarianism and rights theory can ask their primary questions ('Will this experiment generate a utility-optimal outcome?' and 'Will this experiment violate the animal's rights?', respectively) from a subject-neutral perspective as though there were no agent at all in the equation. Such a subject-neutral perspective is impossible for virtue theory; it does not allow you to abstract the subject out of the question.
unable to think, and hence unable to suffer is a subtle, but important misunderstanding.\textsuperscript{222} Nonetheless, a school of vivisectionists adopted this Cartesian idea and proceeded accordingly to perform upon animals (mostly dogs) the cruelest experiments imaginable. Today virtually no one\textsuperscript{223}, regardless of their position on animal ethics in general, endorses Descartes' estimation of the sensate capacities of animals. But a pair of equally egregious misestimations is still all too common in the animal sciences as well as in ethics—namely the denial of emotions to animals and the denial of the intrinsic moral significance thereof. It is scientifically acceptable that animals feel pain, but not scientifically acceptable that they feel love. Likewise, ethicists tend to consider animal pain to be of intrinsic moral significance, but not animal emotions.

In (3.2.3) we saw that many animal scientists are averse to attribute emotions to animals. Doing so is often seen as a flagrant example of anthropomorphism, the unwarranted ascription of human traits to nonhuman things. As behaviorist John S. Kennedy puts it in his book, \textit{The New Anthropomorphism}, "The scientific study of animal behavior was inevitably marked from birth by its anthropomorphic parentage and to a significant extent still is... Anthropomorphism remains much more of a problem than most of today's neobehaviorists believed."\textsuperscript{224} He goes on to compare anthropomorphism

\textsuperscript{222} In (3.2.1) I mentioned science historian Anita Guerrini's contention that Descartes has been misconstrued as saying that animals do not feel pain. Guerrini maintains that "Descartes believed that animals did feel pain as a nervous phenomenon, but that they did not experience it cognitively." Guerrini rightly sees this failure to distinguish 'pain' and 'suffering' in the reading of Descartes as a serious injustice, a 'demonization' of the father of modern philosophy. Since my purposes in invoking Descartes here are mostly rhetorical, I will not belabor his important distinction here. Guerrini, Anita, "The Rhetorics of Animal Rights," in \textit{Applied Ethics In Animal Research}, Gluck, John P. et al. (eds.), p. 55-76, Purdue University Press, (2002)

\textsuperscript{223} Two notable exceptions seem to be Harrison, Peter, "Do Animals Feel Pain?" (\textit{Philosophy} 66 (1991): 25-40) and Carruthers, Peter, \textit{The Animals Issue: Morality in Practice} (Cambridge: Cambridge University Press, 1992). While each of these makes arguments worth tackling, I will not address them here; the arguments advanced in chapter 3 will hopefully suffice.

to an "incubus," a "delusion" and a "disease." Despite the potency of this rhetoric, Kennedy offers no novel argument, either scientific or philosophical, to justify such aspersions; the majority of his book is just a catalogue of supposed incidences of previously unnoticed anthropomorphism in the animal sciences, and Kennedy's suggestions for purging them from the field.

Kennedy's position on animals today is as scientifically indefensible as Descartes' was four centuries ago. A complete and decisive refutation is impossible here, but the same basic point that was made in (3.2.1) will suffice: there is no way to reconcile what we know of animal behavior, evolutionary history and human psychology without appeal to the notion that animals have deep and profound emotions. Their existence, like ours, is characterized by a range of emotions, which may include fear, hope, love, mercy, reverence, sadness, joy, rage and shame, among others.  

Not every animal will have all of these capacities, of course, and some may even have none; each particular case will depend on the constitution of the animal.  

Indeed, a large body of scientific experiments on animals is premised on precisely the assumption that animals do share these emotions with humans. Some of the more famous (or perhaps infamous) examples come from the work of behavioral psychologist Harry Harlow. Among many other experiments performed on animals, Harlow placed

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226 Conversely, however, it is quite possible that animals can experience emotions that are entirely outside of our traditional emotional repertoire. Such a possibility stretches the limits of our phenomenological imagination. I do not want to presume that this possibility might have a distinct moral significance, and hence I will not further consider such issues here.
infant Rhesus monkeys in what he called “the well of despair,” a stainless-steel vertical confinement chamber. The infants were left alone in the chamber for 45 days for the purpose of producing and studying “depressive behavior.” Exactly what scientific and medical benefit these experiments were expected to produce is unclear, but what is clear is that the experiments would be conceptually incoherent if these monkeys did not have emotions.

Harlow’s experiment, despite being predicated on the reality of animal emotion, makes a mistake that is just as profound as those of Descartes and Kennedy. A proper understanding of animals needs to do more than merely recognize their capacity for emotions, just as it needs to do more than recognize their capacity to feel pleasure and pain. We must also respond to these emotions with the proper emotions of our own. Failure to acknowledge that animals have these feelings is an intellectual error; failure to empathize with them is an emotional error, one that sets us up to make a variety of moral mistakes. Just as neglecting animals’ capacity to feel pain led Cartesian vivisectionists to commit atrocities, Harlow’s neglect of the moral significance of animal emotions led him to do likewise.

But it is not only animal scientists that have failed to adequately appreciate animal emotion. Most ethical thinkers writing on animals reduce the moral significance of this wide array of emotions to a single consideration: either utility or rights. The meagerness of such a monochromatic approach to animal emotions draws our attention to the virtue ethic alternative. The moral importance of recognizing emotions, not just on the

227 Other nicknames Harlow gave the chamber included “pit of despair,” “dungeon of despair,” and “hell of loneliness.” (Blum, Deborah. The Monkey Wars. Oxford University Press, 1994, p. 95) If the refrain of the term ‘despair’ is insufficiently condemnative then the unambiguous moral force of the term ‘hell’ surely suffices.
cognitive level, but also on the empathetic level as well, is a common theme for virtue ethicists.\textsuperscript{228} To see how this theme is cashed out, let’s look explicitly at a concern that is all too infrequently considered in the animal experimentation debate: the effect that animal experimentation has on those that perform it. Charles Darwin considered this point when he noted that “every one has heard of the dog suffering under vivisection, who licked the hand of the operator, this man... unless he had a heart of stone, must have felt remorse to the last hour of his life.”\textsuperscript{229} Darwin’s prediction seems to have been borne out by modern animal researchers. Many labs actively advocate desensitization to animal suffering though such means as discouraging the naming of subject animals. Proper names confer a specific identity, and it is harder to distance yourself emotionally if you think of animals as individuals, rather than objects.\textsuperscript{230} This process of desensitization corrodes not only empathy with the subject animals, but with all animals, including humans. One employee at Biosearch Laboratories is quoted as saying “Once you’ve been here a few days, you lose respect for all living things.”\textsuperscript{231}

With that thought in mind, it is worth contrasting how virtue ethics construes the role of remorse with that of the utilitarian approach. For the virtue theorist, remorse is proper and good when someone has done something wrong. It is not good because of anything that comes from it, but rather it is good simply because it is the morally correct

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\textsuperscript{230} See Phillips, Mary T., “Proper Names and the Social Construction of Biography: The Negative Case of Laboratory Animals,” \textit{Qualitative Sociology} 17, no. 2 (1994) p. 119-142

\textsuperscript{231} As quoted by an “Undercover Investigator” in \textit{The PETA Guide to Compassionate Living}, Washington, D.C.: PETA, no date), p. 9
emotional reaction to wrongdoing, a proper manifestation of virtue. The utilitarian has difficulty with this sort of judgment. In fact, given the likely circumstances, the utilitarian may advise the vivisectionist to petrify his heart precisely to avoid the lifelong remorse that Darwin predicts. That way he will avoid the considerable amount of disutility that such remorse constitutes. But how could such callousness ever be considered a good thing, even if it succeeds in preventing the negative utility of remorse? Rights theory, while not endorsing the same counterintuitive conclusion as utilitarianism, nonetheless cannot make sense of why that conclusion is wrong. If I harden my heart to the suffering of animals, rights theory can lament the fact that this will lead me to violate the rights of more animals, but they cannot lament the hardening in terms of what it means to me, what I am deprived of in the process. I do not violate my own rights when I embrace callousness; hence doing so is not wrong, in and of itself, according to the rights theorist.

While it is tempting to just say that this assertion is a brute fact for virtue theory, I do think that it can be justified in more neutral terms. Such a justification, however, would be rather complex, and there is no room to expand on it here. For more on this, see Hursthouse, Rosalind, “Virtue and the Emotions” in On Virtue Ethics p. 108-121, Oxford University Press, Oxford, UK, (1999).

Problems of causal impotence, which have notoriously plagued utilitarianism’s attempt to persuade people to give up consuming animal products, arise here a fortiori. As we saw in (4.5), there is a standard response to causal impotence as given by Peter Singer (“Utilitarianism and Vegetarianism” Philosophy and Public Affairs, 9(4), 325-337 (1980)) and Alastair Norcross (“Puppies, Pigs, and People: Eating Meat and Marginal Cases,” Philosophical Perspectives, 18, 229-245 (2004)) among others. It asserts that the marginal chance that any one person will make a difference is directly proportional to the difference they might make, and hence the expected utility calculation balances and demands a vegan lifestyle. But this reply only works if we can reasonably expect sufficiently large numbers of people to convert along with us. Since it is unlikely that sufficiently large masses of animal researchers will abandon their work, the next best thing for the empathetic researcher from a utilitarian standpoint is to make the best of a bad situation and minimize their own suffering by keeping their job and hardening their heart.

The rights theorist might object that their theory is not suppose to provide an all-purpose guide to the moral life on the whole, but rather merely a set of restrictions on other-regarding actions. Other augmentations or corollaries to rights theory can make up for things like moral psychology and the like. Such a response is certainly a viable option, but leaves a huge lacuna that desperately needs to be filled. Exactly what do these ‘augmentations and corollaries’ look like? Can they harmonize with the logic of rights theory, or are they merely an ad hoc gesture to cover-up the inadequacies of rights theory, leading to another form of what Michael Stocker calls ‘moral schizophrenia’? I have not been able to find any
But this is clearly mistaken, and virtue ethics can explain why. It does this by providing a much more plausible account of these emotions and their role in moral problems. Rosalind Hursthouse, channeling Aristotle, puts the point elegantly: “In the person with the virtues, these emotions will be felt on the right occasion, towards the right people or objects, for the right reasons, where ‘right’ means ‘correct.’”\textsuperscript{235} With regard to the particular case at hand, I ought not to harden my heart to the suffering of animals because to do so would be to cultivate the vice of callousness. A quintessential example of a detrimental character trait, callousness is a vice because it inhibits our ability to connect with other emotional beings and makes our lives less fulfilled, less complete, less eudemonistic.

A consequentialist might object here that the disvalue of callousness is cashed out here purely in terms of consequences, and hence is not a novel virtue ethics contribution. Two replies to this are warranted. First off, the value of our emotional connections with other beings (which we loose to callousness) is not weighed against the potential positive utility of other courses of action for the virtue theorist. I have already explained why such a common-denominator metric will prove fundamentally inadequate (namely that moral universe is just too complex, and our moral psychology is structured to reflect this complexity, not the simplicity the consequentialist picture requires.) We could even stipulate that more overall utility would be generated if I embrace callousness; the virtue theorist would still maintain that we should not do so. Hence, the approach I am advocating here is notably distinct from the most common form of consequentialism, namely utilitarianism. Second, to the extent that the disvalue of callousness remains

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consequentialist, this need not be something the virtue theorist needs to reject. Indeed, no
moral theory can be taken seriously unless it has room to make sense of bad
consequences (this is one of my main criticisms of rights theory). One can see
consequentialist aspects of Aristotle without much straining. For Aristotle all that is good
in life can be related back to the role it plays in our flourishing as human beings; if one
wishes to see this aspect of virtue theory as consequentialist, then so be it. The onus is
not on the virtue theorist to provide a distinctive account; after all, technically we were
here first.

6.4) Animals, Dissection and Moral Education—Closely related to the issue of
the emotions is another pillar of virtue ethics, moral education. In terms of our current
discussion, this is probably most relevant when it comes to the dissection of animals for
educational purposes. Every year millions of frogs, fetal pigs, cats and other animals are
bred for the express purpose of dissection in college, high school and middle school
biology classrooms across America.236 It is not unreasonable to suspect that the act of
dissection can desensitize students to animal suffering, similar to the way it does for
researchers in animal labs.

This suspicion is given weight by Kenneth Shapiro's article “The Psychology of
Dissection.” Shapiro notes that many students find the act of dissection emotionally
disturbing, that they recoil at the prospect of handling a dead body and sometimes even
view the act of dissection as an act of desecration.237 When students have such reactions
their feelings are marginalized, dismissed and coercively suppressed by trusted authority
figures. Teachers, administrators and parents may all try to delegitimize the emotional

236 F. Barbara Orlans, “Debating Dissection: Pros, Cons and Alternatives,” Science Teacher, November
(1988), p. 38
and moral reactions these students have. (The insights shed by Stanley Milgram’s infamous ‘Obedience to Authority Study’ demonstrate what a powerful force this factor can be, even more so upon young and impressionable hearts and minds.) Making matters worse, since these students would likely be in the minority in most classrooms, the ever-present peer pressure to belong and not disrupt the status quo can exert even more stress on such students. If social pressure is insufficient, students may be threatened with academic sanctions to further punish the students’ moral sensibilities. Such a display of authority, in combination with the routine nature of dissection, contributes powerfully to the general ethos that treats animals as insensate things, tools for our consumption and disposal, which the average non-protesting student automatically absorbs.

The moral risks of such conditioning go beyond the suffering inflicted on animals. It is likely that, when faced with such tremendous opposition, few students would have the moral courage to persevere. Those that do not would be taught a rather harsh moral lesson: do not think for yourself, do not rock the boat, do not trust your emotional reactions or your moral instincts—you will be punished if you do. Instead you should compromise your personal integrity and abandon your moral convictions and emotional sensitivities when they become inconvenient. This counsel will be absorbed, not only by those subjected to this pressure, but by all those who witness it as well. It will be a lesson that most students will carry with them long after the biological one has been forgotten.

One does not need to have a specific concern for animal well-being to see such a lesson is detrimental to personal and moral development, nor does one have to be a virtue ethicist to make sense of why this is so. However, the fact that the language of virtue ethics (courage, integrity, sensitivity, etc.), fits so naturally in this context is a good
reason to think it might have the best account going. Likewise, the fact that animal well-being plays such a crucial role in this fairly-common narrative should also give us a good reason to think animals have considerable moral import. It would be a strange thing indeed to recognize that sensitivity and compassion are important, but simultaneously maintain that the objects of that sensitivity and compassion are not.

This leads us naturally to Kant’s famous observation that he who is cruel to animals becomes hard also in his dealings with men.\footnote{While Kant is most frequently associated with this sentiment in the philosophical literature, it was hardly a novel observation. Notably, Shakespeare made the same point nearly 200 years prior in his play \textit{Cymbeline}: “Queen: I will try the forces of these thy [poisons] on such creatures as we count not worth the hanging, but none human.../ Cornelius: Your highness, shall from this practice but make hard your heart?” (Act I, scene V)} For the virtue ethicist, this observation has even greater significance than it does for most. Like the heart of stone mentioned by Darwin above, this sort of callousness harms the person who bears it, not merely the persons they interact with. To live a life of such hardheartedness towards one’s fellow human beings is to be deprived of some of the most valuable and nourishing aspects of human life. Likewise, to be deprived of such emotional connections with nonhuman animals deprives one of some of the most profound and beautiful aspects of the animal kingdom and nature in general. It is a tragic irony that in an attempt to educate students about the wonders of the biological world, schools have helped to deaden their appreciation of the emotional and moral significance of that world.

With regard to moral education, virtue ethicists often cite the importance of narrative and moral exemplars.\footnote{See, for example, Nussbaum, Martha, \textit{Upheavals of Thought: The Intelligences of Emotions}, (specifically p. 425-433 and p. 472-478, but also all of Part III: Ascents of Love) Cambridge University Press, Cambridge, UK (2001)} With this in mind, it seems appropriate here to tell the story of Jenifer Graham. In 1987, Jenifer, a 15-year old high school student, refused to dissect a frog in her biology class. She cited moral objections to the practice and a
respect for life as her reasons. She was subject to academic sanctions, and as a result a heated legal battle ensued, generating much media attention. Her case ignited a storm of legal ramifications, including a "Student’s Bill of Rights” for the state of California, requiring science teachers to work with students who object to dissection to find humane alternatives. Similar bills subsequently passed in Florida, Pennsylvania, New York, Maine, Massachusetts and Louisiana. As for Jenifer herself, the conflict was rendered moot when she graduated high school prior to a completion of the legal proceedings.240

I was twelve-years old when I first heard of Jenifer Graham. The news coverage of her case caught my attention and forced me to think about my own feelings regarding the human use of animals. I was profoundly moved by Jenifer’s compassion for nonhuman animals. I had long felt a deep affection and kinship with animals, but I never realized how those feelings were in conflict with the way I was living. It had never occurred to me before that the food I was eating had actually once been a real flesh and blood creature who could feel and think, and was deserving of my concern. The lack of consistency between my beliefs and my actions caused deep reflection on my own personal integrity. Those thoughts began a series of personal revelations that would culminate with my conversion to vegetarianism at the age of 15.

Two years later, when I was asked to participate in a dissection of a frog in my high school, I thought of Jenifer’s courage when I refused. This caused some difficulty for my teacher, my parents, the school administrators and myself, but, thanks in no small part to Jenifer having pioneered the path for me, we were able to reach an amicable arrangement (I watched a video of a dissection and wrote an essay explaining my moral

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objection to the practice.) For me, the catalyst that drove me to recognizing the moral reality of nonhuman animals was not Peter Singer nor Henry Spira, but Jenifer Graham. Personally, there are few experiences that I have had (or heard of, for that matter) that so clearly qualify as an exemplar of moral education. And again, the natural use of the language of virtue ethics throughout this narrative provides a strong *prima facie* case for the conclusion that the virtue account will be the most satisfactory.

6.5) Motives in the Laboratory—Another regard in which emotions have moral significance is in their power to motivate. Motives, be they emotional in nature or not, are also an important factor in assessing the moral psychology of animal researchers.

Suppose we had the choice between two scientists to perform a painful (but by stipulation necessary) experiment on a large number of non-human animal subjects. The first is someone motivated by altruism, by his perception of the good that can come from the experiment. The other is motivated by sadism, the desire to inflict suffering on the animals, to cruelly relish in their pain. Regardless of who we choose, all other factors (the number of subjects, the amount of suffering, the odds of success, etc.) will remain constant except for the amount of pleasure the scientist receives from the work (the prior will be remorseful, especially if the experiment does not yield useable results, whereas the latter will be elated to the point of ecstasy by the experiment itself.)

The common sense answer is to choose the first scientist. The twisted fantasies of the sadist should be shunned, not encouraged. Virtue theory says that this common sense answer is correct for precisely these same reasons. It is not just because doing so may enhance the possibility of future (unnecessary) harm; it is also because indulging the sadist cultivates within him character traits that, whether he knows it or not, inhibit his
ability to live an emotionally well-adjusted life. Again, this should not be understood merely as a source of negative utility, nor as merely one negative consequence to be weighed unimetrically against others. Rather, this is to be appreciated as one aspect among many that contribute (or detract, in this case) from a life lived well.

This thought experiment is, of course, merely an exaggeration to make a point. I sincerely doubt that even those in the position to make such decisions ever find themselves deciding between sadistic and altruistic experimenters, much less in cases where all other outcomes will be held equal. Nonetheless the point that motives are morally relevant remains salient. Scientists may have a wide array of motives for wanting to experiment on animals, ranging from laudable to despicable. To disregard the intrinsic moral significance of those motives is myopic. The respective character traits that are revealed by such motives are an essential part of the debate over animal experimentation. It seems more than likely that many scientists who experiment on live animals are motivated by the prospect of career advancement, or financial gain, or are simply mindlessly follows protocol calling for live animal subjects.\footnote{241} As Upton Sinclair noted, it can be hard to get a man to understand something when his salary depends on him not understanding it. Such scientists stand in stark contrast to those who sincerely believe that animal experimentation is the only way to develop cures for debilitating diseases, and if it were any other way, would gladly be engaged in less morbid research.

\footnote{241 If this claim seems excessively harsh and pessimistic to some, I would encourage them to take a closer look at the history of cosmetics safety testing (see, for example, Orlans, F. Barbara, et al. "Beauty Without The Beast" in The Human Use of Animals, p.121-138 Oxford University Press, New York, NY, (1998.).) Also, while I am hesitant to make character judgments about individual scientists, many people have made speculative assessments of exactly what motivated Harry Harlow’s deprivation experiments. One colleague of Harlow’s, William Mason, is quoted as saying that Harlow “kept this going to the point where it was clear to many people that the work was really violating ordinary sensibilities, that anybody with respect for life or people would find this offensive. It’s as if he sat down and said, I’m only going to be around another ten years. What I’d like to do, then, is leave a great big mess behind.” If that was his aim, he did a perfect job” (As quoted in Blum, Deborah. The Monkey Wars. Oxford University Press, 1994, p. 96).}
Of course, good motives are not, by themselves sufficient to justify any experiment that may follow from them. Having the proper motives can insure against certain vices, such as selfishness, greed, malevolence or jealousy. Yet a researcher with unimpeachable motives can still perform experiments that are callous, chauvinistic, cruel, maleficent\(^{242}\), negligent or wasteful. Avoiding these vices will require, in addition to right motive, the indispensable faculty of *good judgment* (both moral and scientific.)

**6.6) Circumstance and Scientific Judgment**—Modern virtue theorists, following in the footsteps of Aristotle, are quick to point out the importance of the various circumstances encountered when evaluating moral problems. Accordingly, our moral assessment of a given experiment (or set of experiments) will depend on numerous circumstantial factors. The relevant elements in morally evaluating research programs on animals seem to be the following:

1. **Presence or absence of legitimate medical-scientific need** (that is, a meaningful medical question that has not been sufficiently answered);
2. **The chance of achieving the medical-scientific purpose**;
3. **Presence or absence of sufficient alternatives**;
4. **Number of subjects and amount of pain and discomfort\(^{243}\)** they must be subjected to;
5. **The effect the research has on the researchers themselves**; and
6. **The ultimate effect on those who consume the fruits of the research**.

There is nothing too terribly virtue-specific about the items on this list. Indeed, a consequentialist could easily appropriate this list to use in their own theory. What makes the virtue approach distinct here is not what is placed on the list, but rather the way those elements are considered within the theory itself. The standard consequentialist approach,

\(^{242}\) The distinction between malevolence and maleficence is subtle, but crucial here: whereas malevolence is *the desire* to do harm or evil, maleficence is the *actual doing* of harm or evil (irrespective of motive).

\(^{243}\) I use the phrase ‘pain and discomfort’ here as a catch-all term to refer to physical and psychological pain, confinement, frustration of natural desires, separation from offspring and mates, premature death, and all other such intrinsic moral considerations that come into play when considering animal experimentation.
as I have previously suggested, would be to assess how each of the six considerations affect the consequences, reduce those consequences to a basic common factor, compare it with any alternatives, and choose the consequence-maximizing option. This cold, deliberate approach to moral decision-making has the definite advantages of being simple, memorable and easily comprehended (at least in theory.) It has the notable disadvantages of being overly simplistic, mechanical and discordant with our moral psychology. This is not an ethics for actual flesh-and-blood human beings; it is an ethics for accountants and algebra teachers.

Virtue theory, by contrast, does not even attempt to boil-down these considerations to a common metric. When dealing with this many factors, consisting of such a variety of moral, psychological, phenomenological, and scientific elements, to even attempt to sum them up under the rubric of a single value is naïve, to put it mildly. Life is just so rarely that accommodating. We need to face the complexity of the situation honestly, rather than trying to force it into a prefabricated formula.

Given that we must make a decision, however, we cannot simply sit back in awe of the problem. So given that we do not have a plug-and-chug method to derive a solution how are we to make these sorts of practical decisions? Aristotle, again, comes to our rescue in insisting that moral deliberation involves judgment, because “practical wisdom is neither a pure science, nor an applied science.”

So given that we need to make use practical wisdom to make judgments with regard to animal experimentation and the aforementioned six practical considerations. Each of these elements must be perspicaciously assessed, both on their own and in

244 Aristotle, *The Nicomachean Ethics* Book VI, Chapter 5, 1140b.
relation to each other, in order to make a full moral evaluation. The need for such judgment is accentuated by the fact that much of the time these factors cannot be known in advance with anything approaching certainty. (Indeed, if we could predict (F) beforehand there may not be any need to do the experiments in the first place).

On one hypothetical extreme, you have research that fails to satisfy any of these conditions. Such research serves (A) no legitimate medical-scientific purpose beyond the immediate purposes of those conducting the experiments. When nothing more can be learned by performing an experiment, any results will be either pointless or excessively redundant. Even with regard to the (allegedly legitimate) scientific/medical problem at hand, the research in question (B) has no possible hope of addressing said problem. In either case, research on this end of the spectrum ignores (C) reasonable alternatives to the use of animal subjects that are available, either in the form of computer modeling, tissue samples, human subjects, in-vitro studies, stem-cell research, or some other such option. Such research uses (D) excessive amounts of subjects and exposes them to unnecessary pain, discomfort or death. This in turn (E) desensitizes the researchers to the pain and suffering of other sentient beings. Given all these shortcomings, it should come as no surprise that this research (F) leads to a product or procedure that causes considerable harm to those who consume/undergo it.

The closest we come to this hypothetical extreme is probably cosmetics research, especially concerning products for which we already have sufficient options on the market. The lack of both (A) scientific legitimacy, and medical need means that the research is chauvinistic, selfish, insincere and wasteful. If the research subjects the animals to excessive discomfort or pain or requires them to be killed at the conclusion,
then they fail condition (D) and the research is furthermore callous, cruel, maleficent, malevolent, and reckless. Because of this, cosmetics research will often have (E) a desensitizing effect on the researchers themselves. These vices are all exacerbated if the research (C) could have been conducted without using animal subjects, but was not. While the resultant cosmetics doesn’t seem to (F) cause any serious physical harm to those who use it, it is arguable that it contributes to a culture that is vain, shallow and petty, obsessed with superficial concerns rather than more important and fulfilling aspects of life. Cosmetics research is an example of research that exhibits no virtue and is awash with vice.

At the other extreme is research that is (A) necessary to resolve important medical-scientific problems including the development of medical technology essential to alleviating copious amounts of suffering and death. There is not just (B) a reasonable chance at answering these problems, but a very good chance solutions will be found. All (C) viable alternatives to the use of animal subjects have been explored and rejected, but thankfully the research (D) can be done without using excessive amounts of animal subjects and without causing them any discomfort, pain or death. As such the research will have (E) no morally adverse effects on the researchers themselves. In the end, the products or procedures that result from the study (F) saves thousands of lives and alleviates a tremendous amount of suffering. Such a study would meet all of the above criteria. In such hypothetical circumstances, virtue will not only permit experimentation on animals, but will actually require it. If there is a dire medical need—say a highly lethal, highly communicable virus—then to not perform experiments to find a vaccine may be callous, cowardly, insensitive, malevolent, and reckless. Unfortunately, this sort
of research is purely a fictional device used for the sake of contrast; no actual study ever meets these criteria. Nonetheless, this sort of case would signify an exemplar of virtue and practically no vice.

The two most important criteria for the prior moral assessment of a particular proposed research program seem to be (A) medical-scientific need and (D) minimal amount of animal subjects and suffering thereof (in that order). Without (A) legitimate medical-scientific need, no research can be virtuous; if (B) the suffering of the animal subjects is not minimized, then the research is without question vicious. When satisfied, these criteria together go a long way to establishing the virtuousness of a research program. If there is (B) no chance this research will help the medical problem, then the entire project is pointless, and the worst that can be said about it is that it is wasteful. If there are (C) viable alternatives to using animal subjects, but the use of animal subjects causes them no distress, then it seems morally arbitrary whether or not they are used. Adverse effects on the researchers (E) will be unlikely if the pain and discomfort of the subjects is minimal. It may still be possible that the end result of such research nonetheless (F) harms human beings after they are subject to it, but if there was no advance indication that this would happen then perhaps we cannot fault the researchers for such misfortune (unless, that is, the belief that it would yield useful information was irrational, a consideration we will explore in a moment).

The problem cases are those that fall in between the above two extremes. Good-faith debate about the status of any of these factors regarding a given program may occur between scientists and/or informed nonscientists. For each of these elements there is considerable gray area regarding when they are satisfied; there are likely many cases that
fall into this morally uncertain vicinity. Alternatively, some of the conditions may be maximally satisfied, while others are not satisfied at all. There may be only a moderate medical need—say, the development of a new drug that will alleviate much pain, but will not save any lives—but to achieve the needed results a decent amounts of animals must be subjected to the worst horrors a vivisectionist can imagine. There may be good reason to think there are viable alternatives to using animals, but the medical need might be great enough to call into question the wisdom of taking the risk. In some cases research may be virtuous in principle, but vicious in execution.

Before we can make an over all moral assessment of any given case, we must first assess the proposed research in terms of the above six conditions. Applying these criteria to real cases, however presents numerous difficulties. Many of the terms used in spelling out the above conditions are subject to interpretation. What constitutes ‘legitimate scientific purpose,’ ‘reasonable chance of addressing that purpose,’ ‘medical need’ ‘reasonable alternatives’ and ‘excessive amounts of subjects/pain discomfort and death’ can be a matter of much contention. Trying to apply these criteria requires us to make a mix of scientific and moral judgments. While the moral judgments are ultimately the dispositive ones, they must be informed by the scientific judgments in order to be persuasive.

For example, there are those that have quite forcefully argued that animal research never satisfies condition (B), reasonable chance of success. Hugh LaFollette and Niall Shanks in their book, *Brute Science*, conclude “the practice of using animals in medical research is morally questionable, partly because we cannot straightforwardly apply
findings in animals to humans."245 There is a considerable amount of data to support this contention. The drugs thalidomide, Zomax and DES are but three examples of products judged safe after extensive animal testing, which later proved disastrous when consumed by humans. But these are just the tip of the iceberg. According to Ray and Jean Greek in their book, Sacred Cows and Golden Geese, "In 1991, the FDA complied its own report. The report—which underscored the inaccuracies inherent in drug tests on animals—tracked the history of all drugs approved in a ten-year interval, from 1976-1985... Astonishingly, 102 of the 198 new medications, or 52 percent, were either withdrawn or relabeled secondary to severe unpredicted side effects."246

If LaFollette, Shanks and the Greeks are correct, then it should come as no surprise that animal research will frequently fail to meet condition (F). To fully gauge the effects that animal testing has on human consumers we need to consider not just the harmful drugs that made it through (so-called ‘false positives’), but also the drugs that failed animal testing which would have had tremendous benefits for humans had they not been disqualified (so-called ‘false negatives’). As the Greeks so succinctly put it, “Animal testing for medications fail to predict the lethal side effects of many drugs and also prevent good medications from reaching the market place."247 And this is no mere rhetorical speculation. False negatives are obviously harder to detect than false positives, but there are several examples of useful drugs that would never make it to market today.

As LaFollette and Shanks point out, "Had more rigorous testing been standard practice

245 LaFollette, Hugh and Shanks, Niall, Brute Science: Dilemmas in Animal Experimentation. Routledge, 1996, (p. x)
[when these drugs were initially approved] aspirin and penicillin might not have been marketed. Both would have failed animal trials."\(^{248}\)

I said a moment ago that factors (A) and (D) were the most important for assessing particular research programs. If the contentions of LaFollette, et al. are correct, then it is hard to see how the vast majority of animal research could be defended. As such, condition (F) seems to be the most important for assessing the general practice of animal experimentation. Since this general practice continues in spite of these contentions, it would seem that there are hundreds, possibly thousands of practicing animal scientists who disagree with these authors.

A good illustration of this comes from Jack Botting and Adrian Morrison in their article "Animal Research is Vital to Medicine."\(^{249}\) Drawing on a litany of examples, both historical and contemporary, Botting and Morrison assert that animal experimentation has been indispensable in many crucial advancements in the history of medical science. Their list of infectious diseases whose treatment and prevention has been aided by animal research includes diphtheria, tetanus, rabies, whooping cough, tuberculosis, poliomyelitis, measles, mumps and rubella. More recently, they mention "Hemophilus influenzae type B (Hib), a major cause of meningitis, which before 1993 resulted in death or severe brain damage in more than 800 children each year in the U.S.... a new vaccine, prepared and tested in rabbits and mice, proved to be powerfully immunogenic and is now in routine use. Within two months of the vaccine's introduction in the U.S. and the U.K., Hib
infections fell by 70 percent.\textsuperscript{250} In addition to this, the authors add the development of open-heart surgery, prosthetic heart-valves, the heart-lung machine and treatments for kidney failure, diabetes, hypertension and ulcers; all of which, they claim, fundamentally relied on animal research. As a coda, they add that recent work on animals seems to be promising the possibility of regenerating nerve tissue, something thought to have been impossible until late. It is hard to look at such an extensive list and blithely dismiss the claims of the authors that animal experimentation has played a significant role in their discovery and development. It is not hard to find similar articles, in both the popular press, as well as in the literatures on medical research and animal ethics, arguing with comparable force.\textsuperscript{251}

At the same time, however, Botting and Morrison's list is much less impressive when we consider two additional facts that they fail to mention. The first is the substantial number of false positives and false negatives, previously mentioned above, and the detriment to medicine that follows. The second is the fact that, in many venues, animal testing is mandatory and must be performed irrespective of the likelihood of beneficial results. The resulting ubiquity of animal experiments can obscure the difference between genuine contributions and spurious experiments, making correlations look like causes. Botting and Morrison generally do not provide enough details to establish that animal experimentation was indeed indispensable in these each and every

\textsuperscript{250} Ibid, p. 84  
one of these cases, although they certainly seem imply that it was. But the counterfactual is pressing: had animals not been used in these experiments, how many of these advancements would have been reaped nonetheless? (After all, it is a safe bet that most of these advancements involved the use of white lab coats, but it would be specious to conclude that the color and style of the researchers garments played a causal role in the process.)

Glibness aside, it is actually rather difficult to determine whether or not a given advancement did, in fact, depend crucially on animal experimentation. Certain clear-cut cases, such as xenotransplantation, or many cases involving knockout mice rely crucially on animals. Others, such as research into potential cardiovascular benefits of hormone replacement therapy\textsuperscript{252} undeniably did not benefit from research on animals (and are often actively hampered by the inclusion of animal models).\textsuperscript{253} Many advancements, however, seem to fall somewhere in the middle. Serious scientists can disagree on whether or not animals are a necessary part of a given research project, even after the project is successfully completed.\textsuperscript{254} Suffice to say, this debate is an excellent illustration of the point that careful scientific judgments need to be made before we make meaningful moral judgments of animal experiments.

\textsuperscript{252} See Greek, Jean Swingle and Greek, C. Ray, \textit{What Will We Do If We Don't Experiment on Animals?}, Trafford Publishing, Victoria B.C., Canada, 2004 p. 20-21

\textsuperscript{253} Not to belabor the point about false negatives, but LaFollette and Shanks give several excellent illustrations. For example, they note that Simon Flexner's use of Rhesus monkeys as a model for the study of polio obscured its pathogenesis. They quote J. Paul as noting that as a result of this "the clock had been set back about twenty-five years in poliovirus research." This is apropos, given that polio is one of the infectious diseases that Botting and Morrison cite on their list of successes for animal research. LaFollette, Hugh and Shanks, Niall, \textit{Brute Science: Dilemmas in Animal Experimentation}. Routledge, 1996, (p. 259)

\textsuperscript{254} See, for example, "Kitten Experiments" in Murphy, Timothy F. \textit{Case Studies in Biomedical Research Ethics}. The MIT Press, 2004, p. 259. Murphy cites the case of Boys Town National Research Hospital, who initially claimed that research on kittens was \textit{indispensable} for their research on deafness. After a wave of negative publicity resulted, Boys Town discontinued the use of kittens but nonetheless continued their studies of deafness. This is a fairly clear example of scientists revising their estimation of the value of animal experiments in light of other pressures.
6.7) Moral Judgment and Moral Complexity—We realize that making these scientific judgments is not a simple process. It requires considerable knowledge of biology, zoology, pharmacology, anatomy, the history of animal experimentation, and the history, philosophy and sociology of science (among other topics) as well as general intellectual acumen and reasoning skills. The difficulty of making these judgments is not just a result of the general uncertainty about the future, nor is it just a result of our inability to construct perfect experiments. It is a principled issue regarding how we perceive, understand and interpret the data. The work of thinkers such as Thomas Kuhn in his seminal book, *The Structure of Scientific Revolutions*, and the vast literature that it has spawned has forced us to reconsider the overly simplistic idea that all scientific questions can be answered simply by looking at the data. Even with the necessary background, skills and access to all of the relevant facts, drawing specific conclusions is not a simple procedure and honest disagreements inevitably arise. It is not merely a matter of finding the proper values and plugging them into some general scientific equation. We need to rely on good scientific judgment.

Given that we cannot have exact precision with regard to the scientific questions, why should we expect exact precision with regard to the moral ones? Does it not seem ill advised to demand so much more precision from ethics than we can reasonably expect out of science? Thomas Nagel recognized this parallel between epistemology and ethics when he said “To look for a single general theory of how to decide the right thing to do is like looking for a single theory of how to decide what to believe.”

Yet both of the predominant moral theories on animals claim to reduce moral questions to precisely

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specifiable conditions. For the utilitarian, all that is required to determine the moral status of an experiment is to weigh the resultant pleasure and pain\textsuperscript{256} that follows from it and compare it to the alternatives. According to utilitarianism there are no moral dilemmas, there are only epistemic ones. Likewise, for the rights theorist, the only relevant consideration is a variant on (D) above, whether or not the experiment violates the rights of any animals. If so then the research is impermissible; if not then the research is permissible. In either case there is no need for any perspicacious moral judgment, all we need is the cold hard facts. If only answering scientific questions were this easy.

Aristotle advises us not to expect more precision than the subject matter admits.\textsuperscript{257} He specifically had ethics in mind, since “problems of what is noble and just... present so much variety and irregularity.” He further observed, “The problem of the good, too, presents a similar kind of irregularity, because in many cases good things bring harmful results.”\textsuperscript{258} Virtue ethics begins by admitting that no simple plug-and-chug moral calculus can ever suffice to address the moral complexity we experience in the world. Moral dilemmas occur, not merely because we lack the relevant facts, nor merely because we do not share the same moral viewpoints. Making moral judgments is often very difficult simply because there are so many relevant considerations that are not reducible to a single common denominator. If the good were really this homogenous, then ethics would not be anywhere near as problematic and divisive of a subject. And yet, here we are.

\textsuperscript{256} Or whichever form of utility the numerous variations of utilitarianism prefer.
\textsuperscript{257} Aristotle, \textit{The Nicomachean Ethics} Book I, Chapter 3.
\textsuperscript{258} Ibid, 1094b15-17 (trans. Ostwald, Martin). The implied back-hand to utilitarian modes of thinking (or rather, their ancient epicurean counterparts) was, I suspect, deliberate on Aristotle’s part.
Accordingly, deciding how much risk is too much risk, how much pain is too much pain, how we compare interests across individuals and across species, what research goals are worthy and which are ignoble, when caution requires another round of tests, or when compassion requires a premature termination of a study are but some of the many difficult moral questions that we must tackle when we consider the moral implications of animal research. We should not expect quick and easy answers and we should distrust those who propose to offer them.

Even though we cannot have precise answers to all questions, this does not mean that any answer is equally acceptable. In light of the above six criteria, I suspect that very few cases of animal experimentation will be clearly justified. A much larger set will likely consist of those that are clearly unjustified on the basis of failing a preponderance of the above conditions. This set will likely include all cosmetics testing, most redundant testing, a majority of behavioral and aggression studies, testing of any product for which substantial alternatives already exist on the market; many of the most notoriously cruel tests from the past, such as the notorious (and thankfully largely discarded) Draize test and the LD50 test will also fall into this set. The remaining cases will be the problem cases that fall into the moral gray area. Resolving these cases will require carefully considered moral judgment. I will close with some attempts to guide that judgment, starting with some advice from a (perhaps) unlikely source.

6.8) Rules of Thumb, Imaginative Projection and Sage Advice—In his book, Practical Ethics, Peter Singer suggests a hypothetical litmus test for the moral permissibility of a given experiment: "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 of lives?"  This suggestion is made by Singer to highlight his principle that like interests must be treated equally, even if they cross the species barrier, and to challenge our unquestioned speciesist assumptions. As a utilitarian, of course, Singer does not see this suggestion as a test for the moral permissibility of an experiment. One could easily (and mistakenly, on Singer’s account) refuse to do such experiments on either animals or brain-damaged humans even if it were clear that doing so would maximize utility. This would pass Singer’s consistency test, but fail his ultimate moral test. Nonetheless, Singer’s suggestion here is illuminating. Regardless of exactly what moral considerations we deem relevant, this sort of moral consistency is surely required. An experimenter who fails Singer’s consistency test would either have to justify the discrepancy (something which does not seem plausible to either Singer or myself) or admit to faulty moral judgment.

This sort of ‘rule of thumb’ approach to moral judgment is amenable to the virtue ethics perspective in a more profound way than it is to the utilitarian. I wonder if Singer would sanction an experiment on such aforementioned brain damaged humans if the results were, as the opening salvo of this chapter suggested, a mascara that was marginally enjoyed by a sufficiently large number of people to make it the utility-optimal alternative. I do not know whether, as a consistent utilitarian, he would approve of such research, but I do know that as an emotionally and morally sensitive person, he should not.

One other rule of thumb we may appeal to involves employing our emotional imagination to put ourselves in the shoes of those affected by our action, or lack thereof.

Rather than desensitizing ourselves to the suffering of laboratory animals, we should do

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our best to imagine ourselves in their situation. What would we think of the experiment if we were the subjects? Would the goods that it will hopefully yield be equally justified if the only way to achieve them were to experiment on us? Might we not make an even more thorough search of the existing scientific literature to ensure that we are not needlessly repeating similar work done elsewhere? If we deemed the research necessary anyway, this form of imaginative projection could help ensure our diligence in minimizing the suffering of the animals and maximizing their comfort. Conversely, we must also imagine ourselves in the place of those who might benefit from the experiments. Would we be so quick to reject an experiment if it might lead to a cure for the disease that was crippling, blinding, incapacitating, and killing us? What if it were doing the same to our loved ones? Imagining these scenarios gives us a perspective on this issue that is fearfully lacking in the predominantly abstract arguments in the literature.

Taken in isolation, either of these imaginative projections would likely yield morally indefensible decisions. But as one small part of a larger process of considering the many different moral considerations involved they can be useful tools. Such tools should be taken in council with a variety of other sources of wisdom. Virtue ethics advises us to appeal a wide array of sources when seeking guidance for resolving moral dilemmas. From the robust clichés of ‘what would Jesus/Socrates do?’ to the more esoteric advice of the Stoics, to more situation-specific insights from trusted friends, sage advice is always welcome when addressing difficult decisions. We all know from personal experience that we need as broad a basis as possible if we are to make wise decisions when faced with hard choices.
If virtue theory tells us anything about the nature of moral decision-making with regard to animal research, it is that we should take these moral dilemmas seriously. Because there are no easy answers to the hard questions we must appeal to the notion of moral judgment. And in order to make sense of judgment we need to understand the role of good character and moral wisdom. All decisions follow, in some way or another from the kind of person you are; as Heraclitus observed, character is destiny. Hence, if we are concerned with moral decision making, either with regard to how we should live our lives or with regard to whether we should perform a given experiment on animals, then a better understanding of moral character and moral psychology should be the first place we look.

**Chapter 7) Virtue, Vice and Vegetarianism**

7.1) Introduction
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7.1) Introduction

"Without virtue to govern his appetites... man, of all the animals, is the most unholy and savage, and worst in regard to sex and eating."

—Aristotle, *Politics*

What they were looking at was a large bulblike object that seemed to be covered with stippled whitish-yellow skin. Out of it came twenty thick fleshy tubes, and at the end of each tube another bulb was growing.

“What the hell is it?” said Jimmy.
Those are chickens,” said Crake. “Chicken parts. Just the breasts, on this one. They’ve got ones that specialize in drumsticks too, twelve to a growth unit.”

“But there aren’t any heads,” said Jimmy. He grasped the concept… but this thing was going too far…

“That’s the head in the middle,” said the woman. “There’s a mouth opening at the top, they dump the nutrients in there. No eyes or beak or anything, they don’t need those.”

“This is horrible,” said Jimmy. The thing was a nightmare. It was like an animal-protein tuber.

“Picture the sea-anemone body plan,” said Crake. “That helps.”

“But what’s it thinking?” said Jimmy.

The woman gave her jocular woodpecker yodel, and explained that they’d removed all the brain functions that had nothing to do with digestion, assimilation, and growth.

“It’s sort of like a chicken hookworm,” said Crake.

“No need for added growth hormones,” said the woman, “the high growth rate’s built right in. You get chicken breasts in two weeks—that’s a three-week improvement on the most efficient low-light, high-density chicken farming operation so far devised. And the animal-welfare freaks won’t be able to say a word, because the thing feels no pain.”

--Margaret Atwood
“Oryx and Crake”

The creature described above is, to put it mildly, repugnant. In terms of the revulsion it engenders, it is a rival for most anything that happens on a high-density farm today. Even though this is a work of fiction, Atwood forces us to imagine and grapple with a situation that we will, in all likelihood, have to deal with in the not too distant future. But is it a moral problem? The characters of Crake and the woman clearly do not think so. If their contention that the ‘chickens’ do not feel pain is true, then it seems that utilitarians would agree that this is not a moral problem. And since these creatures are clearly not conscious, and hence not ‘experiencing subjects of a life’ it seems that rights-theorists must concur. Yet it seems that the character Jimmy does not agree, and by extension, neither does Atwood. Nor, I imagine, would most anyone who read this passage (especially if they did so in the full context of Atwood’s magnificent dystopian
novel.) We are clearly meant to feel revulsion, repulsion and disgust at the display. Something profound in us reacts strongly to the scene and screams 'this is unacceptable.' Perhaps this is a mere 'gut reaction' with no justifiable basis, an atavistic response that does not key us into any true moral problem at all. Perhaps, all things considered, this 'nightmare' counts as an improvement over the current system, one that does in fact eliminate all substantive moral issues with raising animals for food.

Then again, perhaps it is more than that. Perhaps our reaction is in fact keying us into a serious moral consideration that the dominant paradigms overlook. Perhaps the emotional response we feel is not a mere vestigial instinct, nor a moral hallucination, but rather a capacity that our dominant moral theories have sublimated into obscurity. In order to know one way or another, we need a framework that takes our emotional reactions seriously and considers the possibility that they might be telling us something important. If we simply exclude those reactions from consideration at the outset because of a prior theoretical commitment, we are going to have considerable difficulty making sense of the profundity of our emotions in situations such as this.

I bring up this fictional case here not so much to explore the situation as a thought experiment, but rather to yet again illustrate a broad-scale difference between the dominant moral perspective on animals and the one I have tried to advance. I have maintained that our emotional reactions are judgments of value. While these judgments can certainly be mistaken, they need to be taken seriously, both in our moral psychology and moral epistemology. A satisfactory moral theory needs a way of understanding what makes those judgments work, how they succeed and how they fail. In addition to this, we need a moral theory that makes sense of how those judgments motivate us to action, and
the role that such motivation plays in the overall sense of ourselves as individuals. I have
further maintained that virtue theory, specifically with regard to the central importance of
wisdom, provides the best account of our emotions, the values they key us into, and their
relationship to our selves.

I have already attempted to give a general picture of how virtue theory would
approach the issue of animals in these terms. In this chapter I wish to continue that
analysis in terms of the raising and consuming of animals and animal products for food.

7.2.1) The Emotional Lives of Farm Animals—We’ve previously noted (in
chapter 2, as well as elsewhere) how crucial the faculty of empathy, the imaginative
reconstruction of another person’s emotional experience, is for ethics. To fully gauge
and appreciate the moral significance of another being’s existence and all that constitutes
it (pleasure and pain, frustration and satisfaction, love and disaffection, etc.) we need to
empathize with them. It only makes sense then to turn our empathetic faculties toward
the largest numbers of animals under our influence, namely animals raised on factory
farms.

I have also mentioned that it is commonplace for those with power over animals
(as well as those with a vested interest in their subservience) to deny them the capacity to
think, feel pleasure or pain, and experience emotions. But any intellectually and
emotionally honest analysis of animals immediately dispels this myth. We saw in (5.3),
for example, the important role that companion animals and zoo animals play in the
moral education of our children; I argued there that we cannot make adequate sense of
that role unless we accord those animals considerable moral and emotional significance.
Given that we do not hesitate to accord that moral and emotional significance to
companion animals, it should strike us as utterly bizarre how quick we are to deny that significance to farm animals. The only significant difference between farm animals and companion animals is the amount of emotional investment we have in the latter, and the dearth of such an investment in the former. While this difference certainly has some moral import it cannot possibly justify either the discrepancy in treatment or the difference in the general concern we give them.

In *The Pig Who Sang To The Moon*, Jeffery Moussaieff Masson chronicles in considerable detail the rich and moving emotional lives of various farm animals, from cows and pigs to chickens and goats. Much of Masson’s evidence is anecdotal in nature, something he staunchly defends as legitimate since this is, after all, our primary source of beliefs about human emotion. But Masson is careful to provide copious amounts of scientific support, drawing on figures as estimable as Konrad Lorenz and Jane Goodall, as well as various contemporary neuroscientists (including the aforementioned Antonio Damasio) and biologists in support of his general thesis: that farm animals have emotions and those emotions carry a profound moral significance. Masson provides a compelling case that farm animals experience a variegated array of emotions, including love, joy, humor, grief, remorse, friendship, compassion, admiration, vanity, and perhaps even a sense of their own mortality.

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260 Bernard Rollin tells a story that illustrates this point perfectly: “I was having dinner with a group of veterinary scientists and the conversation turned to... scientific ideology’s disavowal of our ability to talk meaningfully about animal consciousness, thought and awareness. One man, a famous dairy scientist became quite heated. ‘It’s absurd to deny animal consciousness,’ he exclaimed loudly. ‘My dog thinks, makes decisions and plans, etc. etc.’... When he finally stopped, I turned to him and asked. ‘How about your dairy cows?’ ‘Beg pardon?’ he said. ‘Your dairy cows,’ I repeated, ‘do they have conscious awareness and thought?’ ‘Of course not,’ he snapped.” Rollin, Bernard *Science and Ethics* p. 241, Cambridge University Press (2006)
If animals on factory farms do indeed feel emotions, then this fact certainly needs to be accounted for in our moral assessment of these institutions. With that in mind, let’s take a look at the conditions of animals who spend their lives on factory farms.

7.2.2) Emotions Down on the Factory Farm—The conditions in which animals on factory farms are forced to live, as with the condition in the slaughterhouses where they die, has been described in excruciating detail throughout the animal ethics literature, and for good reason. In the airy and detached realm of ethical theory, it can be all too easy to loose sight of the horrific state that actual flesh and blood animals must endure in perpetuity. Despite the hard efforts of activists and animal ethicists, the myth of the peaceful, bucolic family farm is still the pervasive image that most of us carry in our minds when we think about where animals come from. Only a few parties take it upon themselves to publicize the reality that hides behind this myth, a reality that we have created. For this reason the following oft-reiterated details still bear repeating, both as a reminder, and to anchor the discussion that is to follow. As an oft-cited quote from animal activist Gretchen Wyler states, “we must not refuse to see with our eyes what they must endure with their bodies.”

Let’s take just one of the many grueling descriptions of the standard operating procedures on a factory farm. Mylan Engel provides us with the following portrayal:

The first step in intensive farming is early separation of mother and offspring. The offspring are then housed in overcrowded confinement facilities... The inappropriate, unforgiving surfaces on which the animals must stand produce foot and leg injuries. Since they cannot move about, they must stand in their own waste. In these cramped, unsanitary conditions, virtually all of the animals’ basic instinctual urges (e.g. to nurse, stretch, move around, root, groom, establish social orders, build nests, rut) are frustrated, causing boredom and stress in the animals... The USDA has approved all sorts of cost-cutting dietary “innovations” including: (i) adding the ground up remains of dead diseased animals
(unfit for human consumption) to these herbivorous animals' feed, (ii) adding cement dust to cattle feed to promote rapid weight gain, and (iii) adding the animals' own feces to their feed.

The animals react to these inhumane, stressful conditions by developing "stereotypes" and other unnatural behaviors including cannibalism. For example, chickens unable to develop a pecking order often try to peck each other to death, and pigs, bored due to forced immobility, routinely bite the tail of the pig caged in front of them. To prevent losses due to cannibalism and aggression, the animals receive preventative mutilations. To prevent chickens and turkeys from pecking each other to death, the birds are "debeaked" using a scalding hot blade which slices through the highly sensitive horn of the beak leaving blisters in the mouth... Other routine mutilations include: tail docking, branding, dehorning, ear tagging, ear clipping, teeth pulling, castration, and ovariectomy. In the interest of cost efficiency, all of these excruciating procedures are performed without anesthesia...

According to The New York Times, 130,000 cattle, 7,000 calves, 360,000 pigs, and 24 million chickens are slaughtered every day. Extrapolation reveals that 8.94 billion animals are raised and slaughtered annually... Consequently, over 17,000 animals are slaughtered per minute. Suffice it to say that no other human activity results in more pain, suffering, frustration and death than factory farming and animal agribusiness.²⁶¹

This final sentence reminds us of why utilitarianism has been the most popular theory when it comes to the moral evaluation of factory farms. The prodigious amount of suffering created by these practices is doubtlessly the most pronounced moral aspect on display here. But it is not the only moral aspect. Let’s take a closer look at some of the details Engel provides us, in terms of the account I have thus far developed.

According to Engel “The first step in intensive farming is early separation of mother and offspring.” While Engel does not dwell on this point, the emotional impact of this should not be lost on us. Just as separating a human mother and her newborn child would cause them tremendous distress, the same is true of many nonhuman animals. “If you think a cow never gives a second thought to her missing calf,” Jeffery Moussaieff

Masson tells us “ask any farmer how long a newborn calf and her mother call for each other. One farmer told me that as long as they can see each other, they will call until they are hoarse, indefinitely.”262 This separation is certainly a very painful experience, for both mother and child. But to reduce the complexity of this experience to ‘mere pain,’ akin to and interchangeable with other varieties of pain seems to do a profound disservice to the profundity of the mother-child relationship.263

According to Aristotle, no creature can be happy unless it can follow the dictates of its own nature.264 The concept of eudemonia is by no means exclusive to humans. (Indeed, the notably botanical sounding translation of ‘flourishing’ should not strike us as coincidental.) Anything that lives can either live well, or live poorly.265 While each species has its own separate and unique nature, it does not take an animal scientist to know that no creature can flourish if “they cannot move about [and] they must stand in their own waste.” Engel drives the point home even further when he points out that “in these cramped, unsanitary conditions, virtually all of the animals’ basic instinctual urges (e.g. to nurse, stretch, move around, root, groom, establish social orders, build nests, rut)

263 Likewise, to say it is simply ‘a frustrated preference’ is also way too detached of a locution to adequately capture the emotional content of this experience.
264 We must be careful here, of course, to avoid the error of ‘species essentialism’ that Aristotle famously committed and that Darwin famously proved fallacious. The notion (that no being can be happy unless it can follow the dictates of its own nature) does not require that a species’ nature is fixed, nor even that a particular being’s nature is fixed (as some, such as J.P. Sartre, have suggested that an individual human’s nature is not fixed). All that is required is that the being HAS a nature, which should be generally uncontroversial. Likewise, this claim should not be taken as an absolute claim, suggesting that no being can be happy at all unless it can follow every dictate of its nature. Like so much else for Aristotle, it’s a sliding scale; the greater degree to which one can live in accord with its nature, the greater the degree to which it can be truly happy, or flourish.
are frustrated." As with the mother-child separation case above, we do not do justice to the true moral import of this frustration if we merely think of it as one variety pain among others. This profound violation of these animals very nature does more than merely cause them pain; it deprives them of the very conditions that make them the kind of creatures they are.

The perversion of factory farmed animals' natural behaviors and habits is taken to an even further extreme with Engel's examples of USDA approved dietary "innovations," which include "adding the ground up remains of dead diseased animals (unfit for human consumption) to these herbivorous animals' feed, adding cement dust to cattle feed to promote rapid weight gain, and adding the animals' own feces to their feed." To call such a diseased, cannibalistic, inorganic, coprophagous, 'contra- vorous' diet 'unnatural' would be the grossest kind of understatement. Again, we do not need to have detailed, specialized knowledge about the nature of these animals to know that this is contrary to it. Can anyone maintain that a being who has such a diet forced upon them for the entirety of their existence is living in accordance with their nature? Could even

267 Literally, 'feeding on feces.' It should be noted, of course, that some animals do naturally feed on feces, both their own and that of other animals. This is most often an attempt to re-digest nutrients that were not successfully digested on first consumption. It is common among various insects, rabbits, young elephants, gorillas, hamsters and of course, dogs. For our purposes here, however, the important point is that coprophagia is not common (at least as far as my research has revealed) among the major farm animals, that is, cows, chickens, sheep, goats, ducks and (yes) pigs. The belief that pigs do not distinguish their own feces is a tenacious myth. Masson makes the point: "Never will a pig defecate near its sleeping or eating quarters... old arthritic sows will copro- phagically urinate," Masson, Jeffrey Moussaieff, The Pig Who Sang To The Moon: The Emotional World of Farm Animals p. 21, Ballantine Books, New York, NY (2003).) For more on coprophagia, see Lewin, Ralph A. (2001). "More on Merde." Perspectives in Biology and Medicine 44 (4): 594-607.
268 I coin this term here for lack of a better word to describe the case of a being consuming a variety of food they do not naturally eat, such as an herbivore eating meat.
the most acrobatic of imaginations conceive of how such a creature could meaningfully be called ‘happy,’ ‘flourishing,’ or ‘living well’?

The last portion of Engel’s description I wish to examine is the point that “animals react to these inhumane, stressful conditions by developing “stereotypes” and other unnatural behaviors including cannibalism.” Other industry terms for these ‘stereotypes’ include ‘neuroses’ and (quite ironically) ‘vices.’ Mathew Scully details some of these ‘vices’ displayed by mothering pigs. “‘For their own good’… the sows must remain in confinement before, while, and after they give birth, barred even from caring for the piglets emerging from their bruised bodies… [this is] because, if the mothers could move about, they would only crush their young.”269 Such behavior, of course, does not occur in the pig’s natural habitat. It is only the result of the conditions of the factory farm: the concrete floor on which the sow must rest (on their natural bed of grass a piglet would merely slip under its’ mother and come up unharmed on the other side); the copious amounts of growth hormones, which result in engorged bodies, loss of physical coordination, and fragile and broken bones; the lack of physical exercise caused (again ironically) by the very perpetual confinement allegedly justified by the vicious behavior itself. As Scully quite aptly puts it, “‘Vice’ is certainly the problem here, but it isn’t porcine vice.”270

It should be noted that ‘slaughterhouse’ is defined as “a place where animals are butchered” and also “a scene of massacre or carnage”; ‘slaughter’ is defined as “the killing of animals for food” and also “the killing of a large number of people; a

massacre". ‘Butcher’ is defined as “to slaughter or prepare (animals) for market” as well as “to kill brutally or indiscriminately.” While etymological arguments always need to be kept in perspective and taken with a large grain of salt, the parallel meanings here should not be lost on us.

7.3.1) Cruelty and Compassion—Every single one of the practices that Engle details is conceived of, implemented and performed by human hands, either literally or by extension. Despite the graphic and horrific nature of these practices, it is impossible to pass large-scale character judgments on the people responsible for such violence. There is much more to a person’s character than what they do for a living, regardless of how vicious their occupation may be. Even the Nazis who worked in the concentration camps seem to have demonstrated some positive character traits in their home lives. This does not make up for, nor even mitigate, the atrocities they committed, of course. But it does suggest that, in the absence of meticulous details, we are wise not to proclaim across the board condemnations of the people involved in the ‘wet work’ of factory farming. Despite their macabre employment, they too are human beings, with their own circumstances, perspectives, reasons, motivations and emotions. We would do well not to demonize them; there is great wisdom in the adage about not judging another person until you have walked a mile in their shoes.

This cautionary note notwithstanding I do think that we can (indeed, we must) make circumscribed judgments within the context of their actions on the job. While we cannot, in general, make wholesale judgments about the character of people we have not even met, we can (and must) make limited judgments with respect to what they do to

\[\text{References:}\]

\[271\] I am grateful to Jamie Alexandre for this observation.

other thinking, feeling creatures. What character descriptions come to mind when we think of the people who perpetrate these practices?

The word 'cruel' is one of the most common and immediate words that spring to people’s minds in this context; it is a common refrain in the rhetoric involved in both animal activism and animal ethics. This is for good reason, but the word ‘cruel’ is ambiguous. On one understanding of this term, a conscientious desire for the suffering of another being for its own sake is an indispensable component. Cruelty, on this account, is equated with sadism and is vicious, at least in part, because of its willful embrace of the suffering of another.\(^{273}\) There is, however, an alternate conception of ‘cruel.’ On this understanding of the term, it can also mean a lack of proper concern for the extreme suffering of another, especially when said lack of concern results in the infliction of that suffering. Cruelty in this sense is akin to callousness, a failure to recognize and understand the pain of others.

One way to avoid the ambiguity of this term would be to defer to the synonyms I suggested: ‘sadism’ in the first case and ‘callousness’ in the second. But this would, I think, be a mistake. The specific flavor of words carries a lot of weight in virtue theory; more so I suspect, than in other theories. The term ‘sadism’ carries a decidedly sexual connotation that is not necessarily appropriate in this context. In certain contexts (such as when engaged with willing partners) sadism might not even be a vice. Likewise, the term ‘callousness’ is not quite right either, as it seems too broad. One can be callous towards the suffering of any other being in the world, strangers on the street, victims of a catastrophe on the other side of the world. The sense employed here, however, is not just

\(^{273}\) This is the conception employed by Tom Regan in his criticism of the ‘cruelty/kindness view’ which we will examine in detail in (B.2).
a general failure to empathize with others, but a specific failure that leads one to cause pain in others. It is this causal element that makes the word 'cruel' seem apt. Accordingly, I will use the term 'cruel' in both senses as it suits me. I will endeavor to disambiguate the conceptions when the context does not make the intended meaning clear.

I would like to believe that the vast majority of people working in the factory farming industry are not cruel in the first, quasi-sadistic sense of the term. It is tempting to think that they are, by and large, just average people who find work where they can and do what they do for no purpose more sinister than the sake of paying their mortgage. I would like to believe that, but several first hand accounts make accepting that proposition rather difficult. Perhaps the best instances of such accounts come from, Gail Eisnitz, the chief investigator for the Humane Farming Organization. Eisnitz’ book, *Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment in the U.S. Meat Industry*, gives a vivid portrayal of one of the most gruesome aspects of the factory-farming sector. In her book, Eisnitz relays several conversations with slaughterhouse workers and other industry insiders. One worker told her, “You’re going to kill the hog, but that’s not enough. It has to suffer. When you get a live one you think, Oh good, I’m going to beat this sucker.” Another worker she interviewed told her of the following story. “One day I went out to the suspect pen, two employees were using metal pipes to club some hogs to death. There had to be twenty little hogs out there.

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274 The Humane Slaughter Act of 1958 requires that animals are rendered unconscious before slaughter. This requirement is routinely flaunted, according to Eisnitz. While she does not offer any hard statistics, if her copious interviews offer even a marginally representative picture the percentage of animals who remain conscious for at least some part of the slaughtering process would, that figure would easily reach into the double digits.

that they were going to give to the rendering company. And these two guys were out there beating them to death with clubs and having a good old time." These are but two of several such conversations that Eisnitz has recorded.

Perhaps these stories do not accurately represent the average slaughterhouse worker, despite Eisnitz's clear conclusion to the contrary. Perhaps they are the gruesome exceptions. But regardless of whether or not the majority of such workers are cruel in this sadistic sense, the second, quasi-callous conception of cruelty undeniably applies across the board. Countless reports from inside the industry confirm this. Here is Eisnitz again, in a conversation with a slaughterhouse worker:

"I could tell you horror stories."
"Please do."
"About cattle getting their heads stuck under the gate guards, and the only way you can get it out is to cut their heads off while they're alive."
"You've actually seen that?"
"I've done it," he said. "Just to keep the line moving. I've seen cows hit with whips, chains, shovels, hoes, boards. Anything they can use to move 'em."

Despite the fact that he calls these 'horror stories' the worker seems pretty far from horrified. It is difficult to see how he could do such things if he truly were. It is even more difficult to imagine how anyone who was required to remove the testicles of sheep with a pocketknife and then cauterize the wound with a blowtorch could sleep at night, much less return to work the next day if they were not cruel in this sense. Indeed, the industry actively cultivates this sort of callousness in their laborers. Since empathy can cut down on productivity it must be eliminated.

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I hope at this point it goes without saying that the people who exhibit cruelty, in either of these two senses are not emotionally healthy in this respect. Many of the workers themselves realize this, according to Eisnitz’s interviews. “You become emotionally dead,” one worker told her. “And you get just as sadistic as the company itself. When I was sticking [slaughtering pigs] down there, I was a sadistic person.”

Almost every slaughterhouse worker Eisnitz talked to reports some combination of alcohol abuse, drug abuse, and depression. There were also several workers who reported heightened aggression and homicidal fantasies, as well as spousal abuse and child abuse while working in the slaughterhouse. “The worst thing... is the emotional toll,” one worker told Eisnitz. “If you work in the stick pit for any period of time, you develop an attitude that lets you kill things because you don’t care... My attitude was, it’s only an animal. Kill it. Sometimes I looked at people that way, too.”

There are many more recorded instances of this sort, where slaughterhouse workers grow cold in their dealings with men.

I also hope it is clear that this cruelty does not just result in harm to others, but also constitutes a harm to the person themselves. The inability to see and appreciate the harm that they are causing to these animals is an impoverishment in its own sake. Their complete failure to empathize with some of the most profound emotional distress and physical suffering they are likely to ever experience in their lives, (and moreover their failure to see the role they play in bringing about that distress and suffering) is a profound

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278 Ibid, p. 75
279 Ibid, p. 87
280 Peter Cox notes “several unpleasant cases like that. There was a slaughterman who was recently sentenced to a maximum-security hospital for strangling a woman and then drinking her blood—a real-life vampire. He said he used to do the same thing to the animals in the slaughterhouse.” Cox, Peter You Don’t Need Meat p. 129, Thomas Dunne Books, New York, NY (2002).
and stultifying moral and emotional blind spot. Just as being permanently unable to empathize with other human beings is a detriment to the person, even if that person does not recognize it, so to does the permanent inability to empathize with nonhuman animals constitute a detriment to the worker in the factory farming industry.

Once we start seeing these people as having lost a profound capacity that contributes so intimately to an emotionally fulfilled life, our judgments of them should shift considerably. Eisnitz is on point again when she states, “I believe that the people who work in these places are victims, too, of a system that brutalizes both humans and animals.”281 To see these people, not as monsters, but as victims, too, takes a considerable amount of empathic understanding. To empathize with these people is not to excuse them for what they have done, nor to disregard whom they are morally. It is, however, to lament for them the wondrous capacities that they have lost. As Baruch Brody has advised us, “We need to understand compassion as an attempt to alleviate the losses of others, not merely their suffering.”282 To feel compassion for them is the appropriate response, both morally and poetically: morally because they have suffered a profound loss, poetically because what they have lost is precisely that compassion that we show to them. For us not to show them compassion, to condemn and despise them as inhuman monsters, would be the height of hypocrisy.

Compassion for the workers should not blind us to the other vices involved in the industry. Cruelty is not the only vice in abundance on the floor of a factory farm. Selfishness is also on parade. The notion that one’s own desire for a paycheck, could justify (or rather, make the need for justification irrelevant) the treatment necessary for

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the production of foie gras\textsuperscript{283}, for example, can only be described as selfish. This selfishness applies regardless of the state of the economy, how difficult it might be to find other work, and any other number of circumstantial factors. Chauvinism, in the form of the belief that the human superiority over animals justifies their treatment, is also evident in spades. Recklessness, negligence and thoughtlessness are also prevalent.

7.3.2) Greed, Akrasia, Hypocrisy and Complacency—Among all of the relevant vices, however, the most potent and difficult is greed. I say it is the most potent because greed is what drives the entire system of factory farming in the first place. Lower costs, higher profits, greater efficiency and other corporate values translate to the preponderance of the conditions under which animals in agribusiness live. I say it is difficult because it can be hard to pinpoint exactly whose greed it is that is at issue. We could perhaps start at the top and look at the executives in the largest agribusiness companies in the country. They are the ones, after all, who make the policy decisions that are ultimately implemented in the form of factory conditions, and those decisions are motivated primarily, if not exclusively, by greed. Eisnitz documents this sentiment, as well. One veteran worker told her about the changes in the culture at the plant where he worked. “When I started with Morrell it was a very different company. At some point there was a dramatic switch, caused by greed, in my opinion. Production took precedence... Everything else fell by the wayside.”\textsuperscript{284}

\textsuperscript{283} The process involves sticking a mechanical tube down the throat of a goose and force-feeding it eight pounds of food a day (the equivalent of force-feeding 30 pounds of spaghetti to a human, according to Masson), everyday, for its whole life, frequently resulting in perforated throats and burst stomachs, all for the sake of engorging the animal's liver to ten-times it's normal size.

Ruth Harrison is often quoted as saying, "cruelty is acknowledged only when profitability ceases." There is no doubt some truth in this assessment, but it cannot be all that there is to the story. If pressed on the issue, I imagine that those executives would argue that the market drives their decisions. If they were to go against the market, they might say, and make a concerted effort to improve animal welfare in their factories, they would cease to be competitive, would be driven out of the market and not make any difference in the industry. It is not greed, they might say, but practicality.

There is likely more self-rationalization here than truth, but there is nonetheless a point that needs to be taken seriously. Factory farms are a business like any other and that means that they respond to the market, which has repeatedly demonstrated how much it values cheap meat. So perhaps the greed epithet should be reserved for those agents dictating the market, namely, the consumers. There are several problems with this suggestion. For starters, many such people have to struggle very hard to make ends meet. According to the US Census Bureau, approximately 37 million, or 12.6% of the population of the United States lived below the poverty line in 2005, and many millions more live very close to the poverty line. This is not to say that their eating meat is morally acceptable, but it does make it hard to claim that their doing so is a result of greed.

Another problem with this suggestion is that a large percentage of the consumers are likely acting in ignorance. Despite the many hard efforts on the part of animal rights

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287 While strictly speaking these people may be greedy, that is probably not the operative character traits when they make their food choices.
activists to publicize the conditions of factory farms, the industry has been even more assiduous in restricting that publicity. As a result, many people to this day do not know what kind of life an animal lived before it was their dinner. It is hard to accuse the uninformed consumer of being greedy, since we do not know for sure what their psychology is. If, when confronted with the realities of factory farms, they would be willing to pay more for ‘cruelty free’ products, as many have, then whatever other vices such people may have, greed does not appear to be one of them.

What about those who do know the conditions of factory farms, but nonetheless continue to eat factory-farmed meat? Is it fair to consider these people greedy, since they seem to value pennies-per-pound more than animal suffering? By and large, I do not think so. Many people no doubt engage in willful ignorance, either obliterating what they saw/read/heard about factory farms, or effectively deceiving themselves about their relationship to the conditions on those farms. Others no doubt feel the force of the causal-impotence argument that we saw in (5.5) (and will be discussed again in Appendix B.5) and simply feel like their actions cannot make a difference. While some probably see causal-impotence as a genuine reason, others probably use it as a rationalization to not have to make what they view as a significant sacrifice. These people, along with others, are guilty of akrasia, or ‘weakness of the will.’ On some level these people would like to live in accordance with their deepest values, but other psychological forces take precedence. Thus, akrasia can easily lead to compromised integrity and the vice of hypocrisy. It should stand without argument that these are not beneficial character traits.

Among the psychological forces that lead us to hypocrisy, the most powerful (and ironically the most mundane) is likely the force of habit. This is an observation that
occurs in the literature for both virtue theory and animal ethics. Aristotle reminds us to never underestimate the inertial force of habit in the day-to-day decisions of our lives.\footnote{288} In another oft-cited quote in animal ethics circles, George Bernard Shaw echoes a similar sentiment: “Custom will reconcile man to any atrocity.” This surely points to another character flaw that is relevant to the issue of eating meat: complacency, the unquestioning acceptance of common beliefs and practices. Few practices are more rote, more automatic in modern American society than stopping at a drive-through and picking up a hamburger, Coke and fries. We are habituated to this from an early age by our parents, have it reinforced by our peers, and have it normalized by movies and television. The power of such cultural inertia can be very daunting, and cultivates in us a pernicious habit, one that places us at the mercy of custom. Jean Paul Sartre called this docility bad faith and considered it to be the largest inhibition to living an authentic existence. Such base subservience, such a refusal to accept responsibilities for our behavior is generally an inhibition to living a life of our own, a life lived well.

In certain circumstances, however, complacency is more than just a potential source of personal existential ennui; it can be an invitation to utter catastrophe. It is this sentiment that French novelist/journalist George Bernanos was expressing when he said,

\begin{quote}
I have thought for a long time now that if, some day, the increasing efficiency for the technique of destruction finally causes our species to disappear from the earth, it will not be cruelty that will be responsible for our extinction...but the docility, the lack of responsibility of the modern man and woman, their base subservient acceptance of every common decree.\footnote{289}
\end{quote}

\footnote{288} In just one of his many thoughts on the topic, Aristotle says “it is no small matter whether one habit or another is inculcated in us from early childhood; on the contrary, it makes a considerable difference, or rather, all the difference.” \textit{Nicomachean Ethics}, Book Two, Section 1, lines 23-25

\footnote{289} Bernanos, George, from \textit{Tradition of Freedom}, as quoted in Muste, A.J. “Of Holy Disobedience” p. 5, Pendle Hill Publications (1952)
When it comes to eating meat, the stakes may not be as high as the extermination of the human race, but it is certainly of considerable moral magnitude. In yet another oft-cited quote from the animal ethics community, Ralph Waldo Emerson echoes this sentiment as well: “You have just dined and however scrupulously the slaughterhouse is concealed in the graceful distance of miles, there is complicity.”

Much more could be said on these various aspects of character and moral psychology, but I want to return to our original consideration of greed. There are many relevant vices on the part of the consumers here, but for the most part greed does not seem to be one of them. Those vices that are present are exploited, however, by the industry to reap some of the most profitable returns in the agricultural sector. Which brings us back to the underlying greed of those most singularly responsible for the conditions of factory farms today—the executives at the agribusiness firms. These individuals are certainly not poverty-stricken, ignorant or causally impotent. If they were to make a strategic, concerted effort, either as individuals or as a collective, to improve the conditions of animals in their factories they would doubtlessly succeed, to one degree or another.

One rather immediate move they could make would be to insist on a more aggressive implementation of Temple Grandin’s ideas for more humane factory farms and slaughterhouses. Grandin, an animal scientist at Colorado State University, has high-

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290 Or then again, they might just be. When we consider the incredible environmental damage that factory farming does, along with the more pessimistic predictions about the long term effects of such damage, our complacency in the face of this catastrophic prospect might just play a role in our ultimate demise.


292 While they may suffer from akrasia as well, the considerable size of their salaries seems to belie a more potent character trait in action.
functioning autism, and claims to be able to ‘think like animals.’\(^{293}\) She uses this talent to design facilities for the agribusiness industry that minimize animal stress and suffering. For example, she has designed a special form of non-slip flooring for use in stockyards and slaughterhouses. Many farm animals tend to panic if they slip, and hence the use of such flooring has prevented much needless anxiety on the part of farm animals in facilities where Grandin’s innovation is used. A broader adoption of this, and Grandin’s many other designs, would be a small step towards a more compassionate, humane, sensitive and conscientious industry.

In the more long term, executives could push to disclose to the public the real conditions of the factories, a sort of ‘agribusiness-Glasnost,’ if you will. Paul McCartney has often been attributed with the quote “if slaughterhouses had glass walls then everyone would be a vegetarian.” While that might be an overly simplistic assessment, McCartney was no doubt correct in thinking that it would change people’s eating habits, and hence the industry, dramatically. What would not change, however, would be the basic fact that people would need to eat. The market would adapt and change, as it always does. I am not so naive as to think that this would be an easy transition, or one that will happen any time soon. But those people in positions of power who try to use their influence to this end would be aptly characterized as courageous, generous and honest. And who knows? It might just even be profitable (at least to those who lead the way.)

This is, of course, a very cursory analysis of a complex interaction of economics, psychology, sociology and ethics. We could continue to articulate and detail the various vices that permeate factory farms and their associated spheres, but I think the point is

made and any further enumeration would be superfluous. Suffice to say that virtue theory, like both utilitarianism and rights theory, will universally condemn factory farming. This is one of the few contemporary moral issues in which all three major ethical theories will be in perfect concert as regards the practical application of the theories. This concert of condemnation from the three major moral voices should, by itself, be quite impressive. There can be no excuse, no defense of this abominable practice. It is a matter of the utmost moral concern that the practice be abolished.

Moral assessments of the industry are only a part of the issue, however. The majority of people do not work for a factory farm, either on the floor, or in the boardroom, but they do have to decide whether or not to eat meat. In my brief glimpse of consumers a moment ago, I made multiple references to the importance of moral psychology. Exactly how a moral theory helps us make a decision regarding what we eat is a question about moral motivation. We have already looked at how virtue theory handles the moral psychology involved with motivation in general. Let's now examine how these issues play out with regard to the eating of meat.

7.4.1) Virtue and Reasons—Recall again the discussions of causal impotence in section (5.5). In that section we saw a standard objection to utilitarian approaches to animals ethics, which maintained that utilitarianism fails to give us adequate motivation to give up eating meat. This objection claims that because my eating meat in a modern economic market does not have any measurable effect on the negative utility involved in meat production I cannot be required on the basis of maximizing utility to go vegetarian. While admitting that utilitarians have some plausible responses to the causal impotence
problem, I maintained that these responses nonetheless placing too much weight on abstruse questions of economics and not enough on actual moral judgment.

The exploration of this objection to utilitarianism served as more than just general criticism. It also suggests an alternative in the form of virtue ethics. I contend that virtue theory is uniquely suited to make sense of the intuitions driving these criticisms. By the lights of virtue theory, questions about causal diffusion, economic thresholds, market sensitivity and complex metaphysical issues about future persons are considerably less important than they are for consequentialist theories. This is because, with regard to many applied issues, virtue ethics is just so straightforward. As Rosalind Hursthouse puts it,

Most of the results of applying virtue ethics should be pretty obvious, because, rather than constructing theoretical principles, virtue ethics just applies the everyday virtue and vice terms to our actions in the world as we find it... 'I mustn't pull the cat's tail because it's cruel,' I might say to myself, and surely that is simple enough. 294

Clearly, when it comes to vexing moral dilemmas, virtue ethics, like any moral theory, will not be so simple. As I argued in chapter 6, the moral world can be a very complicated place, and with regard to an issue like vivisection (or abortion295, say, or euthanasia296) perspicacious moral judgment is clearly indispensable. But when it comes to pulling a cat's tail for no particular reason we do not need to reflect, ponder or assess; it is quite clear that doing so is wrong, that it is cruel. No one would doubt this in anything other than an academic fashion.

296 See, for example, Foot, Philippa, “Euthanasia” in Virtues and Vices an Other Essays in Moral Philosophy, p. 33-61, Oxford University Press, New York, NY (2002)
The same clarity of thought occurs to anyone who faces the reality of factory farming. When it comes to factory farming, the moral issues really do seem to be black and white. Despite many years of searching the literature, I have not been able to find any intellectually respectable defenses of this practice. For most other issues in animal ethics, from animal experimentation and hunting to zoos and companion animals, arguments worthy of serious consideration can be made on both sides. But given the dramatic realities of factory farms, the only possible defense would seem to have to involve either (1) the complete denial of any capacity to feel pain to animals (as Descartes is often read as maintaining) or (2) the complete discounting of any moral significance to such pain. Neither of these strategies is viable. Hence, simple judgments abound when we see what these animals go through: 'I mustn't disregard the suffering of these animals because that would be callous'; 'I mustn't pretend that my eating meat doesn't make me a party to that suffering because that is dishonest'; 'I mustn't allow my desire to eat meat alone to dictate my actions because this is selfish,' 'I must endeavor to be aware of the nature of the food choices I make because this is conscientious,' etc.

Issues of what I can or cannot cause in the grand scheme of things never arise since the only relevant thing I need any causal control over is my own behavior and my own attitudes.

To see how this alternative takes shape in more detail we must ask the same question of moral motivation that we asked of the other theories: what form do reasons to act take for virtue ethics? We need to remember that for virtue ethics, unlike utilitarianism and rights theory, the primary concern is not action so much as it is character. Outsiders often view this as a weakness of virtue theory; if actions are a
secondary consideration, they presume, then anything virtue theory has to say on the matter must therefore be less reliable. As Rosalind Hursthouse has argued, however, this presumption is unfounded. Virtues and vices each generate what Hursthouse calls ‘v-rules’ (i.e.—‘Do what is honest’; ‘do not do what is uncharitable’, etc.)

Of course, a rule is not a reason. To connect the dots we need to explain what reasons virtue ethics gives for following the v-rules. While different virtue ethicists address this issue in different ways, many tend to follow the mold of Aristotle who suggests that the reason why we should be virtuous is grounded in human nature. The reason why we should be honest, kind, compassionate, etc. is because living that way is what is best for us as human beings. Admittedly, this account of reasons is not as simple or as straightforward as the one given by either hedonistic utilitarianism or rights theory. Much more needs to be said to justify and explain this account and many virtue theorists have tried very hard to do just that. I will not try to summarize such accounts here.

Suffice to say, reasons for virtue ethics take the form of ‘you ought to do/not do X because it is not the sort of thing a virtuous person would do.’

With this conception of reasons in mind it is easy to see why the causal impotence objection is irrelevant for the virtue theorist. To continue to eat meat, knowing what I knew at the age of 15 about how it was created, merely because I could not change

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297 See Hursthouse, Rosalind, *On Virtue Ethics* (p. 36-38)
298 See for example, Foot, McDowell, Hursthouse, etc.
299 One might reply ‘But what reason do I have to do what the virtuous person would do? It can not be a reason of this form; hence virtue ethics can give me no reason to do what the virtuous person would do, and ergo virtue ethics is a nonstarter.’ While this reply does bring up a crucial question of moral psychology, it is not one that is unique in any way to virtue ethics. This reply is just another way of asking the perennial question ‘why be moral?’ Any ethical theory that proposes to give reasons in terms of X cannot give reasons to accept X in those same terms without chasing their own tail. For the utilitarian, reasons take the form of ‘we ought to do that because it will maximize utility.’ But when asked ‘why should we maximize utility?’ the utilitarian needs to provide a different sort of reason. Hence, if virtue theory is a nonstarter on these grounds, then so is every other moral theory. But perhaps more to the point, any moral theory will be entitled to answer such meta-issues in different terms than those applied within the theory itself. (How plausible such meta-reasons are for virtue theory is an issue I attempted to address in chapter 2.)
anything would have been callous, a disregard of the suffering of other beings. As a compassionate person, that suffering should matter to me even if there is nothing I could do about it. The fact that other thinking, feeling beings had to endure unspeakable cruelty in order to be presented as a culinary option is reason alone not to choose it; any morally and emotionally well-adjusted person would recoil from the idea of being complicit with that much suffering. I could have done what many people do when confronted with the realities of factory farming and just ignored it, or pretended that I was not a part of that system, but to do so would have been plainly dishonest. Moreover, since I have a general commitment to the value of animals and a desire to prevent their suffering (even though I could not) to continue eating meat would compromise my integrity. If I had decided that giving up meat would be too difficult I would be displaying a lack of courage and showing a weakness of the will. On top of this, to see the moderate pleasure I would have received from eating meat as a moral reason for doing so would have been selfish, even though my pleasure is, by stipulation, the only consequences I can positively effect.

7.4.2) Virtue, Causal Impotence and Complicity—An objection arises at this point. Even if this set of character traits are apt as descriptions there is still a normative lacuna. It is not enough to establish that these character traits are accurate; the virtue theorist needs to explain why a given response is mandated by those character traits. Why, for example, should the fact that eating meat is callous push me to abstain from

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300 These same sorts of reasons apply in other contexts where we are causally impotent as well. If I owned a human-skin lampshade produced by the Nazis would the fact that throwing it away would not produce any positive effects be any justification for keeping it? Of course, there are numerous standard utilitarian replies here: keeping it might hurt people's feelings, destroying it could be a profound gesture that may yield positive consequences, etc. But again, all of these replies miss the point. Even if these effects are unachievable I still have reasons not to keep it (i.e.—because it is callous, selfish and displays a lack of integrity, among others.)
eating meat, as opposed to some other response such as, say, feeling sorrowful? Maybe in the face of causal impotence the virtuous thing to do will be to acknowledge (both cognitively and emotionally) how unfortunate my impotence is, to sincerely wish that there were something I could do to make a difference... and then proceed with my original course of action (in this case, eating meat.) In other words, might it be the case that virtue ethics, like utilitarianism and that rights theory, also suffers from a causal impotence problem?

Julia Driver can be read\textsuperscript{301} as suggesting this sort of criticism in her book*Uneasy Virtue*. Driver simply defines virtue in terms of consequences: "Virtues are character traits... that have good effects. Under odd circumstances, a virtue may also give rise to harms. But as long as the trait generally produces good, it is a virtue."\textsuperscript{302} By defining virtue in this way, Driver suggests that the virtuous thing to do in a given circumstance depends on the likely consequences. As a result of this, Driver opens the door for the causal impotence problems of consequentialism to visit virtue theory.

But is Driver's account genuinely impotent? Everything seems to depend on exactly what qualifies as 'odd circumstances.' Is being causally impotent with regard to eating meat an odd circumstance? If so, if I am not generally causally impotent, then Driver's account, like any form of consequentialism, will have no problem giving us a reason to abstain from eating meat. But if impotence is not an odd circumstance, if I generally am impotent with regard to animal suffering, then I cannot have any reason, on Driver's account, to give up eating meat. If I am causally impotent, then my compassion

\textsuperscript{301} Since Driver does not directly address questions of causal impotence in her book, I do not know exactly what her account would say about these issues. I therefore say that she 'can be read' in this way simply to suggest the possibility that her account could be used as a basis for this kind of criticism. I do not mean to say that Driver is necessarily committed to this particular reading.

\textsuperscript{302} Driver, Julia *Uneasy Virtue* p.67, Cambridge University Press, New York, NY (2001)
for animals\footnote{It might be objected here that my \textquote{compassion for animals} cannot meaningfully be distinguished from my \textquote{compassion in general.} Hence, even if my compassion for animals is causally impotent, I still must not eat meat, since my compassion in general is not impotent. But this just reraises the question of what counts as \textquote{odd circumstances} in a context that will not suit Driver well at all. Given the remarkably large number of (potential) interactions with animals that we have in terms of eating them and the comparatively small number of (potential) interactions wherein our compassion brings about good consequences, we might be tempted to conclude that the circumstances where compassion brings about good results are actually the odd ones. Hence, Driver must either (a) deny my assertion that circumstances where compassion is impotent outstrip those in which it is not impotent, (b) deny that compassion is a virtue, or (c) accept the distinction between \textquote{compassion for animals} and \textquote{compassion for humans.} I do not see any nonarbitrary way of describing our interactions that will make (a) robust enough to suffice, and (b) seems so radical as to endanger the status of all virtues if it were accepted. Hence, (c) seems to be Driver's only option.} does not, in general, have good effects. Hence that character trait, which would otherwise drive me to abstention, cannot be a virtue because it cannot lead to good effects, and ergo I have no reason to abstain. I may have reason to lament my impotence, to feel bad about the suffering of animals in factory farms, as those reactions might still have good results (i.e.—keeping me sensitive to the suffering of others, which in turn will have good effects on my non-impotent behavior towards others) but I need not abstain from eating meat to achieve these good results.

One undeniable strength of Driver's account is that it provides us with a conceptually clear way of answering two difficult questions: (1) what character traits are virtues? and (2) what reactions are dictated by those virtues? But Driver imports this clarity wholesale from consequentialism, which in turn means that Driver's account will inherit all of the aforementioned problems that dog utilitarianism. Most notably, whether or not a given character trait is a virtue ceases to be a question about me, about the kind of person I am, and human nature; instead it becomes dependent upon a series of bizarre and abstruse questions about the true nature of markets, causal diffusion, economic thresholds and market sensitivity. While the virtues must surely be sensitive to circumstance, to allow circumstances to hijack virtue in this way is to disenfranchise the agent and to divorce them entirely from the moral equation. If this is what virtue is really
about then virtue is not really a question of character, it is a question of economics. This
construal is unacceptable for reasons we saw (5.5). If compassion is a virtue, surely it is
so due to its relation to human nature, to how possessing such a trait contributes to a life
well lived, not due to the contingent relationship between the actions it generates and the
consequences that follow.

Even if we accept this response to Driver, however, it still leaves unanswered the
original normative lacuna—namely, how do we know what sorts of actions the virtues
will command of us in the face of causal impotence? Why abstention, rather than just
remorse? Perhaps the best way to see around this problem is to change the context.
Imagine if the situation in question were not eating meat in a modernized country, but
instead owning slaves in the American antebellum South. Let’s assume that I am a poor
farmer who recognizes that slavery is morally wrong. As a result of this, I refuse to own
slaves myself, but because of various social, political and economic factors I am
genuinely causally impotent to help those slaves owned by my neighbors. Because there
is nothing I can do about the situation, I have no qualms about profiting from and
enjoying the fruits of the slaves owned by my neighbors. When my cousin visiting from
the north charges me with being *unjust* because I am complicit with slavery, I reply,
‘You’re assuming justice demands abstention from the products of slave labor. But given
that I cannot help those slaves, why should justice demand that I deny those profits?
Why doesn’t it demand something else, such as merely lamenting their misfortune, while
still enjoying their harvest?’ The inadequacy of such a defense should be apparent to all.
It is little more than a transparent attempt to gerrymander the substance of justice to allow
me to do as I please. It is not hard to imagine similar stories in the context of the Nazi regime, the Apartheid in South Africa, and sweatshop labor.

The same line of argument applies with equal force in the case of eating meat. It might be easier to accept that the virtue of compassion does not demand abstention if it were not for the fact those trying to relax those demands did not have such a vested desire to find a justification for eating meat; the conflict of interests is too evident to ignore. In a sense, this reply is _ad hominem_, but its purpose is to point us towards an honest self-examination. Sure, we can contend, as a theoretical reply, that we do not know exactly what compassion demands of us, but are we honestly this confused about it? When we see suffering do we really need a philosophical argument to tell us that we ought not be party to it? We can imagine someone who does not understand what compassion demands of us in these circumstances, but do _I_ not understand? If I do understand, then the objection is not relevant to me and does not need to be taken more seriously than as a mere theoretical puzzle.

Yet this still does not answer exactly why, even in the face of causal impotence, justice requires abstaining from owning slaves and compassion requires abstaining from meat. And since philosophers reveal in theoretical puzzles, let’s attempt a quick stab at explicating the intuition driving here. What exactly is wrong with being complicit with injustice? How are we to understand the concept of complicity in the first place? These

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304 For more on this, see Cooper, David “Ideology, Moral Complicity and the Holocaust” in _Moral Philosophy and the Holocaust_, Garrard and Scarre (eds.), p. 9-24, Ashgate Publishing Co., Burlington, VT, (2003). Also, we might think of Martin Heidegger’s complicity with the Nazi’s, and how that has been a source of much consternation for philosophers whom admire his work.

305 For more on this, see Sander, Mark, _Complicities: The Intellectual and Apartheid_, Duke University Press, Durham, NC, (2002).
are profound questions, ones that I cannot fully address here, but some cursory remarks can be made.

There are differing conceptions of complicity to be found in the academic literature, each with their comparative merits. Christopher Kutz, for example, says that the fundamental idea behind complicity is that "I am accountable for what others do when I intentionally participate in the wrong they do or the harm they cause" and "I am accountable for the harm or wrong we do together, independently of the actual difference I make."\(^{306}\) J. Clinton Parker defines complicity as "a violation of a *prima facie* moral duty not to voluntarily and either intentionally or negligently expressively align oneself with the wrongdoing of a primary agent by expressing a positive psychological state (a P-state) toward that wrongdoing."\(^{307}\) While I am unaware of an explicit account of complicity in terms of virtue ethics, Thomas Hurka spells out a conception of the virtue of ‘conscientiousness’ as “love of right actions as right and hatred of wrong ones” and is “directed at rightness and wrongness rather than at intrinsic goodness and evil.”\(^{308}\) It seems as though we may faithfully understand complicity with evil to be (one of) the vice(s) that pairs with virtue of conscientious.

There are several clear differences between these accounts, yet they all share some core features: we are complicit when we are (in some sense, not necessarily causally) involved in someone else’s vicious act; we may be complicit regardless of whether or not we are causally impotent; we have moral reasons to avoid being complicit with evil. For our purposes here, any of these accounts will suffice to give us a *prima*

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facie understanding of why we ought to avoid complicity. While I said above that, in the everyday arena we do not need a philosophical argument to be convinced of this conclusion, if we insist on spelling out the details this seems like a good point of departure.

While there is much to be said for all of these accounts, I do not mean to endorse (nor rebuff) any of them here.\(^{309}\) A complete account of this issue in terms that are most amenable to the theory I have thus far developed is beyond the scope of our current inquiry. Nonetheless, there are a few things about complicity that can be cashed out in terms I have thus far developed, the core points of which harmonize with all of the above accounts. For example, recall the relationships between the emotions, perception, judgment and motivation that we outlined in chapter 1. As we have repeatedly noted, to have a virtue means more than just doing the virtuous thing; it also means feeling the proper emotions in the proper circumstances. We also noted that to feel an emotion is to perceive and/or judge some aspect of the world. And finally we saw that emotions have an inherent normativity, which motivates our responses to that aspect of the world.

With regard to the slavery example, how to apply these relationships is fairly apparent. Being a virtuous person demands more of me than merely not owning slaves. It also demands that I perceive/judge the injustice of slavery, and that means I must feel the proper emotions when faced with that injustice (i.e.—anger, indignation, revulsion, etc.) To truly understand the injustice of slavery demands that such emotional reactions be felt, and felt in a profound manner. And if I indeed feel the profundity of those

\(^{309}\) This might seem like a strange neutrality on my part, given that Hurka’s account is parsed in terms of virtue ethics and Parker’s account in parsed in terms of duties, with an explicit denial of a virtue account. These points notwithstanding, the many nuances and intricacies of these accounts make choosing sides ill-advised without a protracted analysis which, sadly, we do not have room for here.
emotions, they will, perforce, provide me with powerful motives. Most immediately, I will be motivated to do what I can to end the injustice in question, but since we are here considering cases of causal impotence we are stipulating that there is nothing I can do to that effect. So what then becomes of that powerful motivation? Does it merely disappear? Do I deem it irrelevant because its primary desiderata are unachievable? The fact that we did not accept the hypothetical defense of my slave-profiting behavior above (nor would we in the case of complicity with Nazi’s, Apartheid, etc.) suggests that this is not the case. To disregard the powerful desire to act is to fail to have the proper emotional reaction to injustice. To truly feel the force of injustice is to feel *I must try*, even if that will not end the injustice in question. Complicity with injustice is itself injustice. This means I must do more than refuse to own slaves; I must also eschew any profit from the existence of the institution of slavery. In the words of Andrew Boyd, “You must dedicate yourself to an impossible cause. Why? Because we are all incurable. Because the simple act of caring for the world is itself a victory. Take a stand—not because it will lead to anything, but because it is the right thing to do. *We never know what can or can’t be done; only what must be done.*”

Spelling out the details of this reaction may seem like overkill. As I have stated several times already, we do not need an analysis to tell us we ought to not be complicit with slavery; this is just the obvious moral and emotional reaction that we ought to have. But it is necessary to trace the details so that we can see how the underlying moral judgment is made and so that we may in turn apply it to the context of animals. While these comments have been made in the context of slavery it seems to me that they apply

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equally well, \textit{mutatis mutandis}, to the issue of eating meat. If one feels some consternation towards the idea of justice applying to animals,\footnote{See, for example, Rawls, \textit{A Theory of Justice}, (p.15), Harvard University Press, Cambridge, MA, (1971)} we could just as easily retell the above story in terms of compassion, selflessness, integrity or some other such character trait or collection thereof. With regard to any of these, the format will remain the same: to have the character trait I must have a given emotional reaction that constitutes perceiving/judging the circumstances properly; this emotional reaction in turn motivates me to act, irrespective of my ability to change the fundamental problem. It is thus for these reasons that virtue demands that we abstain from eating meat: because failing to do so is callous, selfish, and displays a lack of integrity; ignoring the reality of factory farms or pretending that we are not a part of their cruelty is dishonest; not giving up meat because it is too hard is cowardly and akratic. We should give up eating meat because it is the compassionate, honest, and consistent thing to do. Anyone who denies this is either ignorant of the realities of factory farming or deceiving themselves about the nature of these character traits.

\textbf{7.5.1) Virtue, Vice and Vegetarianism}—Thus far, my discussion has focused primarily on the eating of meat from factory farms. I have maintained that any reasonable assessment of the situation in virtue terms will see the practice of working in a factory farm as vicious in the extreme. Likewise, the consuming of meat from factory farms is a practice that cannot be condoned, at least for the majority of the population (more on possible exemptions in a moment.) But this does not exhaust the topic in question. Given that I’ve established that we shouldn’t eat cows, pigs, chickens, etc. from factory farms does it follow that we cannot eat any animals at all? What about fish,
shrimp, clams and other forms of ‘seafood’? What about meat that does not come from a factory farm? These questions and more are all relevant to the question of vegetarianism and no account of the issue would be complete without a discussion of them. Each of these topics deserves considerable attention. However, due to space and time constraints, I will only offer a cursory glance at each. My intent here is to offer some hopefully promising suggestions, rather than exhaustive exploration of the issues.

7.5.2) Virtue, Vice and Pescetarianism—Let’s begin with ‘seafood.’ Due to the incredibly wide variety of sea-creatures, even when limited to those that we eat on a regular basis, it is rather difficult to make a nuanced analysis of what virtue ethics would say in regard to them. Nonetheless, a few general statements can be made, starting with where we began our discussion back in chapters 1 and 2, the emotions and their moral significance. I have made much ado about the emotional capacities of animals and the moral significance thereof. There has been some debate in the scientific literature as to whether or not fish can feel pain (it seems to my, admittedly inexpert and cursor exploration of this literature, that fish can indeed feel pain), but the question of whether or not fish have emotions is a much more complex and perplexing problem. If it has taken us this long to come to an even tentative conclusion regarding something as neurologically basic as pain, I would not anticipate any penetrating scientific studies on the issue of fish emotions any time in the near future.

The emotion question applies a fortiori to arthropods and mollusks. The members of several species that fit into these categories, such as clams, oysters and mussels, lack any central nervous system, making them physiologically incapable of feeling either pain, or emotion in any form that we might recognize. In these respects,
these animals are more like plants then they are like animals. The members of other species, such as shrimp, prawns, lobsters and crabs have a central nervous system, but one that is seemingly very rudimentary, so much so that it is questionable whether or not they feel pain, and highly dubious that they have emotions. The most perplexing set of animals in this group are surely octopi and squid. While they are phylogenetically close relatives of clams, octopi and squid have amazed researchers with their extraordinary intellectual capacities, manifest primarily in their abilities to solve puzzles and learn from observation. While the central nervous systems of octopi are not that large, they have about three-fifths of their total neurons spread throughout their body, suggesting the possibility of distributed cognition. Their memories, reasoning skills and even apparent capacity for deception makes it quite clear that these beings are not just sentient, but also conscious. There are still prominent and respected skeptics on that count, however, and this skepticism is even stronger when it comes to the possibility of octopus emotion. This healthy degree of scientific skepticism notwithstanding, there is evidence to suggest they have some basic emotional faculty.

313 Eugene Linden recounts the following infamous story: “In 1964, at the Monaco facility of the late undersea explorer Jacques Cousteau, workers began to notice that the new specimens that they were bringing in during the day were disappearing at night. There was no sign of a break-in, and the mysterious disappearances continued for several days, until a Mediterranean octopus was discovered to be the culprit. The octopus had been sneaking out of its cage at night, climbing into the collection cages, and then returning, looking as innocent as an octopus can look in its own cage... There have been literally dozens of stories of similar octopus thefts.” The key fact here is that the octopus returned to its own tank. While there are, of course, several possible interpretations of that fact, one interpretation that should surely be given prominent consideration is the idea that he was covering his tracks. This kind of skullduggery certainly looks like evidence of (in the legal parlance) mens rea—a guilty mind. Linden, Eugene, The Octopus and the Orangutan, p. 30-31, Dutton Press, New York, NY (2002)
314 When presented with a threatening stimulus, for example, they have been known to turn white; taunt an octopus with a piece of food, or constrain it a small tank and it will often turn red. The common-sense reading of these reactions is that the octopus turns white when afraid, and red when angry. While these interpretations are far from scientific orthodoxy, there is nothing in the orthodoxy that contradicts them, either. For more on this, see Hanlon, Roger T. and Messenger, John B. Cephalopod Behavior, Cambridge University Press, New York, NY (1996)
Whatever the facts regarding the emotional capacities of these sea-creatures, however, the related question of the human capacity to empathize with them is not as complicated. The morphology of fish, lobsters or crabs, their lack of (what humans perceive as) emotionally expressive apparatus (either facial or manual) makes them a very alien species in our eyes. It is easy for us to look a pig or a dog in the eyes and see their sorrow or their joy. But when we look a trout in the eye we see only a glassy, empty stare. Even octopi and squid, for which many people familiar with their intelligence would no doubt express a curious admiration, still seem beyond the range of genuine empathic connection. Even when we understand, by way of their color-expression, that they are afraid or angry, we do not seem to empathize with that emotion in the way we do when we see the same emotions in a dog, or another human for that matter. It stresses the empathetic capacities of even the most sensitive human beings to find an emotional resonance with these sea-creatures.315

Their lack of a robust empathic connection, however, does not mean that the moral considerations I have been discussing has nothing to say at all on the topic. While the emotions play a central role in the picture I have developed, they are not the whole and sum of it. The lynchpin of the whole system, you’ll recall, is judgment. I have argued that emotions are judgments, but they are certainly not the only judgments. As I mentioned in chapter 6, scientific judgment will certainly play a profound role in many moral issues. And if the scientific judgments that conclude that fish, octopi and squid are capable of feeling pain, then this fact will certainly have considerable moral import. I

315 Perhaps this is a reflection of my own bias, my own personal insensitivity, and perhaps those who may claim to have an empathetic connection with fish (I imagine there are such people, although I have never met, nor heard of one) are erstwhile Voltaire’s to my own ‘aqua-Cartesianism.’ While I remain open to this possibility, until a case on behalf of fish is marshaled, I will tentatively dismiss the possibility.
may not be able to imagine a fish feeling love, but I can certainly imagine what it would feel like to have a barbed hook jammed into the roof of my mouth, or to be pulled out of a breathable atmosphere, left to suffocate over the course of several minutes, gasping unto death. Certainly it would be callous of me to disregard what I know to be the considerable suffering that a fish undergoes on its way to my plate, merely because I am incapable of perceiving that suffering directly. It would be dishonest of me to disregard what I know about the capacity of an octopus to feel pain merely because I cannot see their suffering when I look in their eyes (and because I like the taste of calamari.) And when tempted by the possibility that the scientific judgment I have relied upon is wrong, the virtue of carefulness would suggest that it is better to err on the side of caution. Accordingly, virtue ethics is still capable of giving me reasons to abstain from eating these animals, their emotionally inaccessible natures notwithstanding.

This still leaves open, however, the more difficult issues of shrimp, muscles, clams, oysters and the like. The same scientific judgment I relied upon a moment ago seems to swing in the opposite direction here. Given their very primitive nervous systems (often lacking a central nervous system) it seems highly unlikely that they can feel pain, in any recognizable sense. Thus, the majority of the moral considerations I have been discussing thus far do not seem to give us any guidance on the question of these creatures.

This does not mean, however, that virtue ethics in general will be mute on the subject. In (4.4) we saw a brief discussion of Environmental Virtue Ethics (EVE) and many of the considerations we touched upon there are relevant here. The vast majority of seafood eaten in this country comes from two sources: massive fishing operations and
aquaculture (the aquatic equivalent of a factory farm). Both of these methods cause considerable environmental damage. Standard environmental virtues such as stewardship, responsibility, and conservation give us ample reason to avoid eating these creatures.

7.5.3) Virtue, Vice and 'Cruelty Free' Meat—Let's turn now to meat from non-factory farm sources. In recent years, there has been an increasing interest in discovering alternatives to the dominant industrial model of animal agriculture. Over the last fifty years more traditional models have been progressively marginalized, but they never fully disappeared. Ethical, environmental and health concerns have driven some people back to these farms in atavistic fashion. Polyface Farm in Swoope, Virginia, was profiled in depth in Michael Pollan's bestseller *The Omnivore's Dilemma* as an exemplar of this kind of farming. Polyface, and other organizations like it have changed in many ways from their forbearers, largely to cater to this emerging niche market. Hence, these bucolic farms are an anachronism in the eyes of some, and the wave of the future in the eyes of others. Some have described these operations as 'cruelty free' farms, while Peter Singer has dubbed their patrons 'conscientious omnivores.'

By contrast to the standard factory farm, the animals on these cruelty free farms lead relatively comfortable lives. While the specific details will, of course, vary from one farm to another, we will, for the sake of brevity, consider an idealized example. For a farm to genuinely earn the label of 'cruelty free,' it must give the animals room to roam,

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316 Peter Singer and Jim Mason have done an admirable job of documenting the environmental problems associated with seafood in chapter 9 of their book *The Ethics of What We Eat* Rodale Inc., USA (2006)
317 Of course, these considerations will also have an impact on many other dietary habits, including products from factory farms, which are notoriously bad for the environment. These considerations will also, in all likelihood be relevant to other food choices as well, including such options as organic and locally grown produce, processed foods, and genetically modified foods. These issues, while surely worthy of consideration, are beyond the scope of the current inquiry.
to stretch their legs and wings, to graze on pasture, to socialize with each other, and indulge many other of their natural instincts. Such a farm will only contract with slaughterhouses that ensure a calm prelude and a painless death. The lives of the animals are tolerable, if not pleasant, and their deaths are humane, if not good. As Pollan has put it, (in very Aristotelian terms) "for these animals...the good life depends on the good farm."318

It is quite clear that the large majority of the concerns I raised in the preceding sections with regard to factory farming do not apply in these circumstances. Cruelty is deliberately avoided; greed is out of the question, since these resource-intensive farms could be much more profitable if they employed industrial methods; akrasia and hypocrisy do not apply, as these farmers and consumers show great strength of will in making considerable sacrifices to live by their principles; complacency is also moot, as by their very nature these farms require a certain independent spirit and are far from 'business as usual.' None of these character traits seem like apt descriptions of anyone involved in this type of farming.

It is impossible to deny that this sort of farming is a tremendous improvement over the current milieu. Currently, only about one out of every 100 or so animals raised for human consumption in the US live under these sorts of conditions.319 No one who is even the slightest bit concerned with the well being of animals (to say nothing of the moral character of those who raise them) can help but wish that this ratio were much higher. But these considerations notwithstanding, this does not mean that "cruelty-free

319 In the aforementioned public lecture, Michael Pollan, who defends this variety of farming in his book The Omnivore's Dilemma, told of a letter he received from Peter Singer in reaction to his book: "Congratulations, you've successfully defended 1% of the farming in this country."
farming’ is therefore ‘vice-free farming,’ further still ‘virtuous farming.’ Certain many
virtues, such as conscientiousness and respect would be embodied by this variety of
farming. Nonetheless, the very nature of the farming relationship is one that cannot
escape certain vices. To raise an animal with the express purpose of slaughtering it and
eating it is to engage in an inherently exploitative relationship. The nature of a farm,
even one as conscientious as this, is ultimately to consume the flesh of the beings raised
therein. To treat the animals in this way, to breed them, raise them and kill them
(irrespective of their quality of life in the meantime) is to use them like our property, like
an object. This decidedly Kantian sounding phrase is deliberate, and the Kantian instinct
here is precisely what I wish to appeal to. We do not (and cannot) own animals, any
more than we can own another human being. To fail to appreciate this fact is to fail to
appreciate a fundamental moral reality.

If you doubt this, try to imagine the following scenario: Humafarm is cruelty free
farm that is very conscientious of the level of comfort and well-being of their livestock.
The farmers give their livestock plenty of room, material comforts, a delicious, nutritious
and variegated diet, top of the line medical care, no growth hormones or painful
mutilations, and the farm contracts with an unimpeachably humane slaughterhouse.
Rather than raising cattle or pigs, however, Humafarm (as their name suggests) raises
humans. They have bred cognitively disabled livestock, whose mental and emotional
lives are roughly the equivalent of the more common (nonhuman) inhabitants of such
farms. They have no parents or relatives outside the farm; the original breeding line was
taken from a sufficiently large stock of orphans, and they only breed from within the farm
itself. What we deprive them of when they are slaughtered (at the age of, say, 30, far
from what their natural life-expectancy would be) may involve a sense of the future, close connections with others of their kind, and possibly even some rudimentary ‘life-projects’, but these are all on par with what the non-human livestock on other cruelty free farms lose when they are slaughtered. These humans live a better life than a large percentage of the ‘non-farmed’ humans on the planet, and their deaths are completely devoid of suffering. Humafarm has a small, but growing market. Whenever moral objection are raised, Humafarm defends itself by pointing out the many virtues instantiated by their practices (conscientiousness, respect, etc.), and points to the EvilCorp farm down the road, which treats their cognitively impaired humans in a much more cruel and heartless fashion.

Would anyone consider Humafarm’s defense acceptable? Would we think that working for or purchasing Humafarm products was morally acceptable? I think it is clear that we would not. A profound intuition drives the idea that these practices, despite their comparative virtues, are still fundamentally vicious, and no amount of compassionate treatment can change this fact; the very nature of breeding, raising, and killing these people for consumption is wrong. I would argue that it is wrong because the very practice of farming is, if not cruel, at least callous, as well as exploitative and unjust; there also seems to be a lack of appreciation, perspective, and a ‘full and proper respect’ (as opposed to the ‘comparative respect’ that Humafarm shows in contrast to EvilCorp). Others may appeal to different considerations, but the common conclusion—that abstinence is called for—is what is relevant here.

If I am correct in thinking that most people would abstain from Humafarm products the natural conclusion is that we should likewise abstain from cruelty free
farmed of all varieties. Anyone who wishes to avoid this conclusion seems to have only three options: (1) deny that we should abstain from Humafarm products, (2) argue that abstinence from Humafarm is based on non-moral reasons that don’t track with cruelty free farms, or (3) find some morally significant difference between Humafarm’s stock and those of other cruelty free farms.

I have no argument to give at this juncture against response (1). If someone genuinely thinks it is acceptable to eat Humafarm’s cognitively impaired human livestock, then a much more foundational and general discussion needs to be had before any progress can be made. A discussion of the nature of callousness (such as we saw in chapter (7.3.1)) and justice might be one way to proceed. Or perhaps a discussion of the capacities and nature of nonhuman animals (such as we saw in chapter 4) would be the necessary discussion. Suffice to say, that I feel confident that most people would not feel comfortable with option (1); furthermore, I hope most people would find that some of the general considerations put forward in this dissertation thus far would be sufficient for rejecting (1).

Option (2) could take a number of forms. One might argue, for instance, that eating Humafarm products is not morally problematic, but rather aesthetically problematic. The idea is so repugnant that contemplating it in even moderate detail is sufficient to make most people retch. The strong aversion that most people feel in response to Humafarm is a baseless visceral reaction, not the perception of a profound moral reason, as I have suggested. This may be the result of a lingering speciesism that most, even many conscientious people have been unable to remove from their psyche. Inasmuch as we ‘should’ refrain from eating Humafarm’s products (and not refrain from
other cruelty free farms) it is not because their practices are vicious, but because their product is distasteful.

Again, I cannot think of any succinct argument that can be made to rebut this option, suffice to say that I don’t think that most people could honestly embrace it with a straight face. While it is certainly a logically viable option, I highly doubt that those who put it forward sincerely believe it. This is an *ad hominem* reply, of course, merely claiming that we *do not* buy this argument without providing a solid reason as to why we *should not* accept this argument. But such an argument would, again, require a much more foundational discussion regarding more profound issues, both metaethical, and theoretical. If the considerations brought forth in pervious chapters have been insufficient to preclude option (2) in the reader’s mind then no brief point here will suffice either. Hence, for the time being at least, we must content ourselves with this facile dismissal.

That leaves option (3), finding a legitimately significant difference between Humafarm’s livestock and the stock of ordinary farms. We explored relevant similarities and differences in chapter 4. Recall that they include the capacities for pain and pleasure, emotion, belief, desire, and social relations; we dismissed other supposedly relevant differences, including the possession of a soul, an immaterial mind, and species membership. With this in mind, we can see how option (3) will also not be a viable strategy; the Humafarm case has been deliberately constructed so that the morally significant considerations are parallel with those of cruelty free farming. Unless there is a relevant difference between humans and animals that I missed in chapter 4, option (3) will not be an acceptable response. And if all three of these moves fail, as I have
suggested they do, we cannot escape the conclusion that we should abstain, not just from factory farmed meat, but from cruelty free farmed meat as well.

7.5.4) Virtue, Vice and the ‘Meat of the Future’—I want to shift gears now and speculate on future possibilities of the sort alluded to in the above quote from Margaret Atwood. While there is not, to my knowledge, any viable plans to engineer the sort of brainless chicken creatures she envisions, there do appear to be similar possibilities just over the biotechnological horizon. The most interesting of these is the possibility of cloning animal tissue in a laboratory to produce meat. Starting with a single muscle cell, it is technologically feasible to propagate massive amounts of tissue. The resultant product would, in theory, be not only cheaper and healthier than meat from a farm, it would also be comparable in taste. Add in the benefits for the environment that would follow from eliminating animal waste, the potential to address world hunger problems, and of course the absence of any sentient creatures to be killed or harmed in the process and one might be tempted to argue that we have discovered a perfect food source.320

Of the all of the options discusses thus far, it seems clear that this source of meat is the least objectionable. The major moral considerations we have been looked at thus far do not seem to apply. One way to illustrate this is to consider a case parallel to the Humafarm case above: Humaclone develops and markets lab cultured human flesh for consumption. As with the animal cultured meats, Humaclone’s products do not involve the killing (or even the harming) of any human beings, and their product is affordable,

healthy and environmentally friendly to boot. Can we condemn Humaclone’s practices as inherently vicious, as we did with Humafarm?

I do not think so. Certainly we might have some initial reservations about the proposal. As with any powerful and unexplored technology there are many morally relevant questions to be asked. Are we indeed sure that there are no unpredictable health effects from consuming this meat? What will happen to the species that are currently primarily only in existence because they are farmed for their meat? Will biodiversity suffer as a result of this technology? Will the shift from farms to labs have any negative collateral environmental effects? Would this means of producing food be secure from potential threats that might undermine the food supply (i.e.—disease, bioterrorism, etc.)? Will the companies be required to disclose the specifics of their procedures and label their products accordingly, or will they be able to hide behind trade secret laws? These are all important questions, and ones that are certainly morally relevant, but the key thing to realize is that they are all auxiliary, not inherent to the technology itself. I imagine that if we insist on investigating the issue we will find the relevant problems, and in short order we will find acceptable solutions to them. The virtue of caution should certainly be observed in large measure, but baring any serious insuperable problem (technological, environmental, medical, economic or otherwise) arising, I do not think that the technology itself can be considered vicious.

Many people will no doubt react to the idea of lab-cultured meat with fear, skepticism and revulsion. Rightly so, in my view, as those reactions are an example of the caution I advised a moment ago. But I imagine, given sufficient transparency, longitudinal studies on health effects, sufficient adoption time, and (most significantly)
affordable and tasty products, most people will come around. Many people will initially avoid the product because it is so clearly 'unnatural,' and they assume that to be synonymous with 'unhealthy' and 'environmentally unfriendly.' Once it is demonstrated that the lab-cultured meat is, indeed, healthier and more environmentally friendly than the alternative, many of those people will change their minds. Those who see 'natural' food as desirable in and of itself, rather than for health and environmental reasons, will continue to eschew this meat, but I suspect they will be in the minority. Others, particularly those who have been vegetarian for many years will probably avoid it out of habit; I suspect I, myself, will fall into this category. I doubt, however, that I, or anyone else who abstains from this lab-cultured meat will have a strong moral argument against those who partake, provided the sorts of questions above are adequately addressed. And when we further consider the fact that a technology such as this is likely to be the only practical way to put an end to factory farming, this technology would shift from being merely morally permissible, and become morally praiseworthy. At any rate, the burden of proof would certainly be on those who would dissuade others from eating these products.

One way or the other, this technology, while currently feasible, is not yet a concrete reality, and between the various technical, moral, legal, economic and environmental issues that need to be sorted out, it will probably be many years before we see these products on the shelves at our local grocery store. In the meantime, there are a wide range of other non-meat animal products on those shelves that comprise the last set of moral considerations I wish to address in this dissertation. To phrase the final question bluntly, does virtue require that we become vegans?
7.5.5) Virtue, Vice and Veganism—Veganism, the abstention from consuming any product that comes from an animal, is a profound and courageous commitment. Given the ubiquity of animal products in modern culture it is a very difficult pledge to keep; given the conditions that most of the animals who supply those products live, it is an important moral question to consider. What does it say about us, about our moral character that we consume these products? Does virtue require that we eschew milk, eggs, cheese, yogurt and butter completely? Are we vicious if we choose to wear wool or leather?

Let's begin with this last question. Given that leather can only be created by the killing of the animal, all of the same reasons that count against eating meat apply to the purchasing and wearing of these products as well. Also as with eating meat, the reasons in favor of wearing leather are trivial. No one needs to wear these products, or have a car or furniture upholstered with it, especially since fashionable, affordable and comfortable alternatives abound. To prioritize such trivial interests on our part over the serious suffering of the cows who provide it may be cruel, callous, arrogant, complacent, and unjust; it will certainly be at least one, if not all of these.

Wool is distinguished from leather by the fact that harvesting the wool does not necessitate the animals’ death. Indeed, the sheep need to be kept alive to provide more wool in the future. Ultimately, however, this proves to be a distinction without a moral difference, at least most of the time. The living conditions for most wool-giving sheep are, while not quite as bad as most factory farmed animals, are certainly far from pleasant. They are often sheared just before winter, leaving them exposed to the cold.
They are castrated and have their tails docked—without anesthesia.\textsuperscript{321} It is without a doubt an existence that no human would envy, and no sheep would choose, if given the choice. Yet again, to ignore this suffering merely because we enjoy the feel of their wool on our skin is horribly petty, cruel and arrogant. It is of such a little cost for us to avoid these products that no\textit{ prima facie} plausible case can be made in defense of consuming them.

This is not the case, however, when it comes to the consuming of eggs and dairy products. Depending on the circumstances, a rather strong\textit{ prima facie} case can be made in defense of consuming these products. To mount such a defense, we need to take a quick step back to look at these issues from an historical perspective. For much of human history vegetarianism was simply not a plausible option; if one eschewed meat then they put themselves at considerable risk for malnutrition and starvation. This changed, at least for the relatively affluent in certain societies, some time after the industrialization of agriculture. Today, people living in most (if not all) industrial countries can avoid eating any meat safely, affordably, and without sacrificing too much gustatory pleasure. This is not the case, even today, in many non-industrialized parts of the world.\textsuperscript{322}

I have previously stipulated that I am constraining my arguments to the context of modernized nations, but I raise these points here to illustrate a point of contrast and context. In many parts of even the most modern nations, the difficulties associated with going vegan are closer to the difficulties of a person in a non-industrial nation going

\textsuperscript{321} For more on sheep and wool, see Masson, Jeffrey Moussaieff, \textit{The Pig Who Sang To The Moon: The Emotional World of Farm Animals}, Chapter 3, Ballantine Books, New York, NY (2003)
vegetarian. Many major urban areas, especially in places like San Francisco and New York, are catering to the vegan life-style, making it much easier in many regards for people to give up all animal products. But such vegan-friendly communities, while growing in size and expanding in number, are still a small fraction of the overall country. In most rural areas, for example, the feasibility of going vegan is much less than in Greenwich Village or Haight-Ashbury. This is not to say it is impossible, of course, nor is it to say that virtue ethics will pass on veganism; it is merely to note that these circumstantial factors are relevant in our assessment, and a virtue ethicist will consider them in any appraisal of the issue.

We are brought again to Aristotle's point that the virtuous thing to do in any context will be sensitive to circumstance. If a person attempts to go vegan without the proper education, resources and nutritional alternatives they are putting themselves in a considerably risky position. While the moral courage, compassion and commitment are certainly laudable, we cannot ignore their recklessness, their negligence, and their irresponsibility. Hence it is hard to say, without qualification, that the virtuous thing to do is simply to go vegan. Rather, the virtuous thing to do will depend on one's circumstances. Most people in relatively affluent cultures, for example, will be able to get by with a considerable reduction in the amount of dairy and eggs they eat. They can learn how to cook vegan dishes, through classes if available, or through cookbooks and the internet. Failing to at least make a good-faith effort to reduce consumption when there are feasible strategies for doing so is certainly a vicious thing (especially when we bear in mind the horrible conditions that dairy cows and egg laying chickens are kept). When one does purchase animal products they can go out of their way to ensure the
products they get are ‘cruelty free.’ If one lives in a place where vegan-friendly restaurants are accessible, then they should frequent them, and encourage their friends and family to do likewise. Even people who are not avowed vegans can do all of these, conscientiously. Over time, one can educate themselves and train themselves to subsist on a healthy and enjoyable diet that does not involve any animal suffering.

How much does virtue demand of us with regard to veganism, even in the best circumstances? Is it vicious of me to eat eggs and drink milk if I get them from a genuine cruelty free farm? Masson seems to suggest as much when he tells the following story:

When I was about eight years old, we lived next door to a man whose free-range chickens roamed his yard. He would ask me over to collect the eggs. I loved it. They were warm and perfectly shaped... But at the time I thought, are we thieves? Taking these eggs that belonged to the hen, not to us. The farmer assured me they were gifts, but I did not believe him... I still do not feel right about eating eggs, even the eggs of free-range hens. If taking an eating a hen’s eggs can properly be characterized as theft, then it certainly seems that virtue ethics gives us a good reason to abstain from doing so. Theft is incompatible with the virtue of justice, and possibly beneficence and compassion, among others. Moreover, Masson is clearly taking his emotional reactions seriously; he doesn’t feel right about eating even free-range eggs and that is something that he takes as a strong reason not to do so.

While I am not insensitive to Masson’s reaction here I do not find it persuasive. While there is a clear sense in which the eggs ‘belong’ to then hen, it does not seem to be

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323 In The Ethics of What We Eat (Rodale Inc., USA (2006)) Peter Singer and Jim Mason do a very good job of explaining in much detail practical steps one can take to ensure their animal products are cruelty free, such as shopping at farmers markets, where you can talk to the farmers about how they treat their animals, and perhaps even visiting the farm to see for yourself the conditions the animals live in.

a robust enough sense to qualify our taking and eating them as ‘theft.’ After all, if we
remove one egg the hen will simply lay another before brooding. They do not seem to
‘lay a property claim,’ (if you will pardon the pun) along with each and every single egg.
There is no sign that removing a few eggs here and there causes them any sort of distress
or aggravation. (Not allowing the hens to brood at all seems to do this, but a truly cruelty
free farm would not frustrate their natural desire to breed entirely.)

It could even be argued that the harvesting of eggs is a fair price in an implied
bargain between the hens and humans; the humans provide the hens with feed, protection
from predators and the elements, and basic medical care, while in exchange the hens
provide the humans with their eggs. Rather than a theft, it is a fair trade. This argument
was made by explicitly by Michael Pollan in defense of cruelty free farms:

Domestication is an evolutionary, rather than a political, development…
Domestication took place when a handful of especially opportunistic
species discovered, through Darwinian trial and error, that they were more
likely to survive and prosper in an alliance with humans than on their
own… From the animal’s point of view the bargain with humanity turned
out to be a tremendous success… Cows, pigs, dogs, cats and chickens
have thrived while their wild ancestors have languished… To say one of
[Polyface Farm’s] caged broilers that ‘the life of freedom is to be
preferred’ betrays an ignorance about chicken preferences that… revolve
around not getting one’s head bitten off by a weasel.325

This line of thinking is redolent of the contractualist approach that we considered (and
dismissed) in (3.1.3). Yet despite the similarity, this strategy avoids the primary flaw that
undermined that position by actually treating animals as contracting members, rather than
beings who cannot partake in the contract it will not consign them the status of mere
objects. As a result of this improvement, this strategy has much more prima facie

325 Pollan, Michael, The Omnivore’s Dilemma: A Natural History of Four Meals, Penguin Books, New
York, NY, (2006), p. 320. It is worth noting that Pollan does not think this sort of argument can justify
standard factory farms: “It is probably safe to say, however, that chicken preferences do not include living
one’s entire life six to a battery cage indoors.” (Ibid.)
plausibility. Nonetheless, I disagree with Pollan that this sort of argument could justify eating meat; in their better interests or not, it is still callous and exploitative of us to raise and slaughter animals for the sole purpose of enjoying their flesh. This does not seem to be the case, however, with regard to the consumption of eggs and milk.

A more thorough argument to that effect is clearly called for, if it were going to be used as a basis for claiming that virtue does not require us to be vegan. We might, for example, return to Humafarm and see if that thought experiment could shed some insight on this case. I do not wish to explore such an argument here, however, since as it turns out, the basic premise behind the entire argument in question—namely the assumption that there is such a thing as a genuine ‘cruelty free farm’—appears to simply be mistaken.

As usual, it is Peter Singer and Jim Mason who expose this idea for the myth it is.

Is Polyface really such a good place for animals? Rabbits on the farm are kept in small suspended wire cage. Chickens may be on grass, but instead of being free to roam, they are crowded in mobile wire pens. A review of sustainable-poultry systems by the National Sustainable Agriculture Information Service noted that with [Polyface’s] pens “The confined space inside the pens makes bird welfare a concern” and that the crowding “can lead to pecking problems, because the birds lower in the pecking order cannot run away.”

The authors go on for some time to detail the treatment of the birds and other animals on the farm, which, when all is said and done, is no doubt vastly superior to a typical factory farm, but cannot honestly be called ‘cruelty-free.’ Many, if not all, of the same reasons to abstain from eating meat above (complicity, akrasia, etc.) will seem to apply here as well.

Granted, this is but one farm among many, but Polyface was supposed to be the poster-farm for the new enlightened, virtuous farm (as Singer and Mason mention, it was lauded by the New York Times in this regard.) Sadly, it seems that this idea is, to a

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considerable extent at least, wishful thinking. Hence, while cruelty-free farming might not be in principle impossible, such a farm has yet to be demonstrated in real life. Someone who insists that virtue does not give us a reason to go vegan faces the burden of proof that, in contradiction to the false-hope of Polyface Farms, that animal products can be harvested in a genuine cruelty free fashion. If they can succeed on this front, then the burden of proof shifts back to the person who insists, like Masson, that even a genuine cruelty free farm is vicious.

In sum, while consuming animal products makes us party to the suffering in factor farms and therefore should be avoided, the fact that abstaining from them makes life considerably more difficult needs to be taken into account. While modern society is becoming more ‘vegan-friendly’ in many places, it is still a much more profound sacrifice to give up all animal products than it is to give up meat for most people. The discipline and commitment obtained by vegans is certainly virtuous and to be admired, although it may be more than we can reasonably expect from the average person at this juncture in history. In these circumstances, the virtuous thing to do is to abstain where this can be safely done, reduce consumption where it cannot, and educate ourselves to facilitate a gradual transition to an animal-free diet.

7.6) Conclusion—There are many more moral issues with respect to food that I have not been able to address here. Not only were many of the issues I discussed given only a cursory gloss, other questions, such as those regarding organic food, local food, fair trade and free trade, and world hunger were not addressed at all. These are but a few of the serious moral issues that we need to consider when we make our food choices. The difficulty involved in assessing and weighing these elements against each other to
discover the moral thing to do in a given set of circumstances calls out for a moral theory that places a high premium on moral judgment. I believe that virtue ethics is just such a theory, one that provides us with a strong, yet sufficiently plastic perspective with which to make judgments about these issues. No one who has any exposure to the passionate advocates who dedicate themselves to issues of animal ethics can deny the moral importance of emotions in this dialogue. As the world around us continues to change at a rapidly accelerating rate, the importance of a good moral education for our children becomes all the more evident, as they will likely have to deal with evolving moral circumstances that we as yet cannot imagine.

And at the heart of it all, we come back to the question, *how should I live my life?* What kind of person am I, what kind of person should I be? Given our evolutionary heritage, as well as the ubiquity of nonhuman animals in the world, it is impossible to even begin to answer these questions without an understanding of the moral significance of animals. This means that until each one of us can answer, personal and for themselves, the question *what does my treatment of and attitudes towards nonhuman animals say about my moral character?*, we will not be able to live a virtuous, happy, flourishing life.

**Appendix A) Utilitarianism and Virtue Theory**

A.1) Outline of Utilitarianism
A.2) How Might a Utilitarian Object to Virtue Theory?

**A.1) Outline of Utilitarianism**—The influence that utilitarianism has exerted over the discussion of ethics and animals is so profound that I scarcely feel it necessary to recapitulate its claims. This is due largely to the work of Peter Singer, whose writings it
is fair to say have completely renovated and reinvigorated the issue of ethics and animals in the later part of the 20th century.\textsuperscript{327} Singer’s popularity notwithstanding, for the sake of thoroughness, I feel it necessary to briefly sketch the main tenets of the utilitarian position on animals before contrasting it with virtue theory.

While utilitarianism comes in many flavors and varieties, there are certain aspects that are shared by all, and certain major variations that will be considered in what follows. The first common thread is a consequentialist perspective, the idea that what matters morally is the end results, the consequences, of our actions. Actions are to be evaluated in terms of the consequences that those actions bring about, rather than on some intrinsic character of the action itself. The second common thread is some form of universalizability. All of those beings affected by an act are due equal consideration. As Jeremy Bentham famously put it “Each [is] to count for one and none more than one.” The last common thread is a maximizing/minimizing component. It is imperative that the good consequences (whatever they may be) are to be made as many as possible, and the bad consequences (whatever they may be) are to be made as few as possible.

A few major varieties of utilitarianism should be mentioned here.\textsuperscript{328}

The first is hedonistic utilitarianism. This version holds that ultimately what matters morally is physical pleasure and physical pain. Everything else that has moral value only has value inasmuch as it causes physical pleasure or pain. An act is morally

\begin{footnotes}
\footnote{328} There are several other questions that refine various types of utilitarianism, such as: Exactly what kind of consequences matter? (The actual ones? The foreseeable ones? The intended ones? Some combination thereof?) In what way are we to judge acts? (By considering each act in terms of its own consequences (so called ‘act utilitarianism) or by considering acts collectively according to their type (so called ‘rule utilitarianism)?) How we are to count the consequences? (By sum ranking the total amount of good consequences? By averaging the total amount of good consequences across the population?) These assorted varieties of utilitarianism, for all of their import and diversity will not be a part of the discussion in this dissertation, so I leave them here, unarticulated.}

right in proportion as it tends to promote physical pleasure, and wrong in proportion as it
tends to promote physical pain. The relative simplicity of this version of utilitarianism is
both a boon and a burden; on the one hand it allows it to avoid many of the perplexing
questions that plague the more sophisticated forms of utilitarianism, but at the expense of
not being able to provide satisfactory accounts of the more complex goods in human life.

One of those more sophisticated forms of utilitarianism considers not just
physical, hedonistic pleasure and pain, but ‘happiness’ more broadly construed.
According to this version, which was perhaps most famously advocated by John Stuart
Mill in his classic essay “Utilitarianism,” other concerns besides the physical, such as
overall psychological well-being are all considered under the umbrella of ‘utility.’ Hence
intellectual contemplation and the so-called ‘higher pleasures’ are given basic
consideration when deliberating about what the moral thing to do is, in any given
situation. This added sophistication allows this variety of utilitarianism to account for the
fact that we value many things other than just physical pleasure, and hence think that
these goods should have direct weight in our moral assessments.

A third variety of utilitarianism is known as ‘preference utilitarianism,’ most
famously advocated by R.M. Hare and Peter Singer. On this account what matters
morally is the satisfaction or dissatisfaction of people’s preferences. The more
preferences that are satisfied, the better; the more preferences that are frustrated, the
worse. One problem that arises from this form of utilitarianism is that the satisfaction of
certain preferences (such as those of the homicidal manic) don’t seem like they should

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count as being positive. Indeed, the frustration of these sorts of preferences seem to be morally good. In response to this problem, a variation on this version known as ‘corrected-preference utilitarianism’ arises. This version, most famously advocated by Richard Brandt\textsuperscript{331}, says that not just any preference counts, only certain ones do. The ones that count may be determined by insisting that the preferences be those that would maintain if the person were properly informed, in a clear state of mind, etc. An alternate version of corrected-preference utilitarianism postulates an ‘objective list’ of ‘right preferences’ that persons should have, and only the satisfaction of those right preferences count towards the good; the satisfaction of all other preferences are either disregarded, or perhaps even count against the good.

A final version of utilitarianism that should be mentioned here is so called ‘motive utilitarianism.’ This form of utilitarianism, advocated by Robert Merrihew Adams,\textsuperscript{332} appeals to the idea that certain patterns of motives generally cause greater overall utility than others. The right thing to do in general is to find out which patterns of motivation tend to generate the most utility and cultivate them; in any particular situation, the right thing to do is to act from those motives even if it seems that those actions may not maximize utility in that particular case. This variety is an outgrowth of criticisms of utilitarianism from other camps (such as virtue theory) that disparaged the theory for failing to be able to account for the importance of motives in our moral evaluation of actions and agents.

On most any version of utilitarianism however, it is clear that animals deserve considerably more moral weight then they are typically given. Given that animals can feel pleasure and pain (or have preferences, if you will), any version of utilitarianism must give them weight. As Singer puts it “The capacity for suffering and enjoying things is a prerequisite before we can speak of interests at all... If a being suffers, there can be no moral justification for refusing to take that suffering into consideration.” Animals matter morally, according to Singer, because (and it would seem only because) they can feel pleasure and pain. Our actions in regard to them have ethical import only inasmuch as their pleasure or pain is affected.

As a system for making practical decisions regarding animals, Singer’s utilitarianism is generally a thorough, comprehensive and admirable theory. However, as a general theory about the moral significance of animals, it leaves us sorely wanting, as chapter 5 aspires to show.

A.2) How Might a Utilitarian Object to Virtue Theory?—In chapter 5, I criticized utilitarianism from the perspective of the virtue theory that I developed in the prior chapters. It only seems fair to also ask what sort of criticisms utilitarianism might have of virtue theory and address these criticisms honestly and fairly. The array of possible criticisms is very large, and we should be conscientious about exactly what aspects of virtue theory are being criticized. As noted in chapter 2 it is crucial to realize that there are many virtue theories and we must be careful to distinguish objections to virtue theory in general and any particular virtue theory, such as the one I have thus far developed. Let’s begin by looking at objections to virtue theory in general. The first

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thing to note is that utilitarianism and virtue theory do not necessarily disagree in any practical regard. One could, conceivably, craft a virtue theory that would agree with all of the decisions made by a utilitarian. Thus, any objection to virtue theory in the broad sense cannot be based on disagreements over prescriptions for particular cases; it must be based on the general structure of the theory and the methods for arriving at those prescriptions.

The most immediate objection that utilitarianism proffers is that virtue theory adds nothing substantive to moral discourse. If all significant moral issues can be resolved solely in terms of utility, then what reason do we have for complicating the dialogue by bringing in talk of virtue? In ethics, as elsewhere, simplicity of theory is a desirable trait, and William of Occam’s admonition not to multiply entities beyond necessity remains sage advice. The only reply to this objection can be to deny the claim that moral discourse can be adequately performed in solely in terms of utility. The proof that virtue can contribute substantively in a way that utility cannot is best seen in a critical contrast of the two theories, which we saw in chapter 5.

Another common general complaint that utilitarians have regarding virtue theory is that it is too vague and amorphous to be action guiding because it does not generate rules for action. Utilitarianism gives a very simple general principle (‘maximize utility’) and specific principles that, in a majority of cases at least, are easy to apply and follow. Virtue theory, on the other hand has a very abstruse general principle (‘do the virtuous thing’) and specific principles that are frequently obscure, contradictory and seemingly capricious. Because it is ‘agent-centered,’ rather than ‘act-centered,’ it asks questions like ‘what sort of person should I be?’ rather than ‘what should I do?’ Because of this
any particular practical guidance is derivative, rather than central to the theory, and is thus likely to be out of focus and unclear.

Perhaps the best reply to this argument was made by Rosalind Hursthouse in her article, “Normative Virtue Ethics.” In this article, Hursthouse points out that the structure of virtue theory is identical to that of utilitarianism. Utilitarianism starts from a formal principle ('promote the best consequences') and gives that form content by defining 'best consequences' in terms of 'maximizing utility.' Virtue ethics has the same structure, starting with a formal principle ('do the virtuous thing') and then giving that form content by saying defining 'the virtuous thing' in terms of 'exercising the virtues, which are...(and enumerate a list).’ Virtue ethics therefore generates very clear rules for behavior. Each virtue generates a prescription ('Be honest'), and every vice generates a prohibition ('Don’t be dishonest'.)

There is a prima-facie problem that these rules will likely conflict with other 'virtue-rules'; the prescription to 'be honest' would incline us to tell an unpleasant truth to a friend, while the prescription 'be kind' would incline us to keep the truth from them. Hursthouse replies that such conflicts are often illusory, and a perspicacious analysis of the situation will yield a definite resolution (would it really be kind to keep a truth, even an unpleasant one from a friend?) In instances where the conflict is genuine, and cannot be resolved by any amount of moral analysis, Hursthouse concedes that virtue theory cannot answer the question of what the right thing to do is. These sorts of circumstances

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Hursthouse describes as 'tragic dilemmas.' But the fact that virtue theory admits of such tragic dilemmas, far from being a problem, is in fact a great asset of virtue theory. Such dilemmas are not an artifact of virtue theory, but are rather part of the raw moral experience of life. Our moral theories need not only to give us prescriptive advice, but also need to give descriptive accounts of our moral experience. Everyone, whether moral philosopher, office worker or garbage man knows that some decisions are so intractable, so perplexing that no amount of advice, no amount of moral theorizing can adequately resolve it for us. Virtue ethics (at least, as Hursthouse construes it) owns up to this fact, and gives an account of it; other theories, such as utilitarianism, try to ignore the moral reality of such situations, and soldiers on, as though they never actually occur. Such obstinacy makes utilitarianism all the less plausible. What began as a problem for virtue theory has been upended on to the very theory that proposed it in the first place.

Yet another general objection argues that virtue theory is circular. The virtuous thing to do is defined in terms of what the virtuous person would do, and the virtuous person is defined as the person who does the virtuous thing. The standard reply to this objection is to give one of the two elements of the alleged circle primacy. One may either claim that 'the virtuous person' is the logically basic concept and the idea of virtue is derived from it; or they may say that 'the virtuous thing to do' (or more accurately, the particular virtues themselves) is/are logically basic and the idea of the virtuous person is derived from that. An example of the first strategy comes from Michael Slote's paper

335 Although Hursthouse is imagining cases where only two options are on the table, presumably the same reasoning could apply to situations where there are three or more options, all of which are irresolvable contenders to being 'the right thing to do.'
"Agent-Based Virtue Ethics." The contrasting position, what Slote calls "agent-focused virtue ethics," is epitomized by Aristotle, and is also endorsed by Hursthouse. I will argue for neither of these two positions here (though to be honest, I find the agent-focused approach more plausible). Suffice to say, that either strategy, whatever their respective strengths and weaknesses may be, will adequately dissolve the above objection.

That covers, at least a good sampling of the sorts of objections that utilitarianism might have to virtue theory in principle (that is, irrespective of particular conclusions.) However, most virtue theories will not agree with all of the practical prescriptions that utilitarianism issues, and the theory I have thus far developed is no exception. There will be many instances in which utilitarianism will determine one course of action to be the proper one and my theory of the virtues will determine the right course to be another. When there is such divergence, utilitarianism will certainly object, not just to the form of virtue theory in general, but to the substance of the particular variety of virtue theory.

The core thrust of any such objection would be something to the following effect: in this particular case virtue theory tells us to choose X. But by choosing X we are knowingly and deliberately choosing something that will cause less utility/more disutility than a viable alternative, Y. It may even be the case that virtue theory says we should choose the course of action that causes considerable and substantial suffering, rather than another course that would cause significant amounts of pleasure. This willingness to

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337 Hursthouse briefly sketches this position in response to the above objection: "The theory is not trivially circular; it does not specify right action in terms of the virtuous agent and then immediately specify the virtuous agent in terms of right action. Rather, it specifies her in terms of the virtues, and then specifies these, not merely as dispositions to right action, but as the character traits... required for *eudaimonia.*" Hursthouse, Rosalind, "Virtue Theory and Abortion," in *Virtue Ethics*, Crisp, Roger and Slote, Michael (eds.) p. 220, Oxford University Press, New York, NY (1997).
allow, perhaps even in some sense cause suffering for the sake of preserving one’s virtue seems to betray an obsessive regard for keeping one’s own hands clean. This ‘fetishizing of virtue’ is an excessive concern for what one as an individual does, an undue prioritizing of one’s interest in maintaining their virtue, over the interests of others. Since ethics, according to utilitarianism, is principally about adopting the ‘universal point of view’ this fetish for one’s own virtue is inconsistent with a basic element of ethical theory and should thus be rejected.

This sort of objection can be a problem for some varieties of virtue ethics, but in the extreme form that it takes here, my version of the theory is more than capable of handling it. First off, assuming we accept the basic intuition driving utilitarians’ complaint as legitimate, a slight reformulation of the ‘virtue fetishist’ objection can put the issue in virtue-theoretic terms. It seems quite fair, given the utilitarians’ perspective to characterize the fetishist as selfish, insensitive, and perhaps even unjust. As the utilitarians describe the fetishist, he doesn’t sound that virtuous at all, which makes him a strange target for utilitarian criticism of virtue theory. This should make us naturally question if the utilitarian characterization of the fetishist is a fair depiction of a paragon of virtue. Certainly some virtue theorists have suggested such hard-line stances with regard to virtue, but this need not be the case. One can quite sensibly take this utilitarian criticism to heart and construct a virtue theory that lends considerable weight to catastrophic consequences.

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339 See Anscombe, G.E.M. “Modern Moral Philosophy” in Crisp and Slote (eds.) *Virtue Ethics*
Now that they have a foot in the door, a utilitarian might press the point. If it is virtuous to do what would normally be not virtuous when the stakes are high enough, then where does one draw the line? Surely the virtuous thing to do is to always consider your interest in virtue as but one interest among many, and any case in which the interests of others outweigh that interest one ought to maximize as many interests as they can. But if the virtue theorist concedes this, then their theory has collapsed into utilitarianism, and remains a virtue theory in name only. Without a principled way of drawing a line, it seems like the virtue theorist must either accept a hard-line fetishist position, or utilitarianism in virtue-theoretic clothing.

The virtue ethicist can reply that they do have a principled way of drawing a line, namely in terms of the virtues. The way one determines what 'the virtuous thing to do' in any given circumstance is not to simply make a utilitarian calculation. One must specify beforehand, by way of casuistic analysis which character traits are virtues. This will include determining which virtues are concerned with consequences and how much 'weight' they will have. But these will not be the only virtues, nor will they have absolute or exclusive significance.

This may seem like a very ad hoc and indistinct principle, as exactly what counts as a virtue (and how much relative weight each virtue has) varies from person to person, and in one person from time to time. As such it seems like the principle will vary from person to person, and from time to time as well. We may be concerned that such a 'principle' is just a way of allowing us to chose those virtues that will allow us to do whatever we want to do, or whatever seems intuitively the most appealing course of
action in any given situation. Is this just a way to allow us to gerrymander our virtues to fit each particular case?

 Granted, we will likely need to revise our list of virtues (as well as their relative strengths) as we see how our abstract list accords with real cases and our evolving moral intuitions. But this is not a license to cherry-pick our virtues, or to just follow your intuition; it is simply a way of staying intellectually honest. We cannot expect that our armchair reflections about what is and is not virtuous will be impeccable. Part of the revision process will involve considering the criticisms from utilitarianism and determining how much weight consequences should have over virtue. But there will be other, nonconsequentialist factors (such as the inherent moral value of acting from certain motives, or of feeling certain emotions) and thus this process will not collapse into utilitarianism. Neither will it be arbitrary line drawing. The virtues that are selected as relevant are chosen in a fashion such as that explored in chapter 3: a process of starting with our intuitions, making them consistent and coherent with one another, then testing and refining them against our actual real-world moral experience (in other words, reflective equilibrium.) Once the virtues and their relative strengths are at least provisionally determined they will guide us as to when ‘the stakes are high enough’ such that consequentialist considerations become overwhelming, and as to when other considerations will trump consequentialist ones. All of this will be done on a very principled, nonarbitrary, nonconsequentialist basis.

Appendix B) Virtue Theory and Rights Theory on Animals

B.1) Outline of rights theory
B.2) How might rights theory object to virtue theory?
B.1) Outline of Rights Theory—In chapter 5 we compared the virtue-theoretic account of the moral significance of animals that I have developed with the standard utilitarian picture. In this appendix we will make a similar comparison with the rights-based picture of animals. Since both utilitarian and rights accounts of animals are quite prominent there is a substantial literature comparing and contrasting these two theories, each playing on the weaknesses of the other. I will make deliberate attempts to speak to these weaknesses, and to try and show how virtue theory provides an alternative that avoids major problems with both of these major theories.

Let's begin with a brief overview of the rights account. The most ardent proponent of this theory is Tom Regan. His book “The Case For Animal Rights” is one of the most cogent, thorough and poignant in the literature. One cannot help but admire the meticulous and painstaking precision of Regan’s argument. He develops a ground-up case that takes great care to be consistent with Regan calls “our considered moral judgments” (roughly, strong intuitions held by many that withstand extended rational reflection and are roughly consistent with the set of other such intuitions.) He considers objections and alternatives from several different moral perspectives, treats them fairly, and gives powerful reasons to reject them.

Even though the language of rights is very prominent in modern moral theory, specifying exactly what constitutes a ‘right’ is a perplexing endeavor and Regan takes his time developing exactly what he means by the term. He says that “to have a right is to be
in a position to claim or have claimed on one's behalf, that something is due or owed.”

Stated thusly, of course, most any moral theory could translate their language into the language of rights without substantive loss. Utilitarianism, for example, says that each person is due equal consideration of their like interests. We could translate this claim into saying that utilitarians maintain that individuals have the right to equal consideration.

What distinguishes Regan's rights theory from other moral theories isn't simply the language of rights, but rather the sort of thing to which one has a right. Whereas the above 'utilitarian version of rights' entitled one to equal consideration, Regan's theory of rights holds that one is entitled to certain types of treatment, namely the right to be treated with respect.341 Exactly what it means to treat someone with respect is something that Regan never explicitly states (and something I will return to later). He does, however, give a quaint short-hand for understanding rights when he says, “to possess [a] right is to have a kind of protective moral shield, something we might picture as an invisible 'No Trespassing' sign.”342 However, exactly how (and why) one translates 'the right to be treated with respect' into 'the right to not have others trespass on your person' is unclear. He alternatively describes rights as having the status of a “trump” (a term he borrows from Ronald Dworkin). That is to say that “people who have this right have a valid claim against being treated as mere means in the advancement of some selfish or social good chosen by others.”343

341 Or rather, rights entitles one to be free from certain types of treatment, since for the most part Regan cashes out his theory primarily in terms of so-called 'negative rights.'
Who wears these ‘No Trespassing’ signs, and on what ground can we recognize them? In order to have rights a being must be what Regan calls “the experiencing subject of a life.” That is, a creature that is like ‘us humans’ in that it is a conscious creature having an individual welfare... We want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death -- all make a difference to the quality of our life as lived, as experienced, by us as individuals.344

It is this common ground between human and non-human animals that entails that rights extend across species barriers, and not merely to human beings. Because animals (or most of them, at any rate) are experiencing subjects of a life, they too possess rights.

B.2) How Might Rights Theory Object to Virtue Theory?—What problems might a Rights theorist have with the virtue-theoretic account I have thus far developed? While Regan never talks of virtue theory, per se, he does give us some idea of the objections he might make in the form of criticism of what he calls the ‘cruelty-kindness view.’ According to Regan, this view can be summarized by a belief in two points: “(a) we have negative and positive duties directly to animals, and (b) these direct duties can be adequately accounted for, respectively, by reference to the prohibition against cruelty and to the injunction to be kind.”345 While cruelty is certainly a vice and kindness certainly a virtue, such a view is far from a full-fledged, charitably articulated virtue theory. Any virtue theory that tried to make due on this pair of character traits alone would find itself severely lacking in several respects. To say the least, it will be unable to account for a variety of other character traits we have already established as virtues, such

345 Regan, Tom, The Case for Animal Rights, (p.196)
as honesty, friendliness and humility. Naturally then, at least some of Regan's criticisms of the cruelty-kindness view will be ably obviated by a more fleshed out virtue theory.

For example, Regan (rightly) argues that one may do all kinds of horrible things to an animal while still avoiding cruelty towards it. "To make an animal suffer is not justified just on the grounds that the one who makes it suffer is not cruel, in any or all of cruelty's various forms." Such a statement is absolutely true, and while it is devastating to the cruelty-kindness view, a sophisticated virtue theory is totally immune to it. One may avoid being cruel while being callous, irresponsible or selfish (to name but a few.) A complete virtue theory will, by definition, prohibit the causing of suffering to animals in all unjustified cases.

Nonetheless, other of Regan's criticisms of the cruelty-kindness view are revealing and may apply to even a fully fleshed-out virtue theoretic accounts of animals due to the character-centered nature of both views. Regan makes a criticism of the cruelty-kindness view that goes straight to the heart of virtue theory when he claims that such views are inadequate because they "necessarily involve reference to an individual's mental state." Such a reference is "manifestly inadequate [because] how one feels about what one does is logically distinct from the moral assessment of what one does. More particularly, how one feels about the suffering one causes an animal is logically distinct from whether it is wrong to make the animal suffer." Regan generalizes this objection by proclaiming, "No view can provide an adequate account of [duties to animals] if it requires that we make reference to the mind of the agent (to either the

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346 Ibid, p.198
347 Whether or not there would be any cases where causing an animal to suffer would be justified is an issue I will not address here.
348 Ibid, p.198
349 Ibid, p.198
agent’s motives or intentions).” These statements, despite being targeted initially at the cruelty-kindness view, are sufficiently general as to apply to all forms of virtue ethics, since virtue ethics most certainly makes reference to the mind of the agent.

This caviler rejection of all agent-based (or even agent-referring) ethical theories should give us pause. In a few mere sentences Regan seems to take himself to have flatly rejected not only all forms of virtue ethics, but also various other theories, such as contractualism (which defines the substance of morality in terms of the agreements of separate agents) and Kantianism (which places central moral importance on the notion of the agent’s good will. This later is especially intriguing, given that Regan describes his theory as “Kantian in spirit, though… not Kantian in letter.” Any argument that disposes of three of the most eminent moral theories in a fell swoop deserves considerable scrutiny.

So exactly what is Regan’s argument here? It seems primarily centered on (if not consisting exclusive of) his claim, “how one feels about what one does is logically distinct from the moral assessment of what one does.” If by ‘logically distinct’ Regan means that the one is not synonymous with or equal to the other, this is surely correct. Feeling that one has done the right thing is certainly not the same thing as actually doing the right thing. In this sense they are not only logically distinct, they are empirically divisible; people frequently do something wrong, yet do not feel as though they have, and vice versa. But of course, such a claim is neither a threat to the cruelty-kindness view,

350 Ibid, p.199
351 To be fair, Regan has previously provided other arguments against these theories, which are considerably more robust and thorough. However the argument he’s presenting here is independent from those arguments and in no way borrows from their strengths or depends on their (alleged) triumphs.
nor to virtue ethics. Neither of these views maintains that doing the right thing just consists of feeling like (or thinking that) you’ve done the right thing.

On the other hand, if by ‘logically distinct’ Regan means that the one has absolutely nothing to do with the other, this is surely false. There are many ways in which the thoughts and feelings of an agent are relevant to the moral assessment of what they do. The moral importance of motives and intentions, for instance, has a prominent role in our considered moral judgments, that litmus test that Regan places so much stock in. Despite generally doing an admirable job in using considered moral judgments to keep him honest, Regan drops the ball when it comes to considered moral judgments regarding motives and intentions. To illustrate what problems arise from this shortcoming, consider the following thought experiment.

Imagine that Abe throws a brick off a tall building with the reasonable belief that no one is in the area below who might be hit by the falling object. Despite the reasonableness of Abe’s belief, someone is below and they are struck and killed. Bob, on the other hand, throws a brick off of another building with the intention of hitting and killing someone. He succeeds and, like Abe, strikes and kills someone. Even though both cases involve the same ‘raw act’, these two cases have profound moral distinctions. While Abe may be reckless he has no intent to harm and is thus not malicious in the way Bob is. While both men are blameworthy, Bob is clearly more culpable than Abe and deserves more blame, derision and punishment for what he has done. Making reference to the mind of the agents (that is, Abe’s reasonable belief that no one is around and the absence of an intention to hit someone, verses Bob’s belief that there was someone around, and Bob’s intent to hit that person) is the most obvious way to account for this.
How might Regan try to account for this without making reference to the mind of the agent? Perhaps Abe, despite the fact that he has killed someone, he nonetheless hasn’t failed to treat anyone with respect (indeed, it seems odd to suggest that Abe has violated anyone’s rights, despite the fact that he’s done something wrong.) Bob, on the other hand does fail to treat his victim with respect. But how could this be, if we are not allowed to make reference to the minds of the agents? By stipulation both the actions that both Abe and Bob take are exactly the same, and they both have the same consequences. If we are prohibited from referring to the difference in motive and intention then what could possibly justify the claim that Abe doesn’t fail to treat someone with respect, but Bob does not? It seems that the only way we could understand the difference between the two cases in terms of respect would be to understand ‘respect’ in the very way that Regan says we cannot; that is, by making reference to the mind of the agent.

B.3) Rights, Respect and Moral Psychology—Now that we have come to this suggestion a tension is visible in Regan’s argument. On the one hand he says that no adequate moral theory can necessarily make reference to the mind of the agent in assessing the moral status of their action. But on the other hand, he says that treating beings with respect is essential to his own moral theory. A critical question arises here: how are we to understand the concept of ‘treating someone with respect’ without making reference to the agent’s mental state? The case of Abe and Bob shows that actions alone are not enough to distinguish cases of treating someone with respect from cases of failing to treat someone with respect. Clearly treating someone with respect is not solely a matter of the mental state of the agent; when Bob kills his victim in cold-blood he is not
treating him with respect, regardless of whether or not Bob takes himself to be treating him with respect. But mental states are an indispensable part of treating someone with respect. That is, the proper mental states are a necessary, but not sufficient condition for treating someone with respect.

Stated thusly this point now seems obvious. The very notion of respect is, in part, a question of how one thinks and feels about the subject. This is evinced by the fact that we can respect someone without behaving towards them in any specific fashion. Again, this is not to say that we can simultaneously act in any fashion and still honestly be said to respect them. But treating someone with respect is, in part, a matter of acting from certain motives and intentions with regard to them. Regan's attempt to drive a wedge between act and agent makes his own theory incomprehensible. Rather than being a problem for virtue theory, the fact that it necessarily makes reference to the mind of the agent is an aspect that any adequate moral theory must require.

Mayhap Regan's conception of 'respect' here is different than the common sense one to which I am appealing. Perhaps what really matters for Regan isn't respect in the general sense, but merely 'treating beings with respect.' It's possible that Regan was merely sloppy in his language and he meant to convey a purely behavioristic notion when he spoke of respect. All that really matters morally is how we behave towards one another, specifically, that none of our actions violate the rights of another. What we think about others, how we feel towards others, why we treat others with respect are all irrelevant, so long as the proper behavior is maintained. This would certainly be more consonant with the general tone of his rights theory and it would also save him from the inconsistency of having to refer to the mind of the agent.
But is such a behavioristic theory of respect acceptable? To say the least, such a theory will have several major difficulties to overcome. For starters, it’s worth reiterating what a departure this is from mainstream Kantian theory, the theory that Regan is taking as one of his starting points. True, Regan did disclaim that his theory is ‘Kantian in spirit, though not Kantian in letter.’ But the only aspect of Kant’s theory that Regan distances himself from was Kant’s designation of rational autonomous beings (rather than experiencing-subjects-of-a-life) as having inherent value. There’s no reason why he couldn’t reject other aspects of Kant’s theory as well (and indeed, he leaves open the option of doing just that), but at the moment Regan has supplied us with no independent argument for doing so. All he has is his claim that any moral theory that requires that we make reference to the mind of the agent is inadequate, a claim which we have already seen to be problematic. It might be the case that Regan does not, strictly speaking, need to supply an argument to the effect that we should reject this aspect of Kant. He may merely stipulate that he understands respect in a purely behavioristic sense, regardless of Kant’s thoughts on the subject. But reconciling his ‘Kantian in spirit’ theory with Kant’s actual theory may prove problematic, depending on exactly what Regan wants to keep from Kant. Whether this will, in fact, be a problem for Regan is a question I will set aside for now.

A second problem with this suggested behavioristic conception of respect is that the resultant moral theory that arises from it will be harrowingly anemic. Regan’s theory, thusly construed, only tells us how we ought to behave towards other beings. Exactly

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353 “Kant’s position, as profound and insightful as I believe it is, and as much as it has influenced my own thinking, is not without its problems, some of them insurmountable, in my judgment. Here I consider only one major difficulty.” Regan, Tom, The Animal Rights Debate (w/ Cohen, Carl), p. 200, Rowman & Littlefield Publishers, INC., Lanham, MD, (2001). Emphasis added
what a moral theory needs to do in order to be wholly adequate is obviously contentious, but it seems that it must do more than just this. Christine Korsgaard discusses what she takes to be three conditions of adequacy for a moral theory in her book *The Sources of Normativity*. Korsgaard says that a moral theory must be (1) explanatorily adequate, (2) normatively adequate and (3) transparent. Let's look at these points in turn.

1) A moral theory must account for what Korsgaard calls “the practical and psychological effects of moral ideas.” That is to say that it must account for certain facts about our moral psychology and experiences. A normative theory needs to explain, for example, why thinking that something is wrong gives someone a reason not to do it. In other words, it needs to give an account of our moral motivation. Moreover, morality is frequently very demanding. It insists that we do things we don’t want to do, even sometimes at the cost of our own lives. These conceptual and psychological facts require explanation. Accordingly, Korsgaard calls this requirement the condition of explanatory adequacy.

2) Explaining why we act morally from the third person point of view is one thing; explaining why we *should* act morally from a first person point of view is something else entirely. An adequate normative theory must provide justification to the agent. If the reasons a moral theory provides are simply unacceptable, inaccessible or incoherent to the agent then the theory is inadequate. A moral theory needs to provide us with more than knowledge about what we ought to do; it also needs to provide us with a reason to care that we ought to do it. A theory that speaks to us as agents trying to decide what to do and justifies our normative beliefs, feelings and actions is a theory Korsgaard calls normative adequate.

3) Following from this is what Korsgaard calls the requirement of transparency. That is, if a moral theory is explanatorily dependent on the source of morality being inscrutable then it cannot be adequate. Say your moral theory is akin to that of Thrasymachus in Plato’s *Republic*, holding that ‘morality is nothing but the advantage of the stronger.’ If we honestly believed this theory then our commitment to acting in the way morality commands us would be attenuated, if not obliterated entirely. One cannot believe such a theory and

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355 This is not to say that an adequate moral theory needs to maintain, as my theory previously has, that the motivations from which we act are, themselves, morally significant. Korsgaard is asking for an explanation of the simple fact that moral beliefs motivate us; she is noncomital, at this point, as to the moral significance of motivation.
356 See *Republic*, Book I (338c)
simultaneously endorse its maxims.\textsuperscript{357} If, to be efficacious, the true nature of one’s moral motives must be obscure then the theory fails to be transparent and is thus inadequate.

I list these three conditions from Korsgaard not so much to endorse them in particular (although I do happen to find them quite compelling),\textsuperscript{358} but rather to give a sense of what sort of conditions many moral philosophers require of a complete normative theory. It seems quite obvious to me that if we read Regan’s use of the concept of respect in his theory in a purely behavioristic sense then his theory will meet none of Korsgaard’s standards for adequacy. Without more argument to bolster Korsgaard’s standards this failure alone means little. But nonetheless, I do think this failure illustrates the poverty of Regan’s theory.

To further illuminate this poverty let’s look in detail at why Regan’s theory fails to be normatively adequate, the second of Korsgaard’s conditions.\textsuperscript{359} Consider again Regan’s articulation of the general point above: “How one feels about the suffering one causes an animal is logically distinct from whether it is wrong to make the animal suffer.” As above, there is a sense in which this is certainly true; feeling that it is wrong to make an animal suffer is not logically identical with the wrongness of making the animal suffer. But also as above there is a sense in which this is certainly false. Absent our feelings that causing an animal to suffer is wrong, we would frequently lack a basis for thinking that causing an animal to suffer is wrong. That is to say that merely saying that animals have ‘no trespassing’ signs on them is not, in Korsgaard’s terms, normatively

\textsuperscript{357} That is, of course, unless we ourselves are ‘the stronger’ in that situation.
\textsuperscript{358} It is of course only natural to ask how well the theory I have sketched above would satisfy these criterions. While I will not argue for it here, I feel that the emphasis my theory has placed on points such as moral motivation will predispose it for meeting these conditions favorably.
\textsuperscript{359} In the following paragraph I will be taking considerably liberties with Korsgaard’s ideas, interpreting them so as to be more amenable to my own virtue theoretic conception, which places considerable weight on the emotions, rather than the more reason-centered argument that Korsgaard, following in Kant’s footsteps, makes. Nonetheless, I feel the basic point that Korsgaard was making here remains intact.
adequate. Such considerations are, by themselves, insufficient. For many, the process of realizing that it is, in general, wrong to cause animals to suffer begins, not with rational reflection, but with emotional recognition and empathy. The feeling that suffering is, in general, an evil is a considerable (if not indispensable) part of genuinely understanding that it is an evil. If we were to, as Regan seems to suggest, completely divorce our feelings from the field of ethics, we would find ourselves deprived of our most profound modes of moral perception.

To put the point another way, Regan does not give us a direct reason to care about respecting rights. He appeals to the common belief that humans have rights and then tries to import a normative motivation people feel for respecting human rights and extend that motivation to nonhuman animals. But the fact that people care about respecting human rights, while a psychologically reliable fact, is no explanation for why people should care about rights, human or otherwise. It is not necessarily incumbent upon Regan to provide such an explanation, of course. He could simply appeal to another moral philosopher who has done more foundational work in rights theory. The natural place to go for such support would be to Kant. But the fact that Regan has precluded any reference to the mind of the agent is going to make such an appeal to Kant impossible for him. Perhaps then he could appeal to someone else. But to whom could he apply? Won't any theory run into the same problem that Kant does? Could any theory of rights simultaneously satisfy Regan's condition of not appealing to the mind of the agent and give the agent a reason to care about respecting rights? How could a theory provide the agent with a reason to care, a fundamentally psychological and emotional factor, while avoiding reference to the psychology and emotions of the agent? These two conditions are
inherently in contradiction with one another and such a contradiction seems an insurmountable problem for making Regan’s theory normatively adequate.

Regan may reply that he’s not trying to give a complete moral theory, but rather just one aspect of such a theory, namely the behavioristic part. But such a facile move cannot, by itself be satisfactory. Without at least a vague understanding of how the behavioristic component interlocks with the explanatory and psychological components of the complete theory Regan is left with nothing that can properly be called a ‘theory’ at all, complete or incomplete. All he has is a list of things we can’t do (rights we must respect) and a means for determining whom we can’t do them to (the ‘experiencing-subject-of-a-life’ criterion.)

Even if one does not accept Korsgaard’s particular standards of adequacy the questions her discussion gives rise to can’t just be brushed away. Surely a moral theory must do something more than just list for us prohibited and required behaviors. It is in this general regard that a purely behavioristic theory of respect should be found wanting. A more robust notion of respect may (or may not) allow Regan’s theory to live up to Korsgaard’s standards, or some other set of reasonable conditions of adequacy. But in the very least a conception of respect that is detailed in terms of more than just behavior would have room to try to meet these sorts of conditions for adequacy.

One last point should be made about making reference to the mind of the agent (or more specifically, the emotions of the agent) before moving on. Besides the general theoretic adequacy problems of the sort that Korsgaard points to, Regan’s account will have problems making sense of certain practical cases. Specifically, our feelings are an indispensable tool of moral decision making in situations where rational reflection is
unavailable to us. We do not always have the luxury of protracted moral deliberation before we act. If our feelings about our actions did not give us any sense at all as to the moral rightness or wrongness of an action, then we may as well flip a coin in our heads when we have to make a split-second moral decision. In such circumstances the only guide we have for proper moral action is our gut-reactions to the situation. Surely such reactions are far from generally reliable, and no sound moral theory would use them as a sole foundation. Nonetheless, sometimes such reactions are, by necessity, all we have to go on. If our feelings were completely divorced from any sense of moral correctness then we would expect such decisions to fair no better than chance with regard to guiding us to do the right thing. But we know from experience that this is frequently not the case. Some people are very good at making such split-second moral decisions and quite reliably choose what we later, with the perspective of post hoc considered reflection, determine to be the morally right thing. We greatly admire such people and take considerable pains to try and become more like such people, and to make sure that our children develop into such people. Such ability is one telltale sign of good character.\footnote{Note that this should not be taken as saying that \textit{all there is to good character} is being able to make morally correct split-second decisions. There is much more to the notion of character, including being able to make sound considered judgments, and feeling the proper emotional reactions to a variety of circumstances.} This notion of character is, for obvious reasons, central to virtue theory. The ability to account for these elements (motivation, intention, emotion/feeling, character, and moral education) is one of the unique assets of virtue theory. And Regan’s blindness to the importance of, and his inability to make sense of these elements is a severe liability to rights theory.
What lead Regan to this dead-end in the first place, remember, is his insistence that no adequate moral theory can requires that we make reference to the mind of the agent. This insistence was at odds with his attempts to appeal to the notion of ‘respect’ as a fundamental moral concept. Now we can see that an account of moral psychology does not undermine the adequacy of a moral theory, but rather it is a necessary component for one. By turning his back on those aspects of Kant that appeal to the mind of the agent eviscerates the notion of respect, the very foundation of his own theory, leaving him without a complete or adequate moral theory. The first step towards saving Regan’s theory is to rescind his assertion that appeal to the mind of the agent is anathema to a satisfactory theory of moral action. But once he makes that move the door is wide open for virtue theory to make a case for itself.

**B.4) Rights, Motives, Emotions and Moral Education**—Let’s try to pry that door open even wider by asking what sense can rights theory make of our motives and emotions. We saw above that when Regan tried to exclude the reference to the mind of the agent he ran into myriad problems. This only makes sense, given the list of facts about the emotions and moral psychology we saw in (2.2.5). Since motives, emotions and moral educational all fall under the auspices of ‘the mind of the agent’ it makes sense to consider them both together in a closer analysis.

Let’s begin with the issue of motives. To clarify the questions, think again of the case we considered in (5.2), wherein one man kills a dog so he may eat it and another man kills a dog for the sheer, sadistic joy of the animals’ suffering. The point at issue is how well our respective theories can account, not only for the wrongness of both acts, but for our intuition that the thrill-kill is morally worse than the food-kill. We saw in chapter
1 how motivations are accounted for in virtue ethics, while in chapter 4 we saw the vices that we can exhibit towards nonhuman animals. This opens up the door to a virtue theoretic assessment of this case. Once again, the virtue-theoretic account makes sense of the relevant intuitions in this case by saying the food-killer exhibits the vices of callousness, chauvinism, and possibly cruelty. The thrill-killer, on the other hand exhibits all of these vices, as well as maliciousness and malevolence. These extra vices, which arise as a result of the emotions and motivations of the agents, accounts for the fact that we believe the thrill-killer to be morally worse than the food-killer. Making reference to the mind of the agent in terms of his motives and emotions seems to be indispensable in making sense of the intuition in question.

We already saw in (5.2) that utilitarianism had considerable problems dealing with this intuition, and now we see that rights-theory faces much the same difficulties. Since both acts are killings, both acts clearly fail to treat the dog with respect and thus violate the rights of the dog. Therefore rights-theory, like utilitarianism, has no problem condemning both acts as wrong, but it does seems to have the same problem that utilitarianism did; specifically, it seems to have no way of accommodating the intuition that the thrill-killing is worse than the food-killing. If killing the dog is a violation of its rights in one case, then it is no less (and no more) a violation of its rights in the other. On the face of it this seems to be the extent of the sense that rights theory can make of the case.

Perhaps a more sophisticated take on the situation can save rights theory from this objection. We might say that while both killers fail to treat their victims with respect, the thrill-killer treats his victim with less respect than the food-killer. There are, after all,
many different sets of rights and surely an act that violates many different rights (or violates the same rights to a greater degree) is worse than an act that only violates a subset of those rights (or the same rights to a lesser degree.) While both dog killers violate the animal’s right to live, the thrill-killing may also be a violation of another right, such as (perhaps) the right not to be subjected to gratuitous suffering. The thrill-kill would be worse, on this account, because it is a violation of more of the animal’s rights than the food-kill.

While this is a clever reply, the specifics of such a reply need to be refined. Exactly how do we cash out the disparity of respect between the two cases? Remember that it is stipulated that in both cases the suffering on the part of the dog is of the same intensity and duration; any suffering exhibited in one case is shared by the other. We can further stipulate that the food-killing was not done out of any sort of necessity (the killer could have just as easily eaten something else that didn’t require any killing or suffering.) Thus any gratuitousness that is present in the thrill-killing will also be present in the food-killing as well.

It seems that any attempt on the part of the rights theorist to drive a wedge between the two cases can be dealt with by adjusting the cases such that the rights violated are the same in both cases. The only crucial differences between these two cases are the motives and the emotions of the agent; all other factors can be made identical. Thus, it seems the only way such a wedge-strategy could work for the rights theorist is if they claim that moral patients have a right to be the recipient, not only of certain actions, but actions done from certain motives. But how could such a case be made? Nothing that Regan has presented seems to be able to ground such a claim.
Perhaps, in light of my above criticism, Regan may revise his stance. Maybe Regan could maintain that he does not mean to exclude reference to motives and emotions from ethics entirely, but rather means to exclude them only from the category of duties. Regan might not think that rights (and their corollary duties) are exhaustive of ethics, just that they are the central and preeminent concept. Perhaps Regan would be amenable to the idea that in cases where rights are not a concern other concepts, such as motives and emotions, may come into play. While Regan doesn’t seem to have said anything that implies this, he doesn’t seem to have said anything that would forestall it, either. But since such an emendation would drastically change the character of Regan’s theory, speculating on how the new theory would fair is foolish until the exact details are spelt out. As such this strategy will be set aside.

It’s worth returning here to Kant, yet again. For Kant the motives from which we act are of the utmost importance. The only intrinsically good thing for Kant is the good will and the central question to be asked when assessing the moral worth of an action is whether or not it is performed from the motive of duty. This duty is in turned cashed out in the various formulations of the categorical imperative. The second formulation, which enjoins us never to treat others as a means, but rather to treat them as an end in themselves, seems like the point of departure for Regan’s argument regarding treating others with respect (i.e.—respecting their rights.) We should, yet again, note the dissonance in the fact that Regan takes his cue from Kant, yet disavows the importance of motives, which were so central to Kant. This is not to say that one isn’t entitled to reject those aspects of a parent thinker that they judge to be incorrect. But when one makes selective use of another philosopher’s corpus we are entitled to ask what ramifications
such selective use has for the derived theory. In Regan's case it seems to have left him without the capacity to make sense of the moral importance of the motives from which we act. For the reasons outlined in this section, as well as in the prior, we can see that the failure of Regan's theory in this regard is considerably detrimental to the plausibility of his theory.

Besides embracing the importance of motives, Kant also rather notoriously rejected the importance of emotions. For Kant emotion was a corrupting factor that disrupted the proper source of moral guidance, namely, reason. Kant's rationalism has quite famously put him at odds with Aristotle who placed 'inclination' at the center of his theory. Regan can no doubt cousin up to Kant in this regard and draw on him for support in his own rejection of emotion. In fact, Regan echoes Kant when (in his criticism of the cruelty-kindness view) he states, "there is no guarantee that a kind act is a right act. If I am a generous racist, for example, I will be inclined to act kindly towards members of my own race, favoring their interests above those of others."361

This type of objection has been made many times and I believe that virtue theorists are starting to get tired of refuting it. While there are no doubt several ways one could reply, I personally find the reply given by Philippa Foot to be the most potent. In her seminal essay "Virtues and Vices" Foot concurs with Regan that certain virtues (such as kindness) may go astray and fail to cause the right action. But for at least one virtue not only is it impossible to go astray, but its presence negates the very possibility of other virtues.

361 Regan, Tom, "The Case for Animal Rights" in Animal Rights and Human Obligations (Regan and Singer, eds.) p.108. Prentice-Hall, Englewood Cliffs, NJ, 1989. This passage echoes Kant's line that, "Intelligence, wit, judgment, and whatever talents of the mind one might want to name are doubtless in many respects good and desirable, as are such qualities of temperament as courage, resolution, perseverance. But they can also become extremely bad and harmful if the will, which is to make use of these gifts of nature and which in its special constitution is called character, is not good" (Kant, Groundwork for the Metaphysics of Morals, p.7, trans. James W. Ellington Indianapolis: Hackett Publishing co., (1981)).
virtues going astray, as well. That virtue is the one which I gave such pride of place to in the first two chapters of this dissertation, namely wisdom. Foot manages to pinpoint the nugget of truth in Regan’s concern, and then quickly redresses the objection when she observes that “a kindly or fearless disposition could be disastrous without...wisdom.” The presence of genuine wisdom in any circumstance will correct for precisely the sort of miscalculations and errors of judgment that concern Regan here. Wisdom is a catchall safety net that, when present in conjunction with other virtues, will provide Regan with the guarantee of right action that he seeks. Thus, wisdom holds a special place in the pantheon of virtues as the only truly indispensable character trait.

What might a rights theorist say about moral education? While Regan does not seem to have addressed the question, we can perhaps try to reconstruct a few possibilities. As we did when we discussed utilitarianism, we might begin by considering a naïve version of the rights theory approach to moral education. The advantage of this version would be its utter transparency: we would teach children what rights are, what beings have which rights, and tell them what it means to respect these rights. As with the naïve version of utilitarian moral education that we saw in (5.4), the deficiency of such an anemic approach to moral education is palpable, as it does not take into account the basic facts about how children learn and adopt moral concepts, nor does it seem that, if it were

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362 Recall again that wisdom here should not be taken as merely a rational process, mere means-end reasoning, what Aristotle would have called ‘cleverness.’ We are talking about wisdom in the sense of knowing, not merely how to serve what you care about, but also what you should care about, what Aristotle called phronesis.


364 This special status can be seen from a number of vantage points. Wisdom seems to be one of only a handful of virtues that has no corollary vice of excess; perhaps one can be too smart for one’s good, but one cannot be too wise for one’s good. Wisdom also provides a central thread around which one can weave a theory of the unity of virtues. Wisdom, it might be argued, is part and parcel of every virtue, and since one cannot be truly virtuous without wisdom, being wise is the first step towards having any (and all) virtues. Lastly, cultivating wisdom is, needless to say, a large part of a proper moral education, since without it making proper moral decisions will be much more a matter of luck, rather than a matter of character.
put into practice, it would succeed in teaching children how to live well. We may succeed in respecting the rights (both positive and negative) of others, yet still manage to be miserable people who live miserable lives. A complete moral education has to impart, among other things, the value of family and friendship, and the significance of personal integrity. With regard to nonhuman animals, moral education needs to help children recognize the moral and emotional realities of animals and there is no satisfactory way to do this other than by the inculcation of empathy. Since none of these terms are native to rights theory there is no place a naïve rights theory approach for them, and hence such a theory is unacceptable.

As with utilitarianism, there are more sophisticated attempts to make sense of moral education from the perspective of rights. Perhaps the most sophisticated account comes from Lawrence Kohlberg, who proposed a six-tiered model of moral development, starting with thoughtless obedience, developing into self-interest, then respect for law and order, and ultimately culminating in a respect for universal ethical principles, which Kohlberg largely defined in terms of rights. Kohlberg specifically derides the “bag of virtues” approach to moral education as too indeterminate and ‘wishy-washy.’

While the sophistication (not to mention empirical backing) of Kohlberg’s approach is certainly impressive, there are several serious flaws with it. For one, we can recall Elliot, Damasio’s patient from (1.3.1), who suffered damage to his prefrontal lobes, and became effectively void of all emotion. Elliot was able to pass Kohlberg’s test for moral development with flying colors, yet his personal life was a moral nightmare. His rational faculties, as well as his knowledge of social norms was unaffected by his

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365 Kohlberg, Lawrence, & Turieti, E. “Moral Development and Moral Education,” In, Psychology and Educational Practice, (Lesser, Gerald, ed.) Scott Foresman and Company, (1971)
condition. On a purely rational, Kantian approach to morality, such as Kohlberg’s, Elliot was a moral exemplar. Yet any honest look at the man’s actual life revealed that he was anything but. This strongly suggests a serious problem with Kohlberg’s approach.

Perhaps the most famous criticism of his approach came from Kohlberg’s former student, Carol Gilligan. Gilligan’s book *In a Different Voice* noted that Kohlberg used only males in his studies and as such were biased against women. Gilligan’s alternative “ethic of care” focuses much less on notions such as justice and rights, and much more on connections, relationships and emotions. While much can (and has) been said about Gilligan’s criticism of Kohlberg’s work, the lack of any discussion of the emotions is the most salient point for our purposes here. In every chapter thus far I have repeatedly emphasized the importance of the emotions in morality and moral education. If my discussions of the topic thus far have been even mildly persuasive, it should be clear that such an omission is fatally detrimental to Kohlberg’s analysis. And as far as a ‘bag of virtues’ goes, our attempt to provide a systematized theory of the virtues in chapter 4, grounded in the emotions as detailed in chapter 3, will hopefully but any of concerns about being ‘wishy-washy’ to rest.

There are other thinkers and other ways of creating a rights-based approach to moral education, of course. The work of John Wilson, for example, has much that could be said, both for and against it. But for now I wish to cut to the chase and summarize what I take to be the core problem with all (or at least most) such approaches: at the end

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of the day the process of moral education is simply too complicated to be reduced to a conception as narrow as rights. Any attempt to do so will invariably run into some serious problem or another. Whether it forces us to embrace moral schizophrenia, or ignores the role of the emotions, or does not adequately account for the facts about how children absorb and internalize moral concepts, these approaches cannot account for the facts pertaining to moral education that we outlined in (2.2.5).

B.5.1) The Causal Impotence Objection—Besides these conceptual issues, a rather large practical problem arises out of rights-theory's anemic account of moral psychology. This problem is analogous to the 'causal impotence' problem for utilitarianism, which we saw in section (5.5). This objection is commonly used against consequentialist theories, but they apply equally well, if not better, to rights theories as well (though, strangely, as far as I can tell no one in the literature has directed this objection at the rights-theory approach to animals.) That is to say that, in many contexts at least, rights theory will prove incapable of arriving at many of the practical conclusions that, intuitively, a theory of the moral significance of animals should establish. It will fail to arrive at these conclusions because the moral motivation provided by rights theory fails to commit us to these conclusions. Many of these practical conclusions are ones to which Regan himself is explicitly committed to, independent of his rights-theory. Regan admits that that he has such pre-theoretic commitments to the moral significance of animals when he says, "If it were possible to show that only human beings are included within [rights theory's] scope, then a person like myself, who believes in animal rights, would be obliged to look elsewhere."368 If Regan's theory does fail to commit him to the

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368 Regan admits that that he has such pre-theoretic commitments to the moral significance of animals when he says, "If it were possible to show that only human beings are included within [rights theory's] scope,
foregone conclusions he wishes to reach then, by his own admission, he must abandon his theory. This makes this objection particularly important. The next several sections will outline the objection and then consider numerous possible responses to it.

To cash out how a theory motivates we need to take a look at what sort of reasons for action it provides to the agent. What form do reasons take in rights theory? In their simplest expression, reasons seem to look something like this: 'you ought not to do X because doing X violates the rights of Y.' In order for this to actually motive, X, must be some specifiable act, something that we can isolate, identify and either choose do or not do. If we cannot pin down the act, then it seems pointless to say that we should not do it; how can it be reasonably expected that I not do X if I, for whatever reason, cannot specify what X is?

Similarly, the subject of my act, Y, must be some specific, identifiable being or set of beings. Unlike with the act, however, I do not have to know who that being is. There are all sorts of ways I could violate the rights of genuinely random person, without knowing who that person is. I could, for example, poison a bottle of baby food in the factory. I may never know who will eat the poisoned baby food, but despite my epistemic limitations, there is some definite baby who will be poisoned by my action, and hence a definite being whose rights I violate. If there is no specific being whose rights I violate, either at the time I act, or at some subsequent point in time, then my action is not morally wrong and rights theory cannot give me a reason not to do it.


369 Strictly speaking, of course, this objection is not one that virtue theory has an exclusive claim to make; a utilitarian, contractualist, pluralist or anti-theorist could make versions of the same objection. Naturally, a successful theory of any kind, virtue or otherwise, must be able to avoid the objection. As such, I attempted to address this objection against my own theory in (7.4.2).
With this in mind, let’s think about an actual applied case. Consider the question of whether or not it is morally permissible to purchase and eat meat. Someone who, like Regan, has a pre-theoretic commitment to the moral significance of animals will want to say that purchasing and eating meat is impermissible. Hence any theory of the moral significance of animals that will be satisfactory for Regan must be able to give the agent a reason not purchase and eat meat. Can rights theory give us such a reason? I contend that because of a series of practical complications it cannot. Rights theory cannot motivate us to stop purchasing and eating meat even if we grant (1) that animals have rights and that (2) rights can, in general, give us reasons to act.

The problem is this: in order for an action to be wrong, according to rights theory, in doing it I must violate someone’s rights. Let’s say I eat a piece of meat that I bought at a fast food restaurant. Whose rights have I violated? Certainly not the animal that I ate; that creature was already dead and thus was not, at the point in which I came into the picture, an ‘experiencing-subject-of-a-life.’ Since that creature was not alive it was not a subject of any kind, and hence had no rights at all for me to violate. Perhaps, then, I violate the rights of the animal that ‘takes the place’ of the one I ate. But that can’t be the case either, as my purchasing the meat does not cause anything to happen to that animal. Because the economy is not sensitive enough to respond to the actions of any one consumer the animal that ‘takes the place’ of the animal I ate was bound to be slaughtered regardless of my actions.

To make matters worse, we must ask if the animal that ‘takes the place’ of the animal I eat refers to some real, specific animal. Remember that in order for an action to

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370 This does not apply to certain circumstances, of course, such as choosing a specific lobster from a tank at a seafood restaurant. Such cases are bracketed here.
be wrong according to rights theory there must be some specific experiencing-subject-of-a-life whose rights I violate. One must, in principle at least, be able to point to the being and say ‘this is the animal whose rights you’ve violated.’ The meat that I eat certainly comes from a definite animal, but we’ve already seen that this animal is not the right candidate. So who is? The complex nature of the economic system seems to render this question nonsensical. This is not just because things are epistemologically muddled; the problem is not just that we don’t know which animal takes the place of the one I eat. The problem is a metaphysical one; there does not seem to be a specific animal that ‘takes the place’ of the animal I eat. That term is just a placeholder, a variable with no fixed referent. How could one, even with unencumbered knowledge, pinpoint which animal fills the void left when I eat my meat? Because of the vast system of intervening and additive causal factors in-between my purchase and the slaughterhouse it does not seem that there is, at any point in time, a definite animal that replaces the one I eat.

So we cannot say that I violate the rights either of the animal I eat or the animal that ‘takes its place.’ Who else is left? What other candidates are there whose rights I may have violated? It seems there are none. And if that is the case then my purchasing and eating that piece of meat from the restaurant violated no one’s rights. And thus, by the lights of rights theory, my action was not morally wrong and therefore I have no reason not to do it.

We should pause here to note the irony of this conclusion. Regan favors rights theory because it respects the “inherent value” of all experiencing-subjects-of-a-life. And yet it is powerless in the face of the most egregious and systematic disregard of that value, namely factory processed meat. While Regan thinks his theory commits him to
one of the most uncompromising positions with regard to our treatment of animals, it seems instead that rights theory, in fact, permits us to indulge in any kind of atrocity provided that our abstention from that atrocity would not make a difference to any experiencing subject of a life.\textsuperscript{371}

It is worth noting that there is nothing special about meat or animals in this argument. Similar arguments could be constructed with regard to purchasing products tested on animals, buying clothing produced using sweatshop labor, supporting an unjust war, or the purchasing of human-skin lampshades produced in Auschwitz. Causal impotence is thus a threat to the acceptability, not only of animal rights, but to theories of human rights as well. So long as our action itself does not violate the rights of a subject or causally lead to the violation of a subject’s rights then any of these practices will be justified under the auspices of rights-theory. Any system, such as a modern capitalist economy, where causal responsibility is sufficiently diffused to the point where no one person’s actions make a difference this sort of causal impotence problem arises. Another way of making this point might be to say this: while rights-theory strongly prohibits us from committing evil it is incapable of compelling us not to be complicit with evil.

Some rights theorists may be comfortable with the conclusion that we don’t have to give up eating meat (or using products tested on animals, or buying products made in sweatshops, etc.) but Regan clearly will not be. If a theory of animal rights does not

\textsuperscript{371} It should be noted that Regan’s rights-theory isn’t completely powerless against the meat industry and its like. Regan has a potent indictment of the slaughterhouse worker who actually kills the animals, the executives who determine in-house practice, and farm workers who confine and transport the animals. For these people their actions DO violate the rights of particular experiencing-subjects-of-a-life and hence their actions are morally wrong according to rights theory. If we lived in a world where these people respected animals rights and no one else would take their place, then the meat industry (and its like) would wither and the question of purchasing and eating meat would not be a problem for the consumer. Sadly, we do not live in such a world. In this world, as a matter of practical consideration, if one wishes to reduce animal rights violations then a means by which to appeal to the moral conscience of the consumer is needed. The argument here is that rights-theory cannot give us such a means.
prevent us from purchasing and eating meat then it will be patently inadequate for Regan’s purposes. So some rebuttal must be found, or else Regan must abandon rights theory for another account of the moral significance of animals that prohibits such intuitively unacceptable behavior.

**B.5.2) The Denial Response**—Regan may try taking a page from the consequentialist playbook and parrot their responses to the causal impotence objection. One such response is to simply deny causal impotence. Over the last several decades the steady increase in the percentage of vegetarians and vegans in Western countries has had a demonstrable effect on the amount of animals slaughtered (and hence, the number of animal rights violated.) If all of those persons had not decided to give up eating meat then the amount of animals raised and killed would be much higher. The collective effect of each individual decision has an impact and every person who gives up eating meat contributes.\(^{372}\)

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\(^{372}\) Here is a more detailed outline of this argument: “The second response to the claim of causal impotence is to deny it... Suppose that there are 250 million chicken eaters in the US, and that each one consumes, on average, 25 chickens per year (this leaves a fair number of chickens slaughtered for nonhuman consumption, or for export). Clearly, if only one of those chicken eaters gave up eating chicken, the industry would not respond. Equally clearly, if they all gave up eating chicken, billions of chickens (approximately 6.25 billion per year) would not be bred, tortured, and killed. But there must also be some number of consumers, far short of 250 million, whose renunciation of chicken would cause the industry to reduce the number of chickens bred in factory farms. The industry may not be able to respond to each individual’s behavior, but it must respond to the behavior of fairly large numbers. Suppose that the industry is sensitive to a reduction in demand for chicken equivalent to 10,000 people becoming vegetarians. (This seems like a reasonable guess, but I have no idea what the actual numbers are, nor is it important.) For each group of 10,000 who give up chicken, a quarter of a million fewer chickens are bred per year. It appears, then, that if you give up eating chicken, you have only a one in ten thousand chance of making any difference to the lives of chickens, unless it is certain that fewer than 10,000 people will ever give up eating chicken, in which case you have no chance. Isn’t a one in ten thousand chance small enough to render your continued consumption of chicken blameless? Not at all. While the chance that your behavior is harmful may be small, the harm that is risked is enormous. The larger the numbers needed to make a difference to chicken production, the larger the difference such numbers would make. A one in ten thousand chance of saving 250,000 chickens per year from excruciating lives is morally and mathematically equivalent to the certainty of saving 25 chickens per year... So, even if it is true that your giving up factory raised chicken has only a tiny chance of preventing suffering, given that the amount of suffering that would be prevented is in inverse proportion to your chance of preventing it, your continued
While the soundness of this argument is questionable, let's grant it for the time being. The important question is this: can Regan appeal to something like this argument to make his case? It doesn't seem so. This argument is decidedly consequentialist in nature. Its focus is to bring about a reduction in the numbers of animals raised for the slaughter. But the nature of Regan's rights theory is that 'the numbers don't count.' What matters is whether or not my actions violate anyone's rights. Because of the diffuse causal nature of the economy my actions alone never cause anything. Therefore, as we noted above, my actions in purchasing and eating meat do not violate anyone's rights and hence my actions are not morally wrong.

But surely, it may be replied, despite the fact that Regan is not a consequentialist, it is still consistent of him to desire certain consequences, namely fewer violations of rights. If indeed my giving up eating meat will, in combination with the like renunciations of others, bring about less slaughtered animals then my actions can bring about a reduction in the amount of animal rights violated. And because I can bring this about, Regan may argue, I am obligated to bring it about.

While such an argument is not, strictly speaking, inconsistent with Regan's rights theory, the problem is that it does not follow from his theory, either. Nothing in his theory entitles him to the conclusion that I am obligated to do what I can to bring about a reduction in the violation of rights. All he is entitled to is that I am obligated not to do anything that will violate someone's rights. And the central and inevitable point of this consumption is not thereby excused."


To be fair, Regan does delineate a small set of cases where he claims the numbers do count, and that this is nonetheless consistent with his general rights theory. See The Case for Animal Rights, p. 305-307. But the case of eating meat under consideration here does not fall into this set of cases.
objection must be reiterated yet again: I am not violating anyone’s rights by purchasing and eating meat.

In response to this, Regan may try to augment his theory with a subsidiary consequentialist component that will allow him to get around this sort of causal impotence problem, while still retaining the core of his theory as rights-based. However, since there are many possible ways such a theory could work it is not prudent to second-guess Regan here. Until such a pluralistic theory is proposed the causal impotence objection to Regan’s rights theory stands.

B.5.3) The ‘Positive Moral Rights’ Response—Another possible response that Regan may appeal to is the invocation of ‘positive moral rights.’ Regan has bracketed the questions of whether or not there are positive moral rights, and if so, whether or not animals have them. He has rested his case for animal rights on the issue of negative rights but he has left the door open for him to perhaps appeal to positive rights (and their corollary duties) if he needs to for some purpose, such as in rebutting the objection at hand. The basic strategy would look something like this: we are not merely enjoined to abstain from certain actions that violate a being’s rights; we are in addition required to perform certain actions to fully respect everyone’s rights. The most common example of such a requirement (which comes from Kant) is the duty to, in certain circumstances, give to the needy. Therefore the mere fact that my purchasing and eating meat violates no one’s (negative) rights is not enough to justify my action. I need to make sure that my action is not a violation of anyone’s positive moral rights; that is, my action may also qualify as an omission, a failure to fulfill my positive obligations.

With regard to the current case, one such positive duty that we have to animals is to do what we can (within the restrictions of morality) to minimize their suffering and unnecessary deaths. Just as my duty of charity is not a duty to any specific person but rather to humanity in general, my duty to stop factory farming is not a duty to any specific animal, but rather to animals in general. So now when we ask the question ‘When I purchase and eat meat whose rights am I violating?’ we can get a different answer. I am still not violating the rights of the animal I eat, nor those of the animal that ‘takes its place’, per say, but rather all animals subjected to the torture of modern factory farming.

There are problems with this appeal. For one, there is a causal disanalogy. Any money that I give to a charity seems like it will cause a benefit in someone’s life. My money will go to feed someone, to give someone a blanket or a hot meal. Not every dollar goes directly to the needy, of course, but the money that doesn’t go straight to helping the needy goes to infrastructure that indirectly helps the needy. In short, charity does not suffer from causal impotence the way eating meat does. Making matters worse, there is a second disanalogy between my duty of charity and my duty to stop factory farming. Specifically, there is a difference between when I must discharge these duties, and how demanding those duties are. Since my duty of charity isn’t to any particular person I can discharge it at my discretion. I do not need to constantly give money to the needy to fulfill my duty; I only need to do it sometimes. Thus if my duty to stop factory farming is akin to my duty of charity it would seem to suggest that I only need to refrain from eating meat sometimes. But few (if any) people eat factory-farmed meat all the time, and hence it seems to follow that pretty much everyone satisfies their duty to stop
factory farming. But this conclusion is absurd. Clearly my duty to stop factory farming is far more demanding than my duty of charity, so much more demanding that it requires not merely intermittent action, but perpetual commitment to the cause. It seems unlikely that such a disparity could be accounted for merely in terms of a difference in the degree of the duty. Hence my duty to stop factory farming seems to be different in kind than my duty of charity. Some account of that difference is called for.

Perhaps an appeal to practicality will work. To fulfill my duties to all animals I must try to eliminate factory farming. To do this I must do a number of things: I must speak out about the evils of factory farming; I must push for legislation that will pressure factory farms to reform (or perchance eliminate) their practices; I must try to convince others not to support factory farming. But I cannot effectively do these things unless I myself also give up eating meat. If I hypocritically advise others to cease behaviors that I myself will not cease then I will not be able to effectively persuade others or make a difference. The best way to make a difference is, as Mohandas Gandhi said, 'to be the change we wish to see in the world.' Thus, because of the practicalities of politics and human psychology I am duty bound to give up eating meat since that is the best way to change things—not because of the direct effect of my abstention (which is itself nothing), but because of its 'symbolic value.'

This argument, while clever, cannot satisfy the person who is genuinely committed to the moral significance of animals. It depends too heavily on contingent and contentious circumstances. If one could, for example, publicly denounce eating meat, but then privately ate it anyway they would not be violating their positive duties so long as they kept their hypocrisy a well-guarded secret. This sort of 'publicity effect' argument
and the problems with it has been well vetted in the utilitarian literature on this issue, so I
will not rehash them further here. Suffice to say, such arguments leave much to be
desired. And as such any attempt to appeal to positive moral rights to save the day here
will also leave us wanting.

**B.5.4) The Overdetermination Reply**—It might seem like this is just a standard
overdetermination problem and Regan could respond accordingly. Let’s assume that
John and I both, at the same time, fatally shoot Jack in the heart. It does not follow from
the mere fact that Jack would have died *even if* I hadn’t shot him that therefore that I
haven’t violated his rights. If that were the case then neither John nor I have done
anything wrong. But such a conclusion is absurd. Therefore, my shooting Jack is a
violation of his rights even though he still would have died if I had abstained (and the
same is true of John’s shooting Jack.) Similarly, the suggestion goes, just because that
animal that ‘takes the place’ of the one I am eating now will die even if I abstain from
eating meat, it does not follow that I do not violate its rights. The animal’s death is
overdetermined by the independent actions of everyone who purchases meat, but this fact
does not allow me escape the conclusion that I violate its rights.

Unfortunately for the rights-theorist the current case is not that simple. In the
case of Jack and John the causal factors are clear: *both* my bullet and John’s bullet killed
Jack, since either bullet alone would be *sufficient* to kill him. If we tweak the case, such
that neither bullet by itself would have killed Jack, but both bullet’s together did, the
causal lines are still clear: both bullets still killed Jack, since each bullet was *necessary*
for his death. In either case, my action is either a necessary or sufficient condition for
Jack’s death, and it is this fact that makes me responsible for violating his right to not be
killed. But things are not the same with regard to purchasing and eating meat. My purchasing and eating meat at a restaurant is *neither* a necessary *nor* a sufficient condition for the death of the animal that ‘takes its place.’ That animal will die even if I don’t eat this meat (hence it is not a necessary condition), and my action *alone* will not cause the animal to die (hence it is not a sufficient condition.)

This is not so for simple overdetermination cases, such as that of Jack and John.

Perhaps this complication will not, ultimately, make a huge moral difference. We could try to re-imagine the Jack and John case to more closely track the meat case. Perhaps John and I are but two of several thousand people who each prick Jack with a needle. While no single puncture makes much difference, the cumulative effect of thousands of punctures kills Jack. My poking Jack with the needle is neither a necessary, nor sufficient condition for Jack’s death. But what moral conclusion follows? Have I actually violated Jack’s right not to be killed? Surely I have violated his rights (the right to bodily integrity, the right not to be harmed, etc.) but is his right not to be killed one of those rights that I, personally, with my individual act, have violated? It seems quite unclear if this is the case. Granted, it *might* be the case that I have violated Jack’s right not to be killed; but the revised thought experiment does not establish this point. A more theoretical argument will be necessary to prove the desired conclusion. This thought experiment, which was supposed to illuminate, has instead served only to confuse. By

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375 Of course, if I just shot and wounded Jack I have still violated his rights. We could easily recast the point in terms of ‘necessary and sufficient conditions to wound Jack,’ and this would account for that case as well in the same terms. But to keep the cases simple let’s just focus on the right not to be killed.

376 Again, there are some circumstances where this is not the case, specifically those where the whole animal is eaten by the single person, as with most seafood. But in cases of large animals, such as pigs and cows, no single consumer’s demand is sufficient for the raising and killing of the whole animal. Hypothetically, wealthy individuals could afford to pay for the raising and killing of a whole animal all for themselves. But as most people could not afford this, such hypothetical deviate far from the normal circumstances under which we are currently considering the morality of eating meat.
making the cases more analogous our thought experiment has rapidly bloomed out of
control. Suffice to say that standard overdetermination arguments will not save Regan
from the current objection.

There are more complications that make the overdetermination reply even less
applicable. Even if I were not causally impotent in the way we have been considering
rights theory still could not give me a reason not to eat meat. Because of the way factory
farms are run, even if the economy was sensitive enough to respond to the actions of one
agent I cannot cause ‘the correct thing.’ We’ve already seen that my abstaining from
eating meat would not save a single animal. In order for my actions to be causally related
to the violation of an animals rights, my abstaining from eating meat would have to spare
(or at least help to spare) some animal from premature death and/or suffering. To cause
an animal to be spared this way would be to cause ‘the correct thing’; this would be what
I’d need to do to avoid violating anyone’s rights. But it is not as though the factory farm
that provides the restaurant with meat will free X animals once sales drop Y units. All of
the animals that currently exist at the moment I buy my meat are already slated for the
abattoir and will be slaughtered irrespective of my actions. They are, quite literally,
doomed. At best my action will prevent the factory farm from brining as many animals
into existence during the next breeding cycle. But this is not ‘the correct thing’; it is not
what I need to cause to avoid violating anyone’s rights. The consequentialist can argue
that causing fewer animals to be born into suffering is a moral victory, but the rights
theorist cannot. The rights theorist can condemn what we do to an experiencing-subject-
of-a-life once it has been brought into existence; it cannot condemn our bringing it into
existence in the first place. *Prior* to existing there is no creature whose right I violate, and hence I do no wrong in bringing it into existence.

This is a way of saying that rights theory cannot make sense of moral commitments to future persons (taken in the sense of experiencing-subject-of-a-life, be that human or non-human.) The work of Derrick Parfit has done an impressive job of trying to make sense of this strange metaphysical complication in consequentialist terms\(^{377}\), but I do not think his ideas can translate directly into language of rights theory. Perhaps some rights theorist can do similar work to make sense of future persons in their own terms. But as of now, to my knowledge at least, there is has been no serious attempt by anyone to do so. Thus until rights theory gives an account of moral commitments to future persons the theory seems incapable of condemning the purchasing and eating of meat. Hence the fundamental problem remains: when I purchase and eat meat there is no being whose rights I violate, therefore I do nothing wrong and hence I have no reason not to do it.

All in all, these complications lead us to one inevitable conclusion: in a sophisticated capitalist economy with a large and systematic meat industry, the causal nexus of supply and demand amalgamates the actions of millions of people into concentrated pools of contributory actions, making rights theory incapable of providing us with a reason to abstain from eating meat. Therefore, if Regan is serious about his pre-theoretic commitment to the abolition of factory farming and the idea that we, as individual consumers must cease eating meat, then he must look elsewhere for a theory that can provide him with reasons to those ends.

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