

Master Thesis

Philosophy of Inequality

The Moral Standing of Animals: Refuting Asymmetrical Kantianism

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## 1. Introduction

In his famous *Anarchy, State, and Utopia* (1974), Robert Nozick discusses the notion of “utilitarianism for animals, Kantianism for people” (Nozick, 1974: 39). This notion implies that human beings, but not animals, should be seen as constituting so-called ‘ends-in-themselves’. Therefore, human beings, but not animals, should be granted certain inviolable moral rights. I shall call this tendency to apply Kantianism to humans while refusing to do so in the case of animals *asymmetrical Kantianism*. By limiting Kantianism to human beings, we effectively demote animals to the status of mere means to (non)human ends and pave the way for the justification of unwarranted practices of animal exploitation.

In this thesis I shall attempt to show that the asymmetrical Kantian view is morally untenable. I will argue against its underlying idea that the possession of personhood is a necessary requirement for having moral rights. I will do so by showing that the possession of what I will call selfhood (which entails the idea of being a subject of a life (i.e. a being who matters to- and in itself)) should be considered a necessary and *sufficient* requirement for having moral rights. I will show that at least mammals and birds possess the characteristics that are necessary for the possession of selfhood; namely consciousness, sentience and the capacity to form beliefs and desires. Animal selves share these characteristics with human selves (indeed, I will argue that the difference between human beings and animals is a matter of degree, and not of kind). Once we accept the moral relevance of selfhood, and acknowledge that it should lead to the treatment of selves as ends-in-themselves (as I will show we should), it becomes clear that we have no good reason not to extend inviolable Kantian rights to the above mentioned animals.

In what follows I will first show why utilitarianism cannot be seen as providing sufficient protection to the interests of animals and how Kantianism potentially offers a solution to this problem. Then I will continue by showing why animals cannot be seen as persons and how this fact has been used to justify asymmetrical Kantianism. I will then go on to show that some animals possess selfhood, and that this should lead to them having moral rights. Then I will argue that those proponents of asymmetrical Kantianism who claim that the possession of personhood is not a sufficient requirement for having moral rights because moral right holders must necessarily also be members of the human species, are wrong. I will finish by concluding that seeing how animal selves should be granted certain inviolable moral

rights, asymmetrical Kantianism must be abandoned, which would necessarily result in a radical shift in our current treatment of animals.

## **2. Asymmetrical Kantianism**

In this thesis I will attempt to make the case against asymmetrical Kantianism. By asymmetrical Kantianism I mean that strand of philosophical thought in which it is thought that considerations concerning nonhuman animals (which from now on will be called ‘animals’) in moral questions should be guided by ‘utilitarian’ principles, while considerations concerning human animals (which from now on will be called ‘humans’) in moral questions should be guided by ‘Kantian’ principles. Simply put, asymmetrical Kantianism entails the advocacy of ‘utilitarianism for animals and Kantianism for people’ (Nozick, 1974: 39), which is based on two ideas, namely that 1.) the total happiness of all living beings should be maximized, and 2.) human beings, but not animals, enjoy a protected status and may not be sacrificed in order to bring about this maximization of total happiness.

The rejection of asymmetrical Kantianism that I shall bring to the fore in this essay will be based on two distinct claims: 1. Asymmetrical Kantianism should be considered a morally inconsistent notion which can only be remedied by either extending utilitarianism to humans or extending Kantianism to animals. 2. Kantianism is to be preferred over utilitarianism (because only Kantianism can sufficiently protect individuals by granting them so-called ‘inviolable rights’); remedying asymmetrical Kantianism should therefore entail the extension of Kantianism to animals rather than the extension of utilitarianism to humans.

The first claim will be discussed at length in pages to come. But before we get to this discussion, it is to the second claim that I would like to turn. In order to fully comprehend the notion of asymmetrical Kantianism and its implications, both utilitarianism and Kantianism must be addressed. Only after we have discussed these philosophical theories can we really grasp the impact that an asymmetrical Kantian approach will have on our treatment of animals.

## 2.1 Utilitarianism

Utilitarian ideas are strongly represented in the animal rights debate. Indeed, some of the earliest and most important works on animal welfare are utilitarian in nature. Utilitarian thinkers such as Jeremy Bentham and Peter Singer have brought to the fore important considerations and insights regarding animals, including their entitlement to moral standing. These insights have forced us to consider the interests of animals in moral deliberations, and should be regarded as significant contributions to the animal rights debate. However, even though utilitarians may claim that their theory provides a satisfactory solution to our structural exploitation of animals (if this were true, the notion of ‘utilitarianism for animals, Kantianism for people’ would perhaps have less problematic consequences for animal welfare), I will claim otherwise, namely that the application of utilitarian principles to moral questions involving animals will lead to the structural violation of animals’ interests, and that successful advocacy of animal rights must therefore necessarily be based on an extended Kantian approach. Let us now turn to why this is so.

### 2.1.1 Utilitarianism and Moral Rights

As we will see below, to have moral standing in utilitarian terms is to have the ‘right to equal consideration of one’s interests’. Before we continue, it must be made clear what is meant by ‘rights’ in the utilitarian sense. Utilitarians state that moral rights should not be conceived of as preexisting, ‘natural rights’. As Bentham notoriously stated, utilitarians consider “natural rights” to be “nonsense” and “natural and imprescriptible rights” to be “nonsense upon stilts.” (Singer, 2009: 8). ‘Moral rights’, then, are really “those protections that people and animals morally ought to have” (Singer, 2009: 8); ‘and nothing more’.

I partly accept this view. As will be discussed in later sections, morality is a ‘manmade product’. Unless one is prepared to view morality and moral rights as divine creations (which I am not), one has no choice but to succumb to the idea that it was humans who, through reason, formed these notions. Therefore, Bentham’s statement that moral rights cannot not be seen as natural rights seems little controversial and should indeed be adopted. Naturally, if one refutes the idea of there being natural rights, one must also reject the idea that there are natural and imprescriptible rights. When I say that I agree with Bentham on these questions, this is not to say that I think that there are no imprescriptible *moral* rights. And neither does Bentham, for he adheres to at least one inviolable right, namely the abovementioned right to the equal consideration of individuals’ like interests. Violating this right would be *morally*

wrong. But, as we will see shortly, granting this one particular right does not sufficiently protect animal interests, and yet is as far as utilitarians are willing to go.

### 2.1.2 Hedonistic Utilitarianism

Utilitarianism in all its forms is concerned with maximizing utility. Morally desirable actions are therefore those actions that bring about an end state in which maximal utility is achieved. Utilitarianism is thus consequentialist in nature, meaning that it is (generally) concerned with the outcomes of certain actions, rather than with the actions themselves. Within utilitarianism however, disagreement exists about which outcomes should be seen as preferable, or put differently, what constitutes utility. In the hedonistic (or classical) account of utilitarianism, as propagated by the likes of Jeremy Bentham and John Stuart Mill, pleasure is considered to be inherently good and suffering to be inherently bad. Maximal utility is therefore achieved when, on aggregate, pleasure is maximized and suffering is minimized. The paramount importance of achieving the optimal balance of pleasure over pain is illustrative for the aggregative nature of hedonistic (and all other strands of) utilitarianism.

But what (or better yet: who) does ‘the aggregate’ consist of? In other words, who should be included in the utilitarian calculus? Bentham has famously stated that within utilitarianism “each (is) to count for one and none for more than one” (Singer, 2009: 5). From this idea, the *principle of equal consideration of like interests* is derived. This principle entails the above mentioned idea that “the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being.” (Singer, 2009: 5). According to hedonistic utilitarianism, the most important and morally relevant interest of individuals is their interest in avoiding pain and increasing pleasure. If we assume that animals are sentient beings (I will address this issue in more detail later), with the ability to experience pleasure and pain in similar ways as humans do, it follows from the principle of equal consideration of like interests that we should include animals in our utilitarian calculations, effectively incorporating them in our moral community. It is on the basis of this reasoning that Bentham famously concluded that in our deliberations on the moral standing of animals “the question is not, Can they reason? Nor Can they talk? But, Can they *suffer*?” (Singer, 2009: 7).

### 2.1.3 Preference Utilitarianism

In his *Animal Liberation* (1975; 2009) and *Practical Ethics* (1993), Peter Singer builds on, and modifies, Bentham's hedonistic theory. Singer's account of utilitarianism, which can be called *preference utilitarianism*, entails the idea that "actions are to be judged by the extent to which they accord with the preferences of any beings affected by the action or its consequences." (Singer, 1993: 94). From this it follows that "an action contrary to the preferences of any being is, unless outweighed by contrary preferences, wrong." (Singer, 1993: 94). Singer agrees with Bentham's notion that "sentience is the only defensible boundary of concern for the interests of others." (2009: 8-9). The most important preferences in Singer's theory are therefore those that involve avoiding suffering and maximizing pleasure. Seeing how these preferences are similar for both humans and animals, they should carry equal weight in the utilitarian calculus.

To exclude animals from our moral community would constitute what Singer calls *speciesism*. Speciesism can be defined as "a prejudice or attitude of bias in favor of the interests of members of one's own species and against those of members of other species." (Singer, 2009: 6). If a cross-species preference for avoiding suffering and maximizing pleasure is a sufficient characteristic for inclusion in the utilitarian calculus, then it would be arbitrary to exclude beings from this calculus on the basis of their species membership, just like it would be arbitrary to exclude beings on the basis of their race, age, intelligence, or any other trivial characteristic.

Singer's preference utilitarianism leads him to condemn those practices that involve the maltreatment of animals, such as raising them for slaughter and using them in medical or cosmetic experiments. He claims that 'trivial' preferences of human beings, such as the consumption of meat and the wearing of make-up, cannot outweigh the preferences of animals in avoiding suffering and maximizing pleasure. In other words, because the preferences of human beings in these cases should be seen as dubious, the harm inflicted on animals must be perceived as causing 'unnecessary suffering', and therefore as being morally wrong. Singer states that by changing our attitudes towards the treatment of animals concerning the abovementioned practices "the total quantity of suffering would be greatly reduced; so greatly that it is hard to imagine any other change of moral attitude that would cause so great a reduction in the total sum of suffering in the universe." (Singer, 1993: 61).

#### 2.1.4 Difficulties With the Utilitarian View

Both hedonistic and preference utilitarianism should clearly be credited with rationalizing and highlighting the importance of animal interests in moral deliberations. However, both utilitarian accounts are subject to structural problems that thwart their ability to sufficiently protect animal interests.

##### The Utilitarian Bias

It is important to realize that while utilitarianism is highly egalitarian in the sense that it propagates equal consideration of the like interests of individuals, it does *not* guarantee *equal treatment* of those individuals. If one's interests are outweighed by the like interests of others, one's interests will be 'sacrificed' in order to bring about maximal utility.

This fact may have problematic consequences for both humans and animals. Indeed, the principle of equal consideration of interests cannot prevent the things it was designed to eradicate, such as racism and speciesism. After all, nothing is to prevent the aggregate of interests (in other words the outcome of the utilitarian calculus) from being biased towards a particular group. For example, if a particular group constitutes the majority within a given society, the equal consideration of each individual's pleasure and pain is likely to result in a course of action that increases this majority's pleasure (assuming that this majority has homogenous sources of pleasure). At the very least, such a bias will result in the structural ignorance of the pleasures of minority groups (assuming that the minority's pleasures deviate from those of the majority). In the worst case, it will result in the structural violation of these minority groups' interests, which may include harming them in some way (assuming that, on the aggregate, the majority's gained pleasures outweigh the minority's pains).

Preference utilitarianism faces similar problems. Most importantly, it fails to account for (a bias towards) so-called *evil preferences*. As mentioned above, Singer claims that 'trivial' preferences are to count for less in the utilitarian calculus, but it is unclear why this should be the case. When Singer speaks of 'trivial interests' he transfers value onto the purpose of a certain action (for example: the purpose of holding cattle in order to fuel the meat industry). However, as Regan (2004: 221) rightfully states, preference utilitarians have no reason to care about the purpose of an action, as long as it results in a maximization of satisfied preferences (whether these preferences are trivial or not).

To illustrate: imagine a group of five teenagers, throwing firecrackers at an old lady in the park. According to preference utilitarianism, the preferences of these six individuals should all be counted equally. Let's assume that the old lady suffers severely from the

firecrackers being thrown at her. Let's say that the teenagers' behavior has caused her preference for going on a stroll through the park to drop from 10 to 1. Now let's assume that each of the five teenagers takes mild pleasure in throwing firecrackers at this poor lady. Let's say that such behavior causes each teenager's preference for hanging out in the park to be elevated from 1 to 3. The utilitarian calculus would lead us to conclude that on the aggregate, the sum of preference satisfaction will be higher when the teenagers get to throw their firecrackers at the old lady ( $5 \cdot 3 + 1 = 16$ ) than when they do not ( $5 \cdot 1 + 10 = 15$ ). The fact that the teenagers' preferences may be conceived as 'evil' does not change the moral relevance of the outcome of the utilitarian calculus. All that matters for this calculus to be morally valid is that the individuals involved have an interest in satisfying their preferences. The nature of these preferences is irrelevant. In other words, evil preferences are in fact morally neutral from a preference utilitarian point of view.

The problem of arbitrary preferences is further exemplified in Will Kymlicka's account of so-called *external preferences* (2002: 38). External preferences stand in contrast to personal preferences (the things that one wishes for oneself) and can be defined as those preferences that concern the things that one wishes for others. External preferences can be 'evil' too. For example, if, for some reason, one has a preference for a certain group's deprivation of food, utilitarianism obliges us to take this preference into consideration and, if this preference is shared by a majority within society, see to it that it is acted upon.

### Animals as Human Property

The above mentioned utilitarian bias is particularly persistent when it involves the treatment of animals. Indeed, if on aggregate, preferences for the maltreatment of animals outweigh the preferences of animals not to be maltreated, the maltreatment becomes morally justified (and indeed, required). Put differently, "preference utilitarianism does not preclude the exploitation of animals since we can *always* override the animal's interest in not suffering in the name of even trivial human interests, so long as preferences are maximized when all is said and done." (Abbate, 2014: 915). Singer's attempt to provide a utilitarian reason for the abolition of animal-unfriendly industries is thus on shaky ground.

Let's take the cosmetic industry as an example. If we were to decide on whether or not to abolish cosmetic experimentation on animals, Singer argues that the aggregate interests in not suffering of the animals involved may outweigh the interests of teenage girls in wearing make-up. However, even if we were to accept this claim (and it seems unclear why we should, for it is very difficult to establish its accuracy through calculation), the utilitarian calculus

would have to include the side-effects of such an abolition as well. Such side-effects may include the loss of jobs for those who work in the cosmetics industry, the resulting decrease in the quality of life for them and their families, etcetera. If all these preferences and side-effects are taken into consideration, the continuance of cosmetic experimentation on animals may seem morally justified.

Gary Francione (2007) has offered an interesting insight as to why human preferences will always have the upper hand in the utilitarian calculus. He notes that by viewing animals as commodities, the notion of *necessary* suffering becomes “*any* suffering needed to use our animal property for a particular purpose – even if that purpose is our mere convenience or pleasure.” (Francione, 2007: XXV). Therefore, as long as humans consider animals to be their property, the structural violation of animal interests seems to be unavoidable.

### Killing individuals

Another major problem that utilitarians have to face is the fact that it justifies the killing of individuals. After all, according to utilitarian theory, harming or killing an individual appears to be completely justifiable if this somehow increases pleasure on the aggregate. Moreover, if the amount of pleasure that is lost by killing one individual is compensated for by bringing into life a new individual that has the capacity of experiencing more pleasure than the ‘sacrificed’ individual, then this would appear to be the morally right thing to do.

Hedonistic utilitarians have attempted to avoid having to justify the killing of individuals by claiming that a violent death may cause severe suffering in the victim, which would offset the utilitarian balance and tip the scales in the individual’s favor. They have also claimed that there are important side-effects to killing innocent individuals, such as the fear (of being sacrificed) that such behavior would induce in other individuals, and the grief it would cause to those people that had close relationships with the victim. However, we may assume that such side-effects do not apply in the case of animals, for the killing of their fellow animals may have a moderate impact on them due to their likely inability to make proper sense of such events. And even in the case of humans, the hedonistic utilitarian arguments against killing individuals do not prove to be sufficient. For what if we were to kill a family- and friendless individual, unannounced, in secret, and in a quick and painless way? A hedonistic utilitarian would have to find such a killing justified, as long as it leads to an overall increase in utility. This conclusion sits uneasy with common intuition.

Preference utilitarianism has claimed to provide a sufficient answer to the problem of killing individuals in order to bring about maximal utility. Singer states that rational, self-

conscious beings, with a perception of themselves as an entity that exists through time, have a preference in staying alive and that this preference morally obliges us to refrain from killing such beings (Singer, 1993: 90). However, this supposed solution is not at all satisfying. First, as Singer (1993: 95) willingly acknowledges, it does not provide the slightest bit of protection for animals. Seeing how animals are not likely to be rational individuals with a clear perception of their own mortality, killing them painlessly (in order to increase the overall balance of pleasure over pain) would be morally justifiable (slaughtering animals for their meat, then, would be morally acceptable). Second, it is not at all clear why an individual's preference for staying alive should result in our obligation to refrain from killing this individual. If killing this individual brings about the best overall consequences (if, all things considered, the aggregated preferences of other individuals outweigh the violation of this individual's interest in staying alive), it seems unclear why preference utilitarianism should lead us to refrain from doing so.

### The Receptacle Problem

The above mentioned problems with the utilitarian view can all be lead back to one essential feature of utilitarianism; namely its treatment of individuals as mere 'receptacles' of utility. As Regan has pointed out, utilitarian logic leads to the view that individuals "have no value of their own; what has value is what they contain." (2004: 205). This leads utilitarians to justify treating these individuals as nothing more than means to an end (maximum utility). I will refer to this problem as the *receptacle problem*.

## **2.2 Kantianism**

### *2.2.1 Solving the Receptacle Problem*

Kantianism can be seen as providing a satisfactory solution to utilitarianism's receptacle problem. Rather than ascribing to consequentialist ideals, Kantianism entails a so-called deontological approach to ethical deliberations. Where consequentialists stress the paramount importance of the outcomes of certain moral actions, deontologists adhere to the idea that there are certain inviolable moral rights that must be respected at all times, regardless of the consequences of doing so.

Moral rights, in the Kantian sense, and in the sense that I will use throughout the remainder of this thesis, can be defined as "claim(s) to something and against someone, the

recognition of which is called for by (...) the principles of an enlightened conscience.” (Feinberg, 2012: 372). This implies that we have *direct duties* towards moral rights holders, the most important of which is the duty to respond to their valid claims (although, as I will show, the ability to make such claims is should not be a prerequisite for having moral rights). Kantian moral rights should be seen as inviolable rights. The notion of inviolability is in direct concurrence with Kantianism’s deontological approach. It entails the idea that one’s basic interests can never be violated in order to bring about desired consequences.

According to Kant, persons derive their right to inviolable right from their ability to function as rational beings and their capability of forming moral legislation and acting on moral principles. Moral rights are thus seen as the product of persons’ moral deliberations. Viewed in this light, there seems to be little divergence between the Kantian take on rights and the utilitarian claim that moral rights should not be seen as preexisting, divine, or natural rights, but rather as manmade ‘protections that people and animals morally ought to have’ (see above). The main divergence between Kantian and utilitarian moral rights then, concerns the content of such rights.

The most important Kantian moral right is the right of individuals to be treated as so-called ‘ends-in-themselves’. This idea is clearly expressed in Kant’s famous *formula of humanity as end in itself*: “So act that you always treat humanity, whether in your own person or in the person of any other, always at the same time as an end, *never* merely as a means.” (Wood, 1998: 5-6). This notion clearly forms a radical deviation from utilitarian thinking in which, as we have seen, individuals may *at all times* be used ‘merely as a means’ as long as doing so results in the maximization of overall utility.

Where the utilitarian principle of equal consideration of like interests does not ensure equal treatment of individuals, Kantian theory *does* ensure equal treatment. In Kantianism, every person has the same basic moral right to be treated as an end in him- or herself. To be treated as an end-in-oneself, means that others are prohibited from violating one’s autonomy. The negative duties that arise from treating individuals as ends-in-themselves, include the duty not to harm and the duty not to kill them.

### 2.2.2. *Kantianism and Animals*

It must be made clear that in Kantian theory, animals are not considered to have moral rights. Seeing how moral rights are derived from individuals’ possession of personhood, and, as I will show below, animals cannot be seen as possessing personhood, they are to be excluded

from the moral community. According to Kant then, “animals are not self-conscious and are there merely as a means to an end. That end is man.” (2012: 359).

But while we may not have *direct* duties towards animals, Kant argues that we are nonetheless obliged to treat them with respect and not treat them cruelly. However, Kant sees these obligations as duties to our own humanity. He argues that inflicting unnecessary suffering on animals could lead us to transcend such behavior to fellow humans. This view is also expressed by Peter Carruthers, who states that: “a cruel action (towards animals) is wrong because it evinces a cruel character. (...) What makes a cruel character bad is that it is likely to express itself in cruelty towards *people*, which would involve direct violations of the rights of those who are caused to suffer.” (1992: 15).

The Kantian refusal to acknowledge our direct duties towards animals, goes directly against the animal rights position that I will come to defend in this thesis. Therefore it is important to note that when I speak of ‘Kantianism for animals’ or ‘extended Kantianism’, I am speaking of an application of those Kantian principles that until now have been reserved for persons, to animals; not of the traditional Kantian view on (the absence of) animal rights. In other words, when I am speaking of Kantianism for animals, I am speaking of animals’ rights not to be treated as a mere means.

### **2.3 The Implications of Asymmetrical Kantianism**

As mentioned at the start of this section, asymmetrical Kantianism entails the idea of ‘utilitarianism for animals, Kantianism for people’. Now that we have a better conception of both utilitarianism and Kantianism, the implications of asymmetrical Kantianism (particularly those that relate to the treatment of animals) become clearer. Its most important implication is that animals are to be seen as “freely violable in the service of the greater good”, whereas humans are “fully inviolable” (McMahan, 2002: 265).

I have shown that utilitarianism cannot prevent the structural violation of animals’ interests/preferences for not suffering, even if these interests/preferences are considered equally with the interests/preferences of humans. As Cheryl Abbate (2014: 909) puts it, utilitarianism is ‘overly permissive’; it allows for the violation of animal’s integrity for the sake of human prosperity. In principle then, ‘utilitarianism for animals, utilitarianism for people’, would already cause animals to be at the losing end of any moral outcome. Asymmetrical Kantianism only exacerbates the structural neglect of animals interests. After

all, it protects humans from being treated as mere (replaceable) receptacles, while refusing to do the same for animals, effectively turning animals into disposable means to human (and nonhuman) ends.

I will argue that granting humans inviolable rights (most importantly the right to be treated as an end-in-oneself), while neglecting to do so in the case of animals, is morally inconsistent. I will show that an extension of Kantianism to animals (which remains a controversial idea) is not only justified, but morally required. My argument can be summarized as follows: 1.) Kantianism is preferable over utilitarianism, because, unlike utilitarianism, it grants individuals the moral right to be treated as ends-in-themselves; 2.) this moral right must be granted to all beings that ‘matter to themselves’; 3.) (at least) some animals are selves who matter to themselves; 4.) therefore Kantianism should be extended to (at least) some animals.

The remainder of these pages will revolve around the task of setting forth this argument. In order to successfully refute Kantianism, its underlying views must first be laid bare and then disposed with. The most crucial assumption that proponents of asymmetrical Kantianism make is that the possession of personhood is necessary for receiving the moral right to be treated as an end-in-itself; a principle that has been hinted at in the abovementioned discussion of Kantianism and which I will now explore in more depth.

### **3. Personhood**

Proponents of asymmetrical Kantianism often base their views on the assumption that animals lack personhood. Their refusal to grant inviolable moral rights to animals is inferred from this assumption in the following way:

#### *The Personhood Argument*

1. The possession of personhood is a necessary requirement for having inviolable moral rights.
2. No animal possesses personhood.
3. Therefore, no animal has inviolable moral rights.

It seems that the first and/or the second premise of the personhood argument needs to be refuted in order to successfully make the case against asymmetrical Kantianism. I will now show that the second premise cannot successfully be shown to be false, and that a refutation of the personhood argument must therefore necessarily be based on a rejection of the first premise.

### **3.1 Do Animals Possess Personhood?**

In order to determine whether animals can possibly possess personhood, it first needs to be made clear what personhood entails. Sapontzis (1981: 607) discerns two different conceptions of personhood. The first one, which he calls the *moral* conception of personhood, is evaluative in nature; it denotes a certain status; “To be a person is to be due certain honors and privileges from anyone whose actions might influence his well-being. A person is a being whose interests must be respected.” (Sapontzis, 1981: 609), in other words, persons are “beings to whom rights can be ascribed or who have moral standing independent from the interests of others.” (Cushing, 2003: 557). Some animal rights proponents adopt this conception of personhood and conclude that, seeing how (according to them) animals have certain moral rights, they must logically be persons (Cushing, 2013; Francione, 2007), after all, to have moral rights is to be a person.

I will not adopt such a moral conception of personhood in this work. To do so would be to render the personhood argument true by definition, and therefore indisputable. Denying the first premise of the personhood argument, which I intend to do in the upcoming sections, would become a futile task, because the moral conception of personhood would render it axiomatic. After all, according to the moral conception of personhood, to be a person is to have moral rights and to have moral rights is to be a person. Trying to refute the first premise would be like trying to deny the statement that the having the body of a horse is a necessary requirement for being a horse. I will not accept the reciprocal relationship between personhood and moral rights which the moral conception of personhood implies. I certainly do not wish to doubt that all persons, because of their personhood, automatically have moral rights (I fully agree with this statement). Rather I wish to deny that to have moral standing is to be granted personhood. To clarify this statement, I will need to elaborate on what I understand personhood to be. Sapontzis’ second conception of personhood proves to be a good starting point for this endeavor.

Sapontzis' second, *metaphysical*, conception of personhood is descriptive in nature and denotes a kind of thing. Persons are: "those thing which are (a) embodied; (b) animate; (c) emotive; (d) initiators of actions rather than reflexive (...) respondents to their environment; and (e) capable of forming ideas about the world rather than being merely things in the world." (Sapontzis, 1981: 607-608). The conception of personhood that I will adopt, is a metaphysical conception in so far as it describes certain behavioral characteristics and intellectual capacities that all persons *must* possess.

Personhood, as I understand it, aligns perfectly with what Regan calls *moral agency*: "Moral agents are individuals who have a variety of sophisticated abilities, including in particular the ability to bring impartial moral principles to bear on the determination of what, all considered, morally ought to be done and, having made this determination, to freely choose or fail to choose to act as morality, as they conceive it, requires." (Regan, 2004: 151). Persons are those beings that are rational, capable of moral reflection, engaging in moral legislative processes, and acting upon moral principles. Henceforth, 'personhood'/'person' will stand for this 'moral agency interpretation' of personhood.

In everyday use, the metaphysical conception of personhood as moral agency is often equated with 'humanity'. However, if we understand humanity in the sense of 'belonging to the species *Homo Sapiens*', the equation between 'humans' and 'persons' cannot readily be made. Species membership in itself cannot be a determining factor for the granting of personhood. As Cushing (2003: 559) shows, in a hypothetical situation in which some kind of extraterrestrial lifeform with levels of moral agency similar to ours settles on earth, we would find it morally arbitrary not to grant them personhood purely on the basis of their membership of a different species. Furthermore, as will be shown later, not all humans are in fact persons, which forms yet another reason why the blind equation of these two concepts is undesirable.

If moral agency is a prerequisite for personhood, and may not a priori be ascribed only to the human species, our wish to scrutinize the second premise of the personhood argument seems justified; we must determine whether any animal can possibly be considered to be a moral agent and therefore a person. A common way of ascribing moral agency, and as outlined by Sapontzis (1987: 31) goes as follows:

#### *The Moral Agency Argument*

1. An action is moral only if the agent recognizes that it is the moral thing to do and does it because it is the moral thing to do.

2. Only beings of 'normal' intelligence are capable of such recognition and motivation.
3. Therefore, only beings of 'normal' intelligence can act morally.

The soundness of the moral agency argument hinges on our acceptance of its first premise and/or its second premise. Its first premise concerns the conceptualization of morality as something that can only exist under the precondition of intentionality. I think this assertion is correct. Morality is not an objective, pre-existing phenomenon, and cannot exist outside the minds of rational beings. We consider an action to be moral because we attach a certain value to it. In order to act morally, we must therefore be able to decide upon this value through rational reflection, and ascribe enough importance to it to resort to action. Whenever a deed is not the result of some sort of scrutinizing process, we cannot speak intentionality, and therefore we cannot speak of moral behavior. For example: Maurice finds himself on top of a high building. While strolling across the edge of the rooftop, he accidentally trips over some rubbish. At the exact same time, a few feet away from Maurice, a small boy is about to plunge to his premature death as he loses his balance and starts to topple over the edge of the building. Maurice's fall causes him to bump into the small boy, pushing him away from the edge, and thereby saving his life. Maurice's fall can hardly be described as a moral action because it lack intentionality. Put differently, Maurice's action was not the result of a deliberative process about the values of life and his duty to protect it. To illustrate: the sentence 'saving a boy from his premature death' has a moral connotation, the sentence 'accidentally saving a boy from his premature death' does not.

In order to act intentionally, a certain level of intelligence or rationality is needed. After all, intentionality requires the ability to reflect on, and attach value to, behavior in particular situations. It cannot with certainty be stated that no animal possesses such levels of intelligence. Some species (such as the great apes and dolphins) are presumed to be highly intelligent and can therefore not readily be dismissed as potential moral agents. For example, studies into the behavior of chimpanzees and the social structures of their colonies, have shown that these animals display what could be considered moral behavior, including such things as the sharing of resources, and the carrying out of collective punitive actions. But although we might be reluctant to conclusively deny that animals such as the great apes possess the capacity for moral agency, the fact remains that for many other species such a conclusive denial may be justified (including most of the species that suffer the greatest from human exploitation). Biologically speaking, research into the brain-capacity of many species

of animal seems to disprove the contention that these animals indeed possess the intellectual capacity needed to engage in moral reflection.

Nevertheless, some may argue that the actions of the dog that wakes up his owner in order to warn him that the house is on fire, should be seen as moral in nature. However, bearing in mind the limited brain-capacity of dogs, it remains unclear whether the actions of the dog are the result of the dog's inner moral reflections, or of its natural instincts (such as barking in the case of danger). In other words, we have good reasons to doubt that the dog should be considered a moral agent. Dogs are not able to recognize and be motivated by moral considerations. If the second premise of the moral agency argument is correct, then dogs (and many other animals) cannot act morally.

However, attempts have been made to deny that certain levels of intelligence are necessary in order to engage in moral behavior. Sapontzis (1987: 33), for example, claims that "an action can be instinctual (...), or conditioned (...), yet still be a response to moral goods.". By stating this, he implies that a certain level of intelligence is not needed in order to have moral motivations (and act on them). As an example he names the maternal instincts of animals. He states that a wolf feeding its young does so out of regard to the actual needs of the young. In other words, the wolf acts unselfishly by sacrificing a meal that it may as well have eaten itself, in order to further the interests of the young. At least two things can be said against this reasoning. First, it remains to be seen whether maternal behavior should indeed be regarded as originating in a genuine concern for the interests of others. It may also possibly be conceived as behavior guided by self-interest; namely the interest in the health of one's own young. Second, and more importantly, the wolf's behavior *in itself* is not moral. As I have claimed above, morality is not an objective phenomenon that can exist outside the minds of beings. The wolf's behavior is only moral because we, as moral agents attach value to it. At the same time, seeing how we are justified in assuming that the wolf does not possess sufficient levels of intelligence to engage in moral reflection, its behavior should be seen as morally neutral. It is important to keep making the distinction between the display of moral behavior and the intentional acting on moral considerations.

In sum, my conception of personhood is based on Regan's notion of moral agency. I accept the moral agency argument, with the logical consequence that most animals (and some human beings) cannot be seen as moral agents. In the case of the abovementioned 'higher animals' such as chimpanzees, our reasons for denying them the capacity for moral agency are more questionable. Even when, in real world situations, I would argue in favor of giving such species the benefit of the doubt, I will, for the sake of clarity, hereby assume that they

are not moral agents. In other words, no animals are moral agents and thus no animals are persons (as we will see, this assumption will not weaken my eventual argument in favor of inviolable rights for animals).

From this it follows that the second premise of the personhood argument must be accepted. A rejection of the personhood argument must thus necessarily be based on the refutation of its first premise, which holds that the possession of personhood is a necessary requirement for having inviolable moral rights. Now let's see on which assumptions and beliefs this premise is based.

### **3.2 Personhood as a Prerequisite for Having Inviolable Moral Rights**

The notion of personhood as a prerequisite for having inviolable moral rights implies that only those beings who possess moral agency can have the right to be treated as ends-in-themselves. The idea that only moral agents are eligible for inviolable rights is persistent within the literature and can be traced back to the above mentioned Kantian tradition. According to Kant, only *rational nature* has absolute and unconditional value (Wood, 1998: 3). Therefore, only those beings who possess rational nature (moral agents) can be seen as constituting ends-in-themselves. This idea is implied in Kant's above mentioned formula of humanity as end in itself, in which humanity should be interpreted as a purely technical term that refers to rationality. But why is rational nature, and the moral agency that stems from it, so important for Kantians?

According to Kantian theory, "the authority of the moral law (is) grounded in the fact that it is legislated by rational will" (Wood, 1998: 1). To (over) simplify; morality can only be constructed by moral agents because only they are capable of "assessing and judging the principles that govern our beliefs and actions, and of regulating our beliefs and actions in accordance with those judgments." (Korsgaard, 2004: 11). In other words, only moral agents are able to comprehend moral values and therefore, only moral agents can be subjects of morality. Related to this, is the notion that only moral agents can engage in reciprocal moral relationships. Kant calls the moral community that arises when rational beings engage in reciprocal moral relationships the 'Kingdom of Ends'. The Kingdom of Ends, then, is comprised of rational beings who respect one another's humanity (Korsgaard, 2004: 4). Because animals lack personhood, and thus rationality and moral agency, they cannot

comprehend moral values, nor engage in reciprocal moral relationships, and must therefore be excluded from our moral community.

However, the claim that, in order to be a subject of moral rights, one must possess moral agency, must not be readily accepted. As Joel Feinberg has pointed out: “it is simply not true that the ability to understand what a right is and the ability to set legal machinery in motion by one’s own initiative are necessary for the possession of rights.” (2012: 373). This idea can be extended to cases that concern moral rights. It remains highly questionable whether the fact that nonpersons cannot have moral obligations must lead to the idea that persons do not have moral obligations towards these nonpersons. It would be absurd to claim that newborns have no moral rights (and can therefore be used as mere means to our ends), only because they are incapable of moral agency. The newborn example leads us to an important insight, which is that personhood, in the way I have defined it, is “a fluctuating characteristic that varies not only across human beings, but also across times within a life.” (Donaldson & Kymlicka, 2011: 27). To hold that personhood is a prerequisite for having inviolable moral rights, would be to render the obtainment of such rights insecure for everyone, for everyone must go through stages in life in which he or she cannot be considered a rational being, capable of moral reflection.

It could be argued that, *because* persons (in this case human beings) are the only ones capable of acting on moral principles, they are also the only ones that can fulfill the task of protecting those nonpersons (in this case animals) that would benefit from such protection. However, to claim that animals would indeed benefit from moral protection, is to imply that they possess a certain value of their own that is deserving of such protection. In other words, in order to successfully make the case in favor of granting animals inviolable rights (effectively appealing against asymmetrical Kantianism), it must be shown that animals possess at least one morally relevant characteristic that obliges us to treat them as ends-in-themselves. I will argue that the *selfhood* is such a characteristic.

## 4. Selfhood

### 4.1 What is Selfhood?

All those beings that have a subjective experience of, and believes and desires regarding, their own existence and of the world around them, can be said to be *selves*. In other words, they can be said to possess *selfhood*. We can equate the notion of selfhood with Regan's similar, albeit more detailed, notion of *subject-of-a-life*. Subjects-of-a-life are those beings that "have beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; (...) the ability to initiate action in pursuit of their desires; a psychophysical identity over time; and an individual welfare in the sense that experiential life fares well or ill for them." (2004: 243). As I will show, at least some (and arguably most) animals can be said to be selves. Because selfhood will lead to the possession of morally relevant interests, and, as I will show, the possession of such relevant interests is necessary for having moral rights, the notion of selfhood is of paramount importance in my argument in favor of animal rights.

#### 4.1.1 The Moral Significance of Preference Interests

The notion of selfhood, as defined above, is intrinsically linked with interests. Without possessing selfhood, a being cannot possibly possess morally relevant interests. Seeing how, as I will now show, moral rights are derived from the possession of such interests, those beings that lack such interests, cannot be regarded as having moral rights. It might be useful to quickly zoom in on this relationship between selfhood, interests, and moral rights.

Frey (1979: 234) distinguishes two types of interests. The first type, which I shall call *welfare interests*, concerns those things that are in one's general interest, whether one desires those things or not. For example: 'it is in Daniel's interest to eat healthy food (even though he hates eating it), because it will prevent him from falling ill'. The second type, which I shall call *preference interests*, concerns those things that one personally desires. These things may not always be in one's welfare interest. For example: Daniel loves to eat unhealthy food and has spent the last three years living on a diet of cupcakes and lemonade. He currently weighs close to 180 kilos and is on the verge of becoming diabetic. Without a doubt, changing to a diet of vegetables and water (both of which he despises) would result in a considerable improvement of Daniel's health, but at the same time it would entail a frustration of his

fondness for sweet stuff. Therefore, a change of diet would be in Daniel's welfare interest, but certainly not in his preference interest.

But while it is true that one can have both welfare and preference interests, it is the possession of the latter that is needed for having moral rights. Frey convincingly illustrates this point, when he considers the interests of tractors. Tractors have welfare interests in the sense that their general state can either be better or worse; it would be better to take good care of a tractor, rather than to neglect it, because obviously, a well maintained tractor will perform better than a neglected tractor. At the same time it would be absurd to claim that tractors have preference interests. Tractors cannot personally *desire* to be taken care of. The welfare of the tractor is not in its own direct interest, rather it is in the interest of the farmer who wants to use it in his daily practices. It would be equally absurd to grant a tractor certain moral rights. In other words, although a tractor has a welfare, it does not have an *experiential welfare*; it cannot in itself experience the state it is in and therefore it cannot *desire* to either maintain or improve that state. Put differently, it cannot experience or form beliefs about its own existence, and therefore it cannot wish its existence to go better or worse for itself.

Considering the tractor example then, it seems that the possession of selfhood is necessary for having preference interests, and having preference interests is in turn necessary for having moral rights. After all, if one does not have preference interests, one cannot be harmed or benefitted in any morally relevant way. Joel Feinberg makes this statement abundantly clear in his *interest argument* (Feinberg, 2012: 375):

#### *The Interest Argument*

1. A (moral) right holder must be capable of being represented (by itself or by an external advocate) and it is impossible to represent a being that has no (preference) interests.
2. A (moral) right holder must be capable of being a beneficiary in his own person, and a being without (preference) interests is a being that is incapable of being harmed or benefitted, having no good or "sake" of its own.

Once we accept the interest principle, it becomes clear why we are justified in denying inanimate entities and certain animate entities moral rights; they cannot be seen as possessing preference interests. Because a brain tumor has no preference interests, we can ignore its welfare interest (which would entail an uninterrupted continuance of its growth), and proceed with its removal without feeling morally encumbered. This insight provides a clear answer to

those opponents of animal rights who claim that if we are to grant moral standing to animals, we should grant it to all living things.

#### *4.1.2 The Selfhood Argument*

By arguing that animals' possession of selfhood should justify their possession of certain inviolable moral rights, I directly challenge the first premise of the personhood argument, which states that personhood is a prerequisite for having such rights. While I do not wish to deny that the possession of personhood is a *sufficient* requirement for having such rights, my claim regarding the moral relevance of selfhood suggests that it is not a *necessary* requirement. My argument concerning selfhood and moral rights can be outlined as follows:

##### *The Selfhood Argument*

1. The possession of selfhood is both a necessary and a sufficient requirement for having inviolable moral rights.
2. Some animals possess selfhood.
3. Therefore, some animals have inviolable moral rights.

In what follows, I will first discuss the second premise of the selfhood argument and do away with the arguments of those who try to reject this premise. Then I will show how the possession of selfhood logically leads to having inviolable moral rights.

## **4.2 Do Animals Possess Selfhood?**

Before turning to a discussion of the first premise of the selfhood argument, it needs to be established whether some animals can indeed be seen as possessing selfhood. After all, if no animal possesses selfhood, the selfhood argument would become utterly useless in my endeavor to show that animals should have inviolable moral rights. The idea that animals possess selfhood is not undisputed. I will discuss the debates regarding animals' possession of consciousness, sentience, and beliefs and desires, and conclude that, seeing how we cannot deny that animals possess these traits, they should be seen as selves.

#### *4.2.1 Consciousness*

A common denial of the idea that animals are selves and therefore have moral rights, is based on the thought that animals lack consciousness. Obviously, the possession of consciousness is necessary for the possession of selfhood as I have defined it. Those that deny that animals can have possess personhood because they lack consciousness make the following argument:

##### *The Consciousness Argument*

1. Consciousness is a necessary requirement for the possession of selfhood.
2. No animal possesses consciousness.
3. Therefore, no animal possesses selfhood.

The first premise of the consciousness argument immediately rules out the possibility of any inanimate entities possessing selfhood. It also excludes those animate entities about which scientific knowledge and research compels us to conclude that they cannot possibly possess consciousness (such as plants, brain cells, and bacteria) from the moral community. When it comes to animals, however, things become less obvious. For example: not many people are willing to deny that dogs are consciously experiencing the world around them. Just as small a number of people would argue that dogs do not feel pain or cannot experience emotions. However, within the animal rights debate, both ancient and contemporary philosophers have maintained such controversial views. I will now turn to their arguments and show how they can be refuted.

##### The Cartesian View

The 17<sup>th</sup> century French philosopher René Descartes is well known for his explicit denial of animal consciousness. According to him, animals are nothing more than ‘thoughtless brutes’ whose only value is instrumental in nature, in so far as they merely exist as means to the ends of mankind (Regan, 2004: 5). Descartes did not deny that animals are alive (after all, it would be absurd to deny that animals have beating hearts and functioning bodies), and neither did he claim that animals cannot have sensations. However, Descartes’ conception of sensation is crucial in this matter. He distinguishes three ‘grades’ of sensation: the first grade concerns “the immediate affection of the bodily organ by external objects; and this can be nothing more than the motion of the sensory organs and the change of figure and position due to that motion.”, second grade sensations involve “the immediate mental results, due to the mind’s

union with the corporeal organ affected; such as the perceptions of pain, of pleasurable stimulation, of thirst, of hunger (and so on)", and third grade sensations concern "all those judgments which, on the occasion of motions occurring in the corporeal organ, we have from our earliest years been accustomed to pass about things external to us." (Regan, 2004: 3-4). According to Descartes, animals possess only first grade sensations. In other words, animal behavior is purely reflexive and requires nor involves any level of consciousness; animals are *automata*.

This conviction is reflected in the work of Peter Carruthers. He claims that there are indeed "many experiences that don't feel like anything." (Carruthers, 1989: 258). These kinds of experiences, which he calls *nonconscious experiences*, can be illustrated at the hand of the following example: when walking through a crowded mall while texting a friend, a person will still be able to avoid bumping into the people around him. However, it cannot be said that this person consciously dodges his fellow shoppers, because he is entirely focused on the text he is sending. In other words: dodging his fellow shoppers 'doesn't feel like anything'.

In order to be considered conscious, Carruthers claims that so-called second-order beliefs are required. Second-order beliefs reflect Descartes' third grade of consciousness and can be described as 'conscious beliefs relating to experiences'. This leads Carruthers to conclude that "a conscious experience is a state whose content is available to be consciously thought about." (Carruthers, 1989: 763). Seeing how, according to Carruthers, not many people would be willing to ascribe second-order beliefs to animals, they cannot be said to be subject to conscious experience. As shown above, no entity that lacks consciousness can have an experiential welfare, and therefore no entity that lacks consciousness can have morally relevant interests. It follows that no such entity can have moral rights. According to this logic, Cartesians argue that animals do not have moral rights.

### The Language Argument

The Cartesian view seems controversial, and it is surprising to see that contemporary philosophers such as Carruthers, and, as we shall see in what follows, Frey, use it to argue against the moral standing of animals. Nevertheless, if one wants to do a good job at defending moral rights for animals, the view needs to be disposed of in a convincing manner. That is what I shall now attempt to do.

One major problem with the mechanistic view is that, if we consider animals not to be conscious, we do not seem to have any good reason for believing that the same wouldn't go for other humans. I, as a human being, can only be completely certain of my own

consciousness. There does not seem to be a way for me to conclusively determine whether my fellow humans are conscious too. How am I to know whether my neighbor's behavior is not purely reflexive? Maybe his stretching out his arm to shake my hand is merely an 'affection of his bodily organ by an external object (me, preparing to shake his hand)'. Descartes attempts to refute this objection in two ways. The first concerns a religious account of the immortality of the human soul, which I will not discuss here. The second is more relevant for my current endeavor, and involves the argument that linguistic capability is sufficient and exclusive proof of consciousness. The *language argument* is one of the most widely used arguments among those who argue against the consciousness of animals.

Simply put, the argument states that in order to be able to master a language, one needs to possess the capacity for second-order beliefs. No value or meaning can be given to words, if such beliefs are not present. After all, where conscious experience is absent, it becomes impossible to make sense of linguistic stimuli and form appropriate linguistic responses to these stimuli. Therefore, one's ability to speak a language is proof of one's consciousness. Seeing how animals do not speak a language, they must also lack second-order beliefs and thus consciousness. The language argument against animal consciousness can be outlined as follows:

#### *The Language Argument*

1. Only those beings who can master a language are conscious.
2. Animals cannot master a language.
3. Therefore, animals are not conscious.

#### Refuting the Language Argument

The validity of the second premise of the language argument has been widely debated among scientists. It has been suggested that highly intelligent animals such as whales, dolphins, and the great apes, engage in communicative behavior that resembles the human use of language. However, I will not venture into these discussions here, because even if it were true that some animals have linguistic capabilities, it remains a fact that the majority of animals does not. Therefore, unless we are willing to accept that all those animals who are incapable of linguistic communicative behavior are not conscious beings, a refutation of the language argument needs to entail a demonstration of the falseness of the first premise.

The most striking and questionable feature of the first premise is the fact that it is based on the ability to form second-order beliefs. In other words, one's ability to learn a language (and thus one's consciousness) is purely associated with one's capacity to experience Descartes' third grade sensations ('all those judgments which, on the occasion of motions occurring in the corporeal organ, we have from our earliest years been accustomed to pass about things external to us'). The fact that animals are likely to lack second-order beliefs/third grade sensations and may therefore be incapable of mastering a language, does not show that they are not conscious. After all, we may still argue that they have second grade sensations ('the immediate mental results, due to the mind's union with the corporeal organ affected; such as the *perceptions* of pain, of pleasurable stimulation, of thirst, of hunger (and so on)'). Put differently, the fact that animals may not be able to experience third grade sensations does not *a priori* justify foreclosing the possibility that they may have the capacity for second grade sensations. Nonetheless, that is precisely what Descartes and Carruthers imply when they respectively argue that animals are merely reflexive beings, who lack any kind of conscious sensation whatsoever.

Whatever justifications both thinkers have for their denial of animals' capacity for second order sensations, they do not make them abundantly clear. And yet such justifications seem very much called for. As Regan notes: "from what we know about the relationship between human consciousness and the structure and function of the human nervous system, there is good reason to believe that our consciousness is intimately related to our physiology and anatomy." (2004: 29). Seeing how some animals (at least all mammals) show significant similarities to humans when it comes to their 'physiology and anatomy', we have good reasons to assume that if humans can experience second grade sensations, so can animals. The burden of proof rests on those who claim that animals cannot have such sensations. This means that both the language argument and the second premise of the consciousness argument must be rejected.

#### 4.2.2 *Sentience*

It may be argued that even if animals are conscious, they may not be sentient, and that sentience is yet another prerequisite for having preference interests. There may be things to say in favor of the view that without sentience, a being cannot have preference interests. However, such arguments would not be relevant here, since I have shown that we have no good reason to deny that animals possess second order sensations. If second order sensations

involve the *perception* of certain physical impulses, this may just be another way of saying that second order sensations equal sentience. In this way, no being can be conscious and yet not be sentient. Objections that involve medical cases in which an individual loses his ability for physical sensation while at the same time that person remains conscious, do not succeed in refuting this claim. If such an individual would be conscious, he would still be able to experience emotions, such as fear, sadness, or joy. If we consider these emotions to be physical reactions in the brain to external stimuli, they can be classified as second grade sensations. In other words, we have no reason to doubt that at least some animals (in so far as they show neurological similarities with humans) will still be sentient in the way that they can experience emotions, even in cases where the nervous system has stopped working.

#### *4.2.3 Beliefs and Desires*

I have now established that we have good reasons to assume that animals are conscious and sentient beings. In other words, they have an experiential welfare. However, it may be claimed that while an animal's possession of consciousness and sentience ensures that it has an experiential welfare, it does not ensure that it has preference interests. For while it may be true that preference interests cannot exist without an experiential welfare, the presence of an experiential welfare does not *a priori* ensure the presence of preference interests.

Frey acknowledges this fact when he claims that in addition to being conscious and sentient, beings must also possess the ability to form beliefs and desires in order to have preference interests. Frey argument can be outlined in the following way:

#### *The Beliefs and Desires Argument*

1. Experiential welfare is a necessary, *but not a sufficient* requirement for having preference interests. In addition, a being must possess the ability to form beliefs and desires.
2. Animals may well have an experiential welfare, but they lack the ability to form beliefs and desires.
3. Therefore, animals cannot have preference interests.

Frey defends the second premise of the beliefs and desires argument by appealing to yet another language argument. Frey's argument may be summarized as follows: 1.) preference

interests cannot exist in the absence of desires; 2.) desires cannot exist in the absence of beliefs; 3.) beliefs cannot exist in the absence of language. 4.) Therefore, preference interests cannot exist in the absence of language. 5.) seeing how animals do not master a language, they cannot have preference interests.

Frey claims that beliefs are really beliefs in the truth of a certain sentence. To illustrate: when a dog experiences pain in its tail, the discontinuance of that pain can only be in the dog's interest if the dog desires such discontinuance. In order for the dog to desire this, it must believe that it has pain in its tail. According to Frey, such a belief *must* entail the belief that the sentence "I have pain in my tail" is true. This argument seems peculiar to say the least. Regan offers a convincing rejection of Frey's theory. He shows that if Frey would be right in claiming that all beings that do not speak a language are therefore automatically incapable of forming beliefs about the world around them, human babies would never be able to learn a language (Regan, 2004: 45). After all, learning a language entails having certain beliefs. For example, learning the word 'ashtray', entails a belief in the truth of the sentence "this particular object (an ashtray) is called an 'ashtray'". Seeing how, according to Frey, pre-linguistic beliefs are impossible, human babies can logically never learn a language. And yet they can, which implies that the mastering of a language is not a prerequisite for having beliefs (and therefore for having desires).

Frey's argument thus fails to show the validity of the second premise of the beliefs and desires argument. But it may rightfully be argued that by refuting Frey's argument, I have not necessarily proven this second premise to be false. I claim, however, that we have good reasons to assume that animals do indeed possess the ability to form beliefs and desires. These reasons are based on the earlier reasoning concerning animal consciousness and sentience. Beliefs and desires are generated by perception and inference. Again, considering the physiological similarities between humans and some animals, we have no good reason to assume that those animals that are conscious are incapable of perception and inference. Stephen Stich (1979: 17) illustrates this point by stating that "if (a) canine's master puts a meaty bone in (a) dog's dish, if the dog has a clear view of the proceedings, if it is paying attention and is psychologically normal, then the dog will form the belief that there is a meaty bone in its dish.". Consequently the dog will form the desire to devour this bone. Similarly, if an animal's perception of pain is comparable to that of a human (as we have seen, we have no good reason to deny this), we have no good reason to assume that it does not have preference interests similar to those of humans, in situations in which pain is inflicted on it. The animal will either prefer the suffering to end, or it will prefer the suffering to continue (perhaps it

cherishes masochistic sentiments), but why would we assume that, even though it consciously experiences them, it is somehow indifferent to these sensations? Although it may be argued that we cannot know for sure if animals have the capability of forming beliefs, the burden of proof, again, rests on the shoulders of those who, like Frey, deny that they have this capability.

#### *4.2.4 Some Animals Possess Personhood*

I have shown that we have good reasons to claim that at least some animals are conscious and sentient (and thus have an experiential welfare) and are capable forming beliefs and desires about themselves and the external world. It logically follows that they can be seen as selves. Therefore, the second premise of the *selfhood argument* has successfully been defended. Before I continue, one obvious dilemma needs to be addressed. This dilemma concerns the question *which* animals should be seen as possessing selfhood.

### **4. 3 Where to Draw the Line?**

Which animals can be seen as selves? In other words, which animals meet the minimum requirements of consciousness, sentience and the capacity to form beliefs and desires? Intuitively, most of us are ready to acknowledge that cats meet these criteria (some even argue that cats (and other species) possess distinct personal characters), and as shown above, physiological similarities between such species and ourselves, seem to confirm these convictions, and put the burden of proof on those who argue otherwise.

However, we are less willing to grant the abovementioned characteristics to animals such as ants or flies. We are mostly reluctant to do so because we do not relate to such species. Put differently, we cannot possibly even begin to imagine what it must be like for such an animal to exist. However, the fact that we cannot imagine what it is like to be a certain being should not at forehand lead us to deny that this being may possess selfhood. In his seminal article '*What Is It Like To Be A Bat?*', Thomas Nagel addresses this issue. He stresses the subjective character of experience. He claims that from the fact that we, as human beings, cannot imagine what it is like to be a bat, it does not follow that bats therefore do not have an experiential welfare: "If mental processes are indeed physical processes, then there is something it is like, intrinsically, to undergo certain physical processes. What it is for such a thing to be the case remains a mystery." (Nagel, 1975: 445-446). Nagel's arguments are

useful to keep in mind, and will prevent us from overeagerly excluding certain species from our moral community. However, they do not conclusively resolve (and indeed, perhaps only exacerbate) the dilemma concerning the ascription of selfhood.

Two principles can be useful in guiding us through this dilemma. The first can be called the *principle of similarity*; it entails the idea that we have enough reason to claim that at least those animals that show sufficient physiological similarities to the human species, should be seen as conscious, sentient, and having beliefs and desires. This means that at least all mammals (note that the bat in Nagel's example is indeed a mammal) should be acknowledged as possessing selfhood. The principle implies that the less similarities a species shows with the human species, the less reason we have to claim that they are like us in morally relevant ways. For example, we would have good reasons to deny preference interest to those animals with no or low brain capacity (judged by the amount of neurons these animals possess) such as sponges, jellyfish, and leeches. However, in the case of birds, the matter becomes clear-cut. This brings us to the second principle, namely the *principle of the benefit of the doubt*. As the name implies, this principle states that in those cases in which we are not certain whether to ascribe preference interests to animals, we should treat those animals as if they did have such interests. Regan (2003: 37; 2004: 30) states that both mammals of one year and older, and birds, should be seen as having moral rights. I agree with Regan and claim that (again, for physiological reasons) we have good reasons to ascribe selfhood to these kinds of animals.

#### **4.4 Selfhood and Moral Rights**

Now that I have established that mammals and birds (henceforth I will refer to them as *animal selves*) should be seen as possessing selfhood, it needs to be made clear why this should lead to their eligibility for moral rights.

##### *4.4.1 The Inherent Value of Beings That Matter to Themselves*

I have already shown that selfhood is required in order to have preference interests, and that the possession of preference interests is a necessary requirement for having moral rights. Implicit in these ideas is the notion that those beings that possess personhood, matter to themselves. To clarify, individuals who possess personhood necessarily matter to themselves, for they personally benefit from those things that facilitate the satisfaction of their preference interests, and personally suffer from those things that frustrate the satisfaction of their

preference interests. In other words, selves are consciously aware of their existence and benefit from, or be harmed by, the fact that their lives can either go better or worse for them.

In her discussion of the relationship between Kantian ethics and animals, Korsgaard makes a helpful distinction between two slightly different Kantian concepts of end-in-itself-ship. The first is the concept of an end-in-itself as the source of legitimate normative claims. The second is the concept of an end-in-itself as someone who can give the force of law to his claims by participation of moral legislation (Korsgaard, 2004: 21). We have seen that animals are not persons and can therefore never be ends-in-themselves in the sense of the second conceptualization. However, I argue that they are ends-in-themselves in the sense of the first conceptualization. This argument is based on two main convictions: 1.) the moral legislation that is formed by persons is partly based on their desire to protect their selfhood (after all, persons are, just like animal selves, beings that matter to themselves and thus have an interest in protecting their personal welfare). This means that what these persons aim to protect when they engage in moral legislation processes, is not just their personhood, but also their selfhood. 2.) if persons value their selfhood, it would be morally arbitrary for them to exclude those beings that possess selfhood in a similar way from the moral community, purely on the basis of the fact that those beings are not persons. Korsgaard has summarized this argument in the following way: “The strange fate of being an organic system that matters to itself is one that we (humans/persons) share with the other animals. In taking ourselves to be ends-in-ourselves, we *legislate* that the natural good of a creature who matters to itself is the source of normative claims. Animal nature is an end-in-itself, because our own legislation makes it so.” (2004: 33). Simply put, it is the fact that beings can matter to themselves, and not their capacity for rationality, that should form the basis of viewing those beings as constituting ends-in-themselves. The fact that they are ends-in-themselves makes that animal selves should receive moral rights.

#### *4.4.2 Respecting Rational Nature in the Abstract*

Another way of attacking the Kantian idea that only persons can be ends-in-themselves because only persons possess rational nature, is set forth by Allen Wood. In order to fully understand Woods reasoning, we need to revisit Kant’s above mentioned formula of humanity as end in itself. As we have seen, this principle implies that, “rational nature has a moral claim on us only *in the person of* a being who actually possesses it.” (Wood, 1998: 6). Wood calls this the *personification principle*. He argues against this principle and claims that if we are to

acknowledge the exclusive value of rational nature, we must not only cherish it to the extent in which it is possessed by persons, but we should also respect it in the abstract. Doing so would entail respecting fragments of it, even if these fragments are found in (non-rational) animal selves. Among these fragments are those traits that are related to selfhood, such as the capacity to experience pleasure and pain, the capacity to have desires for such things as food, drink and sex, and the possession of preference interests. As Wood states, such desires are “the infrastructure of our own rational nature as regards survival, nourishment and reproduction. If respect for the rational nature served by this natural teleology requires that it not be thwarted or frustrated, then once we are free of the restrictions of the personification principle it seems reasonable to extend this argument and claim that respect for rational nature requires similar constraints regarding the natural teleology in non-rational living things.” (1998: 16).

The fact that animals possess fragments of rationality “allows us to value (..) (them and) their welfare for its own sake (Wood, 1998: 18). Wood, however, refuses to infer from this that animal selves should have moral rights. His position can thus not be seen as a successful refutation of asymmetrical Kantianism. It should be clear that I do not agree with Wood when he states that the view he defends falls short of showing that animals have rights. As I have shown above, the fact that, according to Wood, we should value animal selves’ welfare for its own sake seems reason enough to grant them the right to be treated as ends-in-themselves. I may be considered a Woodian then, in so far as I agree with his claims about the moral relevance of what he calls the fragments of rationality that can be found in animal selves. However, Wood and I part ways when he states that he does not know how to decide “when the welfare of non-rational beings should prevail over the ends and interests of rational beings.” (Wood, 1998: 18). After all, as I have claimed, animal welfare, or personhood, should be seen as worthy of moral protection.

#### *4.4.3 Marginal Cases*

A final way of showing how the possession of selfhood should lead to the granting of moral rights, concerns so-called *marginal cases*. Seeing how animal selves and human persons share important physiological traits and seeing how both possess personhood, the difference between them seems to be one of degree rather than of kind. The only thing that seems to distinguish persons from selves is the fact that they possess a higher degree of intelligence and are therefore rational. However, the fact that not all humans are moral persons, and can,

therefore, according to a Kantian view, not be considered as constituting ends-in-themselves, poses a difficulty for those proponents of asymmetrical Kantianism, because few people are willing to deny human non-persons moral rights. If it is true that some animals are more intelligent than some humans (and this clearly is the case; consider for example the difference in intelligence between a healthy, adult orangutan and a mentally handicapped human child), and if it is true that the difference between animals and human beings is one of degree, and not of kind, it would surely be morally arbitrary to grant human nonpersons a more favorable moral position than their animal counterparts.

It seems therefore that proponents of asymmetrical Kantianism face two options. They will either have to; 1. accept that if human non-persons may not be treated as mere means, then neither may animal selves, or; 2. ‘bite the bullet’ and accept that if animal selves may be treated as mere means, then the same should go for human non-persons. My arguments about the moral relevance of selfhood logically lead me to adopt the first option. However the animal rights literature is replete with attempts to justify unequal treatment of animal selves and human non-persons. I will turn to these attempts shortly. First, let us see which moral rights can be derived from the possession of selfhood.

## **5. Animal Rights**

Now that I have shown that animal selves are eligible for moral rights, it must be made clear *what kind* of moral rights these should be. Of paramount importance for understanding the kind of moral rights that should be ascribed to them is the above mentioned idea that animal selves should be seen as constituting ends-in-themselves, or, as Regan (2004: 235) has phrased it; they as possessing *inherent value*. Inherent value is independent of, and not reducible to, the values of these beings’ experiences (as utilitarianism would have it), but is fully derived from the animal’s selfhood. Whichever term one may prefer, the conclusion that must be drawn from this insight is that animal selves should at least be granted certain inviolable moral rights, including the right not to be treated as mere means. This idea has been set forth in Regan’s *The Case for Animal Rights* (2004). In his discussion of the *respect principle*, Regan states that “we are to treat those individuals who have inherent value in ways that respect their inherent value.” (2004: 248). From the respect principle, Regan derives the *harm principle*, which entails that we have a *prima facie* duty not to inflict harm on those

beings that possess inherent value. Seeing how I, like Regan, have argued that the inherent value of selves is of direct moral importance, I am more than willing to accept both the respect principle and the harm principle.

The contrast between the extended Kantian notion that claims that animal selves have certain inviolable rights and the preference utilitarian idea that animals are fully violable in order to bring about maximal utility, could not be greater. It must therefore be stressed that, while some of the arguments that I have mentioned in order to show that animals should have moral rights (such as the fact that they conscious and sentient) are also used by preference utilitarians, my conclusion (namely that animal selves have the right to be treated as ends-in-themselves) radically differs from the conclusion that these preference utilitarians draw (namely that animals have the right to the equal consideration of their like interests).

The realization that animal selves possess inherent value provides us with a powerful tool in our case against asymmetrical Kantianism. After all, if animal selves should be seen as having the moral right not to be treated as mere means, asymmetrical Kantianism, for it denies animals such rights, while granting them to human beings, must be seen as morally inconsistent. We are then justified in rejecting utilitarianism for animals and arguing in favor of an extended Kantianism.

## **6. Membership of the Species *Homo Sapiens***

I have argued that selfhood is both a necessary and *sufficient* requirement for having moral rights. By making the case for the moral sufficiency of selfhood, I have refuted the idea that personhood is a necessary requirement for having such rights. However, there are those proponents of asymmetrical Kantianism that accept this refutation, but nonetheless argue that animals should not have moral rights. They claim that in order to be eligible for moral rights, an individual must, additionally to possessing selfhood, enjoy membership of the human species. By basing themselves on the idea that selfhood is a necessary, but not a sufficient requirement for having moral rights, these theorists justify the unequal treatment of animal selves and human non-persons.

The case in favor of privileging what I have called human marginal cases over animals is typically made on the basis of one out of two arguments. The first I shall call the *kind argument*. It entails the idea that human moral patients should receive moral standing purely

on the basis of their membership of the species *Homo Sapiens*. The second I shall call the *sentimental argument*. It draws on the idea that we have sentiment-based obligations towards human non-persons that we don't have towards animal selves.

### **6.1 The Kind Argument**

The kind argument is set forth by Carl Cohen (1986; 1997). According to Cohen, animals are logically excluded from the moral community because moral rights are an essentially human construction. He states that “rights are universally human; they arise in a human moral world, in a moral sphere. In the human world moral judgments are pervasive; it is the fact that all human including infants and the senile are members of that moral community-not the fact that as individuals they have or do not have certain special capacities, or merits-that makes humans bearers of rights.” (Cohen, 1997: 97). In other words, moral rights are an ‘issue of kind’ (Cohen, 1986: 866). Carruthers (1992: 7) utters a similar view when he states that *all* human beings, and *no* animals have moral standing. This view is arguably the most speciesist of all arguments in defense of the marginal case dilemma. Cohen acknowledges this and considers it to be a good thing, for, so he claims, those who are not speciesist are likely to forget their true obligations (namely, those they have regarding their fellow humans).

Cohen's justifications for the kind argument are unsatisfactory. The assumption that kind is an appropriate threshold for moral standing is nothing more than that: an assumption. And a morally arbitrary one at that. What Cohen does is assigning property by association; namely assigning moral standing to human moral patients because they are of the human kind, and not because of their intellectual capabilities. This is arbitrary because Cohen at the same time argues that moral rights only exist in virtue of human moral agency/personhood. Furthermore, if we were indeed justified in assigning rights to moral patients on the basis of the kind they belong to, this would generate serious problems. As Nathan Nobis (2004) rightfully points out, ‘kind’ is a complicated concept and it is difficult to decide to which kind a being belongs. For example, do women belong to the same kind as men? Surely they deviate from men in several crucial ways.

## 6.2 The Sentimental Argument

The sentimental argument concerns the idea that we as humans feel more attached to members of our own species. As Warren (1987) states, humans ‘care for other humans’, no matter whether they possess personhood or not. This caring sentiment towards our fellow *Homo Sapiens* can be explained in multiple ways. Warren suggests that it is easier for us to place ourselves in the position of others when these others are of the same species. This sentiment is enhanced when we realize that all of us have been non-persons at one point in our lives (in our infancy) and may be non-persons again one day (when we are old or as the result of medical misfortune). This ‘it-could-be-me-sentiment’ is also highlighted by Steinbock (1978). It also relates to the often heard claim that human moral patients should enjoy a privileged standing because they possess the potential for moral agency; unlike harming an animal, it would be wrong to harm a child because it is likely to grow up to be a moral agent. Additionally, she claims that we have special obligations towards human moral patients because they cannot, unlike their animal counterparts, sufficiently see to their own sustenance. For example, a wild boar is perfectly capable of sustaining itself, while a senile human being may not be. Furthermore, Steinbock states that we should move away from reflection on ‘morally relevant differences’ between humans and animals, and into ‘the realm of feeling and sentiment in moral thinking’. This would lead us to adopt a view that privileges human moral patients over animal moral patients.

There are multiple ways to counter the *sentimental argument*. The most obvious way would be to argue that humans can indeed experience strong emotional attachment to animals. It may be argued, for example, that an old lady, living alone with her cat, could feel similar sentiments towards her cat as she would towards a near relative. Granted, if the lady had to choose between saving the life of her cat and saving the life of a human child, she would most likely choose to save the child, but that doesn’t mean that the off-hand rejection of our sentimental capabilities towards animals should be readily adopted.

The notion that it would be easier for us to place ourselves in the positions of human moral patients rather than those of animal moral patients is also not without its problems. It remains highly questionable whether a healthy human being is more capable of imagining what it is like to be a severely retarded human being than it is of imagining what is like to be a dolphin.

Furthermore, the potentiality of moral agency shouldn’t carry too much moral weight either. First of all, if this idea were to be accepted, it would still rule out all those human

beings that were born with a severe mental handicap and who have no chance of ever recovering from their illness. Second, the idea that potentiality should count for something is in itself questionable. The discussion around this subject is enormous, and I will not have the opportunity to go into it here (the abortion debate, to name but one, is a highly relevant example of a discussion that concerns the potentiality debate). However, to say that a baby should have the rights of a moral agent is implying that it *is* in fact a moral agent. This would be as absurd as stating that a caterpillar is in fact a butterfly. Another way of refuting the validity of the potentiality argument is by embracing it and showing that the argument should also apply to animals. If we assume that Darwinism is correct, then we have no good reason to deny the possibility that certain species (such as the great apes for example) have the potential to, in time, evolve into more developed creatures. If this is true, and we adopt the potentiality principle, we have no more less reason to grant moral standing to animals than to human babies. To this view, it may be objected that in the evolutionary case of animals, we are concerned with the potentiality of a species and not that of an individual. Seeing how only individuals can have rights, the potentiality argument does not apply to this case. However, if we were to kill a human infant, we do not only kill the potentiality of that particular individual, but also that of the individuals that the baby might have produced later in its life. This idea can be extended over as many generations as one would like to. Killing a gorilla therefore, similarly constitutes killing the potentiality of its potentially higher developed descendants. Lastly, and perhaps most importantly, Steinbock's claim in favor of a move towards feeling and sentiment in our moral thinking seems to run counter to the essence of ethics; namely, the eradication of arbitrariness in moral reflection. Stating that we should act on gut-feeling is to do away with ethic's central goal of inhibiting favoritism.

In sum, there seems to be no morally arbitrary way to argue for the exclusion of animal non-persons from our moral community while refusing to do the same when it concerns human non-persons. As I have argued above, as long as both groups of non-persons can be said to possess selfhood, both groups should have the moral right to be treated as an ends-in-themselves.

## 7. Conclusion: Dismissing Asymmetrical Kantianism

I have attempted to show that the asymmetrical Kantian notion of ‘utilitarianism for animals, Kantianism for people’ constitutes an unsatisfactory approach to animal rights by showing that 1.) Kantianism should be preferred over utilitarianism because it provides certain crucial moral rights, such as the right not to be treated as a means to an end, whereas utilitarianism cannot, and 2.) because some animals possess morally relevant characteristics, it would be morally inconsistent to deny these crucial moral rights to animals, while at the same time granting them to human beings.

I have showed that proponents of asymmetrical Kantianism base their ideas on the assumption that the possession of personhood is a necessary requirement for having moral rights. I have agreed with them that animals cannot be seen as persons, but have opposed their conviction that only persons are eligible to moral protection. I have argued that the possession of selfhood should be seen as a sufficient requirement for having moral rights. I have shown that at least all mammals and birds can be said to possess selfhood (because they are, amongst other things, conscious, sentient, and capable of forming beliefs and desires), which entails the idea that they have a subjective experience of their own lives. Because they have this subjective experience (or what I have called experiential welfare), it follows that their lives can either go better or worse for them. This, in turn, has lead me to conclude that they should be seen as beings who matter to- and in themselves. For this reason, animal selves must be considered to possess a certain inherent value that is worthy of moral protection. Because selfhood is a morally relevant characteristic that animal selves possess to a similar extent as persons do, and seeing how human moral legislation is at least partly motivated by the recognition of the moral value of selfhood, we have no arbitrary reason not to extend moral rights to animal selves. Implicit in this reasoning is the notion that the difference between animals and human beings is on of degree (of intelligence), rather than of kind. This notion has rendered the idea that membership of the species *Homo Sapiens* constitutes a necessary requirement for the obtainment of moral rights invalid.

The realization that animal selves possess inherent value in a similar way as humans do, has massive implications for the validity of the asymmetrical Kantian view. As we have seen, asymmetrical Kantianism allows for the treatment of animals as means to (non)human ends. If animal selves possess inherent value, such a view becomes untenable. Instead, animals should be seen as constituting ends-in-themselves, which logically results in the conclusion that they should have the inviolable moral right to be treated as such. This idea has

lead me to adopt Regan's respect- and harm principles which dictate that we have a *prima facie* duty not to harm beings that are ends-in-themselves.

Adoption of the respect principle and the harm principle would result in a radical shift in our current treatment of animals. Abolitionist animal rights theorists have argued that we are obliged to discontinue such practices as eating meat, medicinal experimentation, vivisection, etc. and they are right in stating that adoption of symmetrical Kantianism forces us to. However, I am fully aware of the discrepancy between theoretical deliberations and real world practices. It may be very difficult for modern day human beings to envision a life without those practices which are so deeply entrenched in our societies, and it may be even more difficult to actually realize their abolition. Nonetheless, at the very least, my account against asymmetrical Kantianism should lead the reader to adopt a more considerate view towards our treatment of animals.

## References

Abbate, C. (2014) "Virtues and Animals: A Minimally Decent Ethic for Practical Living in a Non-ideal World." *Journal of Agricultural Environmental Ethics*, 27, pp. 909-929.

Carruthers, P. (1989) "Brute Experience." *Journal of Philosophy*, 86:5, pp. 258-269.

Carruthers, p. (1992) *The Animals Issue: Moral Theory in Practice*. Newcastle upon Tyne: Athenaenum Press Ltd.

Cohen, C. (1986) "The Case for the Use of Animals in Biomedical Research." *New England Journal of Medicine*, 315:14, pp. 865-869.

Cohen, C. (1997) "Do Animals Have Rights?" *Ethics and Behavior*, 7:2, pp. 91-102.

Cushing, S. (2003) "Against "Humanism": Speciesism, Personhood, and Preference." *Journal of Social Philosophy*, 34:4, pp. 556-571.

Donaldson, S. & Kymlicka, W. (2011) *Zoopolis: A Political Theory of Animal Rights*. New York: Oxford University Press.

Feinberg, J. (2012) "The Rights of Animals and Unborn Generations." in Shafer-Landau, R., ed., *Ethical Theory: An Anthology*, 2<sup>nd</sup> edition. Chichester: John Wiley & Sons, Inc., pp. 372-380.

Francione, G. (2007) *Introduction to Animal Rights: your child or the dog?* Philadelphia: Temple University Press.

Frey, R. (1979) "Rights, Interests, Desires, and Beliefs." *American Philosophical Quarterly*, pp. 233-239.

Kant, I. (2012) "We Have No Moral Duties to Animals." in Shafer-Landau, R., ed., *Ethical Theory: An Anthology*, 2<sup>nd</sup> edition. Chichester: John Wiley & Sons, Inc., pp. 359-360.

Kymlicka, W. (2002) *Contemporary Political Philosophy: an introduction*, 2<sup>nd</sup> edition. New York: Oxford University Press.

Korsgaard, C. M. (2004) "Fellow creatures: Kantian ethics and our duties to animals." *The Tanner Lectures on Human Values*, 25:26.

- McMahan, J. (2002) *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press.
- Nagel, T. (1974) "What Is It Like to Be a Bat?" *The Philosophical Review*, 83:4, pp. 435-450.
- Nobis, N. (2004) "Carl Cohen's 'Kind' Arguments *For* Animal Rights and *Against* Human Rights." *Journal of Applied Philosophy*, 21:1, pp. 43-59.
- Nozick, R. (1974) *Anarchy, State, and Utopia*. Oxford: Blackwell Publishers Ltd.
- Regan, T. (2003) *Animal Rights, Human Wrongs: an introduction to moral philosophy*. Lanham: Rowman & Littlefield Publishers, Inc.
- Regan, T. (2004) *The Case for Animal Rights, 2<sup>nd</sup> edition*. Berkeley: University of California Press.
- Sapontzis, S. (1981) "A Critique of Personhood." *Ethics*, 91:4, pp. 607-618.
- Sapontzis, S. (1987) *Morals, Reasons, and Animals*. Philadelphia: Temple University Press.
- Singer, P. (1993) *Practical Ethics*. New York: Cambridge University Press.
- Singer, P. (2009) *Animal Liberation, 4<sup>th</sup> edition*. New York: HarperCollins Publishers.
- Steinbock, B. (1978) "Speciesism and the Idea of Equality." *Philosophy*, 53:204, pp. 247-256.
- Stich, S. (1979) "Do Animals Have Beliefs?" *Australasian Journal of Philosophy*, 57:1, pp. 17-18.
- Warren, M. (1987) "Difficulties With the Strong Animal Rights Position." *Between the Species*, 2:4, pp. 433-441.
- Wood, A. (1998) "Kant on Duties Regarding Nonrational Nature." *Aristotelian Society Supplementary Volume*, 72:1, pp. 189-210.

