

Review of Gary E. Varner, *Personhood, Ethics and Animal Cognition: Situating Animals in Hare's Two-Level Utilitarianism*, Oxford and New York: Oxford University Press, pp. xiv + 317

Gary Varner, who used to be, like the current reviewers, an ethical biocentrist, now defends Harean prescriptivism, two-level utilitarianism, and sentientism, and in this book applies these stances to animal ethics, as well as to ethical principles in general. As his Introduction discloses, Varner feels impressed by large areas of Richard Hare's thinking, not least because much of it inspired that of Peter Singer. In this work Varner seeks to supplement the work of Hare and of Singer by discussing ethical principles appropriate to the treatment of animals, embodying his distinction between persons, near-persons and sentient non-persons.

Varner relates at the start of chapter 2 that he has been substantially convinced by Hare that universal prescriptivism entails utilitarianism (p. 26), and later introduces a formal argument in support of this conviction (pp. 38, 44-46). But Hare used to avoid claiming that normative conclusions were entailed by the logic of moral discourse, preferring to hold that universal prescriptivism 'generates' utilitarianism. (He did write of entailments between imperatives, but that is a different matter.) If he had endorsed the entailment view, then he would have

ceased to be a non-cognitivist; but he stubbornly persisted in his non-cognitivism throughout his life.

As for Varner's formal argument, nothing that he says overcomes the long-standing problem that Hare's prescriptivism fails to cope with the problem of backsliding or weakness of will, and this makes the key premise concerning prescriptivity vulnerable. Meanwhile another key premise, which claims that the combination of universalizability and prescriptivity requires agents to review all and only the preferences of all the affected parties, is separately vulnerable, since it is unclear that interests are a function of preferences, or that creatures that lack preferences can be disregarded when the impacts of actions are considered, and this is relevant when one turns to impacts on animals. A further problem for the purported derivation of preference utilitarianism is that understanding another's suffering need not involve making a prescription not to undergo such suffering oneself or not to inflict it on others, and need not involve adopting corresponding preferences either. (One of us has discussed these matters further (1).)

Chapter 3 presents some interesting insights into the role of Intuitive-Level System rules and principles, which vindicate their general utility. In the next chapter, Varner presents an original argument in favour of Hare's universal prescriptivism: if the moral language of humans embodied the features Hare

ascribes to it, then the use of such language would be adaptive, in an evolutionary sense (79f.). He recognises that Hare's strong kind of prescriptivity is controversial because it is hard-pressed to account for moral backsliding, but presents this argument as weighing significantly as a counterpoise to that problem (82). But since human groups, with their use of moral language, have widely flourished in an evolutionary sense, and since strongly prescriptivist theories of that language conflict with the real and recurrent phenomenon of backsliding, it would be equally reasonable to argue that the use of moral language on the part of human groups is adaptive whether it complies with such theories or not. If so, Varner's evolutionary argument collapses as a differential source of support for universal prescriptivism. However, Varner fares better, as the chapter proceeds, in citing empirical studies of moral judgement in support of Hare's two-level utilitarianism, and then in explaining how Hare could cogently address apparently hard cases for his normative theory.

Part Two focuses on 'the place of personhood' in Harean utilitarianism (p.102). Chapter 5 gives detailed consideration to the argument for animal consciousness by analogy with human consciousness, but too readily credits the assumption that our knowledge of the consciousness of other persons is itself grounded in analogy, rather than in the fundamental concept of a person (without which, arguably, none of us could have knowledge even of our own consciousness). The chapter

proceeds to review, in the light of experimental evidence, the case for animal consciousness with regard to both the capacity for pain and the capacity for certain kinds of adaptive learning, adopting a Higher Order Thought theory of consciousness, and concludes that current research suggests that consciousness is found in vertebrates but in few if any invertebrates. However, the text too readily dismisses a First Order Representational (perception-responsive) theory of consciousness (which is nowhere near a ‘short step’ away from ‘panpsychism’ (p. 121)), and at times seems surprisingly indifferent to the painful or incapacitating experiments on whose findings it relies.

Chapter 6, on ‘Personhood and Biography’ enlarges on Varner’s requirement that persons have a biographical concept of self, and on its probable absence in non-human animals. A problem here is its absence in large numbers of human beings, who are implicitly not persons at all (or, in the cases of pre-adolescent children, not persons yet: see p. 180). While there may well be more kinds and varieties of value in biographical lives than in ones with a non-biographical sense of self, the sense of self (‘autonoetic consciousness’ in Varner’s terminology) of itself has such significance as to suggest that, *pace* Varner, we should regard all its bearers as persons, including very nearly all human beings, including most children, and many non-humans too.

Relatedly, the conclusion of the next chapter that a good life for a person consists in living a good story (because humans are story-tellers) runs up against the difficulty that arguably it is not the achievement of just any story or life-plan that an individual selects for themselves that makes their life a good one. For there are other capacities that make us human, and the fulfilment of many (possibly most) of these is crucial to living well, whatever we choose to include in our ground-projects or central desires.

Varner claims that persons, in their ability to develop a narrative story of their lives, have lives that are more morally significant than individuals that are not conscious of their own life story (see p.171, for example). However, even though animals are denied personhood on Varner's view, one could argue that many possess capacities that enhance their conscious experiences; capacities that persons possess to a lesser degree. Such capacities could add moral significance to the lives of many animals, in a way that would not add moral significance to the lives of persons.

In chapter 8 Varner discusses nonhuman candidates for near-personhood (that is, for possessing auto-noetic consciousness but lacking a biographical sense of self). In the light of empirical evidence, Varner assesses whether any animals have auto-noetic consciousness, concluding that great apes, cetaceans, elephants and corvids are strong candidates for this status.

For Varner, the lives of persons are more morally significant than the lives of near-persons, and the lives of near-persons are more morally significant than those of merely sentient beings. Thus, it would also seem that, on Varner's view, the lives of human near-persons would have less moral significance than the lives of persons, and, where humans are merely sentient, their lives would have less moral significance than the lives of human and nonhuman near-persons. As Varner is aware, his arguments appear open to the problem of marginal cases (see below).

In Part Three, chapter 9, Varner discusses the view that animals are replaceable, presenting Hare's utilitarian calculation in the context of slaughter-based agriculture. The pleasant lives of farm animals, together with the happiness derived from eating them, brings happiness into the world, and when such animals are replaced by ones that live equally pleasant lives then there is no loss in the total happiness (p. 231). Thus, farm animals are deemed replaceable, and slaughter-based agriculture is deemed justifiable because it increases the total amount of happiness in the world. One problem with this argument is that if animals live good lives, then to end their existence is to injure them (2). Moreover, it is not clear that the very facts that farm animals exist and live good lives can provide a justification for the practice that brought them into existence.

The problem of marginal cases is considered in detail in chapter 9. If Varner wants to say that all marginal humans have an equal right to life as persons, whilst granting animals—with at least similar capacities to marginal humans—a lesser entitlement to such a right, then he has to provide a morally relevant reason that distinguishes such animals from marginal humans.

(Otherwise, he can be accused of inconsistency or speciesism.)

Varner supports two indirect reasons for giving marginal humans the same right to life as persons, whilst denying such a right to animals with at least similar capacities to marginal humans. One reason appeals to the personal relationships that people have with marginal humans (pp. 253-54); the other appeals to the fear that normal humans will experience if marginal humans are not granted the same moral status as normal humans: ‘we would be fearful of policies that cheapened the lives of marginal humans’ (p. 254). Yet many people have close relationships with animals and are deeply anguished by policies that treat animals as dispensable. Varner provides no direct reason to suppose that, at a critical level of thinking, the lives of marginal humans have equal moral status to the lives of normal humans.

In the next chapter, Varner outlines some interesting proposals for achieving humane sustainable agriculture. Particularly interesting is the buffalo commons land-use plan (p. 275), which involves replacing cattle with buffalo (resulting in more

sustainable land use) and in-situ slaughter (a relatively humane method of killing animals). There is one proposal discussed by Varner that many readers might find problematic: the proposal to introduce blind chickens to intensive farms as a way of avoiding feather pecking. Contrary to Varner, the stance that we should change the housing system to fit the animals, not the animals to fit the housing system, need not assume that ‘only chickens like those already in existence should be brought into existence’ (p. 278). It could rather assume that the quality of the lives lived by chickens matters; that we are not entitled to manipulate animals in any way we please in order that they may better cope with the sufferings we inflict upon them; or that it is wrong to produce animals with more truncated capacities than they or other animals could have had. At least the first and last of these assumptions are consistent with total-view consequentialism.

The final chapter compares a Harean utilitarian approach to animal ethics with Singer’s utilitarian approach, revealing that Singer’s arguments often invoke the distinction between intuitive and critical levels of thinking (pp. 284-86). Varner finds it surprising that Singer has not recognised a category of ‘near persons’, arguing that Singer’s use of the metaphor of ‘life’s uncertain voyage’ suggests a distinction between individuals that have an understanding of their life as a narrative

(‘persons’), and individuals that, while self-conscious, lack such an understanding (‘near-persons’) (pp. 287-88). However, even if Singer’s metaphor suggests such a distinction, the metaphor could indicate a sufficient but not necessary condition of personhood. Besides, Singer’s central definition of ‘person’ would not call for such a distinction. Towards the end of the chapter, Varner shows that while Singer advocates vegetarianism, his utilitarianism actually permits humane-based agriculture (pp.288-89).

Overall, in spite of its problems, this interdisciplinary book makes a valuable addition to the literature on animal ethics, for while Hare did not systematically apply his two-level utilitarianism to animal issues, Varner shows how intuitive level rules and critical thinking can function in their regard. The book will interest those who are familiar with the animal ethics debates, and will be a valuable read for philosophers interested in utilitarianism (whether from a Harean perspective or more generally), in ethical issues involving personhood, and/or in sustainable agricultural practices.

1. Atfield, Robin, *Ethics: An Overview* (London and New York: Continuum, 2012), 176-8; *Value, Obligation and Meta-Ethics* (Amsterdam and Atlanta, GA: Editions Rodopi, 1995), 204-8.

2. Clark, Stephen R. L., *The Moral Status of Animals* (Oxford: Clarendon Press, 1977), 59.

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