

But What About the Animals?

Cheshire Calhoun

Abstract:

Immanuel Kant famously claimed that we have no direct duties to animals and that animals are things that we may dispose of as we will. Even Kantian moral philosophers have sometimes called this a repugnant moral doctrine. I begin by distinguishing three ethical concerns we might have with respect to animals: taking into account animals' interests, adopting a non-instrumentalist valuing attitude toward animals, and avoiding ingratitude, mockery, unfairness and the like. Utilitarianism is well designed to address only the first of the three ethical concerns. Drawing on Kant's comments about the analogies between animals and humans, I argue that there are good Kantian reasons for valuing animals and thus not discounting their interests and not regarding them purely instrumentally. I also argue that even if we are not obligated to respond to animals gratefully, fairly, respectfully, and the like, there is nevertheless a moral defect in not doing so.

Key Words: Kant, indirect duty, animals (ethics of interacting with), gratitude

Rather than argue directly with destroyers of the environment who say, "Show me why what I am doing is immoral," I want to ask "What sort of person would want to do what they propose?" (Hill 1991a, 108)

Tom Hill's larger Kantian project is, in his words, "to distinguish Kant's basic moral theory from unwarranted particular conclusions, to show its appeal so far as possible, to call attention to its shortcomings as I see them, and to suggest modifications to make Kantian ethics more plausible at least on some issues" (Hill 2002, 165). That project has moved Hill to take up topics neglected in both Kant commentaries and in ethics generally: self-respect, snobbery, promises to oneself, multi-cultural education, symbolic protest, and "respect" for the environment. Were one to make a list of those aspects of Kant's ethical thought standing

most in need of attention to their shortcoming, modifications of the view, and heavy work to demonstrate the appeal of Kant's thinking, Kant's moral views regarding animals might easily top the list. Hill himself describes Kant's view that we owe nothing directly to animals as a "repugnant moral doctrine" (Hill 1994, 58). Yet Hill's own remarks about the treatment of animals are, if kinder, even briefer than Kant's (Hill 1994, 57-58). So one might reasonably wonder, "But what about the animals?"

Kant offers what looks like an entirely unsatisfactory answer to that question. We have a moral duty to be kind rather than cruel to animals, but only because we have a duty to ourselves to cultivate dispositions, like compassion, that are morally useful in our dealings with humans. Our duties to animals are thus indirect ones. Some Kantians have argued that Kant's indirect duty account is not as repugnant as it seems (Denis, 2000). Others have reconstructed Kantian arguments for our having a direct duty to take animal interests into account (Wood 1998; Korsgaard 2004). In both cases, the ultimate aim is to show that Kantianism can do as well as utilitarianism on the animal question.

I. The Scope of Our Ethical Concerns

Aiming to do as well as utilitarianism on the animal question is, I think, the wrong aim. Humans make animals suffer in so many ways and sometimes with such extraordinary viciousness that it may easily seem that animal welfare is the *only* moral issue. But everyday moral thinking about animals is extremely complex. We do not, for example, eat our pets when they die (Diamond 1978). Animal trainers think about when it would be fair or unfair to punish misbehavior. And those who are rescued by service animals sometimes feel deep gratitude.

Our question--“But what about the animals?”—thus asks more than just “What about animal welfare?” It also asks, “What about respect, fairness, and gratitude to animals?” It is just here that I think Kantian ethical thought is more promising than is utilitarianism....or so I plan to argue.

Kant’s apparently repugnant view of animals follows directly from his highly attractive account of the nature of humans. Humans have, in addition to their animal nature, a rational nature. They are capable of willing freely on the basis of reasons, of setting ends for themselves and assessing means, of reflectively ordering their ends into a conception of their own happiness, and of regulating their conduct by principles, including moral laws. Were there no beings with a rational nature, Kant says, “the world would have no value” and no morality since both value and moral obligation originate in persons’ ability to ask what would constitute a reason for choice (*LE*, 27:344). This capacity for introducing value and morality into the world is the feature of persons that must be prized in ourselves and in others as something of inestimable value. As the source of value, including moral law, persons are ends-in-themselves and have a dignity beyond price. Through the fulfillment of our duties to persons, we honor their status as ends-in-themselves.

We have no evidence that nonhuman animals have a rational nature. Many animals have a complex psychology, the capacity to learn and sometimes to use tools, to feel bodily pleasure and pain as well as emotions, and to guide their own actions in light of how the world appears to them. Kant acknowledges that animals makes choices on the basis of representations and thus have a will, though not a free one. A cat, for example, represents a mouse as to-be-chased

and chooses to chase the mouse.¹ The choosing and the willing, however, are not free, because the cat cannot reflect on whether the representation of the mouse as to-be-chased is a reason for chasing the mouse. Instead, animal willing is “necessitated by incentives and *stimuli*. Their actions contain *bruta necessitas*” (*LE*, 27:344). Although he thought instinct largely determines what animals choose, Kant also recognizes that animals learn— he observed, for example, that birds teach their young their species-specific song (*LP*, 9:443). So although animals do not will freely, they are not, in Kant’s view, mere automata in the Cartesian sense of lacking any conscious mental states; nor are their actions entirely governed by instinctive impulses.²

But sentience, emotional responsiveness, the capacities to learn, to represent objects in the world, and to choose to act on those representations, however estimable the occurrence of these abilities in nature are, differ in kind from the capacity to value, to set ends, and to legislate with others a set of binding moral laws. Given this difference, animals cannot, in Kant’s view, be the direct objects of moral obligations. A person is, he says, “a being altogether different in rank and dignity from *things*, such as irrational animals, with which one may deal and dispose at one’s discretion”(APV, 7:127; see also *LE* 27:372-373). Whatever obligations we have that involve how we treat animals are in fact obligations to ourselves to preserve and

¹ See Christine Korsgaard’s discussion of animal incentives (Korsgaard 2004, 6-8).

² Some of Descartes’ followers were alleged to have defended the vivisection of dogs on the grounds that the dogs were not really experiencing pain, but were only producing pain-like sounds via their body-machines. Kant is well aware of the tortuous pain suffered by animals undergoing vivisection. He denies the Cartesian view of animals as automata in CPJ 5:464n.

enhance our own moral perfection.

Critics have repeatedly located the repugnancy of Kant's view in three places. First, Kant seems to get the *object* of moral obligation wrong. Surely we owe it first and foremost to, say, the starving stray dog to feed it, rather than owing it to ourselves to strengthen our compassionate dispositions. Second, Kant seems to get the ground of the obligation wrong. One might reasonably think that it is some fact about the value of the animal and of its welfare that is the reason why we should treat animals in this way but not in that. Third, Kant seems to get the stringency of requirements concerning animals wrong. On his view, all moral requirements regarding animals appear to be entirely conditional—dependent on contingent empirical facts about whether mistreatment of, or failures of kindness to, animals is likely to undermine the compassionate dispositions that aid us in fulfilling our obligations to fellow humans. Were the causal connection between mistreating animals and damaging our sympathetic and compassionate dispositions different than it typically is, we might have no obligation to avoid cruelty to animals and might even be obligated to be cruel if doing so caused us to be more compassionate to persons.³

Utilitarianism, by contrast, avoids such repugnancies. Because it takes the capacity to feel pleasure and pain and the having of interests to be morally significant facts about both human and nonhuman animals, it can easily deliver a non-repugnant account of the ethics of interacting with animals. Animals are the direct object of our moral duties, facts about animal

³ For critiques of the causal claim see Wood 1998, Timmermann 2005, Skidmore 2001, Dennis 2000.

sentience and animal interests ground those duties, and the primary reasons for treating animals well are not the causal effects that our treatment of animals might have on our treatment of humans.

Given the virtues of a utilitarian approach, it looks as though a Kantian reconstruction needs to answer the specifically utilitarian challenge, “But what about the animals?”, by delivering an account of why cruelty and the wanton disregard of animal interests is wrong that does as well as the utilitarian account does. It is certainly true that a minimally adequate Kantian account needs to do at least as well as utilitarianism with respect to prohibiting the torturous treatment of animals. However, not all of our ethical thinking about animals can be accounted for by focusing on animal pains, pleasures, interests, and preferences. Moreover, some of Kant’s most interesting ethical observations about animals have nothing to do with animal pains, pleasures, interests, and preferences.

In order fairly to assess the Kantian resources for addressing our ethical concerns about animals, we would do well to return to the question, “But what about the animals?” and look more carefully at what exactly it is about our interactions with animals that we want an adequate view to address. To that end, consider the case of military dogs.

In the year 2000, Representative Roscoe Bartlett introduced H.R. 5314 into Congress. Titled “A bill to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.” H.R. 5314 was aimed at revising the Department of Defense policy concerning the disposition of military dogs who were no longer able to serve their military function or were no longer needed by the DOD. The poster child was Robby, an 11 year

old war dog and 3-time Pentagon champion who was, at the time Representative Bartlett met him, arthritic and missing teeth. Although Robby's handler wanted to adopt him, DOD policy required Robby to be returned to Lackland Air Force base where older military dogs would be used either to train new handlers or would be caged for up to a year and then euthanized. That DOD policy was a legacy of the 1949 Federal Property and Administrative Services Act, enacted after World War II, which reclassified military dogs as equipment. Under it, the nearly 4000 dogs who served during the Vietnam war were treated as surplus equipment at the end of the war and either euthanized or given to the South Vietnamese army. Signed into law on November 7, 2000, H.R. 5314 made possible the adoption of retired military dogs.

The treatment of military dogs as equipment that might become inoperable or surplus raises at least three distinct ethical concerns. One is the impact of this classification on the dogs' animal interests when, for instance, they are deprived of ongoing human companionship, caged for long periods of time, and then euthanized.

Separable from the issue of the animals' interests is the classification of the dogs as mere equipment. Valuable equipment may be extremely well cared for; and service and competition animals regarded as expensive and not easily replaced pieces of equipment may receive much better care during their service life than many pets regarded as companions. But regardless of how well valuable animal equipment is treated, taking an entirely instrumentalist valuing attitude toward beings who are in fact more like us than like assault rifles may strike us as ethically deficient. From a utilitarian viewpoint, attitudes are ethically worrisome only insofar as they tend to result in ethically condemnable action. Kantian ethical thought takes our attitudes themselves, apart from the consequences of holding those attitudes, to be assessable.

Finally, there is the ethical concern that is really at the heart of H.R. 5314—the failure to reward the dogs’ long, faithful, and important service. “It was obvious to me,” says Bartlett, “that Robby is a dog who has faithfully served his country....It was also obvious that Robby has a special bond with his handler. Understandably so, as the two spent several years working side by side” (Cong. Rec. 2000, 21991). The ethical concern here, like the previous one, is not with animal interests or welfare. It arises from what seems like an entirely apt description of Robby in terms borrowed from the realm of human action and human moral appraisal: Robby was a co-worker who faithfully served his handler, and in so doing, the U.S. And that invites—to use Cora Diamond’s words--“the extension to animals of modes of thinking characteristic of our responses to human beings” (Diamond 1978, 474). In Robby’s case, we extend to a dog our thinking about what would constitute a grateful and fair reward. Examples of this mode of thinking abound. Consider, for example, Barbara Smuts ethical reflections on whether to wrest toys from the mouth of her playful dog, Sufi: “Since the toys belong to her, and since she never substitutes objects like my new shoes, it seems fair that she decides when to keep the toy and when to share it with me” (Coetzee 1999, 117). Extending to Sufi the characteristically human features of having property and respecting property is the basis for responding to her as one would to a human—by adopting a fair policy.

One might, of course think that it’s simply a mistake to extend to animals “modes of thinking characteristic of our responses to human beings.” There’s no genuine ethical concern here to be accounted for. Perhaps that’s right. But our own cultural practices increasingly militate against the confinement of our ethical considerations concerning animals to the sheer animality of animals as dogs come to serve in ever-expanding service capacities and pet

ownership practices increasingly treat pets like family members.

II. The Apparent Warrant for (Severely) Discounting Animal Interests

We are now quite far removed from an ethical concern that utilitarianism, or any ethical view that takes utilitarianism as the gold standard, could address. But we are not so far afield of Kant's ethical concerns about animals. Kant remarks that "if a dog, for example, has served his master long and faithfully, that is an analogue of merit; hence I must reward it, and once the dog can serve no longer, must look after him to the end, for I thereby cultivate my duty to humanity, as I am called upon to do." (*LE*, 27:459).

Significantly, Kant extends to animals modes of thinking characteristic of our responses to human loyal service in the midst of articulating his "repugnant" doctrine of indirect duties to animals: "...gratitude for the long service of an old horse or dog (just as if they were members of a household) belongs *indirectly* to man's duty *with regard to* these animals; considered as a *direct* duty, however, it is always only a duty to himself" (*MM*, 6: 443). In short, it is the very same view that both seems deficient by comparison to utilitarianism and that seems to improve upon utilitarianism by addressing a distinctive ethical concern about the treatment of service animals.

Kant's indirect duty argument regarding animals is part of a wider set of comments about how we should think of our relation to animals that emphasize multiple analogies between humans and animals. Attending to those analogies, both as Kant states them and as a Kantian might reconstruct them, will enable us to see how a Kantian might address our three ethical concerns--with animal welfare, with appropriate inner valuing attitudes toward animals, and

with extending to animals moral responses characteristic of our responses humans.

In presenting the indirect duty argument, Kant claims that “Since animals are an analogue of humanity, we observe duties to mankind when we observe them as analogues to this, and thus cultivate our duties to humanity” (*LE*, 27:459).⁴ Spelled out, the indirect duty argument goes something like this: We have dispositions that aid us in the performance of our duties to other persons. One important disposition is the natural predisposition to feel sympathetic joy and sorrow at others’ states of joy or sorrow (*MM*, 6:456). That predisposition is responsive to human joy and suffering as well as to the analogous joy and suffering of animals. We have a duty to cultivate feelings, including compassionate feelings, that aid us in our moral interactions with fellow humans and to refrain from actions that would tend to weaken or destroy those feelings. Thus, Kant claims, we have an indirect duty “not to avoid the places where the poor who lack the most basic necessities are to be found but rather to seek them out, and not to shun sick-rooms or debtors’ prisons and so forth in order to avoid sharing painful feelings one may not be able to resist” (*MM*, 6:457). We also, and for the same reason, have a duty to avoid cruel treatment of animals, since cruelty “dulls [our] shared feeling of their pain and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one’s relation to other men” (*MM*, 6:443).

⁴ Louis Infield’s translation of this passage reads: “Animal nature has analogies to human nature, and by doing our duties to animals in respect of manifestations which correspond to manifestations of human nature, we indirectly do our duty toward humanity” (Immanuel Kant, *Lectures on Ethics*, translated by Louis Infield [Indianapolis, IN: Hackett Publishing Co., 1980]).

Three points are worth noting about this argument. First, Kant uses the indirect duty argument not only to ground duties regarding animals, but also to ground duties *regarding* persons—such as the duty not to avoid contexts that expose us to human misery—where the duty is not owed *to* the miserable, but to ourselves whose moral performance with respect to suffering persons depends upon our cultivating our compassionate dispositions.

Second, The indirect duty argument applies generally to any disposition or feeling that aids morality. Kant did not think that compassion is the only serviceable feeling that we have an indirect duty to cultivate. We also have, for example, a disposition to love beautiful things independently of their use value. That disposition promotes, or at least “prepares the way” for morality (*MM*, 6:443). Because wanton destruction of beautiful, inanimate natural things weakens or destroys that disposition, we have a duty not to engage in wanton destruction of nature. And the argument might be extended to dispositions and feelings that Kant does not mention in this context. Hill, for example, argues that duties regarding the natural environment might be grounded on considerations of the way that viewing and treating nature as a mere resource may weaken or impede development of an attitude of proper humility (Hill 1991a).

Third, and following from the previous point, our duties regarding animals are not limited to actions that preserve or cultivate compassionate feelings toward human suffering. Kant makes the general claim that “if the acts of animals arise out of the same *principium* from which human actions spring, and the animal actions are analogues of this, we have duties to animals, in that we thereby promote the cause of humanity” (*LE*, 27:459). This claim is immediately preceded by the injunction to reward dogs’ service as analogous to human service, where, presumably, rewarding animal service helps cultivate our disposition to feel gratitude, thereby

aiding us in appropriately responding to human benefactors.

At the heart of the indirect duty argument is a causal claim: Some actions regarding both persons and non-persons have the causal effect of weakening, destroying, or interfering with the cultivation of dispositions that aid us in the performance of our moral duties to persons. So, for example, the person who has a dog that can no longer serve shot “damages the kindly and humane qualities in himself” (*LE*, 27:459). And, presumably, the well-off who avoid witnessing the miseries of poverty miss an opportunity to cultivate their compassionate disposition.

But for our treatment of animals and the poor to have such widespread causal effects on our treatment of persons in general, we must first take the suffering of animals and the poor to be analogous to our own, not just as mental states but also in importance. In his statement of the indirect duty argument, Kant seems to just assume that our compassion is naturally calibrated to respond to both the suffering of different human kinds and the suffering of different animal kinds as though those sufferings were analogously important; as a result, hardening one’s heart to animal suffering or the suffering of the impoverished involves ignoring reasons for being kind and avoiding cruelty to all species and human kinds. But of course compassion and other morally serviceable dispositions are often not so calibrated. Which kinds of beings we are able to feel compassion, respect, gratitude, and other morally serviceable feelings towards is affected by how we think about the value of those kinds.

People who take themselves to be members of a superior social kind—whether that be a class, a race, a nationality, or a sex—all too often engage in the systematic mistreatment of people they take to be members of an inferior social kind without it at all affecting how they treat their own kind. Nazi doctors, for example, went home after performing horrific

experiments on Jews to loving relations with their family and respectful relations with their fellow Aryans. White researchers in the Tuskegee syphilis study withheld penicillin and information about its effectiveness in treating syphilis from the black participants in the study. Presumably, they would not have done this to whites. What prevents cruelty, ingratitude, contempt, and so on toward a supposedly inferior kind of person from causally affecting the dispositions that support beneficent, grateful, and respectful treatment of a supposedly superior kind of person are precisely the suppositions of inferior and superior worth. The racist directs mistreatment at Jews or blacks because he regards them with contempt as an inferior kind of human. Their suffering is not, to his mind and heart, analogously important even if it is qualitatively similar to the suffering of “superior” human kinds.

All the more easily may mistreatment fail to have widespread causal effects when directed at animals who are not an inferior kind of human, but no human at all. Like the racist who feels no compassion for the miseries of inferior races, or the classist who views the miseries of the poor without compassion, so too the human, convinced of his greater human worth, may regard the suffering of animals without compassion precisely because, on his view, the sufferings are not analogous. One is the suffering of a mere animal. The other is the suffering of a valuable human being. For those who see no reason in the first place to accord humans and animals an analogous regard, the causal effects of animal cruelty on their treatment of fellow humans cannot be what gives them a reason to avoid animal cruelty, since there are, for them, no such causal effects. Instead, what we want to say is that they *should* see animals and humans as being more analogous than they do. Thus they *should* be so constituted that cruelty to animals has more widespread causal effects.

The analogy must be more than just that both human and nonhuman animals are sentient and have analogous experiences of pain and pleasure. It must be one that justifies our taking animal and human suffering as analogously *important*. And here it may be difficult to imagine what a Kantian could say. The mistake that the racist or classist makes when she discounts the suffering of some human kinds is that she fails to recognize the moral equality of persons. The person who discounts the suffering of nonhuman animals does not make the same mistake. As Kant says, rational beings are “altogether different in rank and dignity from *things*, such as irrational animals” (APV, 7:127). And that would seem to *warrant* our discounting animal suffering, treating it as disanalogous in importance, however analogous animal and human suffering may be as felt experiences.

If a Kantian view is to do at least as well as utilitarianism on animal welfare issues, we need some positive account of why, despite animals’ lack of a dignity beyond price, we should regard animal and human suffering as analogously important. Only then will we have an account of why animal and human responses that are described in the same terms should get analogous uptake in our emotional dispositions. And it’s not just Kant’s own indirect duty argument that depends on our being able to give such an account. Kantian reconstructions that attempt to ground a *direct* duty to animals in some feature shared by humans and animals must explain why the fact that animals lack dignity beyond price is not a reason for discounting the moral significance of that shared feature when it is possessed by animals.

Allan Wood and Christine Korsgaard both argue that there is some common feature of human and nonhuman animals that grounds a direct duty to animals to avoid cruelty and wanton disregard of their interests. Our duties are thus owed directly *to* animals in virtue of

features of animals themselves and not in virtue of an assumed causal connection between cruelty and kindness to animals and cruelty and kindness to persons.

Wood argues that respect is owed not to individual persons but to rational nature. Animals possess “fragments” (Wood 1998, 198, 200), or the “infrastructure” of (200), or “parts” of (197) that rational nature insofar as they make choices and act on the basis of representations. There is, thus, the same thing in nonhuman animals that is owed an attitude of respect and honoring in human animals, viz., the infrastructure of rational nature. “To frustrate an animal’s desires or to cause it pain maliciously or wantonly is to treat with contempt that part of rational nature which animals share with human beings” (Wood, 200). In humans, of course, the infrastructure of rational nature is connected to capacities for using concepts, for making judgments, and for rational autonomy—features that are essential to our being able to place each other under moral obligation, to have moral rights, and to give ourselves the moral law. But given this moral difference that having a rational nature versus having only a fragment makes, we cannot just appeal to what animals and human share in order to ground obligations concerning animal welfare. We also need a positive account of why the morally significant *differences* between animals and humans do not warrant discounting (perhaps severely discounting) animal interests.⁵

Korsgaard similarly argues that non-human animals and human animals share a morally significant feature. In her view, it is not a fragment of rational nature but rather our animal

⁵ J. Skidmore (2001) raises a set of worries concerning the significant difference between beings with a rational nature and beings with fragments of rational nature.

nature itself. All animals, human and not, are creatures for whom things can be naturally good or bad. When we demand to be treated as ends in ourselves by not being made to suffer, we confer normative significance on the fact that we have an animal nature. “We legislate that the things that are good or bad for beings for whom things can be good or bad—that is animals—should be treated *as good or bad objectively and normatively*. In other words, we legislate that animals are to be treated as ends in themselves” (Korsgaard 2011, 109). In her view, we cannot consistently place value on our own animal nature while refusing similarly to value nonhuman animals’ animal nature (Korsgaard 2011, 117 ftn 51). But of course, when we value our animal nature, we do so within a wider set of evaluative commitments, including most fundamentally, valuing our own rational nature—a nature animals do not share. It would thus seem that we still need a positive account of why the morally significant *differences* between animals and humans do not warrant discounting (perhaps severely discounting) animal interests. It is to that positive account that I now turn.

III. Valuing Animals

Kant argues that we have duties to ourselves as animal beings. Those include duties not to commit suicide, not to mutilate oneself, not to defile oneself with lust, and to avoid the vices of drunkenness and gluttony (*MM*, 6:420, 421-427). We also have duties to harden our bodies against discomforts and toward frugal needs (*LE*, 27:379-380), as well as duties to promote the body’s “vigour, activity, strength, and courage” (*LE*, 27:380). And if we violate those duties, how are we to think of ourselves? Kant sometimes says that we thereby debase ourselves *to the level of animals*. The glutton, for example, indulges in a cow-like enjoyment (*MM*, 6:427).

But more frequently, Kant makes the curious (for him) observation that when humans violate their duties to themselves as animals, humans debase themselves *beneath* the beasts. (*MM*, 6:425, 6:426; *LE*, 27:373, 27:380). “[W]e deny the dignity of humanity,” he says, “when we, for example, take to drinking, commit unnatural sins, practice all kinds of immoderation, and so forth, all of which degrade the human being far below the animals” (*LP*, 9:489). But how, on Kant’s view, could humans ever degrade themselves *below* the level of beasts? Even the most self-degrading behavior does not alter the fact that human persons have a dignity beyond price and animals do not.

To see how we might debase ourselves beneath beasts, we need to turn from the analogies rooted in our *shared* animal nature (such as our analogous capacity to suffer) to the analogy that obtains between the very things that make us *different*, namely, how our actions are produced. Human action is not a product of the operation of natural, deterministic laws but the product of free choice to conform one’s actions to law. Animal behavior, by contrast, *is* a product of deterministic laws.

Despite that substantial difference, instinct, or more generally, deterministic psychological principles, play a role in the lives of animals analogous to the role that reflectively adopted principles play in our lives: both impose constraints on action and both render action orderly. The orderliness of human action, however, is not inevitable. The orderliness of animal behavior is. Animal instincts, for example, generally limit sexual behavior to behavior that serves reproduction. Human sexual impulses are not similarly constrained by natural instincts. Instead, rationally chosen principles of sexual restraint play, for us, the role of limiting sexual impulses. Animal instincts for self-preservation prevent animals from engaging in self-destruction.

Humans, however, have the ability to conceive of incentives to commit suicide (from escaping a miserable future to preserving one's honor). For us, a rationally chosen principle forbidding suicide plays the role of excluding self-destruction that instinct plays in animals. Animals don't have to work at not mutilating themselves, and avoiding drunkenness and gluttony, while humans must adopt principles prohibiting self-mutilation, drunkenness, and gluttony. Moreover cleanliness comes naturally to animals (Kant mentions the cleanliness of baby birds and prey animals with approval; *LP*, 9:441, 9:495-6); and animals need no discipline as human children do, to develop their physical powers, put up with discomfort, and learn to have frugal needs. In short, animals instinctively do what humans do by imposing duties on themselves. A human "has no instinct and must work out the plan of his conduct for himself" (*LP*, 9:441).

While our ability to work out a plan for ourselves gives us dignity, it is also true, Kant says, that freedom that

is not restrained under certain rules of conditioned employment...is the most terrible thing there could ever be. All animal acts are regular, for they take place according to rules that are subjectively necessitated. In the whole of non-free nature we find an inner, subjectively necessitated *principium*, whereby all actions in that sphere take place according to a rule. But if we now take freedom among men, we find there is no subjectively necessitating *principium* for the regularity of actions....If freedom is not restricted by objective rules, the result is much savage disorder. For it is uncertain whether man will not use his powers to destroy himself, and others, and the whole of nature. (*LE*, 27:344)

The same rational nature that gives us a dignity beyond price, elevating us above the rest of the animal world, also comes with the potential for a lawlessness that reduces us beneath

the level of nonhuman animals. “Now if man freely follows his inclinations,” Kant explains, “he is lower even than the animals, for in that case there arises in him a lawlessness that does not exist among them” (LE, 27:345).

And that disorder may be savage indeed. Animal rescue organizations feature horrifying stories of animal abuse in their solicitation letters. To mention just one: a dealer bought an already starved horse at auction. She refused to load into his trailer. In a rage, the dealer wrapped barbed wire around her head, tied her to the back of the trailer, and began to drive away. When she fell, he unhooked her from the trailer and backed the trailer over her head. (Amazingly, she survived.)⁶ The story’s donation-eliciting effectiveness lies in part in the way it invites compassionate animal lovers to feel terrible for the horse. But its effectiveness also lies in its inviting us to think not just “What kind of *person* would do such a thing?” but “What kind of *species* would do such a thing?” and thus, out of shame for being a fellow human, to make amends to animals on behalf of humans.

That animals have on us not just orderliness and non-destructiveness but better performance with respect to what, for us, are duties to ourselves as animal beings does not, of course, make animals ends-in-themselves or warrant our regarding animals with the respect owed free beings. But these reflections do undercut a kind of species-conceit or snobbery that often goes along with the self-justifying claim, “It’s *just* an animal.” Those who discount animal interests with the thought, “They are *just* animals, while we are *humans*,” seem overly puffed up about belonging to the human species. Compared to fully rational beings, we humans

⁶ Habitat for Horses solicitation letter.

have a great deal to be humble about. Compared to possible species of rational beings that Kant imagined existed on other planets, the human species also has reason for humility. Even without such comparisons, a clear-eyed survey of the human species might well lead us to think that the correct response to the query (posed by Kant) as to whether our species is good or bad is Kant's own: "there is not much to boast about in it" (APV, 7:331).

While snobbery towards humans involves a failure to appreciate humans' equal dignity (Hill 1991b), species snobbery involves a failure to appreciate the place of humans in relation to nonhuman animal species whose orderly, nondestructive conduct both accords with what are, for us, duties with respect to one's animal nature as well as provides a model of what, for humans, can only be achieved through a disciplined will, and even then, is not consistently achieved across the human species. Proper humility, Hill argues, involves self-acceptance: facing squarely one's powers and limits and one's affinities with and differences from other beings (Hill 1991a, 114). While correctly appreciating the importance of humans' rational nature, the species snob fails to face squarely the fact that human dignity goes hand in hand with the capacity to degrade oneself beneath the beasts, and that many of our fellow humans do.

The human who views animals as inferiors and uses non-humanness to discount the interests of fellow animals does not make the *same* mistake that the racist and classist do when they view members of different social kinds as inferiors and use that difference to discount the interests of some fellow humans. The racist and classist fail to recognize the equal humanity of persons; and animals lack humanity. But the species snob does make a mistake. In asking how he should value the human species in relation to nonhuman animals, and thus whether

and how much he should discount animal suffering as the suffering of an inferior being, he stacks the deck in his favor by *only* describing himself as a rational being who has the capacity to give himself the law. He neglects to note that he is also a natural species of animal. A proper appreciation of the analogies between what animal and human nature can achieve when their behavior conforms, respectively, to deterministic and to moral laws, and a proper humility about the destructive potential of human freedom give us reason to adopt a more humble attitude toward ourselves and a less arrogant attitude toward animals.

What is wrong with disregarding the interests of “mere animals” and with regarding animals merely as equipment for human use are the objectionable attitudes of arrogance about humans and contempt for animals that it expresses. Instead, our valuing attitudes toward animals should be calibrated to reflect not only the fact of human dignity but also the facts that animals’ lawful care for themselves is an analogue of our own lawful fulfillment of duties to ourselves, and that their non-destructiveness and non-self-debasement is an analogue to what we aim to achieve.

These kinds of reflections address our first two ethical concerns by explaining what is wrong with discounting animals’ welfare interests as well as what is morally defective about adopting an instrumentalist valuing attitude towards animals and regarding them as serviceable, inoperable, or surplus equipment. These reflections do not, however, address our third ethical concern, since they do not explain why failure to gratefully reward service animals is morally criticizable. Indeed, it may be hard to see how it *could* be morally criticizable. From the service dog’s or horse’s point of view, what matters are a set of natural goods—food, shelter, companionship, absence of fear and pain, space to move about, and so on. That these are given

as a *reward*—a gesture of reciprocity—and out of *grateful appreciation* could hardly matter to them. Nor is the service animal, when it serves, adopting our ends as its own. Although the bomb-sniffing military dog does us a service in the sense that we benefit from his actions; his is not the service of a benefactor who respects our end-setting capacity.

IV. The Extension to Animals of Modes of Thought Characteristic of our Responses to Humans

The puzzling view that many of us, including Kant, have that a grateful return *is* owed to service dogs is only one instance of a general pattern of introducing moral considerations into our thinking about what we owe to animals that are difficult to make sense of as anything more than anthropomorphism. The general pattern goes like this: treatment X is wrong because it is unkind, cruel, neglectful of animals' interests *and the wrongness is compounded* by a moral failure that has nothing to do with the animal's interests. So for example, caging service dogs for long periods of time and then euthanizing them is wrong because it neglects the animals' interests. That wrong is compounded by *ingratitude*. The cruelty in Kant's day of requiring carthorses to work long hours pulling heavy loads for starvation rations of hay is compounded by the *unfairness* of expecting them to do so much work for so little reward. The cruelty that baboons were subjected to in Gennarelli's infamous head injury study was compounded by researchers' *mockery* of brain-damaged apes. The neglect of animals' interests involved in hunting them for sport is compounded by not giving them a *fair or sporting* chance. The cruelty of tying a firecracker to the tail of the family pet is compounded by *taking advantage* of her trust in order to do so. And so on.

If moral wrongs to animals really can be compounded in this way, then two things would need to be true. First, what animals do is sometimes appropriately described in human terms. Second, we ought to respond to animals so described the same way we would to humans by, for example, not mocking their undignified behavior and by giving a fair reward for service.

Kant apparently *did* think that animals' behavior is appropriately described in terms borrowed from descriptions of human action, because in his view animals provide an *analogon rationis*.⁷ For example, he says of dogs:

[Dogs] seem to be the most perfect animal, and to manifest most strongly the *analogon rationis*...they carefully look after their responsibilities, remain with their master, if they've done something wicked they become disturbed, and if they see their master angry try to

⁷ "Animals are wholly lacking in consciousness, their conduct occurs according to laws of imagination, which nature has laid within them—by analogy. That principle, which guides the animal as *analogon rationis*, is called instinct, the faculty to carry out actions without consciousness, for which humans require consciousness..." (From Dohna's notes on Kant's lectures on metaphysics, quoted in Naragon 1990, 20). Also, "in comparing the artistic actions of animals with those of human beings, we conceive the ground of the former, which we do not know, through the ground of similar effects in humans (reason), which we do know and thus as an analogue of reason, and by that we mean also to indicate that the ground of the artistic capacity in animals, designated as instinct, is in fact specifically different from reason, but yet has a similar relation to the effect (comparing, say, construction by beavers with that by humans)" (*CPJ* 5:464n).

win him over with a submissive posture.”⁸

And less flatteringly of monkeys: “Although monkeys have an *analogon rationis*, no *analogon moralitatis* will be found in them, as they are always wicked, spiteful and obstinate, and everywhere they go, they wreck havoc.”⁹

One might wish for more in the way of justification for using seemingly anthropomorphizing descriptions. I propose this: In some cases, the best available description of what animals are up to is in human terms. Since we do not know what the inner lives of animals is like, we have no basis for developing a distinct descriptive language for animal behavior that captures the connection between what animals do and animals’ actual inner lives. So we have a choice between using behaviorist stimulus-response descriptions that attempt to stay clear of any speculations about the content of animals’ inner lives; or we can employ behavioral descriptions designed for beings whose inner lives we do know about (us), such as, ‘looking after their responsibilities’ or ‘being spiteful.’ Applying to animals descriptions borrowed from the world of human action often has a great deal more explanatory and predictive capacity.

We can, of course, ask when we may attribute the sorts of analogies that would warrant analogues to our *moral* responses to humans. It seems to me we have the strongest warrant for doing so when we can see animals not just as having an *analogon rationis*, but as fellow

⁸ Translated by and quoted in Kain (2010, 13) from Kaehler and Messina’s notes on Kant’s lectures on physical geography.

⁹ *Ibid.*, 12.

social participants. One of the things we do with animals—and increasingly so—is incorporate them into animal-human social worlds. By ‘animal-human social world’ I mean a set of human practices involving animals that are specifically designed to incorporate animals as fellow participants in some shared human practice or project. Pet ownership practices increasingly incorporate animals into the family lives of humans. Pets share a human residence, go along on vacations, are played with, become jogging partners, are sent off to daycare or provided with sitters, share couches and beds, and are taken to school and to pet therapists to learn how to be more cooperative participants in the animal-human social world. Animals who are pets learn to fit into the routines of humans’ lives and learn to communicate their needs to their human owners—to ask, demand, beg, refuse, and protest. Perhaps as a result of the expanding practices of pet keeping, animal training has moved away from a focus on “breaking” toward training that focuses on communication, respect, and trust (witness the many horse and dog whisperers). Pets and performance animals are taught to respect humans—to behave well because they understand their place in a hierarchy of authority within a social world populated by both humans and other animals.

As we ask animals to cross species lines and participate in an animal-human world, we give animals a second nature analogous to the second nature humans give their children through education, discipline, and enculturation. While animals’ species vocation is not, as our is, “to emerge from our crude state of nature as animals” (*LE*, 9:492), one principal way in which we “dispose” of animals is precisely to redirect their desires and instill new behavioral regularities, fitting them for life with us. There is nothing fanciful in Kant’s description of dogs carefully looking after their responsibilities, being disturbed by their own wicked (rule-breaking) deeds,

or trying to win over their master. Having given dogs an analogue to our own second nature, their motives and behavior are appropriately read as an analogue of our own.

Even so, one might doubt that animal analogues of our own second nature provide us with *moral* reasons. Why ought we to respond with gratitude to a mere analogue of loyal service?

One thought might be that animal analogues do not in fact supply us with moral reasons. There are nevertheless reasons having to do with rational consistency to respond analogously to analogous behavior. Given that animals have an inner life and act from analogous principles, we have good reasons to, for example, regard service dogs as doing an analogue of human service work, rather than as doing an analogue of what useful pieces of equipment, such as metal detectors and heart monitors, do. We have good reasons to fairly reward human service work. It would thus be rationally inconsistent not to reward animal behavior that is best described as “service work,” even if we don’t think there is a moral obligation to reward animal service. On this view, DOD policy was objectionable because it prevented dog handlers (among others) from behaving in a rationally consistent way toward their canine co-workers.

This analysis does not capture what we might have hoped to capture, namely the thought that there is something *morally* defective about the absence of gratitude toward an animal that renders loyal service. Moreover, one might find the appeal to rational consistency misplaced. Animal and human service, along with the principles from which they spring, are merely *analogous*. Things that are merely *analogous* also differ in important ways. Animal benefactors do not freely adopt our ends as their own (though what they do may be analogous). Their beneficence cannot be a form of respect for persons as end-setters. It thus cannot obligate us to gratitude. In addition, ingratitude toward animals cannot have the morally undesirable

effect that it sometimes has on humans of undermining the incentive to fulfill one's duty of beneficence, since (among other reasons) animals have no such duties. Finally, since animals presumably have no concept of gratitude, we can't even have prudential reasons for making a grateful return. Whatever prompts animals to further service for us is not our past expression of gratitude (past praise is a different matter). In short, the analogies between animal and human beneficence are not of the right sort to make limiting one's gratitude to humans a form of rational inconsistency.

Notice that the preceding argument does not depend, as arguments for discounting animal suffering do, on one's being puffed about the human species in relation to inferior nonhuman species. It depends only on thinking that animal service isn't *the same* as human service and that the analogies aren't of *the right sort* to support a moral obligation to gratitude.

So is there nothing morally defective about not gratefully rewarding service animals? I think there is. I suggest we return to Hill's question, "What kind of person would do something like that?" Central to Hill's Kantian reconstructions has been his emphasis on an ethics of attitudes. Acts that do not violate moral duties might nevertheless be criticizable for the attitudes they display. The snob's inwardly looking down his nose at those he thinks inferiors is a moral defect even if outwardly he takes care to do his moral duty (Hill 1991b, 158); and snobbish behavior is wrong because of the attitude it displays. While attitudes that involve a failure to properly respect persons clearly involve a moral defect, defect may also be involved where the attitudes are not directed toward persons. Hill suggests that part of what is wrong with servility is a morally defective attitude toward morality. Someone who properly respected morality would be disposed to learn his place in the morality system and affirm it proudly (Hill 1991c, 14).

Treatments of animals that display ingratitude, contempt, indifference to fairness, and so on cannot be criticized *simply* because of the attitudes they display. Animals are not persons, and thus we are not rationally required to adopt and display toward animals the attitudes we are required to adopt toward persons. However, not *opting* to extend those attitudes toward animals seems to involve a criticizable small-mindedness about morality. Kant suggestively remarks that “If a master turns out his ass or his dog, because it can no longer earn its keep, this always shows a very small mind in the master” (*LE*, 27:460).

Kant does not explain what that small-mindedness amounts to. But we might say this: One may view the opportunities to honor morality in one’s life in either a small-minded or a generous way. The small-minded person, while committed to satisfying the requirements of duty, does not think about how her life might honor morality in ways that are not strictly required. The small-minded person limits her moral concern to her *actions*, doing what the law requires and doing it out of duty, but not being additionally concerned with her inner attitudes; she may inwardly mock or look down on others or regard them with indifference or contempt. She also takes her imperfect duties of beneficence and of cultivating her talents as permissions to ignore others’ needs and to indulge in laziness just so long as she satisfies the letter of the law. So, recognizing that she is not strictly required to respond to others’ needs on any particular occasion, even when she might do so easily and with virtually no cost to herself, she often avoids being kind or generous. While the small-minded person wrongs no one, her view of morality is of a yoke she must bear rather than something to be prized and honored by living in accord with the spirit, not just the letter, of the law. Instead, she wants to be as unconstrained by morality as she can justifiably be, and she uses the letter of the law to

accomplish just that.

Small-mindedness may also manifest itself in one's moral appreciation of others' behavior. Someone who is generously, large-minded about morality would be disposed to notice and appreciate behavior that *accords* with duty even where the behavior may have no moral worth. For the most part, we do not know what in fact motivates particular acts of beneficence, respect for property, honesty, justice, and so on. Some of that morally noteworthy behavior likely springs from principles that don't involve self-regulation, for example, habit, fear, unthinking conformity to social norms, or a naturally benevolent disposition. Someone who insisted on reserving her gratitude only for benefactors she could be confident had adopted her ends as their own would display an extraordinary small-mindedness about morality. So too would someone who reserved her moral appreciation only for those she was confident told the truth or respected her property out of respect for the moral law.

This account of small-mindedness suggests several ways that those who refuse to extend their moral responses to animals are small-minded. The small-minded person insists that service animals are not *really* benefactors, and thus are not owed gratitude; the family dog does not *really* respect one's ownership of one's shoes, and so is not owed a return respect of its ownership of its toys; the performance horse does not *really* respect behavioral rules, and so punishment can be neither fair nor unfair. What seems small-minded about this is, first, the lack of appreciation of action that accords with duty. The stinginess of not extending to animals a positive moral description of what they do is of a piece with the stinginess of not describing human action in positive moral terms except when one is confident the action has moral worth.

Second, what seems small-minded is the effort to limit one's moral response to what is strictly required, even when that moral response might be easy and relatively cost free. Such a small-minded person might see the analogies between human and animal action—might see both as serving, or respecting property, or respecting rules—but she limits her gratitude, or reciprocal respect for property, or concern with fair punishment to those to whom she *must* morally respond—fellow humans.

Finally, there is a kind of small-mindedness involved in not practicing one's moral responsiveness where one reasonably can. Animals present us with reasonable analogues of positive moral behavior and thereby occasions for practicing gratitude, respect for property, and fairness. Perhaps this will improve our moral performance towards fellow humans, as Kant thought it would. But even if it does not, such practice is a way of generously honoring the spirit of morality.

Abbreviations for Kant's Works

- MM *Metaphysics of Morals*
 LE *Lectures on Ethics*
 APV *Anthropology from a Pragmatic Point of View*
 LP *Lectures on Pedagogy*
 CPJ *Critique of the Power of Judgment*

Bibliography

H.R. 5314 of the 106th Congress. 2000. "To amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs." 146 *Congressional Record-House* Tuesday, Oct. 10, 21990-21992.

Coetzee, J.M. 1999. *The Lives of Animals*. Princeton, NJ: Princeton University Press.

Diamond, Cora. 1978. "Eating Meat and Eating People." *Philosophy* 53 (206): *Autonomy and Self-Respect*. New York: Cambridge University Press. 465-479.

Denis, Lara. 2000. "Kant's Conception of Duties Regarding Animals: Reconstruction and Reconsideration." *History of Philosophy Quarterly* 17 (4): 405-23.

Hill, Thomas E. 1991a. "Ideals of Human Excellence and Preserving Natural Environments." In *Autonomy and Self-Respect*. New York: Cambridge University Press.

_____. 1991b. "Social Snobbery and Human Dignity." In *Autonomy and Self-Respect*. New York: Cambridge University Press.

_____. 1991c. "Servility and Self-Respect." In *Autonomy and Self-Respect*. New York: Cambridge University Press.

_____. 1994. "Respect for Humanity." Tanner Lectures on Human Values, April 26 and 28, 1994. www.tannerlectures.utah.edu/lectures/documents/Hill97.pdf.

_____. 2000. *Respect, Pluralism, and Justice: Kantian Perspectives*. New York: Oxford University Press.

_____. 2002. *Human Welfare and Moral Worth: Kantian Perspectives*. New York: Oxford University Press.

Kain, Patrick. 2010. "Duties Regarding Animals." In Lara Denis (ed.), *Kant's Metaphysics of Morals: A Critical Guide*. Cambridge University Press.

Kant, Immanuel. 1997. *Lectures on Ethics*. Translated by Peter Heath. Edited by Peter Heath and J.B. Schneewind. Cambridge: Cambridge University Press.

_____. 1991. *Metaphysics of Morals*. Translated by Mary McGregor. Cambridge: Cambridge University Press.

_____. 2011. *Anthropology, History, and Education*. Translated by Robert B. Louden. Edited by Gunter Zoller. Cambridge: Cambridge University Press, 2011.

_____. 2006. *Anthropology from a Pragmatic Point of View*. Translated and edited by Robert B. Louden. Cambridge: Cambridge University Press.

_____. *Education*. Ann Arbor: University of Michigan Press, 1960

Korsgaard, Christine M. 2004. "Fellow Creatures: Kantian Ethics and Our Duties to Animals." Tanner Lectures on Human Values, February 6. <http://www.people.fas.harvard.edu/~korsgaard/Essays.htm>

_____. 2011. "Interacting with Animals: A Kantian Account." *The Oxford Handbook of Animal Ethics*. Edited by Tom L. Beauchamp and R.G. Frey. New York: Oxford University Press.

Naragon, Steve. (1990). "Kant on Descartes and the Brutes." *Kant-Studien* 81, no. 1: 1-23.

Skidmore, J. 2001. "Duties to Animals: The Failure of Kant's Moral Theory." *The Journal of Value Inquiry* 35 (4): 541-559.

Timmermann, Jens. 2005. "When the Tail Wags the Dog: Animal Welfare and Indirect Duty in Kantian Ethics." *Kantian Review* 10 (1):128-149.

Wood, A. W. 1998. "Kant on Duties Regarding Nonrational Nature: Allen W. Wood." *Aristotelian Society Supplementary Volume* 72: 189–210.