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Beyond Animal Husbandry: The Study of Farm Animal Cognition and Ensuing Ethical Issues

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The Moral Value of Animals: Three Versions Based on Altruism

Abstract

As it comes to animal ethics, broad versions of contractualism are often used as a reason for excluding animals from the category of those with moral value in the individualistic sense. Ideas of “reciprocity” and “moral agency” are invoked to show that only those capable of understanding and respecting the value of others may have value themselves. Because of this, possible duties toward animals are often made dependent upon altruism: to pay regard to animals is to act in an other-regarding manner instead of mutual benefit. There are three main versions of altruism in animal ethics. The first one of these is the most traditional, and emphasises benevolence as a source of moral regard. The second concentrates on the notion of value, and claims that animals have value in the individualistic sense despite being incapable of moral agency. The third resists overt theory-dependency, often included in the second version, and concentrates more on the elements of “context” and “identification”. Out of these, a combination of the last two is identified as the most fruitful basis for altruistic animal ethics.

Introduction

Although the notions of “reciprocity” and “moral agency” are not necessarily primary in ethics concerning human beings, and although contractual ethics has only limited footing in moral thought, when it comes to the moral value of animals, such notions are repeatedly invoked. Those who argue against the moral value of animals in the individualistic sense¹ are especially prone to argue that such value depends upon the capacity to act reciprocally, and hence depends on moral agency as something that actualises the capacity to comprehend and follow duties. In short: one can only have moral value in the individualistic sense, if one can respect the moral value of others. Hence, for instance, Roger Scruton writes that: “There are great benefits attached to the status of a moral being, and also great burdens. Unless we are in a position to impose the burdens, the benefits make no sense”,² thereby making moral value in the individualistic sense intrinsically connected to understanding duties. This emphasis on reciprocity and moral agency has led to a situation where animals have been largely excluded from the scope of moral value in the individualistic sense. As mere moral “patients”³ rather than agents, they are thought to be incapable of reciprocity,⁴ and are hence left outside “inherent value” and “rights”. Almost identical remarks to those of Scruton have been the basis of most criticism of the notions of animal value and/or rights.⁵ Now, the result of the claims that emphasis on reciprocity depends partly on self-benefit, and that moral value in the individualistic sense is connected to moral agency, is that any moral regard for animals is often thought to depend upon altruism. That is, since a certain amount of egoism is the basis of the value of moral agents, a certain amount of altruism must be the basis of concern for moral patients.

The common definition of “altruism” runs as follows: “The inclination to behave in such a way as to benefit others, without the anticipation of reward from external sources; unselfishness”⁶. Altruism, then, implies acting for the sake of another being, regardless of self-benefit. As will be seen, many of those arguing against the individualistic value of animals still insist that they ought to be given some moral regard, usually based upon altruistic notions.⁷ Although altruism as such is a notoriously debated matter, relatively little regard is given to the different manners in which altruism is used in animal ethics. The motive of this paper is to analyse three different approaches to “altruistic animal ethics”, all of which are both intertwined and contradictory in relation to each other (that is, they include certain similarities, whilst being, in parts, incompatible). The notion of altruism used is very broad, concentrating on the definition offered above – that is, any moral regard to animals that is not based upon reciprocity or other expectation of self-benefit is understood to be “altruistic”. The first approach, most common amongst those critical of the moral value of animals, argues that altruism is motivated by *benevolence*: we act altruistically out of kindness or compassion. The second approach, which is most common in the “classics” of animal ethics, claims that altruism simply means valuing others *as ends in themselves*: we abandon our selfish motives when we recognise inherent value also in others. The third approach, which is part of the “third generation” of animal ethics, finds the source of altruism in our capacity to *identify* with others and feel empathy toward them; it also places much emphasis on “context”. According to this interpretation we take others into account not only because we want to view ourselves as kind people or because we feel a certain duty toward the inherent value of others, but because we genuinely feel for their well being. Hence, the paper will concentrate on altruism as 1) as acting out of benevolence, 2) as seeing inherent value in others, and 3) as identifying with others.

Approach 1: Benevolence

As mentioned, according to some traditional theories, animals do not fit into the second approach, for they are not moral agents. That is, only moral agents may have value in the individualistic sense, and as mere moral patients at best, animals cannot be included. This type of view is usually connected to ideas of reciprocity, even when theories presenting it are not contractual. That is, the element of mutuality is understood to be a crucial part of ethics, and only those capable of respecting the value of others are thought to be capable of possessing value. Perhaps the most famous advocate of this view is Kant, who claims that only autonomous, moral agents can be “ends in themselves”. Since animals do not fit this category, they exist merely “as means to an end”, and are therefore valuable only in the instrumental sense. More than this, Kant thought that all duties (including the duty to avoid inflicting unnecessary pain) toward them are indirect.⁸ The basis for our duties toward animals is found from something external to the animals themselves, and hence even kind treatment is an act that is not done for the sake of the animals, but rather to serve some further purpose. This further purpose is to build the moral character of agents and make them behave benevolently toward other humans: treating animals kindly is thought to cultivate humanity and lead to kind treatment of human beings.⁹ We have duties toward animals, not because of what they are, but because of what we as humans are (or want to be). Now, although the Kantian understanding of animals has been influential, it obviously offers no basis for altruism, as the regard for animals is not motivated by the animals themselves.

A version of the Kantian understanding¹⁰ has been rather popular and appears, for instance, in the writings of Hume and Nietzsche. This version accepts the premise that animals do not have value in the individualistic sense, whilst being critical of the premise that duties toward animals are indirect. Hume

thought that animals cannot be part of the moral society or have rights, for the society consists of beings of equal character, and animals are in many ways inferior to (although not categorically different from) human beings. Still, he claimed it to be important that: “We should be bound by the laws of humanity to give gentle usage to these creatures”.¹¹ Nietzsche talked of the importance of pity towards animal suffering, and claimed that “blind suffering” is the spring of the “deepest emotion”.¹² Hence, although animals differ from human beings in relation to moral value, their suffering is still something that ought to be given moral regard – not to enhance “moral character”, but because of the animals themselves. Regard toward animals is made dependent on “humanity” (and emotional attitudes that go with it) that is *other-directed* rather than self-directed. Therefore, it is based on altruism: animals are to be treated kindly simply because of unselfish regard for their well-being.

Today, the view has yet again altered, as altruism in the form of benevolence is mixed with a claim that animals have value also in themselves, even if such value is not identical with that of human beings. The contemporary understanding often claims to differ from Kant in maintaining both that there are direct duties toward animals, and that animals have *some type* of value in themselves – that is, animals are seen to have more than instrumental value, although this value is different from that of human beings and cannot be defined as “individualistic”. Here, altruism toward animals is made dependent on both *value*, and other-directed “*humane*” emotions. For instance, Carl Cohen argues that we have direct duties toward animals, which are built upon “kindness”. Furthermore, although he emphasises in the Kantian manner that since animals are not moral, autonomous agents they cannot have rights or value in the individualistic sense, he does think that animals have some type of value other than purely instrumental.¹³ This type of reasoning is also found in theories of moral contract, such as Rawls’s theory of justice.¹⁴ Animals are not part of the moral contract¹⁵, and they do not qualify as ends in themselves. Still, their moral value is not entirely denied, and their suffering is seen as a source for both value, and direct duties toward them. Whereas Cohen speaks of “kindness”, Rawls speaks of “compassion and humanity” when it comes to animal suffering. The view is common in contemporary culture at large, as the so-called “welfarist” attitude toward animals claims that animals do have some type of value in themselves, and argues that animals should be treated with kindness.

However, despite the facts that altruism is emphasised as the source of direct duties, and that animals are even seen to have some moral value in themselves, this approach is not entirely dissimilar to that offered by Kant. First of all, it has to be noted that that the value given to animals tends to be rather minimal. Often (as with Cohen), the value is based on matters such as “life” or “uniqueness”: animals are of value as living, unique entities. The other common option (exemplified by Rawls) is to emphasise capacity to feel pain as the source of value. Although this definition is different from the one emphasising instrumentality, it still is a far leap from value in the individualistic sense. It underlines value in the “*limited* sense” as value is restricted to a certain element of an animal (life or pain), and leads only to duties that concern that element (“respect life”, “do not cause pain”). In the case of life or uniqueness, animals are ultimately in the same category with plants, and hence there is no great difference between duties toward dogs and duties toward trees.¹⁶ That is, if it is merely life that is emphasised in relation to animals, there is little to morally separate them from things such as plants. In the case of capacity to feel pain, animals are given more regard than plants, but still much less than “individuals”: it is only matters directly related to pain that are of importance (hence, animals may for instance be used instrumentally as long as causing pain to them is avoided – a common belief states it to be acceptable for instance to kill or captivate animals, as long as rearing them is done kindly)¹⁷. The limited nature of the value of

animals in this context is exemplified in the manner in which it is common-place to argue (as, for instance, Cohen does) that even though there are duties toward animals, animals cannot have rights¹⁸ if “absurd consequences”¹⁹, such as giving rights to carrots or saving the rabbit from the fox, are to be avoided. That is, their value is not enough to lead to actual *claims* toward human beings.

The limited status of their value is underlined by the manner in which human “kindness” is often seen as elementary for us having moral regard for them: as stated above, their value as such is insufficient. That is, duties toward animals are often only secondarily based on their value, and primarily based on human benevolence. The dependency on human nature has clear consequences. Firstly, duties are considered rather *voluntary*, as they depend on the subjective willingness to act benevolently (indeed, quite commonly regard for animals is seen as a “personal” matter). Often, they are understood in a similar sense as “charity”, kindness to animals is what nice people do as an extra-pursuit, and notions such as “pity” are used to underline why we ought to refrain from, say, causing unnecessary harm to animals. That is, kindness toward animals is a virtue that is not enforced: it is a positive element in one’s behaviour, but instead of being a strict obligation, it rests on personal choice. Hence, regard for animals is ultimately supererogatory (this voluntary basis for the duties is concretely exemplified by the manner in which animal welfare laws usually include only minimal punishments, and lead rarely to prosecution)²⁰. The second consequence is that duties toward animals are heavily *dependent upon conditions* – even if it is claimed that duties do exist outside personal charity, the duties are based on the context rather than the animal herself. More specifically, the duties apply only when duties toward human beings do not overstep them. Since the value of animals is limited in comparison to that of human beings, the latter are prioritised at the expense of the former. This has led to a situation where almost “everything goes” as long as it is not obviously sadistic – that is, any human interests ranging from aesthetic to economic are seen as justifying the use of animals (prime examples being factory farming, fur farming and fox hunting). It is because of this that the term “unnecessary” suffering is not considered problematic, and that “necessary” suffering is thought to be not only something that should be tolerated, but something that should be actively inflicted upon animals, a prime example being some types of animal experimentation. Thus, duties toward animals remain restricted at best, and secondary at worst.

It is possible to claim that there is nothing wrong as such with an approach that links moral regard toward animals to voluntary charity and contingent factors – surely this is altruism in one of its typical forms. However, it also has to be noticed that because benevolence plays such a crucial role in duties toward animals, it is unclear whether it is the animals themselves that are the source of motivation, and whether we may talk of altruism at all. In the end, the Kantian notion of enhancing one’s humanity *may* be found as the ground for duties toward animals, as benevolence may not be only the *cause* for regard, but actually the primary *goal* of it. That is, for instance kindness may be seen as a “proper” part of humanity; it is the “decent” thing to do, a duty that belongs to the life of those that consider themselves “humane”. Therefore, it may not be the animals themselves, but our own moral character that is at stake.²¹

The criticism suggests, then, that not only is the value of animals according to this approach very limited, but also that the duties are voluntary, contingent and even indirect. However, the main point of criticism is that it is not clear at all that animals do not have moral value in the individualistic sense. An adequate theory of animal ethics requires accepting that animals do have individualistic value, which makes not only their pain, but interests in general, of moral importance. Hence, it can be maintained that regard for animals is not a matter of restricted duties – rather, it is a matter of *duties toward individuals*.

More than this, acknowledging the value of animals would make duties toward them independent of our willingness to act kindly, contingent factors, or the need to cultivate humanity.

Approach 2: Value in the individualistic sense

Especially in the last three decades animal ethics has presented powerful arguments for accepting that animals do have value in themselves, as individuals.²² It has sought to prove that standard ethical traditions, from utilitarianism to rights theory, will, if consistently read, include animals in the category of valuable individuals. Hence, the claim that regard for them is voluntary benevolence or “charity” is criticised, as animals are given qualitatively similar value compared to that of human beings. What is of importance here is that animal ethics emphasises that beings do not need to enter reciprocal agreements in order to have value in the individualistic sense – nor do they have to be moral agents. Even when contractual ethics is used as a basis for the moral value of animals²³, this is done by emphasising that reciprocity and moral agency are not *necessary* criteria for value in the individualistic sense. The basic idea, offered for instance by Tom Regan, is that individuals are to be valued as *themselves*, without paying regard to the fact of whether they can or cannot respect the value of others.²⁴ That is, *moral value* is separated from *moral activity* – an individual’s actions towards others are not relevant from the point of view of her value (hence the separation into “moral agents” and “moral patients”). Because of this, it is *value* itself that can give the basis for direct duties and altruism: animals are valued as themselves and given moral regard despite the fact that doing so is not based on reciprocity and mutual benefit. Thus, whereas the former approach bases altruism on the fact that regard for animals lies *outside* the scope of individual ethics, the second approach argues that it stems exactly from the fact that animals are *inside* such a scope. The crucial difference here is between the meta-ethical beliefs: the first one sees individual ethics as based upon contractual self-interest, whereas the latter views ethics without notions of reciprocity.

The reason for criticising agency as a criterion is partly founded upon the so-called “argument from marginal cases”, as many claim that the moral agency criterion would exclude not only animals, but also many humans.²⁵ More than this, the claim is that the notion of moral agency simply does not cover what we comprehend intuitively as valuable in other beings; we do not, for example, feel the suffering and killing of others to be something that should be avoided because those in question have the capacity to comprehend morality – rather, the reason stems from a broader conception of what type of beings those in question are.²⁶ Of course, also the notion of reciprocity has been under review as contractual ethics has been claimed (for instance by Mary Midgley) to both rest on an overly simplistic conception of human nature as inherently selfish, and to lead to an ethics that favours the capable at the expense of those less capable.²⁷ A fourth reason is more theoretical, as the claim is that contemporary moral theories, when consistently read, simply lead to making moral agency (at best) only a *sufficient* criterion for moral value in the individualistic sense. The argument is that sentience, or *phenomenal consciousness* in the Nagelian sense, is the *necessary* and “neutral” basis for moral value. To put it bluntly, the common argument (offered with some variation for instance by Peter Singer and Evelyn Pluhar) is that well-being is a basic value to us, and that it is because of this that consciousness in the phenomenal sense is of importance as it makes the experience of well-being possible. Since cognitive ethology suggests that many animals indeed are conscious beings, they also have moral value in the individualistic sense.²⁸ The view seems well justified, for none of the traditional ways of excluding animals from the moral sphere are consistent. Neither *the categorical argument* (which claims that humans differ categorically from the rest of the

animal kingdom); nor the *humanistic argument* (which claims species to be the criterion for moral value); nor *the argument from social inclinations* (which claims that humans “naturally” favour other humans) succeed in showing that animals do not have value in themselves, as individuals.²⁹

Part of the animal ethics argument is that there are direct duties based upon the value of animals. These duties do not share the characteristics of those involved in the reciprocal understanding of animals, as they are neither indirect, limited, conditional, nor voluntary. Just as the value of animals is qualitatively similar to that of human beings, so are the duties similar. Hence, duties toward them are not based on the need of moral agents to cultivate their moral nature, but on the value of the animals – I refrain from kicking a dog, not because I wish to strengthen my humanity, but because of the dog itself. Perhaps most famously Tom Regan has criticised what he calls the “cruelty-kindness view”, which ultimately underlines a type of indirect benevolence, and which is exemplified in Cohen’s notion of kindness. According to him, it is only secondary whether we are acting because of noble or good intentions, for the primary factor is the animal herself.³⁰ Also, the duties are not limited to matters such as the pain of the animal as it is not only the suffering of animals that matters, but the animal as a whole, with all its interests – hence, I ought not only avoid causing pain, but also take other interests of the animal into account.³¹ Similarly, the violation of their value cannot be justified on the condition that to do so would bring benefits to human beings – suffering does not become “necessary” and hence justifiable on the basis of human benefit.³² Furthermore, to refrain from kicking the dog is not a voluntary matter done in the name of charity and resembling a supererogatory act, but a compelling duty, giving a basis also for the rights of animals. The argument then goes: 1) animals have value in the *individualistic sense*, and 2) duties toward them are not only *direct*, but also *un-limited, unconditional and compelling*. The concrete nature of the duties is directly deduced from the type of value the animal is thought to have, and (as Regan famously claims) stipulates generally that animals are to be treated with respect (“The Respect Principle”) and without causing harm (“The Harm Principle”)³³.

Therefore, it can be argued that moral regard for animals is not altruism in the sense of benevolence, but altruism in the second sense, which claims animals to be “ends in themselves”. However, this approach also faces difficulties. The main source of criticism is found from the difference between “first generation” animal ethics on one hand, and “second” and “third generation” on the other. The first generation concentrates on applying standard ethical theories (such as virtue ethics³⁴ or utilitarianism) to animals, hence accepting theory-dependency – the prime examples are Peter Singer and Tom Regan. The second generation, however, seeks to build a more heterogenic ethics, in which viewpoints from different theories are taken into account, and in which dependency on one existing theory is resisted – an example is S.F. Sapontzis. The third generation goes even further, and is built upon criticism of theory in general.³⁵ The criticism has concentrated on the manner in which the first generation follows quite strictly the path of traditional ethics, which is understood to be problematic on many levels, including *universalism, objectivism, abstraction and monism*. It is argued that animal ethics has assumed there to be objectively discoverable, universally applicable truths, which are restricted in number and independent of the “practical level”. Hence, it has assumed that there is some one objective criterion for individual value, which leads to duties that apply to all contexts, and does not involve practical considerations. A handful of general duties (such as those deducible from the “Respect Principle”) are thought to be able to guide our actions, and the nature of these duties is understood to be independent from the practical context and its particularities. Now, since it has been famously argued that humans are not beings capable of finding “objective” truths; that without objectivism universal claims can be problematic; that a

few principles cannot take into account the infinite number of practical situations; and that such situations need to be taken into account when making moral decisions for morality to have any relevance at all, the foundations of the first generation animal ethics seem shaky at first sight.³⁶

These criticisms seem justified up to a point, as proponents of the first generation animal ethics have tended to overly emphasise theory. The main problem is, firstly, that given theories are often offered as “closed systems”: for instance, rights theory with its implications can be taken to be the only “correct” manner of valuing animals, and valuable elements from other theories (such as utilitarianism) are left aside (and vice versa). Secondly, a rather abstract and broad nature of duties is implied: broad duties are offered as a basis for animal ethics without practical examples concerning exactly how such duties are to be followed. (For example “the respect principle”, which requires us to take the welfare of animals into account, does not tell what to do in complex conflicts of interest.) However, before going further, it has to be noted that despite the *structural* limitations of first generation animal ethics, much of the *content* remains strong. That is, although the idea of abstract, monistic duties is problematic, the argument that animals indeed do have moral value in the individualistic sense can be well defended.

Approach 3: Identification

Recent years have seen a growing emphasis on the practical aspect of ethics. The criticism of the above-mentioned elements of traditional ethics has rested largely on the idea that theory has maintained a predominant position in ethical thought, and that practice ought to be given more footing. Theory is seen as resting on a Cartesian framework, which underlines all the mentioned elements, and assumes there to be a neutral “subject” that is distinct from the “objects” it analyses. In this framework, ethics is argued to have become a type of “calculus”, wherein moral agents neutrally apply different conditions (“numbers”) to a set principle (“formula”).³⁷ What is needed, the argument goes, is more attention to the practical side of ethical dilemmas, both in the sense of paying more thorough regard 1) to the nature of ethical epistemology, and 2) to the nature of practical situations encountered in decision making. With regard to the first of these, it is claimed that humans are not neutral beings separated from the objects of their knowledge. Regarding the latter, it is argued that practical situations are so complex that no monistic, abstract and universal “formula” could ever answer for all of them. Hence, both the practical side of *human epistemology*³⁸ and the *context* of ethical dilemmas are to be taken into account.

When it comes to human epistemology, the main claim is that humans are context-situated beings, who are bound by the tendencies of basic human nature. That is, we do not see things from a neutral perspective, and are affected not only by our specific viewpoints, but also by basic human attributes, such as biological and emotional matters. For example, Val Plumwood has argued for an ethics that would take into account the fact that humans are locally situated beings, who see matters from a certain perspective, and who for instance feel attachment to those close to them.³⁹ As the example’s emphasis on attachment shows, part of resisting the image of moral agents as objective, impartial beings is paying attention to the overwhelming regard often given to rationality. The argument is that it is precisely the project of rationality that has led to underlining matters such as objectivity and monism, and that in order to give more room for the practical aspects of human nature, the meaning of emotion needs to be recognised⁴⁰. Thus, there is a demand for recognising emotion as one of the bases for ethics (rather than viewing ethics as a rational calculus made by wholly neutral beings).

When it comes to the issue of context, on the other hand, the argument is that we should try to approach

each situation through its particularities and take into account the fact that no two situations can be categorised (or “codified”) as the same. *Particularists* (such as Martha Nussbaum and Bernard Williams)⁴¹ argue that to have a real moral comprehension of the world we have to start with the particular situations and contexts, working our way up from practice into theory instead of the other way around. Part of the concentration on the particular situations is taking into account the viewpoints of the beings involved. Martha Nussbaum, for instance, uses the term “perception” (in a rather postmodern manner) to underline the fact that we ought to be open to concrete situations and to the perspectives of those who the situations touch. We are not to see beings as abstract entities, but as individuals with their own histories and viewpoints.

In animal ethics, epistemological and contextual elements have been analysed especially from the point of view of “*identification*”. The argument broadly stated is that it is the capacity to recognise the other being’s point of view that leads not only to understanding her as a morally valuable being in the individualistic sense (having a point of view to identify with is the necessary criterion for such value), but also to managing ethical dilemmas in a more fruitful manner. On the epistemological side, identification is connected to the emphasis on emotions. To put it simplistically: we value because we care, and we care because we can identify⁴². Also, biology is underlined. The argument is that identification is a part of human nature in the biological sense⁴³, and that the roots of identification can be tracked down to evolution. On the contextual side, the type of perception that Nussbaum underlines is obviously connected to identification: therefore, it is not only moral value that is to be determined through identification, but also contextual ethical dilemmas.

For instance, the afore-mentioned Mary Midgley argues for the importance of emotion, and emphasises that moral value in the individualistic sense is attached to identification. She claims that: “What makes creatures our fellow beings, entitled to basic consideration, is surely not intellectual capacity but emotional fellowship,”⁴⁴ and goes on to argue that this emotional fellowship is based on consciousness: “The special importance of sentience or consciousness in a being outside ourselves is that it can give that being experiences sufficiently like our own to bring into play the Golden Rule”... “To recognize the spark of conscious life out there is to see it as having a certain importance”⁴⁵. Consciousness, then, gives grounds for identification, and it is because of this that dogs and cows differ morally from cars and flower-pots, for quite literally, we may only try to know what it is like to be another being, if it is like something to be that being. Also, an “emotocentric” approach to interests, advocated for instance by Warren Neill, favours identification to some extent as a ground for animal ethics, as the experience and capacity to understand other beings’ experiences are made central. The importance of biology is underlined by Midgley and James Rachels, who have argued for the significance of identification from the biological, evolutionary point of view. The argument is that capacity to identify is crucial for the birth and content of morality: recognition of similarities makes not only our own, but also the interests of others significant.⁴⁶ Midgley also underlines contextuality, and claims that we should approach ethical dilemmas through the point of view of the situation (which she calls a “reflective model”), rather than by trying to enforce the same principles on all situations. Bryan Norton has also argued for a contextual approach to animal ethics, although he does not underline identification.⁴⁷ Before going further, it has to be noted that “identification ethics” is an umbrella term, which includes many different approaches, ranging from emphasis on different aspects of epistemology to emphasis on the context. Therefore, some understandings may be quite biological, whilst others may be, for example, quite contextual.⁴⁸

The altruistic tendencies behind identification ethics are not hard to find: animals are given moral regard because of their own point of view. However, this approach to altruism clearly differs from the first one. As seen, acting kindly or benevolently because of pity is often directed at one's self: we want to feel we are good people. Identification and empathy, on the other hand, are clearly other-directed: it is the perspective of the other that motivates kind acts. Here the definition of "empathy" (a term often used as correlative with "identification") becomes important. As Peter Goldie points out, empathy is simulative by nature, and "involves imagining the experience of a narrative" from another being's point of view – it is "feeling into".⁴⁹ That is, we try to simulate the condition of another being by creating a narrative that would suit that condition. This creation is heavily other-directed, for we try to imagine what it is like for her, rather than what it would be like for us, if we were her. The identification approach to altruism also differs from the second one described above, since the practical level is given more importance. That is, it is not only theory that leads to altruism, but also practicality: we give moral regard not only because we "know", but because we "see" and "feel".

However, there are some problems with this third approach (only a few of which can be dealt with here). First of all, let's look at particularism. Pluralism is often a part of particularism, as the suggestion (offered in animal ethics for instance by Mary Ann Warren) is that there ought to be no "True" moral principle or value, but rather many, from which we are to choose on the basis of the context⁵⁰. Now, paying attention to practice and pluralism of options is a welcome idea, for surely one theory with a handful of principles cannot do justice to each specific situation and context. To try to do so is understood to be "codifying", reducing the plurality of life by generalisation into simple categories. Still, it remains unclear whether monism can be wholly abandoned, and whether generalisations are necessarily the evil they are made out to be.

First of all, the by now famous problem of pluralism shows that in order to resist relativism, pluralism requires some type of "meta-criterion" (and hence ultimately meta-theory) as a basis on which to decide between different options.⁵¹ That is, to simply "choose" without consistent criteria becomes an arbitrary matter, and easily turns into subjective opinion rather than societal ethics (for instance, highly subjective notions of "intuition" and "taste" have been suggested as the basis for pluralistic decision-making)⁵². Secondly, although overt generalisations cease to notice the particularities of each context, generalisations still are a necessary part of thought, as categorisation is included in the act of making sense of the world – we simply have to categorise to some extent or we live in the world of chaos.⁵³ Hence, rather than resist generalisations as such as "codifying", it is more fruitful to concentrate on what *type* of generalisations are justified – "generalisations" and "meta-principles" should not be avoided at the expense of deserting all criteria.⁵⁴ Full contextualism and pluralism are not, then, viable options.

The problem of particularism is relevant to identification ethics, for we are without an answer as to what to do after identification: if I can identify and see the situation of both a dog and a human being, how am I to make decisions in favor of either? It may be claimed that what becomes crucial at this point is looking at not only the personal narratives of those involved, but also other practical aspects of the context: why are specifically x and y involved in the situation, what would the consequences of given decisions be, etc. The claim may be that the *more knowledge* one has of the situation, the more (rather than less) clearly the moral picture starts to emerge. Still, even with such knowledge we do not get very far, if there is no clear way of assessing such knowledge. To give a simple example, it may be argued that we ought to pay more attention to the viewpoint of a victim rather than the rapist, simply because of having knowledge of his possible callous attitudes and details of his act. Still, there is no reason to make

such assertion if there is no moral theory as to why callous attitudes and rapes are morally problematic, and mere identification offers no such reasons. The main problem is that identification tends to remain quite a *formal* approach with little content as to what to do with the identification, and if we are left to decide upon the context, relativism is an inevitable danger.

Also, the emphasis on biology faces difficulties. It does seem justified to claim that altruism in the form of identification has played an essential part in our evolution.⁵⁵ We are more than collections of selfish genes, and it may well be that the capacity to identify and feel for others is at the heart of humanity.⁵⁶ However, how relevant this factor is remains unclear. A version⁵⁷ of the *genetic fallacy* claims that we cannot infer the content from the origin without further premises. This means that the origin of morality cannot be equated with the content of it, and that therefore even if empathy is the origin of our moral behaviour, it cannot determine the content of morality as it exists now. Also (and more famously) the *naturalistic fallacy* claims that norms cannot be concluded from facts without further premises. Because of this it can be claimed that even if we do to a large extent follow empathetic feelings when deciding our actions, this is not necessarily the way we ought to be making our decisions.⁵⁸ Still, these problems are not as severe as they look. Midgley for one has pointed out that, first of all, the genetic fallacy does not mean that the origin does not matter at all, for to understand the origin of morality helps us to better see its function, importance and possibilities.⁵⁹ This looks like a justified argument. We cannot deduce the content from the origin, but surely the origin has an effect on the content. (Midgley uses the example of a strange orphan: in order to better understand her, we need to gather some information about her origin.) Midgley also claims that the naturalistic fallacy fares no better. She thinks that we are being naturalistic if we *reduce* everything to biology. However, taking biology *into account* is not naturalism. On the contrary, recognising the importance of biology and our human tendencies is an important part of understanding what we are, what we ought to be and what we ought to do – without it both the conception concerning ourselves and ethics remain only partial.⁶⁰

It seems, then, that the fallacies do not necessarily threaten identification ethics. As is rather commonplace to argue these days, the "is" is involved with the "ought" – in fact, the latter makes no sense without the former. When it comes to ethics, it seems bizarre and overtly abstract to find a basis for it whilst completely overlooking the biological nature of human beings. Still, one has to be careful with how much emphasis is given to biology. This is because, first of all, the "is" is always partly a construction, the meaning of which is contested and altered constantly. In a situation where there is no absolutely neutral manner of perceiving the "is", to make it the basis of ethics is always a potentially dangerous and circular enterprise, for it is often value-laden presumptions that guide the construction / interpretation of the "is" (an unfortunately famous example being racism). Secondly, to follow the "is" without theoretical restrictions (which themselves again will to some extent overstep the importance of the "is") leads to a situation where ethics could be anything. That is, if (to give a simplistic example) it were somehow proven that the selfish-gene theory does apply and that human beings are basically egoistic beings with little biological regard for others, the resulting ethics would have to be accepted if no theoretical restrictions applied. Hence, to give room for biology is always a project that needs to be approached with care. Ultimately, as with particularism, a meta-theory is needed in order to avoid pitfalls of biology: we need something with which to discriminate the morally relevant aspects in biology from those without moral relevance.

A further difficulty is encountered in relation to the structure of "emotion". If identification is understood

as an emotion, does it not threaten to become a personal matter, which may equally well result in negative viewpoints, as it does in positive viewpoints? That is, do we not identify on the basis of personal sentiment, giving priority to those near us or those like us, and disregarding those that we find somehow alien or repugnant? Obviously, this is an important aspect in animal ethics, as it is precisely incapacity (or, as Brian Luke claims, reluctance) to feel empathy toward many animals that has led to their demise. That is, people have difficulties in having positive identification with, say, rats and pigs, and this in itself has often led to their exclusion from the moral zone.⁶¹ In order to answer this difficulty, it is important to note that despite the demand for emotions, “identification” is not to be understood in the rather common conception of emotion, which correlates emotions with “emotional episodes”⁶². Whereas the latter defines emotions as sporadic “sentiments”, identification is a *considered attitude*, which includes both the elements of *longevity* (it is not impulsive) and *reasonableness* (it is based upon a clear belief-structure). Hence, identification is not an arbitrary matter, founded on the basis of personal preference but rather something intertwined with beliefs. As has been emphasised for instance by Martha Nussbaum, emotions are not empty of beliefs, but rather include them⁶³. We entertain emotions because of given beliefs, and explain emotions through beliefs.⁶⁴ Here, theory comes to be of importance, as the beliefs involved in identification need to be explained and justified. Therefore, emotion may be elementary for comprehending values, but theory is still required in order to specify those values. We may feel immediate empathy with other beings, but the relevance of such empathy should be based also on beliefs concerning with *whom* and *why* we ought to empathize.⁶⁵ Giving theory importance has two consequences. Firstly, it is not *any* identification that has moral meaning, but only identification that is built upon a criterion that can be justified as ethically relevant.⁶⁶ Secondly, in case of lack of identification, theory may motivate us to identify with other beings, as we may simply be reminded that we ought to take also their point of view into account. Therefore, there should be no difference between friends and strangers or cats and people in the light of identification that is based upon ethical premises.

Peter Goldie presents an additional critique of empathy: he argues that empathy does not necessarily lead to any type of care. We do not necessarily feel care even if we see the viewpoint of another and because of this, he claims that: “Empathy is not the high road to an ethical outlook”.⁶⁷ However, his assertion is unconvincing, for he overlooks the distinction between *observation* and *understanding*.⁶⁸ It is true that taking into account the viewpoint of another may only give us an observation of what it is like to be another being, and as such result in neutrality. Still, the aspect of *understanding* is missing if we do not have an adequate emotional response toward that other being and without such understanding, we cannot meaningfully talk of empathy. For empathy to truly exist, we have to understand, not merely observe, and part of understanding is emotional engagement with what it would be like to be another being. We cannot have grasped the point of view of another thoroughly, if her viewpoint is not escorted by emotions. For instance, I am lacking in my conception of someone’s suffering, if I do not have an emotional response toward that suffering. Therefore, it can be argued that empathy does conceptually include the element of care.

What all these points of criticism reveal is that the element that is needed is a theory concerning what is being valued, and why. Although the meaning of theory needs to be contested to some extent, and the role of the practical level emphasized, theory with all its “codification” is not to be thoroughly abandoned. That is, for the third approach to succeed, it needs to be combined to some extent with the second approach: identification needs to meet theory in a thorough manner. This applies to both

conception of value and *practical decision-making*. First of all, there needs to be a theory of value that is based upon something more than biological or emotive tendencies (even if these tendencies have much to do with that value) simply in order to avoid giving the biological or emotional “is” too much importance. Secondly, the contextual aspects of making actual decisions need to be grounded on theory instead of simply applying various principles (and even theories). When contextual aspects are emphasized, there needs to be something solid with which those aspects are evaluated order to avoid relativity.⁶⁹

How should the second and third approach to altruism be combined? What is suggested is that identification and contextual considerations should be taken into account primarily in a *structural* sense. That is, moral value and ethical dilemmas should be approached through acknowledging the viewpoint of those involved and paying attention to the particularities of each situation. In animal ethics this means that animals should be seen as individuals and their viewpoints taken into account when considering, for instance, what types of human – animal relations are morally justifiable. Still, identification and contextuality are not enough, and need to be accompanied by theoretical frameworks that provide *content* to principles (such as the *prima facie* principle against killing animals for human consumption) and give reasons to prioritize certain contextual elements over others (such as interests of animals over economic profit). Here the second approach to altruism is of importance. Although the theories it has offered have tended to be quite abstract and not detailed enough to account for practical situations, the theoretical viewpoint to animal ethics itself is to be given room. What should be worked toward is an animal ethics that includes a strong meta-basis for the moral value of animals, detailed principles concerning human-animal relations that also take identification into account, and contextual deliberation. Of course, this might be easier said than done, as the disputes between “generalists” and “particularists” show. Still, it may be the only option since both general principles and emphasis on practice are needed. This is especially evident in animal ethics, where the gap between theories and practice can be quite extreme.

Conclusion

The first approach emphasising benevolence seems the poorest, and does not offer a justified basis for animal ethics. The second approach to altruism, underlining value in the individualistic sense, seems much more plausible, and has been successfully defended against criticism. However, its theory-dependency might prove to be too strong, as abstraction is often prioritised at the expense of practicality. Because of this, the third alternative that rests on identification does seem tempting. However, it also faces some problems, especially that of not having a meta-theory. We seem to be in a dead-end: neither abstract theories nor prioritising practice seem to do the trick. The suggestion is that it might be best to give more room to theory and general principles after all, even at the risk of being charged with “codifying” or “generalism”. We do need some theoretical guidelines concerning the moral treatment of animals, especially as sentient creatures deserve more than relativism in their treatment. However, this does not mean that overt theory-dependency should be adopted or that contextual considerations ought to be ignored. Rather, what is suggested is that the third approach be combined with the second.

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Notes

1. Rather than, for instance, “instrumental” (as the famous Kantian means to an end). Here the term “individualistic” is favoured instead of the more traditional “inherent”, as the latter may be extended to

entities lacking individualistic qualities, such as species. Value in the individualistic sense is here defined as value, which 1) is based on a certain intrinsic characteristic(s) of the animal, 2) refers direct obligations toward the animal itself, and 3) refers to obligations, the consequences of which are experienced by the animal itself.

2. Scruton, Roger. *Animal Rights and Wrongs*. (London: Demos, 1996.) p. 32.

3. Term underlined by Regan, Tom. *The Case for Animal Rights*. (Berkeley: University of California Press 1983).

4. A matter, which has been contested by some ethologists, as it seems that especially some social animals require a notion of mutual duties. See Waal, Frans de, (ed.). *Tree of Origin: What Primate Behaviour Can Tell Us About Human Social Evolution*. (Harvard University Press, 2002.)

5. See for instance Carruthers, Peter. *The Animals Issue. Moral theory in Practice*. (Cambridge: Cambridge University Press, 1992.); Cohen, Carl. "Do Animals Have Rights?" *Ethics & Behavior*. Vol. 7:2 (1997).

6. *Encyclopedia of Applied Ethics*. (London: Academic Press, 1998).

7. Next to this "meta-argument for altruism" in animal ethics, there is also a "practical argument for altruism". The latter has to do with concrete benefits gained from defining the value of animals in a given manner. One of the reasons why many are reluctant to view animals as beings of moral value in the individualistic sense is that this would lead to clear restrictions on the concrete benefits gained from animals. We could no longer use them when it was not necessary, and this would result in viewing, for instance, meat eating, fur farming and hunting for sport as morally doubtful practices. Because of this, many believe that regard for animals depends on some form of altruism. Such a move is often considered rather harmless in regard to consumption practices, as altruistic regard is secondary to moral value and/or rights based on reciprocity.

8. See for instance Kant, Immanuel. *Critique of Judgement*. Werner Pluhar (transl.). (Indianapolis: Hackett Publishing, 1987); Kant, Immanuel. Brendan Liddell (ed.), *Kant on the Foundation of Morality: A Modern Version of the Grundlegung*. (London: Indiana University Press, 1970), pp. 152-157. A similar idea had been presented much earlier by St Thomas Aquinas.

9. See also the thoughts of Francis Hutcheson, in Bradie, Michael. "The Moral Status of Animals in Eighteenth-Century British Philosophy", in Jane Maienschein and Michael Ruse (eds.), *Biology and the Foundation of Ethics*. (Cambridge: CUP 1999.)

10. Of course, it should be noted that those following the Kantian notion of animals are not necessarily otherwise followers of Kantian philosophy.

11. Hume, David. "No Justice without Equality", in Paul Clarke & Andrew Linzey, *Political Theory and Animal Rights*. (London: Pluto Press, 1990), p. 122. Hume, David. "Treatise of Human Nature". Thomas Hill Green and Thomas Hodge Grose (eds.): *The Philosophical Works of David Hume*. (Scientia Verlag Aalen, 1964.)

12. Nietzsche, Friedrich. "Pity for Animals". In Clarke & Linzey, p. 148. Again, we need to be careful

(as Nietzsche remind us) not to automatically assume that pity is an other-directed feeling, rather than self-motivated state.

13. Cohen, Carl, "In Defence of the Use of Animals", in Carl Cohen & Tom Regan (eds.), *The Animal Rights Debate*. (New York: Rowman & Littlefield Publishers 2001), p. 29, 46.

14. Rawls, John. *A Theory of Justice*. (Oxford: Clarendon Press, 1972), pp. 504-512. Rawls's theory has been criticised, amongst others, from the animal welfare point of view. For instance, Mark Rowland claims that consistent interpretation of the theory requires including also animals in the moral agreement. Rowland, Mark. *Animal Rights: A Philosophical Defence*. (London: MacMillan, 1998.); see also VanDeVeer, Donald. "Of Beasts, Persons and the Original Position". *The Monist* 62:3 (1979).

15. Of course, it can be claimed that Rawls's theory concerns justice, not morality. Still, the differentiation between the two strikes one as odd. See an example found in Pritchard, Michael & Robison, Wade. "Justice and the Treatment of Animals: A Critique of Rawls". *Environmental Ethics* 3:1 (1981).

16. Actually, sometimes duties toward plants are seen as more significant, as implied for instance by Holmes Rolston. See Hettinger, Ned. "Valuing Predation in Rolston's Environmental Ethics: Bambi Lovers versus Tree Huggers". *Environmental Ethics* 16:1 (1994).

17. This is a view that is even incorporated into Peter Singer's ethics of animal liberation.

18. This is a matter that has been debated, for instance, between Regan and Cohen, and which presents problems from the point of view of the "correlation theory" between rights and duties. See Cohen & Regan 2001.

19. The argument from "absurd consequences" is also advocated for instance by Mary Ann Warren.

20. Matters raised in the US by Gary Francione and Steven Wise, amongst others. See for instance, Francione, Gary. *Animals, Property, and the Law*. (Philadelphia: Temple University Press, 1995).

21. Of course, it has been suggested (for instance, by Derrida) that all moral behaviour is selfish, as its goal is to clear our conscience. However, as has been claimed, it is important to separate between the *primary* and *secondary* motivation of an action: although selfishness may play a part in moral behaviour, such behaviour can only be called selfish if selfishness is the primary motivation.

22. See for example the writings of Peter Singer, Tom Regan, Bernard Rollin, David DeGrazia, Evelyn Pluhar, James Rachels, Stephen Clark, S.F. Sapontzis and Mark Rowlands.

23. For instance, as seen above, Mark Rowlands uses Rawls's theory of justice in his ethics. Rowlands 1998.

24. Regan 1983.

25. For a thorough analysis, see Dombrowski, Daniel. *Babies and Beasts: The Argument from Marginal Cases*. (University of Illinois Press, 1997.). It is often claimed that potential or lost agency gives value in the individualistic sense also to the "marginal cases." However, this argument fails for two often repeated

reasons: first, it is unclear why a past or future capacity is relevant to how we ought to be treated (although we once were children or we all will be ill at some point, we should not be treated as such). Secondly, this does not cover all of the marginal cases, for some never were and never will be moral agents.

26. See for instance Anderson, James C. "Species Equality and the Foundations of Moral Theory". *Environmental Values* 2 (1993); Clark, Stephen R.L. *Animals and Their Moral Standing*. London: Routledge, 1997), pp. 76-77.

27. See Midgley, Mary. *The Ethical Primate. Humans, freedom and morality*. (London: Routledge, 1994); Sapontzis, S. F. *Morals, Reason, and Animals*. (Philadelphia: Temple University Press, 1987).

28. The famous text can be found from: Nagel, Thomas. "What is it like to be a Bat?", *The Philosophical Review* LXXXIII, 4 (October 1974): 435-50. In animal ethics this definition has been endorsed at length for instance in DeGrazia, David, *Taking Animals Seriously: Mental Life and Moral Status*. (Cambridge: CUP, 1996). On cognitive ethology, see Dawkins, Marian Stamp. *Through Our Eyes Only? The Search for Animal Consciousness*. (Oxford: Oxford University Press, 1998); Bekoff, Marc. *Minding Animals: Awareness, Emotions, and Heart*. (Oxford: Oxford University Press, 2002); Rogers, Lesley J. *Minds of Their Own. Thinking and Awareness in Animals*. (Westview Press, 1997).

29. To put it briefly (and superficially) indeed, the categorical argument simply fails to find a characteristic that all and only humans have. It usually ends up emphasising the meaning of moral agency, but in doing so is open to the criticism of the "marginal argument". It also remains unclear why moral agency should be the sole criterion for moral value: surely I value other human beings for (also) other reasons than their moral autonomy? The humanistic argument has been set as an answer to the marginal argument, and it claims that also those human beings who are not moral agents count morally because they are human. This is the weakest of the arguments, for it does not offer any further premises for the claim: the moral meaning of species remains without explanation (this is most likely because such an explanation would fall back into the categorical argument). Also the notion of species as a "type," that somehow collectively "owns" the capacity for moral agency, presents problems. The third option has been the argument from natural inclinations, but also it is weak. It remains unclear why our tendency to favour other humans should be a basis for moral value, whereas other similar tendencies (such as racism or sexism) are not.

30. Regan, Tom, "The Case for Animal Rights", in Carl Cohen & Tom Regan 2001, pp. 175-180; see also Regan 1983.

31. Also others than those involved directly in animal ethics have presented similar arguments. Robert Nozick, for one, has characterised the human-centred way of valuing animals as a claim for "utilitarianism for animals, Kantianism for people" and thinks it is difficult to maintain that animals ought to be valued only in terms of kind treatment, whereas humans are thought to possess actual inherent value. Nozick, Robert. *Anarchy, State and Utopia*. (Oxford: Blackwell, 1974), pp. 35-42.

32. Now, of course there are always *some* conditions to duties. Common conditions in animal ethics have included the right to protect oneself against severe harm (hence, we may kill animals in a situation where no other means of survival is possible), and the claim that in so-called "life-boat" situation humans are to be favoured instead of animals. See for instance Regan 1983. Especially the latter one of these conditions

has been criticised, see for instance Finsen, Susan. "Sinking the Research Lifeboat", *The Journal of Medicine and Philosophy*. Vol. 13 1 (1988); Pluhar, Evelyn. *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*. (London: Duke University Press, 1995), pp. 288-294). However, despite the fact that there are some conditions, in general animal ethics (and especially the so-called "first generation" of it) has emphasised a rather strict notion of duties.

33. Regan 1983.

34. See Rollin, Bernard E. *Animal Rights and Human Morality*. (Revised edition.) (New York: Prometheus Books, 1992); also, for instance, Auxter, Thomas. "The Right Not to be Eaten". *Inquiry*. Vol. 22, (1979).

35. It has to be noted that the line between the second and third generation is not always clear, as heterogeneity may coincide with criticism of theory.

36. See for example Slicer, Deborah. "Your Daughter or Your Dog? A Feminist Assessment of the Animal Research Issue". *Hypatia* 6:1 (1991); Plumwood, Val. "Nature, Self, Gender: Feminism, Environmental Philosophy, and the Critique of Rationalism". *Hypatia* 6:1 (1991); Luke, Brian. "Taming Ourselves or Going Feral? Toward Nonpatriarchal Metaethic of Animal Liberation". In Carol J. Adams & Josephine Donovan (eds.) *Animals and Women: Feminist Theoretical Explorations*. (London: Duke University Press, 1995.); Birke, Lynda. *Feminism, Animals and Science: The Naming of the Shrew*. (Philadelphia: Open University Press, 1994), p. 137; Vance, Linda. "Beyond Just-So Stories: Narrative, Animals, and Ethics", in Adams & Donovan 1995. A further point of criticism is based on the emphasis on "animal otherness". The claim has been that animals need to be recognised as individual creatures, whom we cannot ever comprehend "directly". Any ethics concerning them should avoid placing the criterion of value on elements that emphasise similarities between humans and other animals, for to do so would disrespect the animal otherness. For an analyses and criticism of this "postmodern animal ethics", see Aaltola, Elisa. "Other Animal Ethics and the Demand for Difference". *Environmental Values* 11 (2002).

37. See for example Caputo, John D. *Against Ethics: Contributions to a Poetics of Obligation with Constant Reference to Deconstruction*. (Bloomington: Indiana University Press, 1993). This type of understanding rests on the "classics" (Derrida, Levinas, etc.) of postmodern thought.

38. In fact, some argue that epistemology comes before ethics. See for instance Plumwood 1991; Norton, Bryan. "Epistemology and Environmental Values". *The Monist*, 75:2 (1992).

39. See again Plumwood 1991; Slicer 1991.

40. See, for instance, Nussbaum, Martha. *Love's Knowledge*. (New York: Oxford University Press, 1990); *Poetic Justice: The Literary Imagination and Public Life*. (Boston: Beacon Press, 1995); Midgley, Mary. *Heart and Mind*. (Sussex: Harvest Press, 1981); Midgley, Mary. *The Ethical Primate. Humans, freedom and morality*. (London: Routledge, 1994); McShea Robert & McShea Daniel. "Biology and Value Theory" in Jane Maienschein and Michael Ruse (eds.) *Biology and the Foundation of Ethics*. (Cambridge: Cambridge University Press, 1999); and more specifically in animal ethics, Solomon, Robert C. "Peter Singer's Expanding Circle: Compassion and the Liberation of Ethics" in Dale Jamieson (ed.): *Singer and His Critics*. (Oxford: Blackwell, 1999). Of course, emotions have been emphasised also

inside the "traditional ethics". For instance, McShea & McShea find basis for their emotion-based ethics from David Hume and his conceptions of sympathy and "parliament of emotion"; also for instance Schopenhauer should be kept in mind.

41. Also, for example, John McDowell, Jonathan Dancy, and David McNaughton can be included. Particularism has been connected to virtue-ethics. Nussbaum 1990; 1995; McDowell, John. "Virtue and Reason". In Roger Crisp and Michael Slote (eds.), *Virtue Ethics*. (Oxford: Oxford University Press, 1997). See also Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*. (London: Duckworth, 1999). Also emphasis on biological tendencies rests to some extent on Aristotle's views, most notably in claiming that 1) morality is partly a natural inclination (here especially the notion of "natural virtues" is of importance) and that 2) one of its main functions is to enable the formation and keeping together of communities. See Lennox, James G. "Aristotle on the Biological Roots of Virtue: The Natural History of Natural Virtue". In Jane Maienschein and Michael Ruse (eds.), *Biology and the Foundation of Ethics*. (Cambridge: CUP, 1999).

42. This is a sufficient, not a necessary criterion for value.

43. In the age of evolution theory the first ones to connect biology and morals were Jean-Baptiste Lamarck and Charles Darwin themselves, and later Thomas Huxley and George Simpson, just to name a few. See Sloan, Phillip R, "From Natural Law to Evolutionary Ethics in Enlightenment French Natural History"; Richards, Robert J, "Darwin's Romantic Biology: The Foundation of His Evolutionary Ethics"; Ruse, Michael, "Evolutionary Ethics in the Twentieth Century: Julian Sorell Huxley and George Gaylord Simpson"; all in Jane Maienschein and Michael Ruse (eds.), *Biology and the Foundation of Ethics*. (Cambridge: CUP, 1999).

44. Midgley 1983, p. 60.

45. Midgley 1983, p. 91, 93. See also Sprigge, T. L. S. "Metaphysics, Physicalism, and Animal Rights". *Inquiry*. Vol. 22 (1979). It is has to be noted that of course such identification is never complete, and that hence true "simulation" is always an ideal. On specific criticism of simulation, see Holton, Richard and Langton, Rae. "Empathy and Animal Ethics". In Dale Jamieson (ed.): *Singer and His Critics*. (Oxford: Blackwell, 1999). Holton and Langton emphasise the difficulties of simulation, but make the mistake of concluding from that identification is an insufficient element in animal ethics. The argument here is that although an ideal, we may have sufficient knowledge (be it physical, personal or historical) of the animal that makes identification a fruitful method. See Dawkins 1998; Flanagan, Owen. *Consciousness Reconsidered*. (London: MIT Press, 1992).

46. Midgley, Mary, *Animals and Why They Matter*. Athens: University of Georgia Press 1983. Midgley 1994; Midgley, Mary. *Evolution as Religion*. (London : Routledge, 2002). Neill, Warren. "An Emotocentric Theory of Interests". *Environmental Ethics* 20:2 (1998). Rachels, James. *Created From Animal. The Moral Implications of Darwinism*. (Oxford: Oxford University Press, 1990).

47. Norton, Bryan. "Caring for Nature: A Broader Look at Animal Stewardship". In Bryan Norton et al (eds.) *Ethics of the Ark: Zoos, Animal Welfare, and Wildlife Conservation*. (London: Smithsonian Institution Press, 1995). Also, for instance Robert Elliot emphasises the importance of localised ethical knowledge in environmental ethics. See Elliot, Robert. "Meta-ethics and environmental ethics." *Metaphilosophy*, 16:2 (1985).

48. It also has to be noted that there are differences in the theoretical strength of those advocating identification, and that hence not all points of the criticism presented here applies to everyone.

49. Goldie, Peter. *The Emotions: A Philosophical Exploration*. (Oxford: Clarendon Press, 2000). Next to empathy, he also talks of “in-his-shoes imagining”, by which he means a situation, where we mix our own viewpoint to that of another, and try to assert ourselves “into her shoes”. This process is perhaps common in every-day life, but less other-directed than empathy. Sympathy, on the other hand, is “feeling towards another’s difficulties”, and “motivation to alleviate those difficulties” – unlike empathy, it is “feeling with”. Hence, as Goldie claims, it is “fundamentally distinct from empathy”, as it carries the component of care. However, here it is argued (as will be seen) that also empathy does include such a component.

50. Warren, Mary Ann, *Moral Status: Obligations to Persons and Other Living Things (Issues in Biomedical Ethics)*. (Oxford: OUP, 2000). This is something that also Midgley endorses to certain extent, see Midgley 1983.

51. Tännsjö Torbjörn, “In Defense of Theory in Ethics”, *Canadian Journal of Philosophy*, vol. 25:4 (1995); see also Crisp, Roger, “Particularizing Particularism”. In Brad Hooker and Margaret Olivia Little (eds.), *Moral Particularism*. (Oxford: Clarendon Press, 2000); and more specifically in relation to environmental ethics, Callicott, Baird, “The Case Against Moral Pluralism”, *Environmental Ethics*, vol. 12 (1990), no. 2.

52. See Domsy, Darren. “Evaluating Callicott’s Attack on Stone’s Moral Pluralism”. *Environmental Values* 10:3 (2001); and Brennan, Andrew. “Moral Pluralism and the Environment”. *Environmental Values* 1:1 (1992).

53. This is something also Nussbaum acknowledges, and she does want to preserve some role for general principles. Acknowledgment does not get us very far, however, for the problem remains unsolved. (Nussbaum suggests that generalisations play a role for those who are ill-educated in morality or for those who are in a rush to make a decision, or for those who are blinded by personal interests. She also emphasises that universalism must be distinguished from generalism. Universalism merely claims we ought to treat exactly similar situations similarly, whereas generalists want to categorise these situations by simplifying them, not taking everything into account. It is precisely generalism that Nussbaum criticises.) See Nussbaum 1990, 68-73.

54. It has been suggested that if particularism resists theory, it at least needs a meta-ethical basis for explaining why humans in general would share a similar background in deciding what’s relevant in each case (see Bakhurst, David, “Ethical Particularism in context”, in Brad Hooker and Margaret Olivia Little (eds.), *Moral Particularism*. Oxford: Clarendon Press, 2000). Usually this is done by reference to virtue ethics and a notion of “tradition” (a move made, for instance, by MacIntyre). However, reliance on tradition does not solve the problem, as subjective relativism is simply changed into cultural relativism. That is, there is no manner in which to decide between different traditions, thereby leaving ethical decision-making arbitrary in conflict situations (another problem is that often philosophers arguing from this view, like MacIntyre, still have an ideal of what the “good” tradition would like – hence, a universal, objective ethics is imposed on the traditions, even though this type of ethics is at the same time criticised). See Horton, John and Mendus, Susan. “Alasdair MacIntyre: After Virtue and After”, in John

Horton and Susan Mendus (eds.), *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*. (Oxford: Polity Press, 1994).

55. A view supported by Darwin himself. See again Midgley 1994; Richards 1999.

56. We do not have to have historical evidence for this; all we have to do is to look at what we are. Those who cannot feel for others are the ones that commit the most horrible crimes – it is when we cease to see the perspective of other beings that we start to ignore their worth. In fact, the main constituent of psychopathic behaviour is lack of empathy.

57. Although genetic fallacy refers to equating the truth-value of a proposition with the *presenter* of such proposition, it is here claimed that another variant is equating truth-value of x with the historical conditions of x.

58. See for instance Woolcock, Peter, “The Case Against Evolutionary Ethics Today”, in Jane Maeinschein and Michael Ruse (eds.). *Biology and the Foundation of Ethics*. (Cambridge: CUP, 1999). He also claims that it should not be taken for granted that altruism truly is part of evolution or biology.

59. Midgley 1994, pp. 107-112, 137-138. Robert J. Richards adds that if we find altruistic behaviour both valuable and deeply based in our being, it seems strange to suggest that we ought to fight it simply because we cannot deduce norms from origin or facts. Richards 1999, 147.

60. Midgley, 1981, pp. 15-31. To forget this would be reductionism of other type, for then we would reduce all content into rational, free spirits. See also Ruse 1999.

61. There can be debate over whether we actually do have empathy toward animals but seek to repress it, or whether we have too little of it in the first place. Arguing for the first option, Brian Luke claims that ultimately human beings do feel a great deal of empathy toward animals, and only treat animals as instruments through *forestalling* and *overriding* it. A solution Luke suggests is “going feral” from the anthropocentric ideal, according to which we have to be domesticated to reason and to the control of sympathy. A crucial part of this is – following the suggestion by Carol Gilligan – development into a more “caring” being. Now, the argument offered by Luke is perhaps too optimistic about the human capacity to feel empathy. Surely we do not always repress empathies, but rather do not at times have any empathy to repress, an example being children who simply have not thought about the suffering they cause in tormenting animals. Luke 1999.

62. On the definition of emotions, see Goldie 2000. Goldie, for one, is critical of the idea that “imaginative processes” such as identification could be emotions (however, he understands sympathy to be an exception).

63. It is partly based on this that the dualism between reason and emotion is criticised.

64. An example being anger as a result of a belief that an injustice has occurred. Of course, as Peter Goldie points out, one should be careful to avoid making emotions into “add-ins”, which are simple responses to beliefs without independent nature of their own.

65. The role of beliefs becomes especially important if we are to avoid the so-called “consciousness-plus” understanding of identification, which claims that the more different aspects of similarity the other being

has, the better. Consciousness is the most basic source of identification, but there are numerous other sources as well that can add to the intensity of identification. For instance, a wealthy white woman may claim that she can identify better with other wealthy white women than with poor black men – here wealth, being white and being woman would be additions to the list of similarities. This would be an entirely justified argument if indeed it is the efficacy of identification that matters when we look for the “relevant similarities”: usually, the more another being resembles us in aspects that we hold important, the better we can empathize with them. Hence, if no other reason for the importance of consciousness is given beside the fact that it makes identification possible, we face clear intra-human consequences as it comes to moral value, for all those factors that make our comprehension of the situation of another being better, would also count.

66. Hence, for instance identification with one’s bike or washing machine carries no moral meaning.

67. Goldie, 2000, pp. 178-180; 194-195. Instead of empathy, Goldie places sympathy as a possible basis for ethics. This is because sympathy cannot lead to indifference, or to negative effects toward the being with whom we sympathize: it is always caring, and always positive. However, even sympathy offers no easy grounds for ethics, for it is inherently partial. Goldie places it as almost the opposite of “impartial benevolence”, since instead of neutral and equal care for other beings, sympathy endorses partiality. Goldie 2000, pp. 213-218.

68. Something that, for instance, Nussbaum has underlined (see Nussbaum 1990; 1995).

69. A combinations of practice and theory has been suggested in, for instance, Wenz, Peter. "Minimal, Moderate and Extreme Moral Pluralism." *Environmental Ethics* 15 (1993).