EMPATHY AND RATIONALITY IN ETHICS

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy, Graduate Department of Philosophy University of Toronto

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Abstract

David Sztybel, "Empathy and Rationality in Ethics" (Graduate Department of Philosophy, University of Toronto, 2000).

The purpose of this dissertation is to present a new ethical theory, ethical empathy. Before introducing that view, it is necessary to assess the prospects of another, contrary outlook: anthropocentrism. The object is to construct the most convincing possible version of human-centredness in ethics. The idea of arguing that humans are, by and large, beings of greater value than nonhumans is explored. This idea, although more plausible than other anthropocentric views, is rejected as unempathetic, however, since it does not allow one simply to identify with conscious beings as they are, regardless of capacities for rationality, language use, etc. It is important to identify with beings (and their good), for a conscious point of view is a central reality of conscious beings, from which we transact all our lives, and find all of our quality of life. Seeking to identify with others is also the best way that we have of getting a sense of that key reality. Such a reality cannot be ignored. We also cannot neglect the possibility of risking harm to others by assuming any kind of reductive outlook. Reductionistic views include denying that animals have minds, and also that moral agents are free. Ethical empathy and the associated concern of anti-oppression also have implications as to which normative theories are acceptable. It is argued that ethical empathy is crucial for identifying fundamental flaws in diverse views such as Kant's theory of ethics, contractarianism, natural law, and deep ecology. Utilitarianism is found to be the most formidable of opposing normative views, although its view of the good is found to be less than fully empathetic. Ethical empathy is also a rich source of possible moral guidance. Implications are discussed for specific moral problems concerning humans and nonhumans. Also, an understanding is sought as to how to confront genuine ethical dilemmas.
Dedication

For good and for truth,
for all conscious beings—
and in fond memory of Hood.
Cet animal est très méchant,
Quand on l’attaque il se défend.

Theodore P. K.,
La Ménagerie (1828)
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This is, first and foremost, a work in ethics. To classify it under "environmental" or "animal" ethics, purely, would be a mistake. Any ethical theory that is adequate must be all-encompassing in its consideration of reality. Even if the nonhuman world is to be given a lesser status (which I very much question), that must be reasoned, and not just assumed. Yet today, in university libraries, academic courses, professional conferences and lectures, we see a different picture. Nonhuman and human beings are hardly found in the same breaths, or on the same pages, that address ethics per se. In effect, ethical thought of the present day is heavily segregated, and whether or not this is an oppressive practice is open to question. However that may be, this segregation remains improperly prejudicial.

We must not allow mere prejudices to dictate the subject matter of ethics itself, but rather, our best reasoning. Yet our reasoning tells us that the entire enterprise of ethics is based on the idea of having a class of beings who are owed basic practical respect, and we must investigate just what that class is. Even skepticism in ethics focuses on doubting this and related notions. Only so-called "environmental" and "animal" ethics, as they are commonly now construed, seriously address this question of "moral standing" (i.e., who is owed basic practical respect in the form of rights, utilitarian consideration, or care). Yet "environmental" and "animal" ethics are not only about the environment and nonhuman animals, but are just as much about the relative status of human beings, and what makes us worthy of moral respect. We cannot understand what makes us worthy of moral standing, after all, unless we consider other beings who might have or lack the same traits.

So what follows from respecting humans and others is just ethics, but not anything peculiarly "environmental." All ethics proper, and all subdisciplines of ethics (related to business, the law, medicine, science, politics and society, etc.) equally require an answer to the fundamental question of moral standing. Recent "environmental" ethics has tried, by itself, to shoulder this burden of the discipline of ethics. This state of affairs can only be
remedied by having ethics do its job of providing an account of moral standing, and relegate environmental ethics to specific applications of ethics to environmental questions, rather than irresponsibly "delegating"—or marginalizing—a fundamental concern of ethics itself. When considering ethics, we hardly know of what we speak, unless we address the defining limits of the subject itself.

Ethics itself traditionally presupposes that humans, and only humans, have moral standing, so it is not neutral on the issue of moral standing. It is just inexcusably prejudicial, and that hardly qualifies as philosophical. Indulging in shared prejudice is philodoxa, or love of opinion, rather than philosophia, love of wisdom. At this point, I am only speaking of inquiry, not of any answers. Still, precluding certain answers by not even asking the relevant questions is patently illegitimate. It is by no means a settled issue that only humans count in ethics, essentially, as the current general silence about nonhumans in ethics would seem to suggest. So this is not just an "animal rights" work (in the sense of nonhuman animal rights). That would be like commenting that books about racism are only about blacks, or Jews, for example, instead of being about human rights, or the rights of all humans. This book addresses the possibility of rights for all conscious beings, including both ourselves, and nonhuman animals.

I will find, upon due consideration, in favour of S. F. Sapontzis' statement in the following: "Animals are the most extensively and thoroughly exploited group on earth."1 In light of this, a special amount of discourse must be devoted to making up for a general lack of consideration given to these beings. Nonetheless, this work is about the consideration of human conscious beings as much as anything else.

A thirst for truth has caused me especially to consider the question of the status of humanism—the cases for and against—as assiduously as this study permits, and also the question of individual rights versus utilitarianism. A related dedication to finding reasons in ethics, in relation to specific problems, is also so motivated. A personal passion for the

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rights of all conscious beings no doubt moved me to carry out this study in the first place, but for those who exclusively want reasoning instead of passions, perhaps they will find no small amount of justification for an attitude of fellow feeling in the pages which follow.
Acknowledgments

I would like to thank Wayne Sumner, Ingrid Stefanovic, and Frank Cunningham—my doctoral committee—who were very supportive during some tough times. Professor Sumner, who worked most closely with me, deserves special mention. He challenged me to do my best, sending me back to the drawing board instead of accepting theoretical formulations which might have lurched their way past a doctoral defence, but which, in the end, would not have been satisfactory. His utilitarian animal liberationist views have enough in common with my animal rights position to enable a fruitful dialogue, while still providing a useful consequentialist counterpoint to my own deontological perspective. Beyond that, Wayne gave me invaluable licence to pursue my dream of formulating an ethical theory for my thesis, even though many would consider that enterprise to be unconscionably broad, literature-hopping, or otherwise gauche. Professor Michael Allen Fox, my external appraiser, deserves special appreciation for going above and beyond the call of duty in providing painstakingly detailed—and neatly set out—corrections for the final draft. Rosemary A. Amey, and also my mother, Doris Sztybel, were also helpful in the editing of this work. Finally, the Ontario Graduate Scholarship Program, the University of Toronto Open Fellowship Program, the generous employment opportunities afforded by the University of Toronto Philosophy Department, and also my parents, Bernie and Doris Sztybel, helped to sustain myself and my family in the completion of this project. Anita Krajnc, a fellow graduate student at the University of Toronto, deserves special mention as an inestimable source of moral support. The University of Toronto’s Graduate Department of Philosophy proved to be an excellent base for the research and writing of this work. Indeed, I have no regrets about my choice of supervisor and institution.

1 A.k.a. "L. W. Sumner."
## 1 Juggernaut: The Power of Humanism Taken Seriously

### 1.1 Introduction: Humanism and Animal Liberation in Deadlock

Any widely encompassing study in ethics immediately obliges us to consider the very parameters of the ethical. Among other considerations, that objective would have us question the moral status of the entire animal realm—including human beings—and perhaps even beyond. If, in such an inquiry, we find, for instance, that nonhuman animals are to be liberated, then an ethical focus on many animals and their interest will have to be sustained in the wider study. Otherwise, our focus may well narrow itself in order to address, at least in the main, the concerns of human animals alone.

Critically assessing the literature both for and against animal liberation,¹ in particular, one might well be left with the impression of a stalemate. Each side makes its own assumptions, and seemingly creates “converts” only of those who already implicitly share some such set of assumptions. There appears to me to be little hope of either side “convincing” the other, so long as the present pattern continues of each party begging the question against the other. I say “begging the question,” since, as I argue, neither side disproves the other, so from the perspective of each proponent, more or less settled in his or her own convictions regarding animal liberation, the other simply assumes what needs to be proved (or at least argued for). The result of this stalemate is an uninspiring state of affairs. Some might take to wondering if ethical relativism is true after all—perhaps there

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¹ I use “animal liberation” in the sense of that broad commitment to freeing animals from most or all exploitation. Generally, rights theorists, after Tom Regan, favour the liberation of animals from all animal exploitation, and utilitarians after the theory of Peter Singer advocate liberating animals from some usages, depending on whether or not it is maximally utile. Ethics of care are also relevant here, but their liberatory goals, if applicable at all, are variable, depending on the respective author.
are no right or wrong answers in ethics—and others may despair, feeling they somehow “know” they are right, if only they could find the proper arguments to show this.

For the purposes of this study, I shall use “humanism” in the classical, anthropocentric sense that Protagoras offered: “Man is the measure of all things.” This means that “man” (understood to include women, for our purposes) is also the measure of any given thing’s importance or value. Human interests have tended to take centre stage throughout our history, according to this formula. I will not beg the question here by calling humanists “speciesists”—nominally, those who arbitrarily discriminate against animals on the basis of their species—since we shall see that it is far from clear, for now at least, that humanism is speciesist. Indeed, I do not find existing philosophical arguments for animal liberation to be particularly decisive, as I implied in the last paragraph. One of the aspirations of the present work is to try to rectify that situation—but my strategy may come as a surprise to some. For I think that part of constructing a more adequate theory of animal liberation additionally requires building a more convincing theory of anti-animal-liberation.

1.2 Complacency in the Animal Liberation Camp

Contributing to the staleness of the debate is the fact that there is a real complacency, even on the side that can, perhaps, least afford to be complacent: the rebels, the would-be liberators of animals. Humanists are more traditional, and perhaps there is always a measure of complacency—or at least inertia—that goes along with that position, and that helps to preserve existing social structures. The major proponents of animal liberation seem to exhibit a kind of triumphalist overconfidence in their arguments, perhaps not even realizing the extent of the stalemate. Peter Singer claims, in the second edition (1990) of his pioneering Animal Liberation, that he has needed to revise his position only very little in the fifteen years since his original edition, and not at all in any fundamental way:

As for these foundations [of his ethical theory] themselves, I have lectured on them, given talks to conferences and philosophy department seminars, and discussed them at length, both verbally and in print; but I have come across no insurmountable objections, nothing that has led me to think that the simple ethical arguments on which the book is based are
anything but sound. I have been encouraged to find that many of my most respected philosophical colleagues agree. Hence these arguments are retained here, unchanged.²

In fairness to Singer, his confidence is not utterly unearned. He has extensively tested his ethic. But his confidence in its "soundness" may, at least, be premature, if his basic arguments prove impotent against a revised argument for humanism, such as the one which I have dubbed the "Juggernaut," to be presented later in this chapter.

Regan is less cautious in his complacency. He gives the impression—I believe I do not exaggerate when I say this—that he can so much as retire from animal ethics now that he has released *The Case for Animal Rights*, as though it ends all reasonable or serious debate on the issue, and he has no further obligation, as a thinker, to pursue any issues that might linger on after that work (which, I argue, fares no better than Singer's against the Juggernaut):

The publication of *The Case for Animal Rights* marked the end of one phase of my life....Having got the book out of my system I was liberated from the need to write anything else of a technical nature about animal rights. That work is done. Behind me.³

It would seem rather presumptuous to think that he would have no further technical issues to discuss after the release of his book. How does he know that there is no need for anything further—if such knowledge is even possible—without dialogue with others?

His conviction that the rights view is "rationally the most satisfactory moral theory...[surpassing] all other theories in the degree to which it illuminates and explains the foundations of our duties to one another"⁴ may also prove to be hazardously question-begging against Juggernaut, which itself perhaps better illuminates the contemporary moral landscape, and provides for human and perhaps even some *nonhuman* animal rights, in a way that is more in keeping with concrete realities than anything so radical as Regan's animal rights view. Yet Regan is so confident in his work that he thinks that the onus of proof rests with his opponents:

*My view of The Case's utility is simply this: Unless or until the opponents of animal rights have read and understood its arguments, and unless and until they have rationally shown that the book's central conclusions are defective, they have not a rational leg to stand on. They speak without knowledge. They utter words without understanding. The

demand should go out, at least for the present, that the exploiters of animals answer *The Case*. I harbor the hope that they will lack the ability to do so. Which is why I want the weapon [*The Case*] used. It can be lethal. It pleases me to see that some people are beginning to recognize the range of the book’s possible use. And its potential power.\(^5\)

Now here we have a mixture of tendencies. On the one hand he is demanding an answer to his book, “at least for the present,” which could mean that he surely will satisfy all objectors in the future, or else, perhaps less likely, that he believes his theory will be discarded in the future. On the other hand, he more humbly “harbor[s] the hope” that his opponents cannot answer him. In the final analysis, however, he affirms emphatically that the range of the book’s “potential power” and “possible use” is in the capacity of a “lethal” weapon, no doubt against opposing viewpoints. But how likely is he to take other views seriously if, until they absolutely refute his case with proof, he regards them as coming from people who “speak without knowledge,” “utter words without understanding,” and so forth? Does this mean that he will only listen to what opponents have to say with any seriousness or respect once they refute him? How would he even know if someone refuted his theory, if he has not seriously listened to them up until that point? We shall try his “weapon,” and several other animal liberationist philosophical moves, against Juggernaut, and see how they do. I think that the reader may find that Regan overestimates the “potential power” of his book, and thus overextends his confidence.

In *Animal Rights and Human Morality*, Bernard Rollin claims that it is his object to extract an ethic from common sense, consensus morality, or social ethics for humans.\(^6\) S. F. Sapontzis makes a similar claim that animal liberation can be deduced from traditional values.\(^7\) Such views seemingly ignore the values and principles in our traditions which are actively hostile to animal liberation, and which currently dominate. Even if *some* kind of benevolence is commonly assumed in all of morality, there is a big difference, for example, between *laissez-faire* and socialist varieties. And if no justification is required for such benevolence, then it is not clear why any justification would be required for humanism, either. Both benevolence and humanism, on that analysis, would be on equal epistemic

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footing, both entrenched in the majority view, each a product of humanity’s nature, and nurturing, up to this point in history. Indeed, the anti-animal-liberationist Peter Carruthers writes, for his part, that “the business of constructing an acceptable moral theory must take its start in common sense.” Yet Carruthers supports intensive farming. Certainly, Juggernaut conforms more with tradition than animal liberation, the reader might come to agree. Sapontzis goes on to say that the onus of justification is on those who deny animal liberation. Yet this seems to be unfair, not to have to justify one’s own position, while expecting one’s opponent to justify his or hers. If Sapontzis is claiming this on the basis of existing animal liberation arguments, and it is reasonable to infer that he is, then we shall see that he has not yet reckoned with Juggernaut.

Rollin adds that he thinks anti-animal-liberationist views are always somehow self-defeating if he uses his intellectual “judo” on them:

I cannot force my ideal, however polished and articulate, on you. I can, however, attempt to show you that you are already committed to that ideal by virtue of certain assumptions you already hold, and thereby show you that the ideal I am pressing upon you is in fact a consequence of beliefs you yourself entertain.

So everyone agrees with animal liberationist assumptions—deep down? I do not think that Juggernaut makes animal liberationist, let alone self-contradictory, assumptions—but this claim the reader must judge for himself or herself. I would like to see Rollin try some of his “judo” moves on the revised humanist argument to come.

L. W. Sumner, in 1988, regards the issue as to whether animals have moral standing (i.e., a status of being entitled to direct moral consideration in the form of considering their interests, according them rights, or some other form of basic practical respect, depending on the particular moral framework) as “essentially over, since no one has succeeded in making a persuasive case in favour of any criterion of moral standing that will exclude all nonhuman animals from the moral domain.” Significantly, however, moral standing need not be conceived as an all-or-nothing status. Juggernaut does not

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9 Sapontzis, Morals, Reason, and Animals, p. xv.
10 Rollin, Animal Rights and Human Morality, p. 25.
necessarily exclude all animals from the domain of direct moral consideration, but it might
give only bare consideration to the great majority of animals which animal liberationists
want to include. Evelyn Pluhar, for her part, has great confidence in her use of the so-
called argument from marginal cases, claiming, as a result: "Homocentric appeals are
shown to be resounding failures." Yet does her alleged defeat of humanism have any
effect on Juggernaut, which would claim to resist the argument from marginal cases? We
shall see if her great confidence is truly borne out.

From the airs in the above citations, you might guess that each philosopher has
solved (many of) the key problems related to animal liberation, although dramatically
different views are in play. Suffice it to observe that there may be a dangerous
complacency among animal liberationist thinkers. History, however, has taught us without
any reservation that we must always be vigilant about philosophical argumentation, and this
is a lesson which we can learn, too, from current thinkers concerning animal liberation.
These areas of thought are essentially controversial, and will remain so after whatever I, or
any other thinker, might contribute.

But since other animal liberationists seem so sure of their views, let us test them by
running a drill. For the purpose of this drill, I shall deploy Juggernaut, what I take to be
the best composite sketch—with certain key additions—of the anti-animal-liberation
arguments that I have seen. Let alone straw men arguments, that are readily done away
with. Let us see how animal liberation philosophers' views fare against this "iron man"
argument, if you will. I shall test the very best known animal liberationist strategems,
including the argument against speciesism, the argument from marginal cases, and many
others, against Juggernaut. Meanwhile, before constructing Juggernaut, it will be useful
for the reader to have a sense of the anti-animal-liberation views which now predominate,
and which form a partial basis for the argument to follow.

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12 Evelyn B. Pluhar, Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals
13 I shall use this term, "marginal cases," for the purposes of this chapter, since it is congenial to the world
view of Juggernaut. But we shall find cause to challenge the use of the term in the next chapter.
1.3 Prelude to Juggernaut

Those who oppose animal liberation, apart from varying in minor details, do follow a definite pattern. First, they almost invariably focus on describing how animals are different, in various key respects, which supposedly makes it appropriate to deny that animals need to be "liberated." Second, anti-animal-liberationists often, either explicitly or implicitly, point to the fact that normal human life is somehow "richer" than that of any nonhuman animal. Both of these factors are significant, and the present task is to illustrate how these particular factors of note arise and are developed—or else fail to be developed—in the anti-animal-liberation literature.

If selecting those who count morally is not based on being human, but rather rationality or whatever else, how could that be humanism? Humanism does favour humans, but not, allegedly, as a matter of arbitrary prejudice, as would be the case with true speciesism. Rather, humans are favoured in light of various criteria of moral standing, and therefore, putatively, in a justified manner. This means that if aliens came along who had richer lives than ourselves, we could still be humanists, since we would judge the aliens to be greater than us by human standards, so that "man" would still be the measure of all things—at least for us and our human philosophy. Humanists understand the riches and greatness of life from a human perspective, and arguably could not appreciate anything in the absence of such a perspective (without ceasing to exist, or possibly—or is it rather possibly?—transforming into another form of existence). The aliens in question would deserve full moral standing along with humans. Furthermore, while creatures like apes might not be human, they might conceivably be given moral standing, on this humanist view, as a direct extension of our underwriting and understanding of the riches of life, which may be shared by some apes in certain respects.

In seeking a basis for his own ethics, Aristotle determined that rationality is the "proper function of man," over and above others. He did this largely by rejecting functions held in common with nonhumans, such as having a life of nutrition and growth like plants and animals. As for sentience (in the sense of perception), he observes that: "a sentient
sort of life...is shared by horses and cattle and animals of all kinds." Aristotle takes it for granted that he ought to exclude our commonalities with animals in the first place, rather than acknowledge, at least in our functioning, a fundamental kinship with other animals. Aristotle did a great deal to establish rationality as the cornerstone criterion of what supposedly excludes nonhuman animals from enjoying moral standing. Thomas Aquinas echoes this idea down into the Middle Ages, and beyond, in the Roman Catholic tradition that Aristotle unwittingly helped to define. Aquinas assumed that only rational agents really use things, and nonrational things, including nonhuman animals, are only fit to be used. This discounts the fact that animals do not necessarily need to be used, begs the question that they ought to be used, and that they themselves lack any kind of autonomous agency. He also gratuitously assumes that "the order of things is such that the imperfect are for the perfect," and also, of course, that animals are not somehow "perfect" after their own kind, or else that humans are, in fact, "perfect."

Immanuel Kant was yet another humanist who treasured rationality above all. He famously enjoined that rational beings ought always to be treated as ends in themselves, and never merely as a means, and the "ground of this principle is: Rational nature exists as an end in itself." In his generously impartial way, Kant even repeatedly stated that a rational being would not have to be human, and that a nonhuman rational being should merit the same respect as any human. Hegel voices a comparable traditional emphasis on rationality: "Man is an end in himself only by virtue of the divine in him—that which we designated at the outset as Reason..."

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18 Ibid., p. 92: "For the purpose of achieving this proof it is of the utmost importance to take warning that we should not dream for a moment of trying to derive the reality of this principle [his categorical imperative] from the special characteristics of human nature...duty...must...hold for all rational beings." Also, on p. 95: "Now I say that man, and in general every rational being, exists as an end in himself, not merely as a means." Various other passages, also occurring in the later Critique of Practical Reason, attest to this line of thought, which suggests that Kant would not have thought of himself as a "speciesist"—see 1.5 below for more on speciesism.
Rationalistic humanism continues until this day. For example, Richard Watson takes issue with Singer's comparing our treatment of animals to the injustices of racism and sexism:

By implying that skin colour and sex are characteristics no different in moral importance from 'intelligence and rationality,' Singer belittles the importance of the characteristics on which the liberation of blacks and women is actually based. It is because blacks, women, and white men have intelligence and reason in common that they can be compared as moral equals. Obviously skin colour, sex, sharpness of reason, and level of intelligence make no difference to their moral equality, for this is based on their general capacity to interact morally. Many sentient animals cannot be so compared because they have no understanding of moral principles. Singer does not meet this argument at all.20

Singer does try to meet the arguments concerning humanistic criteria. But his attempt might not be convincing to a humanist, as we shall see. This passage nicely hints of the deadlock to which I earlier referred, for Watson himself, in turn, offers Singerites no reason to adopt "intelligence" as a criterion for moral standing. We shall see that other humanists are similarly, perhaps even surprisingly, stipulative about which criteria of moral standing they announce. I have nowhere omitted any argumentation for their adoption: it is virtually not there to begin with.

Humanists ask other worthwhile questions of Singer’s ethics. An interesting objection, again based in advanced mental capacities, is made by Rod Preece and Lorna Chamberlain:

...paradoxically, for Singer, it is precisely the fact of greater mental capacity which requires us to ascribe preferential rights to the more complex species on the question of the right to life. On the one hand [in terms of Singer’s equal consideration of interests] the fact of inequality [in terms of varying intelligence, etc.] is irrelevant to the issue, on the other hand it is the determinant of the issue. Why the difference, we are never told.21

Strictly speaking, there is no “paradox,” or at least inconsistency, here. One does not contradict oneself in asserting that not all lives are of equal value, but that equivalent interests are to be considered equally. Moreover, although Singer usually avoids any extensive discussion of the value of animal lives, we can correct the misleading picture given by his critics. It is implied that he is discriminating with respect to the value of life across species, but indiscriminate in upholding all interests, no matter what the species.

While it is true that Singer would assign unequal values to lives, he does not suggest that we value all interests equally, by contrast. Rather, he is making the more humble suggestion that equivalent interests be considered equally, which is just an expression of the principle that the same sorts of things ought to be regarded in much the same way. He still concedes that some interests are more vital than others, and would no doubt admit that a human being has more interests than a clam. He would also, presumably, hold that lives of the same kind would be of the same value. So I fail to see the point of the criticism presently under consideration.

What is more, Preece and Chamberlain get into troubles of their own. They claim that race and sex do not affect the issue of ascribing rights, and yet invite the criticism that their own views are racist: “If Caucasians had one-third the mental capacity of Orientals and lacked the capacity for moral virtue we would consider these facts relevant...[and they] would justify racism.” It is no comfort to me that they only reject what they call arbitrary discrimination on the basis of race. Many racists of the past and present allege that they held their views because blacks, and whoever else, lacked rationality or intelligence, so that it does not matter much how one treats them. Frankly, I am offended by these authors’ reasonings, which, in fact, seem classically racist, at least in spirit.

Bonnie Steinbock tries to indicate how intelligence and/or rationality is importantly related to moral agency, and the latter is often asserted, in the literature, to be a criterion for moral standing in its own right. Steinbock takes more pains than the last two authors examined to differentiate herself from racism. It is a tired commonplace that racism is discrimination on the basis of skin colour (although I have observed that it goes deeper than that, to discrimination on the supposed basis of lesser mental capacities). Steinbock disclaims that she is a “speciesist” in that she does not discriminate on the basis of superficial physical attributes, but rather on the basis of intelligence, which is related to moral agency:

There is...an important difference between racism or sexism and ‘speciesism’. We do not subject animals to different moral treatment simply because they have fur and feathers, but

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\[22 \text{Ibid.} \text{ pp. 275-76.}\]

\[23 \text{Ibid.}\]
because they are in fact different from human beings in ways that could be morally relevant. It is false that women are incapable of being benefited by education, and therefore that claim cannot serve to justify preventing them from attending school. But this is not false of cows and dogs, even chimpanzees. Intelligence is thought to be a morally relevant capacity because of its relation to the capacity for moral responsibility.24 Again, it is questionable as to whether Steinbock is immune to classical racist thinking which focuses on intelligence, and which goes back to Aristotle’s own well-known idea of “natural slaves,” who allegedly lack the rationality of their masters. She adds that humans alone are “responsible for what they do.”25

Michael Leahy, author of Against Liberation: Putting Animals in Perspective, also emphasizes moral agency. He denies that animals have moral standing, in particular, because they lack a moral vocabulary (a Wittgensteinian emphasis), and so fail to be capable of moral agency. Hence they are incapable of reciprocity, which counts against animal liberation on Leahy’s egoistic, contractarian view.26 Again, why, at bottom, we must adopt this perspective, he either cannot or will not tell us in his book. With Leahy—although not explicitly—A. I. Melden, author of Rights and Persons and Rights in Moral Lives, favours David Hume’s notion of “gentle usage” of animals,27 asserting that one needs to be a moral agent in order to have moral rights.28 Interestingly, he claims that even if animals were granted rights, they could still be used for food29 (contrary to Regan’s abolitionist rights view). Here he offers the dubious rationalization that we may need to kill animals who prey on crops, and given world overpopulation, “we may well have to choose between using living creatures as a source of food and starving to death.”30 This last part does not reckon with claims by Singer and others that a great deal more cropland is freed on a widespread vegetarian diet, since most crops would not be fed to livestock as they are now.31

25 Ibid., p. 252.
28 Ibid., p. 54.
29 Ibid., pp. 64–65.
30 Ibid.
31 See, for example, Singer, Animal Liberation, p. 166.
However, returning to the theme of moral agency as a criterion of moral standing, Carl Cohen repeats the idea that rights can only be given to those who make moral claims against one another. Another way in which he articulates his moral agency requirement is by stating that animals lack free moral judgment, and so cannot have rights. He also states that between the species, there are “enormous” differences that are “almost universally appreciated,” including moral reflection, moral autonomy, being members of moral communities, recognizing just claims against their own interest. No rigorous argument is offered for Cohen’s view, but rather, a number of specifications of it. He is stipulating not only that nonhuman animals are not moral agents, but also that, therefore, they cannot have moral rights. No argument is given in his writing for either of these key claims. Likewise, Richard Watson tells us that only moral agents merit rights, and that one must be able to reciprocate recognition of rights and duties in order to have rights oneself. Alan Holland also claims that we can be speciesists, he says, on the basis of species-based characteristics that are peculiar to humans in general: autonomy, rationality, and self-consciousness.

Beyond self-consciousness, rationality “in some fuller sense or senses,” including conceptualizing, using a language, communicating with others, engaging in acts of creativity, and making moral judgments, L. B. Cebik also makes reference to what he calls “the social interaction dimensions of rights,” the lack of which, he thinks, entail that animals have no rights. He also holds that animals need to make claims to have rights, which they cannot do, and cites anti-animal-rights “forces” as also holding that animals lack a concept of self, cannot make choices, and are incapable of reciprocity. He dogmatically declares, too, that having rights implies the ability to carry out obligations imposed by those rights, although it is not clear why animals and others cannot enjoy

33 Ibid., p. 866.
37 Ibid., p. 257.
38 Ibid., p. 253.
39 Ibid., p. 258.
rights claimed by others on their behalf—this is not, after all, unintelligible. Ruth Cigman (following Tooley), like others above, stresses the importance of a concept of self as a necessary and sufficient criterion of a person.40

Aside from the principal themes of rationality and moral agency, and associated traits, a variety of other supposed differences between humans and other animals emerge. In fact, a number of authors stress quite a number of differences. Michael Allen Fox, in the days before he changed views and condemned vivisection, meat-eating, and other animal usages, had an extensive list of such humanistic criteria: critical self-awareness, the ability to utilize concepts in complex ways and to use sophisticated languages, to manipulate, reflect, plan, deliberate, choose, accept responsibility for acting, form a life plan, and self-actualize.41 Meredith Williams also makes complex claims with respect to what is required for moral standing. To her, nonhuman animals cannot take an interest in their own welfare, unlike humans, although why we should side with her in believing this is not rendered apparent. She also indicates that animals lack rationality, which is needed to think of the future and the past, form goals, and to go beyond the “here-and-now.”43 Animals “fail to be capable of having cultural lives,” she posits, and only with such a life can one make sense of having interests informed by morality.44 Of course, Williams is not claiming that animals can be blamed for “failing” to be capable of cultural lives, but why they are to be condemned, all the same, to being denied moral standing is not made clear.

Now that we have an extensive idea of the sorts of humanistic criteria that are brought to bear against animals (and the stipulative nature of such claims), we should be interested in knowing the point (which is not necessarily to say justification) of introducing such criteria. The central point, which seems to be asserted, explicitly or implicitly, by many humanist authors, is that those beings who have the qualities favoured have richer

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lives than those who lack such qualities. Let us now document this very important "argument from richness," to which animal liberationist philosophers do not pay very much attention—to the detriment, I believe, of any presumed power to convince humanists.

Recalling Steinbock’s view, let it further be noted that she holds that animal experimentation "is justified because human lives are more valuable than animal lives. And this is because of certain capacities and abilities that normal human beings have which animals apparently do not." So here we have an explicit linkage between having various capacities and having more valuable (i.e., richer) lives. One of the most famous anti-animal-liberationist philosophers, R. G. Frey, agrees with her: "the value of life is a function of its quality, its quality is a function of its richness, and its richness a function of its scope or potentiality for enrichment..." Frey is quite clear that many humans lack rich lives as well. He denies that animal life is "of no value," but claims only that it is not "the same value as normal human life" in terms of its "richness." Hence the "threshold for killing animals is lower than that for killing normal adult humans." Those nonhuman animals and humans lacking enough of this quality of richness may be sacrificed in experiments, depending on the "nature and extent of the benefit to be derived in the particular case." Frey is a utilitarian. He speaks of this sacrifice in terms of being prepared to pay the price for the benefits, although transparently, he, and others with richer lives, would not pay the price. On the contrary, the rich would simply further enrich themselves, upon this analysis.

Indeed, Frey salutes the key role of autonomy as instrumentally valuable in enabling some humans to seek richer lives for themselves. Frey reflects: "When we look back and say of a human being that he led a rich, full life, we allude to something incomparably beyond that to which we would allude, were we to say the same thing of a
chicken or dog." Examples of dimensions of a rich life which he gives include falling in love, marrying, helping children and young people grow, working, pursuing cultural interests and hobbies, etc.—none of which, presumably, animals participate in, including helping the young to grow, working on projects, and doing things for enjoyment. He does not offer any evidence to substantiate his claim that animals do not pursue these sorts of activities. Frey claims that his animal ethics work as a whole promotes "contrasting the quality and richness of animal and human life over a wide spectrum...."

Frey is the pre-eminent advocate of richness, although other philosophers make passing reference to its value. Richard Watson claims that Singer's estimate of speciesism being as important as any other moral or social issue is "quite unsupported" and "insulting" to victims of past and present oppression. Watson finds it "hard to believe anyone would make" this claim. Why? "At the danger of explaining the obvious so as not to be misunderstood," Watson warns. "I say it is insulting because Singer himself gives excellent grounds for establishing that human lives are far richer and more valuable than those of nonhuman animals." So Watson considers it quite manifest that richness is of great moral importance, although, strictly speaking, he does not argue for this point—rather, it is an assumption which he makes.

Peter Miller, a utilitarian like Frey, proposes to translate the formula for utilitarianism, directly, in terms of richness. He notes that "the utilitarians have offered a quantitative transformation of the [utilitarian] principle into the form: maximize the production and preservation of good by one's actions while minimizing evils." He continues: "Inserting the present account of values [as richness] into the formula yields the injunction: maximize the preservation and production of rich values while minimizing the evils of their destruction." He endorses this injunction. Not surprisingly, he considers it to be "regrettable" that animals are to be sacrificed for overriding goods such as meat

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53 Ibid.
55 Ibid., pp. 91-92.
57 Ibid.
59 Ibid.
production and animal research. We should, he recommends, be responsive to the values in animal life, although not regard them as equal in richness, explicitly following Frey in this particular respect.60

David DeGrazia also adopts the richness criterion in his book, Taking Animals Seriously. He seems to endorse Frey’s suggestion regarding the importance of richness in animal ethics.61 DeGrazia believes that “certain features of most human lives—such as enjoyments, autonomy, understanding, accomplishment, and deep personal relationships—would seem to have value in any life that contained them: they seem to have an enriching quality.”62 His conclusion is that the richness criterion accords well with “our convictions about the comparative value of different kinds of lives,” in that humans or animals who have more of these goods, or more complexity of such goods, have a greater “comparative value.”63 He presumes that the reader accords with what he calls “our convictions.” Just as animals need not have equally valuable lives, as on Singer’s and Regan’s analyses, so DeGrazia would further suggest that animals’ functioning and freedom need not be of equal value,64 in that these may conduce to greater or lesser richness of life. On DeGrazia’s ethic, which still considers equal interests equally (with Singer), sport hunting, bullfights, cosmetics testing, rodeos, poaching for ivory or skins, whaling, and trapping for fur would be morally impermissible.65

Given his differential valuing of functioning and freedom, however, he holds that the presumption against confining less complex nonhuman animals is less stringent than for humans, since human freedom is worth more.66 For example, he has no problem with confining animals for consumption, and then killing them for that purpose, on the assumption that animals have less valuable, or rich, lives:

62 Ibid., p. 245.
63 Ibid., p. 246.
64 Ibid., p. 234.
65 Ibid., p. 264.
66 Ibid., p. 270.
...meat-eating is not an area of ethical absolutes. Eating meat is not intrinsically wrong. Meat-eating is wrong when it is due to the relationship between one's actions and the causing of unnecessary harm to animals.  

He does not comment on whether or not it is “necessary,” at all, to harm animals, as an inevitable part of “meat production,” since we can dispense with meat-eating altogether, and this is at least one glaring flaw in Taking Animals Seriously. Still, DeGrazia opposes factory farming, as does Singer, and would liberate animals from many forms of usage, as previously noted. So curiously, this is an animal liberationist's argument from richness—a kind of appeal which anti-animal-liberationists usually make. It is noteworthy, here, that both DeGrazia and the anti-animal-liberationists are opposed to the standard animal rights view, which would altogether abolish using animals as mere resources.

Sometimes, references to richness are more veiled, as in Leahy calling animals “primitive beings,” implying that normal humans are more “advanced”—or richer in qualities that are desirable. Similarly, the early M. A. Fox implies a standard of richness when he states that:

...animals do not show any signs whatever of being individuals—the sense in which we could legitimately speak of their lives as more or less ‘full,' ‘satisfying,' and so forth or in which we could meaningfully state that animals ‘have their own lives to lead' or have a ‘capacity to enjoy the good life.'

Animals are apparently so impoverished that they cannot have a good or satisfying life worth noting. Without a certain standard of richness, or “fullness,” beings apparently count for little to the early Fox.

It strikes me that the value of “richness” is more likely to emerge in ethical discourse which explicitly considers nonhuman animals and nature, in order to enable a contrast, which finds nonhumans to be “poorer” than humans, by comparison. In humanistic discourse, however, there is decisively more talk about the moral equality of all humans, and so, less of a tendency to think of them in contrastive, inegalitarian terms. I say this because, as a student of ethics, I have not noticed the value of richness surfacing

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67 Ibid., p. 281.
68 Leahy, Against Liberation, p. 103.
very significantly in mainstream, human-centred ethical concerns, except perhaps, for example, in the outright inegalitarian ethics of Friedrich Nietzsche.\textsuperscript{70}

This concludes, however, my exploration of anti-animal-liberation views, in the respect of their various humanistic criteria. I believe that I have reflected, in my analysis, that which I claimed at the start of the chapter, namely, that humanistic ethical theories currently beg the question against animal liberation views. As I have shown, humanists characteristically offer arguments with both unsupported factual assumptions about nonhuman animals, and also, criteria for moral standing which go undefended. These assumptions go to form arguments, to be sure, but those arguments are, at bottom, unconvincing to those who do not already agree with the premises. Still, it is not enough to say, as DeGrazia has said:

It is a sad statement about prevailing levels of intellectual integrity that uncomprehending, automatic dismissal of the possibility of equal consideration [of nonhuman animals] is deemed worthy of publication in many medical journals. Quite a few philosophers, including contemporary ones, demonstrate similar close-mindedness in the face of this issue.\textsuperscript{71}

Perhaps DeGrazia is right. but we must not be too dismissive of the power of such views for their proponents—perhaps even the majority of philosophers, who adhere to some form of principled humanism. That power really is considerable, and the proponents will rightly say that they must start somewhere in theorizing, so why not start with such selective criteria? If that is where they must start, it would perhaps be unreasonable to demand supporting evidence (although opponents would still require more if they are to find such a humanist view convincing). In order to fashion a more convincing humanistic vision, we will need to try to make an improved argument on behalf of such a view. This argument, to be of any greater value, would have to offer a rationale for positing criteria of moral standing which is not, at least on the face of it, question-begging. On the contrary, this rationale must be in some sense compelling. If this new argument fails, however, we still

\textsuperscript{70} See, for example, Friedrich Nietzsche, The Genealogy of Morals. The inequalities referred to are stressed throughout this work. See also Thomas Hurka, Perfectionism (New York: Oxford University Press, 1993). For instance, he implies favouring richness of Q, in terms of abilities, in the following, p. 161: "However perfectionism actually wants [sic] resources distributed, it is prepared in principle to give more to those with greater innate ability."

\textsuperscript{71} DeGrazia, Taking Animals Seriously, p. 49.
have the older style arguments—of simply offering criteria of moral standing, such as rationality—to contend with, as well as a miscellany of lesser arguments (in my view), some of which I also treat in later chapters.

We have seen it repeatedly presupposed that having a richer life alone entitles one to moral standing. Richness may well seem like just one more stipulated, presumptive, or question-begging humanistic criterion (which is why I hesitate to characterize the richness meta-criterion as a true justification for the other criteria such as rationality, and so on, as if it ultimately has the power to justify). In the face of the humanists’ declarations, cannot the animal liberationists simply adhere, unperturbed, to their own assumptions, disclaiming any relevance of the seemingly arbitrarily invented humanistic criteria? Perhaps so, yet I would contend that the argument from richness, together with an attention to the different humanistic criteria, and indeed to the importance of ethics itself (which the humanists also stress), holds more promise than a mere exercise in theoretical arbitrariness. Indeed, such considerations provide part of the “genetic material” for Juggernaut, as we shall see, and that, itself, will prove to be a composite argument for humanism that is perhaps more rigorous than those which we have examined. Maybe this new view will even be rigorous enough to take on the best existing animal liberation arguments, and triumph—or seem to.

In 1.2, I criticized a number of animal liberationist views as being complacent. The humanists have no reason for considerable confidence either, on the showing of the present section. If I am to make my own case for animal liberation, I should certainly like, and in a sense need, to refute the best case for humanism that I can construct. So “my own” humanistic vision must be just the opposite of a straw man argument, that, if at all possible, successfully resists and perhaps even overcomes animal liberation arguments of the present day, while hopefully helping to separate what is compelling from what is unconvincing in animal liberationist thought.

#### 1.4 Juggernaut

“No object really interests us but man, and in man only his superiorities...” This is the spirit of Juggernaut, substantially (no doubt minus the archaically sexist language), which
has lived, in some form, since antiquity, and is here given voice by Ralph Waldo Emerson. Subsequently, though, I will let Juggernaut speak through me. That is, I will not only favourably describe it or defend it, but, in order to save unnecessary verbiage, and also to state the argument in a way that is as convincing as possible, I will sometimes assume its “voice,” a fact which readers should bear in mind in order to avoid confusion. We have already seen what is often considered to be superior or “rich” in the prelude to Juggernaut. The argument itself will be generous in its encompassment of such riches, although every humanist is invited to add to or subtract from the list which I offer, according to his or her own conception of “the good life.” My list is perhaps close enough to being representative that it can be used as an example, but it is only meant to be suggestive of the sorts of criteria that we have seen the humanists use. More than that, it will also include many goods which may be deemed to be common to both humans and nonhumans, such as physical prowess, friendship, etc. Humans, inevitably, will still come out very much ahead. It is less question-beggingly anthropocentrist to include goods that are intrinsically satisfying for beings, no matter the species, including humans. Human-centredness will rule the day, anyway, if Juggernaut is correct.

The logic of the argument is not affected by whatever “riches” the humanists choose to invoke. Indeed, Juggernautians each might value somewhat idiosyncratic lists, as individual expressions of thought, through which each person develops his or her own moral convictions. Cultivating an ongoing dialogue about these items could be as perennial, but as interesting as discussing different conceptions of the meaning of life. This variability does not necessarily imply ethical relativism (it could imply the existence of a dim, but important, awareness of underlying truths about the good), although it might be in agreement with Aristotle’s contention that ethics is not a precise science. *(Nichomachean Ethics 1094b247)*

It is true that the terms employed in the list are highly problematic, in an analytical sense. Quite aside from the fact that anti-animal-liberationists themselves often do not give adequate accounts of these terms, the main point here is that, even as individuals must

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72 *Encyclopedia of Philosophy*, s.v. “Emerson, Ralph Waldo.”
decide what they consider part of the richness of life, so they must also formulate what each term means to them—although again, alluding to the importance of dialogue, one can certainly learn a lot from how others frame these concepts. I myself do not nearly have the space to indicate my sense of each of these ideas, nor how, indeed, I would substantiate that sense, nor is it even relevant to my present purpose to perform such an exercise. So—only partly in the interest of brevity—I invite the reader to interpret these terms in his or her favourite way. One might wish to subsume some terms under others that are seen to be more fundamental (e.g., does intelligence subsume its application to technologies, or does moral agency encompass kindness—or perhaps any kindness worth having?), or perhaps even simply leave such items open to further analysis. However, one ought, in any case, to try to list things that are generally life-enhancing or enriching, at least in their ideal form of expression.

Juggernaut, in its love for the good, finds that it is necessary and sufficient that an entity have quality of being, or the potential to experience and to create goodness. This is different from quality of life, or the level of well-being that one happens to enjoy at any particular time. One can more easily realize that something is enriching than explain exactly why it is so—again, a matter for further speculation in a different work. In any case, here is my list of life’s riches for the purposes of constructing Juggernaut:

1. Artistic or creative endeavour
2. Autonomy
3. Awareness of self
4. Beauty
5. Capacity for play (games, dancing, music, joyful motions, etc.)
6. Cultural or societal interrelationships
7. Exchange of goods and services (i.e., general reciprocity and economic productivity)
8. Freedom

This emphasis on the good has its place in the works of innumerable ethicists, including in the works of Plato, Aristotle, John Stuart Mill, and others. Even the most famous deontologist, Immanuel Kant, opened his *Groundwork of the Metaphysics of Morals* by affirming that the good will is the only unconditionally good thing (although he meant much more than simply willing good—a topic for another occasion).

It is enough to have moral standing to have the power of good-causing agency, and of enjoyment, since Juggernaut loves even just potential good—it would have to be morally considered. In a dilemma, actual good or quality of life might be relevant, but short of that, potential for goodness is to be cultivated, even if someone faces temporary hardships. It is hard to imagine one’s moral standing going up and down with the vagaries of an illness, and its effect on one’s quality of life, for example, and this framework obviates any such absurdity. The general capacity for experiencing and creating goodness, which reflects the kind of being that one is, may well remain (substantially) intact through such an illness—and additionally, one might even recover.
9. Health
10. Humour
11. Intelligence (sometimes conceived less formally than rationality)
12. Language usage (or perhaps advanced communication, as well; language is richer)
13. Legal engagement
14. Moral agency
15. Physical prowess (strength, agility, speed, physical senses, rending power, endurance, sexual vigour, dexterity)
16. Political participation
17. Rationality
18. Sentience
19. Sociability (friendship and love)
20. Spirituality (religious pursuits would be optional here)

These can be categorized in a number of different ways, but that is of no relevance to the present argument. I will use the abbreviation, "Q" (for quality of being) in order to refer to this list. This Q-factor refers both to good enjoyed by the being who has the life, and also his or her capacities for affecting others’ quality of life (since many of the capacities are relevant in that respect).

Quality of being reflects the worth, or potential worth, of the being’s life, which is not restricted to merit. Potential merit is admittedly a factor, since Juggernaut is a cultivator of riches. But Q-capacities, themselves, can be used for good or for ill, and yet they still give a being moral standing. Also, some Q capacities, such as sentience, have nothing to do with merit. Indeed, having any of the capacities, in the first place, might have little or nothing to do with merit, and would not be praiseworthy in the way that meritorious conduct might be. So what is being presented here is very far from any kind of simplistic meritocracy. Again, this is just my own list—different Juggernautians will have different lists, or different conceptions of Q. Whatever the differences, the practical outcome, I think, will be much the same.

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75 Paul Taylor objects to using criteria such as rationality, which are valuable to us, but perhaps not to other beings. It might be replied that, from a more objective standpoint, rationality is still a valuable thing in the universe, even if a given being is not capable of valuing it. So we are obliged to consider it when determining the richest possible criteria for who has moral standing, as part of our dedication to promoting the good. Taylor sees these judgments as merit-based, but finds that judgments of merit stem from frames of reference that are socially dictated. That may be so, in part, but he is begging the question if he is implying that we cannot do our best, as a society, to assess the goods that are embodied by different beings. A tolerance of pluralism in this respect might even be healthy. He is correct that we judge from an exclusively human viewpoint in the sense that we are human, but he is not very credible in claiming that we cannot at all assess the goods inherent in other kinds of lifeforms from that human perspective. See his “The Ethics of Respect for Nature,” in Environmental Philosophy: From Animal Rights to Radical Ecology, ed. Michael E. Zimmerman (Upper Saddle River, NJ: Prentice-Hall, Inc., 1998), pp. 79-80.
Rationality (whose goal is knowledge, or at least plausible beliefs) is, it is arguable, at the basis of many things in Q, including much intelligent activity, moral agency, the use of free and autonomously self-governing choice generally, political participation, legal agency, societal involvement more generally, many creative endeavours, spiritual pursuits of a philosophical nature, and many uses of language. It is no wonder, then, that rationality has been the cornerstone of the humanist tradition, as noted earlier, in figures such as Aristotle, Aquinas, Kant, and others. It is arguable that rationality underpins human greatness both socially, in law, economics, and politics, and also at the individual level, in terms of the exercise of freedom, autonomy, intelligence, etc.

My list also provides for a hedonic dimension to richness of life, in the form of sentience, which many animals may share with humans, although if that is all the animals share, then they are that much farther from enjoying full moral standing, the most ideal form of which includes all of the fullness of Q. Some humanists, however, such as Cartesian, deny that animals can suffer, and others, such as Aristotelians (including Roman Catholic Thomists) tend to deny that sentience is part of human greatness, since it is held in common with nonhuman animals (as cited above). Thomists might grant that faculties of feeling pleasure and pain may be in some ways useful, but are not intrinsically valuable or part of what makes us deserve respect, and so sentience remains, in a sense, an optional criterion for humanists. Certainly, pleasure and freedom from pain importantly enrich life from my own perspective, but I must acknowledge that others hold different views.

Physical prowess applies to a lot of animals. Different animals have different abilities, but in general, perhaps it is fair to say that a bear, for example, has more physical prowess than a dog. Many people, too, are physically robust, especially with technological enhancements, and they are not necessarily at any disadvantage relative to nonhuman animals here. The reverse is true. Many humans can hunt down nonhumans with relative impunity. Humans generally have the power to kill and to dominate other creatures, and humans can also transform and finely sense their environments in unmatched ways, with their scientifically enhanced capabilities. It might be thought to be unfair to include our
technological advantages. Strictly from a biological point of view, it is true that some nonhumans may surpass us in their physical capabilities, overall (there are different aspects, of course). But in terms of quality of being, or the way that we are which enables us to enjoy and to create goodness, both our technological capacities and our social connections play prominent parts that cannot be ignored. The idea of considering individuals, purely in isolation, is simply unrealistic and artificial, for our present purpose. Moreover, looking at each kind of physical prowess in isolation might be unwise, since all such powers may be useful for our agency, are often intrinsically satisfying in their exercise, and these aspects can be rated in combination. After all, a physical capacity that is useless does nothing for quality of life, and if one cannot enjoy the capacity at all, as well, then it is, perhaps, without any relevance to Q.

Now that we have a working list of criteria, we are, at last, set to launch Juggernaut itself. Since this is a practical ethic, I will assume the practically universal (or at least widespread) idea that all those who have Q also have moral standing. Here, then, is the argument:

1. Q is not only relevant to but also sufficient for assigning moral standing, since all those who possess Q also have moral standing.

2. Q alone is relevant to determining moral standing, since morally, it is the very best such criterion that one could choose amongst all of the competing criteria, and this is true for the following reasons:

   (a) That which is best is that which has the most good.
   (b) That which has the most good is richest.
   (c) Therefore what is richest is best.
   (d) Each aspect of Q is a good, for it seems better to have than to lack such things.
   (e) So Q is richer than any more modest criterion of moral standing such as being alive, sentient, or a subject of a life.
   (f) Ethics is a pursuit of the good, or “the good life,” and aspires to what is best.
   (g) Therefore, morally, we should aspire to holding Q as the best criterion of moral standing.

3. So Q is necessary for having full moral standing.

4. Since Q is both necessary and sufficient for full moral standing, it follows that those who have only some of the criteria do count for something, since they exemplify some riches, but they will have less of a moral claim than those who fully embody all of Q.

5. Nonhuman animals either lack Q, or might only have a more or less impoverished realization of it, such as in the case of whales, apes, and dogs.
6. Nonhuman animals—as well as plants, rocks, ecosystems, etc.—which utterly lack Q have no moral standing.

7. Those nonhuman animals who have some Q, such as self-awareness, advanced intelligence, sentience, etc., have a degree of moral standing, but in many cases it might be so limited that it only constitutes a minor ethical consideration.

In fact, there is another model for Juggernaut available, but only the present one deserves highlighting, whereas the other, less intuitive theory I will generally consign to footnotes.76 Vague intimations of an argument something like Juggernaut are present, although not at all clearly developed, in authors such as Frey, Leahy, Carruthers, and Fox (before his transformation from anti- to pro-animal-liberation).

I claimed, earlier, that many of these humanist views merely stipulate criteria of moral standing (including richness of life). I invite the reader to inspect the humanists’ work for solid evidence offered in favour of such criteria, but I consider the onus to be on others to produce it. Such criteria might seem intuitive to their proponents, but that does not settle the issue, since intuitions differ widely. One can imagine arguments in favour of some criteria on the humanists’ behalf. For example, it might be alleged that moral agency, as a criterion of moral standing, is relevant to ethics because the two are in fact related through morality itself. However, when a distinction between moral agents and moral patients is made, and it is pointed out that many humans are not moral agents, the value of any such argumentative appeal becomes moot at best. It is not thereby established that only moral agents are moral patients, or beneficiaries of moral acts. One would be left with a mere stipulation of moral agency as a criterion of moral standing, in this case. Several arguments of a similar calibre are considered and disposed of only later in this study, just because I am starting with the strongest case first, and the other arguments really do not add to the plausibility of an “iron man argument” for humanism.

76 This other version runs the same through premises 1 and 2, but instead of allowing degrees of moral standing, it instead emphasizes all of the kinds of things constituting Q. So on this harsher, all-or-nothing version, only a being who possesses all aspects of Q has moral standing. Others do not, and so this might exclude all nonhumans from enjoying moral standing, as well as a good number of humans. This version is less plausible because it is simply less intuitively appealing to anyone in our society, but more precisely, it seems very crude in avoiding all consideration of degrees. There really are degrees of things, and, presumably, degrees of things considered good. If we really value good sincerely, we would value what is more good over what is less good, and not fail to respect good where we find it, by degrees—would we not? An average person would have the same moral standing as a genius on this second model, and that perhaps makes it more intuitively plausible, to a liberal, than its rival in that respect, at the expense of abandoning the degree-respecting spirit of adoringly promoting what is good as an overarching end of ethics.
When I point to lack of argumentation, too, one confusion must be obviated. It is important to realize that humanists can and do offer arguments for their views, with premises that validly lead to practical conclusions. The point is that these arguments all presuppose criteria of moral standing which are not themselves adequately argued for, or argued for at all, so their relevance is, at best, not established. It could be that giving explicit arguments is avoided because it is hard to make such an argument that seems adequate. Whatever the reason for this noteworthy, and perhaps even surprising, absence, Juggernaut, by contrast, does offer a consideration to show the moral relevance of Q.

Juggernaut links the idea of richness of lives with the purpose of ethics in promoting the good, which might make the positing of Q, of all possible criteria, seem necessary, or at least attractive. The implication of this argument is that we should evaluate the very interests of beings—if any interests are present—in part according to how rich or “superior” they are in awareness, sensitivity, understanding, and in other ways. Of course, given that Juggernaut is an ethic, interests that are incompatible with that ethic will be ruled out. It is a commonplace, too, that one can be consciously interested in something, which is very different from something being in one’s interests. One might take no interest in what is in one’s interests, whereas one can be interested in things that are neither in one’s interests nor against one’s interests. Juggernaut could be used to assess both or either kind(s) of interests, and that is all that need be noted at this point. We have seen many dimensions of supposed greatness of life. The argument does not state that any of the goods mentioned are to be promoted absolutely—identifying the good leaves it open to question as to what is morally right to do, how to balance competing considerations, and so on.

Of course, attributes like rationality, and so forth, are not evenly expressed in humans either. Within each sphere of richness such as rationality, moral agency, or the use of language, there could be conceived to be a hierarchy according to how well the particular being exemplifies the given trait. Hence, humanity may well be a favoured group as a whole, but it, in turn, will contain different segments that can be ranked according to richness. Those with mediocre rational capabilities, or perhaps even species deformities,
may be somewhat less well favoured than others who are more “perfect,” although no one is expected to be actually perfect for obvious reasons pertaining to the human condition. Well-being (or quality of being), very broadly conceived, may be seen as the currency by which one might happen to be “rich” or “poor,” and deserving of different degrees of respect, according to the Juggernaut argument. Let this understanding apply to the previous examples of species deformities and rational capacities. One is better off in life if one has a good form for one’s species, so that one is favoured for mating, not gawked at, and contributes to the shared aesthetics of the world. Furthermore, one is better off being able to reason than not, on this logic, and to express oneself using a complex language rather than just ambiguous grunts. Indeed, a Juggernautian might insist that well-being holds more of the true riches in life than money, which at the very worst is meaningless, and at most, is a means to a quality of life in the relevant sense—which, after all, our capacities are used to realize.

There is no great problem in thinking of well-being in terms of riches, as many humanists cited above do. We already do this, in speaking of a “poor fellow” who has suffered a nonmonetary misfortune, as one example. If we can speak in terms of more or less well-being, in terms of having a good life, we can also speak of life as richer or poorer. We do not always speak this way, however, since we are conditioned to restrict most talk of riches to the workings of a closed monetary system, which can, theoretically, measure one’s wealth quantitatively. The idea of riches of well-being might be seen as being at odds with economics, since such a manner of speaking introduces something that cannot clearly be added to a relatively simple and clear scale of monetary richness. Humanists will admit, straight off, I suppose, that one cannot precisely measure the richness of lives, but one can still get a definite and reasonably fair sense of which animals probably lack richness of lives, such as snails or insects, and Juggernautians would also

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77 Juggernaut can be used ambiguously in reference to either having a rich life in terms of (1) welfare, in the sense of having things accord with one’s desires, feelings—or whatever the subjective state that is emphasized by a given theorist—while also being satisfactorily factually informed, or (2) having a relatively greater, or more perfect, realization of aspects of one’s being. We need not enter into the debate between welfarism and perfectionism here.
readily indicate a difference in the richness of the life of an Einstein and that of a more ordinary person.

The sanctity of human life view, which always gives equal value and rights to all human lives, does not survive the Juggernautian view, which respects, and takes seriously, degrees of richness in assigning moral worth. After all, individuals do not at all exist separately from their qualities, leaving them open to being evaluated accordingly. Moreover, Juggernaut will not be affected by the fact that individuals are often, or even largely, not responsible for the qualities of richness that they have or lack. Juggernaut merely respects what is really good, however it happens to come to exist, for once in existence, it is to be respected, as exactly as possible, according to its worth. As for worries about persecution of minorities, it can be argued that having a healthy respect for those with some degree of Q would stave off any slippery slope into the degradation of so-called “inferiors.”

Those who have Q are not only rich themselves, but they also have great potential for enriching others by doing great works, or inspiring others by their example, or perhaps, at times, simply presenting themselves to be admired. Q is a great potential source of riches for all who have moral standing. But again, it need not be exactly Q (or rather, my own version of it) that is at stake. Some may grant that animals are self-aware, and others, such as the Cartesians, will deny it, and assert that all animals lack moral standing as a result. My composite argument is a sort of umbrella for many different humanist views. Some members of the Juggernaut family of moral perspectives include (allowing for minor variations):

1. **Nonhuman animals have no moral standing**, either because only the richest criterion of moral standing is best, and therefore to be used at all, or because animals are considered to be mindless (Cartesianism), or possibly due to the notion that feeling pleasure and pain are not directly part of the good life (the Aristotelian and Thomist traditions).

2. **Nonhuman animals (or some of them) have some moral standing**, which may even involve formal respect in the form of rights, utilitarian consideration, etc. There may be a reduced, even informal, accordance of moral standing to some animals who display some kinds or degrees of Q.

3. **Nonhuman animals do not even rate indirect moral consideration**, since not everybody is interested in animals’ welfare, although those so interested ought to be free to
promote it. Still, this special interest in animal welfare ought not to be imposed on others. Such a view denies any need to treat animals kindly in order to create good moral character.

(4) **Nonhuman animals (or some of them) merit indirect moral consideration**, since many humans sympathize with nonhumans (or value them culturally, aesthetically, ecologically, economically, scientifically, for amusement, as companions, servants, etc.) and these interests ought to be politically and/or institutionally entrenched out of respect for such people. Also, being kind to nonhuman animals can help to form human character, so that one would be more inclined better to treat one's fellow humans.

Frankly, I will not attempt to adjudicate between all of these varieties of Juggernaut, since my purpose is to refute Juggernaut itself, thus undercutting any and all such humanistic views. I will, however, use version (2), optionally supplemented with (4), for illustrative purposes, since it has the appeal of at least, perhaps, giving animals' welfare its due, while at the same time not proposing anything radically different from the status quo. Indeed, Juggernaut tolerates some debate among a spectrum of such views, but decisively rules out animal liberation, and that is consistent with the way animal liberation philosophy is contemplated by humanists today.

It is important, again, to stress that different varieties of Juggernaut are possible, and that the list of things that contribute to moral standing may not exactly be that of the Q which I have enumerated. Still, in order for the general argument to be applied, it is possible to provide an example of how Juggernaut can offer some crude comparative values for assessing degrees of moral standing. This might help to yield a suitable perspective on the sort of hierarchy that would follow from Juggernaut. There are 20 components to Q. Each characteristic can be graded out of 10. That would allow an overall score out of 200 for any given being, the utmost score of which would pertain to a perfect being. The following chart might reflect comparative values that a Juggernautian could apply to assessing particular creatures of the following general descriptions: (1) an “average” human, (2) a highly developed human, and (3) an ordinary dog (many humanists would be less generous in their evaluations of the nonhuman, I speculate).

<table>
<thead>
<tr>
<th>Quality of Being</th>
<th>Average Dog</th>
<th>Average Person</th>
<th>Nietzschean Super-Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artistic or creative endeavour</td>
<td>3</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Awareness of self</td>
<td>4</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Autonomy</td>
<td>2</td>
<td>7</td>
<td>9</td>
</tr>
</tbody>
</table>

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78 The following ordering was broadly suggested, in conversation, by Wayne Sumner.
Notice that the average human and the genius are much closer, on this scale, than either human is to the dog. While the well-endowed human specimen might be favoured in some ways, the average person has a healthy share of all of Q, whereas the dog only marginally partakes of the goods of life. The dog does not even have Q in any full sense, as the many null values serve to indicate. Although there is no question that arbitrariness is involved in making such assignments, there might also be little question about which sorts of beings Juggernaut is apt to prefer.

In fact, we might rank the value of different aspects of Q quite differently, assigning a peculiar importance to each, and thus not evaluate each one out of a denominator of 10, but this simpler model is still useful for illustrative purposes. In the ranked version, people might prefer to rank higher things that humans would prefer, thus giving humans an even higher score, and that might be deemed to risk a speciesist bias. If we can come to the same human-centred conclusion without such risk of prejudice, so much the better for the theory. People might prefer overall intuitive judgments over this more complex model, but the discrete rating in each category—which is “additively
intuitive,” in a sense—might lend more accuracy to, and better screen undue biases from, the judgment of any given being’s degree of moral standing.

A normal adult human being (as in our example) will perhaps show all of the capacities in Q, although not perfectly. People might only possess the potential to realize some of the capacities, but since riches are to be cultivated, people would be given the benefit of the doubt, and the freedom to realize whatever potential they have, or at least a good part of it (although again, those who are actually great would be respected still more). Juggernaut likes and respects any riches, but loves and reveres the “super-rich,” all by hierarchical degrees. God, supposing he exists, would be revered above all, of course, since He is perfectly rich in goodness. He would score 200—or go off the scale. We might be respectable enough for what we have, although puny compared to Him. Juggernaut would encourage some respect towards those who are relatively poorer in Q, although this cannot equal the full reverence due to those who greatly exemplify life’s riches.

For Juggernaut to be a plausible version of humanism, a kind, rather than contemptuous, attitude towards those poor in Q makes sense, as this would be more promotive of the good that it so treasures. Only curmudgeons would have contempt for real or imagined “inferiors,” thus betraying their distance from any full love of the good. Still, although kindness is key, it does not mean that animals, for example, cannot be sacrificed. In numerous discussions of animal ethics issues which I have come across (especially regarding the permissibility of vivisection), dilemmas are often posed, asking us to compare the worth of the lives of an animal such as a squirrel and a human baby. This comparison is used by vivisectionists likely because it seems obvious to humanists that nonhuman animal lives are impoverished in comparison to normal human lives, with all of their potentialities. Juggernaut seems to capture that intuition nicely.

Even Singer makes a distinction between the value of nonhuman animal lives and the value of human lives, and this value, as indicated earlier, is based on a hierarchy judged by similar criteria of richness such as the ability to act independently, be self-aware,79 be

capable of abstract thought, of planning for the future, and of complex communication.\textsuperscript{80} He also favours "any other capacity that could reasonably be said to give value to life,"\textsuperscript{81} and states unequivocally that "the life [of a being with such capacities]...is more valuable than the life of a being without these capacities."\textsuperscript{82} He also considers some interests to be more important than others, although equal interests must be considered equally.

Juggernaut, however, argues, with at least initial plausibility, that we are morally required to rank beings, and hence all that is connected to their lives—including their interests—by how rich these beings and their interests are. If the interests themselves lack in dimensions of Q, then they are impoverished, according to Juggernaut. In ordinary life, we often assess some interests as richer, more interesting, or more important than others. Also, if the interests are merely a part of a whole existence of a being which lacks any but the barest moral standing, why would those interests be of any great moral significance? They would not, according to Juggernaut. On Juggernaut, nonhuman animals themselves would only conditionally be worthy of attention, concern, and practical priority, as a rule, so why would we take an equal accounting of their interests, even those which are similar to ours? Interests are not realistically evaluated atomically, as free-floating things in isolation, but rather holistically, in the context of the beings to which they pertain—and we have seen that Juggernaut does not favour all beings equally. Would it make sense equally to consider repairing very similar engines of two boats, whereas one has great promise for service and travel, but the other is barely seaworthy, and near the end of her days anyway? Context also plays an obvious role in determining what is to be preferred, in the latter example.

The above is an ontological point, seeing interests as rooted in "richer" or "poorer" sentient beings, but there is also a teleological argument to be made. Let us say that there is a conflict of interest, in which a trivial interest of a being rich in Q is pitted against a vital interest of a being who is not so rich in Q, e.g., consider the desire to wear fur, versus a furbearer's interest in staying alive. In deciding the question of which interest should be

\textsuperscript{80} Ibid., p. 20.
\textsuperscript{81} Ibid., p. 18.
\textsuperscript{82} Ibid., p. 20.
served, it is not a question of the interests themselves deserving or meriting anything—they are mere things which, by themselves, are owed no duties. Rather, it is always a question of which being deserves or merits satisfaction of their interests—and we know that Juggernaut would come down on the side of acting in favour of the being richer in Q, especially if the being only has a scattering of the dimensions of Q. A fur-bearing creature will, on this model, get a failing grade on the Q-scale, and not very substantially have Q at all, in any full sense of the term (which encompasses all of the aspects, just as an engine presupposes all of the parts of an engine). Teleologically, it is beings with interests who are “ends in themselves.” Juggernaut thus resists any temptation to get caught up in abstractions, as when we say, rather artificially, that we can act for one set of interests or another. It also justifies the status quo, in which vital interests of nonhumans are regularly overridden by our dispensable desires.83

Juggernaut, then, would pronounce animal liberation, with its upholding of comparatively “empty” beings as our moral equals (not as moral agents, of course, but as objects of moral consideration), as an impoverished ethic, with nothing of greatness to it. Or else, any greatness there might be in animal liberation becomes hopelessly diluted by promoting an attention to interests that are not so worthy of our interest. In fact, this philosophy would have to judge animal liberationists to be morally immature, and as inferior moral agents, as compared to humanists, especially those who responsibly accord with Juggernaut. Or does Juggernaut pass judgment too soon? We should not conclude, at least until we see how well Juggernaut does in the face of the best objections that today’s animal liberation ethics can muster.

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83 This is not meant to imply that the genius can use the average person for skin, since that would demonstrate a great lack of respect for someone who is fully participating in all aspects of Q, albeit more imperfectly. Again, far from contempt and an exploitative interest, a substantial respect is apt for one substantially possessed of Q, although a much less substantial moral respect might be due to a being which is only marginally possessed of Q, or far from having Q in any full sense at all. Incidentally, I expect that most nonhumans will not fare as well as the average dog in my sample chart.
## 1.5 | Whither the Argument Against Speciesism?

Singer is the most famous opponent of "speciesism," as he calls it, following Richard D. Ryder's coinage of that term in 1970. Singer defines it 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." He compares it to arbitrarily favouring the interests of one's own race or sex. Singer writes that "pain is pain, and the importance of preventing unnecessary pain and suffering does not diminish because the being that suffers is not a member of our species." Is Juggernaut speciesist, according to this definition? Not obviously. First of all, Juggernaut's criteria of moral standing do not include being human, and all of Q are applied evenly across all species. In other words, it is species-impartial. It does assign moral standing, by degrees, according to various criteria, but on the strength of the argument, this cannot be characterized as a form of unjust discrimination, but rather, as a necessary function of moral judgment. Just because our species happens to be favoured does not make it wrong. For as Kant was recounted as holding above, if a nonhuman were rational, then he or she would also be entitled to (increased) moral respect.

Juggernaut purports to be thoroughly rational, and therefore defies any description of it as "arbitrary." Calling Juggernaut speciesist is impotent as an argumentative move, for it never makes reference to such high-flown phrases such as "human dignity" as any sort of deciding factor, nor would it ever downgrade the moral significance of animals by pointing to the fact that "they are not even human." as is sometimes done by humanists.

Furthermore, Juggernaut would call Singer's "pain is pain regardless of species" idea not only beside the point, because there is no species-favouritism in Juggernaut, but also wrong, because the pain of a being who has minimal moral standing is without any great moral significance, i.e., it would not be overriding in priority (as argued above). Animal suffering is a phenomenon that we might happen to sympathize with, but it has no

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85 Singer, Animal Liberation, p. 6.

86 Ibid., p. 9.

87 Ibid., p. 220.

88 Technically, hating all beings, including oneself, can be species-impartial in this sense, which further reveals the insufficiency of anti-speciesism, taken strictly in isolation.

89 Singer, Animal Liberation, pp. 238-39 discusses such question-begging humanist tactics.
equal status compared with that of beings who alone can have full moral rights. As implied from the description of Juggernaut above, the pain of (at least most) animals is merely part of a life that is typically so impoverished that it is not necessarily our duty to pay it any practical attention, unless, for example, it is a question of preventing unnecessary suffering. Still, if animal suffering is needed for human ends, then the Juggernautian would deem it to be necessary, since human ends would be overriding in this case.

Of course, Singer is not the only animal liberationist to rely upon the renunciation of speciesism. The Struggle for Animals Rights describes speciesism as discrimination on the basis of an irrelevant biological fact. Juggernaut, too, would never discriminate on that basis, and equally aligns itself against such discrimination, claiming that differences in species, race, sex, and disability alone imply nothing, in themselves, about the overall sum of richness of being in one's life. Sapontzis, in his own way, echoes Singer: "Since animal liberation seeks merely to extend to animals the same sort of protection of interests already enjoyed by humans, the fundamental issues of fairness involved in animal liberation must be included among those involved in treating humans fairly." Here Sapontzis refers to human problems such as racism and sexism, which are inherently unfair. Juggernaut will protest, using its ontological and teleological arguments given above, that it is perfectly fair to give each being its due, and it would be unfair equally to consider the interests of beings who cannot even rationally be held to enjoy full moral standing. Again, racism and sexism would be unfair, according to Juggernaut, because they are morally irrelevant forms of discrimination. Sapontzis has said that the burden of proof is on those who would deny animal liberation, but now he would have to answer Juggernaut's argument as to why all interests should be considered hierarchically. Evelyn Pluhar, in her recent book, Beyond Prejudice, relies quite extensively on the argument from rejecting speciesism, and her criticism would succumb to the force of Juggernaut as surely as do the others.

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91 Sapontzis, Morals, Reason, and Animals, p. 104.
92 Ibid., p. xv.
93 Pluhar, Beyond Prejudice, especially ch. 3, but also throughout.
It is noteworthy, in fact, that the most prominent anti-animal-liberation writers characterize themselves as rejecting speciesism, along with the animal liberationists. Frey tells us: "As I have said, I take seriously the charge of speciesism; I think discrimination solely on the basis of species is wrong."\(^{94}\) Leahy, for his part, characterizes "'speciesism' in its purest form based as it is only upon the anatomical difference,"\(^{95}\) and does not seem to hold this in much esteem, since he tries to defend species-preference in the case of the "mentally feeble" because they exist in the image of the human species, which alone has surpassed the language barrier.\(^{96}\) So he is not essentially attached to species at all, but rather, to the riches of language-wielding, and would only incidentally be fond of species which happen to be linguistically capable. Carrithers grants that species membership is an irrelevant characteristic for the purposes of morality.\(^{97}\) Finally, Fox, in his anti-animal-liberation phase, tells us that "Speciesism or species chauvinism in its full-blown form is unacceptable from an ethical standpoint."\(^{98}\) Gone are the days, it seems, when one could glibly say that humanism means caring about humans, above all—full stop. One cannot simply favour one species over another without appearing arbitrary, as even anti-animal-liberationists here acknowledge.

At this point, anti-speciesist philosophers may try to take cover under different types of speciesism. Note that the humanists themselves speak of speciesism in its "pure" or "full-blown" form. James Rachels distinguishes four different types of speciesism.\(^{99}\) Do they avail those who would resist Juggernaut? Radical speciesism is characterized by the assertion that even "relatively trivial interests of humans take priority over vital interests of non-humans."\(^{100}\) Again, while Juggernaut regards different sorts of interests of different sorts of beings differently, it is on the basis of Q, not species, and it would be a misnomer to call it speciesist. It would be begging the question to harbour the conspiracy theory that secretly, humanists might use Q only as a ruse, which is all part of an elaborate plot so that

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\(^{95}\) Leahy, Against Liberation, p. 203.
\(^{96}\) Ibid., pp. 203-204.
\(^{97}\) Carrithers, The Animals Issue, p. 52.
\(^{98}\) Fox, The Case for Animal Experimentation, p. 89.
\(^{100}\) Ibid., p. 182.
human beings—those of our own, cherished species—continue to come out on top. As we have seen, Juggernaut applies Q to all species, and is based in a seemingly philosophically respectable notion of promoting what is best or most good. I recognize that many Q-promoters might sincerely be pursuing the good, in general, and have no special attachment to species whatsoever. The benefit of the doubt must charitably be given in this case.

Moderate speciesism allows for the possibility that a more substantial nonhuman interest can outweigh a relatively trivial human interest, and Juggernaut might also allow this in certain cases, especially in the cases of animals who are owned domestically, or who have estimable riches of their own which merit respect. But again, this cannot, on the face of it, be characterized as "speciesist" for reasons just given in regard to radical speciesism.

Rachels' next two distinctions between types of speciesism might seem more promising at first. He defines "unqualified speciesism" as holding species membership alone to be morally important, the kind of speciesism that we have seen humanists are keen to reject. That is all very well, and that is the way I use the term on all occasions, for clarity, since discrimination on the basis of, say, rationality, need not relate to species discrimination at all.

But Rachels next gets into problems with the next concept of "qualified speciesism," which does not hold species alone to be relevant. Rather, species-membership is correlated with other significant differences. Again, this is confounding different types of discrimination, including favouritism on the basis of things Rachels mentions, such as rationality and autonomy, language, being able to participate in moral agreements, and greater sensitivity to harm. This is not favouring species per se at all, and it is unclear why these characteristics are rolled up into a supposed prejudice related to species. Again, the outcome of Juggernaut is that some species will be favoured over others. In particular, humans will generally (although not necessarily in all individual

101 Ibid.
102 Ibid., pp. 182-83.
103 Ibid., p. 184.
104 Ibid., pp. 184-87.
105 Ibid., pp. 187-90.
106 Ibid., pp. 190-93.
107 Ibid., p. 193-94.
cases) come out on top of the hierarchy, but according to the argument given, this is a result of reasoning, and not arbitrary, unfair, or unjust prejudices. The chief battleground for moral standing, here, would seem to be the criteria in Q and their significance, not species per se. The most prominent anti-animal-liberationists themselves have long ago left behind any alliance with speciesism, so using the argument against speciesism, at least by itself, is really launching an objection against a straw man argument, or else is an exercise in confusion, once it is associated with any of the aspects of Q. Thus fails the argument against speciesism in the face of Juggernaut.

### 1.6 Humanistic Criteria as Morally Irrelevant and Arbitrary?

Animal liberationists might resort to another familiar tack. If the humanistic criteria cannot be bundled up into one easy package in the rejection of speciesism, perhaps the criteria can be addressed by themselves as being irrelevant and arbitrary to posit. Thus Singer writes:

> So the limit of sentience (using the term as a convenient if not strictly accurate shorthand for the capacity to suffer and/or experience enjoyment) is the only defensible boundary of concern for the interests of others. To mark this boundary by some other characteristic like intelligence or rationality would be to mark it in an arbitrary manner. Why not choose some other characteristic, like skin color?"108

Singer may well have tried such arguments at various philosophical conferences and in many publications to his satisfaction, as he claims, but he has not reckoned with Juggernaut. The latter, again, defies the labeling of the Q-criteria as "arbitrary," since they are grounded in a clear argument. Moreover, characteristics such as intelligence or rationality are not comparable to skin colour, again, since such mental capacities do enrich life, whereas it is not at all clear that different skin colours, in and of themselves, really enrich or detract from their bearer's lives, including in respect of beauty. In short, Juggernaut finds skin colour to be morally irrelevant (neither necessary nor sufficient for moral standing), and arbitrary, as a criterion, because such a racist appeal does not at all fit into this formidable humanistic argument, and is seemingly plucked from the air.

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Humanists are not, then, going to be convinced by animal liberationists who would simply dismiss Q as "arbitrary," and rightly so.

Elsewhere, Singer writes that even if a group favoured by racism or sexism really is superior in ability or power, there is still a kind of equality which makes these capacities irrelevant: namely, everyone can feel pain, and the same sorts of pains should be considered equally.¹⁰⁹ This is an appeal to ideal equality rather than actual equality, according to Singer. He writes eloquently that:

...the claim to equality does not depend on intelligence, moral capacity, physical strength, or similar matters of fact. Equality is a moral idea, not an assertion of fact. There is no logically compelling reason for assuming that a factual difference in ability between two people justifies any difference in the amount of consideration we give to their needs and interests. The principle of equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat human beings.¹¹⁰

Juggernaut remains unimpressed. Ideally, nonhuman animals, and even various humans, ought to be considered unequally, according to its logic, and actual inequalities do become relevant, insofar as they fit into an idealized hierarchy, which goes from totally lacking Q, to enjoying aspects of it, in various degrees—perhaps up until the Supreme Intelligence which is God, or at least some idealized type of being (who might not exist, but can be, at least, a conceptual ideal). So, according to Juggernaut, there is a morally and logically compelling reason for assuming that a factual difference between two people at least can, in principle, justify a difference in the amount of consideration we give to their needs and interests. Contrast, for example, a severely mentally challenged person (who might, I dare say, score the same on my chart as the average dog) as against a genius who has promise greatly to benefit society. Juggernaut would have a certain respect for the retarded person, but would not regard the two persons equally. If Singer's equality is a prescription, then it is not something which Juggernaut can rightly prescribe.

Regan might object to Q as irrelevant because "the analysis of the idea of animal welfare will reveal that it is in essential respects like that of human welfare."¹¹¹ So if our welfares are essentially like those of nonhuman animals, then the differences which Q

¹⁰⁹ Ibid., p. 8.
¹¹⁰ Ibid., pp. 4-5. Singer's italics.
identifies must be irrelevant? Juggernaut must reject this claim. Juggernaut has identified that humans generally have a much richer well-being than nonhuman animals, and that humans, in general, are essentially different in having (aspects of) Q which nonhumans, as a rule, very much lack. The argument for the significance of this important difference (whether “essential” or not, in whatever sense Regan is using here) has already been given. Juggernaut would consider Regan’s conception of welfare to be mere and impoverished: “[Animals] live well relative to the degree to which (1) they pursue and obtain what they prefer, (2) they take satisfaction in pursuing and getting what they prefer, and (3) what they pursue and obtain is in their interests.” It will not suffice to persist with a concept of welfare that is denuded of all of the superior riches that figure into the good life, more fully conceived. While it seems true that animals can suffer, as Regan notes, as well as Singer, the moral significance of this fact is limited, as was said before, for beings with only tenuous moral standing have suffering that is minimal, incidental, and perfunctory as a moral consideration, for ontological and teleological reasons given above (unless one happens to have sympathy for animals either by nature and/or by conditioning, but that is not relevant to the duties of all moral agents, who would merely accord with Juggernaut).

Bernard Rollin tells us that “morally relevant differences between humans and animals [serve] as the most powerful tool in the investigation of the moral status of animals.” He points out that: “Most of what we worry about in our moral thinking about other people has nothing to do with the fact that they are rational beings.” This moral focus includes, for him, “our daily pleasures and pains, hopes, fears, aspirations and desires” which do not necessarily affect our rational activity. First of all, for an obsessive rationalist (and we have seen how rationality has a certain pride of place in Q), all of one’s life can be governed by rationality, to the point where even nonrational elements are deliberately “allowed” at times—for various reasons. Second, even if moral standing

112 Ibid., p. 93.
113 Ibid., p. 94-99.
115 Ibid., p. 53.
116 Ibid.
117 The second, more exclusive version of Juggernaut is not concerned with saying that all must relate to rationality. It is saying that only those who have Q (which definitely includes rationality both directly and
is possible without rationality, as it seems it is on Juggernaut, it would be a reduced form of standing, and result in a discounting of interests overall (as already argued). The suffering of animals would be considered, in ways already discussed, but that would be far from tantamount to animal liberation.

Making moral standing a matter of degrees (instead of an equal absolute), again, is truest to the purpose of morality, insofar as it respects very real degrees of richness and greatness. In truth, this hierarchicalist view most accords with the way society carries on today, at least informally, as I illustrated earlier. There is still equality on this view, insofar as those with equal standing, who have equal capacities, ought to be respected equally in some sense. The hierarchy cannot be calculated with exactitude, but broad sorts of recognition of inequalities can be made, allowances or benefits of the doubt can be given as to who has which capacities. When all is said and done, beings with different capacities can—and, on this reasoning, should—be treated differently.

Basic rights to life, welfare, and freedom of those with moral standing could, under the rule of Juggernaut, be put in place. The richest would be favoured in instances of conflict, as a matter of course, and possibly the finer grades of hierarchy could be mediated informally, in everyday life, which is much as things are now, in mainstream society, or so it seems to me. So when Rollin tells us\textsuperscript{118} that language and rationality are only examples of interests a beings might have, and are not relevant to determining who or what falls within the scope of moral concern, he is overlooking the very logical way in which Juggernaut refers to these, and various other capacities, in order to determine who falls within the scope of moral concern.

Sapontzis, for his case, deplores "irrelevant" conditions such as being human (which we have seen Juggernaut does not consider relevant, either). Such a criterion, Sapontzis alleges, is not relevant to "making the world a morally better place."\textsuperscript{119} Juggernaut would agree, and go further. This humanistic argument would find that it is precisely a \textit{morally} better world in which people aspire to what is best overall, and that is

\textsuperscript{118} \textit{Ibid.}, p. 71.
\textsuperscript{119} Sapontzis, \textit{Morals, Reason, and Animals}, pp. 63-64.
the world which Juggernaut prescribes. It is a morally worse place where the best criteria for moral standing, as found in Q, are either ignored, or else actively opposed and subverted.

On a different score, it will readily be conceded that many creatures may have no idea about Q capacities that they lack, and so it might be deemed irrelevant to measure them against Q capacities which they lack. This ignorance no doubt does exist in many cases. However, Juggernaut would maintain that even if a being’s awareness is filled—or fulfilled—with an inferior set of Q-values, that limitation of awareness does not make the real degree of Q any less inferior from an overall, comparative perspective. Why should we limit our view of reality according to the ignorance of others?

1.7 | Singer’s Equal Consideration of Interests

Juggernaut has already dealt with Singer’s equal consideration of interests in the foregoing. But a more detailed attention to Singer’s defences, in this particular regard, is wanting. Singer’s egalitarian doctrine is related to his rejection of speciesism, and of the supposedly irrelevant humanistic criteria, and also his criterion of moral standing (sentience). The first two arguments have just found Juggernaut unmoved, if not necessarily unmoveable. And before it was argued that mere sentience as a criterion for moral standing is not the best such criterion, and that the suffering of beings who do not count for much morally does not amount to much, comparatively speaking. For such suffering (assuming that we are not responsible for correcting all of the suffering in the wild) typically arises in admittedly preventable situations in which beings, rich in Q, stand to benefit, and we already know the outcome of such conflicts of interests on Juggernaut.

As for Singer’s meditations on different sufferings being counted differently, such as the pain that a baby would feel versus what a horse would feel if the same force of a slap were directed at their rumps,120 these are thoughtful, but irrelevant. The baby, with all of its potential for Q, would enjoy all of the privileges of moral standing,121 whereas the

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120 Singer, Animal Liberation, p. 15.
121 Juggernaut, in its love of the riches of existence, would have to advocate the promotion of riches to be realized in the future, which would result, presumably, in special consideration of beings who may develop capacities for realizing Q characteristics.
horse, which presumably lacks the same degree of Q, may have the equivalent or even greater suffering, but far from equally considerable interests. Juggernaut escapes any charge of arbitrariness in consideration of seemingly like interests in virtue of the ontological and teleological arguments for considering interests hierarchically, according to the nature of the being involved. While Singer will protest that “we would be on shaky ground if we were to demand equality for blacks, women, and other groups of oppressed humans while denying equal consideration to nonhumans,” Juggernaut does not find shaky at all its principled rejection of racism and sexism, focused as it is only on the goodness in life, which mandates an ethical, and equally principled, lesser regard for nonhuman animals.

So when Singer pronounces “I argue that there can be no reason—except the selfish desire to preserve the privileges of the exploiting group—for refusing to extend the basic principle of equality of consideration to members of other species,” it is he who is on shaky ground. For he has not accounted for the reasoning of Juggernaut. Also, the moral agent who accords with Juggernaut is only interested in using or exploiting parts of nature which have (little or) no moral standing, and that can hardly be objectionable. It is just an insult to accuse the proponent of Juggernaut of being selfish, when he or she unselfishly serves, or at least respects, all of those beings who have moral standing, and fairly and evenly evaluates who has moral standing in the first place. A Juggernautian, like anyone else, may serve his or her own interests at times, but the real question is whether the person is being unduly self-interested. So, too, when Singer speaks of those who “disregard the interests of animals,” this, too, falls by the rhetorical wayside, since Juggernaut only disregards that which it has no moral reason to regard in the first place. That is, it may practically disregard an interest, but only after theoretically regarding all possible interests, and how they relate to the degrees of Q. Juggernaut will claim to be an open-minded, rather than a dismissive, philosophy. Thus, Singer’s equal consideration of interests might equally be considered to prove of comparatively little interest to Juggernaut, from an argumentative point of view.

\[122\] Singer, *Animal Liberation*, p. 3.

\[123\] Ibid., p. v.
1.8 Sentience as a Criterion of Moral Standing

Again, although Juggernaut has already refuted this criterion in broad outline, more detailed comments of Singer deserve examination in this regard. Singer notes that the

...capacity for suffering and enjoyment is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in a meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. The capacity for suffering and enjoyment is, however, not only necessary, but also sufficient for us to say that a being has interests—at an absolute minimum, an interest in not suffering. A mouse, for example, does have an interest in not being kicked along the road, because it will suffer if it is.\(^{124}\)

Juggernaut readily concedes that capacities for enjoyment and suffering are prerequisites for having at least hedonic interests at all, and that these are sufficient for saying that a being has interests. But this does not at all affect the hierarchy of interests articulated above. The fact that animals have hedonic interests makes them intelligible objects of moral regard, but only to a limited extent. There is no quarrel about stones here, which are out of the question as candidates for rich life values.

Singer again begs the question when he writes that "[i]f a being suffers there can be no moral justification for refusing to take that suffering into consideration."\(^{125}\) Again, there are various kinds of humanism. Sentience, again, may well be a form of richness in life, insofar as our lives are more valuable if they are pleasurable, and less so if they are painful. But this is perhaps a small consideration compared to the full richness of life in Q, so that a merely sentient being would only merit a correspondingly reduced moral standing, hardly comparable to that of a normal human. Since animals have no purposes of their own much worth respecting, on this ethic, they are all impoverished by nature, and so the only concern for someone who gives such beings minimal moral standing would be, when using animals for human purposes, to take some steps to reduce their suffering (although again, this interest would not be as important as preventing beings with full moral standing from suffering). So Singer might trivially be correct in stating that there can be no

justification for refusing to take suffering into consideration, but in the case of nonhuman animals, there will still be a staunch refusal to consider animals' suffering in as egalitarian a way as Singer would prefer. Juggernaut's concern for animal welfare would be consistent with the currently widespread ethic of kindness to animals, which is still very far from animal liberationist, in either intent or consequence.

1.9 Inherent Value as a Criterion of Moral Standing

Here we come to that which Regan calls "the weapon" itself, recalling his proud description of *The Case for Animal Rights*. He maintains that any subject of a life has inherent value, and someone is such a subject if he or she has beliefs, desires, perceptions, memory, a sense of the future (including the subject's own future), an emotional life including pleasure and pain, preference and welfare interests, the ability to initiate action in pursuit of desires and goals, psychophysical identity over time, and an individual welfare in the sense that things go well or ill for them, independently of utility to others. If a proponent of Juggernaut were to deny that animals truly have beliefs and desires, conscious memories, a sense of the future, preferences, freely chosen actions, a sense of identity over time, which are seven of Regan's ten criteria for being a subject of a life, it would be difficult, perhaps, for Regan to prove such a humanist wrong. Regan could certainly argue the point, short of philosophically rigorous proof. Proof becomes problematic, in this context, for the simple reason that we have no direct access to animal minds, and can offer sophisticated materialistic, instinctual, and/or "primitive mentality" explanations for their behaviour. But even were we to grant many animals all ten of Regan's criteria, they would not necessarily manifest more than one or a few of the twenty components of Q. Regan's inference, that the possession of his minimally rich subject of a life criterion entails full and equal inherent value of the being, and hence equal rights, is not only presumptuous, but mistaken, on the Juggernautian world view.

Equality of inherent value can also usefully be brought into question. Indeed, Regan, prior to his construction of his full-fledged case for animal rights, maintained that subjects of a life do not possess inherent value equally, or so I interpret. In the passage that I have in mind, he is pondering a lifeboat dilemma, and he writes:

There are humans who cannot so much lead a life as have one. It is not implausible to suppose that normal, adult humans, because they can lead a life that can have a range of values (e.g., moral virtues) not obtainable by the severely mentally enfeebled, can be regarded as themselves having greater inherent value than the enfeebled.127

This earlier view of Regan sounds much the same as Singer’s current view regarding the value of lives, based on a kind of richness.

It seems that Regan later changed his views, so that now, he endorses equal inherent value for all subjects of a life. He presents two key reasons for this view. First, people having less virtue (or richness, as Juggernaut might put it) would be treated with “injustice” and would not be able to complain about it since they would “deserve” it. Second, it would be hard to judge degrees of inherent value.128 He simply declares dogmatically, with no other justification offered: “Such an interpretation of justice is unacceptable.” This “reasoning” is useless before Juggernaut, since Regan has not shown why Juggernaut’s theory of justice is mistaken, which, itself, favours differentially distributing goods according to different levels of moral standing. Regan has only indicated as much as his dislike for such a theory of justice, which is irrelevant. He cannot assume that Juggernaut is unjust, but must show this to be the case. He claims that harming individuals treats them “unjustly because disrespectfully,”129 but again, Juggernaut will insist that it respects individuals exactly according to how they should be respected: their different degrees of Q. Yet Regan claims that any animal’s basic right is to respectful treatment,130 which Juggernaut, of course will deny is wrongly disregarded on its own vision. This also goes for Regan’s prohibition: “individuals who have inherent value are not renewable resources and are not to be treated as if they were.”131 Even if the

128 Ibid., p. 263.
129 Ibid., p. 327.
130 Ibid., p. 344.
latter statement is true, Juggernaut would not grant any substantial moral standing to most nonhuman animals, and hence no (great) inherent value. And more likely, it would assign value that inheres in individuals just according to the richness of their capacities. Such an assignment, incidentally, would make it highly prejudicial to dismiss Juggernaut as having a purely “instrumentalist” view of animals, because a degree of value of the animal for himself or herself is indeed recognized, apart from the creature’s utility to anyone as a resource.

Moreover, while it has already been admitted that it is difficult to rank degrees of moral standing, this can be done in a rough, yet artful way that is open to revision, and that errs on the side of caution, which is a better ideal to strive for, on Juggernaut, than crudely equating beings with very different contributions of goodness to the world. In that respect, it is better to be roughly correct as an inegalitarian than wildly incorrect as an egalitarian. Indeed, our society does seem to strive for some such hierarchy, both formally and informally, as part of our implicit, cultural way of life. At a formal level, the equality of all persons before the law is upheld, but so, too, are numerous formal hierarchies in our society (corporate, academic, religious, military, governmental, familial, among others).

Even now, in the lifeboat and other dilemmas, Regan grades the value of lives on the basis of beings having different “opportunities for satisfaction,” with nonhuman animals routinely being considered to have fewer such opportunities. He never makes it clear why this reasoning should not apply every day, beyond unconvincingly declaring dilemmas to be exceptional to the rule: “What the rights view implies should be done in exceptional cases—and prevention cases, including lifeboat cases, are exceptional cases—cannot be generalized to unexceptional cases.” Why not? Italics to emphasize his stance do not help him here, and his appeal to a supposed norm of equal inherent value in this context merely begs the issue once again. Once unequal, why not always unequal? We could try to help Regan’s case by indicating that lives are not at stake in normal transpirings, so this method of evaluating lives is also, normally, irrelevant. Still, we can

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132 And, of course, the second version would not grant any moral standing to any nonhuman animals.
133 Ibid., p. 324.
134 Ibid., p. 325.
135 Ibid.
use the same method to determine the ordinary fortunes of individuals. After all, in everyday distributions of resources, some will have more opportunities for satisfaction than others using the same resources. Also, Regan’s prevention cases allow, in effect, the harming of innocent beings, so long as the harm to the innocent is less than or equal to the harm which is prevented. However, as L. W. Sumner points out, this idea might permit some vivisection, which Regan’s view states should be abolished. After all, some research may involve either mild or intense harms, to anesthetized animals, which are equal to or lesser than harms suffered by diseased humans, who might stand to benefit from the given research. In any event, Regan anticipates no rebuttal to Juggernaut’s claim that a being’s degree of Q affects everyday ethical (dis)entitlements and (im)possibilities.

Since Regan assigns inherent value to nonhuman animals on the basis of certain designated capacities, it is open to question why he does not assign profoundly unequal inherent value, based on different realizations of such capacities. Using his ten criteria, contrast the following two creatures, and one can see how Juggernaut, at least, might tend to regard them, at a general level:

<table>
<thead>
<tr>
<th>Component of being a &quot;subject of a life&quot;</th>
<th>Animal A: a normal human being</th>
<th>Animal B: a sloth, whose mental life is interpreted according to Juggernaut</th>
</tr>
</thead>
<tbody>
<tr>
<td>beliefs</td>
<td>believes many things about the world, differentiating mere opinion from reasoned inferences and certain knowledge</td>
<td>dimly is disposed to view things a certain way, but remains ignorant of a great many things</td>
</tr>
<tr>
<td>desires</td>
<td>intensely desires certain things, only mildly wishes for others, and can freely choose to pursue desires or not</td>
<td>is inclined to act certain ways, just being the way it is, but does not have the mental capacities to conceive of, let alone choose, alternative choices of action</td>
</tr>
<tr>
<td>perception</td>
<td>a rich result of all of the five senses, in combination with values, beliefs, understanding, etc.</td>
<td>things are sensed to some extent visually, although other senses such as smell and taste might comparatively be enhanced</td>
</tr>
<tr>
<td>memory</td>
<td>can remember a remarkable array of facts</td>
<td>does not consciously remember much of anything, although may be conditioned to find certain types of things aversive or attractive</td>
</tr>
<tr>
<td>sense of the future</td>
<td>profound, extensive, speculative</td>
<td>minimal, if at all</td>
</tr>
<tr>
<td>pleasure, pain, emotions</td>
<td>rich</td>
<td>rich enough, given shared mammalian nervous structures</td>
</tr>
<tr>
<td>preferences, welfare interests</td>
<td>rich</td>
<td>considerable</td>
</tr>
<tr>
<td>initiates action in pursuit of goals and desires</td>
<td>yes</td>
<td>takes place, if only to a limited extent</td>
</tr>
<tr>
<td>psychophysical identity over time</td>
<td>very elaborate</td>
<td>primitive or nil?</td>
</tr>
<tr>
<td>things going well or ill for one</td>
<td>yes</td>
<td>yes, although not nearly to the extent of a much richer being</td>
</tr>
</tbody>
</table>

This is an example of Juggernaut allowing some kind of mental life for sloths—other Juggernautian conceptions, of course, are possible in this area. In any case, why would we not assign lesser inherent value to the sloth, even though, by the lights of some humanists with a relatively high estimation of nonhuman animal minds (perhaps equal to Regan's own reckoning) it might minimally fulfill all of the subject of a life criteria? Aside from grading in terms of being a subject of a life, we ought not to forget grading according to Q, as well. His plural form of a "subject of a life," which is "subjects of a life," would
more illuminatingly be rendered as "subjects of lives," since all beings lead very different lives, with different degrees and kinds of qualities.

Regan applies inherent value so widely, it is difficult to know what it signifies. While being a subject of a life is sufficient for identifying a being who has such value, it is not necessary, to Regan. So whereas Singer and Juggernaut are in clear agreement in ruling out any moral standing for stones, Regan, in providing for the possibility of an environmental ethic based on inherent value, leaves it open as a possibility that rocks, rivers and trees have inherent value. He writes: "The implications of the successful development of a rights-based environmental ethic, one that made the case that individual inanimate objects (e.g., this redwood) have inherent value and a basic moral right to treatment respectful of that value, should be welcomed by environmentalists."\(^{138}\) All of Regan's views are based on "reflective intuitions," that is, considered beliefs held after a conscientious attempt to be cool, impartial, rational, consistent, conceptually clear, precise, simple, adequate in scope, etc.\(^{139}\) Yet Juggernaut intuitively reflects on the world quite differently than Regan, for reasons which seem universal, encompassing, neatly in keeping with the facts, and which rule out Regan's own views. Juggernaut defies the animal rightist to show that it does not fulfill his basic criteria for developing an adequately reflective view.

Indeed, the justification of Regan's own ascriptions of inherent value seems far less credible than Juggernaut's argument for assigning different degrees of moral standing, since Regan's view is viciously circular in this regard. He claims that he does not postulate inherent value without reason. His reasoning is that the postulation avoids the "wildly inegalitarian implications of perfectionist theories," and "the counterintuitive implications of all forms of act utilitarianism."\(^{140}\) This is question-begging, since perfectionists and utilitarians are unconvinced by such pronouncements: they do not mind any supposedly "inegalitarian" consequences which happen to go against Regan's own intuitions on equality. Indeed, Regan would have to bring a view which upholds the inherent value of

\(^{139}\) Ibid., p. 134.
\(^{140}\) Ibid., p. 247.
individuals to bear against perfectionism and utilitarianism in order to bear out his question-begging complaint that they are unjust in the first place. So he cannot use his “conclusion” that they are unjust to “justify” that individuals have inherent value without arguing in an obviously vicious circle. The Case for Animal Rights includes many discussions that are worthy of note. But although “the” case for animal rights, as constructed by Regan, has been shown to be unconvincing, is there a possible case for animal rights that succeeds against Juggernaut?

1.10 Being Alive as a Criterion of Moral Standing

It has been prefigured how Juggernaut will respond here in the argument of 1.4 itself, namely, that merely being alive is an impoverished, or far from the best, criterion of moral standing. But again, it behooves us to look at the actual justifications (and hence “resistance”) offered by animal liberationists, with respect to their views, before moving on. It is relatively common knowledge that the Jains, whose religion emerged in East India, respect all life as a matter of religious faith. A Western, philosophical component of “vitalism” (simply the view which takes being alive as a criterion of moral standing) is found in the writings of Albert Schweitzer, perhaps the most famous of all vitalists. Schweitzer describes ethical people as obeying the requirement to help all life which [they] are able to assist, and [as shrinking] from injuring anything that lives.141 Juggernaut experiences no such compulsions or aversion. From its perspective, life is, indeed, a grand evolutionary spectacle, leading, in marvelous ways, to human beings as the pinnacle of the instantiation of Q.

Schweitzer tells us that the ethical person “does not ask how far this or that life deserves sympathy as valuable in itself, nor, how far it is capable of feeling. To him life as such is sacred.”142 Not only does Juggernaut not hold life per se as sacred, but it holds that caring for beings according to their value makes good moral sense, and that any departure from this is senseless. Indeed, Schweitzer holds that the basis of reverence for all life lies

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142 Ibid.
in mysticism, a fellow-feeling that we are all supposed to have.\textsuperscript{143} Again, Juggernaut expresses no such feeling, and is given no pause by any appeals to mysticism. Schweitzer states that "[t]rue philosophy must commence with the most immediate and comprehensive facts of consciousness," including the realization that "I am life which wills to live, and I exist in the midst of life which wills to live."\textsuperscript{144} Juggernaut would protest that Schweitzer is not recognizing the immediate facts of consciousness such as the ethical imperative to promote the good, the fact that not all willing merits respect, and that even one’s own will to live (if rationally defensible) is based in one’s quality or richness of one’s life. Inferior life forms which will to live are not necessarily worthy of practically decisive moral respect, given their lack of Q. In any case, Schweitzer’s own advocacy of some vivisection\textsuperscript{145} makes a strange bedfellow with his “reverence” for all life, betraying beliefs that are more akin to a Juggernautian hierarchy, in some noteworthy respects.

Another vitalist (as I would interpret him), Paul Taylor, gives Juggernautians cause for doubt from the start when he confesses that the basis of his ethical system, an attitude of respect for nature, has no ultimate justification, and he calls it an “ultimate moral attitude.”\textsuperscript{146} Juggernaut makes a presupposition, as well, but holds that its upholding of the good is not just any supposition, but stems from the basic purpose of morality, and is shared by all moral theories, including Taylor’s. In ethics, at least, it is more contentious and idiosyncratic to presuppose—and to try to impose—a respect for nature, as opposed to a respect for what is good. While Taylor holds that one cannot justify respect for nature by giving moral reasons for taking it,\textsuperscript{147} Juggernaut boasts that precisely moral reasons shape its own view. Juggernaut will not be impressed with Taylor’s claims that respect for nature is a belief system “acceptable” to all who are rational, informed of the facts, “and have a developed capacity for reality-awareness.”\textsuperscript{148} Juggernaut reflects such a capacity in its own

\textsuperscript{143} \textit{Ibid.}, p. 32.
\textsuperscript{144} \textit{Ibid.}
\textsuperscript{145} \textit{Ibid.}, p. 36.
\textsuperscript{147} \textit{Ibid.}, p. 98.
\textsuperscript{148} \textit{Ibid.}
right, and casts doubt on Taylor’s granting equal inherent worth to living beings lacking any such capacity, among others—how can this embody a true esteem for the good?

Taylor does talk about the fact that things can be good or bad for plants, independently of their value to anyone else, what he calls a good of their own. While Juggernaut might concede this, it will still contend that the good of plants could hardly be more impoverished in full comparison to, for example, the rich lives of human beings. So the good of plants would not matter morally, since plants, lacking all Q, would not possess any moral standing. And it does not help when Taylor apparently anthropomorphizes plants and other living beings by speaking of judging what is desirable from the "standpoint" or "perspective" of such creatures. These terms usually denote a conscious point of view, or a subjectivity, and it is not at all clear what he is referring to, even metaphorically, in the case of plants. If it just means they have a good of their own, then this has already been ruled out as helpful to Taylor’s position. So when he writes: "Seeing [other organisms] as we see ourselves, we are ready to place the same value on their existence as we do our own. If we regard ourselves as possessing inherent worth, so we will be disposed to regard them." This would be offensive to Juggernaut, to imply that we should place the same value upon the existence of a dandelion as ourselves, and indeed, that we should look at dandelions basically the way we look at ourselves, ignoring (without outright anthropomorphism) our many richer dimensions of well-being. We could perhaps conceive of the "standpoint" of a plant as merely the consideration of it, as a discrete living system, with different things being beneficial or deleterious in relation to it. However, it is quite another thing to suggest, as Taylor does above, that we can see a plant as we see ourselves. Evidently, we are no farther along in justifying life as a criterion of moral standing, and Juggernaut gives us apparently compelling reasons against such a consideration. Thus fails the attack from “life itself” against the Juggernaut.

149 Ibid., p. 56.
150 Ibid., p. 67.
151 Ibid.
152 Ibid., p. 128.
1.11 Ahimsa, or the Argument From Non-Harming

Like reverence for all life, ahimsa, or non-harming, or non-injury, is known to be associated with Jainism. Indirectly, Regan was inspired by this principle, since Gandhi, a Hindu, adopted it from the Jains, and used it in his campaigns to oust the British from India. Martin Luther King Jr., in turn, appealed to a version of ahimsa in his civil rights movement, of which Regan was a part. Hence Regan’s “harm principle” (which, of course, is more of a “nonharming principle”): “Do not harm any relevantly similar individuals who can be harmed.”¹⁵³ Unsurprisingly, based on the foregoing, Regan justifies his “harm principle” with reference to respecting the inherent value of beings who are subjects of a life. But Juggernaut is not concerned about harming beings who have no moral standing, and is little concerned with harming beings who have little moral standing, by degrees. The logically cohesive view of Juggernaut, it will claim, also trumps any Jaina religionist’s claims to mere faith. And so Juggernaut presses on against the animal liberation camp.

1.12 Perfectionism and the Spectre of Totalitarianism

Allow me further to address this argument, which was touched upon earlier. On the “perfectionist” view, according to Regan, those with certain virtues would have greater inherent value¹⁵⁴—presumably because they are more “perfect.” He cites Aristotle’s ethic as an instance:

Aristotle, for example, thinks that some human beings are slaves by nature—are, as it were, born to be slaves, so bereft are they of even the minimum capacity for artistic, intellectual, and other virtues. Their function is to serve the higher, more deserving interests of the virtuous—for example, by carrying out such tasks as growing food and collecting refuse, tasks for which they are naturally suited by their intellectual and aesthetic poverty, work that relieves the virtuous of the need to spend their time in such low-level pursuits and thus provides them with the leisure necessary to develop their artistic and intellectual virtues optimally. Nor can those consigned to serve their natural masters complain of a lack of justice. They get exactly what is their due.¹⁵⁵

¹⁵⁴ Ibid., p. 237.
¹⁵⁵ Ibid., p. 234.
I have already indicated how Regan begs the question by simply calling this whole arrangement an "injustice," and how his own argumentative edifice, extensive and circular as it is, fails to support his contention, as well. However, I would like to make another point about views which resemble the perfectionist philosophy just described by Regan.

It might be feared that Juggernaut will be ruthlessly perfectionistic, or perhaps even Nazi-like, in its treatment of humans. Could the fact that Nazi—or otherwise totalitarian—superiorism is anathema to most people partially account for why something like Juggernaut has never been clearly articulated, up until now? In fact, such extremism is very far from required by Juggernaut, which is apt to respect riches where riches lie, no matter the human, and indeed, no matter the species. Only by trying to produce a society—which overall maximizes rich beings and minimizes impoverished beings—could a variation of Juggernaut be significantly Nazi-like. Broadly speaking, that is not like our own society. For in our society, at least, it is not as if "the golden ones" will be served alone, and everyone else will be killed or enslaved. Juggernaut justifies a more ordinary kind of humanism, which is not obsessively and unrealistically perfectionist, but which supports the realization of moderate levels of richness of life, although it favours richer lives at least to some extent (as does our own culture, with its high achievers, celebrities, "stars," etc.).

Even being granted the freedom to develop potential riches, for a being who is less than fully mature, would follow from Juggernaut, which promotes the good, and its ripening, in such a way so as not to deny the best or richest expression of goodness. Again, Juggernaut might be used to justify Einstein being treated like a "demi-god" in our culture, and less intelligent people would be treated with less respect (even by themselves and each other, as we find today), but there would be enough of an approximation of intellectual achievement or functioning in ordinary life to allow the average citizen a moderate, or adequate level of moral standing, even by the standards of the elites. Adequacy means fullness or sufficiency, perhaps even full moral standing, on some interpretations, whereas one would simply have extra esteem for those who are superior in
certain respects. One could live quite a comfortable life under Juggernaut, not worried about being excessively judged or downgraded—it would be very much as it is now.

For those with substantial degrees of Q would have to merit a substantial degree of moral standing, including the so-called “average person.” Substantial moral standing would mean substantial respect, and it is inconceivable that any substantial kind of respect would not include a strong protection of at least the needs of the individual. So beings of substantial Q might well be assigned rights, in order to afford the protection of individual needs, although those higher in Q would no doubt receive preferential treatment in a conflict. By contrast, those with relatively insubstantial Q, such as dogs, could have no such substantial moral consideration, and hence no rights. Rights, for those who have them, would apply no matter how rich or poor one is economically, no matter how beautiful or how physically unattractive.

Even if superior extraterrestrials were to land on Earth, they would be ethically duty-bound to respect the substantial Q possessed by human beings. Regan’s criticism of Nazi-style “perfectionism” has little or nothing to say about this more moderate and usual form of “imperfectionism.” Regan only offers a straw man argument in response to humanism, which would only, at most, be useful in registering a complaint against extreme, fanatical views that are thankfully uncommon—or so I like to believe.

1.13 The Argument Against “Might Makes Right”

Regan offers the argument that: “The weak do not exist as things to be used by the strong. Might does not make right...[Yet all] forms of injustice allow this.”156 Moreover, Rollin has tried to rebut humanism which uses intelligence as a criterion of moral standing by pointing out that its possession only yields more power for the possessors, and allowing the powerful to “control, vanquish, dominate, and destroy all other creatures.” But, he continues, thinking that the powerful alone deserve moral concern is just “might makes right,” and in endorsing this we “have, in a real sense, done away with all morality.

156 Regan, The Struggle for Animal Rights, p. 83.
altogether." Predictably enough, he cites Nazism as a society embodying this horrific principle.

To object to Juggernaut on this basis would be beside the point. The point of Juggernaut is not that might or power makes right, but that seeking the good life, or what is best, is morally required, and we must always use our power towards what is best in that sense. This does not necessarily lead to Nazism, once again, but, in our society at least, to a respect for all humans and other beings who share in the riches of well-being, regardless of race or sex, which are, at least in principle, irrelevant to human enrichment. Now, various sorts of might or power could, in fact, help to make a life richer, but richer beings could not, then, use this might in any way that pleases them. They would be required morally to respect all those beings who have moral standing, according to their actual level of moral standing. The result would not be a blind imposition of power, but one that is mediated and measured through rational argumentation, independent of any kind of "might makes right" principle. Sapontzis writes that it is arbitrary routinely to sacrifice the interests of those who are weaker than us, but again, he begs the question against the rationality of Juggernaut, which would not always disfavour those who are physically weaker (e.g., it would actually promote a special reverence for Stephen Hawking).

Since powers can be relevant toward enrichment, it might be objected that many animals are superior to humans in physical strength, agility, running power, flying ability, biting, clawing, pushing, sensing, etc. However, Juggernaut would hold that these are poor feats compared to those of the mind, and that most animals would not even have the ability to appreciate their own physical prowess, and are fit only to be exhibits for us in the use of their powers. Human technological enhancements can generally far outstrip animal powers, as an additional factor. Hence, the animals' lives are not more valuable in themselves, on this thinking, but only instrumentally, as natural "art objects," resources, or workers for us. The life of the mind is the hub of any superior life, including any appreciation of the physical. Might may not make right, but it could, in part, help us to determine Q, which, in turn is helpful in determining what is morally right. Let it be noted,

157 Rollin, Animal Rights and Human Morality, p. 31.
158 Sapontzis, Morals, Reason, and Animals, p. 150.
too, that Q includes many traits common to nonhumans, not excluding physical prowess. Still, human mental superiority ideally must extend to moral superiority, and so Juggernaut might become an impetus to pass laws more humane to animals than today’s statutes, stringently dedicated to making animals’ usage truly “humane.”

1.14 Sapontzis’ Arguments Against Overvaluing Rationality

Juggernaut fully endorses Sapontzis’ point in the following: “By far the most common defense of our exploiting animals—and the one that is best supported by our moral tradition—is that we are rational beings, while they [nonhuman animals] are not.”¹⁵⁹ Juggernaut would add, however, that its favouring of rationality, as well as other components of Q, is not merely an arbitrary eruption from tradition, but is rooted in moral reasoning itself, as the argument itself implies.

In any event, Sapontzis claims that rationality is overrated in our culture, and even that many nonhuman animals are rational.¹⁶⁰ But even if rationality is not necessary for moral agency, as Sapontzis interestingly argues,¹⁶¹ this is irrelevant to the humanist’s argument, because rationality is still obviously something that can enrich moral agency, and our lives on the whole. Furthermore, by insisting that some animals are capable of rationality, he is playing into the hands of those who would uphold the thesis that nonrational animals would count for nothing or for less. Rationality might be overrated, as Sapontzis says, but it is treasured or venerated since it still contributes to the richness of our lives as nothing else does, in practical and theoretical ways, which, on this hypothesis, most animals know nothing of. Once again, we have an inadequate response to Juggernaut, although the use of criteria such as rationality is perhaps the key intellectual battleground for animal liberation.

One might argue that rationality is not, in fact, a source of enrichment, because it can be misused. However, irrationality can also lead to disastrous consequences, whereas

¹⁵⁹ Ibid., p. xii.
¹⁶⁰ Ibid., ch. 3.
¹⁶¹ Ibid., pp. 30-46.
rationality can, indeed, help to make great things possible, especially if people abide by the humanistic ethic, which assiduously guards against the misuse of rationality. We can really misuse money, too, but we are still the richer for having it. Ethics aims for higher, and to have a power to aim higher is more valuable than its absence, unless it is inherently likely to lead to more harm than good, which is not clearly the case with rationality. In any case, as stated earlier, Juggernaut loves riches to such an extent that it is willing to grant freedom to realize the good through rationality and other capacities, and freedom implies the possibility of going astray. Only poor manifestations of rationality are bad, after all, and are only bad to the degree to which they lack rationality. For if everyone were perfectly rational, or at least capable of that, would not the world be a marvelous place? Such a scenario is not realistic, but Juggernaut would suggest that we can and should progress toward this ideal.

1.15 Ethics of Care

The ethic of care seems to be increasingly popular among many people whose opinions I have encountered on the subject of animal ethics. For example, consider the following statement by Alex Pacheco, co-founder of People for the Ethical Treatment of Animals (PETA):

What got me and most everybody I know involved was just the pain and suffering of the animals. It wasn’t anything academic or philosophical. It was in the gut and in the heart, something very fundamental. Something a five-year-old has....It’s not elaborate. And that’s what keeps us in this. The anger that we have over the injustice, the cruelty to helpless creatures that don’t deserve it....People don’t have to adopt the whole philosophy...they just have to care. Whatever they call us, that’s what guides us.  

How could Juggernaut reply, except to point out that of course it cares. It cares to cultivate Q in beings who hold the potential for realizing it, but need assistance towards that end. Juggernaut directly cares even for beings with lower degrees of Q, and advocates a “gentle usage” of animals, considering it regrettable when a being with a lesser level of Q must be sacrificed in order to serve those with richer lives. However, it might be countered that Juggernaut is too selective or unbalanced in its caring. John Fisher urges the importance of

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sympathy in ethics, noting that if our sympathy for animals in inappropriate, then our moral concern for their welfare is in danger of losing much of its practical force. However, as already noted, Juggernaut does not object to sympathy for animals per se.

Moreover, nobody cares about everything in the same way, e.g., loves their toothpicks as they love their mothers. Few people would care much about plants, let alone bacteria. Rational humanists, Juggernaut tells us, care about things precisely to the extent that they are *worth* caring about. It is wrong to care too much about the wrong things, including nonhuman animals, who, in many cases, possess a reduced moral standing in light of their respective riches. It is good to care for them, perhaps even with passion, but to let that caring be equivalent to, or to take precedence over, caring for richer beings is simply a mistake. Juggernautians’ caring is no mere abstraction, although their moral theory helps to explain, philosophically, *why* they care in the first place, and also, the *way* in which they care.

1.16 Some Miscellaneous Objections to Humanism

There is a motley crew of objections that are less well known, but worthy of note in this context. For a start, Singer observes that:

...almost all of the oppressing group are directly involved in, and see themselves as benefiting from, the oppression. There are few humans indeed who can view the oppression of animals with the detachment possessed, say, by Northern whites debating the institution of slavery in the Southern states of the Union....On this issue, anyone who eats meat is an interested party....How many Southern slaveholders were persuaded by the arguments used by the Northern abolitionists, and accepted by nearly all of us today? Some, but not many.

Juggernaut retorts that this begs the question that the humanist argument is not objective, even though it is constructed of plain reasonings that Singer has not disturbed in the slightest, for all of his rhetoric. One could equally assert that animal liberationists are not “detached,” since they are intent on stopping our usage of animals out of feelings of sympathy. Singer similarly claims that opponents of animal liberation are merely

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entrenched in habits, and Juggernaut of course, will make the same sort of denial as in the previous two sentences. Juggernaut will favour, with Aristotle, the promotion of *rightful* habits, which would all be in keeping with humanism.

Next, we have Regan’s objection in the following:

...no one will seriously maintain that some human beings are entitled to kill other humans just because members of the former group stand to gain something as a result. Nazis may have thought this of Jews, and members of the Ku Klux Klan may think this of blacks. But otherwise sane and sensible people will abhor such an ethic.

And yet this is the same pattern of discrimination that allows us to tolerate (and, in the case of many, to support) the slaughter of more than a half-million animals every hour of every day—just in the United States. Regan, here, is implying that Juggernaut is subjugating animals for merely selfish benefits. However, Juggernautians are altruistic, and they rightly limit their “acting for others” to those who have genuine moral standing. Since animals lack (full) moral standing, they may be, or even frequently ought to be, used for human benefit. But the determination that they lack a high degree of moral standing is a result of reasoning which is not at all self-regarding, and Juggernautians would be content not to use animals merely as a means if only moral reasoning could truly warrant that conclusion.

Regan objects against Kant that the formula requiring that humans be treated as ends-in-themselves makes no reference to nonhuman animals, and so this provides no guidance for our treatment of animals: “Since the beings I am concerned about are not human beings, the formula provides me with no possible guidance...” Actually, Kantians are guided well enough, since humans (actually, persons, as we have noted) count as ends in themselves, and anything else, including animals, is relegated to the realm of potential means. W. D. Ross, a neo-Kantian, is actually praised by Regan for saying that “if we think we ought to behave in certain ways to animals, it is out of consideration primarily for their feelings that we ought to behave so; we do not think of them as a practicing-ground for virtue.” While Juggernautians may (or may not) give animals a minimal degree of moral standing based on the fact that they can feel, the comparative

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165 Ibid., p. vi.
168 Ibid., p. 186.
paucity of most animals' moral standing leaves it quite open to using them as a means to developing human character. Why not, on a view which hardly gives animals any moral claims against us if there is any conflict? Even if Ross' dogmatic pronouncement were correct, neither he (at least in the passage cited) nor Regan offers anything to show us that it is.

There are more idiosyncratic views offered in favour of liberating animals. Sapontzis' views reflect his belief: "I believe that compelling moral arguments must build upon currently accepted moral tradition."169 In light of our traditions, Sapontzis hopes to show that "the exploiting of animals, not the liberating of them [is]...morally deviant and in need of justification."170 Juggernaut, predictably, will demand justification of animal liberation, which the neo-humanist has not yet found, and he or she will insist that Juggernaut is justified, and is also more in keeping with tradition, and current realities, than the far-fetched utopianism of animal liberation—especially animal rights views such as Regan's. Sapontzis' own ethic seems to be based, in large part, on reducing suffering and increasing enjoyment, and fairly distributing what is good and bad, and developing moral character in virtuous ways embodying courage, respect, compassion, and so forth.171 Juggernaut has only to say that it fairly reduces suffering, looks to increasing enjoyment, and behaves virtuously in relation only to those beings that one is morally obliged to respect, in the way that one must respect them—no more, and no less. It is begging the question against Juggernaut to suppose that Sapontzis' three factors should extend more widely than that, and, in fact, Juggernaut counterindicates such an extension.

As for Evelyn Pluhar, she boldly asserts that Regan, Singer, and Sapontzis do not succeed in defending animal liberation.172 Juggernaut has corroborated her claim. But will she do any better against Juggernaut? Her own view is an extension of Alan Gewirth's theory of rights. Very briefly, she interprets that animals are agents to whom things matter; they have desires.173 According to Gewirth, any agent must value freedom and well-being

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170 Ibid., p. xv.
171 Ibid., p. 89.
172 Pluhar, *Beyond Prejudice*, pp. xii-xiii.
173 Ibid., p. 241.
in order to pursue any ends at all.\textsuperscript{174} Hence an agent must assert a right to freedom and well-being in order to pursue his or her goals at all.\textsuperscript{175} Juggernaut will protest that it is not clear why anyone will necessarily insist on rights to well-being and freedom, although some might demand this. It is also not clear why we should claim such rights for animals, who cannot claim such rights for themselves. But ignoring even these leaps of inference, Juggernaut will deny that animals and their ends, which are lacking in Q, are worthy of (significant) moral respect, and therefore we do not morally need to grant them rights to freedom and well-being in order for them to pursue such impoverished, brutal, and often instinctively driven ends. Pluhar's supposedly new and improved case for animal rights is apparently not enough to defeat the Juggernaut.

Pluhar, in a recent commentary, responded directly to Juggernaut itself, and there is one objection from her commentary which is independent of any previously considered, and therefore requires a response.\textsuperscript{176} She indicates that Juggernaut equivocates between “best” and “morally best,” so that any finding that nonhumans fall short of “best” would not, in fact, entail that Q is the best criterion of moral standing. Rather, whichever qualities are “better” to have or not depends on the kind of being one is. She artfully suggests that deprecating a tiger for not being able to engage in lawsuits is like condemning an amputee for not having a good backhand. Yet this objection question-beggingly disregards the possibilities of comparative, nonspeciesist evaluations of beings of different species, which are by no means expected to have Q if, in fact, they lack it. It also begs the question implicitly to assume that animals have the same moral standing anyway, and their capacities would only be relevant in considering how the given creatures would find fulfillment. A being's lack of awareness of good beyond his or her ken does not make those other goods nonexistent, nor can the moral agent ignore such goods, and their greater manifestation in some beings more than others.

\textsuperscript{174} Ibid.
\textsuperscript{175} Ibid., p. 242.
It further begs the issue against Juggernaut simply, thus, to deny that ethics aims to pursue the good in its understood sense of “better to have than to lack.” She contends that Juggernaut conflates moral and prudential goods. However, ethics provides for all sorts of goods, and in matters of prudence, leaves it up to individuals to select their own free choices, and how they will be executed. In general, we appeal to (pre-moral) goods to decide right courses of action, which can result in the truly “moral good” of character. Certainly, utilitarianism counts so-called prudential goods in determining moral right and wrong, contractarianism is itself a doctrine of enlightened prudence, and even Kantianism allows for prudence in the free pursuit of “hypothetical imperatives.” So this objection merely begs the question against Juggernaut’s vision of sincerely pursuing the good per se, which contains an adequate accommodation of both morality and prudence. Still, Pluhar and others would put much stock in one final—and widely used—gambit against Juggernaut, which is considered in the section immediately following.

1.17 The Argument from Marginal Cases

This present argument is one of the most frequently used strategies in the animal liberationist literature, and warrants, I think, a somewhat extensive treatment. The argument is that “marginal” cases of humans, such as the severely mentally challenged, the comatose, the very insane, the brain-damaged, the senile, and so forth, have diminished or lower mental capacities, as nonhuman animals are commonly thought to have. But since we treat marginal humans with full respect, so should we treat nonhuman animals. Those who would wish to grant full moral standing to human “marginals” cannot, without hypocrisy, deny the same standing to at least many nonhumans with equal or greater mental capacities. This would appear to be a central challenge for Juggernaut, which accords moral standing according to degrees of Q, many of which presuppose degrees of mental capacity. Is this, then, the best hope against humanism?

Such an argument is appealed to by Singer, in a bid to show that we must equally consider all interests (an appeal which we have already seen has no apparent argumentative

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force against Juggernaut). Regan used the argument from marginal cases at a key juncture of *The Case for Animal Rights*, in order to show that his intuitively adopted principle against harming others has to apply not only to moral agents, but also to moral patients (i.e., those who can be harmed but who are not moral agents). Rollin seeks to refute contractarianism using the argument from marginal cases:

On the contractualist view, it is also hard to see why animals differ in a morally relevant way from all sorts of humans who can't rationally enter into contracts—future generations of humans, infants, children (especially terminally ill children, who will not live long enough to actualize rationality), the retarded, the comatose, the senescent, the brain-damaged, the addicted, the compulsive, the sociopath, all of whom are also incapable of entering into or respecting contracts.

He again uses the argument in order to impugn rationality as a criterion of moral standing. Yet Rollin possibly undermines his own case when considering Singer's appeal to the same argument:

Peter Singer, in his excellent book *Animal Liberation*, suggests that we ask ourselves, in thinking about a given piece of animal research, whether we would be prepared to do that research on retarded humans. Unfortunately, I think the answer for too many researchers would be "certainly!" (Recall the hepatitis experiments done at Willowbrook on retarded children.) And if there were no animals, I think that many researchers would not be inclined to restrict themselves to the retarded if they were allowed free reign.

Since the point of the argument from marginal cases seems to be to try to get animal exploiters to admit that they ought to treat nonhuman animals as human marginals ought to be treated, this gets one nowhere if it is held that both ought to be treated without much moral protection. If Rollin believes that these scientists' attitudes would be mistaken on other, independent grounds, these are not made obvious, and would amount to abandoning reliance upon the argument from marginal cases which, as noted, he uses elsewhere.

Pluhar relies extensively, not only on the argument against speciesism, but also, throughout *Beyond Prejudice*, invests a great deal in the argument from marginal cases.

Sapontzis is one of the few animal liberation philosophers who cleanly disassociates himself from the argument. He laments:

\[^{178}\text{Regan, *The Case for Animal Rights*, pp. 186-89. On p. 358 he compares the way wild mammalian newborns have a kind of potential like that of human newborn infants, which is a kind of argument from marginal cases. See also *The Struggle for Animal Rights*, p. 75.}\]

\[^{179}\text{Rollin, *Animal Rights and Human Morality*, p. 35.}\]

\[^{180}\text{Ibid., pp. 51-52.}\]

\[^{181}\text{Ibid., p. 171.}\]
Unfortunately (for the animals), the argument from marginal cases is not that compelling; basically, all it does is show that most of us are sentimentally attached to members of our own species to a degree greatly exceeding our attachment to members of other species and that morality is more complex than one might have thought...\textsuperscript{182}

This seems to be a not-very-straightforward way of saying that morality is complicated by sentimentality: for example, human marginal cases are protected by human sentimentality towards them. It is not clear, from what Sapontzis says, at any rate, how mere sentimentality could \textit{logically} mandate moral protection. As indicated, Juggernaut would say—and indeed would have to say—that human marginals have a reduced moral standing at best, insofar as they lack various riches of being. This is what Juggernautian morality dictates. It does not dictate any sentimental attachment that goes beyond this, at least not \textit{directly}, although it may allow for some respecting of existing sympathizers with marginals.

Still, Sapontzis does indirectly suggest a point, and a very important one. Morality is not just about cold logic, and entailments from abstract theories, such as we find in Juggernaut’s formulations. Most of the Western public, I suppose, would balk at Juggernaut’s implications in this area, and would remain fiercely attached and devoted to humans, even “marginal” ones. They would not be able to infer their stance from Juggernaut, by itself, but I am sure that they would happily declare our full and direct obligations to such beings to be as basic as Juggernaut itself. There is just no way around this fact of how human nature (at least here and now) is or tends to be disposed—whether because of sentiment, or else rock-bottom intuitions as to what is right. Many will stand by even human marginals in a fiercely protective way, \textit{no matter what anybody else may say}. They feel it is their duty to protect marginals for the marginals’ own sake. It is not just a fleeting interest in marginals’ welfare. I mentioned that those who would give marginals full moral standing, as opposed to a modest degree of it, as on Juggernaut, might appeal to intuitions. I should acknowledge that earlier, I cast some doubt on intuitions in ethics. However, I made the important concession that I have not yet shown them to be mistaken, and that moral theorizing has to start somewhere, which perhaps gives advocates of marginals some theoretical room to maneuver.

\textsuperscript{182} Sapontzis, \textit{Morals, Reason, and Animals}, pp. xii-xiii.
Those of the majority, then, who would take this line, that humans—regardless of their lack of Q—ought to have full moral standing can certainly do so. But this move, let us not forget, does have a philosophical consequence. For most people also prize and uphold the virtue of consistency as a requirement for any true or even coherent view. Ultimately, that would mean granting full moral standing to nonhuman animals who lack full Q, even as the human animals in question do. Not to extend such consideration to the nonhumans would be speciesism in its baldest terms, which even Frey, the early Fox, Carruthers, and Leahy, as we have already seen, are anxious to reject. For mentally, such animals have experiences not less “advanced,” we can suppose, than many human marginals who would be accorded full moral standing. And physically, bodily differences across the species would not matter, for the same defenders of marginals would give full moral standing to a man whose face was scarred with acid, or a child who was born without fingers. Thus, in both mind and body, there is no morally relevant difference between the beings, since we have already ruled out speciesism. What other relevant grounds for discrimination could there be, besides souls—and many religions respect animals as ensouled, even as others do not. Souls are not a plausible ground for discrimination, even if animals lack them, since animals still have bodies and mind affording a degree of Q. Also, as Cardinal Bellarmine pointed out, soulless beings only have this life, and harms to them cannot be redressed in an afterlife—if anything, he says, they should be treated better than people.\(^\text{183}\) There appears to be no conceivable relevant difference between nonhuman animals and human marginals for the purposes of moral standing here. So opting out of Juggernaut because of its implications for human marginals means that animal liberation wins, at least philosophically.

It could be claimed that it is not speciesist to include human marginals and to exclude animals because general public feeling supports such a state of affairs. However, once our feelings are opened up to a certain kind of beings, human marginals, there is no place for this opening to close unless we draw an arbitrary line at the species boundary, for otherwise the capacities are the same, or rather, comparable. We might not have

compassion for animals, but that is not because their state of being does not warrant it.
And we cannot say that we care about human marginals only because we might become impaired ourselves one day, for some marginals are congenitally so, but still receive full moral standing on the view under consideration. Also, the whole point of this alternative line of thinking is that it gives direct moral standing to marginals, caring about them just for them—not for us—with the conviction that Juggernaut's granting of only a meagre degree of direct moral standing to these beings is not good enough.

We are also not excused in relying upon emotional reactions against Nazi extermination of marginals, for we have to consider that these victims are still comparable to various nonhumans. No consideration can erase that fact. Indeed, it is most difficult or impossible to come up with—even by stipulating anything that one pleases—a criterion besides species which includes human marginals and excludes nonhumans. Then there is the argument that we care about human marginals, but not animals, because the former resemble us, being of the same kind, whereas the latter do not and are not. It is true that human marginals share a physical appearance with us, but, as I was implying above, is it not "lookism" merely to discriminate on the basis of "looks"? We would certainly find it unacceptable fully to embrace some human marginals, but to downgrade the deformed ones.

While human marginals are of the same abstract kind as us, that is, of a species which generally has more advanced capacities than nonhumans in some respect, marginals are precisely the exceptions to enjoying such capacities. To treat them honorifically, as though they have such capacities, and therefore deserve better treatment, is in defiance of reality, hypnotized, perhaps, by another possible world in which the marginals do have the relevant capacities. Such metaphysical fantasies are inadmissible in determining which beings have moral standing, using consistently applied criteria. It is equally impossible for human marginals to enjoy higher powers, in this life, as it is for nonhuman animals to do the same—they are equally differentiated from normal human beings in that key respect. For one could imagine, too—along with many authors writing for children, or science fiction readers—a possible world in which animals have human levels of intelligence. If
there is, indeed, a *paradigm case* of normal humans, with a good amount of Q, this fact means precisely that departures from that paradigm do not nearly share the same Q.

However, the other edge of the sword remains. Juggernaut offers an analytically beguiling philosophical argument, which apparently seems to present the best bulwark against animal liberation, if humanists are to avoid the all-too-familiar exercise of merely stipulating criteria of moral standing that animals (more or less) fail. This upstart of an argument could easily defy the sentimentality of the public, at least to some extent, claiming that people have been wrong before, for example, in their general sentimental attachment to human slavery. It could demand to know what is wrong with its premises or conclusions, apart from "mere feelings"? It might claim that just as logic would require the embracers of human marginals also to accommodate animals, even though animal liberation goes against the general will and popular sentiment, so the unpopular reasoning of Juggernaut might have to be embraced as reasoning which never relies upon variable and unreliable human sentiment in the first place—or so Juggernaut might claim. Sometimes harsher assessments are also more realistic, especially if life matters less to many human marginals, who, in any case, have less good in their lives, to begin with, as compared to normal humans. As for an appeal to intuitions, Juggernaut will claim that the intuition that we must give full moral standing to human marginals is not part of what it means to be moral, whereas promoting the good is. The pro-marginals intuition is not a necessary one, and so it appears like a mere, dressed-up opinion.

In other words, Juggernaut remains a serious challenge, despite the important fact of how human nature is both compelled (for the most part) to care greatly for marginals that are human (and also, very well able to open its heart towards nonhumans of similar capacities). So the unpleasant dilemma for humanists seems to be this: either embrace Juggernaut, and betray high hopes for human marginals, or else reject Juggernaut in favour of human marginals, in which case, one is philosophically required to embrace nonhuman animals as well. Either way, humanism either does not survive, or else emerges leaner, and many would suggest meaner, than most mainstream humanists today would honestly wish for. One who becomes an animal liberationist, as a result of the argument from
marginal cases, in order to consolidate his or her position philosophically, must still defeat Juggernaut (as well as views which merely stipulate criteria of moral standing, and which equally threaten human marginals, as Pluhar and others aptly demonstrate).

Let us now say more about Juggernaut’s view of marginals. A possible ally of Juggernaut, anti-animal-liberationist, Peter Carruthers, seems sensitive to the argument from marginal cases, granting that we would not rank kidney transplants on the basis of the potential recipients’ intelligence, nor test cosmetics on “severely retarded children.” But Juggernaut could say that Carruthers might not go far enough in his humanism, respecting all of the really different degrees of riches differently, and may prefer the bolder view of Frey, which exhibits a willingness to vivisect the extremely retarded, as noted above.

Now those human marginals with some degree of intelligence and rationality, etc., do count for something in our culture, and on Juggernaut. However, their life is considered to be less worthwhile, the less Q they have or exhibit, and such marginals would automatically, I think, be tossed overboard in the proverbial lifeboat by many (I do not know how many) living within our culture. Many marginal humans exist in institutions, their families having given up caring for them, and they end up with nobody attending to them in a personal, emotionally nurturing way. They may receive very low-grade treatment, being given a paucity of stimulation, perhaps even being left to sit in soiled diapers, etc. It is not always this way, but there is, in some cases, a tendency to think that it does not really matter, or that the marginals would scarcely know the difference, if at all. Such marginals are often treated in a perfunctory way, but otherwise neglected. In extreme cases, when the severely retarded, for example, are not quietly killed off, even by family, they are possibly allowed to exist, in certain cases, only because it is illegal to kill human beings.

Aside from the lifeboat scenario just suggested, Juggernaut would not endorse such an ambivalent or hostile treatment of marginals, given that they still have Q-based, direct moral standing, and there are indirect considerations it might bring to bear, as well. Juggernaut possibly would not call for a general law against killing humans (using

\textsuperscript{184} Carruthers, \textit{The Animals Issue}, p. 53.
straightforward, species-based definition of "human"), in order to utilize, as need be, even marginals who have some moral standing. Recall yet again how Frey is willing to sacrifice some human marginals to vivisection, and these beings would "pay the price" for our benefit. A low degree of moral standing for marginals would mean that if there is any conflict of interest with a "higher" being, the marginals always lose. Those outcomes may result in some marginals being used for certain experiments, as Frey advocates, and also, their being at the bottom of the priority list for virtually all general resources allocation.

Yet marginals enjoy some protections, direct and indirect, under Juggernaut. Regan tries to make much of the fact that certain views which use humanistic criteria of moral standing would not give human marginals any direct moral consideration at all, but those are less sophisticated theories. Juggernaut can give direct moral consideration of a marginal human's sentience, for example, and attach indirect moral considerations, as well. So one would not be left with the moral oddity of someone acting to benefit marginals, but never for their own sake: only for the benefit of those who take an interest in the less fortunate being. Augmenting marginals' weak moral standing indirectly might help to alleviate the consciences of those who would still adhere to Juggernaut in order to avoid the argument from marginal cases in favour of animal liberation. Some marginals might have some degree of moral standing, as mentioned, and so they could enjoy rights, although less rich and stringent rights or consideration than those who are blessed with something more like full Q.

Furthermore, Juggernaut does uphold the interests of beings with Q, including sentimental interests, which enrich the lives of those with full moral standing (or at least they do if they are satisfied). But that is a very contingent matter. For those beings with Q who, in their own freedom and autonomy (which Juggernaut respects), express an overriding sentimental interest in vivisecting marginals would also have to be considered. This latter form of sentiment, depending on the particular case, may, at times, might be more strictly aligned with purely Juggernautian priorities, and so might be philosophically favoured. Hence, even if only a minority of society feels that human marginals can be

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vivisected, their view could be seen as an enlightened minority by true embracers of Juggernaut, and such a view might be forced through legislatures and courts by well-educated people, no matter what the opinion polls might say. The mileage that can be gotten out of popular sentiment is limited, then, and any metaphysical claims that it is “human nature” to care for marginals do not obviously help at all, for is it not equally human nature to be flexible, and therefore, capable of vivisecting our species’ own marginal cases? Possibly that last potential of human nature is even, in certain instances, to be favoured by Juggernaut itself. My sense of human “nature” refers to what is actual and possible in the natural world as we know it. Any normative sense of what is “natural” which rejects purely Juggernautian sentiment—or, in some sense, lack of it—would seem to be question-begging at worst, or else a way of masking certain intuitions.

So human marginals, or some of them, could also receive indirect moral consideration, through consideration of a segment of the human population which is sentimentally attached to such beings, although this factor is severely mitigated. This consideration could possibly improve chances for marginals in some cases of conflicting interests, perhaps the more so, if a particular society is more attached to its mentally challenged members. Marginals, at least in some cultures, could then gain increased legal standing by association, much like property that one is strongly sentimentally attached to, which laws can go a long way towards protecting (although I am not suggesting that marginals are human property). Many would consider it right and proper to protect things that are of especially great interest to people, yet which are nobody’s property, such as environmental beauty, as in wild areas that many people would like to see preserved. However, as I have already made clear, no matter what be the nature of a society’s disposition towards human marginals, if social and legal reforms are to flow towards realizing Juggernautian ideals, then both laws and society’s interpretations of same must be either maintained or reformed so that they best accord with Juggernautian hierarchicalism. Furthermore, the sooner the arrival of Juggernaut proper in society, the better, inasmuch as Juggernaut itself is philosophically preferable. Respect for Q-bearers’ freedom and autonomy would allow human marginals only a temporary historical respite, at best, from
the rigorous demands of Juggernaut, and there would be—or ought to be—a constant moral and social pressure in favour of whatever is the most defensible ethic. It is implicit that the way of social evolution would not merely be a matter of ungoverned free and autonomous choices, but would ultimately, if Juggernaut were to be seriously accepted, identify with the reasoning of Juggernaut through-and-through.

Could part of the sentimental attachment to human marginals lie in the fact that some people would be sentimentally attached to the human species, given its seemingly unparalleled realization of Q on the whole? Many would embrace the whole species, just as proud nationalists embrace all of their nation even though they well know it has better and worse parts. This is logically parallel to the proposal that we not treat marginals as exceptions to the rule that humans normally enjoy Q (considered above). However, this last consideration runs precisely afoul of the argument from marginal cases, since the view under contemplation gives full moral standing to humans on sentimental grounds, but these particular sentiments appear to be no less than speciesist, in the sense which has been rejected.

So far, efforts to augment the moral standing of human marginals, on Juggernaut, have been disappointing to all liberals. This is because there is no way around Juggernautian reasoning itself, and the fact that it is more “ideal.” Juggernautians, in any case, can avail themselves of a possibility that is perhaps sturdier than mere sentiment. A harsher version of Juggernaut may obtain only if it is insisted that it is a very contingent matter that humans, given their current nature, care for marginals. This looser interpretation, entertained above, may not at all do justice to the way most people actually are, or have developed. The fact is that most people do find it to be a part of their own fulfillment or good to care for their own offspring, if any, or even unrelated human offspring (see the dimension of sociability, or friendship and love, in the list of what contributes to quality of being), even into adulthood. Indeed, people ordinarily love their children, and find it immensely fulfilling—and quite necessary—to care for them. Juggernaut advocates such fulfillment, especially for beings with Q (so, on this analysis, a cow being separated from her calf is not as pressing a problem as a woman being robbed of
her child). This would help to account for why marginals would not be eaten or be given toxicity tests for cosmetics, in any human society, although they might be preferable as subjects for medical experiments than humans with greater Q. After all, most would be entirely horrified at the thought of allowing the irreversibly comatose, or psychopaths from birth, to be eaten.

The pleasure that we do derive from caring for marginals, and the pain that we suffer when any humans are ill-served, may be naturally selected (like pleasure from good food or sex), since cared-for offspring are more likely to survive. Indeed, Juggernaut does not create fulfillments, but discovers them, whatever their origin. Some of these fulfillments may be species-specific: a dog-sitter may rightly crave human contact after a long day’s work. We simply do not get the same, unique fulfillment from caring for members of other species. Animal rightists must not lose sight of the fact that humans themselves are animals, who are naturally and uniquely fulfilled from caring for their own species. This fulfillment may come from being a guardian to a human marginal, or from being an aide. Those who miss out on the normal, natural fulfillment of caring for human marginals must democratically defer to the majority who are, since any other course would amount to a gratuitous disrespect for the fulfillment of the majority of society, by not allowing them to do or have done what comes naturally. By contrast, the minority which is partially fulfilled in looking after all manner of nonhuman orphans would be making a gross imposition if they tried forcibly to enlist everybody in this cause.

Hence, Juggernaut can, after all, find a way around the fact that metaphysical moral nature does not intrinsically require caring for human marginals. Juggernaut might accept, as its missing piece here. Kant’s maxim of “ought implies can.” Therefore, since our human nature (presently historically constituted) very generally impels us to afford marginals substantial moral and paternalistic respect, it would, perhaps, be senseless to urge that we “ought” to transcend such a view, if, indeed, we find that we cannot do so (like most people, I imagine). These psychological capacities are so widespread as to be normative for human beings, not only in a descriptive, neutral sense of normativity, but in the sense of shaping our actual moral agency. The psychological capacity of moral agents
defines moral agency itself (or, at least, the moral agency of the particular agent) fully as much as our best moral reasoning. It may then be inferred that, at least presently and for the foreseeable future, as part of any "oughts" that we formulate, human marginals are to be accorded substantial moral respect, or moral rights. Obviously, Juggernaut cannot be taken so far as to indicate that such rights are "intrinsic" to human marginals, or in any way essential, except, perhaps, to certain shared and practically indissoluble ways of viewing the world which occur in human history. Still, this respect for marginals, firmly melded to our moral natures, is itself no amoral consideration, in light of Kant's maxim. It is no mere unreliable collection of habits, as the earlier, harsher account of Juggernaut implied.

As for animals themselves, under Juggernaut, in addition to whatever degree of direct moral standing they would have, they would also benefit from indirect considerations related to those who have higher levels of Q (given human nature, there is less likely to be a strong attachment to nonhumans). Consider, for example, if an animal is someone's property, or again, if there is a strong sentimental attachment to some individual animals or "charismatic" species of animals. This is very far from animal liberation, even for favoured animals. In any case, the argument that we are now psychologically constituted, as moral agents, so that we must fully respect human marginals is not an argument that is, in and of itself, hostile to animal liberation (unlike Juggernaut proper). If animal liberationism were correct, then our care for human marginals might merely be overdetermined by our natural dispositions, but we would, perhaps, have equal duties—although, doubtless, a different psychology—towards nonhuman animals. Juggernaut, however, would dictate that such a hypothesis is of purely academic interest.

The argument from marginal cases idealistically compares the way animal liberationists (and many liberal humanists) think that human marginals ought to be treated, to the way nonhuman animals are treated, although the sad truth is that not everybody regards human marginals as animal liberationists, and some others, do. The liberal argument, at first, seems to beg the question against those humanists who are happy enough with the way Juggernaut, in its most stringent social realization, would treat human marginal cases. So on this harsher version of Juggernaut, the devil's fork remains: will
humanists embrace Juggernaut, with its patently reactionary treatment of human marginals, or would they rather give full moral standing to human marginals, which would result in giving the same status to nonhuman animals? Indeed, the fork has more than two tines. We must recall that intuitively posited criteria of moral standing still lurk in the wings. For although they might not convince anyone who does not share the relevant intuitions, how can these same intuitionists be persuaded to abandon their intuitions, if at all? Still, it is far from clear that we must face any such dilemma at all. Our moral relations to others are dictated not only by the intrinsic nature of the other being, including their Q, but by how our actual relationships to those beings are, in some cases, inevitably constituted. If, as suggested, a less harsh version of Juggernaut can be molded from the limitations of human nature, given the rule that "ought implies can," then that derivation would seem to make the argument from marginal cases very nearly impotent against Juggernaut, in particular, and less powerful as an ally to animal liberation in general. If a powerful majority of people have such a nature that requires them to protect human marginals, then humans with lesser Q need not be thought to be threatened by Juggernaut itself. This need not be true only of democratic societies, for such a dominant form of human nature might be expected to permeate other forms of large-scale social organization, as well.

1.18 Conclusion: Does Juggernaut Trump Animal Liberation?

We cannot simply dismiss anthropocentrism as "arbitrary." as too many animal liberationists have done. Sweeping aside opponents' views may seem to succeed in one's own consciousness, and those of one's sympathizers, but not in the minds of those who disagree. We must always take opposing viewpoints seriously, by trying to discern what is so appealing about them to people of good conscience. We need to afford humanists the dignity, as fully as possible, of listening to them carefully, even to the point of discovering hidden assumptions which might lend further credibility to what they are trying to argue. This may require restating the view in a stronger and clearer form than humanists themselves do. Although there is some risk of accidentally misrepresenting them, they have not too much cause for complaint, if my offering of Juggernaut has so much more
success with animal liberation philosophy than did the old collection of criteria of moral standing, which, to many thinkers, seem merely stipulated, and thus lacking in credibility. I believe that Juggernaut is an improved, anti-animal-liberationist version of humanism which has an affinity with many existing texts. Furthermore, a type of view, such as humanism, can never be thought to be refuted unless the strongest possible variant is taken to task.

By reconstructing a view more clearly, it can also be more intensively bathed in the light of critical scrutiny. It might be possible to show that there is something—or perhaps even more than one thing—irremediably wrong with humanism, and this possibility is explored in the next chapter. As for animal liberation ethics, shown to be currently burdened with complacency, how did these views fare as a result of this drill, that is, the submitting of these would-be-liberatory views to the reasonings of Juggernaut? Perhaps they have failed to take humanism seriously enough. (My point has also been, of course, that perhaps humanism has not taken itself seriously enough.) While animal liberationist arguments might please animal liberationists, actual and nascent, so far they fail altogether in the face of Juggernaut. Even the much-vaunted objections from speciesism, the supposed arbitrariness and irrelevancy of humanistic criteria of moral standing, and the argument from marginal cases did not defeat Juggernaut. Interestingly, we cannot even fairly make a bid against Juggernaut that it is “anti-animal,” per se, since it is only concerned with the promotion of the good, and favours any animal with the good-manifesting characteristics of Q, to the extent that the being can reasonably be supposed to have them. This version of humanism also freely acknowledges that humans are only a different kind of animal.

The argument for Juggernaut might seem seductive, and it is, perhaps, understandable how Michael Allen Fox could once have held, and vigorously defended, a

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186 Juggernaut would also reflect unfavourably upon various forms of ecoholism, in which individuals may receive moral consideration insofar as they contribute to the flourishing of an ecosystem, a species, or even the biosphere as a whole (or some combination of such groupings). Juggernaut would find it impoverished to assess an individual’s value solely in terms of its genetic matrix, resources consumption, waste production, its place on the food chain, its habitat, and so on, thus neglecting the quality of being that all of these things physically support. Even relatively impoverished beings, in terms of the good, could be equally or even more preferred over a being who is richer in what is good, and this might be denounced by Juggernaut as morally perverse.
humanist view (he was the only philosopher ever to write a book in defence of vivisection). But perhaps the next two chapters will illuminate just why he switched sides and became an animal liberationist, and why Juggernaut will not lure him back into the other camp again. Still, this Frankenstein-like creation, made from many presumed-dead parts of anti-animal-liberation views, and other parts drawn from seemingly innocent assumptions about ethics and the good, is something that I would be somewhat concerned to leave by itself in the wrong hands, in the wrong way, without the proper rebuttal, so potentially dangerous is its persuasive power against its competition.

While Juggernaut is partially a novel articulation, I believe that its spirit is, in a way, born of our history. Perhaps Juggernaut is even a monster, if only because of its sheer size, as a hidden part of our culture and others. Indeed, I think that it looms large over all of the present world, and is, it therefore seems likely, a killer of billions. This leaves open the question, in spite of the monster's force of conviction, whether or not the indisputable killing and enormous suffering that it engenders are justified. The sheer destructive power of Juggernaut makes Godzilla and other city-wrecking monsters together seem, by comparison, like animal rightists who accidentally step on ants. Has Juggernaut driven animal rights, together with the many animal liberationist insights just pitted against it, into the ground? That remains to be seen.
Oppression Overcome: The Art of Deep Empathy

2.1 Introduction: Post Animal Liberation Ethics?

We have already received Singer's claim that the staying power of humanism is due to habit alone. The implication here is that humanism, in spite of its pride in "rationality," is baldly irrational—and therefore, perhaps, intrinsically foolish—with no proper philosophical appeal at all. It merely stumbles blindly on through history. While it is true that many people have habits which satisfy various desires, which themselves are far from being animal liberationist in nature, we have also seen, in our histories, that people are often willing to change their habits if they believe, with justification, that patterns of behaviour are oppressive. People in contemporary times are not unlikely to hear and to entertain the suggestion that animals are oppressed, in one manner of speaking or another. Still, many or most such people are likely to continue on with their ways, subordinating the lives and welfares of nonhuman animals to human purposes. This probable fact suggests—if we assume the good intentions and open-mindedness of a great many of these people who are unmoved by animal liberationist appeals—that there is a kind of reasoning at work, perhaps even a seductive chain of it. I propose that such reasoning finds its root in a love of goodness, of the kind that I have tried to embody in Juggernaut. Robert Nozick has observed that the only reason that speciesism lacks any justification is because the issue has not seemed important enough to bother providing one.\(^1\) Perhaps Juggernaut is it. Or is it?

I will argue that Juggernaut is, in fact, oppressive, but that this oppression will not readily be apparent to people who are caught in its peculiar sort of spell. It might be objected that, broadly speaking, we all oppose oppression, and so it may be thought that

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appealing to anti-oppression is “old hat.” However, we have seen how far old ways of thinking have taken us—at least in an animal liberationist direction—last chapter. I believe that a somewhat new understanding of oppression is called for. To achieve an anti-oppression ethic that has liberatory implications for animals will be no easy task, since, you will recall, Juggernaut finds that animals either have no moral standing at all, or else some of them can only have an unimpressive dispensation of moral standing—and how can such beings be oppressed significantly or at all?

Many people might suppose that they know what oppression is, perhaps even if they are fortunate enough to be able to claim never to have been oppressed themselves. But the assumption of knowing here is questionable in philosophy, even for people who have been oppressed, or who spend much of their lives fighting the evil in question. So invoking anti-oppression is not necessarily trite, although many people’s understanding of it—and depth of practical commitment against it—might be. To offer an analogy, it is trite for the United States of America to call itself “democratic,” and indeed, it is reputed to be the world’s greatest defender of democracy. Yet given that there are only two federal parties that hold substantial power in the United States, and the fact that rich, private interests are extremely influential in the brokering of both candidates and party policies, we can meaningfully ask just how much “rule by the people for the people” prevails. My point is that it is common for us to label things using important words, with not only lack of clarity, but perhaps even questionable credibility. While aspects of ethics which do not pertain to anti-oppression per se may not seem trite either, it remains that many such moral theoretical offerings might, themselves, be oppressive.

Focusing and refocusing are very important in addressing philosophical problems, and my focus on anti-oppression will not be incidental, in a sense, ignoring the ways in which oppression permeates even systems of moral philosophy, as I have just alleged. I am not claiming that anti-oppression is meta-ethically basic, a question for another occasion, although it can indeed be used to evaluate ethical theories, and to help to formulate concepts in ethics. Rather, the basic orientation of anti-oppression for practical

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2 If I am right, something of my interpretation of oppression is found in what is very old. See my reinterpretation of the old Golden Rule in this chapter.
ethics can be understood to encompass at least the following, which will receive
philosophical defence in this chapter, and in the remainder of this work:

1. Freedom from oppression, and indeed the freedom that lies beyond oppression, is a
general goal of ethics. This goal encompasses both individual and collective
oppressions, and both discriminatory and (at least seemingly) indiscriminate forms of
it.

2. Many features of some ethical theories, such as rights to autonomy and welfare, as well
as various virtues, follow from consistently opposing oppression.

3. All forms of oppression share the underlying feature of harming, or a willingness to
harm, in an unjustifiable way, those who fall outside the scope of an arbitrarily
favoured group, characterized (supposedly) by a given descriptive difference.
Usually—although, as we shall see, not always—any such difference is taken to be a
mark of superiority on the part of the oppressor. Still, different forms of oppression
will differ in many particulars, or else they would not be different oppressions.

4. If we require people to choose in a rigid fashion once an oppression is supposedly
removed, that itself might constitute more oppression, or an infringement of autonomy.

5. Despite the deceptive simplicity of the definition of oppression given in the first
sentence of 3., neither oppression, nor the implications of opposing it, are generally
well understood at this time. and even theories dedicated to opposing oppression may
have significantly oppressive elements.

We can add to this list whatever we will come to find distinctive about oppression that
Juggernaut overlooks, but adding those elements now would be premature. By calling
various other ethical theories "oppressive," it should be made clear that I am not accusing
any moral theorists of willfully oppressing others. In fact, I believe that they are, at least
typically, anti-oppressive in intent. Indeed, we all oppose oppression, we can say, perhaps
too hopefully. How much mileage can be gotten out of this commitment? Is it a different
road than the anti-oppressive argument against speciesism, already considered and found
wanting in the last chapter? Why go down that road at all? Let these and related questions
(and also, possibly, an emancipatory interest) motivate a curiosity concerning what is to
follow.

2.2 Singer and Regan on Oppression

The two leading animal liberationist philosophers did not succeed in their anti-oppression
(i.e., anti-speciesist) argument in the last chapter. Singer, for his part, affirms that
opposing oppression (and also, incidentally, ending hierarchy and domination) is not a fundamental concern of moral thought, and consigns anti-oppression to the realm of purely popular appeals:

I'm certainly happy to talk in terms of rights or freedom or oppression as part of an effective political rhetoric for reaching people when you don't have time to explain in detail what your ethic is based upon. But when you do have time, I think the only coherent way of doing so is in terms of interests. For instance, what is it to oppress a being? I think it is to ignore the interests of that being in favor of your own; and if we have something which, for instance, cannot suffer, then you can't really oppress it.

Let alone that we have already seen the insufficiency of simply advocating a concern for suffering or interests in the last chapter. Here we see that appeals against oppression are just quick, disposable arguments to Singer, which he uses for popular rhetoric, but otherwise does not take very seriously. Hence he notes, of his book, Animal Liberation, that "the conclusions that are argued for in this book flow from the principle of minimizing suffering alone." Yet many—perhaps even most—people who comment favourably on the aforementioned book, are moved by his eloquent appeals against speciesism, and not always by its subtle utilitarian subtext. Perhaps this probable fact helps to explain why he resorts to this "popular" argument in the first place.

Remarkably, Regan, for his part, never seems to use the term "oppression" at all in The Case for Animal Rights. Instead, he focuses on rights being respected as a matter of justice. He does, however, mention "the forces of oppression and exploitation" in one of his less formal writings. I would submit that his Case offers, at most, a "cure" to the oppression of animals without an adequate "workup" and "diagnosis." The result is an ineffective warding off of "disease" (if Juggernaut, just for the moment, can be considered to be "pathological"), and perhaps even a limited idea of what it is like to be "healthy."

Key to Regan's characterization of how animals are treated unjustly (or oppressed, as I would also state):

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4 Ibid.
is the impoverished view of the value of these individuals, not only the pain or suffering they are made to endure, that exposes the practice as fundamentally unjust. Even were the individuals who were treated as renewable resources...‘treated well’ (e.g., not caused unnecessary suffering), that would not alter the basic injustice of the practice...it would not remove the fundamental injustice endemic to the practice."

It is unclear to me why inflicting needless suffering is not as fundamentally unjust as using a conscious being as a mere means. Both are harms caused by oppression, the one an infringement of welfare, and the other a violation of autonomy. Both are equally real, egregious, and suffering may even be more immediate to the animals than the more abstract conception of being used as a mere means. Some people, certainly, would choose some indignity from being manipulated to enduring extreme suffering—if they had the choice.

When Regan does focus on oppression more directly, in the alleged form of speciesism, his analysis often seems wanting. For example:

Racists are people who think that members of their race are superior to the members of other races simply because the former belong to their (the “superior”) race. Sexists believe that the members of their sex are superior to the members of the opposite sex simply because the former belong to (the “superior”) sex. Both racism and sexism are paradigms of unsupportable bigotry. There is no “superior” or “inferior” race or sex. Racial and sexual differences are biological, not moral, differences.

The same is true of speciesism—the view that members of the species Homo sapiens are superior to members of every other species simply because human beings belong to one’s own (the “superior”) species. For there is no superior species. To think otherwise is to be no less prejudiced than racists or sexists.³

First of all, this is a superficial rendering, since self-respecting racists or sexists do not call others “inferior” merely because they belong to a different race or sex, but because they believe that their own race or sex has superior qualities (perhaps some combination of what can be found in Q). The same goes for those who are often labeled “speciesists,” as we have seen, so this is a classic straw man argument. Finally, it is never acknowledged that superiority does not entail counting for more in ethics, whereas the whole point of any anti-oppression view that will help to liberate animals is that even if humans are superior in Q—or otherwise—animals are still to be liberated and respected. With his analysis, Regan both misunderstands how prejudiced thinking works, and also how it fails to work. But perhaps I write too soon. If Juggernaut is not refuted, then, indeed, a being’s

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7 Regan, The Case for Animal Rights, p. 344.
psychophysical superiority (which Regan does not address, here) would give it superior moral standing. Indeed, later in the work in question, Regan concedes that “[w]e are not saying that humans and other animals are equal in every way,” implying he is giving ground to the superiority view, which he earlier rejected only because he denied that humans are, in fact, superior to nonhuman animals. If we are to emancipate animals at all, it is urgent that we take anti-oppression more seriously than this. We shall begin, then, with a more serious consideration of what it is to be oppressed.

2.3 Thinking About Oppression in All Due Seriousness

The very mention of “oppression” often conjures up images of subjugation, misery, mass suffering, and death—and rightly so. Ethical nihilists might try to see oppression as something neutral, with no real value or disvalue, in and of itself, yet they would perhaps universally find it psychologically impossible to do so if they were suffering it themselves (or deeply empathetic in relation to those who are subject to it). Would it merely be a coincidence if a nihilist happens subjectively to disvalue oppression, along with most every other oppressed being? Most of us want to fight oppression, but we cannot do so without a clear conception of this “enemy.” In the introduction to this chapter, I suggested, in effect, that oppression can be defined as: harm or an openness to harming of beings on the essentially arbitrary basis that they fall outside a favoured group. Often, although not

9 Ibid., p. 15.
10 There are many other animal liberationists who hold views that are at least as implausible. For example, Richard Ryder superficially states that both speciesism and racism are “forms of prejudice that are based upon appearances—if the other individual looks different then he is rated as being beyond the moral pale.” Cf. Ryder, “Speciesism,” in Animal Experimentation: The Moral Issues, ed. Robert M. Baird and Stuart E. Rosenbaum (Buffalo, NY: Prometheus Books, 1991), p. 40. Italics his. Ryder's analysis overlooks the many explicit, proto-Juggernautian modes of prejudice. In fact, his analysis is usually mistaken, in that people usually cite some difference such as rationality. If it is claimed that people are secretly trying to rationalize oppressing those who look different, then more argument is needed to substantiate such a thesis. I do not recall any humanist seriously condemning nonhuman animals to a lower or nonexistent moral standing based on the way they look.
11 The nihilist might be psychotically alienated from the self, but that would be an unhealthy exception to the rule, not an ideal for contemplators of morality.
12 The arbitrariness inherent in oppression is crucial. Mary Midgley seems actually to miss this component in her own writings, which vaguely advocate animal welfare, such as in Animals and Why They Matter: A Journey Around the Species Barrier (Harmondsworth: Penguin, 1983), without indicating, specifically, how animals are to be treated in practice. She objects to the comparison between racism and speciesism because certain characteristics of species are relevant to their welfare, whereas racial colour is irrelevant to
always, the favoured group is considered “superior” in some respect to the group that is targeted for harm.

It is certainly possible to enter into extended, terminological discussions regarding particular theories of oppression, but since space does not permit, I will instead make some apt pre-emptive remarks. There is no need to canvass all particular theories of oppression if we can see common ground to all conceptions. To begin, my definition of “oppression,” above, pertains to discriminatory oppression (as opposed to indiscriminate oppression, which is just seemingly random harming), and captures the aspect of discrimination as essentially arbitrary. I suppose that arbitrariness can still be systematically applied, whereas “random” acts are presumably not of this nature.13

It might be objected that people who act according to perverse moral dogmas are not “arbitrary,” because they are acting in an orderly, intelligible fashion, or “on principle.” Therefore, it might be suggested that not all arbitrary and harmful behaviour is oppressive, if the harm is sanctioned by some such system. However, I am speaking of arbitrariness in an extended sense, which penetrates to the level of making assumptions. It is theoretically arbitrary simply to adopt an assumption, which supposedly licences one to harm others, when one could just as easily adopt other, more benign axioms. If it is suggested that “morally unjustified” or “morally unjustifiable” is a better substitute for “arbitrary,” it may

one’s treatment. She claims it is “insolent” to ignore particular, often species-specific qualities. Cf. Mary Midgley, “The Significance of Species,” in The Animal Rights/Environmental Ethics Debate: The Environmental Perspective, eds. Eugene C. Hargrove (New York: State University of New York Press, 1992), p. 122. “To be undiscriminating is not a virtue,” she urges on p. 124. However, speciesism is about arbitrary discrimination, and responding intelligently to individual differences can hardly be characterized as arbitrary. A different but related point resides in Midgley’s objection, p. 123, that we cannot rightly compare speciesism with racism, in that “racism” is a confused concept: if it held, then “reverse discrimination would also be racist.” However, this begs the question as to whether or not reverse discrimination is arbitrary: if it is not, then it cannot be racist, although it may involve discriminations based on racial differentiations.

Let us consider an additional point. Someone might allege that racism and speciesism cannot exist because “race” and “species” do not truly exist. In spite of scientific quibbles about such classifications, they certainly exist for practical purposes, and that is what ethics is concerned with. In particular, those who are oppressive will not hesitate to use such categories to discriminate arbitrarily.

13 I admit that I have some reservations about this conceptual array, none of which can find purchase within the confines of this discussion. For example, a homicidal maniac who kills by systematically selecting his targets might not just lash out at random, but the selective criteria themselves might seem to be virtually randomly aligned upon. We could still consider such selective killers to be discriminatory, although the basis of their behaviour is, indeed, arbitrary. If it is then contended that the behaviour is ultimately arbitrary, that is not contested. It is merely noted that the presence of a system of discrimination distinguishes some forms of arbitrary harming apart from other forms.
be pointed out that perverse moral ideologies, too, can “justify” conclusions, even moral ones. It would beg the question merely to assume—arbitrarily—that a moral system is bad or wrong. We must be able to show, and not only state, that oppressive views are theoretically arbitrary in a way that is mistaken, illogical, or essentially unjustified. It will be noticed, additionally, that oppression is characterized as essentially arbitrary, at its very basis. By contrast, some free choices may be innocently arbitrary if they do not offend against reason, or, indeed beings who are vulnerable to oppression. Take, for example, choosing either a chocolate or a vanilla dessert. If all assumptions in ethics are essentially arbitrary to hold, however, then it is difficult to see how any definition or condemnation of oppression could gain any purchase. However, such a nihilistic conclusion will be resisted in the reasonings which follow.

I want to leave it open to question as to whether or not certain forms of “reverse discrimination”—or even the vindictive treatment of oppressors—are oppressive. Moreover, note that I did not presume, as Regan did, that all oppressive discrimination must be against real or alleged “inferiors.” I want also to account for very common forms of discriminatory oppression against so-called “superiors.” Such apparently unlikely victims are often resented or regarded in anger out of jealousy, or they or their powers are fearfully reacted to as a threat, or a criminal might oppress one who is a moral better, or an otherwise “superior” being may have one or more traits that are actively disfavoured. In fact, it is quite possible for those who are weaker to subjugate, more or less seriously, those who are stronger in an exploitative manner, e.g., by soliciting undue attention through an exaggerated “neediness.” Moreover, indiscriminate oppressors, for their part, care nothing—except, perhaps, out of a sense of added irony—for any chance oppressing of “superiors.” So the superiority aspect is altogether moot, and it is more precise to refer to arbitrary disfavourings of merely different groups. Again, though, I take it that superiorism, Juggernautian or other, often or even most often figures into discriminatory oppression, not least of all because the serving of “superiors” involves, seemingly, the seductive logic of favouring what is “better” over what is “worse.”
Oppressed groups may consist of many beings, or may—logically speaking—admit of only one member (just as, in set theory, one can even conceive of an empty set). The group may be a kind of sex, class, (ascribed) race, or may reflect a particular kind of sexual orientation, level of ability or disability, age, or even “look.” Groups, it is logically conceivable, could also be among those designated by a given criterion of moral standing such as rationality, or any found among Q or elsewhere. Still, I am quick to admit that I have yet to show that it is arbitrary to discriminate on the basis of any Q-based type of characteristic. Juggernaut would seem to dictate otherwise.

In any event, part of the pre-emptive considerations here is the fact that, necessarily, discriminatory oppression involves arbitrary discrimination. Notice, also, that my definition of oppression leaves it open as to who or perhaps even what is oppressed. It is also comprehensive about what differences can be fixated on by oppressors—any difference that strikes their dislike. I have a limited interest in consulting the humanist literature on defining oppression, at least insofar as they typically define it as certain treatments of “people,” or “humanity,” or “human beings,” and this logically excludes animal liberation from the start. As much as I have disallowed animal liberationists to beg the question against humanism—at least in my treatise—the same goes for humanists. I do not consider it a serious move in this debate to define oppression in such a way as to define animal liberation ethics quietly out of the picture. To try to settle a controversy by mere stipulation is, it seems to me, an act of intellectual cowardice. The humanist literature on oppression is no doubt otherwise interesting, but a number of considerations (not least of all space) may suffice to justify limiting my consideration of such works on this particular occasion.

A major pre-emptory consideration is that my definition simply specifies harm, without necessarily excluding any type of harm. This all-inclusive approach to harm is important, since an oppressor may harm in any way possible—and it is all significant. It would be oppressive to leave any harms out of account, as this would render some forms of oppression invisible. It would be less than full-dimensional to speak only of incursions against welfare, or free choice, or pleasure, or satisfaction, for example. Of course, it is
necessary to posit that oppression would have to involve *arbitrarily* inflicted harm, and Juggernaut maintains that while animals may be harmed, they cannot be oppressed. So this definition is, in fact, suitable for Juggernaut, and also for animal liberation, if it can be vindicated. That is all that I require for my purposes here. There is nothing pro-animal that turns on this definition, since the finest anti-animal-liberation argument that I know is compatible with the definition. It is fully consonant with humanistic understandings of oppression, for it absolutely applies to oppressions that are the targets of humanists, such as racism and sexism.

It is difficult to know what else can characterize oppression itself, rather than the causes of it, or the results of it, and other factors, without being either extraneous (e.g., adding, perhaps implicitly, that only one species—say, *Homo sapiens*—could conceivably be oppressed) or else less than comprehensive (e.g., falling short of reflecting all types of harm). In any case, the definition I have offered amply characterizes racists or sexists as arbitrarily discriminating against others on the basis of sex or (ascribed) races and being willing to harm these others just because they are members of the arbitrarily disfavoured groups. Such bald forms of discrimination can be, and often are, held together with disfavouring those who are supposed to be less rational, etc. Given these comprehensive features of my definition of discriminatory oppression, the onus is on my critics to show that it is any less than complete.

Is it oppressive to advocate one definition of discriminatory oppression (or at least one of an equivalent meaning)? Would this not squelch others’ freedom to define and experience things in their own ways? I contend that oppression is something very real and concrete, which people have already identified, and that, on the contrary, it would be oppressive not to have an abiding concern with finding a comprehensive definition such as I have sought. To settle for an arbitrarily limited definition that is merely idiosyncratic would risk leaving actually oppressed beings out of account. That move would be oppressive indeed, to render some oppression—and some of the oppressed with it—invisible.
We must not be dismissive of other accounts of oppression, or altogether leave them to a fate of "invisibility." To that end, I will focus on three accounts of oppression by leading feminists. Feminist scholarship, after all, may be said to be most serious about investigating what it is to be oppressed. Marilyn Frye indicates that we need a concept of oppression, "and we need it to be sharp and sure." She points out the root of the word "oppression" is to press down, and thus immobilize, reduce. The resulting definition of oppression, to the extent that it is informally defined, relies very much on this etymological analysis: "If an individual is oppressed, it is in virtue of being a member of a group or category of people that is systematically reduced, molded, immobilized." This definition of oppression trades on insults to the autonomy of people. It does not acknowledge other harms related to well-being, and so does not satisfy me as being comprehensive. While Frye uses the analogy of a bird in a cage in her attempt to describe the oppression of women, she does not even appear to consider the possibility that nonhumans can also be oppressed.

Alison Jaggar also cites the Latin root of to "press down" or "press against" which lies at the origin of the word "oppression." She rightly notes that oppression must not merely be restrictive, but also be unjust. Liberation, she tells us, is the correlate of oppression, and is the "release from oppressive constraints." Jaggar’s account, too, seems to stress autonomy, of all harms that are, in fact, associated with oppression. One of the most interesting aspects of Jaggar’s treatment of the problem is that she reflects upon many different construals of “oppression” that are possible, even among feminists:

Liberal feminists...believe that women are oppressed insofar as they suffer unjust discrimination; traditional Marxists believe that women are oppressed in their exclusion from public production; radical feminists see women’s oppression as consisting primarily in the universal male control of women’s sexual and procreative capacities; while socialist

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15 Ibid.
16 Ibid., p. 8.
17 Ibid., pp. 4-5.
19 Ibid., p. 6.
20 Ibid.
feminists characterize women’s oppression in terms of a revised version of the Marxist theory of alienation.\textsuperscript{21}

Jaggar finds that while there is some crossover, these understandings are ultimately incompatible. She favours the last stance. To me, these accounts are all needlessly fractured in that they just focus on different harms, while they neglect to highlight others. However, the kind of oppression which I am criticizing in my own work is discrimination which results in any number of harms, including, but not only, those mentioned by the theories which Jaggar cites: unjust favouring, being excluded from public production, male control of female sexuality, or any kind of alienation.

Iris Young resists the idea of a unitary notion of oppression, such as the one that I have suggested. She finds that “there exists no sustained theoretical analysis of the concept of oppression as understood [by emancipatory social movements]....Actually a family of concepts, oppression has five aspects.”\textsuperscript{22} I will, of course, defend the idea that this is another treatment of oppression which does not do justice to the unitary aspect of the phenomenon. Young presents a “five faces” conception of oppression:

I have arrived at the five faces of oppression—exploitation, marginalization, powerlessness, cultural imperialism, and violence—as the best way to avoid such exclusions and reductions. They function as criteria for determining whether individuals and groups are oppressed, rather than as a full theory of oppression. I believe that these criteria are objective....these criteria can...serve as means of evaluating claims that a group is oppressed, or adjudicating disputes about whether or how a group is oppressed.\textsuperscript{23}

My reply to this should be fairly predictable by now. Young is listing some more, very important, harms associated with oppression. Interestingly, she holds that one need not experience all of these in order to count as oppressed. For example, a gay person need not be exploited to be oppressed. Still, we could also expand this collection of harms. While the harms that Jaggar mentions, associated with four kinds of feminism, could probably be subsumed under Young’s categories, I question whether all oppressive harms can be comprehended in this way. Destruction of habitat: is it just marginalizing animals, or being

\textsuperscript{21} Ibid., p. 353.
\textsuperscript{23} Ibid., p. 63.
violent towards them? I think that it is more than that, and we need to be specific in articulating actual harms, in any case. Humiliation may leave one feeling powerless, and it also exploits, but the harm of this goes beyond these categories to include insults to one’s emotional well-being and dignity as an autonomous being. Ridicule, degrading images, and negative stereotypes are also harmful, but only partially fit into Young’s compartments of oppression. These are really just different sorts of harm, among others that can be suffered as a function of oppressive discrimination.

It makes sense, to me, just to refer to harm per se, as a result of group discrimination. This is no oversimplistic reduction of what oppression is, for all five dimensions in Young’s account do have the theme of harmfulness in common. On the contrary, not focusing on harm per se seems to lose sight of the forest because of staring fixedly at various tree trunks. Young writes:

Social theories that construct oppression as a unified phenomenon usually either leave out groups that even the theorists think are oppressed, or leave out important ways in which groups are oppressed.... By pluralizing the category of oppression..., social theory can avoid the exclusive and oversimplifying effects of such reductionism.24

My admittedly simpler account of oppression, however, is not “reductionistic,” since I argue that it encompasses all possible harms associated with oppression. Ironically, Young’s own view reduces oppression to five categories which do not capture all of those harms, and nonhumans animals are excluded even to the point of not being explicitly excluded: they are not even mentioned.

Still, Young highlights an interesting dimension of oppression. Social institutions carry on oppressive practices in ways that go beyond individual agents. “In its traditional usage, oppression means the exercise of tyranny by a ruling group,” and here she cites the (former) plight of Black South Africans living under apartheid.25 While there still are such oppressors, Young means to alert us to the reality of oppression as a distinctly impersonal phenomenon:

24 Ibid.
25 Ibid., p. 40.
In its new usage, oppression designates the disadvantage and injustice some people suffer not because a tyrannical power coerces them, but because of the everyday practices of a well-intentioned liberal society. In this new left usage, the tyranny of a ruling group over another, as in South Africa, must certainly be called oppressive. But oppression also refers to systemic constraints on groups that are not necessarily the result of the intentions of a tyrant. Oppression in this sense is structural, rather than the result of a few people's choices or policies. Its causes are embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules.26

It may be conceded that if Juggernaut is, after all, oppressive, it has certainly been presented as a “well-intentioned” view. I agree that various structures of society are oppressive, and carry on various harms above and beyond the individuals who create such structures, and who operate them. However, Young would take this idea much further than I can go. She writes:

The systematic character of oppression implies that an oppressed group need not have a correlate oppressing group. While structural oppression involves relations among groups, these relations do not always fit the paradigm of conscious and intentional oppression of one group by another.27

I cannot grant that there can be oppression without oppressors. Even if the oppression is unwitting, that just means that people are being unintentionally tyrannical. Even if they are not aware of their way of acting, that is how they are acting, and they need to examine and take responsibility for that fact.

Some Germans consciously let Jews die, but some would argue that even rabid Nazis were “well-intentioned.” A son of Holocaust survivors, Peter Haas, defends the idea that the Nazis were not so much evil and brutal people, but rather, illustrative of “the human ability to redefine evil.”28 He even goes so far as to call the Nazis “ethically sensitive” human beings who were, in fact, puritanically good according to the “Nazi ethic.”29 So was there no oppressing group in Nazi Germany, if the Nazis were merely, with good intentions, seeking to eliminate evil and to carry out their duties as ordered? Young writes that agents of structural oppression “are usually simply doing their jobs or

26 Ibid., p. 41.
27 Ibid.
29 Ibid., pp. 2-3.
living their lives, and do not understand themselves as agents of oppression." But we must not allow people's limited understanding of their own roles to limit our own understanding of their actual roles. Most Nazis probably would not have seen themselves as oppressors in any serious sense. They would see no real injustice in their subjugation of others, even though others might complain to that effect.

Young's analysis of oppression without oppressors, in some cases, is a form of reductionism. Unless individuals take responsibility for their own roles as oppressors, they will not effectively be set to do their part in demolishing oppressive institutions. If we are reduced to mere spectators of an impersonal process of oppression, there is a greater danger of simply going on witnessing the phenomenon. People can be oppressive and otherwise vicious without knowing it, or even virtuous without realizing this fact (if, say, a cruel father has brow-beaten someone into believing that he or she is a bad person). It is oppressive to deny that oppressors exist, in a way that allows them to hide behind the veil of their own ignorance, and of ignorantly perpetuated institutions. All of this conduces to oppression. We must not allow oppression to become overly disembodied or abstract. People are invariably behind the workings of social institutions.

Young's strategy, if anything, seems calculated to avoid having to blame people as oppressive, or more exactly, as overt oppressors (even unintentional ones). It is much more comfortable not to have to blame anybody. Still, if we accept that many people are unwitting oppressors, we need not always blame them, so much as demand that they recognize their actual role as oppressive agents, and so change. Young herself usefully distinguishes between blaming and holding responsible, and that distinction holds in my own view, as well.

Still, the "unwittingness" of oppressiveness is not all-or-nothing. People often have an inkling of exactly what they are doing, and may be culpable for not seriously examining their doubts, or for evading real problems which have come to their attention. Blame, anger, and disappointment may not always be out of place in confronting those

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30 Young, Justice and the Politics of Difference, pp. 41-42.
31 Ibid., p. 151.
who carry out oppressive social practices, even if the oppressors do not sincerely question their own rightness in being oppressive. People are not just forces of nature, to be regarded impersonally as determined by other factors, and as essentially unaware of what they are doing, even when their actions are widely considered to be socially acceptable. Even if the world were lost to the Nazis in the 1940s, and the present day was dominated by that ideology, it would be foolish to say that present-day Nazis would not be oppressors, simply because there would be no real basis of comparison, in a Nazified society, and so modern-day citizens of the Third Reich would be unaware of their own oppressive roles.

Even those humanists, including Juggernautians, who deny that animals are or can be oppressed can see that they are set apart as a group, and are systematically subjected to inflictions of suffering and death, and curtailings of freedom, as part of everyday practices. Still, the crucial element in determining discriminatory oppression is whether or not these things are visited upon nonhuman animals arbitrarily. Are they harmed just because they are different? According to Juggernaut, this is not the case.

I have avoided concerning myself with the causes of oppression, at least at this juncture. More will emerge on this later, but for understanding what oppression is itself, it is a separate issue as to whether or not oppression is caused by patriarchy, as many feminists contend, or economic forces, as Marxists would have it, or religion, as still others would state the matter. Undoubtedly, a simple mixture of emotional frailties might also be involved: vain contempt for those deemed “inferior,” and a selfish desire to exploit them; fear of being demoted on a hierarchy unless one downgrades others; fear of the unknown, and hence an exclusive love for familiars; anger in response to those who pose a perceived threat to one’s security, or perhaps to one’s sense of dominance or control. It is not clear how different origins of oppression would alter its moral status as an evil. Nor is it readily apparent how the genesis of oppression itself would show us what kinds of beings can be oppressed at all. To explain the cause(s) of oppression per se implies that one knows what it is, including those whom it affects. Similarly, pain is generally abhorred, no matter its cause, be it intentional or otherwise.
Oppression is a misuse of moral agency, however, and that forms part of its conceptual backdrop. It would be accurate to say that many people are not directly oppressive, in that they know not what they do. To qualify as oppressive in any sense, these unintended blunders must be performed by agents who have a capacity to learn to do better, and to use their moral agency in a way that is not abusive. I think that most people are not consciously oppressive. While nature can harm us, and that grievously, it cannot discriminate against us as an oppressor would. Even indiscriminate oppression is distinctive in that it is carried on by agents who are capable of judgment, which is why it is so remarkable. Nature, in the ways in which it is harmful, is more “nondiscriminating” rather than “indiscriminate,” for the latter implies an abdication or misuse of judgment which nature, per se. never had to begin with. The implication here is that institutions and stereotypes or stigmas cannot really oppress us, although they certainly can be instrumental in our oppression. These things are all, in and of themselves, nondiscriminating. Even stereotypes, which might seem inherently discriminatory, can be used to the opposite effect when they are expressed satirically. All of these oppressive artifices are started by agents who abuse their own freedom, whether knowingly or not, and these abstractions are merely an extension of that misuse, even if their power is felt well beyond the death of the original perpetrator. One can be oppressed through such things more than by them, and certainly not “by” them in the sense of a moral agent committing an action.

Animal liberationists often compare what they call “speciesism” to recognized forms of oppression such as racism or sexism. If one has the concept of oppression, one need not compare oppressions in order to understand what any oppression is, or to see whether or not the concept applies to the case of nonhuman animals. A definition can apply to anything which conforms to it, without necessarily comparing examples of the concept in question. One can imagine a world in which only racism exists as a form of oppression, and none of the other forms, while being a place that is full of identifiable oppression, all the same.

But a comparison, in the case of speciesism (if it can be established that speciesism exists), would serve the function of deepening our understanding of how different or
similar that oppression of nonhumans is to that of humans. This is important in an area of
ethics where the differences between beings are never more greatly stressed. Moreover, it
is not the bona fide existence of classism, racism, sexism, homophobia, ageism, ableism,
and lookism or whatever that is in doubt, traditionally, but rather speciesism. So even if
this chapter shows that, given a proper understanding of oppression, animals are
oppressed, it will still be necessary to deal with frequently voiced concerns that the alleged
oppression of animals is so different from any oppression of humans that we would not
strictly be correct in describing nonhuman animals as truly "oppressed." The comparative
exercise may also be a useful way of unseating deeply entrenched prejudices, by
demonstrating that—in spite of inevitable particular differences—the oppressions are all
essentially the same.

2.4 Oppression as Inherently Irrational?
The Classist Fallacy

The spirit of this argument coheres with a noble thought once put forward by Richard
Ryder, coiner of the term, "speciesism." He asks us all:

Some will take refuge in the old cliché that humans are different from other animals. But
when did a difference justify a moral prejudice? When did those with black hair have a
moral right to mistreat those with red hair—or even those with blue or purple hair?

Of course, Hitler thought this. Those with blond hair had a moral right—not to say a
moral duty—to mistreat those with alleged Semitic features...

The argument which I offer in this section will elaborate on a comparable idea. The core of
what Ryder seems to be suggesting is: just the fact that one is different provides no license
for others to harm one. By itself, the insight is no threat to Juggernaut, but it will prove
both interesting and useful in the course of argument, which will conduce to Juggernaut's
refutation. Ryder seems to be onto something. Who has ever given a reason why being
different constitutes a licence to harm? We could perhaps never justify such a licensing,
because there is no logical relationship between being different and having a licence to harm
one who is different. If we restate oppressive logic in the form of a standard argument:

1. Being A is different in that it lacks characteristic X.

2. So Being A is a member of the group which can be characterized as “not-X,” or as outside of the group which can be identified as “X.”

3. Therefore, members of the group, “X,” have a license to harm A, or other members of the group “not-X.”

The conclusion does not follow from the premises here. If we speak in terms of classes of beings, instead of groupings, and the arbitrary favouring of one class over another as classism, we can refer to what we have just identified as “the classist fallacy.” There seems to be a nonsequitur involved, at least implicitly, in every analysis of a given oppression, which itself seems to involve an inherently illogical conjunction of thoughts or judgments. Any such oppressive statement, it seems, can be reformulated as, or at least presuppose the reformulation, “If a being lacks characteristic X, then one has license to harm that being.” Any such if-then statement can be reformulated as a standard argument, which commits the classist fallacy. The form of the gap seems closely to shadow the so-called “fact-value gap” in ethics, that any mere fact by itself cannot dictate that, say, harming another is good. Or we can also consider the “is-ought gap” here, that no difference in another can tell us, by itself, that we ought to harm another. This would seem to be a beautiful place to begin an ethic, rejecting a way of judging that is inherently illogical and hence irrational. This can be an axiom for us,33 which involves no vicious regress of justification, since it is merely the rejection of a way of thinking that is, itself, logically vicious. An invalid way of thinking will, in turn, invalidate certain choices.

The dilemma facing those who commit this error, if they persist in it, is that if a descriptive difference is cited—not entailing any licence to harm—then it becomes an irrational instance of discriminatory oppression, or bigotry. Yet if the oppressor refuses to cite any relevant difference at all, but is apt to harm anyway, that position is reduced to irrational, indiscriminate oppression. The group identified might be on the basis of a pragmatically conceived, social category such as “race,” or a classification that is more

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33 It is not clear whether this would lend itself to foundationalist moral epistemology more than coherentist views, since this argument does require an extensive set of background beliefs or presuppositions. This will become even more apparent in what follows.
scientifically determined, such as being possessed of a key genetic marker for bipolar affective disorder.

Identifying the classist fallacy is certainly effective against mere stipulations of various humanistic criteria of moral standing, which (try to) identify nonhuman animals as different in some way, and then merely declare that this entails a license to harm animals in various ways. Such an illogical leap can hardly be accepted as "intuitive" or "insightful."

Yet this strategy of stipulation is the closest that humanists, or the ones that I have seen, have ever come to justifying their criteria of moral standing. Let there be no further doubts about the inadequacy and irrationality of such stipulative maneuvers—as if their lack of justification, in the first place, were not enough.

How could one respond to being charged with the classist fallacy? One might try to repair the inferential gap by inserting a premise. "If a being lacks characteristic X, then one has license to harm that being." Recall, however, that this statement itself can be re-expressed as an argument that commits the classist fallacy, so one would only be compounding error with error. If one instead states, "One has license to harm all beings lacking characteristic X," this is logically equivalent to the if-then statement (which more accurately reflects the idea of a rationale for harming; making the universal statement seem less analytically basic, or more like an inferred statement itself, by comparison). Word games like this are poor evasive ploys indeed. Some forms of invalidity can be repaired with supplementation, but what logical relationship is there between the premise and the conclusion, we may demand, as a healthily open question?

Aside from the stubborn gap in logic here, harm is something that is very serious, so much so that any practical ethic must give an adequate reason for it that is plausible, and especially if someone insists on harming another. The onus is on the one who would harm (directly or indirectly) to show that it can be justified without committing the classist fallacy. A psychopath would not feel the need to justify harmful actions, but he or she is not a moral agent. Those of us who are do find it necessary to account for our harmful actions, at least in practical life. Even in pursuit of things that we commonly consider to be intrinsically valuable, or good in themselves, for what they are, not deriving their good
from any further end (such as knowledge and friendship), we always must give a sufficient reason for harming in the name of promoting such things. Moreover, we ought not to harm others for our own or anyone else's benefit without giving a proper reason for doing so, if any can even be given. Indiscriminate harming or oppression, of course, does not even pretend to give a reason for harming, but discriminatory oppression, by merely citing a difference in the being who is targeted, does not do any better, and appears to be just as arbitrary. Perhaps this is why people seem to resent oppression with such feeling, because they sense that it really is mistaken, at some important level. Anti-oppression theory must align itself with the full rejection of this fallacy, and one may find, thereby, that such disdain is on the side of reason—even if we are committed to remaining philosophically vigilant.

But it would be premature to make any bold claims for animal liberation on the basis of articulating the classist fallacy, at this time, even though differences in animals often are cited, and human treatment of nonhumans is often harmful. For Juggernaut would claim that it can strictly justify harming nonhuman animals in many cases. (Moreover, the possibly allied perspective of reductionism can hold that it is beside the point to debate about licenses to harm animals, since the latter lack the mental wherewithal to be capable of being harmed, at least in a way that is morally significant.) So I reject all commissions of the classist fallacy, but for it to be a decisive force on the side of animal liberation, one would first have to show that the Juggernautian and reductionist ploys to evade this charge of irrationality are unsuccessful.

Actually, this new strategy of identifying and eschewing the classist fallacy has already been helpful. For I believe that it has refuted Juggernaut's "rear flank," those traditionalists whom we can call "stipulative humanists," who indeed have presented the virtual sum total of humanist philosophy hitherto. Juggernaut, I submit, is still their best alternative. While Juggernaut's argument concerning moral standing was sufficient to undermine the complacency of animal liberationists last chapter, yet a new Juggernautian argument (or perhaps, a pair of arguments) is available as a reply to the challenge of the classist fallacy.
2.5 Juggernaut’s Formidable Reply to the Classist Fallacy: Justifications for Harming

Juggernaut would find that accusations of the so-called “classist fallacy” oversimplify the matter, and, indeed, would be superficial and incomplete if it tried to account for the new humanism’s own argument in favour of harming in certain types of cases. Juggernaut would never advocate harming a being just because it happens to be different in some way, but rather, because it has a different moral significance from one who more closely resembles those who are best, and who may do what is best, in the best possible way. This difference, as the Juggernaut argument claims to establish, is morally significant, insofar as it relates to the morally necessary pursuit of what is good. That is, there is no mere stipulation that lack of richness entails a license to harm, which would indeed succumb to the classist fallacy.

It might be objected, in the fine tradition of moral individualism, that individuals are to count equally in some key sense. However, it must be remembered that when Juggernaut justifies harm in some cases, it does not value individuals equally apart from their traits, since metaphysically, one’s traits (Q and otherwise) are inseparable from oneself, at least while one has them. So one cannot equally value individuals unless one blinds oneself to their different attributes. Further to this line of objecting to Juggernaut, would not an ethical view have to be equally concerned with promoting good in any case, no matter where it is found, or to which beings it pertains? On the contrary, Juggernaut will not heedlessly promote any good anywhere, including the good of being spared from harm, but will actively favour that good which pertains to those individuals who are best.

It might be pleaded that individuals are not responsible for many of their attributes, Q and otherwise, and so it would be wrong to give someone less consideration due to factors beyond his or her control. Juggernaut, for its part, has no regard for whether or not individuals are responsible for their traits, which is beside the point. Rather, Juggernaut responds to the good, whatever its origin, for its own sake, but especially if it is associated with those who are “superior.” This humanism finds that it is ill-conceived to think in
terms of praise or blame in the having or lacking of Q-traits, as it is not even clear that these appraisals could be applicable in the first place for evaluating Q-traits. A mountain is not responsible for its resplendent streams, but its rivers are still of value—and are preferable, in many ways, to a bog.

Juggernautians are apt to concede a reduced moral standing to animals—at least to those who are sentient. But, for reasons which will immediately become ever more apparent, inferior moral standing is a consideration that does not have much force against the interests of “superior beings.” This consideration may or may not be supplemented by indirect considerations (please see last footnote), although these may not amount to much. For while animals may benefit from even directly motivated kindness here, on this more

34 Recall the less mainstream version of Juggernaut outlined last chapter, which reflects that any being lacking any categories of Q also lacks any kind of moral standing. Most people, though not all, would find such a standpoint to be morally repellent, not only for its scant respect for animals, but also because of its harsh implications for the treatment of marginal humans. Such “perfectionists,” we have seen, allow nonhuman animals no direct moral standing, but might recognize that they have indirect moral considerability. Still, perfectionists are not obliged to give animals any moral consideration at all, on some reasonings. To use a quote from W. D. Ross completely out of context, in reference to nonhuman animals, “we do not think of them as a practicing-ground for virtue.” Cf. Tom Regan, The Case for Animal Rights (Los Angeles: University of California Press, 1983), p. 186. After all, it would not be virtuous to make a priority out of inferior beings, and waste even a moment on them—unless, as a superior being, one otherwise wishes to do so. Any view must concede that, in general, a lot of people might sympathize with animals. However, to a perfectionist, it would be tyrannical for one group of people who happen to emote in one particular way to impose their ways on individuals who share little or nothing of those feelings about animals or other “inferiors.” Animals may be cared for as instruments for promoting human good, it is true, but this care need be nothing more than perfunctory, and does not protect animals from damage to their good unless it is relevant to human ends. For on such a view, animal welfare would not be an end in itself, and animal bodies might still be in a serviceable condition for humans to use for food, experimentation, entertainment, and so on...while the animals themselves might not be happy at all, for all we know (if it is allowed, on such an extreme view, that nonhuman animals are even capable of being happy). So the most that the perfectionist will grant is a very contingently based sort of kindness to animals—or else no moral consideration at all. Allow me to spell out the justification for harming beings with no moral standing on the view now under consideration.

The perfectionist, of course, absolutely favours those individuals who are deemed “best”:

1. Only beings who approximate what is best, by having Q, and being apt to produce good with those capacities, have direct moral standing.
2. So animals have no direct moral claim against us as to how they should be treated.
3. Still, harm against lower beings cannot be justified if it needlessly damages instruments valuable for human pursuits.
4. But harm against lower beings can be justified even to satisfy the whim of a superior being, since on this view inferiors count for nothing.
5. If lower beings are accorded indirect moral consideration, they will be used “humanely,” but there will be no restrictions on their use if it furthers or might further the quality of life of superiors.

So here we have an argument, which will be plausible to some, but not to many others, which is virtually the antithesis of animal liberation. Animals are in a position of utter subjection, although we may—or may not—have to use them “kindly.”
conventional version of Juggernaut, they may also, with supposed justification, incur grave harms while pressed into the service of their superiors.

A standard Juggernautian view would justify wide-scale harming of nonhumans, although (unlike the harsher view which I outlined in the last footnote) there would be no option about whether or not to do the harming "nicely," since animals would have direct—albeit reduced—moral standing, owing, at least, to their sentience. We would have to be kind to them. But Juggernaut would still have us try to perfect the lot of the "best" beings as much as this imperfect world allows. This is a familiar theme from Nietzsche’s writings, that it is not best to aid those who are poor or mediocre over those who are naturally great and talented. As the German thinker himself wrote of his own favoured class system, based on natural talents and abilities:

The essential characteristic of a good and healthy aristocracy...is that it...accepts with a good conscience the sacrifice of untold human beings who, for its sake, must be reduced and lowered to incomplete human beings, to slaves, to instruments.\(^{15}\)

It goes without saying that animals ought to be sacrificed on this more perfectionist view (which is also ruthlessly prepared to subordinate various humans). It is certain that merely having a modest form of Q, perhaps even in every category, would not be enough to get one to the top of Nietzsche’s aristocracy. As for the imperfectionist Juggernautian, who measures moral standing by degrees, those who most fantasticaly exemplify Q would indeed be given pre-eminent status. Nietzsche’s view is echoed in the contemporary age by the late William A. Henry III, a Pulitzer-Prize-winner, and former critic for *Time Magazine*, who favours the more perfect with a higher priority in the following:

The vital thing is not to maximize everyone’s performance, but to ensure maximal performance from the most talented, the ones who can make a difference. Society typically makes the opposite and erroneous call: it underemphasizes winners and overassists mediocrities.\(^{16}\)

Here Henry is concerned with his love of the good, just as any Juggernautian is. Whatever conduces to realizing the good of such beings ought to be realized, no matter the cost to lower beings.

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The imperfectionist line of reasoning, which—if correct—would seal the fate of animal liberationist hopes, might proceed as follows:

1. It is best to favour those individuals who are best (which is not to say perfect—let us be realistic), or who have Q, and who are also apt to produce what is best, because they have those same capacities. In general, it is also better to favour superiors over inferiors.

2. If one departs from favouring those who are best, or those who are better, this indicates a corruption of any true commitment to the best that can be characterized as self-consistent and thoroughgoing.

3. So the lives and quality of being of individuals who are best, or better, must assume absolute priority over the interests of inferiors, and this is true for the following reasons:

   (a) Perfection, as an ideal, is ultimately the perfection of the whole. After all, anything less than a perfect whole must be imperfect.
   (b) Those beings who are best are to be favoured as those wholes who are closest to perfection.
   (c) It is good to be perfect, and bad to lack perfection.
   (d) Beings who lack perfection, to the degree that they lack it, do not deserve respect, moral consideration, or the according of dignity, since these beings are thus far lacking in worth.
   (e) To favour any part of an inferior being, even an interest in remaining alive, over any whim of a superior being, is to cease to favour the whole life and quality of being of the superior being as a first priority, bar nothing, and thus to cease to favour what is good and best.
   (f) So to suppose that the vital interests of inferiors can outweigh the “trivial” interests of superiors presupposes an egalitarianism which is not objective, for no interest of a great being is of trivial importance, especially when compared to even the life of a lower being, which, after all, only perpetuates an inferior existence of lesser direct or intrinsic moral worth. A superior being has aspects of Q that overshadow any mere sentence that a being may have, and we must favour the more perfect being over the less perfect being if we are to spare ourselves from hypocrisy in our love of the good.

4. Hence beings with very impoverished ends may have those ends overruled by those of richer beings, who may use the inferiors as those who are better endowed with Q see fit.

5. Harm against lower beings cannot be justified if it needlessly damages instruments that are valuable for human pursuits, or if it causes gratuitous suffering, since animals who are sentient have a direct, although reduced, moral standing.

6. But harm against lower beings can be justified, even to satisfy the whim of a superior being, since, on this view, a superior’s interests always takes first priority, so the satisfaction of such a desire would constitute a case of necessary harm, other considerations being equal.
(e.g., considering the interests of other superior beings, availability of resources, etc.). To abstain from such harm would be inconsistent with the privileging of those beings which are best.

Either way, it comes to this: Juggernaut would seem to be able to justify the sorts of harms that nonhuman animals presently undergo, and animal liberation is once again left desolate. It must be conceded that fur is “good” for keeping people warm, so it would not be deemed to be a gratuitous use of animals by Juggernaut, that is, if those who are well endowed with Q desire to keep warm by making use of animal pelts. Sadistic cruelty against animals would presumably be ruled out, however, since there is no good ethical reason for this, and no real benefit. On the contrary, the reinforcing of such behaviour might directly impact, in a harmful way, beings with higher degrees of moral standing. It is unclear just how much harm could be justified in particular circumstances, but this is consistent with Juggernaut's acceptance that hierarchical relations are to be worked out informally, in power dynamics between individuals and/or collectives, and generally are not neatly laid out by formal rules (given that we cannot scientifically grade who has what degree of Q, for example, although we can form some idea of how beings compare). In cases of conflict, however, it is often clear in what direction Juggernaut would go. After all, we must “keep our priorities straight.” In matters of harming, we must not have any squeamishness, weakness of will, or overgeneralizing notions of inviolable respect being extended to “inferiors.”

The interests of those who are best are not to be compromised, but rather, perfected, since they are already closest to perfect, and are not to be impeded by those who are less perfect, by comparison, and therefore less fitting to maintain and promote. Any

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37 Or perhaps there would be no overriding benefit, if a sadistic whim is satisfied against animals. The animals, on Juggernaut, do have a degree of moral standing to consider in light of their capacity to suffer, and perhaps their limited ability to choose. So the fact that sadism involves suffering without the animal’s consent might overrule mere human whimsy—otherwise respect for animals as suffering and quasi-autonomous beings could not be promoted as an ideal. This point is moot, however, in that eating meat is also somewhat whimsical, given that it is not strictly necessary. Sadism, however, may be restricted on indirect grounds that it encourages similar treatment of human beings, although some might argue that allowing sadists to “vent” on nonhuman animals will serve to help protect human beings (given that mass murderers, such as Edward Kemper and Paul Bernardo, began their hideous careers of sadism on nonhuman animals and developed an appetite for more, however: the “venting” theory is highly debatable—well beyond the confines of this study).
respect for inferiors can be limited with full integrity, however, on this view, given a sufficient conflict of interests. Some people, out of pity, might spare animals harm that would otherwise serve a useful purpose, but such sympathies cannot be universally mandated in an emotionally diverse society, even if it is held that it fosters a desirable character trait (which itself is doubtful, given the strict nature of Juggernaut).

Promoting good does not give one an automatic license to harm, it is true, as was conceded in the earlier discussion of the classist fallacy. However, promoting the good of superior beings can help to license the harming of inferior beings. It is true that many believe that harm is more morally significant than benefit, so that not all benefits to inferiors can justify egregious harm to inferiors. But this misses the point that the favouring of the interests of the perfect, or perfecting them in all respects, must take blanket priority, without fail, or else one ceases to value more that which is of greater value. We must not favour misguided notions of egalitarianism, which are at the bottom of such objections. Rather, one must perfect whenever and wherever one can, without needlessly squandering any precious good on “inferiors.” These arguments may not constitute a knock-down proof, but they do not have to. No moral theoretical argumentation to date is known to conform to that standard. All that is needed, here, is a plausible justification for harming, at least from the point of view of humanists, and we have the danger (from an animal liberationist perspective) that they can legitimately regard themselves as justified. History confirms that views which are far less cogently argued for have caused untold mischief.

To Juggernaut, there is no “classist fallacy” here, but only a legitimate class system, which is of the kind that Nietzsche wrote of with his notion, widely expounded (for example, in The Genealogy of Morals) of a natural aristocracy. Rather than arbitrary classism, which is, by definition, a noxious prejudice, a Juggernautian class system could be defended, as I have indicated, as the only rational sort of view to take, although it might be debated, in good faith, how far the perfectionist standard should be raised, and whether moral standing should be all-or-nothing for those who have Q, or else a matter of degrees. What is best is just what Juggernaut advocates. While the argument may not use the exact
same sense of “best” which presupposes that egalitarianism favoured by certain aspects of our culture, perhaps Juggernaut is egalitarian in the sense that matters, in that all beings with Q (those who have it in the full sense of spanning all dimensions of it, and who can, without controversy, be called “persons”) would have substantial moral standing in any case. Juggernaut would, in fact, be *strictly* egalitarian in the sense that equal presence or absence of Q would count equally.

It is possible that the Juggernautian arguments in favour of harming are inherently more unsettling than the Juggernautian argument for moral standing offered in the last chapter, although the logic is very similar for each. I suppose that it is always more disturbing to consider actual harm rather than something so honorific and cheery as “moral standing.” Whether or not Juggernaut can entirely close the gap in the classist fallacy is still debatable, but whatever be the case, it is too close for comfort, for the purposes of animal liberationist ethics, and one can see where humanists might entrench their preferred brand of Juggernaut, feeling reasonably confident with their views. It might be assumed, at this juncture, that the classist fallacy is a failed objection to those who would justify the routine harming of nonhuman animals for human purposes.

However, giving up on the insight afforded by identifying the classist fallacy could be premature. While such a criticism cannot stand on its own, at least against Juggernaut, we cannot rule out the possibility that animal liberationist insights may yet be vindicated. It is true that, so far, in the face of Juggernaut, animal liberationist ideas seem to lack the power to convince humanists, and perhaps even to be without foundation, in the face of ethical considerations such as a committed pursuit of the good. To get beyond this impasse, we will need to reveal the philosophical “smoke and mirrors” at play in Juggernaut, which is no easy task. We need nothing short of a more adequate way of acknowledging the full reality of others, for the purposes of morality. It has been found to be hard enough to try to resist Juggernaut on its own turf, which I might call “objectively oriented grounds,” and so it may be time to shift ground—if only we can give good reasons for this. This shift might sound strange, or even perhaps philosophically suicidal—perhaps it comes across as a willingness to descend into mere, subjective
whimsy, or the pathos of pure sentimentalism. If that were all that the move to come amounts to, then a cry of disaster would, indeed, be warranted. However, I contend that it is only on the basis of widely shared—and broadly questionable—presuppositions which make Juggernaut seem seductively reasonable. The classist fallacy will still hold against even this newer humanism, if Juggernaut does not successfully bridge the gap between beings being different, and having a license to harm them. Indeed, Juggernaut's succumbing to this fallacy—because of a fundamental error in its own presupposed world view—will prove to be its undoing.

2.6 A Metaphysical Backdrop

Hitherto, we have entertained anti-animal-liberationism seriously, perhaps even more so than a majority of its actual proponents. However, in order to answer this more serious type of humanism—the Juggernaut family of arguments—we shall, perhaps, have to begin to take animal liberation philosophy more seriously, as well. As with the humanists, we need to show why animal liberationists have found their insights to be compelling in the first place. We begin, here, with what has classically been called "the first philosophy": metaphysics. I mean only to indicate my metaphysical point of departure here, or to show that interesting things follow from assumptions about reality that are, after all, close to common sense (and hence, I hope that this will be recognized as a metaphysics that the vast majority of us might tend to find plausible). It would take another series of treatises to sort out all of the metaphysical puzzles that are implicated here, but I think that it is best to be up-front about metaphysical presuppositions—or lack of them—in attempting to frame one's philosophy of ethics.

The following argument for animal liberation need take no sides between materialist and immaterialist visions of reality.\(^{38}\) but only requires that any account of reality allow for a viable \textit{concept} of what we experience such as "introspection," "being aware," or "having a point of view." It is not too much to ask that we accept as real, \textit{at least for practical}

\(^{38}\) Broadly, materialism refers to the idea that mental phenomena can largely be reduced to or at least explained by material things and processes. Immaterialism denies that thesis, granting the mental some kind of existence and activity in its own right, which is perhaps in accord with our common sense experience of our own mental life, the way we carry on reasoning, deciding, and so on.
purposes, that of which we are immediately aware. In any case, dismissals of such experience would require more reconstructed would-be justification than the scope of this study can address. It would be difficult to show that our experience, in itself, is somehow unreal, though far be it from me to claim to be an expert metaphysician. Even Paul W. Churchland speaks of the “elimination” of “folk psychology,” such as having beliefs, desires, and so forth, and yet he too repeatedly refers to a concept of a perspective or a point-of-view, simply to be reformulated in more physically implicated terms. It is true that behaviourism, in the works of B. F. Skinner and his many followers, characteristically denies the reality or else relevance of introspection, but this seems wholly methodologically motivated, since one can empirically observe physical behaviours, but not mental states. However, as a point of departure, this treatise will not adopt a methodology that I consider to be “ untrue to experience. ”

This said, the philosophy of materialism will later be argued against, in the next chapter, insofar as it is reductionistic—reducing of the data of our experience—which, in fact, goes towards forming an oppressive conception of ourselves. Materialism conduces, in a sense, towards regarding ourselves and others as mere objects—material objects, or collections of matter and energy, or psychophysical objects (where the psyche is understood in materialistic terms). While objectification of beings with minds is not strictly entailed by metaphysical materialism, the latter view perhaps does go against the “flavour” of what I am about to argue, for reasons which will readily become apparent.

At the end of the last section, I emphasized how Juggernaut might somehow be implicated in “objective” conceptions in ethics which are questionable. It is necessary, then, to draw a rather difficult distinction between a metaphysical or ontological sense of

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39 Still, some extreme materialists do deny this idea. Even if the mind is somehow not real, or an illusion, which is one extreme metaphysical theory, that would not alter the nature of my remarks here. For theories of metaphysics do not, cannot, and are not meant to alter the fundamental nature of our experience. Our subjectivity is a matter of fact in practical terms, even if, in some metaphysical way, it is illusory. Such practical realities are key to ethics. Another such practical reality is the solidity of tables, which, in subatomic terms, mostly consist of empty space. A side of common sense that is allied with objectivist science can go along with extreme reductionism, for we are taught that our minds are functions of our brains, that all matter is energy, etc. The view I am arguing for is perhaps best joined with a metaphysics that asserts the reality of mind, so that it will be taken with all due seriousness. However, the practical reality of mind which we all experience can be taken seriously enough in any case.

“objective,” as opposed to “subjective,” and also an epistemological sense of these same terms. Something is “objective,” in a metaphysical sense, if its reality is best understood as being a kind of object. Objects, for my purposes, are things that are separable from subjects (briefly, minds, points of consciousness, or equivalent), and so objects include things existing in material space, and also, perhaps, even concepts and abstractions, which can assume a kind of existence of their own within a culture (although that is possibly more contentious). Since objects exist outside of us, it follows that they can be known, if at all, from an “outside perspective.”

What is metaphysically subjective pertains to subjects, or minds, points of consciousness, which includes the contents of such consciousness. I do not wish to enter into a debate here as to whether an object of awareness is somehow “objective,” since nothing in my argument hinges on that, but I will indicate, to clarify the way I refer to these things, that I think of them as “subjective.” My reasoning here is based on the fact that mental states and minds covary substantially. That is, mental states are not ontologically independent objects, but rather, they appear and disappear, and are modified, along with the subjects of consciousness which have those states. The direction of one’s focus can also change the contents of one’s awareness. So, in that sense, the contents of one’s mind are “subjective,” although my philosophy does not stand or fall with this choice of terminology.

The epistemological senses of “objective” and “subjective” merely refer to ways of knowing or being aware. A judgment or cognitive approach is “objective,” we will say, if it is directed towards knowledge or awareness of a metaphysical “object,” in the sense given above. And an epistemic belief is “subjective” if it concerns what is subjective: the subject himself or herself, or else the contents of his or her awareness. When I speak of subjective judgments, here, it should also be clarified that they can be true or false: either I have a blissful feeling now, or not. So we must not confuse other meanings of “subjectivism,” which are associated with nihilism, or people inventing their own reality, or reality being however subjects happen to interpret it. I am presupposing, for the purposes of conceiving reality, an absolutist conception in which there are both objective
and subjective realities in the universe, and one can be right or wrong in one's judgments about them. One can even be mistaken about subjective realities on this view, e.g., that one is really feeling sad at some level, although one is not consciously aware of this. I am merely sketching the metaphysical parameters of my argument here, so that the reader can understand me. I am not asking anyone to agree with me, and since my view allows for materialism or immaterialism, and a variety of terminologies, such agreement is, perhaps, not even crucial. The present section has simply provided a metaphysical frame of reference for the ensuing.

### 2.7 Value Theory: Presupposition and Lack of Presupposition

My view of the good—which is such a central point of focus in Juggernaut—involves both objective and subjective elements. Anyone who claims to have an "intuition" of values as objects existing independently of ourselves and of the particular things that exist, which we perceive, is to be disbelieved, on my account of values. There is no rationalistic nor empirical evidence for such values, or so I will assume. If the claim in favour of such "entities" is solely intuitive, then necessarily, independent evidence cannot be forthcoming, as, indeed, it has not emerged in my own experience with moral reflection.

So we do not know values at all as free-floating objects, or even have any reason to believe that they exist as such (intuitions are not a good reason to believe something, especially if only a tiny minority of the population, no doubt often to be found in and around philosophy departments, hold such intuitions seriously). Yet having a good reason seems to be the barest of tests as to whether we should credit the existence of such things, or anything at all. This particular sort of "Objective Good" fails our test. Perhaps we can crudely conceive of such objective values in the abstract, just as we can draw pictures in

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41 I follow Bernard Williams's sense of intuitions as "initial ethical beliefs," or unproveable axia at the foundations of theorizing. Cf. Williams, Ethics and the Limits of Philosophy (Cambridge: Harvard University Press, 1985), p. 93. Although Tom Regan uses the locution of "reflective intuitions" in The Case for Animal Rights, the reflection is not upon evidence that might justify the intuition, but only on matters of fact, and other considerations, with which intuitions might and perhaps ought to cohere.
absurdist art of impossible staircases, but this conception is deemed to be illusory, on the strength of being baseless, as argued above.

Yet I do value things, and this is part of my experience. How can I understand that situation? I can name my values based on the way my mind operates. I value honesty, love, and so forth. These values are not "objects" that are real, independent of me and my situation. Nor does the value of love, for example, depend on me. Values are inherently complex, I hold, since I think there is a subjective component as well as an objective component, and still more besides. Subjective values are part of my experience, or reflect that experience. Such experiences are apt for recognizing value in the world. This brings us to objective value. That is, on my view, objective values pertain to particular things, not to the sorts of Platonic entities which I have just excluded from my presupposed framework. For example, a medicine may have objective value for its health-conducive quality. That value is true, real, and exists independent of any judge at all. I subscribe to the notion that values supervene on things. Some might worry about universes without any valuers: do values, in such a place, supervene? If things that are "out of sight and out of mind," in this universe, with its many valuers, can have good associated with them, then why not in the other, more barren universe? The realities of the objectively good things would be the same. Knowing such value would be impossible, but that is an epistemic issue; whether value is associated with such things is rather a matter of metaphysical "fact." Knowing value does not make things valuable, on this framework. Objective value, which is good in itself, in a sense, also may be extrinsically "good" for giving valuers something to subjectively value. Otherwise, objective value only has the potential to be of value to valuers. Conversely, subjective values are only of real value if and insofar as they aptly pertain to something real, either something else that is subjective, or part of the objective world. This might seem complicated, but obviously, I believe that the reality of values is complicated.

The reality of such values seems difficult to account for. In a way, however, it is not so far-fetched. I assume that we seem to know that we value certain things, which establishes the reality of subjective values. I also assume that some objective things really
are good, and we have a subjective sense of this. I have said that these objective goods are, in turn, extrinsically good for creating an impression of value in us, as the kinds of beings we are, just as we know that our subjective valuing is, in turn, extrinsically good for being able (at least sometimes) to reflect the reality of value. None of this seems far-fetched, to me. What makes it seem complicated is that perhaps four kinds of goods are involved: (1) objective good, (2) subjective good, (3) the extrinsic value that objective goods have for valuers, or in relation to them (which is different from the value of the objective good itself, which depends upon no such particular relation), and (4) the extrinsic value which subjective good has for reflecting real goods (this value is not the same as the subjective good itself, which may have or lack such utility, as a purely contingent matter, depending on the situation). These extrinsic value relations help us to characterize the interrelationship between objective and subjective goods. There are still great mysteries surrounding the reality of good, or the kinds of good, and my analysis makes no pretence at being exhaustive.

To know that something is real is one thing, but to explain how it is real is quite another (i.e., its origins, and relation to other things). Take, for example, our entire universe: we know that it is real, let us say (although some metaphysicians might consider this to be a point of contention), but we do not know how it is real, i.e., the origin of the universe, nor its relation to other things, if there are any, and just as little do we know of the fundamental nature of our reality itself. Current physics understands subatomic reality pragmatically, in terms of what it does, because our very observational instruments alter the nature of reality at the subatomic level, rendering it all the more mysterious to us. So, looking back at my metaphysical frame of reference, we now have minds and their contents, objects that exist independently of minds, and four sorts of values or good that operate between the two realms: neither subjective projections, nor simple objects, nor always even a meeting of mind and object (conflating all forms of value results in confusing, all-or-nothing characterizations, which inevitably lead to difficulties). Subjective valuing is good for recognizing and appreciating objective good, and objective good is good for providing things that are of value to valuers. Subjective valuing and
objective good can exist independently, but the kind of value that is of most vivid interest to ethics occurs on occasions when the twain shall meet.42 Such is my presupposition for value theory. It explains my own understanding, for greater intelligibility, but it is not necessarily required for all that follows. Indeed, the core of what I have to say, related to deep empathy for others, is compatible with numerous, very different metaphysical and epistemic frameworks, as I illustrate, if only suggestively, below.

2.8 The Good of Nonconscious Beings

This consideration of objective and subjective realities immediately raises the very important question about whether nonconscious things—which lack any kind of subjectivity—can have a good of their own. My short answer, based on my presupposed framework, is “yes—in a sense.” I have already said that particular things can have objective value, say, being good of their kind, without ever coming into relation with a valuer. It may sound strange to contemplate mere things having a kind of value on their own, apart from any relation to valuers, but the same might be said of the wetness of undiscovered water. Things might have objective value (e.g., a beautiful gem, inaccessibly deep in the earth), yet happen to lack—perhaps because the thing is hopelessly isolated—any extrinsic value for impressing subjects with that objective good. Consider, too, aspects of conscious beings which are not themselves aware. We say that patients under general anesthesia, who are undergoing surgery, may be benefited, while unaware of this, and would find it good were they aware of it. A mentally challenged person may be benefited in routine ways which he or she never appreciates. Objective things that we are apt to appreciate as good or find of value on our world views do not come into existence, or assume their natures as what we are apt to find good, only once we start to appreciate them as such. Our world views alone (or per se, depending on one’s metaphysics of value) do not make things objectively good, nor does the aptness of regarding a thing as good begin with our first paying attention to the given object of value. Valuable entities

42 There are still provisions that one might make for unknown objective values, such as in our wish to preserve the rainforests of the world because of the unknown natural treasures which they harbour. Moreover, one might well take account of another’s purely subjective values, even if they do not correspond with real values, simply out of respectful consideration for that other being.
give us a good experience not because our experience makes the thing good, but because the thing itself permits—by its very nature in interaction with our own—an appreciation of value.

It is fully intelligible to say that a plant has things that are good and bad for it, and we all know, in general, what those things are. Plants, in that sense, have a welfare or well-being that one can consider. That is a kind of particular objective value, which may or may not ever be appreciated by any particular valuer. Do plants also have autonomy or self-governance? It is hard to see how this could be evident, since they do not appear consciously to direct their own activities. While plants may reach towards the sun, their agency is not obviously intentional, if it can properly be called “agency” in any presently interesting sense. So plants, for example, have their own good, independent of what any conscious being may judge. With only plants, in an otherwise lifeless universe, their flourishing would still, of course, be the same pattern which we would identify as flourishing, but, perhaps, “good” in an eerie, and nearly unimaginable, sense of being eternally unappreciated, and so of significance to nobody at all. Good, as a real quality, supervenes upon those parts of objective reality which are inhabited by plants. Since plants themselves presumably lack a conscious point of view, however, “their” good means nothing to them, and is a matter of total indifference to them. The only ones who can recognize whether plants have good and bad supervening on their existence are conscious beings.

Still, it might even be possible to understand someone’s felt sense of duty towards plants, as some environmentalists claim to have, although, perhaps, that orientation might be of a much more optional character than many would like to entertain. While we may have no direct duties to a plant in the same way as we think of ourselves as owing direct duties to persons, we may still recognize a plant’s good as good from our own practical perspective, and hence not violate the creature needlessly—although if we do need to harm it, the way is clear. The recognition and identification with a plant’s good need have nothing particular to do with oneself or one’s own good.
Perhaps, however, one would have to opt for a principle to respect good, even in plants, in order to feel duty-bound to respect plant welfare. After all, if we need to consume plants in order to help us survive, then the resultant harm would not be arbitrarily inflicted, and presumably would not matter to the plant itself. So it seems impossible to conceive of harming a plant for food as intrinsically oppressive. Such harming would even be considerate of the kind of being it is: there would appear to be no point of view which it has that one can identify with, in any interesting sense. So it would be hard to say that it is an absolute duty to promote plants' good if there is no reason to do otherwise. Yet it does seem to be a positive, constructive, open-minded way of life (which many environmentalists choose to adopt) that seriously identifies with the good wherever one finds it. Hopefully, this pursuit will not be carried on fanatically, as I think might be the case with someone who seriously sets out to champion "plants' rights," forevermore refusing to step on any living plants, or some such commitment. Again, presumably nothing matters to plants in themselves, although we can conceive of, and subjectively identify with, their own good whenever we contemplate such beings.

As for artificial nonconscious things, these do not have an inherent telos like a plant, or tendencies and functionings which naturally indicate what is good for the organism's maintenance, preservation, functioning, and so forth. The good of artifacts seems to depend on what their makers intend. If a sculptor dislikes the disposition of a blob of clay, it would not be "bad" for the clay to be remolded into something else. Some things may be bad for the functioning of a machine, though, which may or may not present similarly in some ways to plants (the latter grow with their own telos, and perhaps a machine is created with or given its own telos, although it may be possible to assign it another, unlike most natural objects)—we will not delve further here, but to note that there are no direct duties to machines either.

So here we make sense of the good that some nonconscious beings have themselves, in a sense. but we affirm no direct duties towards any of them, contrary to the claims of deep ecologists. We avoid, then, both the extremes of an absurd, hyper-sentientist metaphysical view that plants do not benefit, in and of themselves, from the right
amounts of soil, light, and water, as well as the odd ethical view that we have duties to rare cactuses, in and of themselves. I am apt. on this view, to have wonder, respect, or even awe and admiration for the good, even if it is associated with a nonconscious entity. The quiet contemplation of the good of nonconscious beings, in themselves, is a background consideration to serving beings to whom things matter, although deep ecologists seem to make the mistake of turning it into a foreground consideration. Still, going along with the good of the nonconscious world is generally a good practice for leaving it vital and whole for those conscious beings who either inhabit it or pass through it.

We can empathize, in an extended sense, with the flourishing of another organism, for we have our own thriving as a direct point of comparison. Again, we can respect the good of a plant by choosing to favour its good as a good on our own point of view. We can call this “extended empathy” since it involves empathizing with a “point of view” that does not necessarily exist as such (i.e., literally, as a subjectivity). A plant’s “point of view” is most crudely analogical to our own, and its good can be known through reasoning by analogy. Still, the analogy is precariously imperfect: I do not very seriously mourn the blades of grass trodden under my feet in my time. At the same time, I cannot even prove that plants lack all subjectivity, although I am willing to at least provisionally assume as much, for all that I know to be in evidence. We cannot meaningfully empathize, even in an extended sense, with an expansion of gas, regardless of what one has to say about plants. And in both cases, nothing is found which can, in and of itself, override the well-being of any being which we can fully or at least substantially empathize with, such as, at the very least, a fellow person. Even if, in some spiritual sense, plants do have a form of subjectivity, this would be eminently difficult for people to identify with, and we would still choose to eat plants rather than to starve. I dare add.

If we cease to empathize with a plant (supposing we ever did), and refuse, if only fictively, to accord it a “point of view,” then we merely perceive a dynamic and organic system which changes in various ways, whereas everything is absolutely indifferent to it. It is probably a richer world in which we respect the good that we naturally find around us, however, so perhaps it is wisest not to strip ourselves of our spontaneous, extended
empathy, even for plants. After all, this will promote a respect for life and health as such, which is a good thing for conscious beings—it is perhaps harder to see our own vital functions as good, if we learn to look at even a plant's vital functions with cold neutrality, and an essential disregard for its telos. Also, of course, our own well-being is tied, to a great extent, to the existence of a thriving plant world. In any event, the status of beings at the periphery of our moral imaginations may remain somewhat moot. All that is needed, here, is some sense of my presupposition of subjective and objective values. Such a presupposition has a subtle coherence which may help to render our value judgments intelligible, without obligating us to uphold a right to life for all plants. We do not, then, need to identify with the good of nonconscious beings in order to acknowledge their reality, but the same, as we shall now see, cannot be said of conscious beings.

2.9 The Argument from Identifying with Conscious Beings with a View to their Good

It might seem hard to put one’s finger on exactly what is wrong—if anything—with the Juggernautian perspective, and perhaps, in a sense, that is because one can only put one’s finger on an object. Juggernaut is overly wedded to an objective view of things, which is a somewhat difficult point to maintain, insofar as Juggernaut is in no way committed to the denial of subjectivity itself. It might grant that animals have minds, that they are subjects of experience, and might even deny the existence of “objective values.” Juggernaut, nevertheless, is only able to advocate harming animals by wholly or partially failing to identify with others who have, or are deemed to have, less good, as viewed objectively, i.e., “from the outside.” The countering of Juggernaut consists in the dissolution and transcending of a false and falsifying “objectivist” perspective on other beings, and hence the good itself. Consistent with the foregoing, we need a perspective of ourselves and others which does not reduce beings, at least in the view of agents, to being conceived merely as objects. at any moment of consideration. Even if it is abstractly conceded that others are subjects, that is not something that can be acknowledged, and then later ignored.
To be adequate to the reality that we are not merely objects—because of our subjectivity—requires a certain, and perhaps even extensive, use of the imagination.43

We find that we, ourselves, are aware of things, and our self—or rather, our point of consciousness that is aware—is not, itself, an object of awareness for oneself, nor for anyone else. Some have denied the existence of “one who is aware,” simply because such a being is not, itself, an object of awareness, although we continue to be aware of other things. We have received the presupposition of this work that we exist as subjects who are aware of things (and those who do not make this presupposition must, nonetheless, face the “practical reality” of subjecthood), and the (possible) lack of “objective” reality of same does not discount its subjective reality. We can see the brain, but it is unclear that this is the one who chooses: here, of course, we leave room for the debate between dualism and monism, with all of its many perplexities. What is clear is that an “objectivist,” in my special use of the term, disturbs the balance between the objective and the subjective by conceiving of subjects and the subjective—either partially or wholly—as objects, or in objective terms. I am not advocating any abandonment of objectivity here, but only applying objective modes of awareness to objects and the objectively real, and not to subjects and the subjective. There is no artificially forced choice here between a “subjective view” and an “objective view”—one can have both. Unfortunately, one can also have both in a poor, unbalanced combination.

Let me explain how subjects and the subjective cannot really be known, or even reasonably approximated in awareness, objectively. In taking empathy seriously, we acknowledge the full reality of subjects, and not just a universe of objects. Others’ points of view are a reality which we must acknowledge, as surely as our own points of view are real (as any casual introspection will reveal). When we empathize with another, we acknowledge the absolute reality of another point of view in another, and try to imagine what it is like to be that other. Merely seeking to surround ourselves with the superficialities of another’s view is not enough. We must aim to be considerate of the other’s values, emotional dispositions, attitudes, experiences, and so forth, insofar as this

43 I use “imagination,” here, to refer not only to visual imaging, but getting a sense of thoughts and feelings that others might have, as well.
is possible. This considerateness makes it possible for one to be and to act with others, in an important sense, and not apart from them, merely observing them impartially, from an objective point of view.

We are often unsuccessful in such would-be-empathetic imaginings, but we are likely to be more successful in trying to empathize in this way, with attention to the evidence of others’ mental states and also their situations, than we are if we make no imaginative effort at all. Making no such effort results in a kind of default perspective which, of course, acknowledges the other’s body, and may even register a list of certain mental attributes observed “from the outside,” as it were (e.g., irritation, faith in God, etc.), but does not try to know what it is to be that other, from his or her own perspective (even if that, itself, is abstractly—hence objectively—accepted as existing). There will not even be an approximation of this reality in one’s mind, but instead, a nullity where at least a much more adequate idea of the central reality of another—his or her conscious point of view—could be, and ought to be, if one seeks to know crucial aspects of reality. The objectivist view of subjects treats subjects like objects, then, conceiving them as bodies, with a “grocery list” of mental things, including “a subjectivity,” somehow attached. These mental attributes are linguistically described from a neutral perspective, but are not in any way identified with, not empathetically approximated from one’s own imaginative point of view, so that one can better understand the other’s point of view.

At best, the “grocery list” model of the human mind, objectivist as it is, involves only a very limited use of the imagination. It adheres to the more or less public objects, words, which are ostensibly open to the inspection of all\(^44\) rather than actually identifying with others as best one can. Continuing with this theme, it is one thing vaguely to conceive of another as having an amorphously labeled “point of view” associated with them, and quite another actually to imagine being that other, which is only adequately trying to mind the other, in an important sense, if the other, as subject, is an important reality at all.\(^45\)

Points of view must be important if all that we really know directly is our own point of

\(^{44}\) I say this in spite of important issues concerning the privacy of understandings of the sense of words, although common frames of reference might still be available.

\(^{45}\) The essentially ethical question, “Do you mind?”, may get much of its purport in this context.
view, and we come to know or have beliefs about the objective world given what evidence, perceptions, feelings, and so forth arise on that point of view, whether in controlled or uncontrolled ways.

One certainly has a better idea of another subject as an experiencing being if one imagines what it is to be that other, which is not an objective exercise, but an assuming of an imagined subjectivity (itself not even an object of awareness, let alone does it necessarily exist in the objective world). The "alternative," of conceiving the other as an object, more or less, yields only a falsifying idea of the other subject, who, as such, is not an object. The objectivist view is also superficial, since one's experience cannot adequately be understood by another who merely lists a number of terms that pertain to some of one's mental states, without identifying with those mental states.

A computer could also objectively spit out such a list, and perhaps even be outfitted and programmed so as to recognize certain behavioural or verbal cues, and to generate such a listing, but the computer, which has no imaginative empathy, cannot know what it is like to be the other. Subjective and necessarily imaginative empathy we may call deep empathy, whereas objectivist views allow only shallow empathy at best. An objectivist unnecessarily and unrealistically differentiates himself or herself from others by failing imaginatively to identify with them. There is at work, here, an objective "distance" in viewing others as objects or collections of objects, a neutral stance in relation to others. This objective differentiation, as already argued, does not allow one to know—or at least to try to understand—what it is like to be the other. Through empathy, however, one can find or discover the value that others have in themselves, which is distinct from their value to others (which can be assessed partially through an objective regard). The inherent value of the other can be known by identifying with that other and his or her good, and thus affirming what is good for him or her. Normally, an empathetic perspective can yield a firm sense of values, since identifying with another's experience inevitably means

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experiencing things to be of value. Values are only in question if we step back from identifying with our natural perspective, adopting a more theoretical stance, which is alienated from any conscious point of view, per se, and is therefore, it would seem, unempathetic.

Now in identifying with another with a view to everyone’s good, a principle which I will defend, one may have to differentiate oneself, even actively, from those who do not have a view to their own or others’ good. Only identifying with others from an ethical perspective is advocated here, not merely assuming whatever subjectivity others happen to have. Ethical differentiation is very different from the kind of distancing which merely loses sight of the other’s viewpoint altogether. Indeed, ethical differentiation requires taking as full account as possible of that other’s viewpoint. It is just a rejection of uncritical “intersubjectivity,” which would have the ultimate effect of moral paralysis: accepting everyone just the way they are, oppressive aspects and all. Pure intersubjectivity, in this sense, can itself be oppressive. One ought to accept everyone as they are as a matter of fact, but not accept those who are oppressive as morally acceptable (on the basis of the classist fallacy, at least, oppressors are irrational). One cannot empathize with someone’s causing undue destruction, except perhaps at a bare level of intellectual understanding of motives, etc., but one can be “with” him or her in a way that lends itself to advocacy, say, of his or her basic well-being. Identifying with others, then, does not mean agreeing with them entirely—on the contrary. It is or ought to be a critical sort of awareness.

So the “objectivist” perspective, as such, is not realistic, and does not permit one to identify with individuals at all. Yet this is just how Juggernaut views things, if not entirely, then certainly to a dangerous degree. Juggernaut enjoins one to aim for the best in terms of the traditional conception of “the good.” A Juggernautian differentiates himself or herself from others right from the start, rather than constantly identifying with others, in at least a minimal way, in order to be adequate to the ever-constant fact of other points of view. These other points of view are not immediately “given,” so a leap of imagination is required in order to have any hope of identifying with them at all, and this, Juggernaut does not do, or surely, does not maintain. Rather, conscious beings, at tragically crucial points,
are regarded neutrally, as objects, from the outside, and the self is only too differentiated from others in failing to acknowledge others as they are.

Individuals are graded according to their real or imagined having or lacking of qualities, such as whether or not they manifest rationality, or engage in cultural activities, and so forth. These qualities are viewed not from the other’s viewpoint, but objectively, that is, from “the outside perspective.” The Juggernautian does not identify with the other at every possible moment when considering the other, and so the evaluator is not “with” the other in this important sense. So far from being “with” the other, a Juggernautian forces his or her will on foreign “objects”—who are not objects—which lack sufficient “quality.” Juggernaut is generally objectivist in its view of conscious beings, then, and might also be construed as excessively (though not necessarily exclusively) objectivist in its view of values themselves, as a consequence. For if one does not deeply empathize, one does not recognize what is good and bad for a being from his or her point of view, but rather imposes one’s own values, like objects, on everyone. An objectivist need not think of values like objects, since there hardly seems to be any coherent way of conceiving values as objects, but such a person is committed to judging worth from this outside, overly differentiated perspective that is “distant” from the reality of the other—at least as far as any suitably informed, imaginative leap can take an empathizer.47

Yet if one identifies with others imaginatively, sharing, in bare terms, Juggernaut’s idea of promoting the good,48 then one identifies with others with a view to their good,

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47 I would add, as an aside, that I think that deep ecology is objectivist, for it takes objective concerns pertaining to the biosphere, or ecosystem, or species, etc., which are based in the science of ecology, to override the significance of subjects. Thus it fails to be deeply empathetic to those subjects.
48 I do not have much to say about this orientation toward the good, except that practical ethics seems intrinsically concerned with the good. Any agent who is aware of good from the most aware possible perspective will presumably regard the good as good, not just as something one can take or leave, but as something to be favoured. This is particularly true if one identifies with the good of others, and thus finds it good, rather than differentiating oneself from that good, and thus regarding it more objectively or neutrally. So any proper, nonobjective view of values that identifies with others and hence their good will openly favour the good, and this realistic orientation will cohere with a good-promoting ethics. I think it is fairest to say, overall, that normal and healthy valuers, who self-identify and identify with others, in a realistic manner, will naturally favour good over bad as a matter of fact.

Let me also add that ethical empathy seems given to a welfarist, as opposed to a perfectionist, theory of value. Without making a foray into that large debate, it will be noted that identifying with another viewpoint is subjectively oriented, pertaining to how things are going for the individual who is identified with. All moral viewpoints will also be factually informed, and will be in harmony with an empathetic regard, at least in principle, with others. Objective facts are relevant insofar as they pertain to our capacities, and so on. However, perfecting ourselves in various ways, regardless of any subjective
receptive to their good and bad as they themselves are (that is, if the others properly self-identify in their own awareness, a matter that bears further examination), as well as the good of any others who are to be identified with in the given context—including oneself. If one truly identifies with another, with a view to his or her own good, then one is “on-side” with that other, and will not allow impositions, such as harm to that being’s good, without just cause. Certainly, this identification, as a fundamental requirement to gaining a realistic awareness, precludes acting against another on the basis that the individual lacks various qualities. For it will not be disputed that a being may have or lack various qualities, such as those listed in Q or elsewhere. That is a matter of objective fact. But in identifying with another with a view to his or her good, this commitment is not deterred by the having or lacking of such traits. No amount of superioristic contempt, on the part of Juggernautians or others, can justify one in failing to pay attention to reality, be it subjective or objective.

If it is said that one should empathize, or refrain from doing so, according to how rich or poor a being is in terms of goodness, the reply must be that ethics is not only concerned with a promotion of the good, but also with realities, or truths, as such they are. Good and truth are both fundamental to ethics. Identification with others is always required in attempting to have an adequate view of reality. Truth or reality does not alter, depending on how good or convenient or pleasing or rich or useful or rewarding it is for anyone or anything. It already exists, quite independently of its value for others, and this we, as conscious beings, must acknowledge. Such real or perceived payoffs do not matter at all, in this case. Some things are wrong simply because they are not faithful to the truth.

Moreover, the promotion of good does not entail either the promotion of objectivist good, or else excessively regarding others and their traits from an objective point of view. Identification with others does not permit us to ignore goods on subjective points of view, which are nonetheless real. In identifying with others, with a view favourable to their good, one favours what is good for them, and resists paternalistic (or even less friendly) impositions that would go against such favouring. This includes rejecting the notion that

valuations, seems unempathetic with what the individual values. The problem is considerably more complex than I have rendered it, however, it is a topic for another writing.
lack of objective good should entail any lack of respect. If one identifies with another's agency with a view to his or her good, then there is a friction against differentiating oneself from those of their ends which cohere with an ethical (i.e., deeply empathetic) perspective, and if one identifies with their welfare, there certainly is a resistance to ill-treating these individuals.

Just as someone who identifies fully with himself or herself and his or her own good would not tolerate being used as a mere means, so one who truly identifies with others in this way would not tolerate similar treatment of others. To subordinate another as a mere means is to objectify him or her by ceasing to (fully) identify with him or her as a subject (supposing what might be unlikely, namely, that such a subordinator identified with him or her in the first place). One who identifies with another accepts that being as he or she is at that moment. Only by differentiating oneself from the other, and grading him or her as an object from the outside, could one not accept that other as he or she is, and instead require him or her either to become something else, or to take lower priority in relation to others—or perhaps even to cease to exist altogether. It is only too easy to turn away from an object, or to be neutral towards it.

Moreover, comparing others against a values scale, such as the full list of Q-traits, differentiates the other from oneself—at least in the crucial moment of assessment—the judge as subject and the judged as object. Downgrading on the basis of this “outside” perspective of judging Q is without rational foundation. This overly objective way of viewing things is, itself, an irrational focusing on differences, and so is an exaggeration—and, indeed, a misconstrual—of their moral significance. Identifying with another is a categorical act, ideally, in aiming for a full sense of another’s experience of reality. It is only done by degrees, inasmuch as we cannot perfectly identify with others. If one categorically identifies with another, then adjusting one’s empathy according to degrees of Q is simply out of the question. That would amount to ignoring a fundamental reality, to a certain degree.

There is a kind of equality in categorically seeking to identify with, not only others, but also oneself. This equality resists all ranking, as whatever a being is, is accepted. That
is, a conscious being is certainly not subject to rejection at the level of fact, and only
demed as not ideal, in some sense, if it is incompatible with identifying with everyone
with a view to everyone’s good. Objectivist hierarchicalism is only to be rejected from
this perspective. To an objectivist, who does not identify, at least with certain others, so-
called “inferiors” can easily have their concerns deferred till last, or even indefinitely, so
downgraded are they in importance. If one does not identify with a set of concerns, they
will never assume urgency, and only can be addressed, at best, through a perfunctory and
abstract form of decision-making. The ethical perspective that is fully aware identifies with
all individuals, insofar as that is possible, “rich” and “poor” alike, and so rejects all
classism.

To cease to so identify is a mistake, a loss of proper perspective, so that whatever
pretext is used for this cessation is spurious, arbitrary invention, or an excuse to impose
one’s own will. An impoverished awareness can never be defended as being closer to the
truth, ethical or otherwise. While it is possible, speculatively, to compare subjective
values, one would identify with them insofar as they are ethical (i.e., consistent with
identifying with everyone with a view to their good), hence one would not seek to
subordinate and hence to objectify any individual on the basis of such a benign, relatively
nonalienating comparison. One cannot rightly cynically “dip into” another’s subjectivity
by trying to identify with it momentarily, only, then, to objectify the mind that is there,
alienating oneself from it, and ranking it against others. Identification with others in no
way rules out knowledge of their objective aspects, but regarding them only or overridingly
as objects rules out true cognizance of others’ subjectivity. One’s identification with others
must be as constant or as inconstant as one’s recognition of the other’s reality altogether. It
is not a mere aside, but is essential to acknowledging others’ full reality, such as it is.
Faithfully engaging in such identification, I find, means that one morally can or cannot do

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49 But whatever can be identified with, is. It is unacceptable that there should be any regression back to
objectivism’s assessing others for moral agency, and then regarding those who lack it, to any degree, with
contempt.
50 Although I cannot say that such comparisons would be entirely irrelevant to moral dilemmas, in which
equitable distributions will not decide the day. Still, this does not necessarily mean favouring those who
are richest in being at all times, without a kind of arbitrary favouring of the rich, or classism (more on this
later).
various things, and that not all is indifferent or neutral, as a distorted, objectivist view might lead one to believe, in which one chooses one way or another solely with a view to mere objects viewed from a distance.\textsuperscript{51}

It was mentioned, earlier, that there is a question of avoiding skepticism in ethics, in which case what is valuable is, at most, whatever one happens to value, and so on. Yet it is not responsible, at least from a practical point of view, to maintain that all ethical views are equally right, wrong, or neither. If one identifies with subjects with a view to their good, not only is one’s identification corrigeble by facts, but it is also informed by the truth-seeking need to identify in the first place. One will come to different values on a Juggernautian-type perspective than on a view that identifies with others. Moreover, deeply empathetic values are more adequate in that they at least seek to be more reflective of the reality of subjective points of view.

It is also worth noticing that one’s imaginative ability to attempt to identify with others (and one can be more or less adept at this, and can have one’s success tested by, e.g., simple communication to another of one’s sense of what that other is experiencing) implies something important. If other(s)-identification can preoccupy one’s awareness—and if, indeed, one can fail to be aware per se—then one can also fail to identify with oneself. This may sound extraordinary, since, of course, everyone occupies his or her own point of view, perhaps even as a tautological truth. But in real, substantive terms, one can neglect one’s own feelings, desires, tendencies to believe, and so on, and instead try altruistically (or even just compulsively, or out of fear) to serve others, at the utter expense of oneself, accepting the judgments of others rather than trying critically to assess matters for oneself, desiring what others desire, and suppressing one’s feelings in conformity to an other(s)-defined situation.

One can thus “self-abdicate,” in a sense, perhaps out of low self-esteem, measuring oneself against another person, or an abstract objectivist ideal. In identifying with oneself, one would accept oneself as one is, as each moment unfolds. On the other hand, it is

\textsuperscript{51} Recall how an objectivism such as Mackie’s can easily lead to skepticism in ethics, since, after all, where are ethical considerations in the real world of objects? Let it be conceded, however, that Juggernautian objectivism is hardly a neutral moral outlook.
perhaps too easy to identify only with one’s own vivid concerns and only dimly, if at all, with those of others. One must guard against this, and also, the other extreme of identifying with certain egotistical others in all of their grandiose claims to “special consideration.” In any event, another aspect of knowing reality is had through identifying with oneself, for which one is far better qualified, epistemically, than to seek to identify with others. One even has a special responsibility to self-identify. It is not only because one is self-identical, and one must respect that reality. More than that, oneself is the only one who can identify with oneself with the most knowledge and helpfulness, at least in many respects. One cannot fail to be oneself, but one can fail to be aware from one’s own perspective as such. Indeed, some identify with others in the latter’s failure fully to acknowledge and respect oneself, thus internalizing others’ mistaken outlooks, and allowing an excessive decay of self-concern.

I contend that if one identifies with both oneself and others, with a view to everyone’s respective good, with as full information as can be obtained, then a definite pattern emerges which may suggest moral realism: some things are bad for our health, or good for our awareness of reality, or enriching of our relationships, or apt to please, or physically empowering, and so on, and others are not. Values on our world view seem to supervene, somewhat messily (but perhaps intelligibly, on the view that I advocate), upon objective reality. It may be said that value is not an object, but, at least in part, a modification of a subject in his or her experience in a way that pertains to objects. Hence, there may be a substantially objective basis for valuing things that assist our objective functioning, or which conduce to the existence of the sorts of things which we value, and so forth. It is, in fact, the objective aspects of being, the ones which present themselves to others, which can be exploited by others: beauty, strength, problem-solving, communication, etc. Only insofar as we are regarded in an objectivist manner can we be truly exploited. However, the importance of objective reality, which is supervened upon, easily suggests the importance of both objective and subjective modes of awareness in our moral agency.
There could even be oppressive speciesism at work in some suggestions of moral relativity, if the objector to animal liberation would not say that just "anything goes" for our treatment of humans. In any event, there are reasons for taking the anti-oppression perspective, which also applies to nonhuman animals. On such a view, any arbitrary willingness to harm animals is unacceptable. Anyone who claims they can morally harm animals, because that is their choice of ethic, and it is simply relative to their own view, or that of their culture, is merely masking their own oppressiveness with a convenient, and unsupportable, ideology of ethical relativism. Even if there is no moral truth, oppression is almost universally rejected, and a consistent rejection of its underlying classism must be extended to nonhuman animals as well, lest one's impassioned rejection of oppression itself be oppressively limited to one class of beings. To imply that all of morality is arbitrary, and therefore, that arbitrary discrimination is acceptable, does not work, because we would not find it acceptable to treat humans in a purely capricious way, and in all consistency, as rational beings (regardless of whether there is a transcendent "moral truth"), we must extend the same regard, in the same way, to nonhuman animals. In any case, moral agents are not "arbitrary" to reject oppression, for just the contrary is true. Anti-oppression is just a rejection of the worst sort of moral arbitrariness: that which is arbitrarily harmful.

However, moral realism is not even necessary here, as a basis for our practical ethic. We can say, with Hume,52 that our natures are constituted so that we invariably tend to perceive values on our individual world views in a certain way, but that these values are not absolutely real. I am a moral realist, and call these values on our world views real, but again, that is possibly immaterial to the questions of practical ethics. Even if values are somehow "unreal" on our world views, most of us are constituted so as to value in comparable ways, or at least in such a way as to respect others' idiosyncratic values, if only we identify with those others. On this anti-realist picture, it would be pragmatic to control the minority of people who are psychopathic, in order to protect the vast majority

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who, in standing by their own values, will see the minority in question as somehow contrary, deficient, or pathological.

Now it is true that one cannot be aware of a viewpoint or point of awareness itself, i.e., the subject. One comes closest to realizing its reality (as one realizes the reality of oneself as subject) by trying to assume the viewpoint of another which, again, is not an objective exercise, although it may involve much reference to objective facts. Otherwise, if one does not even attempt to identify with others, one surely fails to acquire the best possible awareness of what it might be to be another both as an agent, and as an experiencer of reality. Thus, one's empathetic sense of others, however crucial, is not apt to be considered objective "information" about others, since an active use of the imagination is involved, although one's imaginings may well rely upon relevant factual information. This conception of ethics, then, goes beyond mere rationalism, and openly embraces the importance of the moral imagination as an indispensable tool, as well as the feelings, attitudes, and acceptances that result from imaginative or empathetic identification with others with a view to their good.

Let us say a few words about the importance of feelings in ethics, on this empathetic conception. We feel in reaction to our empathetic vision. It is unclear that our feelings are less cognitively basic than our reasonings, in ethics. If it is urged that our feelings are derivative, because they are reactions, it can also be said that reason itself derives in its inferences, and is itself reacting to our objects of awareness, and their perceived interrelationships. Feelings, moreover, do indeed play a role in our cognition since, after all, we are aware of them, and that, in relation to a great number of other things, of which we are also cognizant. We cannot even experience well-being without feelings, though one be surrounded with good things beyond imagining. Feelings are also a source of the ethical impetus, in reaction to an empathetic vision of the world. We cannot act or care about anything without feelings. Acting out of "rational indifference" must be a mere pretence, if it is held up as acting without feeling (being "indifferent" between two emotion-charged alternatives is an entirely different case). All of our attitudes and preferences are complexes, with necessarily affective ingredients. Moral reasoning, itself,
is very much a function of feeling well and rightly, with all due empathy. Psychopaths, after all, are notorious for reasoning very well indeed, without being capable of moral reasoning in any desirable sense (apart from shallow, manipulative inferences pertaining to ethics), for they lack all fellow feeling, bereft of empathy as they largely are.

Perhaps it is out of fear of the perils of irrationality and pride in rationality (a notable tradition in humanistic thought, it has been noted) which make us value rationality over feeling so inordinately. Perhaps it is the fact that feelings are evidently held in common with nonhuman animals that makes people so despise them, by degrees. Yet we cannot take for granted that a miserable life, in terms of one's passions, that is yet filled with great and exacting series of inferences, is superior to a life in which one feels wonderful, but can scarcely reason, at least in comparison to how one feels. Nor can we even take normal affect for granted (partially because it is not an all-or-nothing thing). Its key role has already been hinted at, and to the extent that we enjoy it, it is a gift, if only of nature, for which we may be duly grateful. Feelings are not absolutely to be trusted, it is true, but we must not disown or degrade them, either, thereby unempathetically diminishing a key aspect of ourselves.

Let it be noted, too, that one is not confusing oneself and others in the practice of deep empathy: one is seeking to be aware of others as they are, not to be any of those others. Others' good becomes our own insofar as we "adopt" them in our agency, but we do not assume whatever welfare needs another might happen to have (e.g., we do not suddenly become in need of grazing lands, as in the case of a cow). So far are we, in fact, from being others, that our culture encourages us to acquire a radically deficient awareness of others. Although others are not objects, our culture seems obsessed with analyzing all beings as objectively real, or, some might say, not real at all. While people often deride as "primitive" the animist cultures, in that they imagine even nonconscious objects and processes as subjects (agents, beings who experience), our own culture seems equally primitive in its frequent adherence to the polar opposite doctrine, conceiving of all subjects as objects—if subjects are allowed as real at all by objectivist philosophers. We might even go so far as to call this "inanimism."
Also following Hume, I gather that “is” does not, of itself, imply “ought.” So the prospect of identifying with others, of itself, does not suggest what one ought to do. But one identifies with others with a view to their good, and good does have normative implications, in my understanding, by highlighting the worth of different choices. Moreover, since this view undoes the Juggernaut family of views, which fails fully to identify with individuals with a view to their good, it follows that Juggernaut succumbs to the classist fallacy, and that, therefore, we ought to avoid this mistake in reasoning which inheres in all oppressive thinking: willingness to harm a being because he or she is different in some way. Non-negotiable identifying with others with a view to their good, and accepting them as they are, results in a kind of respect for individuals which does have normative implications. How far the claims of individuals go will be further assessed in Chapter Five, which examines the estimable question of whether individual rights and/or utilitarianism is ethically preferable. In that chapter, we will wish to know whether beneficence, or even maximal beneficence, might only be heroic or saintly, or else morally necessary. In any case, the classist fallacy, while ruling out arbitrary harming, does not make it incoherent or irrational simply to choose one’s own paths in pursuit of goodness. This is the case because, while there is a demand for justification that applies to harming, good things are often ends in themselves, and need no further justification (so long as their realization is relatively harmless).

Not having an utterly serious regard for an animal’s good, nor assuming that being’s good as a good for oneself in one’s own choices, even after trying to identify with that animal, only indicates a failure to identify, whether or not one’s attempt was made sincerely. For that result is simply not consistent with identifying with the other’s good. A contaminating, objectifying differentiation has crept in, or has failed to creep out, somewhere along the line. You can be sure that the other values his or her well-being, or ought to, if he or she healthily identifies with himself or herself. With claims that one is identifying with others, then, mere rhetoric does not stand up very well. The proof is in the pudding.

One can always say that one is “with” another or whatever else, but going against the other as agent by needlessly infringing upon his or her autonomy, or against him or her by capriciously abrogating his or her welfare, indicates whether one really identifies with the other with a view to his or her good. Proceeding contrary to another’s good, especially gratuitously, is an absolute indication that there is a lack of proper identification that is present. Sometimes mere pretenses at identification may be well-intended, at other times manipulative and exploitative, just to win a victim’s trust, but either way, the fundamental inadequacy remains. It is easy enough to fail at identifying, since, by default, we naturally perceive the world as being full of objects, and one could say that it takes a “leap of imagination” to grasp, or to attempt to grasp, another point of view. The illusion, evidently, can be perfectly enveloping: that the seeming absence of other points of view, in a mind whose imagination is inactive, reflects reality as it is. Others may easily appear as psychophysical objects, or collections of objects—which they are not, at least not purely. Yet it is ultimately irresponsible to fail fully to recognize the reality of other points of view, with an ethical concern for the good, as well as hypocritical, since one enjoys one’s own fully evident point of view. Whether one calls a point of view and its contents “objective” or “subjective” (and I have simply labeled these in the way that I find the most intelligible), utter ignorance of these things is morally suspect and perhaps even culpable.

Nobody can make for another the gestalt shift from an objectivist world view to one that identifies with others with a view to their good. No text can transform one into a person who morally identifies with others, for it depends on a use of one’s own mind. It may be difficult for some, but still, it is a morally necessary paradigm shift, and unfortunately, not everyone will accomplish it even to a substantial degree. Failures of

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54 By coincidence, a saving justification might be available, so the action might not be “gratuitous” from that perspective. But the justification might never have occurred to the agent, or might prove to be of no interest even if it were to arise in his or her mind.

55 On the other hand, returning to the question of plants, many ethical vitalists perceive a need to uphold their needs equally, and we have already seen Paul Taylor speak of identifying with their standpoint, perspective, or point of view. I contend, however, that in seeking to identify with a plant, or to get a sense of what it is to be a plant, to emulate the creature, there is no sense of what it is to be a plant, since plants themselves have no such sense, to the best of our knowledge. Our best awareness of plants is of an objective nature, then, but that does not motivate us to act on a plant’s behalf unless we identify with its good as good in our own view. To speak of identifying with a plant empathetically is anthropomorphically projecting a subjectivity onto a creature that has none. Only an extended concern for their good might motivate us, then.
moral imagination are as inevitable as weakness of will or irrationality in human societies.\textsuperscript{56} Indeed, a moral imagination is \textit{bound} to fail to give us a fully adequate grasp of any other being’s world view—in some cases more than others.\textsuperscript{57} This fact of inadequacy is extremely important, in itself, for the purposes of ethics. If one believes oneself to be “automatically” sufficient in this regard, there comes a danger of believing that one’s own limited view can or does really encompass all other views under contemplation. That would be an example of sheer narcissism,\textsuperscript{58} and may lend itself to imposing self-centred concerns without even realizing it, and not being really “open” to others with sufficient care. A good deal of cognitive humility is called for, here, combined with an interest in learning more about others, as one can, and trying to make allowances for what one does not know (e.g., not saying something that might offend someone needlessly, even though one might have no idea whether uttering that something would \textit{actually} offend him or her).

Still, it is better to \textit{approximate} an adequate awareness of others than to \textit{guarantee failure} of such cognition, such as by maintaining an objectivist view. One can only strive to take the part of another—not the whole. One makes a best attempt at grasping reality in many other spheres too, including science, without any pretensions to absolute satisfactoriness, so this aspect of the theory should not surprise anyone. Adequacy of

\textsuperscript{56} Lacking relevant experiences can deprive a moral imagination of what it needs justly to empathize. Just as specific experiences help one to empathize with particular problems, so it may be said of suffering in general that one needs to have suffered greatly in order—greatly—to empathize with another who is undergoing very challenging hardships. If one has not suffered significantly in life, it is possible that one will be much more challenged to be empathetic in a mature way, and may, in some ways, be left wondering what all the “fuss” is about over others’ hard circumstances.

\textsuperscript{57} Legal theorist and animal rights activist Gary Francione finds that forms of oppression, including speciesism, are prejudices or biases “in favor of those who are like the self.” Cf. Francione, \textit{Animals, Property, and the Law} (Philadelphia: Temple University Press, 1995), p. 17. The self-reference in Francione’s analysis is curious, and it is notably distinct from Singer’s and Ryder’s wrongful emphasis on selfishness. However, the pointing out of a prejudice against those who are dissimilar to oneself is not necessarily correct either. People can sometimes identify with beings who are quite different from themselves, such as apes, mountain villagers, or other people with very different lifestyles than, say, those of North American urbanites. It may be that people more readily identify with those like themselves, since, in that case, it is easier realistically to take the other’s point of view, informed by one’s own comparable experiences. However, if one \textit{likes} a different being, one may identify with him or her as much as anyone could ask, while arbitrarily refusing to identify with others (even fellow humans who are, in many ways, very similar). The point is that one may be prejudiced against those with whom the self does not \textit{identify}, not necessarily those who are very much different from oneself.

\textsuperscript{58} A narcissist, someone who is excessively self-involved (not necessarily self-loving, in this case, in fact possibly self-hating), may have difficulty empathizing, by degrees. Narcissism can be situational, and may increase in times of extreme stress.
awareness in reflecting perfect truth or reality serves as a somewhat distant ideal, while not, unfortunately, as a factual description of our very best awareness. As with theory and knowledge in general, one must remain vigilant about one’s own empathy, never taking it for granted, especially since we are so imperfect in our realization of it. We cannot assume, if we adopt empathy as our ideal: “Of course I’m empathetic.” Empathy is a particular achievement on particular occasions, and perhaps this point cannot be stressed enough. Narcissism, to whatever degree that it obtains, marks such a failure to achieve, which perhaps cannot rightly be rationalized (if only to the extent that it is avoidable). In any case, it would be one thing if we could have no idea whatsoever what it is like to be another—that would be a very good reason not even to try. But that is not at all the case. 59

2.10 A Criterion of Moral Standing: the Capacity for Consciousness

I propose that having a capacity for consciousness is both necessary and sufficient for moral standing. On my way of thinking, it manifestly makes no sense to speak of what might have moral standing. I have already argued that to cease to have empathy for any conscious being is both morally repugnant, and out of touch with reality, whereas failing to identify with a nonconscious being, including its good, does not fail to acknowledge any objective reality associated with that being. Conscious entities’ good must be considered, if at all possible, and the good of nonconscious beings can be considered if one freely

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59 As a peripheral note, it might be objected that different metaphysics or epistemologies might distance themselves from deep empathy. I can only reply suggestively here. Even a skeptic, who, say, doubts the obligation to be reasonable, or to be aware, or to pursue good and to avoid harm, or the reality of value, can still find a normative orientation in empathizing deeply with others, and might do so out of human nature, accepting the role of moral agent, or simply grappling with practical realities of relating to others, and the perceptions of value for everyone concerned (hence a pragmatist epistemology, as well as a foundationalist or coherentist justificatory scheme, might be used to help to rationalize deep empathy). I have already indicated how an extreme reductionist, or even eliminativist view of minds, still has to cope with their practical reality. One can also deny objective good’s reality, while granting that objective things have a role in causing us to have a sense of value—one is then left with the onus of empathizing with those subjective values, which also generates normative obligations. I also presupposed a rejection of Platonism. Yet, even if one accepts a version of the latter, one cannot act for or against universal Good in itself—since we cannot affect an eternal, unchanging entity—although we can still act for or against conscious beings, for whom alone real good (which is so because it instantiates the Good, on such a view) is significant, and who are therefore to be identified with. I am not a pluralist, in the sense of affirming that all of these views are right, but, at the same time, I cannot attempt to sort out these differences here. Empathy is universally acknowledged as important in moral development (nobody calls psychopaths moral agents in any full sense), and I am suggesting that it is just as key in moral practices from day-to-day, no matter what may be one’s extra-moral-philosophical perspective.
chooses to identify with that good. In a sense, it might be unempathetic to posit any
criterion of moral standing that would discriminate against any number of conscious
beings, or which would omit consideration of important aspects of their consciousness. It
is more empathetic to view beings as wholes (i.e., holistically), to the extent that they
ethically can be empathized with. It is better, as well as more realistic, to regard individuals
as a wondrous unity of plural aspects.

We can also follow Goodpaster’s distinction between moral considerability, and
moral significance.60 Moral standing involves, as I have said, deserving basic practical
respect, however, someone who is more morally considerable might merit extra
consideration, at least in certain cases. I have already indicated that fully identifying with
another being means giving it full consideration, however, there are some situations in
which not all of the interests of conscious beings can be accommodated. In such cases, an
appeal to different degrees of moral considerability may be in order. However, that is an
issue of normative ethics, which is not the present topic of discussion.

Who else has adopted consciousness as a criterion of moral standing? None of the
major authors cited in this study have done so. Humanists would reject it because of its
anti-anthropocentric implications. (I say “anti-anthropocentric,” here, as opposed to merely
“nonanthropocentric.” because those who embrace deep empathy would advocate against
anthropocentrism, and not merely indicate that they just happen to subscribe to a different
theoretical classification.) “Consciousness,” as such, does not even appear in Juggernaut’s
list of components for Q, since it would not obviously or necessarily contribute to the good
life, except indirectly. Deep empathy affirms conscious points of view as such (ascribing
inherent value to conscious beings, as earlier remarked), but an objectivist way of thinking
would examine the contents of consciousness from an “outside” perspective (not identified
with the consciousness itself), and somehow assess those objects of consciousness for
their worth. We must acknowledge the full reality of conscious beings, including their

60 See Kenneth Goodpaster, “On Being Morally Considerable,” in Environmental Philosophy: From
good, and that means identifying with them and their good, and so, by implication, with much that morality might be taken to entail.

Sentientist and vitalist theories of moral standing do, in some ways, reject consciousness as a criterion of moral standing, but for no good reason with which I am acquainted. "Sentience" is derived from *sentere*, or "to sense," and this was Aristotle's sense of the term. In the modern parlance, however, sentience has come to refer to a capacity for feeling pleasure or pain, and/or the ability to suffer. Yet sensory experience, pleasure, pain, and suffering are all simply different aspects of consciousness. Identifying with an individual and his or her good means identifying with the individual as a whole, and *all* that might be good to him or her. I do not find it self-evident that pleasure, or feeling good, alone is good for us. What about the goodness of being aware itself? That, it appears to me, is an independent factor or component of what is good for conscious beings. Commonly, we value "good experiences" or "good films" even if they are not particularly pleasant, but still, such forms of consciousness enhance and affirm who we are as conscious beings. They provide us with a satisfying sense of meaning and significance, which is satisfying precisely because we find it to be meaningful and significant. We are interested in lives as narratives, both pleasant and unpleasant aspects—up to a point. Hence the endless fascination with many kinds of memories, novels, movies, perceptions, reportings, etc., not all of which are so pleasant. In my experience, consciousness craves more than just pleasure, but also meaning and significance, as intrinsically valuable. It is easier, from this perspective, than from a hedonic one, to understand people not wishing to be lied to. I do not mean to imply, however, that it is good, on the whole, for us to seek to become well aware entirely apart from how good we feel. Just the opposite, in fact, is the implication. But neither is it good for conscious beings, on the whole, obsessively to seek certain kinds of feelings, while neglecting what is good for their awareness of reality.

As for vitalists, they do not even seem to be able effectively to divorce themselves from the direct consideration of consciousness, in revealing ways. Albert Schweitzer offers the following definition of "life," which he pens in *Reverence for Life*: "Life is
feeling, experience, suffering." Notice that all three characteristics cited here are standardly conscious functions. I also recall, here, the biocentric view of Paul Taylor which, as discussed in the last chapter, finds the need to make theoretical references to the "standpoint" or "perspective" or "point of view" of nonconscious beings. Such beings are not ordinarily described as having any such things, which are normally associated with consciousness. Such beings simply are, and although they can be said to have their own good, as I have argued, the language of Taylor simply serves to mislead. This unexplained contradiction in terms indicates, to me, the intuitive import of consciousness in framing one's thinking about moral standing.

I acknowledge straight away that, in certain cases in which euthanasia becomes a practical question, there may exist only a "vegetative" consciousness that is of questionable value. Also, in cases of terminal, intense, and unrelenting suffering, consciousness might be deemed to be unworthwhile, as well. However, let there be no misunderstanding, here. We ought not blindly to uphold the mere existence of consciousness, but rather, to consider any conscious being, including those considering euthanasia, worthy of basic practical respect. Therefore, we would consider their good, and it is by no means given that this would mean prolonging conscious existence as long as that might be possible. Given the quality of consciousness, or of life for the conscious being, it may be better for that being to cease to exist as such. Consciousness entitles one to respectful treatment, but does not dictate what that treatment ought to be. By contrast, if life itself were our criterion of moral standing, even euthanasia would not necessarily seem to be good for anyone as a living being, although it may be of service to someone as a conscious being, at certain times. Euthanasia debates themselves often revolve around different definitions of time of death, and one obvious contender is the permanent loss of consciousness. This is significant, not least of all, because after the time of death, at least on the framework of deep empathy, a body is no longer possessed of moral standing.

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Even momentary consciousness involves some relation to the world, an awareness of it, and there can be good and bad experiences from such a standpoint. Even if a conscious being really is temporally discontinuous in being aware of his or her own consciousness (i.e., unable to recall prior experiences, or to anticipate future ones), there would still be a continuum of conscious states in that being. From the point of view of the being so limited, there may be no such continuation, but it would still exist in objective reality (i.e., independently of what anyone might judge to be the case). We must, in this and all other cases, avoid confusing anyone’s world view with the actual state of the world, and therefore not judge that state of things by the illusions of some. It is quite enough that we, as empathetic agents, are aware of others’ capacities for consciousness, and ability to experience good, and accordingly, we take responsibility for this knowledge, and must, accordingly, treat others with respect. In the case of a patient with severe senile dementia, we would respect the being’s good in the given moment, or set of moments, not merely out of respect for anyone else who happens to care about that being.

It follows, from the above account, that a lack of self-consciousness, or awareness of oneself as an ego, and possibly an ability to use “I” language, is not required for moral consideration. All that is necessary is for others to be able to identify a given being as an individual. We do experience many things without thinking about our existence as individuals, and it is possible that some creatures may be like that on a permanent basis. Again, we must not confuse the world which exists with anyone’s world view, or in this case, the individual, which exists regardless and suffers, finds things good, regardless of having a world view which includes a concept of “self.” It is not enough, moreover, to be aware of aspects of one’s actual self, to have self-awareness, any more than waking up facing the ground on a mountain, not knowing how one got there, is being aware of the mountain as a whole, which goes unperceived at that moment.

In the absence of deep empathy, consciousness would not seem to be enough to command respect. We would need something further to care about, such as suffering. Consciousness is so basic, bare, and unassuming, like physical space or time, that it might well be taken for granted. In addition, people who seek to erect a severe sort of hierarchy
in ethics will not be pleased at the profoundly leveling tendencies of identifying with all conscious beings. Again, since there are good and bad forms of consciousness, this fundamental phenomenon does not obviously single out something of value to the unempathetic.

The animal liberation movement has laboured long under the term, "sentience." Indeed, the term is, for many, a chore to know—it is puzzling to many in the movement, and often only a vaguely and confusedly entertained notion. It is little wonder, in a way, since "sentience" is a highly specialized psychological term. Moreover, animal advocates would, if it is possible, seize upon such a consideration because the ability to suffer is one of the few things shared by humans and nonhumans which most people will admit is somehow morally important. One thinks, in this last instance, especially of the utilitarianisms of Bentham and Singer.

Yet, in a fundamental affirmation of conscious beings, we can possibly gain further insight into the truth-seeking aspect of ethical empathy. We have fuller being and functioning as ourselves, as conscious beings, the more ideally conscious we become of reality, including what is good and bad. It might be protested, however, that ignorance is also part of our natures. Indeed, we are more ignorant than we are conscious, so why choose greater consciousness, when both are equally, in a sense, possibilities of our being? Yet we are conscious beings, whose nature it is to be conscious or not. In debating the best response to reality, we cannot even know or determine what this is without a sufficient knowledge of reality itself. We cannot even know an adequate or inadequate response, as such, let alone an excellent one, without sufficient knowledge of reality. Only a great deal of philosophical reflection, so much as we can reasonably manage, is sufficient for deciding how to respond to reality effectively, and that must also be on an ongoing basis. After all, people may devote their entire lives to the pursuit of wisdom. Philosophy tends to push people to the limits of human cognition, in many important ways, and there is much critical dialogue and disagreement on both sides. Even deciding that there is no basis for deciding anything (relativism) requires a careful and ongoing consideration of potential challenges to that position.
So much engagement is required before ever—if ever—deciding whether ignorance or consciousness is the best response to reality. One can affirm ignorance as a kind of irrational gesture, but that does not address the question of “why?” which was originally asked. If we are unconcerned even with the question of the best response, then we are literally degraded and degrading beings who care nothing, or not enough, for things of value, or who perversely refuse to reflect what is of worth in the world. That worth, and the worth, hence, of becoming aware, is real whether one is aware of this or not, either willfully or otherwise. Such people, who fail to reflect the reality of value as well they might, are, in a sense, of lesser value, as conscious beings, than they might otherwise be. Still, they, too, are necessarily to be empathized with, along with other conscious beings.

It is true that consciousness can contain false ideas, but it is only consciousness of something that can be false, and not the fact or reality of consciousness itself. There is still a conscious being with its own good to consider, even if that being is irrational, ignorant, demented, sensory-deprived, immature, comatose, etc. It is also possible that consciousness is not the same as the will, and full empathy would also consider the will as important. The will is important, but only insofar as it does or might play a role in conscious life. Otherwise, I find it difficult to assume that it could be of any moral significance (except indirectly, insofar as unconscious willing might impact conscious life). An empathetic being will be concerned with others’ actual and potential conscious agency, for this will profoundly affect conscious quality of life. For the above reasons, then, I affirm conscious capacity itself as a criterion of moral standing. I say capacity, of course, since we may lose consciousness, or otherwise come to have consciousness in the future which we do not have in the present. An empathetic outlook will affirm all of these actual and possible realities, and thus affirm the reality of conscious beings altogether.

### 2.11 Rights to Autonomy and Welfare

I have already mentioned, if only briefly, that one who identifies with another with a view to his or her good would be concerned with that being’s autonomy and welfare. Why would that be? After all, utilitarians have often, it seems, stressed the importance of
welfare alone, to the point of recommending its maximization as the sum total of the ethical ideal (which itself might include some allowance for autonomy, or even an inclusion of it in the concept of welfare—a move which, I argue, fails to recognize the fundamental significance of autonomy\(^{62}\)). Kantianism, that other great, traditional camp in moral theorizing, stresses autonomy almost exclusively, and would only involve promoting others’ happiness as an “imperfect duty” (although there, the duty not to harm others is an absolute, or “perfect” duty). Of course, one needs some modicum of personal welfare in order to pursue one’s Kantian duties, but that is almost beside the point, as is the fact that utilitarianism will allow autonomy to whatever extent that it does not make incursions against it—which is, perhaps, an equally trivial fact, it seems to me.

However, individual conscious beings have a few fundamental aspects to consider in this regard: in general, at least, they are doers, or are active, and they are also more or less passive recipients or experiencers of various perceptions, feelings, etc. Crudely stated: as doers, we provide output, and as recipients, we receive input. Let us also add the needless-to-add, namely, that these two aspects intermingle. One’s actively reasoned beliefs can influence the way one feels about things, the sensations that one receives provide one with some basis for acting, etc. Fully to identify with a conscious being, then, is to identify with his or her agency, including his or her ends, wishes, hopes, and so on. One would also, perforce, identify with his or her well-being, and value the security, happiness, enrichment, etc. of the individual.

We must avoid one-sided views. Utilitarianism is capable of indirectly justifying some consideration of autonomy in this sense, even if it is committed ultimately to maximizing welfare, so the present considerations are not meant to rule out that theory.\(^{63}\)

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\(^{63}\) There is a related discussion in Amartya Sen. “Well-being, Agency and Freedom: The Dewey Lectures 1984,” *The Journal of Philosophy* 82 (April 1985): 169-221. On p. 169, Sen declares a distinction, parallel to my own, arrived at independently, between the “well-being” and “agency” aspects of persons. For example, actions can be evaluated differently if one was involved as an agent. As he points out, p. 183, Brutus should regard his act of assassination as in a worse state, since he is guilty, than an innocent bystander would. I confess that I do not follow this: Brutus, assuming he developed a suitable conscience, might feel worse than others, but someone else can equally state that it is a bad thing that Caesar was killed, and also that Brutus’ guilt is a bad thing, even if the assassin himself feels worse about it. Sen’s
Still, it is easy to think that a being’s good is just his or her welfare, which probably is common enough. Perhaps the one-sidedness of the traditions stems from a one-sidedness in their conceiving of persons, for the purposes of morality, as fundamentally doers or agents, or as fundamentally enjoyers of the good life. But every time that one truly identifies with another, with a view to his or her good agency, and good recipiency (whatever they receive from reality: I have yet to find a more suitable term), one finds that one must uphold their autonomy and welfare, respectively, as a result—at least in unexceptional circumstances. This means that one always finds that others are, at least on the face of it, entitled to have their welfare and autonomy upheld, and indeed, we can protect these aspects of being and agency through the ascription of individual rights.

It feels good to have our autonomy respected, because it is good for us as free, independent doers whose tendency is to act, and to resist arbitrary restriction of our activities, although moral restrictions are to be accepted in stride. However, I think that the matter goes even deeper. It seems to me that well-being is something that we have or enjoy, as the kind of beings we are, but that autonomy is different, in that it helps to define who we are, through the choices that we make. Autonomy allows us to be ourselves, authentically, and not to be subjugated to others. One is not fully oneself, as a personality, if one is conforming to another’s template of living. Autonomy, however, is not only about freedom, but also about understanding limits, including one’s own mortality.

Without a grasp of our limits, effective self-determination is impossible. One never surpasses one’s actual limits, but thinking that one can—or else falling far short—may lead to dangerous errors. The “being” of people, then, is perhaps not an all-or-nothing matter, but it a matter of progressing towards the realization of one’s potential, in part defined by oneself.

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article, in general, is not entirely unrelated to the present discussion, but the details of his lectures are not sufficiently relevant to detain us.

I recognize, of course, that well-being enables an entity to express aspects of its being, its flourishing, that it might not otherwise express. But regardless of having or lacking such quality of life, the being is still not expressing who that being is in the sense that I mean. Some theories of welfare, such as preferentialism, are functions of individual choices, or autonomy of a sort. Acting in order to fulfill preferences, in a factually informed manner, can be seen as a form of doing well. My own sense of well-being is not very sympathetic to preferentialism, insofar as it finds that even if one is relevantly factually informed, one can fail to prefer that which conduces to one’s own, or another’s, well-being, if one also fails to identify with oneself. or others. with a view to the good of the being in question.
It is useful to distinguish autonomy from well-being, even if one can say that one is less well off for lack of self-determination (which can be considered a good that one can have). For with respect to oppression, it is possible for one to be enslaved to another, and yet be “well looked after” in every other respect. I think we say this because there is a difference between well-being, and “well-doing.” One does things well with virtue, of course, but also with freely choosing what is best by one’s own lights. The idea of having well-being, even if it means merely being given, or procuring for oneself, what oneself happens to prefer (which might be thought to capture “autonomy,” for some), is different from actively doing things freely (including the choosing or construction of one’s preferences, rather than being subject to manipulation by others, such as the media, one’s peers, etc.). Having “well-doing” in the aspect of autonomy (which is enhanced by the possession of certain virtues. I might add) leads to greater well-being, or feelings of well-being, although perhaps not always, as in acts of free self-sacrifice that nonetheless might be morally rightful. Hence, it is indeed useful to distinguish welfare from autonomy.

If one identifies with others, then moral restrictions do not come so much as an imposition, but as a welcome safety mechanism for all. If one’s empathetic endeavours ever depart from respecting these two basic rights, you can be sure that it is not a proper empathy, for respecting these rights embodies the equivalent of a minimal empathy for others (since empathy always enjoins such respect anyway). Rights are convenient, for general purposes, since they mean that one does not have to empathize, profoundly, with absolutely everyone in one’s range of experience, in order to treat them properly. Kindness, for its part, has the potential to be condescending, arbitrarily choosing to be “nice” to a given being, whereas in identifying with the being, with all due sense of reality, there may be little or no fooling oneself as to one’s obligations to that being.

I use “rights” roughly in Joel Feinberg’s sense: “To have a right is to have a claim to something and against someone, the recognition of which is called for by legal rules or, in the case of moral rights, by the principles of an enlightened conscience.”65 However, the adversarial “against” is not always necessary in the way of deep empathy. Hence we

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may substitute "against" with "from." leaving it open as to whether or not a claim needs to be made "against" someone who fails to identify with another. One can respect rights to autonomy and welfare as a minimum. More is often called for, certainly in personal relationships, but these rights are a useful baseline for moral empathy with conscious beings in general. Having a formal level of rights is useful for relationships that are rather impersonal in nature, whereas actual empathetic relationships, at an informal level, are what feminist ethics of care seek to have enshrined in ethics. It is not necessary constantly to verify these rights through empathy, since we can come to know, in principle, that they are common to all acts of ethical empathy. While not everyone is equally adept at actually identifying, and indeed we are far from always even able to afford a deep meditation of empathy for someone, we can virtually always accord with somebody's rights.

2.12 Some Nuances of Deep Empathy

Rights are relatively simple tokens for our understanding, but a rich ethical view will support subtler considerations as well. We have already noted how one can turn one's empathy "on" and "off" in a sense, either by making the imaginative leap, or else by simply not doing so. I have noted that one can exhibit a generalized empathy for all conscious beings by respecting, for example, basic rights to welfare and autonomy. One might empathize for manipulative purposes, as already stated, or even very partially, say, within the constraints of an oppressive system. For example, one can empathize with a slave enough to give him or her water when thirsty, but stop short of fully identifying with that slave with a comprehensive view to his or her good, which includes not only welfare, but also autonomy—and what kind of slave is self-governing in any full sense, or truly thriving as an agent?

I should like to point out, here, that deep empathy is importantly self-limiting in at least three ways. One can empathize too little or too much. Overempathizing with others

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66 Since the ethics of care may, although it need not, deny the whole discourse of rights, my own view is distinct from it. The uses of an abstract shorthand such as rights are not to be underestimated, in my view, and however one might happen to care is certainly not sufficient against Juggernaut, and need not even be deeply empathetic.
(or oneself) involves neglecting to empathize with oneself (or others). Moreover, if someone is a wrongdoer, then one may be able to empathize with that person, in a momentary or utilitarian fashion, but not deeply empathize, with that agent's wrongful perspective, insofar as it is mistaken. One can thereby understand, to some extent, what the other is about. But an ethic of deep empathy forbids one from deeply adopting, for any long term, another's callous view of others (at least insofar as it is hardened). Empathizing too much with such persons can lead one to regard vile outlooks altogether too lightly, or to be too all-accepting or lax, or even to joke about what is truly evil as though it were merely "funny" or quirky. One cannot rightly assume the point of view of an oppressor without abandoning morality itself, or contradicting one's ideal. Such views are not merely different, but, it would seem, wrong to follow. I believe that one can be too soft, credence-giving, "understanding," or conciliatory, as Chamberlain was with Hitler during the latter's rise to power. Paradoxically, on ethical empathy, not empathizing in certain ways can be as important as empathizing itself, and, in fact, also stems from a steadfast commitment to deep empathy.

There is a third aspect to the self-limiting character of deep empathy. One can try to achieve empathy more or less empathetically. It is not empathetic carelessly to form baseless notions of what others are going through. It is more empathetic to carefully, yet discretely, investigate in order to discover what, at least approximately, is presenting itself on the other's point of view. In general, I think that if "emotional intelligence" can be measured, then so can "empathetic intelligence," or one's power to engage in deep empathy.67

67 Some measures for this, which of course must be approximated, might include: (1) ability to imagine other points of view; (2) ability to feel and to understand ranges of feeling; (3) ability to convey to others what oneself and others undergo; (4) wide-ranging experiences which help one relate to others' situations; (5) perceptiveness in noticing others' situations; (6) reasonableness in inferring other points of view from available indications; (7) balance in identifying with oneself and others in the given context; (8) not being compulsively or uncritically empathetic with oppressors; (9) not imposing one's own ideas, stereotypes, etc., on other points of view; (10) not thinking that one is "automatically empathetic." (11) being aware of oneself in relation to others, and how this influences one's perceptions, thus trying to avoid distortions in understanding the other as apart from oneself; (12) not limiting or compartmentalizing one's empathy by excluding it from the realms of politics, law, economics, art, science, culture, etc.; (13) not viewing morality as entirely abstract; (14) avoiding "turning away," or refusing to have empathetic regard, including when another is different in a way that one might consider "inferior;" and (15) not only holding to empathy intellectually, but also in practice.
It should also be considered that conscious beings do have an objective aspect, in the form of their bodies, which seems to amount to objects existing, in a crudely conceived sense, apart from any subjectivity. It is sometimes useful to focus more on a conscious being in his or her objective dimensions, such as in combat, surgery, or perhaps even in the admiration of physical beauty (although these intertwine profoundly with empathetic appreciation as well—I have no wish to oversimplify matters). Bodies, in some sense, are extensions of our subjectively governed agency (i.e., they are governed by our consciously made decisions, to some extent, and anything of a conscious nature is subjective, according to my earlier definition). But the connection can fail, as in, recall, Hume’s famous example of a person willing an arm to move and nothing happens. His example might even be realistic, if a surgeon somehow severs nerves that are required for movement, or an accident results in sufficient damage for this effect to occur, etc. The subjective also relates to the objective in that our values supervene upon the objective world, and identifying with another with a view to his or her good also involves seeing various objective things in the world as good or bad in relation to that being, to the best of one’s knowledge. There is no substitute for an empathetic understanding of values, but let it be conceded that values can be perceived from an “outside” or objective perspective by conceptual models, such as lists of goods pertaining to kinds of subjects. However, the moment the reality of individual points of view are disrespected, in that moment, any pretence to moral adequacy is left behind. A mere and, indeed, superficially directed change of perspective can never eliminate the challenge of, and need for, deep empathy.

But while one may well wish to empathize for ethical purposes, respect for the autonomy of others means granting them the privacy they often seek, and may initially, at least, be presumed to want. So one would not be keen to know absolutely everything there is to know about another’s world view, in a prying sort of way, like a “collector” of other world views. One is not trying to colonize others’ consciousness, self-abnegate, slavishly imitate, nor vicariously to live others’ lives, amongst other possible aberrations.

We can see that Kant’s idea, that the only unconditionally good thing is a good will,⁶⁹ is a limited conception, in a sense, since Juggernaut is an embodiment of a certain kind of good will, which is accompanied by an overly objective viewpoint. Maximizing good can result in perfectionistic, oppressive outcomes. Pursuing unconditional good will, or willing maximal good, is very distinct from deep empathy. It may be an imposition on someone’s autonomy to require that they always maximize goodness, since so far, all I have been able to justify as being morally irrational—thanks to a rejection of the classist fallacy—is being oppressive.⁷⁰ It is a far cry from requiring freedom from oppression to demand that good ought to be maximized. Thus, the view from deep empathy seeks to leave much room for individual choices, but also for supererogation.

Indeed, a critic can go even further than Hume’s “is” does not entail “ought” principle. This principle recognizes a separation between the realm of fact, and that of value (or broadly conceived, the moral realm, which includes norms, oughts, etc.). One could even doubt, within this “moral realm,” whether just because something is good entails that one ought to promote it, although we have already seen that oppression ought to be avoided (if we accept that one ought to do what is rational, and reject arbitrary impositions of harm as oppressive).

It follows that the meaning of rights to welfare and autonomy, on an anti-oppression ethic, amounts to protecting conscious beings against harm to their well-being or autonomy, and I interpret this to mean harming by depriving of good, as well, on the reasoning that it is less than empathetic to be unconcerned with harms that are deprivations. What constitutes a “deprivation” may allow some flexibility and attention to context, so that one would not feel “deprived” of whatever thing, in the given context, constitutes a frivolity, although, of course, serious harms cannot be omitted from consideration. One is

⁷⁰ Moreover, if good will is to be maintained always, then unconditional good will implies a rejection of conditional good will, such as might be found in reciprocal relationships. In doing one’s duty, perhaps unconditional good will is called for—one must do it, and that is all. However, in elective associations such as friendships, being compulsively unconditionally benevolent, even if it is not returned, can be a recipe for exploitation. In practice, empathy requires self-identification, and hence self-respect, and would therefore value a friend’s reciprocating with respect as well. Of course, it would not be reasonable to expect such respect from those who are not moral agents, but that is another matter.
free to promote extra good, beyond anti-oppression (with its concern for basic welfare and moral autonomy), of course, but on this view, one is no more obliged to pursue superfluous, unnecessary goods for others than one is for oneself. For example, while it may help to maximize goodness to run out and buy candy for all of the children on one's block and hand-deliver them with a new song and dance every week (I would not know how to assess the maximum of goodness, so I am guessing here), it is not one's moral duty to do so, on this anti-oppression account, on which the really morally necessary thing is to avoid and to prevent arbitrary harming, whether because of arbitrary discrimination, or as a part of indiscriminate behaviours. One might choose to treat children this way for fun, however. Not being given goods does not always mean that one is oppressed, for their absence does not always entail the harm of deprivation, at least for moral purposes. Such promotions of good are truly beyond the call of duty, indulgent, or generous, generating additional good beyond that which anti-oppression rationally requires.

Still, we do not empathize only with the needs of beings, and not with their wishes. It is true that what one freely chooses is not a duty to choose. Therefore, it is a kind of category mistake to ask what particular usage of irreducible freedom of choice is a "duty" to pursue in any given life. Freedom cannot be eliminated by morality. It is unempathetic, however, to regard someone as a mere means to satisfy needs, even if a given being's needs have already been met. In identifying with another, we also identify with their free choices. This is contingent on what choices they actually make, but is irreducibly part of empathizing with other points of view. Hence, deep empathy promotes a strong regard for both needs and freedom, with the practical recognition that needs support freedom, and freedom lends meaning to the satisfaction of needs. Imbalanced extremes on either side are to be rejected: frivolity on the one hand, and brutal survivalism on the other. A "necessitarian" view, stressing only needs, might even form a very spare interpretation of "needs," in order to push for what is most needed on such a bleak view (which is the opposite of another excessive view: libertinism). This matches the moral experience of most people, who do not obsess about satisfying needs alone. We do not constantly contemplate duties, but also pursue our own free ways, and help to cultivate those of
others. Nor do we feel inadequate in this, and rightly so. People are generally comfortable with their own and others’ freedom, quite apart from needs, and that is a good thing. There is a “need,” after all, to empathize with free agency on the ethics of deep empathy, although this need is not the same as any generally stateable need of any particular being. At the same time, it is not acceptable simply to neglect general needs, and a pursuit of freedom must be harmonized with fully taking seriously the unmet needs of this world.

In general, a “good will” also implies a predisposition to act, whereas it is sometimes respectful to other-identify when one cannot, or at least should not, do much of anything, at least objectively. For example, one may not be able to help the incurably ill, but deep empathy with them can be deeply respectful, so that they might not feel that they are alone, or that they are going through their travails all by themselves. An objectivist with “good will,” above all, might move on if he or she can do nothing objectively to assist such a person’s self-governance or welfare—an unintended kind of “fair-weather friendship.” Perhaps it is a part of one’s well-being to be identified with, however, this is not a conventional view with which I am acquainted. It seems as if deep empathy, with a person whom one cannot assist objectively, is more like a form of well-wishing than good will, except insofar as one wills the imaginative leap to empathize with the other—which can be very good indeed. The empathy itself goes well beyond mere well-wishing, anyway, and that is why it is so very much valued. This empathizing, then, involves a kind of caring about the other, as the ethic of care would have it, but there are good and bad kinds of caring, and the latter ethic does not adequately account for these. Nazis care to wipe out Jews from the face of the Earth. The deep empathy view gives caring a positive form, since caring, by itself, is inchoate, and possibly even amoral or immoral.

What about those seeming nemeses of good will: indifference and malevolence, or ill will? Indifference is perfectly acceptable in the realm of genuine freedom, beyond oppression, where one may well be indifferent to (which does not mean “uncaring,” here) various, legitimate options that one can choose—or not—without being required to do anything in the matter. Complete indifference to good, once oppression is obviated in the given context, is more like an instance of the pathology of anhedonia, such as that which is
caused by some extreme depressions. Indifference to oppression is another matter, and is irrational, in a negative sense, on the anti-oppression argument. Malevolence, of course, is out of the question, morally, as it is never apt to be disposed to arbitrary inflictions of harm. At most, malevolence which naturally arises is to be empathetically accepted, purely in a matter-of-fact sort of way, only to be redirected, transformed, or opposed.

Now for the frequent comparison between ethical respect, on the one hand, and "love," "friendship," or "fellowship," on the other hand. In ethics, one often hears of agape, or Christian love, or love for one's fellow man or humans, which is often meant to mean moral respect that is only analogized with love. Deep empathy with others need neither be nor involve any of these forms of personal relations, and such relationships constitute only very imperfect metaphors for ethical identification with others. In deep empathy, there need be no affection, warm feelings, and so forth (although there might well be, especially in the case of intimates), but only a sense of another's world view with a view to his or her good. It is true that, in loving relationships, ideally one ought to identify with the other with a view to their good, but love often extends to what is best for the beloved, which may well—on this analysis—go beyond moral duty, since it is a freely chosen lavishing of affections, or kind gestures. Deep empathy need not be as personal as love by any means, and usually is not at all, insofar as respecting the rights of conscious beings is a reflection of empathizing with all such beings in general, or as a rule.

Similarly, a slogan in the animal rights movement is, "Animals are my friends, and I don't eat my friends." One sees this sentiment on the occasional tee-shirt.71 People sometimes (sometimes annoyingly, perhaps) say "my friend" to absolute strangers, a gesture which is meant to convey a sort of well-meaning attitude towards the other. Again, there are some discernible commonalities, but the same personal dimension is not always common, and if one seeks it in moral relations, one will often be disappointed. Indeed, identifying with another often involves realizing that the other does not identify with oneself, and may even actively, or malignantly, differentiate himself or herself from one's own self, and this is hardly the stuff of friendly relations.

71This aphorism is attributed to George Bernard Shaw, who might certainly have agreed with the sentiment, however, I have yet to find the literary source for the slogan.
Even acquaintanceship is not always like deep identification, since generic rights often make allowance for those completely unknown to oneself. One who deeply identifies is richer in love, friendship, and acquaintanceship than others, perhaps. But such personal or quasi-personal relationships do not exhaust the possibilities of deep identification. This is so, even though the possibilities of acquainting oneself with others are vast, especially if one considers reading a biography, or the like, to be an admittedly very fallible form of acquainting oneself with another (although obviously not vice versa). Perhaps we are most effective to concentrate on helping those whom we know best how to help, but that is not the limit of what morality requires of us. Some beings hardly, if at all, have the benefit of a caring circle around them, and need assistance from moral agents “out there,” beyond even their circle of acquaintance. Still, in resisting oppressive incursions against well-being generally, hopefully some of the same warmth of spirit that is found in friendship, for example, will also make itself felt more generally.

2.13 Objectivism: Some Destructive Aspects

Conceiving of others as objects, or else as constellations of objects, has its perils. People only too often conceive of others in abstractly objectifying terms such as stereotypes, insulting labels, caricatures, mere images, or objects of ridicule, thus diminishing the full reality of the other. Objectivism, since it is not “alive” to other points of view, tends to cultivate an ego-bias by default, since one naturally tends to consider one’s own point of view, and this tendency would inevitably lead an objectivist unfairly to discount the viewpoints of others. Why would one take other points of view seriously if one does not make any serious attempt to understand or even to recognize them? Still, let it be said that objectivists often have very sophisticated understandings of others as psychophysical objects, with occasional glimmerings of others’ points of view, and are capable of truly unselfish acts and moral feats, both great and small.

On an objectivist view, there naturally arises a kind of competitiveness. In failing to identify with others, and having a corresponding sense of contrastive differentiation from those others, it is natural enough, in pursuing the good, to ask which is the superior
object, or which possesses the most value. Hierarchicalism is a natural concomitant. For example, in professional athletics, or beauty contests, objective supremacy is, itself, a supreme consideration. So it is, too, with intellectual contests, which involve objective manifestations of intellect (i.e., they can be examined from an “outside” perspective, and become realities independent of any subject). A domineering attitude presupposes objectivism, because it seeks control over another as object (perhaps even self-control over one’s own self, objectified, or a part of one’s self that one isolates as “separate,” and views from the “outside perspective”). However, if one fully identifies with a conscious being, domination is not possible (except, maybe, when acting in self-defence), as there is no sense of an utterly differentiated other to dominate, although there are others. For if one identifies equally with others, at least in principle, then one is, in theory, equally “with” them, not over against them, as a dominator would be. One is less likely, in this same sense, to see another as an “opponent” if one identifies with him or her.

2.14 What Might Cause a Failure to Identify with Others?

Is deep empathy a natural capacity? Perhaps for many or most of us, it is. Regardless, one might be unwilling or unable to identify with others for a variety of reasons. I have argued that a complete unwillingness for deep empathy is morally wrong, at least on the part of a moral agent, whereas a complete inability might indicate a psychopathic personality.

Understanding what might impede moral agency is crucial to ethics, and to opposing oppression generally, and so the following speculation is offered, with a view to further research. Some of the important factors which interfere with deep empathy, and which follow from the preceding analysis, include:

- The natural, default perspective is objective, since most people do not automatically use their imaginations in order to seek to deeply empathize with others. People can remain in this “default mode” for a very long time, even lifelong, unless there is some intervening factor. So a natural tendency towards illusion concerning other points of view is often in play. It is easy to live as if these viewpoints do not exist, if they are...
absent from one’s awareness, which, instead, might be filled with more superficial perceptions and impressions.

- One can control objects with a view to one’s own benefit, whereas one cannot directly control another subjectivity (although one may be able to exert some influence), and people often enjoy controlling things, perhaps out of fear for their own (or others’) security, among other reasons. Hence the objective aspects of others might be focused upon, at the expense of subjective dimensions.

- Having the experience of being objectively graded can also hinder, or even destroy, identification with others, since one thereby learns to do the same to them.

- One also might be oppressive in various gross, or else scarcely detectable, ways, and the resultant lack of respect might well hinder identification with the oppressed party. One’s “respect” might be based on measuring others against certain value standards. (One may also overly objectify values, themselves, in a culture that may objectify virtually anything, and only grants reality to what has objective reality.) One thus ends up, perhaps, valuing traits, not individuals as such, a form of “respect” that is not adequately based in reality.

- Another being might be oppressive, so one might find it hard to have any pro-attitude towards that other. But one should not oppress oppressors either, if one is to avoid the classist fallacy, since being an oppressor is just a difference, albeit an offensive one. Although it is not a morally neutral difference, that does not give moral agents carte blanche to treat oppressors in any manner whatsoever. The only justification for harming, on an anti-oppression ethic, I submit, is anti-oppression itself: i.e., that harm which, as a last recourse, is absolutely necessary to counteract oppressive harm.

- Vanity may lead to contempt for others, and hence objectification, as can envy, feeling betrayed, angry, fearful, distrusting, or other forms of negative affect which may impel one radically to differentiate oneself from another.

- “Objective,” as I have already implied, has been sorely confused with “legitimate” in our culture, and “merely subjective” is a key phrase which often prefaces a dismissal. So “subjectively” identifying with another may seem to lack all legitimacy, even though
it is uniquely crucial for having a sense of the reality of other points of view. Moreover, paying attention to objective cues is also crucial for successful deep empathy, so the latter is not altogether lacking in objectivity, while, also, not restricted to the objective domain. Distrust of the "merely subjective" seems to pertain to ethics that is invented, i.e., essentially arbitrary, but the view advocated here stands in contrast to any such conception.

- Science often makes the tacit or explicit assumption that all of reality is material, i.e., objective, and this supposedly helps to explain things "parsimoniously," since material things and energies would then be the medium or media (depending on how you conceive of the supposed equivalence of matter and energy) of all causality. But if subjects are not objects, then perhaps the former do not exist, as eliminativists sometimes state, and so what would there ever be to identify with? This impoverished sort of materialism occurs in defiance of our own subjectivity, and our practical requirement to concede the "practical reality" of our subjectivity, but this view still influences many judgments which occur in our contemporary times.

- Subjects themselves are, in principle, unknowable to us, since one cannot even know oneself as a subject (except perhaps indirectly, e.g., this subject likes citrus fruits, etc.). We cannot view the mental viewer. The mysteries of the brain only compound the problem. Although the brain is key, one can still only problematically know a subject, in the capacity of being one, and one can only try to know another subject in the capacity of inquiring what it is to be like that other. This lack of knowledge may lead to unwarranted, outright dismissal, as if mystery = unreality, a most dubious principle which, if correct, should bring all genuine inquiries to a full stop.

- Guessing another's subjectivity can be wildly wrong, so people may not even try. But again, it is better to try, and at least empathetically to extend consideration for basic welfare and autonomy, rather than to fail to be empathetic at all, and thus be guaranteed a terribly wrong view of others.

- Some might fear the spectre of metaphysical dualism here. But my view does not entail any radical distinction between mind and body. Since the link between our minds as
we experience them and our bodies is unknown to us, we have no credible basis for either asserting or denying such a distinction, especially given our poor understanding of mind, matter, energy, and their possible interactions. As indicated, deep empathy is compatible with even materialistic views.

- Failing to identify can be caused by hardships, including abuse, discouragement, disease, or mental conditions which might lead one to become self-enclosed, or self-absorbed, at times.
- Is it too inconvenient—or perhaps even impossible—to identify with everyone, or perhaps even anyone at all, since it takes so much work to do an adequate job? This defeatism or indolence ought to give way to a more realistic attempt to doing one’s humble best to grasp reality, such as it is.
- People have come to objectify animals in many traditions, since humans often eat them, or otherwise utilize their bodies (or minds, as in entertainment). Historical traditions carry on with their own heavy inertia.
- With the growth of large-scale societies, greater objectification of people becomes natural, in a sense, since with so many people, and huge, only weakly cohesive communities, the investment in identifying with another does not correlate with as many selfish returns, since one might not meet the next person ever again. This helps to explain why larger societies are a hierarchical, objectivist far cry from band societies, which anthropologists have widely noted to be more egalitarian.
- Then, of course, there are psychopaths. Anthropologist Bonnie Kettel categorically indicates that the phenomenon of psychopathy is unknown in very small-scale societies, even at the tribal level. If this is true, or even largely indicative, then it would seem to follow that psychopathy is a cultural formation, and objectivism might be part of the cultural explanation. Given all of these factors militating against deep empathy for others in our objectivist culture, is it any wonder that there are individuals who, perhaps through conditioning, are pronounced by doctors to be “incapable of empathy,” and hence psychopathic? Psychopathy may be genetic, in part—perhaps

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72 This citation draws from a lecture in social and cultural anthropology that Professor Kettel delivered at the University of Toronto in 1988.
those genes normally allowing for a part of the brain which facilitates conscience are either absent or aberrant. In any case, it is practically a commonplace now that psychopaths, and abusers generally, have a tendency to abuse animals early on, and also to objectify their victims. The objectivist tendencies towards (1) egotism, (2) contempt for inferiors, if one grades others as mere objects (perhaps fueled by misogynist or other oppressive notions, which can easily arise from arbitrarily being willing to harm those who are “objectively” different in ways that one dislikes), (3) social alienation, which occurs easily enough, given the abusive egotism engendered by a thoroughgoing objectivist perspective, and above all, (4) a failure to identify with other points of view, can understandably lend themselves to the malignancy of psychopathy. Juggernaut is fantastically more altruistic than psychopathy, although it still tends to objectify mental lives: psychopathy merely takes this tendency to an extreme. Dr. Robert Hare, a psychologist at the University of British Columbia, developed the Psychopathy Checklist, which is becoming standardly used, both clinically and in research. He notes that psychopaths have an “apparent indifference to, or inability to understand, the feelings, expectations, or pain of others,” and also adds that such people often display “a pattern of hurting or killing animals...” Thus, the failure of empathy need know nothing of species boundaries. Psychopaths will also not be swayed by empathetically based arguments, but it should not be supposed, therefore, that they hold a superior viewpoint, are “above” morality, or that we need to “convince” them. Rather, the psychopath is developmentally challenged, and deficient in a capacity which enables moral agency and understanding at all.

However, we can be grateful that there are also factors that can lead one in the opposite direction.

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People often readily identify with babies, perhaps partially because, on the basis of the analysis in 2.13, one does not need to objectify an infant in order effectively to control him or her. Infants hardly constitute a threat (and are, in many ways, appealing). There are many other factors that would not merely disinhibit, but also actively spark, a kind of deep empathy with others:

- One might identify with others out of love, friendship, camaraderie, or common cause, and thus establish a bond.
- Having a companion animal and gaining a sense of the other’s inner life.
- Philosophical reflection.
- Religious cultivation.
- Spiritual ecstasy of the sort that Schweitzer reported can lead to deep empathy.
- Certain kinds of meditation can lead one to contemplate what it is like to be another.
- Reciprocity: if another identifies with oneself, one might see fit to return the favour.
- Others may “obviously” manifest as subjects, by reporting what they feel, think, etc., which identifies them as being more than just walking objects. Dramatically, others might present with extreme pain, or even impending death, which makes all too clear the imminent loss of subjectivity before any bodily demise.
- One might undergo significant suffering, and this might make one more sensitive to the suffering of others, and prompt one to be more considerate in order to avoid it. One can learn to be gentler from having suffered under oppression, but only if one learns to identify with others. Unfortunately, one can also learn to be more harsh from being subject to oppressive forces. if one becomes angry, defiant, self-defensive, and so oppressively objectifying as a possible result. Still, it often takes suffering to impel one to activate against suffering.

Juggernaut itself, we have seen, is not beyond caring, as one can glean from its response to the so-called “ethic of care” view, or rather set of views. I think that a Juggernautian view
would even agree that the development of empathy is key for moral development. However, Juggernaut would hardly stress a constant or unconditional need for empathy, even in principle, by the upholding of welfare and autonomy rights, that are consistent with a deeply empathetic view.

Pluhar, in her excellent book, considers empathy to be a part of normal moral development, and aberrations such as psychopaths are depicted as abnormal.\(^{74}\) This, in itself, is a relatively common view. However, in her Gewirthian account of morality, inferring rights from an abstract model of agency, empathy does not obviously play a part in the actual justification of her ethic. She writes that “although one can make a purely logical case for the respect of others’ rights claims, logic alone is often not psychologically compelling.”\(^{75}\) Empathy, then, becomes almost an afterthought, or at least a background consideration, something which may be useful for moral motivation. It is not seen as something that is essential to moral theorizing, or at least it is not stressed as such (let it be assumed here that one must be normally morally developed in order to theorize in ethics in an altogether credible fashion). She devotes part of a page to the problem of empathy, presenting the commonsense insight already cited. But she claims to develop a case for morality on the basis of reason alone, which seems to preclude an important role for imaginative empathizing.

Part of Singer’s justification for his sentientism is a quick consideration of the fact that one cannot empathize with a stone, or assume its point of view:

...the inclusion of certain beings [in the compass of moral standing] turns out to be meaningless....For brevity, I shall use the term ‘sentient being’ to refer to a being that has feelings, such as the ability to feel pain. Rocks are not sentient beings. Hence they cannot prefer one action to another. We cannot harm them and we cannot benefit them. However much time we spend during our ethical deliberation in imagining what it would be like from the rock’s point of view, we will get nowhere. Rocks do not have a point of view. Therefore they cannot be included in the ethical sphere in a way that makes the slightest difference to our ethical decisions.\(^{76}\)


\(^{75}\) Ibid., p. 171.

So therefore, he asserts, one ought to consider sentience to be a sensible boundary of moral standing. Empathy, then, motivates his concern for suffering, and admirably so. But empathy is no more stressed after that. The logic of his view succumbs to Juggernaut, as a result. Indeed, he also claims that his view can be justified by reason alone, whereas the act of empathy is stressed as nothing short of indispensable in this present work.

Regan's notion of a subject of a life, a being with a biography, suggests empathy with subjects. But in fact, he dismisses all attempts to allow ethical theory to make reference to mental states. He tells us: "How one feels about the suffering one causes an animal is logically distinct from whether it is wrong to make the animal suffer."77 His point, I think, is correct, only it is crucial to be able to feel, and value, and believe as a result of imaginatively identifying with others in order to understand what is right or wrong, independently of however one happens to feel personally. Whereas he does give an argument, based in imagination, for knowing another point of view,78 it is unfortunate that this plays no role in his theory of animal rights for the reason already cited.

Thomas Nagel seeks to "juxtapose the internal and external or subjective and objective views at full strength."79 which, at first, might sound promising from an empathist point of view. Thus, his view (which was not previously discussed) merits a more detailed account. He indicates that "there are things about the world and life and ourselves that cannot be adequately understood from a maximally objective standpoint, [because a]...great deal is essentially connected to a particular point of view, or type of point of view."80 We soon learn that he tries to place ethics within the realm of objectivity: "The standpoint of morality is more objective than that of private life, but less objective than the standpoint of physics."81 The greater objectivity, as compared to physics, stem from the values and other psychological phenomena that are associated with ethics.82 Ethical empathism also refers to objective good, and also to objective facts.

77 Regan, The Case for Animal Rights, p. 198.
78 Ibid., p. 64.
80 Ibid., p. 7.
81 Ibid., p. 5.
82 Ibid., p. 7.
However, let there be no mistake about the overriding role of objectivity in Nagel’s ethics: “Objectivity is the driving force of ethics as it is of science: it enables us to develop new motives when we occupy a standpoint detached from that of our purely personal desires and interests...Morality gives systematic form to the objective will.”83 So an objectivist view of others is upheld, and acting for others need not stem from motives associated with identifying with others empathetically. Social pressure, or a desire to conform to an abstract ethic that one holds, might fill any motivational vacuum here. Deep empathy, on Nagel’s account, must be far from essential, since his theory instructs us to abstract from points of view, rather than, in any sense, to identify with them. He calls “transcendence of one’s own point of view in action...the most important creative force in ethics.”84 Empathism, by contrast, advocates self-identification, and also, using one’s point of view as a vehicle in order to understand those of others.

Nagel believes that we are not solipsists, and this, in effect, enables us to view ourselves and our circumstances impersonally.85 Yet being able to be impersonal is no reason for ignoring empathist grounds for attention to other points of view by seeking to identify with them, in order to acquire a more adequate sense of their reality. Let us note, too, that Juggernaut is also nonsolipsistic, and generally impersonal, in outlook. Evidently, Nagel maintains an excessive adherence to objectivity out of a confusion between objectivism and realism: “Objectivity is the central problem of ethics. Not just in theory, but in life. The problem is to decide in what way, if at all, the idea of objectivity can be applied to practical questions, questions of what to do or want. To what extent can they be dealt with from a detached point of view toward ourselves and the world?”86

It seems that this version of the fundamental question of ethics is, therefore, fundamentally prejudiced against the theory of ethical empathism, which I have just defended:

Anyone may of course make the ends of another person his own, but that is a different matter [from determining objective values]: a matter of personal sympathy rather than of

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83 Ibid., p. 8.
84 Ibid.
85 Ibid., p. 20.
86 Ibid., p. 138.
objective acknowledgment. So long as I truly occupy the objective standpoint, I can recognize the value of one of these optional ends only vicariously, through the perspective of the person who has chosen it, and not in its own right.\textsuperscript{87} Of course, an empathist will not automatically adopt others’ ends either: it depends on the autonomous choice of the empathizer, whether or not the other would be harmed if his/her ends are (not) respected, and whether or not some other(s) might be harmed by (not) fulfilling those ends, as well. Although his notion that altruism “itself depends on a recognition of the reality of other persons, and on the equivalent capacity to regard oneself as merely one individual among many,”\textsuperscript{88} and empathy agrees with this maxim, his conception of objective regard for others is significantly different.

He speaks of the “objective badness” of pain, that is, “the fact that there is reason for anyone capable of viewing the world objectively to want it to stop.”\textsuperscript{89} Ethical empathy, of course, extends a moral consideration of pain to nonhuman animals as well. Nagel, for his part, would not obviously apply his theory to nonhuman animals, in a way that correspondingly risks running afoul of the classist fallacy, and so, may qualify his ethics as speciesist: “...the shape of a moral theory depends on the interplay of forces in the psychic economy of complex rational beings.”\textsuperscript{90} This bald statement, which requires a justification (if any is to be had), receives none in Nagel’s texts, which also unquestioningly refer solely to “basic human goods, such as health and survival.”\textsuperscript{91} We might equally identify life and welfare as goods that are relevant to nonhuman animals.

Martin Buber, in his \textit{I and Thou}, appears to explore the idea of not treating others as mere objects of experience, or as “Its.” Rather, we should treat others as “Thous” with some sense of mutuality.\textsuperscript{92} To be candid, while I think that he may vaguely allude to some of the insights that I develop here, his style is so notoriously obscure that it is hard to know exactly what he is saying, even after multiple re-readings. Moreover, since he writes in the

\textsuperscript{87} \textit{Ibid.}, p. 168.
\textsuperscript{89} Nagel, \textit{The View from Nowhere}, p. 144.
\textsuperscript{90} \textit{Ibid.}, p. 164. Would the objective aspect of his ethical theory see animal pain to be bad in itself? Perhaps, however, the passage cited in this note does not readily lend itself to this interpretation. If the shape of a moral theory is delineated by the psyches of complex rational beings, then presumably, objective considerations (e.g., pertaining to nonhuman animal pain) which fall outside of that scope are morally irrelevant.
\textsuperscript{91} \textit{Ibid.}, p. 165.
tradition of humanism, there would appear to be insufficient clarity on his own part to see the implications of deeply identifying with nonhuman animals. Such lack of clarity extends to much of the whole ethics literature, however, insofar as there is a certain schizoid tendency. On the one hand, empathy is viewed as essential to moral psychology, but on the other hand, when it comes to moral thinking (including the generation of moral theories), which is presumably an important function of moral psychology, empathy is somehow left out of account. Agreement occurs at different levels, however. I can wholly identify with ethicists insofar as they would abolish oppression. Going down deeper, to the level of justification for such a position, however, disagreements begin to appear. In a way, however, this can positively be seen as differing as to why we agree with anti-oppression, while actually agreeing on such a position in our minds, hearts, and practice.

2.17 Ethical Empathism

Here we have the beginnings of a coherent ethical view, based in deep empathy, which we may call "ethical empathism." The idea of taking the point of view of another, or rather trying to do so, is not "radical." Nor is it far-fetched to suppose that others' points of view are to be treated as real (at least for practical purposes), and are not objects that can be viewed from the outside, existing independently of subjectivity (again, at least as a "practical reality"). Nor is it an outlandish principle that we ought to try to be aware of realities, especially important ones. Nor is it any more controversial to assert that, at least in ethics, we ought to operate with a view to what is good. Some might find the implications of this non-radical ethic to be radical, but perhaps that is just a reflection of the radically wrong way in which our civilization has developed, in some respects—together with its set ways of social conditioning along objectivist lines. Although it is not absolutely necessary to mention this, I think it is worth noting that many of these ideas cohere with common sense, whereas the idea that objective values as "free-floating" abstractions (as opposed to values being supervenient upon, and in that sense immanent in, particular
things that we may recognize as valuable) does not, nor does the extreme reductionist idea that we are purely material, so that points of view do not really exist (according to the eliminativist). Still, the objectivist view closely mirrors our current scientific method, which strongly tends to embrace materialistic reductionism, and is often regarded with prestige, although for ethical theory, perhaps it is only worthy of disavowal, if the arguments contained in this chapter are sound.

Ethical philosophy, although it is supposed to be inherently “practical,” is often detached from everyday life and its concerns, even in normative inquiries, not least of all because the objectivism which ethics so often uncritically presupposes is both detached and distorting. Yet moral theory often encompasses everyday concerns, and commonly contributes to determining policies in hospitals, municipalities, churches, temples, legislatures, police stations, schools, private lives, and so forth. The promise of a paradigm shift away from objectivism gives hope for positively changing individuals, even as their views would change. It is the argument of this study that if one fails adequately to deeply identify with not only human but also nonhuman animals, then one fails to develop an adequate sense of reality, moral and otherwise. One can only deny that oppression is bad from a neutral, objectivist, philosophically disengaged standpoint, and this, itself, is oppressive, since it conduces to oppression itself, partly through not even fully acknowledging it. There is no license to harm others in a state of avoidable ignorance, but only a need to learn.

If one truly does value identifying with animals, based on my experience of striving for this, then it is not morally possible to act against the welfare or autonomy of these beings unless, perhaps, there is an overwhelming reason to do so (which would have to be extremely rare, based upon my own experience). I do speak from experience here. For in answering Juggernaut, pressed to the wall by its relentless logic, or appearance of same, I faced some moments of deep and genuine bewilderment. I had to plumb the depths of my own life and ask myself why I really hold that it is wrong to treat animals in ways that are

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93 This would seem to be a nod in the direction of a more Aristotelian notion of values, rooted in particulars, and a recognition that Platonic, otherworldly values are something that most people would find to be difficult to accept. However, I have already suggested how my theory can be reconciled with a Platonic metaphysics.
inconsistent with animal liberation. The articulation of that rationale, in general terms, makes me an "ethical empathist." But whatever I am to be labeled, I identify with animals as a function of my being, or who I am. This is true of many animal liberationists, whatever their philosophical rationales—if, indeed, any are professed at all. Whether or not I can find a philosophical rationale for this way of life and mode of awareness is purely a contingent matter, external to my own character and sympathies, even, perhaps, to my own philosophy. I at least offer a case for ethical empathy, although the importance of remaining vigilant, and being open to dialogue, is crucial. Along with Regan, I feel obliged to say that if I have not found an adequate theory of animal liberation, then I will have to look elsewhere.⁹⁴ In the meantime, perhaps for a lifetime, I find myself compelled by reasoning, imagination, feelings, and other subjective states which are part of an empathetic response to reality.

2.18 Beyond the Golden Rule: the Platinum Principle

It is said that gold never tarnishes. This may be true, but one of the moral cornerstones of our own—and numerous other—civilizations is a principle known as "the Golden Rule." This "rule" actually has different formulations, none of which have satisfied many moral theorists, at least not without extensive supplementation. Yet I would reformulate this time-honoured notion in a way that might make it a fitting first principle of practice for ethical empathy. Such a principle might even be seen to underwrite the rights to basic welfare and moral autonomy, which I have already sketched.

The Golden Rule can be formulated as: (1) Treat others as you would have them treat you, (2) Do not treat others in a way that you would prefer not to be treated, or (3) Treat others as they wish to be treated. The problems with these formulations are several. A masochist, on the first formulation, might be obliged, or at least inclined, to treat others sadistically, which is, of course, morally absurd. The second version, too, would have the

⁹⁴ I say this in the spirit of Regan. His actual statement in this regard is: "The rights view, I believe, is rationally the most satisfactory moral theory....Of course, if it were possible to show that only human beings were included within its scope, then a person like myself, who believes in animal rights, would be obliged to look elsewhere." Regan. The Struggle for Animal Rights, p. 58.
same effect, and a masochist would not treat others well, since he or she would prefer not to be well treated himself or herself. By similar parity of reasoning, consider, now, the third maxim: if one is to treat others as they wish to be treated—what if they are masochists? This might sound frivolous, in that this surely does not capture the sages' meaning when they suggest this principle over and over again in different parts of the world. In that case, however, the sages would not be saying what they mean.

Yet it is not even clear what they mean, since the Golden Rule is compatible with, and sometimes appropriated by, a great diversity of apparently conflicting moral theories. For example, utilitarianism will claim that it fulfills the Golden Rule in that it impartially considers how everyone would like to be treated (in terms of welfare, pleasure, preference satisfaction, or whatever analysis of good that is used), and yields the best result in light of that consideration. Kant's principle of treating all persons as ends in themselves, and never merely as means, is often associated with the respect that seems inherent in the Golden Rule. Treating others as you would like to be treated also lends itself to admittedly egoistic, contractarian theories: one treats others as oneself would like to be treated, as part of having general moral rules in place. so that others will also treat oneself as one wishes to be treated. Even if others, who are marginal cases, cannot benefit oneself themselves, helping them might yet be to one's advantage, as it will reinforce rules that might protect oneself, should one ever end up in such a vulnerable position as well. (Such a view might leave congenital marginal cases quietly out of account, but let that not now detain us.)

The teachings of very different religious moralities, from various parts of the globe, also reflect the Golden Rule. I take it that this fact indicates that the Golden Rule is fundamental to human moral psychology. The Bible tells us, "Thou shalt love thy neighbour as thyself." (Lev 19:18) This is called the "great principle of Judaism" by second century Rabbi Akiba. Indeed, a Palestinian sage and saint named Hillel, living

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95 Consider, too, the near-death experience, widely reported in the media and in various literatures. A poll by George Gallup, Jr., finds that 5% of American adults, about 8 million of them, have experienced such a near-death episode. Cf. Raymond A. Moody, Jr., M.D. The Light Beyond (New York: Bantam Books, 1988), p. 6. Part of the "NDE," as it is called, often includes having a vision of empathetically having a sense of how one's actions have affected others in one's life. This can be variously interpreted as a metaphysically fundamental moral law, or as something basic to our moral psychology, which widely expresses itself in the dreams of those who are near death, or who have been resuscitated from clinical death.

just before the Christian era, was once challenged by a “pagan” to tell all about Judaism in a few moments while standing on one foot. Hillel dutifully took to one foot and responded: “That which is hurtful to thee do not to thy neighbour. That is the whole doctrine. The rest is commentary. Now go forth and learn.” In the New Testament, we are instructed: “Love thy neighbour as thyself.” (Mark 12:31; Romans 13:9) Again, not harming is discernible in this “love” (even as in my own ethic) when we are told that “[l]ove worketh no ill to his neighbour: therefore love is the fulfilling of the law.” (Rom 13:10)

In Islam, we are given a combination of the first and second formulations: “Treat others as thou wouldst be treated. What thou likest not for thyself, dispense not to others.” Confucius, in his Analects, exhorts: “Is there any one maxim which ought to be acted upon throughout one’s whole life? Surely the maxim of loving kindness is such: Do not unto others what you would not they should do unto you.” Here Confucius states the second formulation. In Hinduism, we are enjoined again with the second version: “This is the sum of duty: do naught to others which if done to thee, would cause thee pain.”

Buddhism gives the substantively identical: “Hurt not others with that which pains yourself.” The Persian religion. Zoroastrianism, which apparently dates from centuries before the birth of Christ, offers still another, parallel example: “That nature alone is good which shall not do unto another whatever is not good unto its own self.” Finally, from Jainism, an ancient religion of India, emerges the following: “In happiness and suffering, in joy and grief, we should regard all creatures as we regard our own self, and should therefore refrain from inflicting upon others such injury as would appear undesirable to us if inflicted upon ourselves.”

While the Jaina version, again, matches the second version of the Golden Rule, it has more to it, which, I think, makes it superior to the other formulations. The idea of regarding all creatures as we regard ourselves may imply regarding others as having their

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97 Ibid.
98 From the tradition of Sufism, as quoted in Wynne-Tyson, The Extended Circle, p. 139.
100 From Mahabharata, quoted in Wynne-Tyson, The Extended Circle, p. 121.
101 From Udanavarga. Ibid., p. 36.
103 From Yogashastra, in Wynne-Tyson, The Extended Circle, pp. 139-40.
own point of view, and the avoiding of inflicting what is undesirable on ourselves and others roughly parallels anti-oppression as a basis for morality (although what is undesirable to us might not be undesirable to others—a weakness in this formulation). The point of citing this material is that not only are the insights for ethical empathism aligned with common sense, but also, they appear to resonate with the great moral traditions which, it is possible, some of our finest minds and hearts have wrought throughout history. I think that this fact contributes to the coherence of regarding some such principle as correct.

Allow me to provide one version of such a principle, which may overcome some of the defects of the Golden Rule, in its various versions. I call it the “Platinum Principle”:

Identify with the standpoints of valuers, and thereby identify, in thought, feeling, and action, with their welfare and autonomy.

I know of no greater form of moral consideration that I can give to others than to identify with them and their good. This can be stated in various ways. For example, we can state that one ought to identify with the good of others. But since, as I said, anti-oppression does not entail the maximizing of every conceivable good, out of respect for autonomy not least of all, the present formulation is perhaps more precise. We do not need to concern ourselves that the phenomenon of masochism overtures the plausibility of this principle. Masochists fail to identify with themselves, as conscious beings, in a comprehensive way that, by implication, does not identify with their own welfare and autonomy (i.e., regards these as goods without reservation). The Platinum Principle, also, is not so ambiguous as to the variety of moral theories that it permits: we shall see, in Chapter Five, that such a principle may serve to rule out Kantian ethics, contractarianism, utilitarianism, and, of course, Juggernaut itself.

There are other difficulties with the Golden Rule which are avoided by the Platinum Principle. Since one may treat others as oneself would like to be treated on the older formulations, this can involve imposing one’s own ideas of how oneself should be treated on another, who might have very different needs, desires, capabilities, and so forth. This
is at the root of the objection related to masochism.\(^\text{104}\) On the Platinum Principle, we would seek to identify with the good of others, not impose our own wishes for ourselves on them, or at least try to avoid this. Also, in treating others as they would like to be treated in Golden Rule formulation (3), this carries the danger of requiring that we pander to everyone’s whims, or rather seek to do so. But we do not pander to individual A if we act in a way that upholds A’s welfare and autonomy, and also that of oneself and others, even if A has no interest in such upholding the well-being of anyone but A.

Perhaps the Golden Rule really meant that we should avoid treating others as oneself would not like to be treated if one imagined oneself in the position of the other, with an ethical concern for the good. I like to imagine so, but it is not explicit, only implicit, perhaps, in the Jain version, and so I make it apparent in my own formulation. While the two principles—or four—may not be the same in letter, perhaps they are offered—or, at least, taken—in a related spirit. The Platinum Principle seems to offer insight that is fundamental to practical ethics for a variety of reasons, including: (1) it accords with common sense, (2) it underwrites most animal liberationist insights from the last chapter (as I will show, in some detail, in Chapter Three), (3) it harmonizes with the main moral traditions, and, perhaps, the chief moral theories of today (at least insofar as they endorse the spirit of the Golden Rule), and (4) it shows what is wrong with Juggernaut, when so many other common (and obscure) considerations fail to do so. It embodies a sense of moral necessity, whose intelligibility relates to identifying with others’ true needs and freedom. Least controversially, in this, beings to whom things matter have a need not to be harmed arbitrarily (which includes the harm of deprivation of needed goods). We have posited that the mere existence of a good does not mean we ought to

\(^{104}\) Masochists, it appears to me, wish to treat themselves in an objectivist manner, as bad objects, or as manifesting bad objective behaviours (perhaps mixed with a non-identified, objectivist conception of subjectivity). They see themselves as fitting to control and even punish. Perhaps it is only with a sort of low self-esteem that one could gain any pleasure in treating oneself in such a way. The masochist fails to identify with his or her good even as the sadist fails to do the same for others. It seems likely that state intervention in absolutely every form of self-abuse goes against any meaningful right to autonomy, however, and might even sabotage any free developments of self-love on the part of the masochist, who would need to self-identify through empathetic therapy, not just through being forced to desist from certain objective behaviours. That would not imply allowing just any sort of masochistic actions, however.
promote it, so except insofar as the good relates to one's need not to be harmed, it belongs in the realm of free choice, rather than rationally determined duty.

### 2.19 Reflections on the Fall of Juggernaut

We have seen how a perspective of identifying with others philosophically topples moral hierarchicalism. Therefore, let us now resist fundamental categorizations of anyone as "inferior" or "superior," "rich" or "impoverished." Ethical empathism has shown itself to have a plausible metaphysical basis, and would seem to have stopped Juggernaut in its irrational tracks. This newer view has given us a principle which promises applications to various ethical problems. Juggernaut, like other oppressive viewpoints, involves falling short of deeply empathizing with others. This seems to be partly because, after all, it is harder to empathize with those who are different from ourselves. Ironically, however, one may need imagination in order to understand others' lack of imagination, and how they act as a result.

Therefore, it would do well to reflect further on the fall of Juggernaut. As I hinted, its world picture relies, metaphorically speaking, on "trick photography," by adhering to an objectivist moral outlook, rather than deeply empathizing with others. In order to right things, we must firmly grasp what is wrong. The objectivist presupposition in Juggernaut, which is both an indefensible hidden premise and a mere cultural assumption, reveals that Juggernaut cannot justify harming others, as it claims to do, leaving the classist fallacy's open question unanswered. It is never justified how being different, even in terms of Q, licences us avoidably to harm those with lesser Q. It is therefore unmasked as oppressive, perhaps one of the most successful sorts of systematic objectifiers. We know that it objectifies, in the final analysis, because if it truly identified with others with a view to their good, then it could not promote practices inconsistent with such a world view. And any oppressive thinking could not be more mistaken, and could not be impugned in more ways, than by uncovering a faulty premise—a key one, related to objectivism—and therefore also invalid and unsound reasoning—in the form of the classist fallacy. Juggernaut is an utterly unsound argument or rather set of arguments. The "richer" criteria of Q only seem
“necessary” from a fixation on riches, but this focus, in fact, is morally repugnant because classist—so far is it from being morally or otherwise “necessary.” Juggernaut may reflect the purpose of ethics as promoting the good, but overlooks its concomitant ideal of upholding truth, and/or a correct awareness of reality.\textsuperscript{105}

My account does not deny that the components of Q are important dimensions of human development. One can rightly cherish the riches of Q. However, it is simply classist to give license to harm any who do not have (not to say “lack,” from the perspective of identifying with these beings) such riches. It is also classist to favour Q to the point of carrying on ethical discourse exclusively in terms of valuing \textit{persons} (more or less, those who have Q, or some combination of its traits), and this leads to oppression of both human and nonhuman cases, who might easily be dubbed “nonpersons,” or not “full persons.” The by-now virtually traditional criterion of personhood has an insular focus. Compared to some other criterion of moral standing, personhood might seem to be the richer one. But one ought not, then, to choose unconditionally to favour “persons”—end of story—with insufficient contemplation of the legitimacy of harming nonpersons. Nor do we have to respond to the personhood view by implausibly redefining the class of “persons” to include birds or clams. Being a person or not, in the usual sense that involves Q-characteristics, is irrelevant to moral standing, at least for one who identifies with other conscious beings just as they are, with whatever characteristics they may have or not have. It may, in fact, be said that Juggernaut, like prejudice in favour of “persons” generally, amounts to a kind of ableism, since it discriminates on the basis of abilities to act or to be in certain ways.

Many animal liberationists cannot understand how humanists could think the way they do, because these liberationists do identify with the animals, and cannot see how others could view them differently—and, ironically, less richly. Humanists, for their part, cannot understand how animal liberationists view animals the way they do, because they see animals as beings which, objectively (from the outside perspective, of course) are inferior in value, at least relative to normal humans. I do not expect animal liberationists,

\textsuperscript{105} These last two considerations may or may not overlap, depending upon one’s theory of truth.
who will continue to identify with animals no matter what happens, to be swayed by Juggernaut, although I hope that many humanists will abandon their falsifying and superficial view. The real point of "Juggernaut" is to expose humanistic thinking, or the best of it, for what it is, so that its error can be made apparent. The real inherent worth of an animal, on the reasoning of this chapter, is to the animal himself or herself, for the values of his or her existence are centrally located on his or her own world view. Any value that a conscious being has to others is purely contingent and secondary, which will be apparent to anyone who rightly identifies with that conscious entity in the first place.

"The Great Chain of Being" sort of hierarchy has been overthrown along with the principled rejection of classism. A comparatively simple farmer can have a wholly worthwhile life without being an Einstein, which is apparent to anyone who would equally identify with both. As for harming for one's own benefit (although part of this hinges on the status of utilitarianism, which can rationalize harm, perhaps, if there is sufficient benefit), in general, it may be admitted that this would never be accepted in terms of the harming of one's equals, with whom one identifies, at least in a sense. This goes to suggest that hierarchy is at work in our accepting of harming others for our own benefit. However, it is not an acceptable reason for failing to identify with another, and thus allowing oneself to exploit another. This sort of oppressive thinking is more revealingly characterized as the rich making the poor even poorer, so that the rich can further enrich themselves. Many humanists were seen to have rejected speciesism, not realizing that, ultimately, all of the characteristics in the quality of being criteria are just as indefensibly morally arbitrary a basis for harming, from a deeply empathetic point of view, as the favouring of a given species as such.

We have seen that a variety of Juggernautian ethics are possible. Many are the ways of error, and since none of these arguments is justified, none of them has the power ultimately to vindicate itself, as against its other Juggernautian competitors. Indeed, Nazi Juggernautians and "bleeding-heart liberal" Juggernautians would be locked in a war of assumptions and interpretations. How seriously do they pursue what is best? Is moral standing on the basis of Q a matter of degrees, or black-and-white? In our cultivation of
good, do we "purify" the world so that it sparkles for us, or do we love good so much that we cultivate it wherever it is, as long as we keep our hierarchicalist priorities straight? There are no absolute answers to this question for a Juggernautian. One can only assess one version as better or worse than another, with strong reservations, from an outside perspective that is independently justified. So we distance ourselves from Nazis more, for they are more widely and intensively oppressive. From within the impoverished world view of a Juggernautian, however, one can conceivably slip from a liberal to a Nazi perspective, through the forces of propaganda and indoctrination, since both are equally baseless. The slippery slope downwards from liberalism to Nazism is not necessarily such a threat, except on slippery cultural grounds like the Weimar Republic during the Great Depression. However, we do well fully to expose Nazi and other oppressive views—to defeat—and to offset, if we can, through philosophical cultural transformation, any possibility of a slide like the horrific downgrading of one of that most supposedly civilized nations in the world—Germany—into Hitlerian tyranny. Vigilance becomes us here.

Many people would resist Juggernautian egalitarianism, as they see it, by citing something like the human sanctity of life view, which I only briefly dealt with last chapter. Frey, of course, overcomes this notion, but with the development of an ethically empathetic perspective, we can see the roots of the sanctity of life view, and the concomitant view that having human rights is having equal human rights. We have been conditioned to identify with our fellow human beings, and doing so equally, it becomes unthinkable—except to perfectionists, nihilists, and others—to assign anything less than equal rights. Of course, it nearly goes without saying that we find it easier to identify with those who are like ourselves.

A key problem with the sanctity of life view is that its boundaries are arbitrary, and its egalitarianism is unequal to a fully empathetic sense of reality, which this chapter defends. Indeed, humanism lends itself to nihilism, ironically, since it has no resort to such things as the classist fallacy—which it cannot consistently apply without destroying itself. It was assumed, last chapter, that having Q is sufficient for moral standing. But suppose we look at beings with Q more neutrally, less empathetically—then what? Where
is any felt obligation to assist them, or even any sense of absolute value pertaining to who and what they are? What “object” in the universe called “moral standing” exists at all? You can see how this goes. Juggernaut is not so mighty.

All of this reflects a crisis of moral justification in our culture. Humanism, at some level, is committed to opposing oppression, and so it must implode, collapsing upon itself. Classism just is oppression, on this analysis. Yet no humanist has succeeded to date—at least in what has been published—in giving the missing ingredient that my objection to the classist fallacy challenges them to provide. There is not even an attempt in this area that is not tied, in a viciously circular way, to oppressive assumptions, but I think humanists would offer such a justification if only they could. Reflecting on the classist fallacy, and the lack of logical relationship between being different and having “open season” (sometimes literally) declared on the different, I think that no justification is given because it is impossible to give it, not because, as Nozick alleges, it is just that nobody has bothered to sit down, for want of anything better to do, and provide it. In any case, the onus is clearly on the humanist to provide such a justification, if such can be had. Indeed, even if someone invents a more effective form of humanism than Juggernaut, it also must lack deep empathy. Without such a deficiency, anthropocentric willingness to harm animals is not even conceivable. Here we have, then, a fatal flaw for all humanisms.

2.20 Conclusion: Onward

Juggernaut is like a nightmare that goes away, until someone starts to dream of the good in this way again—or else fails ever to awaken from the illusion. I dream of a world of kinship, rather than differences emphasized so as to fuel the harming of conscious beings. Freedom for conscious beings to explore their own good, each in his or her own way, is relevant to all, and so, therefore, is freedom from oppression. A general antidote to oppression is the overcoming of arbitrary differentiation from others through empathetic identification: to have a sense of another’s subjective reality. Ethics ought not to be casting about for arbitrary pretexts to harm others, but enjoining us to avoid harm of any

106 Cf., again, Nozick, review of The Case for Animal Rights.
significance, and that is precisely the way of ethical empathism. Empathism has an advantage over humanistic theories in that it can point out how these other views advocate a turning away from these fundamental realities, which are viewpoints, and also how irrationality is uniformly committed by humanists in the form of the classist fallacy. Both ignoring basic truths, and committing key nonsequiturs are damning for any theory. Steering clear of these perils, by the same token, commends itself as a moral theoretical starting point. Upon reflection, it is revealed how indispensable deep empathy is to ethics, for otherwise, Juggernaut cannot be revealed to be deficient—as it is.
3.1 Introduction: Ethics After Juggernaut

Juggernaut is, allegedly, the best supporter of humanism, and would-be impugner of animal liberation. I believe that it fails. However, to be sure, the humanist is not without other resources. In this chapter, one of the most commonly used arguments, namely, that animals have little or nothing in the way of minds (different versions of reductionism) will be taken seriously, and will also be found to be wanting. We have already examined how ethical discourse itself commonly carries on in a reduced capacity, without all due use of deep empathy, and, in turn, the imagination, feelings of compassion, and other affective capacities. It remains to be investigated how more standard forms of reductionism—and some nonstandard versions—affect the cause of liberating conscious beings from oppression. Afterwards, some implications of animal liberation ethics will be addressed, as well as some anticipated objections that are pertinent to my own theory. Then, the time will come to reflect on the practical implications of ethical empathism.

3.2 The Reduction of Animal Minds Taken Seriously

I find that the scientific evidence unequivocally supports the existence of consciousness in those beings which I would maintain have it, ranging from reptiles to gorillas, and, I think, even bees. In our mammalian cousins, it is especially clear that they have nervous systems, that are very similar to our own, and which are active in the feeling of pain. These animals also have similar behaviour for expressing and avoiding pain, and, indeed, they would also be evolutionarily advantaged by the avoidance of pain. Many animals also show much perceptual awareness, and so forth. These sorts of considerations are commonsensical, as when we readily describe a dog wanting, thinking, choosing, feeling,
among other possibilities of mind. That is why I did not build reductionism into
Juggernaut. In order to make the strongest possible argument, I did not want to wed
Juggernaut to a view that most would—rightly—find to be implausible. Many would view
those who view animals as mindless as “crackpots,” operating in defiance of the evidence,
and their strongest defence—which is the weakest defence possible—is that one cannot
“disprove” their claims. I also cannot disprove the existence of a Gremlin of Philosophy
that is responsible for most or all cranky philosophical views. Strictly speaking, however,
I shall concede, at least for the purposes of dialectic, that reductionists are correct on the
question of strict proof, but let us see if that should sway us in favour of a reductionist
view of animal mentation.

In the face of the evidence, certain philosophers, such as Peter Harrison and Peter
Carruthers, still maintain that animals have no minds (an extreme minority view), and yet
others would say that animals have little or nothing mentally. Many humanists, not least
of all the Cartesians, are famous for maintaining that animals lack the mental capacity that
would make it possible for them to be oppressed at all. Such a view, of course, is
consistent with the humanist tradition of treating nonhumans as mere resources. For
example, Carruthers, a neo-Cartesian, disputes that “animals do genuinely have interests to
be considered.”¹ One of the main reasons for his view is that supposedly, “mental
immaterialism,” as he calls it, would introduce a whole new species of causality,² and since
that is too much variety for the simple or parsimonious view that he wishes to construct, he
rejects the idea that animals have minds. He claims that enough is known now so that each
brain event must be said to have a sufficient physical cause. Let us leave aside, for now,
the question of adjusting one’s view of reality so as to keep science neat and orderly, in
ways that may not be altogether consistent with our own experiences (which are difficult,
themseles, to characterize as “material” things). There is also the salient fact, of course,
that the same parity of reasoning could indicate that humans, too, are mindless, and have
no genuine interests to be considered, otherwise we land in the alleged trap of

² Ibid., p. 59.
immaterialism. Yet it is difficult to see how we could accept the view that *humans* are mindless.

The use of language, and the possession of self-awareness form a prominent part of this debate. The early Fox, like traditional Cartesians, also stresses the importance of language, quoting Stephen Walker: “in so far as we are only conscious when we think in words, [nonhuman animals] lack conscious awareness.” Yet another common idea, which we saw in the “Prelude to Juggernaut,” that goes against the idea that animals have riches of mind, is the notion that they lack self-awareness. This belief is ably expounded upon by Jan Narveson in the following passage:

...there *is* a difference which it seems to me might [justify substantial lowering of standards when considering infliction of suffering or death on animals]. It has to do with...the capacity to have a conception of oneself, to formulate long-range plans, to appreciate general facts about one’s environment and intelligently employ them in one’s plans, and rationally to carry out or attempt to carry out such plans. Now, a being which has those capabilities has, I suggest, a *future*, something(s) “to live for”, as we say, in a sense in which beings lacking these capacities do not. The latter, by contrast, presumably experience only more or less isolated sensations and uninterpreted feelings. If such beings are killed, all that happens is that a certain series of such feelings which would otherwise have occurred, do not occur. We might speculate that such beings lack, literally, “individuality”, the sense of a distinctive significance to one’s particular life, which typical humans have. And it seems to me plausible to argue that beings lacking these qualities do not have the right to life, as distinct from the right not to suffer. When beings having a future are killed, they lose that future; when beings lacking it are killed, they don’t. So no interest in continued life is lost in their case. And the lack of individuality, in turn, suggests that it is not out of order to sacrifice one of such beings merely for the welfare of others: for since no appreciation of its unique life exists, what difference is there between securing a future benefit for it rather than for any other sentient being?\(^4\)

Narveson is admitting, here, that he is only *speculating* about animals’ lack of individuality, which reveals that the burden of strict proof is, perhaps, a problem for all sides of this debate.

Once more, the sticking point for the reductionists, it seems, is that, in the animal minds debate which pertains to ethics, it is hard or impossible to *prove* anything about animals either way, which seems to leave it open for Narveson to speculate as he does. No matter what evidence the animal liberationist, or whoever else, cites from all of the known facts of animal behaviour, neurology, brain development, evolution, and so on, one still

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cannot prove that animals are not very sophisticated biological machines that either lack minds altogether, or else in substantial measure. Or else, by extension, how can one disprove the thesis that because nonhuman animals have such primitive forms of consciousness, they cannot even truly be oppressed? Our closer evolutionary relatives, who have greater cerebral cortices, are more likely to be favoured than the rest, but the lack of proof in such cases of mental capabilities also allows skepticism even in this more cerebrally advanced cross-section of species.

I speak of providing a "proof" here in the strictest philosophical sense, which would leave no conceivable possibility of error, and hence no room for doubt. Reductionists have much less of a case if one posits, instead, a sense of "scientific proof" which means something like, "favoured by overwhelmingly probable inductive evidence." In that sense, I suppose, it can be "proven" that many animals have minds, and so forth. Such a sense of "proof" is more practically conducive for science to adopt, as well, for otherwise, it is quite possible that "scientific proof" could be vitiated of all force and meaning, a concept that cannot be applied in this world. That would be an absurd result, it may be, insofar as concepts are things that are typically devised in order to be used.

Reductionists will easily concede that the arguments that animals have more advanced minds are certainly entertaining, but ultimately fanciful, in the absence of what they would consider "definitive" proof. For given the fact of human uniqueness, it might be contended that attempts to grant that nonhuman animals have higher faculties, or mental abilities that are similar to our own, are simply anthropomorphic. This cannot be proven, perhaps, just as no empirical scientific claim can absolutely be proven—rather, scientists see themselves as adding plausibility to hypotheses—but the charge of anthropomorphism, leveled against those who defend the idea of substantial nonhuman minds, may be convincing to some thinkers, given the dramatic fact of apparent human uniqueness. Moreover, animals' lack of language would make it seem less likely, to Cartesians, that animals have sophisticated minds, since otherwise, it may seem impossible to tell what is the case, and it remains doubtful until we have a clear indication, such as animals settling the matter by telling us directly. Otherwise, in the absence of such a counterindication, it
might seem simplest for a reductionist to explain animal behaviour as conservatively as possible, by viewing it in terms of physically based instincts, and so forth. The simplest explanation is valued, in science, as according with its prized principle of parsimony.

In many cases, scientific arguments for animal minds may sometimes seem rather plausible by themselves, which is why it may be considered all very well for animal liberationists to believe that animals have richer minds, the reductionist might concede (so long as the animal liberationists do not impose their unproveable views on anyone else). One views the glass as somewhat full, the other as rather empty, each according to what he or she finds plausible. In the absence of proof, the reductionist regards the animal liberationist view of animal minds as not quite convincing against the recognition of human uniqueness in terms of brain development, especially in our cerebral cortex, and in our evolutionary adaptations, which allegedly exceed those of any other species. There may be an objective, absolute answer, but since it cannot be known, tolerance of differing academic opinions should be the order of the day, the reductionist might grant, and that is hardly enough upon which to base a universal, animal liberationist ethic, which would require a general consensus in society regarding the substantiveness of animal minds.

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5 See, for example, discussion that animals can suffer in Peter Singer, Animal Liberation, 2nd Edition (New York: Avon Books, 1990), that many of them have a complexity of awareness in Tom Regan, The Case for Animal Rights (Los Angeles: University of California Press, 1983), and also Evelyn B. Pluhar, Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals (Durham: Duke University Press, 1995), and its treatment of animal consciousness. See also Bernard Rollin, The Unheeded Cry: Animal Consciousness, Animal Pain, and Science (New York: Oxford University Press, 1989). Donald Griffin, a cognitive ethologist, addresses the cognitive side of animal minds by examining what he considers to be their awareness, self-awareness, their use of tools and artifacts, communication, symbolization, problem-solving, and natural psychologizing (that is, acquiring a sense of what other animals are thinking or feeling), among other things. Griffin’s books on this are The Question of Animal Awareness (New York: The Rockefeller University Press, 1981), Animal Thinking (Cambridge: Harvard University Press, 1984), and Animal Minds (Chicago: The University of Chicago Press, 1992). For scientific observers’ contentions that animals have various emotions, including fear, love, friendliness, grief, sadness, joy, anger, domineeringness, compassion, shame, being moved by beauty, and more, see Jeffrey Masson and Susan McCarthy, When Elephants Weep: The Emotional Lives of Animals (New York: Delacorte Press, 1995). A detailed consideration of these studies is beyond the scope of this study, which does not aim to add to the scientific arguments concerning animal minds. As indicated in this section, what is important or of specific interest to this work is the observation that, although such scientific arguments are inconclusive, they are overwhelmingly implausible in light of the evidence on animal mentation. However, because of the problem of proving the existence and nature of animals’ mental states, we still find contemporary neo-Cartesian interpretations of animals as biomechanisms in authors such as Peter Carruthers, The Animals Issue, and Peter Harrison, “Theodicy and Animal Pain,” Philosophy 64 (January 1989): 79-92, and also Harrison’s “The Neo-Cartesian Revival: A Response,” Between the Species 9 (Spring 1993): 71-76. In the course of argument, I will seek an even more decided advantage over the supposed problem of “lack of proof” in the next section.
As long as one is intelligible and consistent with the evidence, the particular facts cited by Regan, Singer, and others concerning animal minds can be interpreted in a number of different ways. Thus, the humanist can always assume, as Narveson does, that animals lack self-awareness, so it does not matter much or at all what one does to them. Perhaps animal liberationists ought to respect humanist views of minds, in a sense, just as humanists ought to respect would-be animal liberationist views of animal minds. After all, animal liberationists' interpretations of animal minds would be thought to be implausible by many reductionists, who think that nonhuman animals are biological machines run by DNA, instinct, and what we label in humans as "the lower brain," with all of this "machinery" causing animals to behave in the manner of stimulus-response mechanisms. All of this supposedly explains animal behaviour in mindless, materialistic terms. Animal liberationists will have a tough time convincing humanists who hold this opinion, and who require scientific proof as an ideal (and hence may well require proof to convince them otherwise in their interpretation of the evidence). Many humanists may be divided only as to whether animals are mindless, or else possessed of extremely limited minds.

The advocacy of animals, then, may not allow one to get very far with a doubting humanist, on purely scientific grounds, since science is often used to explain fantastically complex phenomena, including human mental functions, in purely materialistic terms. The animal liberationist view of animal minds, then, is, in some sense, deniable in the absence of proof. It is true that we cannot prove that other humans have minds either, but we can directly analogize from our own case, and invite doubts about the nonhuman case based on the fact that their brains seem so different, etc. We can also urge a more sensible standard of scientific proof, but it might not seem more sensible to one with a keenness to deny that any animal has a mind, or else much of one. Even in the absence of absolute proof, which alone satisfies Descartes' own "method of doubt" (or eliminating all doubt), are there ethical reasons for ruling in favour of animal minds, which can add to the purely scientific debate?
3.3 Eliminating the Reduction of Animal Minds

The inquiry into what are really millions—or perhaps even billions—of kinds of animal minds can easily become most complicated, involving a swirling disarray of disputed scientific facts on all sides. However, I maintain that, in light of the anti-oppression argument, we can, for the purposes of ethics, make sense of animal minds in a relatively straightforward way. I wish to maintain, here, that reductionism with regard to minds is an oppressive idea. For in the absence of absolute proof, assumptions are made that animals (substantively) lack mental capacities, and this sort of assumption presupposes an arbitrary willingness to risk harming that group of animals. There is arbitrariness in the reductionist assumption because it is not based on strict evidence, and it is willing to allow harm because such a view certainly involves a willingness to risk injury, merely supposing (in defiance of much evidence) that animals cannot be harmed. The risk here, it follows, is different from pragmatic assessments of what treatments might cause injury to those who are considered conscious, given a pragmatic consideration of the available evidence. We are speaking of the risks of denying that consciousness itself pertains to many beings that can very well be described as possessed of a mind. While it must be conceded that even slight differences in the physical compositions of brains could be crucial to the existence of minds or types of mentation, it is also true that if the differences are slight, the similarity makes it even riskier to take a reductive account of the other, for all we know.

Reductionism restricts any possible full empathy in principle, and therefore cannot be accepted, upon ethical empathy. It is empathetic to accommodate other points of view, not to exclude them, or parts of them. In our finitude, true accommodation requires openness and expansiveness, not being closed to possible mental lives—that is as unempathetic as anything else.

The association of reductionism with oppression is as old as racists and sexists, who have derided blacks and women, respectively, as beings without rationality. Animals, too, are commonly declared to be nonrational, despite impressive demonstrations to the contrary by some of the more cerebrally articulated species. In fact, reductionist views of certain humans and animals often come together:
...the suffering [in plants] is small. It is more in the animal, but not highly developed, for the animal has a very narrow range of affection. It is clearer and fuller in man—the higher in the scale of culture and character one goes the more sensiveness he manifests, the wider his range of affection, and hence the greater capacity for suffering.\(^6\)

Jones, a twentieth-century traditionalist, is implicitly racist, stating that those of "lower" cultures cannot suffer as much, more like nonhuman animals (and, oddly enough, plants). As late as 1970, Jacques Sarano gives us the following additional sample of racism and speciesism confused together: "If it is true that man and animal are not equal in the face of pain, is this not because pain is not separable from the whole—one's race, character, or environment?"\(^7\) The implication, again, is that Sarano is less willing to grant that others of certain "races" or species are capable of suffering as much as he is, and the further implication is that these others' suffering is not as important, nor as morally considerable, as his own.

Like women, children, members of oppressed so-called "races," and others, animals need the protection of an anti-reductionism principle, for indeed, we cannot absolutely prove that anyone, human or otherwise, even has a mind, in spite of a great wealth of evidence, and we must guard the oppressed against those who would dismiss this mentation, or even the real possibility of it, using absence of proof as a pretext. Let the anti-reductionism principle state:

At least for practical purposes, we must construe nonhuman animal minds according to the evidence that supports the most possible mentation that is consistent with the available evidence. We must avoid positing lesser, or nonexistent, nonhuman animal mentation, even if that reduction is not absolutely contradicted by the evidence. This rejection of reductionism is based in the latter's presupposed oppressive willingness arbitrarily to harm others.

The best science can offer here is not proof, but rather, competing hypotheses, favouring the ones best supported by the evidence. For the purposes of ethics, we must prefer not only hypotheses that are absolutely consistent with the evidence, but that resist reductionist interpretations. In the face of this principle, many gratuitous reductions in the literature do not stand up to scrutiny. For example, Ruth Cigman reductionistically opines that


nonhuman animals have no capacity for misfortune, since they have no desire not to die. Continuing with this fatuous reduction, she tries to account for animals’ resistance to deadly circumstances: “blindly clinging on to life [in fear, she concedes] is not the same as wanting to live because one values life.” There is a real presumption here, and a very significant one, since all of the animal ethics literature seems to agree that humans literally put billions of animals to death for food alone. Animals valuing life—and even granting that they have some sense of the future—is certainly more consistent with an anti-reductionistic view of them. Even if nonhuman creatures’ predictive powers are very limited, if we can predict a future that threatens their valued lives, then it behooves us, as moral agents (who identify with their interests), to act so as to preserve their lives, and not to destroy them.

Meredith Williams declares that “[h]umans can take an interest in their welfare; animals cannot....Human interests have an extended emotional aspect whereas animal interests have only an immediately experiential aspect.” Of course, Williams cannot prove what she merely alleges, since she cannot directly access animal minds. Moreover, an anti-oppressive concern will go by the least reductive interpretation of animal minds, which will include animals taking an active interest in their own well-being, and having an extended emotional aspect. I might add that the non-reductive view accords with my own actual impression of animals, although, again, I cannot prove that my perceptions, in this respect, are correct. However, that is simply irrelevant to the ethics of interpreting animal minds, where “proof” (in the strictest sense) is lacking all around. In light of Williams’ reductionist opinions, which deny that nonrational animals can extend (or even imagine) their way beyond the here-and-now, she finds that “attitudes toward animals as tools for research or as food are not pernicious racism or sexism.

Some scientific hypotheses are not only weak in evidence, but are not compatible with anti-oppression. I think that it is all the more irresponsible to defend reductionism,

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given the wealth of contrary evidence in the literature and in the world, but it is also ethically offensive or oppressive. Reductionism stands in the way of trying to identify with others, posing a risk for diminishing or eliminating points of view in the world which we cannot "prove," but which we must take care not to dismiss. We cannot disprove that other humans lack minds too, but it would be oppressive to maintain this. Indeed, it would be speciesist to maintain that other humans have minds, even though we cannot prove it, whereas nonhuman animals lack minds, on the basis that we cannot prove that they do.

Scientific studies, and even common-sense observations, rule out silly anthropomorphisms, such as those which conceive animals like cartoon images. However, such studies do not rule out, but rather support, the notion that at least a great many animals can think, feel, desire, perceive, understand, imagine, and so on. I am grateful to the many thinkers who have provided arguments which show the scientific credibility of interpreting sophisticated animal minds. The reductionists, on the other hand, have erected a tangle of problematic definitions, aspersions of anthropomorphism, and so on, which deserve some further comment.

Anti-reductionist interpretations do not presuppose any one, narrow set of definitions of "benefit," "autonomy," "interests," etc., although reductionist definitions have already been implicitly ruled out. One reductionist strategy is to define these terms in an all-or nothing fashion, or with standards so high that no (or few) nonhuman animals can possibly meet them. This reduces our conception of animals, so that they hardly, if at all, seem capable of being benefited or harmed, as they would be said to lack any potential for having autonomy or interests in the first place. Instead, we might more generously conceive of nonhuman animals after their own kind (recalling a moral duty to identify with them in one's understanding of them).

Animals have their own agency, willing, desires, wishes, it seems, and govern their own lives by how they consciously act, on the appropriately generous view of other creatures that I am urging. To deny that this self-governance is "real" autonomy, just because it does not match the human model, is purely anthropomorphic, and perhaps ultimately speciesist, since it leads to a discounting of nonhuman interests. Similarly.
anyone who claims that one must use language to be autonomous or free, or that one must use a strictly human kind of language to use language, or must have a certain richness (such as humans have) of interests to have interests at all, is using a reductionist strategy that ethics must bar. Many also suppose that our emotions or passions are held in common with the beasts, but we cannot necessarily use human emotions to assess the possible feelings of a mongoose.

Let us touch further on the problem of anthropomorphism, which, allegedly, is a thorn in the side of animal liberationists. I would maintain just the opposite, that the reductionists fall prey to this form of error. For one thing, as just mentioned, to conceive of interests, autonomy and on and on as they pertain to humans, and then to evaluate whether or not animals have these things based exclusively on the human model, is sheer anthropomorphism. Moreover, it is assumed that if a bird has a mental life at all, then this is or must be like a human mental life (at least to some extent, especially if higher capacities are claimed). But if something like a human mental life is ascribed to an animal, this is denounced as “anthropomorphic.” This denunciation merely begs the question. Animals, perhaps, have minds a lot more like those of their own kind, than like human minds. Rather, ascribing a mental life to a bird, on the basis of the evidence (and in accordance with anti-reduction) can better be described as “ornithomorphic,” and doing the same with an insect is “entomorphetic.” Just because humans have minds does not entail that no other animal does, without a presumption of absolute human uniqueness, which is absolutely up for debate here. It is, ironically, anthropomorphic to see everything in human terms, including the existence of mental life: if it is not human, or strictly human-like, then it is not real. It is also anthropomorphic to use tests for animal minds that only apply to humans, for example, introspection, or introspection that is reported by language. This test may have a lot of plausibility or revealingness for humans, who can use language, but it is simply irrelevant for identifying beings, with minds, who cannot use (human) language.

Thinking of birds or other animals as mere machines, as Descartes would have it, is rather “mechanomorphic,” with very little to do with birds, their brains, evidence for their feeling, and so on. The interpretation is only anthropomorphic, in fact, if one attributes
fully human kinds of imagination, feeling, etc. to the nonhuman animal. Childishly to conceive of a bird in the manner of a cartoon is "cartoonomorphic." And so forth. These labels do not settle the debate, but using anthropomorphism, as it has been used, only confuses issues and also begs them. We need to identify with birds, to the best of our abilities, and to reclaim for them, as we may, what it is like to be a bird, at least in our conception of them, but hopefully also in our treatment of them, and allowance of their natural freedom. Perhaps logic alone does not presuppose that we have or lack commonalities with nonhuman animals, but observation supports a good deal of what we seem to have in common.

The mystery of animal minds should inspire us to approach this issue with caution and respect, not dismissal or arrogant presumptuousness. Anti-oppressive care must mean erring on the side of caution, including in the avoidance of oppressive harm, or even the risk of it, as much as possible. We must not risk conceiving of animal minds in such a way that we tell ourselves that they cannot be oppressed (or perhaps only in certain, restricted aspects), whereas the evidence allows—and supports—more plausible views.¹² This also extends to working against any tendency to hate animals, which might distort our perception of the relevant capacities (misanthropy falls into this category, as well). Seeing others as monsters, or really selfish and vicious, by turns of interpretation, can also cause one to lose empathy for those others.

The anti-reduction argument does not, strictly speaking, have to do the work of showing that animals have advanced cognitive capacities in order to earn them a favoured place in a Juggernautian, or in one of the more stipulative humanist views, since these theories have been refuted—these are, therefore, morally irrelevant differences. The only exception is the respecting of animals' interests pertaining to advanced cognitive capacities, but then, the anti-reductionist principle prevents one from ruling these out. To reduce

¹² We must also avoid conceiving of animals, as oppressed beings, through narrow filters. One of the central preoccupations of ecofeminism is to compare the oppression of women with that of nature (including animals). As we have seen in the last chapter, however, animals are oppressed in different—and more horrendous—ways than women. It is fundamentally unempathetic to conceive of the oppression of others through one's own experience alone, and narcissistic to regard nature merely as a metaphor for one's own suffering, for the purposes of self-understanding. It is, perhaps, even reductionist to view the oppression of "nature" fundamentally through a comparison with the oppression of women.
always implies the option to keep intact, which just reinforces the fact that reductionism is not “necessary,” but rather an arbitrary and indeed oppressive imposition against animals. Contra Narveson, we must not speculatively hold that animals lack self-consciousness, but rather, open our own consciousness, without reductive, inherently negating tendencies, to the possibilities of advanced animal capacities—we may even be surprised at what we find. Common sense attributions of animal minds, or perhaps even more extensive attributions, are not only intelligible, on the view just defended, nor even merely justified, but are morally necessary if we are to be serious in our opposition to all oppression.

3.4 Minds, Free Will, Holism, Hope, and Beauty

Let it be noted that the anti-reduction principle favours humans, too, and not just obviously oppressed groups like blacks and women, whose rationality has wrongly been denied in the past. In the last chapter, I indicated that my view would have something to say against reductionist, materialist conceptions of the human mind. At least for moral purposes, I believe that we should avoid reductionist views of our own minds, as they imply less richness of life and freedom, and the possibility of restricting these arbitrarily. These aspects of our lives are, or at least can be, vivid in our experience, and to declare, as a materialist reductionist might, that they are illusory is not only without proof, but oppressive. How can one have a right to autonomy if it is an illusion, or a right to well-being if feeling and desire, as such, are fundamentally unreal? How can such things be taken seriously on such a dismissive view? This only indicates a philosophy of mind for ethics, however: people can otherwise speculate about the material implications of human minds.

The same goes, implicitly, for the free will versus determinism debate. It, too, cannot be resolved with “proofs,” from the present standpoint. It can no more be proven than that there is a God who knows all futurity (implying, I assume here, that the known future can only turn out one possible way, as with determinism). Many people who, in fact, conceive of persons in materialistic terms, believe that we are entirely governed by the same inexorable laws of physics and chemistry as any other material thing in this universe,
and that every brain event, and each muscle surge, is governed by such physical laws. It is thought by determinists that, because of all environmental, genetic, social, and other causal factors and influences, one’s actions can only manifest in one possible way at any given moment. Although one could be determined to think that one has free choice, on determinism, that would be a naturally occurring illusion, and only one path lies ahead: nothing could be otherwise than it actually is, at any given time. As indicated earlier, this determinism runs contrary to our own experience of actual choice between alternatives, at certain key junctures of decision. It also can result in less empathy, since we can then see all who suffer as “born victims,” in a sense. Any unsavoury impulses we have may be acceded to, and then our resultant behaviour may be rationalized as “absolutely necessary.” Feelings of compassion may be thought pointless, if nothing could be otherwise than it actually is.

Determinism is, essentially, a reductionist view, stemming mostly from materialistic reductionism, and, in effect, reduces the possibilities of human freedom (perhaps, again, methodologically motivated, like behaviourism, to adopt a framework on which human actions are predictable and hence subject to scientifically informed control). For ethical purposes, determinism can be rejected on the basis of anti-reduction. While seemingly insoluble metaphysical debates rage on, we must give ourselves the benefit of the doubt that we are free beings.13 We are free, then, as moral agents. This conclusion is important for the full realization of an anti-oppression ethic, in all of its possibilities, and the assumption of individual responsibility, pertaining to free agents (I am assuming, without argument, here, that if one cannot ever do otherwise than one actually does, then one is never responsible for never doing differently than one does).

Reductive views, which reduce what we normally think of as individual conscious beings to mere parts of a larger whole, or else to mere parts of their own selves, may also conduce to unempathetic treatment, and so are to be avoided in our ethical life, which is

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13 Consider, also, physical indeterminism, which is sometimes interpreted, from the new physics, as having implications for human freedom. Herein lies not freedom, but rather, being subject to random and unpredictable changes. The indeterminist view of this sort is also oppressively reductionist, equally seeing us as being at the mercy of physical causation, and without real freedom of choice, only on this view we are simply pulled in different, random directions.
much of our life as a whole. We are not mere cogs in a societal machine, nor economic units, nor tokens in an ecosystem, nor indistinguishable from the rest of the universe, for moral purposes. These larger wholes are, of course, very important, but their consideration cannot rightly obliterate empathetic regard for individuals, as such.

Reductionism, however, can extend quite recklessly, even into our reckoning of different possibilities. Some people think that only the status quo is "possible" to contemplate as offering "real" options. That heartily risks oppression, to the extent that the way things are is or may be given to oppression. Sometimes "the way things are" is only so, or continues to be so, if we choose things to be in that particular way. Moreover, surrendering hope for betterment is reducing the horizon of possibilities in a negative way, which will likely discourage people from opposing oppression, and retard its hopeful disintegration. Being blinded by despair has its own negative effect on outcomes. People can proceed, full of hope for whatever good may come, even through comparatively grim conditions. We can aim for "liberation." even though, for so many, it will be too late. A practical optimism can become the order of the day, regardless of how the evidence may tempt us to pessimistically overgeneralize, at times. The truth is that we cannot just sit back and passively judge whether or not the future will be good or bad, on the whole. For much of the future is up to us, what we do, and what we omit to do. It is hard to place limits on what may be accomplished, in the long term, through unwavering and carefully nurtured hope. Hoping does not have to be a passive activity, but can be as actively cultivated, identified, and not surrendered, just as surely as the actions which are very largely premised upon hope.

Even the perception, and associated judgment, of what is beautiful in the world can be affected by reductionistic tendencies. People tend to form a limited focus concerning what they consider to be beautiful, and are very much influenced by cultural life, art, fashion, language, media images, and so forth. Women, in particular, are induced to feel inadequate if they do not fit a particular sort of bodily image that tends to dominate modern advertising, and this can lead to great unhappiness, eating disorders, and so forth. It might be thought that it does not matter what one considers to be beautiful or unattractive, for if
one disavows "lookism," then one's respect is unaffected, anyway. The point is that reductive conceptions of beauty are themselves a result of oppressive lookism.

Unfortunately, considering others less beautiful may increase their chances of their being socially disliked, discriminated against, etc. It is true that physically unattractive people ought to be respected, but we can also learn to see beauty even in less obviously striking entities, or in different aspects of them. This does not mean that we cannot freely find something to be unattractive to us, only that we should not artificially limit our appreciation of beauty, by an oppressively limited focus on beautiful qualities that become elite, by cultural decree, and by a ruthless perfectionism, which makes beauty an impossible, all-or-nothing thing.

Anti-reduction, then, is an anti-oppressive principle to counter various forms of oppressive reduction. There is good enough evidence, in my view, to credit the existence of very sophisticated nonhuman animal minds on purely scientific grounds, but oppressive prejudices may bias interpretation of the facts. Similarly, people may affirm what reduction seeks to deny by attending to their experiences of their own minds, their sense of freedom when choosing, their sense of their own individuality, their finding that hopefulness does make a difference to actions and outcomes, and to their sense that open appreciation can lead to a greater sense of beauty. The anti-reduction principle is mostly to counter reductionists themselves, and may be redundant for those who live by their own relevant experiences. In general, the reductionisms considered here affect world views, so having a narrow conception of minds, freedom, hopeful possibilities, and beauty does not affect the fact that the realities denied (can) exist. Unfortunately, however, such world views can and do have a very grave effect upon the world, and the very things that are intellectually reduced.

3.5 Clearing the Ground: Five Immediate Objections

One might object that, in trying to identify with others, one might lose one's objectivity. However, this is question-begging. There is nothing about identifying with others that compels one to lose all sense of objective reality. If anything, it is a gain in awareness of a
key reality, one that even helps to determine what objective behaviours conscious beings will manifest, which is a valuable asset for any science which occupies itself with such concerns. In terms of conceiving of the subjective, for that matter, "loss" of the purely objective perspective on that problem is an asset insofar as a point of view cannot be assumed "objectively." It must be conceded that there may be a danger of fixating upon some individuals, at the expense of others, but that is a concern that has to be mediated by individuals, and is not intrinsically related to an impairment of objectivity, so much as a misguided use of one's subjectivity—which is a different error. Only faulty deep empathy, which goes contrary to the Platinum Principle, could present such a problem.

One would not be invading others' privacy in seeking ethically to empathize with them. It is not as if one is reading another's mind. Largely, people reveal what they wish to. In addition, respect for others' autonomy mandates granting them the privacy that they wish (unless protection of personal space must be overridden, in special circumstances, such as in a police invasion of a criminal headquarters). One would identify with another's ethically consistent wish for privacy and gentle treatment, as much as anything else. By contrast, an objectivist view is capable of imposing on private lives in any number of ways, by enslaving animals, or possibly by requiring individuals to carry out what certain mandarins might declare to be for "the greatest good" (but more on utilitarianism, some forms of which might provide for such incursions, in the final chapter). Contractarianism envisions egoists getting away with whatever they can, or might selfishly wish for—hardly a picture that encourages respect for privacy, if the reward is tempting enough for a given selfish agent, and if the counterindications are negligible or nil.

One might object that, just because we are not aware of any sound criteria for discriminating against nonhuman animals, it would be arguing *ad ignorantiam*, or on the basis of ignorance, that none could exist. On the contrary, since ethical reasoning, all five senses, and intuition have been tried in seeking these criteria, they have been subjected to a fair epistemic test. They do not pass the test. So any resultant "ignorance" of these legitimate criteria for discriminating against animals is not epistemically culpable by any standard of knowledge that is used. One needs a justification for harming, if harm is to be
carried out at all, and if relevant reasons are absent, then, in light of the classist fallacy, the presumption must be that the harm is wrongful to inflict. Incidentally, the same misguided \textit{ad ignorantiam} objection can be used—equally to impotent effect—by racists, who might hope for an “adequate” criterion of moral standing with which to sort aside those of races, so-called, which happen to be disfavoured.

One might claim that it is not arbitrary to discriminate on the basis of riches because, after all, financial security is better than bone-grinding poverty, a novel that is rich in meaning and style is better than a “supermarket tabloid,” and so on. These particular observations seem to me to be correct, but they do not justify classism. One’s being rich does not empower one to harm another who is poorer, as the argument against the classist fallacy reveals. The empathist favouring of choosing what is better for \textit{all} individuals involved is different from a classist hierarchy that arbitrarily favours the rich over the poor. That is oppressive, it is wrong, and must be opposed at every turn.

A communitarian might object that rights to autonomy reek of atomistic individualism, or even egoism. It is not only the case that the Platinum Principle is the antithesis of egoism. I also agree that social organization is needed, in order to secure basic welfare and autonomy rights. Indeed, if the communitarian were to demand more, in terms of imposing a vision of “the good life” for all, in a rigid fashion, I would reply that this would be an oppressive muffling of autonomy itself. Such a life, with freely choosing peers, however, would be morally fine, so long as oppressive impositions are not at work. Laws that restrict against oppression, however, are not, themselves, necessarily oppressive.

\section*{3.6 A Revival of Animal Liberationists’ Insights}

We have already seen that it would be premature to have thought that animal liberation leads to a philosophical dead-end. The same holds for particular animal liberationists’ insights, which Juggernaut supposedly disposed of in the first chapter. They are alive and well, on a different perspective, which is achieved after making a \textit{gestalt} shift from objectivism, to a more balanced objective-subjective view. I did not burn any bridges to intuitions that are
supportive of animal liberation, as the illusion of Juggernaut’s power may have earlier made it seem. On the contrary, I merely showed that such intuitions have no place on an objectivist world view, and are insufficient to upset such a view. But I have also shown that we have no place for such an objectivist world view itself, on a realistic perspective, and that the latter can, and does, admit of the insights that were earlier under siege. I have been busy making room for such insights, rather than undermining them, although admittedly, by building up a case for Juggernaut (which is also crucial to exposing humanism’s central weakness), it might have seemed otherwise. In no special order, then, let us see how numerous animal liberationist views make sense on an empathist outlook.

Regan holds that all subjects of a life have inherent value. While his circular reasoning (examined above) cannot be preserved, we see how all of the individuals, whom he thinks deserve respect, and are not to be treated as mere resources, are to be treated just as Regan would have it, on the Platinum Principle (notwithstanding possible objections from utilitarians; but that huge question must await our final chapter). Regan also asserted, rather bafflingly, for a Juggernautian, that there is no essential difference between human and nonhuman animal welfares. From this new perspective, it is true that we can equally identify with either: the essential commonality is a conscious point of view, for which things can go well or ill, either as a doer or a recipient.

Singer’s view that sentience is a boundary of moral concern is also largely borne out, since we can identify with any sentient with a view to his or her good—indeed, any conscious being. In fact, this allows a more generous inclusion than Regan’s more discriminating “subject of a life” criteria, ten in all. Nonoppressive interests are also to be considered equally, if one identifies equally with others. Singer’s and others’ utilitarian views will be addressed in the final chapter.

We have already seen the inadequacy of the ethic of care, although one who identifies with another with a view to his or her good does, I think, care for that other in the best possible, ethical sense. As Sapontzis said, along with the importance of compassion (which arises naturally, for as one tries to identify with another with a view to his or her good, one’s emotional life will tend to reflect this commitment), there is also fairness.
What could be more fair than striving equally to identify with others and their concerns, with a view to the good of all individuals? Certainly it would not be fair to discriminate on the basis of arbitrary and irrelevant differences, which refuting the classist fallacy helps to sift aside.

Speciesism, too, is resuscitated as a real and substantial charge against humanists, since identifying with the interests of the human species, disproportionately, over those of all other species, is arbitrarily favouring humans, as a species, after all. By Singer’s definition, any arbitrary favouring of the interests of one’s species over another qualifies as speciesism. Since there is no rightful discrimination on the basis of rationality, Q, or whatever, the resultant favouring of the human species is just as arbitrary as discriminating on the basis of species membership, by itself. This can be stated, now, without begging the question. Speciesism is a charge that can only be properly leveled after the dust of the debate has substantially settled. Anti-speciesism resumes its status as a useful conceptual tool for further argument. After all, since I am asserting that animals are oppressed, speciesism is a good name for this oppression, and we can and should compare it to other oppressions (as we will in the next chapter), in order to allay any doubts as to whether speciesism can legitimately be considered to be a form of oppression.

Regan was correct in rejecting extreme perfectionism, or certainly, deep empathy with others does not allow this. As for the “imperfect” humans, the so-called “marginal cases,” a less oppressive term for such beings would be “marginalized cases,” since they have been so alienated only by oppressors. They are not inherently at the margins of moral concern, nor even at the margins of any nonoppressive ontology, which accepts all differences with equanimity. All beings exist within their own margins, and we appreciate this the more we identify with them as they are, accepting them as they are, rather than measuring them against some objectivist ideal of what humans “should” be. Certainly, no one lacks reality for not conforming to such a standard, and certainly, if we reject classism, they do not lack “ideal reality,” as they are, either—although they may well be treated in ways that are less than ideal. If we could improve their well-being or autonomous capacities, we would, with a view to their good. However, as long as they are the way
they are, they have their own good which cannot be held against any nonexistent “objective value” of any kind of being. They are individuals, with particular characteristics, who are only grouped together out of an oppressive pursuit of the good, or an anti-oppressive countering of such “benevolence.”

Marginalized beings are to be identified with, along with nonhuman animals, and everyone else who is conscious. There is little purpose in ethically singling out marginalized beings, unless (1) one is intent on comparing them with so-called “normal” people, to see if they should be considered more fitting to harm, or at least not to benefit, or (2) one is identifying the special needs of particular marginalized beings. Overall, though, it is normal for humans to experience certain proportions of genetic problems, and so on. In a post-oppressive society, marginalized humans would be regarded just as the beings they are, individuals with names, each with unique capacities like the rest of us. There would be no moral segregation, although some distinctions might be relevant. They might be less intelligent, but equally are part of the full ontological spectrum, and equally are accepted morally. Margins are always relative, and, in this case, they often relate directly to beings with Q, with whom, according to humanism, we are implicitly to identify, first and foremost. We are, on Juggernautian logic, to identify with marginalized humans only secondarily, and less certainly, in a descending hierarchy that is based on various capacities, such as those in Q. It is disempowering, oppressive, and alienating to even think of oneself as “marginalized,” however, except and insofar as one is in direct confrontation with oppressors, who would marginalize one, with a view to overcoming the harms of marginalization.

While at least much of the nonharming spirit of ahimsa is borne out by anti-oppression’s rejection of arbitrary harming, it is questionable whether, in identifying with others with a view to their good, one would never defend them against harm. Anti-oppression means opposing harming, and that might mean physically. Also, avoiding natural harms is part of upholding the welfare of conscious beings, even, perhaps, if one must harm nature in order to stave off that harm. That would not necessarily be “arbitrary” if the point is avoiding needless harm (such as humans’ arbitrary inflictions of harm, or
natural harms that are avoidable). Nonviolence on one's own part usually works, although it might betray a lack of deep empathy to refuse to use physical resistance in some situations. Still, although ethical vitalism might hold that we should harm no living being, it was determined, last chapter, that plants, for example, can have no rights, although one very well can choose to identify with their good (so long as this does not interfere with one's duties).

We do generally wish to avoid harm, even if it is not from an oppressor, but just from natural forces. Yet even when we are fending off natural harms, anti-oppression is not necessarily out of the picture. To refuse to defend ourselves against naturally occurring harm is a form of self-oppression, in that it arbitrarily denies, to oneself, that which one needs. Anti-oppression gives us some sense as to why we prevent harm, and why not doing so is bad, irrational, or in disregard of reality itself. Ahimsa *may* be too indiscriminate, by itself, since one can also harm plants, although that is not significant, to an empathist, in nearly the same way. Oppression has the crucial dimension of being unempathetic, which harm to a plant need not be. Anti-harm, by itself, is comparatively simplistic and unrevealing, as well as deniable by Juggernaut, as we have seen. Finally, anti-oppression uniquely provides for identifying the classist fallacy, and anti-harm does not necessarily require us imaginatively to identify ourselves with others. Still, ahimsa may yet play a certain role in an empathist framework.

There is an aspect to Pluhar's views, concerning the value of animal lives, which is a complete nonsequitur, on an objectivist view, but which seems inevitable from a perspective of deep empathy. She compares two lives, in which A may have a life that is more varied and replete in satisfactions than B's life, and asserts if either were to lose his or her life, "it would not be true to say that B valued his way of life less than A valued his. They are equally bereft, because each has lost all that made life satisfying."14 This thought assumes a lot in thinking that beings automatically value their lives equally: it is untrue of many a depressed person, for example. Moreover, she confuses what makes life satisfying with subjective valuation: one's life might be full of what makes life satisfying (ordinarily

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at least), and yet one might suffer from anhedonia. From an objectivist point of view, too, one's life may involve fewer chances at satisfaction, and the intensity of valuation might also be different. There is equally the existence of a whole set of satisfactions for A and B, it is true, but the loss is not equal from an objectivist perspective, which would look at kinds and degrees of satisfaction, which, she herself admits, are not equal at all.

Yet from a deeply empathetic point of view, we are to identify equally with A and B, and equally to resist their loss of life, no matter how rich or poor their existence, and no matter if they equally value their lives or not. When Pluhar describes the loss of a dog's life compared to that of a human's, it is clear that she is, in fact, identifying with the animal, mentioning how "[h]e would never again know the joys of running across a meadow, feeling the warm sunshine on his back, being nuzzled by his mother, being bombarded by tantalizing smells in a forest, eating his favorite food, wrestling with buddies, and having his ears scratched."\(^{15}\) She claims that the joie de vivre of the dog would be no less than that of a human. Maybe it would be, but that is not relevant from an ethical empathist perspective. It would not have been relevant on a Juggernautian perspective, in a different way, insofar as the dog's life would be deemed comparatively "impoverished" overall, anyway, "lacking" as it is in Q.

From our new gestalt shift, we can relate to Rollin's and Sapontzis' otherwise somewhat anomalous claim that animal liberation derives from tradition. We know of many traditions that are hostile to such liberationism. But if we look at the traditions of ethics with a perspective of identifying with others with a view to their good, certain things stand out, such as fairness, promotion of happiness, and so on, which extend equally, in a sense, to all animals. Certainly, the Golden Rule can be extended to nonhumans in the form of the Platinum Principle. Sapontzis claimed that the onus is on animal exploiters to justify their rejection of animal liberation. Perhaps that is the case, although it may not have been, prior to unraveling the illusions of Juggernaut. The latter view would have been found outraging, dreadful, or perhaps merely annoying to an animal liberationist, since it is completely foreign to identifying with all conscious beings from an ethical

\(^{15}\) Ibid.
perspective. The negative reaction might not be due so much to a crisis of confidence in animal liberation as to a fear of the consequences of a view such as Juggernaut. It is understandable how the animal liberationist insights from Chapter One fail to convince humanists, by themselves, mainly by begging the question, and, in a sense, "preaching to the converted" (or else the readily convertible). However, these insights remain fruitful, from a perspective of affinity with others, that can indeed philosophically be defended. They are not, however, starting points in philosophy, since not only can they be deduced from an empathist perspective, but they cannot, by themselves, defeat Juggernaut.

### 3.7 Expansive Insights: Aphorisms

Ethical empathism conduces greatly to human liberation, as well as promoting the cause of animal liberation. Singer and Regan, the principal animal liberation philosophers, state the same maxim: "Animal liberation is human liberation."\(^{16}\) This can be interpreted in any number of ways. However, both liberations stem from the same anti-oppression ethic, in my view. I consider this to be a significant theme, since, as Schweitzer once penned, "Until he extends the circle of his compassion to all living things, man will not himself find peace."\(^{17}\) We cannot liberate ourselves, as humans, without a thoroughgoing freedom from oppressiveness. Indeed, if we objectify animals, we will easily do the same with human animals, and it is not just psychopathy which might stem from this, as discussed above. We have also seen that the slippery slope, which leads to ever harsher versions of Juggernaut, can be slick indeed, without a justified anti-oppression ethic to prevent the slide. Recall how Hitler vilified the Jews as slime and maggots, and we can see where such objectification may lead (more on Nazism in the comparison to the Holocaust next chapter). Conversely, one cannot expect nonhuman animals to be treated well when humans themselves are objectified and abused.

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My philosophical emphasis has been on awareness, and not purely reasoning per se (although that is also key). We know that awareness can arise in a nonlinear fashion. Such an emphasis may occasionally—although not inevitably—conduce to the use of aphorisms. I offer the following maxims, in accordance with the theme of how human liberation, too, is furthered by this liberationist perspective:

Circumstances may change quickly, but world views change more slowly. An empathetic perspective will help others to shift their views after a sudden tragedy, rather than callously assume an instant adjustment, as oneself might achieve from a more detached perspective.

Anyone with grand ambitions of furthering a way of life, such as deep empathy, cannot insensitively sacrifice others to do so without blatant self-contradiction.

Perfect empathy would sustain the continuity and duration of love or loyalty, as ongoing as the other conscious being with whom one empathizes. In giving the other love, we would also receive it, somewhat, through empathizing with his or her receipt of it.

People often prefer stories, or the setting of an example, over simple instructions in moral matters, perhaps, in part, because this gives people a chance to identify with real characters, and affords people an opportunity to work out the significance of various roles and behaviours in richer, more relevant, and reality-implicated terms.

One is invariably less frustrated in not securing what one wishes from others if one empathizes with the others’ desires, as well.

An objectifying view can easily conduce to seeing others as consumables, assets, “drags,” as rewarding or not, as being “of quality” or not. People can come to assess others, all too easily, on the basis of how much comfort, amusement, figuring things out, information, moving power, etc., they have to offer, viewed objectively. People, as objects, can thus
be rated and ranked, and as soon as someone becomes interested in something, there is a possibility of subordinating others, as objects, to that end. Some such objects are "costly" or else "low maintenance," are difficult or easy to deal with, important for one's welfare or irrelevant to it, adorning, or perhaps even a ticket to access other "objects" for one's career or social life. In any case, it may be more convenient to examine others as they appear, subsumed under stereotypes, than it is to bother attending to objectively "irrelevant" personal details.

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Humiliating another, enjoying it, and empathizing with another with a view to his or her good is a psychological as well as a moral impossibility.

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Deep empathy is a basis for deep trust. One cannot depend on another person fully to respect oneself unless that other deeply identifies with oneself. Otherwise, the other might ignore one's wishes, feelings, values, unique perspective, or manipulatively override such considerations. Of course, opportunistic empathy can conduce to such manipulation, but such empathy does not have the depth of unconditionality, for all times, penetrating to the very reaches of one's moral fibre. In objective terms, no one is perfect, and objective trust may be impossible, although trust in another's commitment to deep empathy may be a good start. For such, if genuine, is no mere abstract decision, but is a way of being.

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Juggernautian thinking may well conduce to false modesty, and fear of announcing one's true virtues, for boasting implies an assertion of greater Q than others, and hence, by classist logic, a greater claim to subordinating others, perhaps even harmfully so.

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Objectivist academics and thinkers might narrow-mindedly oppress others. For they are not as apt to explore other viewpoints from the standpoint of those who hold them, but rather, look at other views as mere things to discard, and perhaps their holders along with their views. An empathist accepts another wherever he or she is "at," and dialogues onward from there, if possible, with an open mind.
It is easy to be untrue to oneself, by failing to identify with oneself, and instead to conform to social expectations, peer pressure, or to identify with those who, themselves, fail deeply to empathize with oneself.

People often resent being manipulated through rewards and punishments, as though they are mere objects that are to be controlled in certain ways. For individuals are also capable of identifying with others, and serving them is its own reward.

Many might have experience with others identifying with them as confidence artists, or others who are intent on manipulating by lavishing positive attentions. As a result, people might be cautious about identifying with others, or shy about “getting involved.” Contrariwise, an empathist can ask, “How are you?”, and always mean it.

It is true that one can become overinvolved with others, but this is not a fault with identifying with conscious beings, per se, but only a failure to identify with everyone with a view to their good.

Self-abdication can lead to slavishly imitating others, “putting on an act,” either invented or copied, or even, in rather combustible cases of self-hate, developing wholly distinct personalities. Eating disorders, compulsive muscle-building, or cosmetic surgeries can result from viewing oneself as a bodily object, and perfectionistically obsessing with getting rid of “flaws”: any perceived fat or lack of muscle or aesthetic “imperfection.” Staring is considered rude, perhaps, because it examines others in the same objectifying and unempathetic way. Meanwhile, people often self-consciously present themselves as objects to be admired, and can become “chameleons” just to please others.

One who is vainly “full of himself” or herself is congested by focusing on the self as an object of admiration, rather than just identifying with oneself as a doer and recipient, and
with others as well. Ironically, then, vanity can lead to failure to identify with self as well as with others.

Many objectivists believe they can “size up” others at a glance, which is very far from being the case. Behaviourists, espousers of stereotypes, and gurus of body language may well purvey such ideas.

Objectivism easily leads to one-sided hypocrisy, for while one can understand why oneself might change course, one might not empathetically regard others the same way, and so one might see oneself as simply “developing,” and others as utterly inconsistent.

Judging how things should be by impersonal, objectivist standards can tend to make one judgmental, irritable, or even angered all too easily, in contrast to a deeply empathetic regard.

It invalidates others’ feelings and perceptions to treat others as “out of place” objects if they are angry, fearful, sad, or perceive things in a way that one does not consider to be true to objective reality. One should accept others as they are, and then work from there, through dialogue, if possible. This acceptance is certainly a good place to start, rather than adducing reasons why the feelings, etc. should not be there in the first place.

Sadistic jokes—so common in our culture—can only seem “funny” if one takes a certain perspective of objectifying the victim.

If one expresses that one is glad that one is not as badly off as someone else who has more problems, this does not express empathy for the one worse off, but at best gives one a satisfaction at being higher up on the objectivist hierarchy—certainly, the comparison does nothing to alleviate one’s own actual problems.
Objectivists can see love and marriage in terms of access to property: a mental-physical object known as the spouse. Perhaps the partner once satisfied a list of qualities for the right kind of object, whereas it is, perhaps, more important to be able to identify, harmoniously, with the other as a subject. Certain objective behaviours, with a calculated end, are given and received, according to learned “techniques” of interaction at every level. Thus, there can be a failure to identify with another even in this supposedly most intimate of relationships. Such are many tragic lives in an objectivist culture, with great gulfs existing between different “persons-as-objects.”

Objectivist one-sidedness is often part of child-rearing: if one overemphasizes the agent-aspect, one can end up with a powerful adult one day who was robbed of childhood enjoyments. If one overemphasizes the welfare-aspect, one can produce a minimally autonomous child who is spoiled with (would-be) gratifications.

Competition, on an empathist view, is more positive and friendly, as well as more constructive. It is, indeed, a form of co-operation towards a desired outcome. Objectivist competition seeks to discard objects until the supreme one reigns. An empathist may be happy for a good that another gains which one cannot enjoy oneself.

If one identifies with all disputants in a conflict, one is more likely to perceive all sides, remain peaceful, and work towards a constructive solution, rather than a destructive dissolution of objective views in conflict. Deep empathy allows for listening, not just hearing. One is more likely to compromise, on either side, if each can identify with the other, so that it is then just a matter of which balance is achieved, as long as it is fair enough. An objectivist is not “with” another’s perspective, and so the approach is far more likely to be adversarial. Siding with others risks harming still others.
Some people seek to degrade others, due to personal insecurity, yet thus they succeed in creating insecurity in themselves and others. It is most secure for everyone to be with each other, on a shared empathetic perspective.

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The objectivist view creates an illusion of scarcity all round, for it is obsessed with the “need” to concentrate wealth among those “most worthy,” and sees objects, more or less neutrally, rather than subjects who have needs to be met.

∗
The popular willingness to regard computers or androids as intelligent persons is a reflection of our culture’s denial of the reality of points of view, the fantasy that all is or can be objective—which is true of machines, but not, perhaps, conscious beings.

∗
Self-identification can allow one to be more of an Epicure, appreciating one’s sensations, rather than just touring one’s body around like an object, shoving food down one’s gullet, and otherwise manipulating oneself, without identifying with oneself as recipient.

∗
Support groups, and sharing with those who have had similar experiences in general, can be effective, since one can find richer identification with others in these contexts. Conversely, people sometimes find camaraderie with others who objectify in the same way: bigots, etc. Perhaps this correlates with a felt need to be identified with by others and to be socially accepted, even loved, just the way one is.

∗
Mothers and lovers are well known to value others even if the latter are extremely errant, and this is because they find a way to identify, at least in the main, with even roguish beloveds.

∗
Some of our earliest moral education could easily consist of a mother telling children, who torment others gratuitously (usually other vulnerable children or animals, such as insects whose legs or wings are pulled off, etc.), to imagine what it would be like to be on the
receiving end, a lesson that is perfectly in accord with ethical empathy. One can see, from these insights, that animal liberation philosophy is more than something that is tacked onto human concerns, but may mean a much greater liberation than is otherwise possible from numerous human difficulties, and, possibly, a richer form of interaction with others. Animal liberation is an expansion of human liberation, and not a separate concern.

3.8 Reflecting on the Moral Transformation of Michael Allen Fox

Here we have an especially hopeful example of someone who championed every manner of usage of nonhuman animals, even their utilization in very harmful experiments that have dubious benefits, such as Harry Harlow’s infamous “well of despair” (described in Singer’s Animal Liberation). Yet, although Singer declares that opposing oppression is not a fundamental ethical concern, anti-oppression was key in Fox’s own change of views to animal liberation. Fox tells us:

I took on the mantle of speciesism...[b]ut I could not yet see that this kind of thinking, as well as the hierarchical view of humans as superior to all else in nature, to which I still adhered, were indeed analogous to those specious and loathsome arguments used to promote racism and sexism."

Here, Fox identifies the treatment of animals very seriously (not just rhetorically, as Singer implied last chapter) with different forms of oppression, and criticizes oppressive hierarchies, including, it seems, the kind of superiority that inspires Juggernaut. In a way that parallels rejecting the classist fallacy’s overemphasis on differences, Fox asserts: “There is no nonarbitrary ground on which to argue that the differences between humans and animals, morally relevant though some of them may be, make humans morally superior and animals inferior or valueless forms of life.” Here he rejects acting on the basis of arbitrary differences, and also that they make humans “superior,” which could mean “counting for more morally”—and thus implicitly licenced to harm those who are “inferior.” This sea change is very much in accord with the ethical empathist view. When asked what changed him, in an interview, Fox responds:

18 M. A. Fox quoted in Pluhar, Beyond Prejudice, p. 128.
19 Ibid., p. 225.
It was also about that time that a feminist acquaintance heaped scorn on the book *The Case for Animal Experimentation* for its inhumaneness and its attempt to justify a power relationship of humans over the rest of nature—a relationship that is similar to the one that has generally prevailed between men and women. One group has power over another and can therefore do whatever it wants to do with the other, disguising it with a “justification.” It was a shocking experience that made me sit up and take notice of my emerging doubts.

So his change was catalyzed by the experience of noticing that groups treating other groups in (implicitly) harmful ways could not be justified, and by focusing, again, on a form of oppression: sexism.

Before, Fox knew very well that a more powerful group was manipulating a weaker group, and an objectivist humanist would shrug: “So what?” It would be considered to be an obvious fact. The real difference, here, is that Fox, at the prodding of his “feminist acquaintance,” seems to have shifted to identifying, in some way, with those who are oppressed. He regrets: “It seemed I could justify anything. This really bothered me.” Here Fox was starting to change his focus from humans’ supposed superior worth to questioning whether we have a licence to harm nonhumans at all.

As a direct result, he is now an anti-vivisectionist and a vegetarian. Many ordinary people do not begin with an assertion of rights, or utilitarian calculuses in their moral reasoning, but rather with identifying with others, very often those who are oppressed.

Oppression is a real phenomenon which we can describe and oppose—or not. People are certainly galvanized by great movements against oppression, as in the French and Russian Revolutions, the emancipation of the slaves, the struggle for women’s rights, civil rights, the struggles of and for “the Third World,” the handicapped, the ill and the poor...

Notoriously, it was during the protest against the oppressive American involvement in Vietnam that Western moral philosophy itself began to become more practically oriented, once again, and also socially relevant, after decades of linguistic analysis and merely abstract, conceptual concerns. Philosophy began to engage freshly emerging issues such as sexism, racism, among others. Equally prominent, however, are conservative reactions against impositions against “individual freedom,” which often amounts to a one-sided, and

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narcissistically diminished, version of the right to moral autonomy. I would suggest that anti-oppression, with a suitable emphasis on empathy, is more fundamental than even animal liberationists have been willing to admit hitherto.

3.9 Conclusion: A New Beginning

The only way that animals—and human "marginalized cases"—can withstand the force of Juggernaut, and oppression in general, is if we, ourselves, take a stand with these beings. Otherwise, they can be deemed to be objectively inferior, and thus subordinated. This is no mere pragmatic strategy to benefit these others, but the positing of an obligation for anyone who would be aware of reality, and who would respond ethically. The anti-oppression argument is a cumulative one, involving a rejection of stipulative criteria for moral standing, the classist fallacy, objectivism, Juggernaut, and reductionism. Just as we should be ashamed to favour the economically rich for no good reason, so it goes for classism in general.

Oppression, and whatever is related to it, is perhaps unmatched in its intrinsic and attendant evils, and deserves to be opposed at every opportunity. Even noncognitivists can reject oppression as totally arbitrary and repugnant. For skeptics regarding ethical absolutes can find a reaction, in their human nature, against oppression—including against nonhumans. This form of response can be universalized for all who share the relevant aspects of human nature (except at least some psychopaths). Implicit here would be a minimal commitment to treat like cases alike. However, one can identify with others with a view even to their "randomly emergent" good, as the skeptic might have it, just as one does with one's own. Perhaps a great many people can cultivate new world views, ways of looking at things, and habits, along the lines of ethical empathy. Emancipation ethics must haunt us until the last oppressed beings are free, and only then can we absolutely say we can live simply by our "ethics."

21 The line between "cognitivism" and "noncognitivism," here, is not very clear, since it is not necessarily given what realities are in dispute, and even on the cognitivist version, one still has to guess about others' points of view—although perhaps one may believe one knows that one should try to identify with others.
4.1 Introduction: Forbidding Territory

Unicorns are animals, but in any sense that is relevant to this discussion, they do not exist. Similarly, I can refer to “oppressed animals,” but does the universe contain any such beings, besides humans? There is a lot at stake in claiming that nonhuman animals are oppressed. If that claim can reasonably be controverted, then this analysis, as a whole, may be utterly confounded. It has been argued that “oppression” is a term that can rightly apply to many nonhumans, at a conceptual level. In some ways, however, the oppression of nonhuman animals, as I have construed it, does seem to be dramatically different from human oppressions. Yet, in some respects, there are definite similarities—especially once one makes the imaginative leap of identifying with the animals. This dynamic of comparative tension especially is to be found in considering the details of all of the different oppressions. However, reality is largely made up of details, in a sense, so we would do well, perhaps, to examine, with some specificity, at least those two oppressions that are most often compared to speciesism¹: racism and sexism.

I will not, and cannot, make an exhaustive account of these phenomena, but rather, I will present an illustrative portrait. This portrait will demonstrate that the oppressions are, in certain ways, comparable, but in other ways unique. However, all of the phenomena in question are identical in their exemplification of oppression, broadly defined as harming, or being open to harming, others on the supposed basis that they belong to a disfavoured group. I construct these portraits, but not as an end in itself—for they will turn out to be far from key in either making or breaking the comparison between human and nonhuman

oppressions. Rather, this analysis will demonstrate that particular differences between human and nonhuman oppressions decidedly do not place nonhumans outside of the category of those beings who are oppressed. This conclusion will be reinforced by a consideration of key objections to the idea that animals are oppressed at all.

Now, with comparing society's treatment of animals to the Holocaust, one has, in a sense, to fight for the comparison every step of the way, and beyond, since many people resent the drawing of any such parallel. Yet, if the comparison between racism and speciesism has any legitimacy, then we should be able to compare such oppressions, at least in some form. Marjorie Spiegel has already drawn a rather detailed comparison between the enslavement of Africans and our treatment of animals in *The Dreaded Comparison*. While the Holocaust does arise as a point of reference in the animal liberationist literature, it is not generally treated in any sort of comprehensive detail. The treatment here will not, and need not, be comprehensive, but perhaps it will still be an improvement over what now exists in the animal ethics discourse.

With the accomplishments of ecofeminism, there is less difficulty, perhaps, in drawing a comparison between the oppression of animals and that of women. Notwithstanding, humanists may think that it is blatantly obvious that such comparisons are mistaken. Their case, in their own minds, might seem to be bolstered by the disparate details between our oppression of animals and those systematic maltreatments which pertain to humans. I think these differences of detail help to create the perception which some people hold, that the comparison is, in fact, absurd, or violently offensive. I readily admit that there are irreconcilable differences in the contrasting oppressions, a consideration that may, at times, be overlooked by animal liberationists, to the detriment of their analysis. It will be shown that a healthy acknowledgment of these differences, far from defeating the comparison, only makes it richer, and more interesting, since, after all, it is a comparison between *different* forms of oppression.
4.2 Holocaus ts, Human and Nonhuman

By extension, it could be said that I am a Holocaust survivor. The derivation is from my father’s life experiences. His sister remembers holding his hand, in 1939, as their family ran, on foot, from their small home and grocery store in eastern Poland. They were fleeing Nazi planes, which were devastating their lifelong home. My father’s father’s siblings also had family members in that area. However, they were presumed lost to the implacable appetite of Hitler’s enormous engine of destruction of European Jewry. My father barely escaped. So, I suppose, did I. I take the Holocaust very seriously, from a personal point of view, and do not make the comparison between it, and society’s common, extreme mistreatment of nonhuman animals, at all lightly. Nor do I contemplate these matters, again, without an appropriate recognition of the uniqueness of each of the oppressions, which, after all, remain different.

Isaac Bashevis Singer, the famed Jewish fiction-writer, is often quoted in the animal liberationist literature as stating: “In their behavior towards creatures, all men [are] Nazis.” It is worth noting that it is not being claimed here that people are Nazis towards other people—only towards nonhuman animals. Singer is not the only post-Holocaust writer who makes the comparison. Mark Gold describes how Edgar Kupfer, a survivor of Dachau, was prompted by his experiences of Nazi oppression to “furtively scrawl” the following message, after his liberation, on the wall of a hospital barrack, at the concentration camp in which he was imprisoned:

I refuse to eat animals because I cannot nourish myself by the sufferings and by the death of other creatures. I refuse to do so, because I suffered so painfully myself that I can feel the pains of others by recalling my own sufferings. I think it is worth making much of the motivation, and reason, behind Kupfer’s abstentions from having animals killed for his meals. Notice how he claims that “[he] can feel the pains of others by recalling [his] own sufferings,” implying that he is identifying with the animals with a view to their own good, imagining himself in their place, suffering as they do—and using his own great suffering as a reference point. Many other Holocaust

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2 Ibid., p. 84.
survivors do not make this imaginative leap, and do not truly identify with animals. No doubt, these other survivors continue to regard these creatures in the typical objectivist manner, fit to be valued and used merely as resources.

Gold also notes that a whole consortium of Holocaust survivors formed a business which is, in fact, based upon the comparison between the Holocaust and our treatment of animals:

...the largest producers of soya based meat-alternative frozen foods in the world, the Tivall company in Israel, was actually founded in the Kibbutz Locheme Hagetaot (literally translated as 'survivors of the ghetto'). It was set up originally by those who survived the horror of the Warsaw Ghetto and Hitler's 'final solution' and who came to believe that the animal market and abattoir were uncomfortably reminiscent of their own experience.4

I think that it is fair to say that deep identification is taking place, here, too. For if the treatment of animals for food is "uncomfortably reminiscent of their own experience," then the company founders must be imagining the animals' actual experiences, in order to make this comparison, and not merely viewing animals from the objectivist, "outside" perspective.

Not surprisingly, perhaps, this specific comparison is also widely made by animal liberationists more generally. Michael W. Fox refers to "the holocaust of the animal kingdom."5 Regan, self-conscious of the dreadfulness of making the comparison, which inevitably offends some people, asks: "Do we dare to speak of a Holocaust for the animals? May we depict the horror they must endure, using this fearful image of wanton inhumanity, without desecrating the memory of those innocents who died in the death camps?"6 He replies to this rhetorical question in the affirmative, citing a different I. B. Singer quote than that which I reproduced above: "for the animals it is an eternal Treblinka."7 Sue Coe, who authored a book which features graphic artistic depictions of what she viewed in slaughterhouses and stockyards throughout North America, also compares this treatment of animals to the Holocaust.8 Jim Mason, one of the early exposers of the facts about factory

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4 Ibid., p. 25.
7 Ibid.
farming (which he chiefly drew from agricultural trade journals), writes that to "a growing number of people, [our way of dominating both nature and each other] looks like a global suicide course with a nonhuman holocaust thrown in for good measure."9

It seems that the particular practices, which most invite this particular comparison, are the oppression of animals in laboratory experiments, in intensive farming, and in the pet industries. I will discuss these practices in the order just given. Gold laments that "German Nazi doctors considered Jews, gypsies, communists and mentally handicapped people as suitable subjects for painful experimentation in much the same way as animals are used now."10 Deborah Blum reflects on the use of monkeys and other animals in research. She cites a relevant comment from Roger Fouts, a researcher of primates who is known for his work with chimpanzees who speak through American Sign Language:

American researchers use some 40,000 monkeys every year. By contrast, they use almost 15 million rats and mice. In such quantities, animals usually don't get names, just numbers etched in tags around their necks, tattooed onto their skin. 'We make them the same as soldiers in a war,' Fouts says. 'Without names, they become faceless, lose their identity. It's extreme exploitation, the same as in the labs of Nazi Germany.'11

Perhaps these animals retain whatever shattered identity they have as individuals, but theirs is a lonely, suffering existence, and people often make no effort to respect the animal's identity through deep empathy, which includes a regard for their welfare and autonomy. Certainly, the rationale for using animals in laboratories is quite comparable to that which was used for subjecting Jews and others to "scientific" experimentation. As Richard Ryder notes:

...defense of the exploitation of animals in laboratories usually takes the form of arguing that knowledge gained from such research will be of benefit to the human species. But such indeed was the argument put forward by some of the Nazi scientists tried for their experiments upon Jews, and with some scientific justification, for research upon human beings is more likely to produce results beneficial to humans than is research upon other animals."12

However, as the Finsens say, "we do not reject the Nazi experiments on unwilling concentration camp victims as a model for procuring future experimental subjects solely

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because the Nazi experiments were scientifically unsound." In fact, it is quite conceivable that scientifically, many objectively-based medical benefits could result from ruthless investigations with human prisoners.

Yet that is not the sum total of the rationale for treating Jews, and others, in this horrific manner. Also, "Nazi doctors did practice vivisection on Slavs [and others] partly on the theory they were like animals...." In other words, the Nazis objectified their victims in the way that nonhuman animals are typically objectified.

Singer notes how widespread was experimentation on the Nazis' human prisoners, and how no German scientists uttered even a murmur of protest, perhaps from fear of the deadly retribution of the Nazi-style Juggernaut:

The analogy between speciesism and racism applies in practice as well as in theory in the area of experimentation. Blatant speciesism leads to painful experiments on other species, defended on the grounds of their contribution to knowledge and possible usefulness for our species. Blatant racism has led to painful experiments on other races, defended on the grounds of their contribution to knowledge and possible usefulness for the experimenting race. Under the Nazi regime in Germany, nearly two hundred doctors, some of them eminent in the world of medicine, took part in experiments on Jews and Russian and Polish prisoners. Thousands of other physicians knew of these experiments, some of which were the subject of lectures at medical academies. Yet the records show that the doctors sat through verbal reports by doctors on how horrible injuries were inflicted on these "lesser races," and then proceeded to discuss the medical lessons to be learned from them, without anyone making even a mild protest about the nature of the experiments. The parallels between this attitude and that of experimenters today toward animals are striking. Then, as now, subjects were frozen, heated, and put in decompression chambers. Then, as now, these events were written up in dispassionate scientific jargon.

Notice the language of objectivism which Singer is referring to, here, which views animals, and the human prisoners, as much as possible like objects, thus seeking to eliminate any conceivability of identifying with them.

An example which Singer gives of this dispassionate (or objectivist) language is that of decompression experiments, which are performed on humans in the Nazi era and on nonhuman animals still today:

After five minutes spasms appeared; between the sixth and tenth minute respiration

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15 Singer, Animal Liberation, p. 83.
increased in frequency, the TP [test person] losing consciousness. From the
eleventh to the thirtieth minute respiration slowed down to three inhalations per
minute, only to cease entirely at the end of that period....About half an hour after
breathing ceased, an autopsy was begun.\textsuperscript{16}

Observe, here, how the Nazis refer to their "test persons" as persons possessed with
consciousness. Obviously, mere consciousness is not enough to merit respect on their
extreme version of the Juggernaut. Although it is recognized that consciousness is present,
this is observed, or inferred, from afar. There is no imaginative empathy, no taking the
step of seriously identifying with the other's conscious standpoint, with a view to the
individual's welfare and autonomy. To the Nazis, the "test persons" become mere,
psychophysical objects.

Singer is careful to qualify the comparison here. Neither he nor I wish to imply that
ordinary people, today, are just like Nazis:

\begin{quote}
[O]ur sphere of moral concern is wider than that of the Nazis, and we are no longer
prepared to countenance a lesser degree of concern for other human beings; but there are
still many sentient beings for whom we appear to have no real concern at all.\textsuperscript{17}
\end{quote}

When he claims that many have no "real" concern for animals at all, we may interpret that
he means no direct moral concern (or, more accurately, no \textit{adequate} kinds and degrees of
direct concern). After all, as we have seen, Juggernaut allows for "real concern":
nonhuman animals are to be indirectly cared for as property, or as entities that people care
about as pets, zoological curiosities, charismatic species members, "practicing dummies"
for developing moral virtues, and so on. Much more to the point, some \textit{direct} moral
concern for many animals, and not just apes and dolphins, is accorded by Juggernaut.
Following Don Barnes, Singer calls Nazis and animal experimenters "victims of
conditioned ethical blindness."\textsuperscript{18} I suppose that these people have been conditioned to be
objectivists, not (fully) identifying with animals as subjects. I think that only a spare
minority of people, perhaps true psychopaths, are truly \textit{incapable} of such identification.
People could, perhaps just as easily, be socially conditioned to avoid "ethical blindness" by
identifying with other, conscious points of view.

\textsuperscript{16} \textit{i}bid., pp. 84.
\textsuperscript{17} \textit{i}bid., p. 84-85.
\textsuperscript{18} Peter Singer, "An Interview with Peter Singer," interview by Dave Macauley, \textit{Animals' Agenda 7}
(September 1987): 42.
As for intensive farming, again, Mason draws an evocative comparison based on observations that he made in Dubuque, Iowa:

Every few miles, [along U.S. route 20] the road is shrouded in a breath-stopping, rancid smell from some nearby animal factory. It is a sickly, deathly smell (if you have been around healthy animals fed on hay or pasture you know the difference), like the smell of a concentration camp. Which, of course, the factory farm quite literally is, because it concentrates a large number of animals indoors and feeds them a steady diet of grain concentrates (the agribusiness word for corn, soybeans, and energy-rich seed parts of other plants). In addition, it is a factory in which energy and nutrients from the sun and soil are concentrated by animals and turned into meat, milk, and eggs.\(^1\)

He calls “factory farms” literal concentration camps, which are comparable to Nazi concentration camps, therefore, not merely in being similar to concentration camps. Mason is not alone in his perception of these large-scale facilities. In an interview, Ingrid Newkirk recounts the following:

The memories of one Maryland chicken slaughterhouse will always be with me. It was summer, 90 degree heat, humid, no shade, and the chickens were in stacked crates. As we walked in, we were breathing the palpable stench of warm, dying bodies. It soaked through our clothes and skin. We took some birds out of the crates, and they tried to drink melting ice from our hands. They were too weak to keep their heads up. They would have stayed there until the next morning. dying of heat prostration, respiratory failure and so on. We made the security guards call in the manager to finish them off. It’s the closest I’ve ever been to Auschwitz.\(^2\)

Anyone who has seen films of the emaciated bodies of starving, heat-stroked or frozen, and otherwise physically traumatized victims of concentration camps, in Nazi Europe, should be able to relate to the imagery that Newkirk offers us here. Hence, Sapontzis concurs that our treatment of animals “resembles that which has faced those who liberated concentration camp victims and other human victims of severe physical and psychological deprivation and abuse...”\(^3\)

Let us now consider the “science” of factory farming, an attempt to perfect, and to make more efficient, the old ways of animal husbandry. The Nazis, for their part, were obsessed with perfectionism, efficiency, and utilizing technology towards these ends. Unrestrained, objectivist science certainly has its critics in animal liberationist quarters, including Brigid Brophy: “Sometimes we are even told we mustn’t resist [factory farming]

\(^1\) Mason, An Unnatural Order, pp. 118-19.
because it is an 'advanced' method—a theory on which we ought to have welcomed Auschwitz as a great step forward in gas technology.'

Our treatment of so-called "pet animals" also reminds various commentators of a time not too long ago. A particular raid on a dog dealer is described in just these terms:

In 1966, HSUS joined the Maryland State Police in a raid on the facilities of a dog dealer who had been collecting strays to supply medical research laboratories. The chief investigator of the state police, a member of HSUS since 1961, had been monitoring the dog auctions supplying animals to labs. He organized the raid and HSUS arranged to have Life magazine reporters on the scene. A picture of the facility appeared on the front cover of Life, captioned: "Concentration Camp for Dogs." The event brought public attention to the "animal slave trade" in which lost or stolen pets were picked up and sold to dealers who trucked them off to universities or pharmaceutical laboratories. Note that the event just related took place four years before the term "speciesism" was coined. One does not need such a label for the oppression of animals, in order to be aware of the similarities between the way companion animals are treated, and zealously racist treatment.

Even the language that is often used may blame the victim, as Rollin implies with the following:

In actuality, talking about the "pet problem" is another piece of verbal lubrication, legerdemain that serves to suggest that here is something intrinsically problematic about these creatures, as when the Germans spoke of the "Jewish question." The problem is not with the dogs and cats, of course; it is with human beings. My critique of how we commonly regard animals—or fail to have regard for them—concurs with Rollin's statement. Mason provides an example of how we create problems which, again, remind us of the Nazis, in their obsessive drive for the "perfect" breed of human being. Mason notes how animal breeders' talk of "purity" of blood, perfect purebreds, and how they express contempt for mongrels and mutts, who are considered "junk" by pure-breeders:

[Racist hatred] draws on the breeder's ideologies of bloodline and purity, as it did in Nazi Germany and the segregated South; as it still does today among neo-Nazis and white supremacists. The rhetoric of all these racists speaks of the breeder's obsessions, and the

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extremity of their actions speaks of the depth of their fear and hatred of ‘lower’ nature: The Nazis ranted against Jews, gypsies, Poles, and other ‘mongrel races’ and then methodically tried to exterminate them. Southern segregationists preached against ‘race mixing’ and used lynchings, mob violence, and terrorist campaigns to keep people of color ‘in their place.’

Evidently, there are incarnations of Juggernaut where the criteria for “quality of being” (recall that I left it open to people to construct their own list) would include one’s expressing a variety of racial, or still other more or less biological traits.

In summation, activists, such as the one who is anonymously quoted here from Sperling’s study, Animal Liberators, reflect an awareness that what is happening in the nonhuman realm is parallel to what happened under the Nazi Germans (and, indeed, the Nazis and their sympathizers in other European countries—people sometimes focus, too narrowly, on Germany alone):

We talk about remembering the Holocaust so it won’t happen again, and I’d like to know, when it does happen again, how are we going to know it? Does it have to happen to European Jews? Or does it have to happen to people? I say it’s happening now and we don’t recognize it.

I would submit, with this fellow activist, that a nonhuman holocaust is presently occurring, and that we ought not only to be vigilant against future (and ongoing) human holocausts, but also, aware enough to recognize what is happening right now, with nonhumans. This awareness will extend to an active empathy, which will permit us to be able to recognize that a holocaust is happening in the first place. Otherwise, animals merely appear as psychophysical objects (with even their mental states viewed from an objective perspective) or, to some extremists, merely physical objects.

These “objects” are manipulated in various ways for real or supposed human benefit, which supposedly befits the inferior worth of nonhuman animal existences. Thus it is that Juggernaut, and its ideological relatives, would have us believe. Rollin notes, however, that the Environmental Protection Agency would not use Nazi data for human benefit, and that society’s ethic of not using others deemed less valuable ought to be extended to animals. We “would not seize a derelict’s heart even to save Mother Theresa.”

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Rollin assures us. I think that many Juggernautians, secure in their objectivist justifications, would indeed make this “sacrifice” of the human. However, my own appeal is based on my variation of the Golden Rule.

Not everyone, of course, accepts the comparison of how animals are treated to the Holocaust. It seems to amaze David Henshaw, of those who make the parallel, that it is “meant quite seriously.” Yet he acknowledges an animal liberationist perspective that there is no difference “between monkeys being tortured in laboratories, and a Jew in Dachau or Auschwitz being tortured in the Second World War....both feel the same amount of pain, and they both shouldn’t be there, being exploited by a more powerful being.” The argument of the present chapter is that there are many differences, but not in the essential oppressiveness, which, I think, really is the key point in making the comparison. Henshaw notes how Bernard Williams finds the comparison between vivisection and the Holocaust, to be “absurd,” “facile,” and “obscene,” since the latter is “the greatest and most hideous crime of modern, and perhaps any times.” Again, I have argued in favour of taking a deeper view, which takes animals seriously, and in depth, by recognizing their points of view, and responsibly identifies with them, to the degree that this is possible. It is Williams who is “facile” when he dismisses those who draw the comparison as loathing humanity, for to empathize with all with a view to their welfare and autonomy is to respect all whom Williams would have us respect—and more. Williams also adds, Henshaw tells us, that animals cannot answer back our do-goodery, implying that animals would somehow find liberation to be objectionable. The precise objectionableness here is never made clear.

29 Ibid., pp. 28-29.
30 Ibid., p. 29. Unfortunately, Henshaw omits to cite Williams’ source-text, but we can still take the alleged objection at face value.
31 Ibid.
32 Ibid.
Some anti-animal liberationists go even farther, in rejecting the comparison in question, by making a comparison of their own. They compare animal liberationists to Nazis. John M. Orem, a vivisector, offers the following comment:

...there are parallels between the techniques of Nazi Germany and those of the animal rights movement. This movement uses propaganda to accomplish its goals; it cares nothing about the truth and is even attempting to rewrite the history of science to discount the role of animal research. The movement has infiltrated our schools; it condones terroristic acts as a means to its end; it uses legal bullying to silence its critics; it is anti-intellectual and anti-human. Rather than drawing any concrete parallels between any supposed oppressiveness on the part of animal liberationists and the Nazis, instead, fatuous, would-be comparisons are made between the racist, vilifying propaganda of the Nazis, and the propaganda of the animal rights movement. Animal liberationist propaganda is like that of any movement: some is emotionally evocative, some is more informational, but all of it seems to be geared to fighting a real oppression, or a set of oppressions, as I have argued in this work. To my knowledge, no animal rights campaign per se has sanctioned any of the known oppressions in any way. To indicate that I, as an animal liberationist, "care nothing about the truth" and am "anti-intellectual," or in any way intellectually suspect for my position, is simply an insult.

Many opponents of animal liberation have also indicated that Nazi Germany was somehow animal rightist, and therefore, animal rightism is associated with Nazism. Both the inference and the initial premise are wrong:

There were 679 animal protection societies in Germany in the early 1930s, and many philosophical treatises projecting their views. In August, 1933, Hermann Göring, then chairman of the Prussian ministerial cabinet and later the author of the 'final solution' of the Jewish question, issued an order prohibiting the vivisection of animals in Prussian territory. ‘To the Germans,’ he declared in a public broadcast, ‘animals are not merely creatures in the organic sense, but creatures who lead their own lives and who are endowed with perceptive faculties, who feel pain and experience joy....An absolute and permanent prohibition of vivisection is not only a necessary law to protect animals...but it is also a law for humanity itself.’ Any person engaged in such practices would be ‘removed to a concentration camp.’ Bavaria soon issued similar prohibitions, and in 1934 the national government prohibited unnecessary torment of animals. In Nazi eyes, biomedical science

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was a heavily Jewish—that is, polluted—profession, while, in contrast, animals were symbols of nature and purity. Leaving aside, for the moment, the question of whether or not animal liberationists are culpable for being outright offensive or trivializing in this context, I would here indicate simply that it is demeaning to imply that animal rightists are Nazi-like. All that the liberationists seek to do is to overthrow all oppression—that, at least, is not intended as an “insult” to anyone, but rather, to preserve whole classes of beings from egregious and subtle insults. If the Nazis cared so much for creatures with “their own lives” and “perceptive faculties,” etc., why did they not care for the Jews, who are animals—and whom the Nazis often compared to animals, even to “vermin”? What is so “animal rightist” about such Nazi practices? The Nazis glutted themselves on hypocritical and self-aggrandizing propaganda, and their statements are not to be accepted at face value. Opposing vivisection because it is “heavily Jewish” does not sound like any kind of anti-oppression view to me. So in the case of putting limits on vivisection, the Nazis did not love animals that much, but rather, at most, they hated the Jews that much. Certainly, the Nazis were very far from abolishing meat-eating, or hunting, or laboratory experiments with animals, etc. Any cults of “nature worship” in Nazism were connected, again, with their oppressive ideology of finding pure breeds, and with their pseudo-Nietzschean admiration of predatory animals, who exemplify the strong dominating the weak. If their softening of so-called “heavily Jewish” vivisection was the extent of their “animal rightism,” then they remain as they were—Nazis—and the people who compare animal rightists to Nazis emerge as they are: slanderous, superficial, propagandistic, reactionary, and dangerously misleading.

The face of Juggernaut is, remarkably enough, discernible in Nazi “reasoning,” such as it is. Witness the following, from Hitler’s infamous book, Mein Kampf:

All the human culture, all the results of art, science and technology that we see before us today, are almost exclusively the creative product of the Aryan. This very fact admits of the not unfounded inference that he alone was the founder of all higher humanity, therefore representing the prototype of all that we understand by the word ‘man.’ He is the Prometheus of mankind from whose shining brow the divine spark of genius has sprung at all times, forever kindling anew that fire of knowledge which illumined the night

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of silent mysteries and thus caused man to climb the path to mastery over the other beings of this earth...It was he who laid the foundations and erected the walls of every great structure of human culture.\footnote{Adolph Hitler quoted in William Shirer, \textit{The Rise and Fall of the Third Reich} (New York: Fawcett Crest, 1960), p. 128.}

In terms of Juggernaut, we see the pattern of evaluating beings by the values of knowledge and cultural participation (found in $Q$), rather than simply identifying with others as part of an empathetic awareness. On the contrary, Hitler speaks of human achievement from an objectivist perspective: "higher" humanity, "genius," greater knowledge, "every great structure of human culture."\footnote{Shirer, \textit{The Rise and Fall of the Third Reich}, p. 876.} Hitler, in his own demented, psychopathic way, was evaluating beings according to their perceived (or rather, factually distorted) degree of $Q$ (Juggernaut, recall, admits of different versions of $Q$). Indeed, the denial of identifying with their victims is a patent part of Nazi rhetoric. For example, Hans Frank, Hitler’s Governor General of Poland, told his cabinet, in 1940 Cracow: "Gentlemen, I must ask you to rid yourself of all feeling of pity. We must annihilate the Jews."\footnote{Hitler in \textit{Ibid.}, p. 129.} What better way could there be to manufacture psychopaths, or to reinforce that pathology, than to kill any chance of any real identification with potential victims, by openly and systematically denying such a process?

Hitler continues with the relentless, proto-Juggernautian theme in his murderously intended tract:

...for the formation of the higher cultures the existence of lower human types was one of the most essential preconditions...It is certain that the first culture of humanity was based less on the tamed animal than on the use of lower human beings. Only after the enslavement of subject races did the same fate strike beasts. For first the conquered warrior drew the plow—and only after him the horse. Hence it is no accident that the first cultures arose in places where the Aryan, in his encounters with lower peoples, subjugated them and bent them to his will...As long as he ruthlessly upheld the master attitude, not only did he remain master, but also the preserver and increaser of culture.\footnote{Hitler in \textit{Ibid.}, p. 129.}

Here, the idea is conveyed that "lower" beings, including certain so-called "races" of humans, and also nonhuman animals—because they are putatively lacking in value in themselves—are only fit to serve "higher" beings. There even seems to be an ambivalence about counting the nonhuman animals as perhaps lower than the "lower" races, since, according to this madman, humans were subjugated before animals were domesticated.
This accords, at least, with Hitler's extreme hatred of certain (ascribed) races, and his possible ambivalence towards animals (certainly he does not denounce them as he does the Jews, and the Nazi "respect" for animals was a consideration adduced above).

As for the "master attitude," what are we to make of this, except that the "higher" beings will be disposed to regard others as objects to control, manipulate, and so forth? One cannot consider oneself a "master" of a being with whom one fully identifies, for, in such a case, one shares that beings' concerns, to the fullest possible extent. Let Hitler and his minions remind us of the extent that Juggernaut and its objectification can reach.

Rudolph Höss chiefly thought of the Third Reich's killings in purely pragmatic terms, it seems, as the disposal of undesirable things or objects: "We knew when the people were dead because their screaming stopped." Such objectification certainly assumed psychopathic proportions, and that on a massive scale.

S.S. Captain, Josef Kramer, whose "duty" it was to exterminate prisoners with gas, was asked about his feelings regarding his "work": "I had no feelings in carrying out these things because I had received an order to kill the eighty inmates in the way I already told you. That, by the way, was the way I was trained." Lack of empathy is ingrained in Nazi officers. By contrast, we can only look on at this awful aspect of history, and hope that our empathy, and that of others, will be great enough to stave off any such genocide from recurring (although it already is, for example, in parts of Africa and Europe). Or is the Holocaust something that never began or ended with the World War II, or with the boundaries of our own species?

Empathy, as we have already seen, can be a lesson which one learns from what we refer to as "the Holocaust." Gerhard Schoenberner offers the following grim meditation, opposite a photographic image of dead, starved, and incredibly emaciated bodies, literally strewn over the grounds of a death camp:

As you view the history of our time, turn and look at the piles of bodies, pause for a short moment and imagine that this poor residue of flesh and bones is your father, your child,

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39 Shirer, *The Rise and Fall of the Third Reich*, p. 1277.
your wife, is the one you love. See yourself and those nearest to you, to whom you are devoted heart and soul, thrown naked into the dirt, tortured, starving, killed. Empathy must be at least some of what we need...but will it be enough? How could it be enough, in these tragedies that occur, seemingly in spite of everything?

4.3 How Comparable Is the Holocaust to Animal Treatment?

I feel that we can do no better, in assessing the comparability of particular comparisons, than simply to offer an overview of various factors that seem similar, and others that are obviously different. First, let us examine some possible factual similarities between the Holocaust and the treatment of nonhuman animals:

- The Holocaust was motivated, in large part, by racism, and the animal holocaust is the product of speciesism. Daniel Goldhagen explains that the Holocaust was only possible due to widespread anti-Semitism, and it can equally be said that the animal holocaust is only conceivable in the context of an almost all-pervasive speciesism.

- The Holocaust was carried out largely by “ordinary” people, even as speciesism is massively favoured by human populations of the present day. In 1933, according to reporter William Shirer, Hitler had 92% of the popular vote carry him to office (although 2,154 of the 2,242 inmates of Dachau voted for the Nazis, indicating that the vote was not altogether free, and something of a show, for propaganda purposes).

- Certain oppressors deny that the Holocaust ever took place, just as many speciesists are keen to deny—for spurious reasons which receive fuller treatment in the penultimate section of this chapter—that animals endure their own form of extreme oppression.

- The Holocaust is often minimized by anti-Semites, such as claims that there were Olympic-sized swimming pools at Auschwitz. For his part, Frank Perdue calls his factory farmed “hell” a “chicken heaven.” The latter operation “processes” 6.8

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million birds per week, and keeps 27,000 of the animals in sheds that are 150 yards in length.\textsuperscript{45}

- There is frequently an elaborate denial of personal responsibility for the fates of the victims. At Nuremberg, films allowed the many "Nicht schultig" pronouncements, of the prominent Nazis on trial, to echo down to us today. These men often denied that they were guilty, because they "were only following orders." People often evade responsibility for the food that they put on their plates, for example, by refusing to think about it. Instead, they just go along with the social order, as they perceive it, and let others do the "dirty work" for them. Merely making the false claim that we need to eat meat, vivisect, use animals in education and the entertainment industries, and so on, supplies people with a convenient smokescreen, which disguises their own oppressive choices in the matter.

- Scientization of animals as objects parallels the objectivist language of the Nazi scientists, as in Singer's earlier-cited example. This manner of speech conduced to the usage of animals in medical experimentation, as well as of the Jews, as we see in the following example from Hitler's biographer, Alan Bullock:

  Among the other uses to which concentration-camp prisoners were put was to serve as the raw material for medical experiments by S.S. doctors. None of the post-war trials produced more macabre evidence than at the so-called 'Doctors' Trial.' All the experiments were conducted without anaesthetics or the slightest attention to the victims' sufferings. Amongst the ordeals to which they were subjected were intense air pressure and intense cold until the 'patient's' lungs burst or he froze to death; the infliction of gas gangrene wounds; injection with typhus and jaundice; experiments with bone grafting; and a large number of investigations of sterilization (for 'racial hygiene'), including castration and abortion. According to a Czech doctor who was a prisoner at Dachau and who personally performed some seven thousand autopsies, the usual results of such experiments were death, permanent crippling, and mental derangement.\textsuperscript{46}

- Just as many scientific experiments carried out on nonhuman animals are done purely out of curiosity, and without any practical benefits in mind, so useless experiments were visited upon people who were considered disposable, e.g., gypsies were tested to

\textsuperscript{45} Singer, \textit{Animal Liberation}, pp. 105-106.
\textsuperscript{46} Bullock, \textit{Hitler}, p. 700.
see how long they could live on sea water;\textsuperscript{47} whereas—even aside from the abhorrent nature of the procedure itself—it is already known that even in survival situations, sea water is not a viable option for satisfying thirst.

- Animal exploitation is now so institutionalized that it has long been firmly bureaucratized, even as the Nazi mass murders were. As Leo Kuper observed, "...to use bureaucratic planning and procedures and regulation for a massive operation of systematic murder throughout a whole continent speaks of almost inconceivably profound dehumanization."\textsuperscript{48} There was a distancing from the victims, and a concern, instead, for procedures, and the language in which they were to be formulated:

> Though engaged in mass murder on a gigantic scale, this vast bureaucratic apparatus showed concern for correct bureaucratic procedure, for the niceties of precise definition, for the minutiae of bureaucratic regulation, and for compliance with the law. The law was, of course, no obstacle, but an instrument of policy...\textsuperscript{49}

- Jews were exterminated from Europe, just as “vermin” animals, in general, become the object of human lethality. For example, Hitler refers to Jews as “maggots,” “scum,” among other things, in Mein Kampf.\textsuperscript{50} A school essay printed in readers’ letters to Der Stuermer, January 1935, stated: “Unfortunately, many people today still say, ‘God created the Jews too. That is why you must respect them also.’ We say, however, ‘Vermin are also animals, but we still destroy them.’”\textsuperscript{51}

- Refugees were hunted down by heavily armed Nazis, or their collaborators, just as animals are preyed upon by people who are unfairly armed with lures, automatic weapons, and the like. Kuper asks, “Who would have believed that human beings would send out mobile killing units for the slaughter of unarmed men, women and children in distant lands?”\textsuperscript{52} Here we can draw a parallel with safaris, although the latter are casual and leisurely by contrast. Yet, who is to say how racist killers viewed their “duties,” or how obsessive trophy hunters regard their kills?

\textsuperscript{47} Shirer, The Rise and Fall of the Third Reich, p. 1275.
\textsuperscript{48} Leo Kuper, Genocide: Its Political Use in the Twentieth Century (Harmondsworth: Penguin Books Ltd, 1981), p. 120.
\textsuperscript{49} Ibid., p. 121.
\textsuperscript{50} Hitler in Shirer, The Rise and Fall of the Third Reich, pp. 47-48.
\textsuperscript{51} Schoenbemer, The Holocaust, p. 10.
\textsuperscript{52} Kuper, Genocide, p. 121.
• Jews were expelled from urban settings, even as nonhuman animals are typically made unwelcome in our cities:

'Resettlement' was a constantly recurring procedure. As the latest ghetto was established, the first ones were already being broken up and combined in the next, larger town of the district, until finally the last journey began. At the time when the ghettos in the big towns were still temporarily in existence, in the country whole Jewish communities were already being transported to the death camps.53

• Crowding, confinement, rampant diseases, unnatural and filthy conditions in concentration camps (e.g., at Krupp armament factories, enslaved Jews were often forced to go to work without shoes, medical care, with a lack of rest, food, water, and with filthy lavatories54) parallels how many animals are treated in factory farms, and so-called “puppy mills,” operated by ruthless breeders who raise sickly animals in woeful conditions.

• Animals and the Jews of the Holocaust both are often allowed to starve to death under varying circumstances, such as animals in various experiments, or on the traplines.

• Animals as victims are often “voiceless,” and historically, the Jews were often silenced, ignored, and thoroughly disenfranchised, as well.

• The Nazis had “Kangaroo Courts,” and I know of fellow activists who complain that they are often brought up under false or trumped-up charges for their acts of protest against animal oppression.

• People (not least of all, scientists, with their objectivist terminology) are conditioned to be indifferent to animal suffering that is part of our network of social institutions. The SS storm troopers were even more conditioned to be sadistic by being required to rip out cats’ eyes while the animals still lived.

• The Nazis switched to gassing their victims of genocide, because bullets were deemed to be too valuable and expensive (they used Zyklon B, made from prussic acid crystals55). Moreover, “[f]or a time there was quite a bit of rivalry among the S.S. leaders as to which was the most efficient gas to speed the Jews to their death. Speed was an important factor, especially at Auschwitz, where toward the end the camp was

53 Schoenberner, The Holocaust, p. 46.
54 Shirer, The Rise and Fall of the Third Reich, p. 1238.
setting new records by gassing 6,000 victims a day.”56 Kuper recounts: “Industry’s influence was felt in the great emphasis upon accounting, penny-saving, and salvage, as well as in the factory-like efficiency of the killing centres.”57 Similarly, “humane slaughter” is often denied to animals because the machinations would be too expensive.

Still, imagine the impracticality—not to mention the obscenity, from the point of view of identifying with the animals in question—of “nursing” billions of cattle and other creatures to death, by gently administering barbiturates, and comforting them, while they die for indulgent human pleasures.

- Animals and Jews are both demonized by oppressors in elaborate propaganda and myth. Goering, on September 10, 1938, refers to “the eternal mask of the Jew devil.”58 More generally, Goldhagen notes: “To the large extent that the subject of the Jews was part of the public conversation of society, German writers and speakers discussed them overwhelmingly in a sinister, if not demonic, light, in the racist, dehumanizing idiom of the day.”59 Notions of animals as “violent beasts” are commonplace, and the image of the devil as having horns, hooves, a tail, wings, fangs, serpentine eyes, etc., also unduly implicates the nonhuman world in human deviltry.

- A Nazi obsession with genetic engineering mirrors the way nonhuman animals are extensively exploited for such purposes now, along with the related obsession with finding “pure breeds.”

- The Jews’ remains were sometimes melted down as tallow, to be used as soap, and this is true of the remains of nonhuman animals. My father, in a German relocation camp after the war, recalls some people discovering a crate of soap bars made from human remains. They buried the container with the appropriate Jewish rites.

- The Nazis often denigrated the Jews as mere “animals,” and indeed, the Jews often protested that they were treated like mere “animals,” or as one would expect an animal to be treated—betraying the objectified status of both the Jews, and of the animals

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56 Shirer, The Rise and Fall of the Third Reich, p. 1260.
57 Kuper, Genocide, p. 121.
58 Shirer, The Rise and Fall of the Third Reich, p. 519.
59 Goldhagen, Hitler’s Willing Executioners, p. 73.
themselves. In a similar vein, Jews were frequently referred to as “subhuman.”

Elie Wiesel, in his autobiographical essay, Night, gives a number of examples of Nazis calling Jews “dogs.”

Stating that a being is “only an animal” implies it belongs to a class of beings which may acceptably be harmed, or allowed to suffer. In some instances, the Jews themselves felt like “animals,” in the sense of “lower” beings:

In the wagon where the bread had fallen, a real battle had broken out. Men threw themselves on top of each other, stamping on each other, tearing at each other, biting each other. Wild beasts of prey, with animal hatred in their eyes; an extraordinary vitality had seized them, sharpening their teeth and nails.

Along the same lines, Wiesel describes his father receiving some hot coffee with “animal gratitude.” Actually, humans are animals in a straightforward, biological sense. Moreover, if the Nazi-era Jews were treated in accord with animal rights ethics, there would not have been any Holocaust. However, animals are oppressed—and Jews were forced to share that fate.

• Nonhuman animals and Jews caught in the concentration camp system often remain nameless, in order to maintain a distance from the objects of exploitation and/or destruction:

The Germans almost never took pains to learn the names of a camp’s inmates; in Auschwitz, they denied the very existence of a prisoner’s name—this mark of humanity—tattooing each with a number which, with the exception of some privileged prisoners, was the only identifying label used by the camp’s staff. In Auschwitz, there were no Moshes, Ivans, or Lechs, but only prisoners with numbers like 10431 or 69771.

Goldhagen theorizes that “[d]ehumanizing each person by robbing him of his individuality, by rendering each, to the German eye, but another body in an undifferentiated mass, was but the first step towards fashioning their ‘subhumans,’” as the Nazis conceived of the Jews. It is harder to empathize with a nameless person than one with a definite, particular identity whom one can more easily single out and identify with.

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60 Ibid., p. 117.
62 Ibid., p. 102.
63 Ibid., p. 108.
64 Goldhagen, Hitler’s Willing Executioners, p. 176.
65 Ibid.
• Jews who fled Germany by boat were often turned away by other countries, just as animal refugees are often adrift, in need of a home, but are denied shelter and sustenance even by affluent humans, or their societies, which believe that they have much higher priorities. In both cases, Jews in the Nazi era, and the plight of nonhuman animals, are often quietly excluded from “polite conversation.”

• The Holocaust was kept very secret, and this reminds one of the high security and shutting out of the public surrounding slaughterhouses and animal laboratories, where some of society’s most heinous, systematic injustices against animals occur.

• The Nazification of the education system was virtually complete, and it is noticeable that, although animal liberation is (at the very least) a vital topic to debate, as this very work goes to show, it is not part of the public school curriculum. Out of mind, out of sight—the oppression is thus kept “invisible.”

• Jews were enlisted for slave labour, as many animals are forcibly pressed into the service of humans.

• Select Jews were coerced into entertaining their tormentors, just as many animals are now compelled to perform for human amusement with their completely subordinate, unnatural behaviours induced by negative reinforcements (you can be sure that circus elephants do not enjoy standing on their heads, and that many abuses of these and other animals, including in aquaria which keep sea mammals, have been extensively documented).

• An underground railroad was established for Jews to escape to safer passage, and partisan freedom fighters continually rebelled against Nazi oppression. Today, the Animal Liberation Front liberates animals from oppressive confinement, and destroys machinery that tortures and destroys animals.

• Jews were transported, via “cattle-trucks” and then cars on railways, to slaughter at the death camps, such as the Jews were “resettled” from the Warsaw ghetto, and these are also common means of transporting animals to killing sites, so that they may be reduced to “meats.”

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• The Jews' heads of hair were collected and used as pillow stuffing, and many animals' parts, down, lanolin, and so on, are used in similar ways.

• Some Jews' skins were preserved by the ever-efficient Nazis, to be used for lampshades, for example, and obviously animals are skinned for furs, feathers, and leather.

• Jews' teeth were mined for gold. Gold fillings, and other valuable objects, such as wedding rings, were taken from Jews, and were supposed to be delivered to the German Reichsbank. "Who would have believed that human beings...were capable of organizing, on the model of a modern industrial plant, killing centres which processed their victims for slaughter, as if on a conveyor belt; eliminated waste, gathered in, with careful inventory, their few possessions, their clothes, gold teeth, women's hair, and regulated the distribution of these relics?" Similarly, any animal parts of value are not generally—or "ideally"—discarded; seal penises and other wild animal parts, such as rhinoceros horns, are often hacked off, and the rest of the carcass is left to rot where it was felled.

• Part of the anti-Semitism which the Jews faced was motivated by Christianity, and traditional attitudes engendered by Christianity—in addition to Judaism itself—also motivates much contempt for nonhuman animals.

• When the moral status of nonhuman animals is placed in jeopardy, that of marginal humans is also imperiled, as already considered. Certainly, both denigrated so-called "races," species, and marginal humans were altogether victimized in Nazi Germany. It is clear how Nazis would respond to what is now known as "the argument from marginal cases," for in 1939, Hitler gave Reichsleiter Philip Bouhler "the responsibility of ending by euthanasia [sic] the existence within Germany of all mental defectives and the incurably sick." By August 1941 alone, 60,000 "mental defectives" had been dispatched by "euthanasia."

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67 This detail is perhaps not so well-known, but is documented in Shirer, The Rise and Fall of the Third Reich, p. 1280.
68 Kuper, Genocide, p. 121.
70 Ibid., p. 335.
• Nazi concentration camps, and intensive farming operations, or animal experimentation labs, and other settings for animal usage, are all compared to “hell” by various commentators. Consider the following account, from Kuper’s book, of Auschwitz, 1944, at which time Hungarian Jews were being killed so quickly that the “usual” gas oven processes were supplemented by pits in which the victims burned alive:

The burning had reached a pitch that night. Every chimney was disgorging flames. Smoke burst from the holes and the ditches, swirling, swaying and coiling above our heads. Sparks and cinders blinded us. Through the screened fence of the second crematory we could see figures with pitchforks moving against the background of the flames. They were men from the special squad turning the corpses in the pits and pouring a special liquid so that they would burn better. A rancid smell of scorched flesh choked us. Big trucks passed us trailing a smell of corpses.71

Compare this to the hell imagery to be found in Sue Coe’s lurid book of art, reflecting her impressions of the realities of animal transport and slaughter.72 Moreover, Elie Wiesel offers the following hellish image. “[Wiesel] had seen his mother, a beloved little sister, and all his family except his father disappear into an oven fed with living creatures.”73

• After Jews were killed, their remains were commonly ploughed into the ground in mass trenches,74 mirroring the purely pragmatic concern for the disposal of nonhuman animal remains.

• Unimaginably large numbers of violated, suffering, and murdered beings are involved in the holocausts of both humans and nonhumans. The overwhelming numbers involved in the Holocaust include an estimated 6 million dead Jews, out of 8.3 million who stayed in German-occupied Europe after 193975 (72% of these Jews, in other words, were wiped out—making the Nazi genocidal campaign dangerously “successful”). Literally thousands of millions of animals are killed each year for human convenience alone, although the exact total is not known, for lack of precise record-keeping.

71 Kuper, Genocide, p. 123.
73 Wiesel, Night, p. 8.
74 Bullock, Hitler, p. 702.
75 Kuper, Genocide, p. 124.
I find these to be interesting, although contingent, parallels between the two forms of oppression under consideration. The main similarity, indeed, is the underlying form of oppression itself. However, particular oppressions, apparently, will often express themselves in similar ways. Indeed, for those who find comparisons with Nazis "frivolous"—as though it is not historically relevant—it may be mentioned that experimentation on disfavoured humans is hardly confined to the setting of the Third Reich:

In the USA, disadvantaged members of the human community have been used in experiments as recently as the 1960s and 1970s. It has emerged that retarded people were deliberately infected with hepatitis; 400 black males in Alabama were denied penicillin in order to monitor progression of syphilis; plutonium was injected into terminally ill patients; the testicles of 131 prisoners (mostly black) were irradiated; radioactive milk was fed to 19 inmates of a boys' home and clouds of radioactivity were released into the atmosphere to measure its spread (affecting thousands). As Congressman Edward Markey noted, the experimenters used people 'considered expendable: the elderly, prisoners, hospital patients'.

The Holocaust also has many echoes in treatment of humans, as one might expect, although we have found no difficulty in showing how this dreadful historical event obscenely resonates with much of our treatment of nonhumans.

However, I am also prepared to acknowledge that the two forms of oppression are importantly different, in their particulars, as well:

- Jews have been liberated from the Holocaust, although not from anti-Semitism itself, whereas animals are subject to an ongoing holocaust, or series of holocausts, and are almost universally viewed with a vicious, more or less Juggernautian sort of speciesism.
- The Nazis denied the Jews' freedom of religion, but no matter how much spirituality one grants to animals (or allows, perhaps, for the purposes of anti-reductionism), it would be difficult indeed to maintain that they have a religion.
- The Jews were oppressed under the regime of a police state. However much certain anarchists would like to paint our own society in the same way, it is of a significantly different political type, and the animals' relation to it is, moreover, of a different nature.
- The Jews were all regarded with extreme, murderous hatred by the Nazis, whereas only some animals may be seen this way, and many species are, in certain ways,

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76 Ibid., p. 37.
favoured. Many animals are simply looked at with indifference. Many people also looked at the Jews with sheer indifference, to be sure, but it is possible that actual hatred of Jews is, or was, perhaps more widespread than true malevolence towards animals (this really is a subject of debate, since there are many different people, animals, and attitudes involved).

- The Nazis are extremely racist, whereas those complicit with speciesism today are typically un-Nazi-like in their treatment of other “races,” even if there is some similarity in the way nonhuman animals are viewed.

I provide this detailed comparison in order to show that there are both similarities and differences, but overall, a worthwhile comparison to be made—especially in the essential aspect of oppression, which is repeated in case after billions of cases...

4.4 The Oppression of Women and Other Animals

I will argue that the comparison of the oppression of nonhuman animals to the Holocaust is more apt than to the ways in which women are oppressed, but to make out such a case, we must first explore the oppression of women. There would not be as much credibility, perhaps, in my own claiming of a revealing comparison between the oppression of women, and that of animals, since I am a man. So let us listen to women’s own voices, through the many-faceted medium called ecofeminism. The views presented here do not describe the outlook of all feminists, but rather, those who believe that there are important parallels in the way nature is treated and the way women are subjected to oppression.

In a way, ecofeminists specialize in comparing women’s oppression to that of nonhuman animals. Deane Curtin writes that “[i]f one accepts that there is a deep ideological connection between the oppression of nature and the oppression of women in Western culture, one must look to a distinctively feminist understanding of oppression.”

The inference here could be hasty. An anti-speciesist may also have to be a feminist. However, a view may have to be more than distinctively feminist to understand the

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connection between all of the different forms of oppression, including, but not limited to, that of women. Josephine Donovan writes: "Speciesism is a concept borrowed from feminist and minority group theory. It is analogous to sexism and racism in that it privileges one group (humans, males, whites, or Aryans) over another."78 However, this last statement is misleading. The term, "speciesism," did not already exist in feminist and minority group theorizing. It is fairer to say that Ryder modeled the term after racism and sexism.

There are real similarities between the oppression of women and that of animals. Earlier in this work, it was mentioned that rationality is the chief criterion which nonhumans are deemed to fail, for the purposes of determining moral standing. Feminist Carol Adams also notes: "That which traditionally has been seen to distinguish humans from animals—qualities such as reason and rationality—has been used as well to differentiate men from women, whites from people of color."79 (I do not know what distinction she has in mind between the terms "reason" and "rationality.") Donovan, for her part, notes an illuminating parallel between the mistreatment of women and vivisection:

In her study of the nineteenth-century English antivivisection movement, The Old Brown Dog, Coral Lansbury argues that women activists thus identified with the vivisected dog: 'Every dog or cat strapped down for the vivisector's knife reminded them of their own condition.' It was an image of dominance. Indeed, pioneer woman doctor Elizabeth Blackwell saw ovarectomies and other gynecological surgery as an 'extension of vivisection.'80

The Finsens also note that women often feel objectified, or reduced to "meat," as in the case of women, who are stared at by men, and who might say, "I felt like a piece of meat."81

This form of objectification is endemic not only to vivisection, but also to the study of sexology:

Both [women and animals in the nineteenth-century] were erased (at best) or manipulated (at worst) to behave in accordance with paradigms imposed by the rationalist lords—whether vivisectors or sexologists...Just as sexologists anatomized women's world 'of love

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and ritual, ‘entomologizing’ it (to use Foucault’s term) into various species and subspecies of deviance, so vivisectors turned animal bodies into machines for dissection. The reader will readily notice the reference to the objectification of animals as machines, and the comparison to how women are manipulated and understood with “objective” science as objects.

Yet the reference to different forms of oppression can go in different directions, such as when ecofeminist Barbara Noske refers to the priority of wild animals over domestic ones as “the other racism.” It is not so clear to me that wild animals are so favoured, since they are wiped out en masse, or left to languish for days in leghold traps within the allowances of the law, whereas certain domestic animals, such as cats and dogs, are often protected by anti-cruelty laws. Actually, it might be fairest to say that both are badly served, in differing ways. Noske objects to the idea of humans being considered “qualitatively different” than nonhuman animals, but this question-beggingly overlooks the qualitative differences set out in Juggernaut, for example. She also stresses that a properly “inter-subjective attitude” would, in effect, dictate a nonexploitative relationship with others, but, as I have said, one can have inter-subjectivity, which conceives of the subjectivity of others in objective terms, allowing one to grade the other, and fail to identify with the other, although one may have even a considerable sense of the other’s subjectivity. I have also observed that intersubjectivity might, in its barest forms, result in over-identifying with the viewpoints of oppressors.

As a part of feminist discourse, ecofeminism is still relatively marginalized, rather than a central topic of discourse, at least for most feminists. Mainstream feminists might, therefore, be classed as oppressive, to that extent, by ecofeminists themselves. As Noske, who is sympathetic to ecofeminism, wrote: “...any hint in the direction of animal-human continuity is rejected by most feminists. Many feminists will go to great lengths to evade the polluting legacy of woman as a biologically determined animal....” Most feminists are subscribing to the oppressively reductionist view of animals, and feel threatened that

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84 Ibid., p. 38.
85 Ibid.
86 Noske, Beyond Boundaries, p. 110.
they themselves will be identified with that. But what is wrong with identifying with fellow oppressed conscious beings, as oppressed, without pretending to be like them in all particulars? I have argued in favour of just such a comparison. As for the term, "ecofeminism," it is arguable that one cannot oppress an ecosystem per se, since one cannot empathize with an abstraction (or a nonconscious concrete reality), hence the name "ecofeminism" may be wanting. But one can oppress individual animals only too readily, so this aspect of what is being claimed bears further examination.

While we must, I think, question overgeneralizations about blaming men, per se, for the oppression of women, I readily concede that it is certainly, by far, mostly men who oppress women, rather than either the other way around, or else a case of women oppressing women. Males still dominate, and it is interesting to see that this oppressive domination can be linked to that oppression of animals which transforms the creatures' remains into "meat":

Carol Adams has argued that there is a clear connection—both ancient and modern—between male domination and meat eating. She points out that gender inequality is built into the species inequality that meat eating proclaims, since for most cultures men obtain the meat. Where meat is a valuable commodity, those who control this commodity achieve power. Thus, if men were hunters, the control of this economic resource was in their hands.87

In my own speculation, I suppose that men, being naturally stronger, tend to become the most efficient hunters and warriors, which, in turn, possibly contributed to objectification of other people and animals. Hence women are often regarded as pieces of "inferior," or in some ways, perhaps, as "meat," as this culture of objectification is passed on, intergenerationally. We must resist, however, in noting these tendencies, the conclusion that men are inherently "hunters" or "warriors," or that they are essentially oppressive. The data support neither of these conclusions.

Adams finds that anthropological data support her theory that meat is related to dominance within our cultural evolution:

Adams quotes Roger Lewin and Richard Leaky's interpretation of the role of meat in power relations: 'The equation is simple: the more important meat is in their life, the greater relative dominance will the men command....When meat becomes an important element within a more closely organized economic system so that there exist rules for its

distribution, then men already begin to swing the levers of power.... Women's social standing is roughly equal to men's only when society itself is not formalized around roles for distributing meat.\(^8\)

This finding makes sense, as men will more likely be hunters, given their faster running ability and strength (in general), so if meat is valued then so will be men's naturally favoured hunting abilities. A striking correlation between meat-eating, and hierarchicalism in general, is also cited:

Peggy Sanday's survey of more than 100 nontechnological cultures found a correlation between plant-based economies and women's power and animal based economies and male power. Economies based on meat are characterized by patrilineality, worship of male gods, and the sexual segregation of work activities, with women doing more and less valued work than men. Plant-based economies are much more likely to be egalitarian.\(^9\)

It is noted that aristocrats and soldiers ate meat,\(^10\) with, again, the implication that meat is associated with hierarchy and male violence. Once again, it would be hasty to conclude, as some feminists might, that oppressively hierarchical societies are associated with meat-eating, therefore with patriarchy, and so all oppressive hierarchy is based in patriarchy.

The male tendency to objectify has been instrumental in the formation of oppressive tendencies in our evolution, as I have conceded, but let us not forget that women are equally capable of not identifying with others in racist, or other classist ways which lead to pernicious hierarchies. Classist psychological possibilities are not essentially related to sex. Indeed, to say that women are not equally capable of oppressing is to idealize, or to romanticize women, or even to imply that they are not fully moral agents, capable of abstract, objectivist views of things which become oppressively all-encompassing.

Noske notes that feminists such as Carolyn Merchant and Evelyn Fox Keller "see women's connectedness with nature as a positive thing."\(^11\) It is controversial to say that women are really more "connected" with nature, rather than merely associated with nature by a generally male-biased culture, which associates "higher" cultural activities with men, while placing the latter firmly at the top of the hierarchical pyramid. To say that women are "purer," in particular, is an oppressive idealization at the expense of men, even if, as I agree, men do most of the active oppressing in this culture (many women passively support

\(^{8}\) Ibid., p. 247.

\(^{9}\) Ibid.

\(^{10}\) Ibid., pp. 247, 248.

\(^{11}\) Noske, Beyond Boundaries, p. 110.
it, as well as doing their own share of active oppressing). Moreover, statistical probabilities and generalizations that men are more intensely oppressive tell one nothing about the nature of any particular, individual male or female—unless, of course, it is considered helpful to approach individual cases with preconceived notions and overgeneralizations. Part of being vigilant, which this work has emphasized for philosophy in general, is resisting the tendency to overgeneralize, no matter how tempting, and to be open to identifying, and identifying with, individuals just as they are.

### 4.5 How Comparable Is the Oppression of Women to Animal Treatment?

Let us proceed much as we did in 4.3. Here are some possible factual similarities:

- The interests of both animals and women are often taken less seriously than the interests of men.
- Both women and animals are reductionistically considered to lack “reason,” in various ways and degrees, or even, in some cases, altogether.
- Women are often confined to the home, even permanently, in some Islamic countries, just as domestic animals are often controlled to such a high degree.
- Women are often objectified, and put on display for their beauty, or supposed lack of it, just as animals are.
- The autonomy and free choice of women is often denied, or indulged purely as a kindness, as is sometimes the case with nonhumans.
- Women, in certain parts of the world, are genitally mutilated, which can remind one of the standard practice of castrating bulls without anesthesia, in order to render them more docile.
- Both women and animals are objectified in pornography, which is not uncommonly humiliating, sadistic, violent, or perhaps even murderous.
- Women are often called animal names, like “meat,” “fox,” “chick,” “filly,” and so on, in keeping with their being objectified as nonhuman animals commonly are.

And, of course, there are also noteworthy differences:
• Women are denied higher educations far too often, unlike animals, who cannot be “denied” this at all.
• Women are often saddled with too much domestic labour, unlike the case of nonhuman animals (who do not labour in a comparable way).
• Women are in a powerful position to advocate their own interests, unlike nonhuman animals.
• The right of women to reproductive freedom is an issue for many feminists, but not for nonhuman animals, in any comparable way (e.g., with reference to abortion).
• Pay equity is not an issue for nonhumans.
• Women’s disproportionately limited access to political power is not analogous to the case of animals.

I could go on with this consideration of details, but my desire is simply to make a philosophical point. The differences do not somehow erase the similarities, and nothing can erase the underlying identity of what it means to be oppressed. If it is still insisted that the particular differences make these comparisons entirely untenable, the next section should serve as a refutation of that claim.

4.6 Differences without a Distinction?

No one worth listening to would deny that racism and sexism are both classic instances of oppression. Yet there are particular differences between these forms of oppression as well:
• skin colour is irrelevant to sexism
• genetic heritage is not stressed in sexism
• rights concerning abortion are not a great focal point in race debates (although access to abortions may be a special issue for poor people, who may disproportionately be of oppressed “races”)
• ascriptions of race do not centrally affect the division of labour in the home
• dimorphism between male and female is irrelevant to alleged issues of racial superiority

I could go on, here, but there is no need to do so. Of course, there are similarities between racism and sexism, as well, such as marginalization, economic and political
disenfranchisement, the common underlying form of oppression itself, and so forth. We can even find cases linking women, the Holocaust, and animals, all in one bundle of horror: "At the Ravensbrueck concentration camp for women, hundreds of Polish inmates—the ‘rabbit girls’ they were called—were given gas gangrene wounds while others were subjected to ‘experiments’ in bone grafting." In any case, particular comparative differences do not stop us from considering racism and sexism to be oppressions. Therefore, it would be speciesist to deploy the same consideration in favour of not counting animals as oppressed. That is, just because there are particular differences between how nonhuman animals are oppressed, and how humans are oppressed, we cannot distinguish humans as being capable of suffering oppression on the one side, while holding that nonhuman animals are not susceptible to oppression on the other.

4.7 Does Speciesism Exist?

Are animal liberationists guilty of insulting behaviour when they compare animal oppression to the Holocaust? A number of thinkers simply find the comparison—between racism, sexism, and other human oppressions, on the one hand, to speciesism, on the other hand—to be offensive. It is not clear to me how important this objection is, although many philosophers and others express it. We have already seen Richard Watson note that he finds it “insulting” because “human lives are far richer and more valuable than those of nonhuman animals” —a classic proto-Juggernautian stance. Cohen calls the comparison “atrocious,” claiming that it “draws an offensive moral conclusion from a deliberately devised verbal parallelism that is utterly specious” and having “no rational ground whatever,” and again, he cites what he takes to be “morally relevant differences” between species. Yet another proto-Juggernautian, Steven Rose, finds it “offensive” to attribute rights to animals, and also to use the term, “speciesism,” to try to put animal rights on a par with the “struggles for women’s rights, black people’s rights, and for civil liberties.

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92 Shirer, The Rise and Fall of the Third Reich, p. 1275.
generally. Francis and Norman find that the comparison is highly insulting to minorities and women because it “trivializes” those “real movements.”

All I have to say to people who take offence to the comparison is that (1) their proto-Juggernautian grounds for taking offence are, themselves, morally objectionable, and (2) their position betrays that they do not identify with the point of view of the animals, with a view to their good. Rather, these commentators neglect to acquire this crucial sense of reality, instead adopting a superficial, objectivist view. Animals are graded as morally (and in most every other way) inferior, objectified beings. That insult to other beings—if anything, in this context—is offensive. However, my own taking offence must be, at least, partially offset by my attempts to identify with the points of view of these humanists, at least in order to understand “where they are coming from”—however erroneous it might be for them to be where they are.

Consider the charge that animal liberationists “trivialize” the Holocaust, or other forms of human oppression, by comparing these to speciesism. Francis and Norman beg the question, repeatedly, in their claim that, among other things, the comparison “trivializes” what they consider to be “real” liberation movements:

By equating the cause of animal welfare with genuine liberation movements such as black liberation, women’s liberation, or gay liberation, Singer on the one hand presents in an implausible guise the quite valid concern to prevent cruelty to animals. At the same time the equation has the effect of trivializing those real liberation movements, putting them on a level with what cannot but appear as a bizarre exaggeration. Liberation movements have a character and a degree of moral importance which cannot be possessed by a movement to prevent cruelty to animals. A real liberation movement is an attempt by an oppressed or exploited group to protest against its exploitation, to argue the justice of its case, and to organize in order to achieve its own liberation. Its appeals to the possibilities for fully human and equal relations between those who are currently oppressors and oppressed. The fact that so-called ‘animal liberation’ could not conceivably be understood in these terms illustrates, as well as anything, the inescapable difference between human beings and animals, and their moral implications.

While it is true that the authors of this passage give an argument against animals having moral standing, it can accurately be characterized as simply applying stipulated criteria of moral standing which nonhuman animals do not possess. To deny that the animal

97 Ibid., p. 527.
liberation movement is "real" or "genuine," and to call the comparison a "bizarre exaggeration," therefore, begs the question against animal liberationists, who still await a convincing argument from this quarter. Moreover, it is a mischaracterization to say that Singer "equates" the different liberation movements. He does not state or imply that these movements are the same, but rather distinguishes them (e.g., in noting that animals, unlike humans, cannot advocate for themselves). Instead, Singer analogizes the different causes. To insist that animal liberation lacks "moral importance" seems to be a naked assertion of anthropocentrism, and a patent refusal deeply to identify with nonhuman animals.

Robert Nozick asserts that animal rights "seems a topic for cranks....The mark of cranks is disproportionateness. It is not merely that they devote great energy to their issue...They view the issue as far more important than it is, more pressing than others that, in fact, are more significant." Sapontzis, in my view, offers an effective rejoinder to any attempts to belittle the importance both of what animals, as oppressed beings, endure, and of the corresponding need to liberate them:

If we were to judge by the number of suffering individuals involved, then the animal liberation movement is more serious than any human liberation movement. We kill approximately five billion mammals and birds annually in the United States alone. That is many times the number of women and people of color in the United States. If we are to judge by how fundamental the interests being violated are, then once again, liberating animals is very serious business, since they are routinely tormented and mutilated in laboratories, are denied any sort of normal, fulfilling life in factory farms, and have their very lives taken from them in a vast variety of situations. Women and minorities do not suffer such routine, fundamental deprivations. If we are to judge by the moral, legal, cultural, and individual life-style changes that would be occasioned by the success of the movement, then, once again, animal liberation is at least as serious an issue as the extension of equal rights to minorities and women. Liberating animals would directly affect our eating habits, clothing preferences, biomedical research industry, sporting business, and land use, thereby changing our current way of life at least as pervasively as have the civil rights and women's liberation movements.

I would agree with Sapontzis that nonhuman animals' rights to well-being are violated more than any other sort of being, and the same goes for their rights to autonomy. As he

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99 Sapontzis, Morals, Reason, and Animals, pp. 84-85.
indicates, the radical implications of the animal liberation movement are also far from "trivial."\textsuperscript{100}

We have already seen Francis' and Norman's claim that animals would need to organize, and to protest their own plight, for there to be a genuine animal liberation movement. D. Lamb also stresses the importance of people in liberation movements defining their own objectives by and for themselves.\textsuperscript{101} John Rodman echoes this theme:

Singer thinks we can liberate them [i.e., nonhuman animals]. Moreover, we are to do this in the style of fulfilling a moral obligation. I suggest that what Singer calls 'animal liberation' is more aptly characterized as a movement for justice, and that (at least as he depicts it) it is less like contemporary 'liberation' movements than like the model established by the abolition of the slave trade, Lord Shaftesbury's crusade to improve the working conditions of women and children in mines and factories, the humane movement to prohibit the cruel treatment of horses, cattle, and dogs, and the 'emancipation' of slaves and serfs by executive decree. A person can work to bring about an end to the unjust treatment of others, but one can only liberate oneself, just as one can only actualize one's own potentialities. This has been the message that Black liberationists have tried, with mixed success, to get across to white liberals still nostalgic for the days of the Civil Rights movement. As this example suggests, the difference is more than one of label: the word 'liberation' is variously used, but there are differences in experience among a movement by enlightened and benevolent whites to abolish the slave trade, a civil rights movement, and a Black liberation movement.\textsuperscript{102}

Now, I do not see why a liberation movement must be mutually exclusive from a movement for justice—anti-slavery is Rodman's example of a justice movement. If one is fully free, as a quality of being, perhaps one must liberate oneself, or realize one's own freedom. But if we are to avoid a reductionist view of animal autonomy, animals can be allowed to develop their own freedom. To require that animals liberate themselves, however, when they cannot, and we can do it for them, does not mean that it is not a liberation movement. Rather, the implication is simply that nonhumans are helpless to effect the liberation in question.

\\textsuperscript{100} However, I would not go so far as to think in terms of the overall comparative importance of any given liberation movement, since my own perspective seeks equally to identify with individuals, and this identification does not alter in its urgency according to which group one belongs to, but only on the basis of individual need. To preselect against individual plights on the basis of favoured oppressed groups may, in at least some cases, be an arbitrary prejudice, which stands in the way of fully identifying with individuals' subjectivity. Nothing can rightly diminish deep empathy, unless we are to shift to a less correct awareness of reality—and so any barrier against such identification must be arbitrary, or wrongfully stipulated.


To refuse to help animals achieve liberation, insisting that they “do it themselves,” is to fail to identify with them with a view to their good, and hence a failure to take them seriously. If an oppressed being has power to liberate himself or herself, then paternalistically to force a form of “liberation” upon that being would, indeed, be oppressive to his or her autonomy. But in the case of animal liberation, one cannot oppress a kind of autonomy which may not substantially exist. The military-organized movement to liberate people from concentration camps at the end of the last World War was still a “liberation,” and is rightly referred to as such. Rodman concedes that one could only have “animal liberation” in the weak sense of humans having a personal stake in freeing animal appetites, and so on. Yet it is not clear why it is more “liberated” only to be self-regarding in liberation efforts—he has not addressed the key question as to why we cannot liberate them, as Rodman himself puts it in the longer passage cited earlier.

Ironically, some claim that granting the existence of animal liberation would be oppressive to animals themselves. As D. Lamb puts it, “a group which depends on others to carry out liberation on its behalf runs the risk of replacing one group of oppressors with another.” An animal liberation movement that is respectful of animals’ autonomy (as opposed to those who casually “euthanize” healthy animals, place rehabilitated wildlife in inappropriate habitats, or who disregard animal preferences, etc.) is the last sort of “oppressive” person that animals presently would need to worry about. It is, rather, the active exploiters of animals who are the most oppressive. It is oppressive to disregard the welfare and autonomy of those who are helpless to uphold them by themselves. So it is better to have animal rightists advocating for animals, rather than nobody at all. Still, these authors do raise a point, which they may not have intended, namely, that it is important to pay attention to animals themselves, their subtle signs, behaviours and communications in trying to determine what is best for them. It is not that animals do not communicate with us, but rather that people, often implementing interests that are hostile to those of nonhumans, are not prepared to listen. Instead, we have seen that people often resort to reductionist views of animals. Others, however, defy such oppressive views. Concerning

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wild animals, in particular, who are more self-sufficient than domesticated individuals, Sapontzis notes: "[m]any animal liberation programs concerning wild animals express a deep respect for and desire to re-establish, safeguard, or expand the opportunities for these animals to lead independent, self-governing lives."104

In general, we may say that “liberation” intelligibly characterizes the goal of liberation movements, not necessarily the nature of its means, which are various, but presumably directed towards ending oppression. For such efforts to succeed, in whatever liberation movement, the concerted efforts of many are needed, not merely the efforts of the oppressed. The oppressed need all of the respectful help that they can get. Promoting human autonomy and not interfering with nonhuman autonomy are important factors, but none of these reflections in the least negates animal liberation as a genuine form of liberation. Peter Singer and Paola Cavalieri, in their postscript to the Great Ape Project, claim that the analogy between animal liberation and the emancipation of the slaves breaks down because since animals cannot stand up in defence of their own rights, it may not be "possible to ensure for them the same protection afforded to full members of our community...."105 To me, they are both liberation movements addressing oppressions, and any differences between them is incidental, not a “breakdown”—unless one is analogizing solely in terms of incidental details, a questionable strategy which this very chapter exposes as inadequate. A more traditional counterpoint is that many marginalized humans share this plight of not being able to free themselves from oppression, including young children, the severely retarded, those who are advanced in senility, and so on. Yet such beings, if oppressed, can certainly be liberated by others.

Often, people try to make oppressive practices seem acceptable by calling them "natural." If our objectifying usage and control of animals is called “natural,” in the sense that we are all parts of nature, then let us consider the implications of such a move. In that case, rapists, robbers, and curmudgeons are also in the “natural” world in this sense, but that does not excuse their behaviours. If “nature” designates humans as being at the top of

104 Sapontzis, Morals, Reason, and Animals, p. 85.
the food chain, then that only means that we have choices to make, nothing more. I have already hinted at what sorts of choices we ought to consider to be better than others. As Sapontzis points out: “Calling the humans-over-animals hierarchy ‘natural’ will not suffice. The long history of our conquest and enslavement of other humans indicates that it is also ‘natural’ for us to engage in these discriminatory practices....”106 If our subordination of animals is said to be “natural” in the sense that it is unavoidable, by natural laws of human nature, that seems readily falsified by the free choice of animal liberationists not to subordinate nonhuman creatures. We do have free choice as part of our natures, and it is oppressive to choose to subvert animal rights. The label “natural” does little more than disguise this fact, for some people. These remarks apply equally to blind endorsements of what is sanctioned by “tradition.”

Bernard Williams believes that he can offer an insight which can compel us to see that we must be misguided, after all, to think that there is any such oppression as “speciesism”:

The word “speciesism” has been used for an attitude some regard as our ultimate prejudice, that in favor of humanity. It is more revealingly called “humanism,” and it is not a prejudice. To see the world from a human point of view is not an absurd thing for human beings to do. It is sometimes said that such a view implies that we regard human beings as the most important or valuable creatures in the universe. This would be an absurd thing to do, but it is not implied. To suppose that it is, is to make the mistake of identifying the point of view of the universe and the human point of view. No one should make any claims about the importance of human beings to the universe: the point is about the importance of human beings to human beings.107

Humanism is, indeed, speciesist, as I have argued, although I deliberately refrained from assuming this conclusion at the outset of my inquiry. Humanism arbitrarily favours some species over others. It is prejudicial, because while we expect humans to see the world from “a human point of view,” it is not at all necessary that humans arbitrarily favour humans over nonhuman animals. Nothing arbitrary, in this sense, could be necessary. On the contrary, it is intelligible—and more than that, morally necessary—for us to try to identify with nonhuman animals with a view to their good, however imperfectly, and

106 Sapontzis, Morals, Reason, and Animals, p. 108.
Williams' "human point of view" argument has nothing to say against this imperative. One could equally argue that we can only view things from the point of view of one's self—but that is no call to be selfish. He claims that we should not try to adopt "the point of view of the universe" (possibly against Sidgwick), but such an objectivist point of view is not here advocated, so his remark is, again, beside the point. Williams tries to be helpful in pointing out that our arguments must be grounded in a human point of view, and "cannot be derived from a point of view that is no one's point of view at all." So do the animal liberationists not have a human point of view? The irrelevance of Williams' position, in this regard, should presently be in evidence.

4.8 Conclusion: Clarity of Philosophy, and Getting One’s Facts Straight

While the comparison of our treatment of animals to the Holocaust seems outrageous to many, it is not—or so I have argued. If anything, there are more blatant analogies to be made between the Holocaust and animal oppression than can be found in comparing speciesism with sexism. It seems to be no mere accident that ruthlessly exploiting and degrading both humans and other animals can appear to be so similar in so many of details. The extremities of treatment, in terms of killing in such awful numbers (many times more, in the case of animals, than the number of victims consumed by the Holocaust), the ruthlessness, exploitation of the whole being, enslavement, and so on, just do not apply to how the vast majority of women in our society are treated. However, these dimensions of oppression do apply to the victims of the Holocaust, and, in many cases, to nonhuman animals. Yet people, in my experience as an activist, object vociferously, at times, to the Holocaust comparison, and perhaps only rarely, or mildly, to the comparison of speciesism with injustices to women.

Ecofeminism is attractive to many, along with its comparison of women’s oppression and nonhuman animal oppression. The comparison that the ecofeminists seek

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to make can also be borne out through a sober analysis in light of the facts, although there are noticeable differences between the different oppressions, which are to be expected, and indeed, respected.

This study has conceived of oppression in terms of lack of empathy, or what may amount to an objectivist view of conscious beings. Hence, oppressors arbitrarily differentiate such beings as inferior, psychophysical objects, which results in a willingness to harm the autonomy and well-being of such beings. This identical, underlying pattern of oppression, in all of the particular cases examined, is still nearly invisible. For the problem is one of abstraction, or rather, that same mental process taking a desperately wrong turn. If one could eliminate this oppressive skewing of people's world views, then all of the various, particular details of the oppressions, with all of their similarities and differences, both fine and gross—would also be eliminated. Oppressions begin from the same philosophical point—or perhaps lack of point—and end up in different, particular oppressions, which, yet, are part of the same whole. Each part, however, is different from every other part, although positionally related. Whatever should be surprising about that? The root analysis, which is more profound, sees the one, underlying pattern, which is a valuable aid to our understanding. It also recognizes incidental similarities, which flow from the basic pattern itself. That indiscriminate, superficial, and dismissive type of analysis, which impugns all comparison of oppressions—especially across species—because of differences in detail, loses the prairie for the blades of grass, and thus eclipses a valuable and suggestive form of inquiry concerning anti-oppression.
5.1 Introduction: Matters of Right and Wrong

Questions about normative ethics encompass both the formulation of principles of practice, and a concern with how these principles apply to various sorts of cases. We seek to know, if possible: What is ideal? What is permitted? What is not to be allowed? Moreover, how to deal with cases which are unclear on the aforementioned points? Due to the parameters of this project, the investigation that follows will necessarily be limited. However, it ought to provide an idea of what ethical empathism has to say about normative matters. The formulation of normative principles is not an exercise that can usefully be carried on quite independently of considering different ethical theories. A number of remarks will indicate why I restrict my present preoccupation with alternative moral visions primarily to the family of consequentialist views that are referred to as versions of utilitarianism.

After indicating what I take to be the strongest possible case for utilitarianism, I will critically engage that view, and thereby conclude with practical principles concerning (1) cases in which harmful means are used to secure attractive ends (which are sometimes rationalized as “dilemmas,” or hard choices), (2) cases in which one must choose between harms, but it appears clear enough which option is more harmful, and (3) moral dilemmas proper, in which we have no moral choice but to harm, but it is not determinate—in a true dilemma—what choice should be made. It will be explored, in particular, whether, or to what extent, (1) to (3) overlap. Particularly for the exploration of (1), the example of vivisection—harmful experimentation on animals—will prove to be very instructive, since it involves a harmful means towards a very attractive end of attaining medical cures and health enhancement practices.
This chapter, then, will focus on difficult cases, which are or pose as (possible) dilemmas, in the confidence that some of the normative implications of ethical empathy, in normal circumstances, are fairly straightforward, i.e., harmlessly going about one's business, which includes not neglecting other conscious beings. Indeed, based on the foregoing rejection of arbitrary harming, ahimsa (or harmlessness) is the norm, at least apart from the difficult, and hence most theoretically interesting, cases, in which we might have cause to harm. In any event, it is cases in which we are either tempted or required to act harmfully that will occupy us.

### 5.2 Moral Theories Left for Other Explorations

There are a host of views which will not allow of a detailed treatment in this present work. Those views include, very prominently, Immanuel Kant's ethical theory, contractarian ethics, revised natural law theory, and ecoholism. It is, however, possible to indicate, apart from limitations of space, why these theories will not receive a detailed analysis on this occasion, and do not necessarily contribute to the development of ethical empathy.\(^1\)

Certainly, I shall not here make a detailed exploration of Kant's theory. He declares, stipulatively: "Rational nature exists as an end in itself."\(^2\) Since those outside the group of rational beings are, in effect, licenced to be harmed by moral agents, this would seem to be a rather straightforward instance of the classist fallacy.\(^3\) This assessment is not altered by the fact that Kant advocated kindness to animals, on the indirect basis that it might cause people better to treat other humans.\(^4\) It might well be questioned how stipulative is Kant's upholding of rationality in this way. However, a key passage in *The Critique of Practical Reason* confesses, in effect, that Kant's vision of morality can neither be rationally proven,

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1. Although there may well, at least, be useful bits from such theories, especially insofar as they claim to offer ideas which refute consequentialism.
3. Please note that the classist fallacy—which was introduced before the insights that are perhaps most distinctive to ethical empathy—does not necessarily stand or fall with the latter ethical theory, considered as a whole. Rather, identifying and countering the classist fallacy has a value that is independent of any theory of morality.
nor known through experience. Yet the Kantian ethic is allegedly known to possess a certainty “of itself,” or self-evidently:

...the moral law is given, as an apodictically certain fact, as it were, of pure reason, a fact of which we are a priori conscious, even if it be granted that no example could be found in which it has been followed exactly. Thus the objective reality of the moral law can be proved through no deduction, through no exertion of the theoretical, speculative, or empirically supported reason; and even if one were willing to renounce its apodictic certainty, it could not be confirmed by any experience and thus proved a posteriori. Nevertheless, it is firmly established of itself.5

However, while Kant is, for example, hostile to sympathy as a legitimate form of moral motivation, he did reject using (rational) individuals as mere means,6 and was also inspirational in the development of human rights. I would in no way minimize certain similarities between Kant’s theory and my own. Both views, too, will be seen to reject consequentialism. Still, Kant’s theory is so heavily based in his form of moral rationalism that it would be difficult even to adjust the theory for nonanthropocentric purposes, or at least, I will not make the attempt.

Natural law theory is also not worth exploring in detail, insofar as it is baldly speciesist. Unfortunately, John Finnis’ theory commits such outright discrimination, in its least sophisticated form. He characterizes the object of ethics as “realizing in my actions the real and true goods attainable by a human being.”7 No argument is supplied as to why solely human beings are to be of concern. I note this, for although an overgenerous interpretation of Finnis might indicate that humans can attain goods which are those of members of other species, it is manifest that this is not Finnis’ moral focus. For with regard to justice, he notes that it is “about what is right and wrong in dealings with other people.”8 Finnis hints, without elaborating, that goodness is applicable to nonhumans: “The states of affairs whose goodness is in question in ethics are, primarily, the states of

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6 It is not clear that Kant shows what is wrong with unempathetically utilizing conscious beings in order to secure various goods, since the basis of moral justification, in his framework, is restricting oneself to affirming types of action which can be conceived, in a sense, as universal moral laws. However, it is never made clear, to my mind, how utilitarianism—or any other ethic contrary to never treating individuals as mere means—cannot be “universalized.” Kant begs the question, it would seem, by assuming that everyone else would “universalize” moral laws that are similar or identical to those that he himself held.
8 Ibid., p. 8.
human beings." It is never argued, in *Fundamentals of Ethics*, why these assertions are to be believed, although at one point, Finnis notes that we would prefer living a human life to that of a contented cow. That may be, but Juggernautian reasoning, which would make much of such a claim (i.e., that animal lives have less goodness), has been refuted. A colleague of Finnis, Germain Grisez, also writes in the Natural Law tradition, which itself is neo-Thomist, and is associated, in many ways, with the Roman Catholic Church. Grisez is equally dogmatic on the question of the place of nonhuman animals in ethics:

The justification for killing animals is that their life is not a good which human action must respect. Thus, if it is useless to humans that an animal live and in accord with human feelings that it die, there is nothing wrong with satisfying the human impulse to kill it. This statement is thoroughly question-begging. Other aspects of the theory deserve critical notice, in my view, but they cannot presently detain us.

Contractarianism is no more, and possibly less, initially plausible than many of the views mentioned here. It involves an assumption of egoism, and the conclusion that "enlightened" egoists will agree to a set of moral rules, so that each individual enjoys the selfish benefit of protection against various harms they might otherwise incur from other agents. The idea of a social "contract" is, perhaps, a metaphor for an agreement to some such set of rules. This egoism can be qualified by some allowance for caring for others, such as on the theory of David Gauthier: "The contractarian need not claim that actual persons take no interest in their fellows: indeed, we suppose that some degree of sociability is characteristic of human beings." Traditional and important criticisms of such views, such as whether a scoundrel might claim to abide by the moral rules, but secretly take advantage of others, will not be contemplated here. I will note, however, the commonplace observation that contractarianism notoriously respects only rational agents who are the supposed contractors. As Gauthier would have it:

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Only beings whose physical and mental capacities are either roughly equal or mutually complementary can expect to find co-operation beneficial to all. Humans benefit from their interaction with horses, but they do not co-operate with horses and may not benefit them. Among unequals, one party may benefit most by coercing the other, and on our theory would have no reason to refrain. We may condemn all coercive relationships, but only within the context of mutual benefit can our condemnation appeal to a rationally grounded morality.13

On this view, then, nonhuman animals, and even humans who are not equal in physical or mental capacities can be coercively controlled, and have no claim to any other treatment.

It is, perhaps, worth noting that contractarians’ above endorsement of coercive exploitation involves a commission of the classist fallacy, assuming a licence to harm beings, by neglect and various kinds of force, simply because they are numbered among the class of weaker beings. Egoism, which is accepted as an ethical premise, also, inherently commits this same fallacy: not being part of the privileged class of the one individual—the self—licences ego to harm everyone else, if, and only insofar as, it serves ego’s interests. An objectivist, who does not empathize with others, will have his or her concerns vividly at hand, and have the illusion that others’ interests are not real considerations, or are somehow fainter realities. This illusion may help to explain, but certainly not to justify, the egoistic perspective. Additionally, note Gauthier’s repeated references to rationality in the context of morality. Gauthier’s privileged contractors are all rational beings: nonhuman animals, for example, are left out of account. Thus, contractarians supposedly have a licence to harm non-rational beings on no other grounds—than are provided—aside from the fact that they are non-rational. Yet it importantly begs the question to insist that rational agents are not also obligated to assist non-rational beings. Nowhere does Gauthier bridge the gulf left by his repeated commissions of the classist fallacy. Insofar as he commits this fallacy, and insofar as it is a genuine breach of logic, Gauthier’s view, far from being the only rational moral worldview, would appear to be seriously rationally flawed. This view, too, will not be critically analyzed to any detailed extent.

As for nonanthropocentric ethics, upon which nonhuman animals are hardly an “invisible” oppressed group, neither can I comprehensively address all of these theories.

13 Ibid., p. 17.
(but see Chapter One). In particular, I shall not plumb the depths of ecoholistic views, which, so far, have escaped much mention in this present work. Many such views look, above all, to the enhancement of ecosystems as wholes: their integrity, biodiversity, longevity, and so on. There are associated problems with identifying ecosystems, and also boundary issues as to what constitutes morally acceptable ecosystemic change. Aside from these concerns, however, there is the problem of subordinating the individual—even harmfully—in service to the whole, which may well run afoul of ethical empathism's principles. Moreover, one cannot (straightforwardly) empathize with an ecosystem as a whole, be it conceived either abstractly or concretely. One can choose to further the good of such a system only insofar as one chooses to identify with its good, which is not a duty (see the discussion of the good of nonconscious beings in Chapter Two). In any case, one cannot rightly override identifying with the good of conscious beings—which is not merely optional—if one is adequately and empathetically to reflect reality in one's mind and heart.

Can an individual be harmed, in order to promote the flourishing of an ecosystem? The key aspects of promoting an ecosystem would not seem to entail a licence to harm conscious beings, such as: being a member of a common species, being relatively unimportant to ecosystemic flourishing, failing to be conducive to the aesthetics of an ecosystem, being an agent of ecosystemic change (as opposed to conducing to "stability," or "integrity" of the ecosystem), and/or being a substantial consumer of resources. All of these factors might be taken by an ecoholist as grounds to disfavour, even harmfully, certain conscious beings—and all of them would appear to commit the classist fallacy. Ecoholism, too, is not sufficiently promising, from the point of view of ethical empathism, to explore, here, in detail. Let us now examine a theory which, far from being so unpromising, might well prove to be the true normative formulation of ethical empathism itself: utilitarianism.

5.3 The Staying Power of Utilitarianism

What, at first glance, could seem more tempting than creating as much good in the world as possible? Actually, in Juggernaut, we have already seen a perfectionistic concern for the
good. However, Juggernaut commits the error of treating subjects as objects (at least in part) by not fundamentally, or at least consistently, identifying with subjects.

Utilitarianism, in its intent to promote the greatest good of all possible consequences, is not obviously committed to this error. Utilitarians can, and very often do, recognize that there are no "objective values" out there, and can, instead, consider all of the subjective values that there are, and attempt to realize as much of that value as can possibly be realized.

Utilitarianism is the most disputed moral theory of our times.\(^\text{14}\) Although its associated controversies have aroused many heated objections, the following extended analysis will reveal that it has held fast under fire in the face of all of the major objections that I know of hitherto. It has tremendous staying power. Sapontzis asserts that his "book has strong utilitarian dimensions—because everyday morality has such dimensions,"\(^\text{15}\) implying that utilitarianism is part of our common sense. The anti-oppression argument, as it has been developed up until this chapter, may seem neutral as to utilitarianism. Certainly, utilitarians have played an historic role in opposing oppression, forcing people to consider everyone's good, no matter their so-called "race," sex, perhaps even species, and so forth. For example, utilitarians have assisted in reforms against the harsh impositions of the Industrial Revolution, with its often horrific conditions of labour, including the forcible exploitation of children. Many contemporary utilitarians, such as Singer, are also ardent opponents of oppression.\(^\text{16}\)

If one accepts utilitarian assumptions, then it is hard to show, for example, that Singer’s advocacy of some vivisection for human benefit is utterly mistaken. Especially since sober utilitarians recognize that they cannot actually calculate the greatest good for the

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\(^{16}\) Interestingly, Lawrence and Susan Finsen, The Animal Rights Movement in America: From Compassion to Respect (New York: Twayne Publishers, 1994), p. 201, argue that Singer's critique of speciesism can be seen as distinct from his argument for utilitarianism, although Singer himself discounts any fundamental or even independent status of anti-speciesism. Yet Animal Liberation was far from explicitly utilitarian. Taken in isolation, the book's quoting of historic utilitarians need not have been decisively indicative of a commitment to utilitarianism. Bentham's concern for suffering, as distinct from whether a being can speak or reason, can be an axiom for anyone, and Sidgwick's looking at individuals and their good from the "point of view of the universe" can be seen as a simple appeal to impartiality (although such a perspective might seem disturbingly objectivist).
greatest number, but rather, only tend in that direction, either directly or indirectly, the result is guesswork in a great many cases, and pro-vivisection, in certain limited cases, may seem like a “good educated guess” for utilitarians. Yet would those vivisected animals be “liberated,” as Singer’s “animal liberation” philosophy suggests? Possibly not. However, it remains controversial as to whether a general theory of animal liberation would also consider sacrificing nonhuman animals, for the purpose of liberating human animals from egregious illnesses, and so forth. After all, liberated beings—human and nonhuman—will still present conflicts of interests. I will go on to argue that on any sound anti-oppression ethic, animals cannot be sacrificed for our benefit, even for medical progress, which many people think makes vivisection uniquely indispensable. Humans can still lead a very high quality of life without eating animals, being entertained by them, hunting them, testing cosmetics on them, using them for labour, fur, leather—but are animals needed as involuntary research subjects?

Returning to utilitarian theory itself, it is time to give due credit to that view for its ability to withstand criticisms. Utilitarianism is not as transparently arbitrary or oppressive as contractarianism—recalling the latter’s multiple commissions of the classist fallacy. One possible exception to this rule is humanistic utilitarianism, which gives licence to harm those who are not human, rational, moral, etc. Singer’s version of the theory does not at all succumb to that oppressive difficulty. I, myself, admit to having considered myself to count as a utilitarian—of sorts—for several months in 1998. At the time, I thought that the idea of promoting good was most plausible, that it was “best” to promote the most possible good, and that optimizing goodness could be reconciled with a proper respect for individuals. As with Juggernaut (which I never held), utilitarianism might not seem to be morally arbitrary, since it is concerned with what is good, and that in an impartial way. Perhaps promoting the good might well seem “necessary,” from the moral point of view, and utilitarianism takes this promotion as seriously as one can. Any sacrifices that one makes in a promotion of the overall good may be regretted as “morally necessary.”

17 Possibly, Singer uses the term, “liberation,” as another calculated slogan, or concession to popular rhetoric, as he has already confessed with respect to his appeals to rights, and also his criticizing of oppression in general.
I will only briefly\(^{18}\) note how I think that utilitarians can effectively seize the advantage against common objections. These objections seem to pursue a nagging feeling, on the part of the theory’s skeptics, of something being wrong with the utilitarian vision. Still, maximizing utility is a protean ideal, and can accommodate many objections, simply by adjusting to serve what is “best,” or else simply by insisting that we promote what is “best,” without being reluctant about it.

Utilitarianism is sometimes accused of promoting injustice, since, occasionally, an individual may be “sacrificed” in order to promote the greatest good. For a classic example, let us say that a man is framed for a murder that he did not commit, in order to avert townspeople from rioting. This administration of “justice” will save a number of lives, judging from previous such occasions\(^{19}\) (other alleged counter-examples include such scenarios as quietly killing nasty and miserable old ladies in order to spend their bequests in a maximally beneficent manner, etc.). Bernard Williams gives two more classic examples: (1) deciding whether a man ought to fill a recently vacated job in a chemical weapons plant, knowing the horrifically war-promoting consequences of filling it, but also otherwise risking someone, who would be much more destructive, filling the same role, and (2) either killing some hostages oneself, or allowing all of them to be killed by others.\(^{20}\) Utilitarians can reply that such cases are so rare as to be inconsiderable for a reflection of normal moral practices.

Direct utilitarians can also say: “So what?” The objection begs the question, by defining “justice” in a way that is different from a utilitarian version of justice, which, itself, might perfectly condone the “morally irregular” actions which might result from the above examples. For example, J. J. C. Smart, at least in his earlier writing, is famous for accepting such hard consequences:

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\(^{18}\) It would take a number of books comprehensively to survey the reams of literature written on this now-venerable ethical theory. Moreover, I am concerned with fundamental presuppositions of the theory, and not, in the present work, with many of its finer points of interest, which are discussed in the literature.\(^{19}\) J. J. C. Smart, “Integrity and Squeamishness,” in *Utilitarianism and Its Critics*, ed. Jonathan Glover (New York: Macmillan Publishing Company, 1990), pp. 170-71. Smart also notes, p. 171, that such cases would be “very rare indeed.”\(^{20}\) Williams in J. J. C. Smart and Bernard Williams, *Utilitarianism: for and against* (Cambridge: Cambridge University Press, 1973), pp. 97-99.
Admittedly utilitarianism does have consequences which are incompatible with the common moral consciousness, but "so much the worse for the common moral consciousness." Finally, if such dire actions are found to be an unacceptable consequence of this consequentialist view, then an indirect approach may be taken. Utility-promotion may be taken to justify a set of rights, or rules, which protect individuals (or perhaps even groups) against such "unjust" treatment. Especially in the long-term, individuals prefer a society with a stable moral order to protect them and their loved ones against sudden, violent incursions of any kind. In any case, it may be alleged that the objector is simply question-begging, since it is all very well, logically, for a utilitarian to be willing to accept his or her own theory.

Utilitarianism might be seen to invade personal autonomy, by compelling all moral agents to promote what is best, overall, from an impersonal perspective, thus eliding personal projects, and so forth, which might not directly relate to overall good-optimizing, but rather be characterized as "self-indulgent." As Samuel Scheffler writes:

[Act] Utilitarianism...requires the agent to allocate energy and attention to the projects and people he cares most about in strict proportion to the value from an impersonal standpoint of his doing so, even though people typically acquire and care about their commitments quite independently of, and out of proportion to, the value that their having and caring about them is assigned in an impersonal ranking of overall states of affairs.

Again, the "So what?" reply is apt, here, since utilitarianism can conceive of rightful autonomy not as doing just however one pleases, but rather, as a responsible use of one's freedom that tries, as much as possible, to optimize the good. Indirect strategies to bolster autonomy can also come into play here: it might be considered to be the best of all possible worlds in which everyone has a generous allowance for personal autonomy.

Others take issue with utilitarianism's seeming "impartialism." They find that utilitarianism does not really allow for loyalty, friendship, and love. The idea here is that one cannot ultimately act for an individual, since there must always be an ulterior motive in furthering utility. At the first opportunity to "betray" someone, in order to realize greater utility, one must do so, on this theory. Again, utilitarians can bite the bullet, or, as L. W.

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21 Smart in Ibid., p. 68.
Sumner suggests, one can view these relationships as part of what maximizing utility is, rather than merely as a means to an end. It is not clear how this idea can be borne out, since these parts would have to cohere with maximal goodness, which may not countenance such loyalty. Utilitarians may have to bite the bullet here, and denounce "blind loyalty," or employ an indirect strategy which suggests that it is best, after all, if we intrinsically value friends and loved ones, in some sense—a defeasible commitment.

The replacement argument is also one that has bedeviled utilitarians who are concerned to criticize the cruelties of animal agriculture. This argument, leveled as a criticism against Peter Singer's animal liberation ethic, was actually accepted as an implication by the philosopher himself. Evelyn Pluhar gives an account both of the argument, and extensive critical responses, in her book, *Beyond Prejudice.* Briefly, the idea here is that if animals were reared for food purposes under perfectly humane conditions, and also slaughtered humanely (say, by administering barbiturates to the animals during their sleep?), and replaced by equally or more happy animals, then the overall sum of utility would be the same. Hence such a peculiar scenario supposedly could not properly be criticized from a utilitarian point of view. Pluhar attempts to spell out the disastrous implication that replaceable humans would also be a live option here. Such practices might arouse a general horror, and so run afoul of the most overall happiness, but I think that a more fundamental logical problem is to be found here, which would be repugnant to any society pursuing the greatest possible good.

The replacement argument trades on the idea that merely replacing losses to utility, or carrying on the status quo, is morally acceptable. To me, however, this is contrary to the whole aspiration of utilitarianism: to create maximal good, and a minimum of bad. In other words, it would be more utile to let an animal slotted for slaughter stay alive, generating its own utility—and then perhaps to *add* to that by bringing other animals into existence. Investing such effort merely in preserving the same amount of goodness, or setting back the accumulation of value, however, is hardly worthy of a utilitarian. If it is

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23 In lecture on the subject of utilitarianism, University of Toronto, ca. 1995.
24 See especially p. 185 in Pluhar, *Beyond Prejudice,* for an excellent summation of the problem.
argued that the replaced animal may be a “utility drain,” it will be countered that short of being a suffering being, worthy of euthanasia, it will certainly add to the good of life, and harming it will add a bad thing to the scheme of things, especially from a utilitarian perspective, which is generally wary of harming. If the animal is healthy enough to slaughter for meat, then it is healthy enough to escape the odious label, “utility drain.” Since enlightened utilitarians presumably would support empathetic considerations, too (in keeping with the previous arguments for ethical empathism), it would see replacing an animal as inconsistent with identifying with that animal with a view to his or her good, which must result in a hostility towards harming the animal, or being indifferent to his or her well-being. (Obviously, I am interested in presenting utilitarianism in its strongest form, here, even beyond what may be found in the literature, much as was my preoccupation with humanism in the first chapter.)

Indeed, a consideration of beings who will exist, apart from animals who are “replacements,” would occur more generally on versions of utilitarianism that aspire to being empathist in character. Future generations would be respected. Moreover, one would not compulsively be required to bring a miserable child into existence, on the thought that she might add some utility to the world, no matter how wretched her existence.25 There may be a margin of utility in the girl’s life-to-be, but the example is such a problem because the bad aspects of her life outweigh the good—much as might be the case with someone who seeks euthanasia. A utilitarian is concerned with minimizing bad as well as maximizing good, although both are (theoretically, at least) weighed on one scale of overall utility, in search of the optimum. Harms and goods are different, although they can be weighed against each other, much as different forms of good can also be commensurated, in some theoretical sense. It may be contended that bad is just the absence of good, but whereas all harms may be a negating of what is good, I do not see how all good is simply a negating of harm. This, in addition to the “wretched child” example itself, would seem to indicate that promoting good and reducing bad are distinct, although related, activities. However, nothing prevents us from speaking of utilitarianism as promoting the

25 Ibid., pp. 193-95.
“greatest good.” It is understood that this is to be a realistic sort of good-promotion, i.e., the greatest net good, accounting for factors such as what is bad, and what are the limits of possibility. A wretched child could have a negative score in overall net good for her existence. Once a wretched child exists, the consequences of killing him or her might be different from precluding the existence of such a being, but such details will not now preoccupy us. Suffice it to say that we can offset any obligation to allow a truly wretched child to be procreated, let alone to produce one ourselves.

Incidentally, there are related worries about whether domestic animals are done a favour by being brought into existence, no matter how they are treated. On the foregoing analysis, if they are treated wretchedly enough, their lives will not be any kind of favour to bestow. Or else, it will not nearly be enough of a favour, in utilitarian terms, if, following the animals’ birth, they are not given a quality of life that is not as good as possible. Only the greatest possible good of an animal can hope to contribute to the greatest good overall, other factors being equal. Confinement, a degraded quality of welfare and autonomy, and a cutting off of potential good through premature death, would all be contrary to the greatest good, on this analysis, and the replacement analysis would not be available to rationalize an early death, as discussed above. Hence one need not resort to the implausibilities of “prior existence utilitarianism,” solely being concerned with existing beings, in order to deny that animals are not greatly or at all relevantly indebted to their exploiters simply for having been brought into existence. One of the greatest implausibilities of such a “prior existence” approach would be the neglect of future generations. We might embrace the more plausible “total-view utilitarianism,” which considers beings, both present and future. Evelyn Pluhar, in Beyond Prejudice, attempts to show that utilitarianism cannot accommodate the counterintuitive cases of the replacement argument, the wretched child, and, indeed, the wretched animal who is supposedly blessed, well enough, merely by being granted an existence. Utilitarianism need not carry any of these negative implications.

Utilitarianism has also been criticized for being hostile to the fortunes of marginalized humans. Such beings might be thought to bear less utility-generating
potential, much as the different dimensions of Q, in Juggernaut, point to the realization of less good. It is not clear to me how a reply could definitively be made to this objection, but something plausible, borrowing from Juggernaut’s own embracing of marginalized humans, could perhaps be made. Since humans are the moral agents in question, they have to take account of the cost to themselves of acting against their nature and harming their own children, or other human children, which people—who are not also sociopaths—are demonstrably loath to do. This natural fact may afford disproportionate protection, by humans, for marginalized humans.

Regan objects that Singer’s view could possibly justify racism, sexism, and speciesism. However, Singer could reply either that indirect strategies could rule out such views as egregious, and as likely to cause needless suffering, or else that it is inconsistent with considering all interests equally, for such ideologies would make one tend arbitrarily to discount some interests. While Regan claims that economic benefits from exploiting animals are irrelevant to the morality of practices, Singer could reply that this is, once again, question-begging, and we must not altogether ignore people struggling to feed their families, etc., although in many cases, such considerations can be overruled by the possibilities of finding or creating other work.

Regan also claims that utilitarians are committed to viewing individuals as mere “receptacles” of value, but Singer has pointed out that one’s valuable experiences are inseparable from one’s individuality, unlike wine in relation to a cup (Regan’s analogy). As Sumner indicates, “utilitarians are committed to believing that it is a good thing (a gain) when an individual life goes well and a bad thing (a loss) when one goes badly.” Singer claims that he accepts Regan’s notion that subjects-of-a-life have inherent value, that they are not mere things, but have preferences and a welfare, and are not to be used merely as a means. Sumner notes: “It is not obvious on the face of it that respect for the inherent value of individuals is entirely insensitive to global cost/benefit considerations. Regan

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simply makes this so by stipulation.“ My reading of Regan’s book accords with Sumner’s here.

Along similar lines, it would not be fair to object to utilitarianism on the grounds that it is committed to some kind of scheme of objectivist values, or that it does not recognize the subjectivity of individuals, or that utilitarians are utterly incapable of deep empathy. Such accusations would be unsupportable. Whether utilitarianism can sustain deep empathy in all of the stages of its application, is another matter, which I shall address below.

Others object, on epistemic grounds, that utilitarianism cannot have much knowledge of future consequences, or what quantity should be assigned to values, or exactly which values ought to count, or how different values might be commensurated. Utilitarians, however, are prepared to offer their best, educated guesses in these respects, in their concern to do as much good as possible. What else can they do, if they are committed to maximizing goodness? There are clear cases where more, rather than less, good is at stake, and where some options seem best or worst, and these are paradigm cases which such ethicists may use as practical models. They do not minimize the epistemic difficulties of seeking optimal utility, but believe that they ought not to shirk the sometimes difficult duty of pursuing it, as best they can.

I think that utilitarianism, in its noble commitment to the good, is too often underestimated, and responded to with criticisms that consistently beg the question against the theory, but which do nothing to undermine its logical or justificatory credibility, even if that ethical view (or rather, family of ethical views) is found to be implausible by some.

[5.4  |  A Consequentialist Case for Vivisection]

As benign as a utilitarian society would be, in so very many ways, certain forms of harmful actions could conceivably be justified as part of the optimal way of life. Consider, for example, self-defence, which could logically be extrapolated to include defence of others,

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and therefore, perhaps, certain modes of martial actions, which may be harmful, or at least threatening of harm. I will not explore such usages of force on utilitarian modes of reasoning. Rather, I will focus on the example of vivisection, or the harmful usage of animals in biomedical experiments, for human—or even some nonhuman—benefit. Vivisectors may beg the issue outright in seeking to justify their favoured practice, by simply stating that it is somehow “necessary,” or that we have “no choice” in turning to such experimentation. However, a vivisectionist can—and must—do better than outright begging the issue. Broadly speaking, utilitarianism might seek to justify vivisection, or rather, refined forms of it. One would have to ensure that the experiments be conducted as humanely as possible, using the fewest possible numbers of animals for scientific purposes, while avoiding repetitive, redundant, unpromising lines of research.\(^1\)

The general justification of vivisection, on utilitarianism, might run something like this: while harmfully using animals for biomedical purposes would constitute a regrettable harm, in certain ways, it remains that great good would result, in the form of perhaps endlessly applicable cures or treatments, whereas only a finite number of animals would be used to achieve such ends. The harmful experiments would come and go, but the potential and actual benefits would be ongoing, and in some cases, possibly for all posterity to enjoy. Moreover, given that there is a conflict of interests, here, between the animals, and those suffering from diseases or poor health conditions, the fact that animal lives typically have less utility than human lives may become relevant. After all, if a general empathetic regard for a given animal, and for any number of unfortunate persons,\(^2\) does not yield a deciding consideration—and we seem to be faced with a dilemma—then it seems logical to turn to other considerations of value in order to determine the best or most worthwhile decision. A dilemma, at one point in reasoning, need not yield a dilemma at the end of the day. This turning to other considerations of value is especially the case, since utilitarianism

\(^{1}\) Note that non-invasive veterinary research, which is to benefit nonhumans, including the one undergoing the procedure, does not qualify as vivisection, although it is, indeed, a variety of animal research. Hence my use of the term, “vivisection.”

\(^{2}\) Even though vaccines, for example, may only be useful for a limited span, they may be seen as a necessary link in a historical chain of treatments, and even as useful for developing future vaccines. Also, it will be re-emphasized, from the utilitarian perspective, that human lives are worth more, and—who knows?—the vaccine might just be of very lasting value, and we should take our chances in any case.
is committed to promoting the greatest possible good. The additional fact that we might favour human marginals, in much the same way suggested by Juggernaut (noting the general human propensity to care especially for human offspring), would further single out nonhuman animals as experimental subjects.

Moreover, it might be conceded that there is no moral difference between doing (e.g., murdering) and allowing to happen (e.g., allowing a murder to take place, when it is absolutely in one’s power to prevent it). Hence it would be irrelevant that vivisection involves inflictions of harm, for its avoidance might involve simply allowing people—and perhaps even nonhumans—to suffer without the possible scientific fruits of vivisection. Utilitarianism might sanction vivisection, or certain forms of it, as part of a general way of life, given the possible long-term benefits of such a practice, and the way it can be said to conduce to the overall greatest good.

The example of vivisection is of special interest in a number of respects. For one thing, utilitarianism would, in its taking seriously the problem of harm—from what a utilitarian might consider an ethical empathist perspective—be animal liberationist. That is, using animals for food, clothing, entertainment, or general ingredients in manufacturing might be ruled out as unnecessarily harmful. Even though food addresses our need for nutrients, many millions of vegetarians in the world are living illustrations of the fact that we do not require foods drawn from animal cadavers.33 However, it has already been argued that a plausible argument can be presented in favour of vivisection, for such a

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33 Whether or not a philosopher would also wish to make a case that meat-eating is “needed” for social interactions, religious rituals, and gustatory pleasure, I am certainly suggesting that we do not need such activities to live. L. W. Sumner, in comments on my thesis-in-draft, 1999, pointed out that other perspectives on “need” may exist which might bear out an understanding of “needing” to eat meat in the above senses (not Sumner’s own perspective). More than that, do we need them in order to live a good or worthwhile life? I do not so find, although it may be contended that people will differ on this point. Suffice it to say that the ensuing account will aim to rule out meat-eating as a harmful means to an attractive end, and therefore, as repugnant to that which is morally necessary.

Moreover, let us essentially leave aside, here, the confining of animals in zoos and aquaria. Some would say that the animals have a degraded well-being and autonomy as a result of such confinements, and that the purpose of such setting is to promote human profit and amusement. While others claim that such enterprises are educational, it may be questioned what sorts of values are being inculcated, and what sorts of ideas about animals are created, when these beings are inevitably bored and depressed, and less vital (partially because less well exercised) outside of their natural habitat. The claims related to species preservation might also thought to be dubious, given that a very limited gene pool is protected in most cases.
practice addresses human needs in a way that may have no actual or possible substitutes, for the purposes of obtaining certain cures or treatments. Vivisection would be the last battleground over animal liberation ethics, it seems to me, for certainly, animal rightists balk at utilitarian justifications of vivisection, and would seek to ban it entirely (as we have seen with Regan's now-classic animal rightist account). Indeed, on utilitarian principles, vivisection might be one of the few remaining forms of systematic harming, in general, especially if a utilitarian society were to secure, what might seem impossibly elusive now, a peaceful world government, and crime were radically to be reduced (certainly, isolated cases of defending oneself and others need not constitute systematic or egregious harm). Euthanasia may be carried on in such a society, but suffice it to say, for now, that such a form of killing is different from obliterating healthy individuals who do not wish to die.

Vivisection is most interesting in another important respect. It seems to be a unique sort of case in the area of the treatment of nonhuman animals, but has the generic feature, germane to other contemplated actions, of a harmful means being utilized in order to secure an attractive end. The idea of doing something bad in order to achieve something good has been an endless source of both beguilement and horror, and is crucial for articulating a broad set of normative principles for ethical empathy. There is an interesting tension between bad means and good end, here, which some might see as a dilemma (at least at a certain stage of moral reasoning). Indeed, one of the classical questions of ethics is: Does the end justify the means? If the animal rightists are correct, in their abolitionist stance towards vivisection, then the philosophical argument needed for such a conclusion—if it is to be absolute—must, perhaps, stringently rule out the use of harmful means for attractive ends more generally. Let us at least pose the question now: Might it not be too costly to rule out all resorting to harmful means?

Since the utilitarian would seem to justify the use of harmful means, in the case of vivisection, it might be hard to see how dilemmas are involved at all. I just referred to a

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34 I will not at all address here any questions about how useful vivisection is, which is a very interesting and important issue. After all, since nonhumans have very different physiologies than humans, how could experimentation on the former have predictive value for what might occur for the latter? I will simply address whether or not vivisection, as a general practice, is ethically permissible.
dilemma possibly "at a certain stage of reasoning," but if it is not a dilemma at the end of the day, is it worth being called a "dilemma" at all? There are a few different senses of moral dilemmas: (1) being faced with two equally morally unacceptable alternatives, and (2) being faced with a difficult situation in ethics. The second sense is described, in the Concise Oxford Dictionary as "disputed," and so, presumably, is less favoured. Yet technically, a utilitarian could, and I think ought, to find vivisection to be a dilemma in both senses, even if vivisection is favoured overall. Let me explain.

Utilitarianism may have a unique view of dilemmas. First of all, although two unappealing options may be involved, neither can be an intrinsically wrong action. Only one option would be right, and the other wrong, based on the consequences associated with each. The wrong action would be that which is actually more harmful, in this case. So would a utilitarian hold that there are no dilemmas whatsoever, because surely, of any two proposed actions, one would be at least infinitesimally less harmful than the other? Would not dilemmas be, at best, apparent, on utilitarian reasoning? It is not so simple as that. Utilitarianism is a normative philosophy for making choices, and if we do not have clarity as to which choice is right or wrong, then we do, indeed, have a moral dilemma on our hands. Any case in which we do not exactly know which is the best option would be a moral dilemma.

In the case of vivisection, at the level of the short term, we could say that, in any particular case of contemplating whether or not to approve a given animal research proposal, we can never know whether the given research will be successful, and thus prevent harm to human beings—or not. The only "success" of many experiments is that the given procedures are identified as failures to produce any other benefit. (It would, at least, be much more "efficient" to use humans for human biomedical research, but even then, we would not really know if the experiment would be fruitful.) There are too many unknowns. We can improve our chances of success by seeking to weed out bad science, and by minimizing harm to animals in any actual experiments. But we still would not know if experimenting is preventing great harm, or simply causing it. That, for a
utilitarian, is a dilemma, and so, it is no accident that vivisection is often associated with flat-out questions concerning lifeboat scenarios, and the like.

Still, the utilitarian has a strategy for dealing with this dilemma, based on an educated guess that less harm, overall, will result in the long term, if a judicious amount of vivisection is permitted (i.e., certain kinds of research, as a rule). This is only a guess, so the dilemma remains in effect, also, at this long term level. That is, it is impossible knowingly to measure harm suffered by experimental animals, let alone to weigh it against suffering relieved for humans as a result of those experiments. To state that the conundrum is not a dilemma, a utilitarian would have to declare that he or she knows which scenario involves less harm, and assuming that we take nonhuman animals and their suffering seriously, I do not consider that to be a very credible position. Still, the utilitarian makes an interesting case that it is at least more reasonable to resolve the dilemma in favour of approving of at least some vivisection. In any event, by way of taking this typical dilemma resolution seriously, I will conclude that vivisection does not, in fact pose a dilemma in the first sense, nor in the second sense, except, perhaps, only initially (inasmuch as it may be difficult to reason how vivisection could be morally wrong).

So here we have a competition between two general contenders for the title of "ethical empathism": consequentialism, which judges actions to be right or wrong solely with reference to consequences, and nonconsequentialism, which may hold some actions, or forms of action, to be right or wrong, regardless of the consequences. One view takes vivisection to pose something of a moral dilemma, which might be reasonable to resolve one way, and the other view denies that there is any dilemma at all, and demands that the problem be resolved in the opposite manner. The most plausible consequentialist assessment of vivisection, putatively from an ethical empathist perspective, might be presented in a table:

<table>
<thead>
<tr>
<th>characterization of present means</th>
<th>evaluation of present means</th>
<th>characterization of future end or result</th>
<th>evaluation of future end or result</th>
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</thead>
<tbody>
<tr>
<td>vivisection, harmful to animals</td>
<td>consequentially empathetic</td>
<td>future humans spared some harm</td>
<td>empathetic</td>
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<tr>
<td>harmless treatment of present animals</td>
<td>consequentially unempathetic</td>
<td>harm befalls future humans</td>
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A nonconsequentialist animal rightist, while certainly agreeing on the factual matter of who is harmed—and how—would have an exactly diametrically opposed construal of whether the harmful means of vivisection, or an abstention from it, and the two different results of each, are empathetic or not. The nonconsequentialist would presumably state that it is unempathetic towards animals to submit them to harmful experiments, and no consequences, even great benefits, can alter the unempathetic character of the action.

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However, the consequentialist, again, holds that the great benefits can outweigh, and overrule, the harms caused to the animals. Surely the weakest (because most dogmatic) of nonconsequentialist arguments, here, is simply to declare that vivisection is inherently wrong, or that it violates an absolute inherent value which animals have, which must never be abrogated. Such approaches merely beg the issue, through their recourse to the strategy of mere stipulation. It remains, however, that it is not possible to have two positions with more opposed results in evaluating what is deeply empathetic. At any rate, it is not the case that both consequentialist and nonconsequentialist stances on vivisection can rightly claim to be “ethical empathist,” given that they are each mutually exclusive. Or is ethical empathy incoherent, in practical terms? Let us, rather, investigate how it might best be characterized as coherent.

5.5 Consequentialist Vivisectionism: Strong in Defiance of Objections

A justification, in terms of utilitarianism, has already been provided for certain kinds of vivisection. This is no mean account, for as we shall see, it stands fast in the face of numerous striking objections, even as utilitarianism more generally demonstrates its marked resilience. The case for “empathetic utilitarianism” might seem to be even stronger than the Juggernaut argument, in that utilitarianism might seem to be compatible with deep
empathy. To test the power of this case for vivisection, let us first turn to a few more traditional approaches. Prominent among these is John Finnis’ natural law theory’s reflection of Paul’s dictum: “Evil may not be done for the sake of good.” (Romans 3:8, 6:1) By itself, this pronouncement would be question-begging against utilitarianism, which claims that any “evil” might be outweighed by a suitable amount of good. Can Finnis’ own theory of natural law provide some sort of bulwark against utilitarianism, which is not simply dogmatic?

Finnis insists that “the object one has in mind in doing ethics is precisely my realizing in my actions the real and true goods attainable by a human being and thus my participating in those goods.” This assertion, among others from Finnis, would base ethics in the good. Therefore, it is utterly unclear why evil cannot be done for the sake of a good if, after all, there would be more good, or less evil, in doing so. Why would this not be realizing real and true goods in one’s actions, thereby “participating” in those goods? It seems that we must adhere to good in the means as well as the end. However, this is just what the person weighing the values and disvalues associated with ends and means does. On utilitarian thinking, certain sorts of harmless means are indeed favoured, and this would have to be weighed, in certain cases, against the consequences of allowing some forms of harm. A utilitarian moral agent truly adheres to seeking goodness in both the end and means. Such an agent also might charge, with intelligibility, that Finnis is solely concerned with, or even fixated upon, the goodness in the means, while not being concerned with the good of the end, on a co-equal basis.

It might be replied, in turn, that a consequentialist would not seriously be concerned with a means as bad or harmful, but solely with results. However, this objection is misguided. Consequentialists would concede that particular actions are neither right nor wrong except with reference to consequences, while observing that some actions involve various aspects that are good or bad. Moreover, various sorts of harmful actions (at least

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35 Finnis, in his *Fundamentals of Ethics*, believes that this principle coheres with Kant’s enjoiner, “Do not ever treat humanity, whether in your own person or another’s, merely as a means.” (p. 109) This idea is also referred to, by Finnis, as “unconditional respect for persons.” (p. 127) We may, of course, wish to substitute “humanity” and “persons” with nonspeciesist equivalents.

in certain sorts of circumstances) might be ruled out, in general, which makes the nature of an action at least indirectly relevant to determining right and wrong. A vivisectionist might charge that Finnis has given no reason for resisting the course of the greatest good, but that he, and his nonconsequentialist cohorts, might be too squeamish or purist—in a sense—to carry out what is morally necessary, or, at least, the most worthy course of action. Vivisection itself only superficially appears to be unempathetic, but is really deeply empathetic, on utilitarian grounds, since it is an action resulting from identifying with all beings with a view to their good, and then compassionately realizing the most possible good for all of those beings. Utilitarianism, then, is organized to take account of the collective good, when considering groups of beings. While it is better, given the choice, not to act against conscious beings, or their good, the utilitarian cares so much about everyone, that he or she is willing to do whatever it takes to realize the best possible outcome, even if it is, at times, difficult for an empathetic person to carry out what is necessary for achieving that overarching end. Utilitarianism, therefore, embodies the virtue of universality, counting every good and bad impartially, wherever, whenever, in whomever it happens to occur—what could be fairer?

Finnis also resorts to the principle of double-effect.\(^{37}\) Briefly, this principle—whose extensive literature will here pass unbroached—states that actions can have two sorts of effects. One type of effect is intended, and the other might, strictly speaking, be unintended. The second sort of effect can be characterized as a by-product, a mere side-effect, even if it is foreseen and voluntarily allowed in the action. I suspect that there is something awry in this principle, which can have someone intend to preserve his or her life, intend to pull the trigger of the gun that cuts down the assailant, and intend to disable the assailant, without also intending to harm him or her. Leave aside, for now, any obvious concerns with disingenuousness, and not taking responsibility for one’s actions and their effects, or indeed, for whatever is within one’s power (including what one allows, rather than actively perpetuates).

\(^{37}\) Ibid., p. 132.
One cannot straightforwardly use the principle of double-effect against vivisectionism, without the same principle doubling back at such a criticism. More specifically, an anti-vivisectionist might claim that he or she merely intends to spare innocent animals from harm, and certainly not to harm people who are desperate for cures—that last part would supposedly be an unintended side-effect. However, the vivisectionist, with equal ease, can claim that the intention, in vivisecting, is to benefit humans, and possibly even nonhumans. Harm to animals could, on this form of reasoning, be characterized as an unintended side-effect, or as an “accident” of sorts. Double-effect, then, in addition to being inherently dubious, is also useless in this context, and therefore will not here detain us.

Having considered two prominent ways of resisting consequentialism, we now turn to a variety of other conceivable objections to the latter doctrine. Since nonconsequentialism may be hypothesized as interested to establish itself as the correct version of ethical empathism, a number of attacks against consequentialism can be foreseen which are at least vaguely ethical empathist in orientation. I shall enumerate each of these, in turn.

1. Utilitarianism neglects the present character of the agent's actions. If such a vivisector's actions are harmful, then they must fully be appreciated by identifying with the victims of the harm. Yet if one identifies with a being's good, then one simply cannot act against that being's good, including in the case of animals to be vivisected. It is conceded that one is responsible for being empathetic and acting empathetically. However, the reality is that the utilitarian, again, fully acknowledges the bad aspects of harmful actions. Moreover, it is not solely the good of the victims, or of those sacrificed, which is at stake. A utilitarian also considers the good of those beings who, in the future, stand to benefit from vivisection, in such a way as might outweigh any harm caused to the animal subjects. So utilitarians do not necessarily neglect, overlook, or even supersede the reality of the present, or the conscious beings who dwell in that time-frame. Rather, it exhaustively and empathetically considers all that is of value to everyone, in determining the right course of action. It would be a presumptuous, ad hominem attack to state or to imply that utilitarians
have little or no sense of what animals go through, or to claim that they do not “truly” identify with the animals, or that they only peripherally empathize with them by making them suffer less during experiments (giving the animals toys, walking them, providing bigger cages, etc.). Utilitarians could well counter-charge that nonconsequentialists are merely excessively fixated upon the present, and actions that unfold in the present.

How, then, can nonconsequentialists properly self-identify, in all good conscience—as ethical empathists—if they appear, unempathetically, to omit proper consideration to beings in future scenarios? They may speak of not “turning away” from animals, of maintaining empathetic loyalty to such creatures, or being “with” them in some profound sense—but what about being loyally “with” suffering patients, and refusing to “turn away” from them? The greatest good, empathetically construed, dictates that the entire means-end relation involved in vivisection, generally—and not just the means—is both sound and empathetic. Indeed, such utilitarian actions are simply a reflection of the greatest possible empathy. It cannot rightly be maintained that the means alone is somehow unempathetic, as if it can realistically—or responsibly—be viewed purely in isolation.

II. It is unempathetic to disfavour those—such as vivisected animals—who may not happen to be associated with the greatest good. This is not an arbitrary form of favouritism, but on the contrary, the result of fairly empathizing with everyone concerned. The animals in vivisection are harmed, but not exploited in any morally objectionable sense (although they are “exploited” in the banal sense that they are utilized), since they are considered in all fairness. One may equally empathize with animals, even if they are not favoured by the greater balance of consequences, but unfortunately, in this situation, one cannot practically realize that empathy in all of the ways that one would certainly wish.

Clearly, there are no speciesist or even selfish forms of playing favourites at work here, but rather, an impartial consideration of goodness, and a determination of actions accordingly.

III. We cannot empathize at all with the vivisectionist’s interest in harming animals, for that is an unempathetic interest. It does not matter whether such an interest occurs on the part of an experimenter, a legislator, or, indeed, someone suffering from an incurable disease—they may be empathized with in other respects, but it remains that one morally
cannot empathize with unempathetic interests. It is true that utilitarianism, in its best form, might not favour unempathetic interests. Ethical recognition of such interests would have a dubious outcome overall. Moreover, such a utilitarianism might, conceivably, accept the basic tenets of ethical empathy, including the self-reflexive aspect of not empathizing with that which is unempathetic. Still, it is question-begging to assume that vivisectionists have an unempathetic interest in harmful experiments on animals: is it not the most empathetic overall form of action, in many cases, as utilitarians argue? Furthermore, this objection can be reversed, and it can be pointed out that we cannot empathize with anti-vivisectionists' unempathetic interest in permitting people to suffer from diseases (which is not directly intended, but neither is harm to animals) in order to spare nonhuman animals the bad aspects of certain experiments. We must refuse to empathize not only with unempathetic inflictions (allegedly, vivisection), but also with unempathetic allowances (possibly, those permitted by anti-vivisectionists).

IV. Vivisection is an utter violation of animals' autonomy, as such treatment is inflicted upon them without their consent, and most evidently, against the way the animals would freely choose to govern their own lives. It is true that animal autonomy is so compromised. However, this has to be weighed in determining the greater good, and is offset by—among other considerations—the fact that the autonomy of those suffering from various diseases of conditions is also severely eroded by those medical conditions. So if one preserves the autonomy of nonhuman animals, that is at the expense of the autonomy of uncounted numbers of people—and possibly nonhumans, as well. Moreover, nonconsequentialism, more generally, can be seen as paternalistically restricting the autonomy of moral agents, by unjustifiably restricting them from seeking to realize the greatest possible good.

V. Some actions are paradigmatically unempathetic: murder, rape, theft, and so on. Certainly, exploitively harming for profit is a paradigm example of an unempathetic wrong. Vivisection fits that paradigm—and wrongful exploitation does not become more right because of the size of the payoff. Utilitarianism may recognize many forms of action which are paradigmatically acceptable or not. However, the argument at stake here is that
vivisection, or rather key forms of it, are paradigmatically acceptable, for the reasons given. It may be true that wrongful exploitation is wrong no matter how great the benefit, but it begs the question to assume that vivisection itself is wrongful exploitation, and that its benefits do not outweigh the significance of its harms. Not all actions in which people unempathetically pursue whatever results or consequences that they wish to obtain qualify as consequentialist, let alone could they be consistent with enlightened forms of utilitarianism.

VI. Utilitarians harm animals who are vivisected without absolute necessity, whereas it is unempathetic to inflict harm unless it is unavoidable that one must do so. What is meant here is not that it must be psychologically and/or physically necessary to harm, but rather, that it must be morally necessary, since the present matter is about making morally rightful choices. It begs the issue to indicate that vivisection is not a morally necessary practice, for the reasons given in the earlier utilitarian justification for that conclusion. On the contrary, it might be contended that the nonconsequentialist is restricting the pursuit of the greatest possible good in a way that is against what is morally necessary, from an ethical empathist point of view, which respects all good of all beings.

VII. Moral agents are responsible for their own actions, such as hurting animals in experiments, but are not directly accountable for natural events beyond their own actions, such as the incurable diseases which occur in some individuals. The fact that diseases exist is a bad thing, but it is not, in itself, a wrongful thing. It is true that we are responsible for any harms inflicted on animals—regrettably enough—in scientific experiments. However, we are also responsible for whatever harms or bad things that we allow, and that includes natural events which no conscious agent has initiated. We are responsible for all such acts of allowing, or at least our refusal at least to ameliorate natural evils, even if such problems cannot always be eliminated.

Overall, it would seem that consequentialism wins on its own, agent-neutral territory. Not only has traditional utilitarianism been preserved from many traditional objections, but the emergent form of "empathetic utilitarianism" in this discussion has successfully withstood numerous nonconsequentialist objections, from a standpoint that
advocates its own supposedly "true" reflection of the tenets of ethical empathy. Yet it would be premature to conclude that consequentialism, vivisection, and comparable cases of engaging harmful means for attractive ends, are morally acceptable, let alone "ethical empathist" in nature—in spite of the formidable justificatory power of utilitarian thinking.

5.7 Seven Degrees of Empathy

Presently, it may seem as if consequentialism enjoys a decisive advantage. Certainly, it is an impressive theoretical alternative. Nonconsequentialism, for all that has been revealed so far, begs the question against consequentialism. The reverse may also be true: consequentialism may just assume that certain actions are not intrinsically right or wrong. While some nonconsequentialists may choose to rest content with this exchange of tit for tat, they have no cause for complacency. For it might not be a dead heat, for all of the lack of "proof" on either side. The consequentialist still has the pursuit of goodness on his or her side, and the nonconsequentialist may be construed as arbitrarily restricting that pursuit, merely clinging to certain behaviours—such as being utterly pleasant to animals—that may not make sense in all situational contexts (e.g., a human who fends off a would-be nonhuman predator). If the prize is greater plausibility, rather than proof, it is not clear that nonconsequentialism is now even on a par with consequentialism. Not everyone can completely be served, in the case of either vivisection or its rejection, so why not opt for the best overall alternative?

I hope that I have given consequentialism, and its very considerable argumentative power, due credit in the foregoing. What follows, however, will give reasons why I find that consequentialism is, in fact, a less plausible alternative than nonconsequentialism, and that only the latter can properly lay claim to the name, "ethical empathy," in any full sense of deep empathy. I say lesser plausibility, since it cannot, I hope it is clear by now, simply be stated that consequentialism is "unempathetic." That would be a dismissive label for the actual empathy for all concerned, such as it is, which the most conscientious utilitarians might exercise. Rather, it will be maintained that the right sort of empathy is missing from consequentialism.
What would have to be shown, if one were successfully to rebut the consequentialist argument in favour of vivisection? (1) Rightness or wrongness must be strongly related to particular agents and their actions, or forms of action, and (2) the overall method of weighing harms offered by utilitarians is not so legitimate a stratagem as they would have us believe. I hold that both of these claims can be defended. My justification will presuppose the view of ethical empathism, as defended earlier in this work—I will not repeat those arguments, but merely refer the reader to the relevant pages in the preceding. From the foregoing, however, one can expect that the key differences between the two present claimants to deep empathy are not only important, but also subtle, given both the seeming intractability of the debate, and the related fact that neither side can point to any obvious error on the part of the other claimant.

We need to take seriously what it is fully to identify with individuals, and in spite of all that has been said—and conceded—I do not believe that utilitarianism quite does that, although it does it to a notable extent. The first stage in this refutation will be to identify two key assumptions that the utilitarian proponent makes without defence, so that, if a cogent line of reasoning can be given against these assumptions, it may be understood that utilitarianism is, in some sense, refuted. Consider the following utilitarian assumptions: (1) we must act in order to bring about the greatest good, (2) actions may be judged right or wrong solely with reference to consequences. Now we cannot simply dismiss these assumptions without begging the question, but neither can these assumptions simply be allowed to pass without all due critical assessment. Is the first assumption without ambiguity? Is the second assumption correct at all? In order to take consequentialism, particularly utilitarianism, to task, more will have to be said about empathy itself, since, as we have observed, would-be ethical empathist objections against utilitarianism appear to be ineffectual, and yet these were based on how ethical empathism has hitherto been developed.

My present contention is that ethical empathism must entail a certain kind of agency. This bears out the respectable intuition that the true crux of the issue between consequentialists and nonconsequentialists is the battle between agent-relativity (that right
or wrong must be assessed with reference to particular agents and their actions), and agent-neutrality (the greatest good must be promoted, regardless of how that is to be accomplished, including with respect to agency). Both consequentialists and nonconsequentialists can both easily have the same theory of value, to be sure. It is rather questions of right and wrong—or different normative conceptions—which divide the two families of views.

Some forms of empathy are better than others, not just because they reflect more values in the given context, but because of ongoing veridical faithfulness, or reflection of the truth of reality. It will readily be recognized that having a realistic, or even adequate, sense of reality is not an all-or-nothing determination. There are kinds and degrees of apprehension of reality, and in many cases, stages of progression towards achieving a full, or at least more sophisticated, reflection of what is real. One of the deficiencies of the foregoing discussion is that it is confusing, indeed, equivocal, to speak simply of "empathy." We need to distinguish various kinds and degrees of empathy. The following are seven stages of progression in empathy, where each stage presupposes the previous one, such that whoever goes through all of them has, in fact, the best sense of reality, which the empathy is partially meant to reflect:

1. Empathetically acknowledging that a given being has subjectivity.
2. Empathetically identifying what subjective capacities a given being has.
3. Empathetically identifying a given being's psychological states.
4. Empathetically identifying various, more or less detailed qualities pertaining to a given being's psychological states.
5. Identifying with the objective position of the being, as part of that being's full standpoint in the world: gaining a sense of his or her body, and its relation to others and the environment.
6. Empathetically identifying with the given being, so as to gain a sense of what it is like to be the other.
7. Empathetically identifying with the given being in respect of his or her good, or identifying with his or her interests. At this level, then, one may well sympathize with the one who is empathized with.

What I propose is that an ethical empathist, who is committed to deep empathy, will seek to instantiate all of these stages, at all times, insofar as that is possible. The highest level of empathy I shall call 7+, since it is higher in empathy than, say, levels 6-, or 5. Moreover, 7+ is not just an insignificant notch up from 7-, or even level-7 empathy, both of which are qualitatively different from 7+ by being somehow conditional or compromised in nature.38 I am sure that there are other possible schemas, indicative of a progression of empathy, but I hold that to be adequate, such an array must capture the sorts of stages which I have sketched above. From what has already been conceded, it should be recognized that these are idealized stages. That is, we cannot ever fully know what it is like to be another, or even what exactly is another’s good, in all respects. The best we can do, insofar as we cannot fully empathize, is to cultivate a kind of idealized empathy, which makes all due allowance for the good of others.

These degrees of empathy, it should be pointed out, are not necessarily levels which must entirely be filled before one moves onto higher levels, as all may be realized imperfectly. Indeed, one can have an excellent idea about another’s objective, physical qualities and relations, while harbouring very little inkling as to another’s psychological states. Similarly, to use a material metaphor, water can pour through the compartments of an ice cube tray without filling all of them. For example, we may have the right idea as to the special qualities pertaining to certain psychological states, while lacking an accurate sense of which such states a specific being is capable of. The levels of succession are perhaps, in a sense, “teleological,” in a very abstract sense, since it is conceivable that one might bestow such degrees of empathy, in the order given, if one were magically to create empathy in a being.

As for “the real world,” and its limitations, we may have a very poor idea of what it is like to be a tortoise. Our imagination may help us here, but it cannot nearly provide the

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38 Note that 7+ does not exceed the seventh level of empathy, but is merely the upper level of it.
full answer. We need to make allowances well beyond our imaginative capacities, in accounting for the well-being of others, however ill-understood. Returning to our example, we can know several ways in which it is possible to harm a tortoise (water deprivation, fire, etc.). An idealized empathy for such an animal would strongly disallow an ethical empathist to harm him or her, unless it were absolutely necessary to do so—how this is to be understood, exactly is yet to be determined. Still, anything short of such a standard would mean that one is not truly identifying with the interests of the amphibian. Hence ahimsa can be an effective, if only minimal, reconstruction of level 7+ empathy for a being—of whose psychology we are substantially ignorant. Our empathy can fail even at the lowest level, such as in the case of the Cartesian, who fails even to recognize subjectivity in nonhuman animals. We may not succeed in getting past 2+ in trying to understand the position of a malefactor as such, in our actual imaginative identifications—although we can well enough grasp his or her need not to be harmed, as well, at the 7th level. We will respect malefactors, in some suitably qualified sense, but in extreme cases, we may not sympathize so well.

Fatigue, lack of imagination, illness, being overwhelmed by others’ suffering, etc. may also interfere with actual feelings of sympathy, although, hopefully, not expressions of due respect. We cannot always choose our feelings, to be sure, but we can, quite often, choose to behave in ways that are respectful. We appreciate, acknowledge, and allow for all of the empathetic levels that we can. But since each level can be more or less realized, one can also fail, at even the higher levels, such as in the 7-range, by not regarding the requirement not to harm as stringent, instead viewing it ambivalently, or conditionally.

39 Still, it is better to have richer, realistic, actual empathy, based on imaginative identification, in order to be sensitive to others’ interests. Idealized empathy can be abstract, hollow, or minimalist by comparison. This points to the importance of immediate relationships, and local concerns, while in no way implying that we should favour those who are nearer, or regard those who are more distant with less stringency of ahimsa. Hence we would also not favour those whom we can most reliably identify with, and thereby be psychologically motivated to act on behalf of those to whom we more easily relate. We must aim to respect the reality of other points of view, not merely our sense of those standpoints. The moral duty of ahimsa—based in idealized empathy—must make up for any lack of sympathy we feel due to a deficient sense of identifying with others. Idealized empathy, in making huge allowances for the unknown, may in some sense scarcely be recognizable as the psychological phenomenon of empathy itself, and so may also usefully be referred to as a principle of respect.
Another inferior form of 7-level regard for others might only express empathy towards humans, or some other oppressively compartmentalized area of concern. Such substandard forms of empathy do not fully and sympathetically resist what is bad for others, or do not fully identify with any given being in respect of her or his overall good.

Does a utilitarian refuse to extend to individuals the highest grade of level-7 empathy, and so fail adequately to empathize with conscious beings? To use our vivisection example, let us say that the utilitarian does not empathize with the nonhuman animals in question so stringently that he or she will abstain from harming them. So what? This relates to the first numbered objection in the last section. It can also be contended that the utilitarian, while holding a more conditional form of empathy towards the animals, also extends the same towards people. Such conditional empathy is necessary, the utilitarian will argue, precisely because realizing empathy must depend on promoting the greatest good. The latter commitment itself is overarching, and represents unconditional empathy towards all conscious beings, according to utilitarianism. Otherwise, the utilitarian could resist the formulation of conditional empathy altogether, and claim that absolute (call it 7+) empathy is held for the animals and the people, but cannot practically be expressed for all, as it might be in a perfect world. Therefore, an empathetic attention to whatever constitutes the greatest good must, apparently, decide how such perfect, idealized empathy is to be expressed in practice. Utilitarianism’s resiliency continues.\(^40\)

Can we then venture that one must be empathetic at all stages of action, and since the means always precedes the end, we must never pass through the execution of a means with anything less than absolute identification with a conscious being? Thus, we would never harm beings unless absolutely forced to? This would bar vivisection, for sure, since we are not absolutely compelled to vivisect—or are we? A utilitarian would say that we are morally compelled, for reasons which have not yet been refuted. Indeed, it could be

\(^{40}\) Indeed, some versions of agent relativity, which weigh the right-making characteristics of a given action against the additional right-making input of certain consequences, might also come down on the side of vivisectionism. However, such a doctrine will not centrally concern us here, given the more parsimonious possibilities offered by utilitarianism. After all, why grant the intrinsic right-making characteristics of actions at all? This could equally licence certain agent relativity theorists merely to stipulate that some actions are absolutely inherently wrong.
maintained that a utilitarian is maximally empathetic at all times, because he or she complies with utilitarianism at all times, which seeks to optimize conditions for all conscious beings.

Moreover, the cost of such a principle might be deemed to be unacceptable. If we were forced to choose, by a sadistic but unimaginably powerful alien being, to choose between stepping on a grasshopper, as the one means of stopping him from destroying an inhabited star system—which would we choose? It would be disingenuous to say that we have no responsibility in such a case, but rather, the malefactor bears all the burden, for it is up to us whether or not we allow billions of conscious beings to perish. We cannot, without evasion, say that our intention is to preserve the life of the grasshopper, and that the death of the billions is merely an unintended side-effect of one’s action, by invoking double-effect. The means of saving these billions is simple. But it makes the rejection of all bad means perhaps more complex. Should we never harm anyone’s feelings, or financial interests, no matter what may be at stake? Should we never risk physical injury in doing anything? Should we never suffer the pain of feeling frustrated by intellectual challenges? If we truly reject all “bad” means, this could contribute to possible squeamishness, cowardice, or an unwillingness to risk or sacrifice any good—no matter how trivial—for any end—no matter how significant.

Rejecting all bad means, including vivisection, would seem to involve absolutely identifying with beings in the present (e.g., nonhuman animals who might be vivisected), and ensuring they receive no harm if at all possible, while not granting the same consideration to those who might be spared harm in the future (e.g., humans suffering from disease). Being fully empathetic, at a given point, of time does not mean blinding oneself to the moral significance of future points in time, and/or later successions of teleology, and fully absorbing oneself in the values of the present. That might even constitute a weird form of oppression. All harms are considered by the open-mindedly empathetic. So we cannot, in good conscience, be empathetic at all times, in an over-absolute way, with those who happen to be in spatiotemporal proximity to ourselves, without risking being unempathetic to those who might somehow be affected by our actions at a later time. It would be badly question-begging simply to declare that all
resorting to bad means is necessarily a moral mistake. We cannot baselessly restrict our empathy. It is too easy, in a way, to seek to counter the consequentialist idea that “only the future matters” with the idea that “only the present matters” instead.

Having conceded this, I am quick to note that bad means (in the moral sense of “bad,” of course, not in the sense of unaesthetic, crude, expensive, difficult, etc.) are prima facie questionable or even wrong, at least in most cases. Bad ends might be thought to be wrong in every case, since to hold them implies a kind of malevolence. However, as part of implementing necessary bad means, bad ends may also be justified, by extension. For example, to save billions of beings, one may adopt the end of killing the unfortunate grasshopper, as a means to saving the lives. Purity is not always morally possible. Still, have I conceded too much for anti-vivisectionism to survive? Is the supposedly lesser harm inflicted on animals justified by offsetting the supposedly greater harm of allowing people to die without cures from animal research? Is not the suffering and death of such people catastrophic enough, indeed, the worst of horrors, so as to warrant the invoking of a bad means in this, of all possible cases?

Could it then be urged that, in terms of 7+ empathy, utilitarianism must lack a maximal mutually possible regard for individuals, which may seem to be required by deep empathy for all individuals? On its own terms, utilitarian theory could claim that it has, rather than lacks, what is in question here. The utilitarian would empathize with all individuals with a view to their good, even maximizing that good, which is the greatest that is mutually possible, i.e., considering absolutely everyone who is involved. As many as possible would be helped in the realization of the greatest good. If there is something wrong with utilitarianism’s regard for individuals, then more would have to be said. Otherwise, the moral theory in question still stands.

Could it be objected, instead, that if we are to vivisect at all, it must be on human beings? How might this reasoning work? It might presuppose two assumptions: (1) we ought not to discriminate against conscious beings on the basis of their having lesser Q, and (2) scientifically, research on humans is very much more revealing, for human medicine, than research on nonhumans. The conclusion would be that since we would not
favour human over nonhuman Q-beings, and it would be more efficient to utilize humans, it follows that we must use humans. We must not regard nonhuman animals, oppressively, as a "disposable" class of beings, just because they are, overall, of a lesser order in terms of Q-values. By way of anticipated reply, I do not think that we can seriously question the second assumption, but the first is in need of modification. It may be that we do not *arbitrarily* discriminate on the basis of Q. But even on a stringent rights framework, if individual rights to life came into conflict, we would need to resort to other factors to decide who lives, such as which death would cause the least harm. Overall, perhaps less *value* would be lost to the world if a very primitive Q-being perished in vivisection, compared to a very advanced Q-being, even, possibly, considering the greater number of deaths that might be required of nonhumans because they are so unlike us, in many ways, that scientific extrapolation becomes more difficult.

So perhaps the death of the nonhumans would yet constitute a lesser harm, and we would at least have full resort to other-than-human animals before testing medical technologies on humans. Now there is a conflict, apparently, between humans and nonhumans in vivisection. It is not the case both that nonhuman animals can be spared from research, and humans can be spared from diseases which might be cured based on some of that research. So since humans at least generally have more Q, ought they not to count for more in this special case of conflict, even granting that, in *ordinary* cases, both humans and nonhumans can equally be respected? In that case, would not research on nonhumans, although less scientifically efficient, and in many cases demonstrating nothing of immediate practical value, still be absolutely *necessary* for finding vital discoveries? What, if anything, is there to show that utilitarianism does not meet the lofty demands of 7+ empathy?

5.8 A Refutation of Consequentialism: "Good of" and "Good from" Conscious Beings

The notion of stopping short of all bad means has been rejected, and, in effect, an openness to full empathy for conscious beings in means, ends, and results has been affirmed.
Utilitarianism has been able to forward a plausible case for minimizing harms, overall, in means, ends, and overall results. It has not proven sufficient to question this merely by advocating a fully empathetic regard for individuals, since utilitarians claim to have such regard, as well, by promoting what is best in value for all individuals. Tom Regan has asserted a kind of inherent value for individuals that resists aggregation, but this has amounted to little more than an impassioned declaration. A rationale is needed. And the utilitarians' sense of good, and even inherent value, would seem to have been acquired honestly, i.e., with deep empathy. But what of their sense of what is good more generally? This has not, thus far, been brought into question, and yet is crucial to the entire debate. It is, perhaps, ironic that this should come into question at all for utilitarians, since such ethicists are unconditionally committed to the good, for all intents. Still, recall how crucial is Juggernaut's skewed pursuit of the good to its own apparent logic.

Here I would like to make a distinction between two views of the good. We need a way of distinguishing such views, so I will make use of certain phrases to do just that. What I call the good of conscious beings is the view which I advocate, and this sense of goodness is, as befits ethical empathism, always allied with a deeply empathetic sense of individuals. Refusing to separate the good from individuals means that, out of an empathy that embraces those individuals, they themselves are not to be excluded, as much as possible, in any moral consideration of the good. Individuals, including their conscious points of view, are found to have a very strong form of inherent value by one who empathizes on the order of 7+. The good itself does not simply happen to exist in the world, in just any way at all, but always in relation to someone's point of view. By contrast, that which may be designated good from conscious beings is conceived much more abstractly, without (full) empathy for the individual from whom it is abstracted. I would contend that utilitarianism is theoretically committed to utilizing the latter kind of good, exclusively, and is seriously flawed in this commitment. "Good from" is an overly reductionistic conception of values, which, in seeking to burn away all irrelevancy from the process of weighing values, ignites ethics as a whole in flames of controversy and, quite possibly, destructiveness.
I think it is fairly straightforward how the good of conscious beings can be insisted upon, given the foregoing arguments in favour of deep empathy. A view that is relentlessly empathetic with individuals, at the 7+ level, equally ceaselessly will associate, at least in principle, with individual viewpoints in considering the good of those individuals. Such a view will not “drop out” empathetic regard (at least in principle) for individuals from its conception of the good, for any reason, since that would be against the essential orientation of ethical empathism itself. It was described, above, that a utilitarian would think to gain everything of significance from empathy with individuals, theoretically, if they were to learn all of a given situation’s goods and bads. Yet all of significance is gleaned, in this way, if and only if one is satisfied with purely abstract goods and bads. Otherwise, individual points of view may and ought to be deemed to be of ongoing or incessant significance. Good and bad can never merely be identified or associated with impersonal results, or future states of affairs, but must always and only primarily be referred to the individuals to whom they really pertain, and only secondarily are these goods (and the relevant individuals) to be construed as part of any given situational context. We must consider individuals in conjunction with their good, then, not because their good cannot be abstracted from individuals—as utilitarianism itself demonstrates to be a psychological possibility. Rather, it is because individuals, as such, are to be identified with unconditionally, on 7+, and therefore are a ubiquitous moral consideration, including in conjunction with a consideration of the good itself. To get lost, at any stage, in a notion of “good” which practically omits individuals from direct and most stringent consideration is, therefore, a mistake.

Of course, “good of” and “good from” can be, and no doubt are, invoked much more loosely, or else simply differently, than I now use these ideas, but that is of no interest to the present analysis. “Of” and “from” are semantically similar, and it would perhaps be hard even relevantly to distinguish these in French, but this is not a case of splitting hairs. Rather, the distinction points to a fateful “bottoming out” of deep empathy in some visions of the good. To deny this distinction would be either to deny that (1) the good can be conceived of unempathetically, which seems superficial and false, and
suggests a lack of familiarity with deep empathy per se, or else to deny that (2) deep empathy is fundamentally morally significant, which is quite possibly pernicious, and may even be sufficient to betray an unempathetic character.

What is being criticized, here, is an excess of abstraction in one’s view of the good which leads to an unrealistic—because not fully and deeply empathetic—perspective. Consider the following statement from Friedrich Nietzsche: “Nothing ruins us more profoundly, more intimately, than every ‘impersonal’ duty, every sacrifice to the Moloch of abstraction.”

Nietzsche would equally, no doubt, reject my own rights framework, but I do go so far as to side with him in being suspicious of abstractions in moral theorizing (of course, he had his own abstractions, such as the Superman, the Eternal Return, etc.). If humans are indeed “rational animals” (as well as irrational!), it is no revelation to suggest that this rationality may get us into mischief. What may, nevertheless, be revealing is pointing to least suspected kinds of trouble.

Certainly, the good of conscious beings is also an abstraction, but since it is strictly associated with an empathetic regard for conscious beings, and indissolubly rooted in such beings, it is alleged to be a more realistic abstraction, more faithful to the realities of individuals themselves. It is a preferable abstract or moral theoretical model. By parity of consideration, the good from conscious beings is strictly associated with aggregation, sacrificing a more realistic, contextualized comprehension and appreciation of the good. The good of individuals is not just an initial consideration of any kind, in order to gain a sense of the good from them, for aggregation purposes, and then tallying up that abstract good, after obliterating further practical consideration of individual viewpoints. Abstract distancing of ourselves from reality can also, it is possible, distance us from morality.

Indeed, “good from”—although referring to the same goods in and/or for individuals as “good of”—becomes distinguished from “good of” as soon as it is so abstractly distanced from individuals so as to lose 7+ regard for them, at any time or juncture of reasoning. “Good from” is radically de-contextualized. It is somewhat like

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(and in many other ways unlike) being committed to thinking about door knobs in isolation, rather than in relation to doors. One cannot, of course, aggregate—or add and subtract—actual goods and harms for conscious beings, but only abstract tokens that represent such goods, while losing deep empathy for the individuals from whom the goods actually stem. Only thus is it possible to treat good and bad as relatively simple debits and credits in an equation. Overridden individuals and their good do not become unreal, on a utilitarian framework, or “canceled out” in that sense, although the view of the good necessary for such a superseding of their interests is, arguably, unrealistic. The goods and bads are taken from conscious beings and placed (at least theoretically) into mathematical formulae. By contrast, it is a fact of this very analysis that if we keep in mind the good of individuals, we never lose sight of the individuals attached to those goods. While, again, the idea of acting against the good of a conscious being is also an abstraction, it is a better one, insofar as it is more faithful to reality. The good of a conscious being is a better description of the reality of the good itself, and good from conscious beings chiefly has reality in the form of a distortive, wrongful abstraction.

The good of conscious beings is as permanent or ongoing as deepest empathy itself, and is never “squeezed out” from the prospective pool of the good of conscious beings, unless that is absolutely necessary (the conditions of which it will be useful to summarize at the end of this discussion). Cast another way, a utilitarian view will not exclude aggregate units of good from conscious beings from its consideration unless “absolutely necessary,” whereas an empathist will not exclude an ongoing, deeply empathetic respect for individuals whenever possible. Avoidable infringements of rights are out of the question, then, on an empathist framework. The converse of the necessary is the possible, and so if we can only harm if absolutely necessary, it follows that we can only harm if that is, at all, morally possible. Moral possibility, on ethical empathism, is bounded by (the equivalent of) individual rights.

No compromise, in this respect, is morally acceptable. We cannot turn a blind eye to the good of an individual merely to seek a lucrative pool of good from conscious beings that would seem to be a payoff from such exploitation. Utilitarianism merely rationalizes
certain kinds of exploitation, then, but can never fully justify it. It cannot maintain, with any credibility, that it consistently identifies with all conscious beings with 7+ empathy (although, in advocating the good of all in some sense, it may be described as somewhere at the seventh level) when, particularly in exploitive cases, it is prepared to act against the good of conscious beings when this is, in fact, avoidable. Whatever “absolute moral” necessity to harm might be, we are not required to do it simply because it maximizes good from conscious beings. With that excuse for harming gone, there is no soundly empathetic justification for harming in cases in which it is physically and psychologically avoidable.

Rights theorists advocate for all individuals, if that is at all possible in the given context, and this is at the core of moral concern for individuals from a deeply empathetic perspective, rather than seeking to extract the maximal good from individuals. For if we allow goods without points of view in our moral conceptions, the floodgates are opened, and vulnerable beings can easily be overwhelmed by such goods, and literally be swept away. Standing up for an oppressed minority is necessary on a good from perspective, which is painstakingly inclusive of individuals, while it might prove to be inutile, overall, on a utilitarian schema.

In a sense, utilitarians are identifying with the good from conscious beings, rather than the conscious beings themselves. They seek to do whatever is good for maximizing the good from conscious beings, rather than respecting conscious beings themselves, above all. Is it implausible to identify with a mere thing, such as optimal good from conscious beings? One can identify with most anything, including the good of a nation, a “race,” a church, a class, or an ecosystem—why not also maximal utility? Even identifying with individuals can be a very abstract process, fraught with speculation, imagination, intuitive estimates, guesses about the future—and mistakes. One can even richly identify with a well-constructed fictional character. Identification with any mere thing can become obsessive, consuming conscious individuals in its path. Utilitarianism, in some inescapable sense, sees a being’s good as a means to the end of maximizing good from conscious beings, whereas on ethical empathism, conscious individuals are more fully ends
in themselves (without implying, of course, that utilitarians have no respect for individuals).

Still, although "good from" may, in fact, connote exploitive extraction of good from others, this certainly need not be implied in every or even perhaps most cases. The "from" in this phrase refers, again, to a shift to a remoter level of abstraction. In fact, however, this view of the good does conduce to more exploitation than its more deeply empathetic cousin. Moreover, individuals are, in effect, "robbed" of due consideration with the more superficial consideration of their good. The slogan, "The greatest good for the greatest number," which is sometimes stated in association with utilitarianism, more accurately may be rendered, "the greatest good from the greatest number," since not all necessarily are benefited, and some, indeed, may actively be hurt in the process.

This distinction may contribute to ending debates, of a quantifying nature, as to estimating what actually is the good from conscious beings in various situations. Was it the greatest good from conscious beings to bomb Hiroshima and Nagasaki with nuclear weapons, or would it have resulted in greater good to have continued the war through conventional means? Both sides of the debate may be heard to this day. However, a whole kind of consideration of good is here ruled out, in this current line of argument, and this precludes essentially irresolvable debates of degrees of good from. With all due regard for individuals, and the good of those beings, it is impossible to justify going to war, except defensively, in order to protect individual rights. The defensive means will exclude individuals as little as possible, as the nuclear bombings did not. Seeking other means, diplomatic and conventional, was a moral necessity, even if lives were to be lost in the process. A nation could not rightly aggress, even if maximal good from conscious beings hypothetically were to result from attacking (or so state propaganda might indicate, and be difficult to disprove, since one cannot strictly calculate good from per se). People need not be fooled by greatest good from appeals, such as national security, economic advantage, greater glory to the people, etc. Aggressive leaders are no threat if no one can be morally duped into following them.
A utilitarian might object that since “good of” and “good from” pertain to the same goods in individuals, the two views really amount to the same thing, at least in effect, or else, considering the good from conscious beings is the same “by extension.” However, different abstract models, which are more or less adequate, can undeniably be crucial, for practical purposes, and carry starkly different results (as these models do). One may, for example, be faced with the reality of a school. Using an abstract understanding of the school, including the supposed patterns of its various dynamics, a predictive model might be constructed. Someone might seek to carry out various reforms in the school using this predictive model. Yet, if the model is deeply flawed, say, by being unempathetic to the students (their desires, attitudes, interests, feelings, etc.), the reforms might be and become a disaster. So yes, one abstraction might pertain to the same reality as another, but not be as adequate. And this, in turn, can lead to concrete realities which really are worse as a result of flawed thinking. So utilitarianism may consider the good from everybody, and yet might not be trustworthy, in the abstract, as to how it will treat anyone in particular, especially in certain cases. It may be concluded that the distinction is, indeed, genuine, and that this is no “straw man” version of utilitarianism, since that view may be caught out as showing lack of deep empathy in a variety of situations.

However, a utilitarian can illicitly garner a cloak of credibility by, at least implicitly, equivocating between the two senses of good. Since the unempathetic adding and subtracting of goods alone can sanction exploitation in favour of maximal good from conscious beings, however, the appeal to the good of conscious beings remains, at times, only an illusion. A utilitarian must detach, and be prepared to justify and carry out such exploitation, at any juncture at which it appears “necessary” to do so. Utilitarian aggregation must leave the points of view of the beings assessed behind. Seeming plausibility is gained from the equivocation: it sounds good indeed to speak of maximizing the good of conscious beings. Utilitarianism can speak of the good of beings at every opportunity, while often avoidably acting against the good of such beings. It is true that, on utilitarian grounds, individuals and the good of them does end up being benefited or harmed, but that should give us no assurance that individuals are adequately considered. It
only means that utilitarians have an effect upon the real world, even though their view of it may not be quite realistic. Many times, acting for good from conscious beings entails promoting the good of conscious beings, which may, at times, make the two views seem indistinguishable.

Still, it remains that utilitarians are humans, and while they may have contradictory "takes" on the good at times, they can, as a matter of psychological fact, no doubt actually engage in genuinely deep empathy at times, even if their theory demands actual departure from this at times—or at least a readiness to embrace such an unfortunate possibility. Deep empathy can direct the general intention of the utilitarian agent. While utilitarians ideally do exhibit unconditional promotion of the good from conscious beings, this is not unconditional deep empathy for individuals per se. It is, ideally, assuming a universal point of view, onto which is added some sense of all good from conscious beings. This can be done, abstractly, since one only ever imaginatively identifies—or not—with individuals, anyway, so imaginatively assuming a higher, more abstract point of view (that of the ideal moral agent), with masses of aggregated good from conscious beings, is not beyond the moral imagination—although it would indeed thus have gone awry. We can, again, become highly sympathetic with characters played by actors or gleaned from a page. The fictional character could even be of an invented species. Some people imagine fictive beings so vividly that they have trouble separating them from reality—actors not uncommonly have deluded fans who treat them as though they really are the characters portrayed in the given production.

These imaginative possibilities hardly defeat the aims of deep empathy, but merely caution us as to real and possible pitfalls. Utilitarianism is very far beyond any narrow or narcissistic point of view, but still is a case of the moral imagination running wild, not grounded in the diverse points of view of conscious beings—at least in principle. Utilitarianism is an infinitely nobler temptation (if that term has any applicability, in this context) than pure selfishness. Nevertheless, we cannot bypass this deep and abiding respect for individuals, as primary and uncompromising, without discarding deep empathy for individuals itself, as a guiding principle. We must deeply identify with individuals, in
this way, no matter their utility or disutility to others, and apart from any other evaluative consideration, such as their Q-status. Indeed, utilitarianism will result in a perception of moral conflict, in light of good-from considerations, more often than the rights framework of empathy. Empathism, however, obviously will not see great pools of good-from conscious beings as being in conflict with the rights of individuals. Thus, utilitarians will measure the value of lives in many contexts in which it would not be relevant to an empathist, who recognizes equal rights of individuals in all contexts in which rights for all are realizable in some meaningful sense.

As mentioned earlier in this chapter, I myself considered my own views to be broadly utilitarian in character for several months in 1998, in an attempt to reconcile rights thinking with utilitarianism. I thought this was possible, in retrospect, because I imposed an interpretation of utilitarianism rooted in the good of conscious beings, although I did not, then, acknowledge the distinction at hand. Ethical empathism can be said to represent the greatest good of conscious beings, at least on some possible versions of it, but it would be a mistake to call this utilitarian, which is about aggregating goods, in the abstract, bar nothing, and then translating these findings into practice. “The greatest good for the greatest number” is particularly misleading as a slogan (however inessential it may be to utilitarianism per se), since it implies a maximal inclusion of individuals, which the preceding analysis reveals is not, in fact, the case.

Let it be re-emphasized, however, that utilitarianism is much more civilized, than other moral world views which also necessarily interpret good from conscious beings. Egoists, for example, assess good from others frequently, without deeply empathizing with others. Selfish people may well act for another’s well-being just to manipulate that other, and so the good from others may come to play a role in the given calculating and manipulative behaviour. The good from others might actually be the other’s own good, or good that can exploitably be extracted from them—both kinds can and do fit into the egoist’s abstract estimates of what is most worthwhile for ego. “Good from conscious beings,” as a conception, enables abstract models for the purposes of manipulation through rewards and punishments. It also makes the moral imagination much more easily given to
envisioning harm to others, since it can so much more easily be "justified"—although in another sense it might be morally unthinkable. Whatever the moral view, the more abstract understanding of others’ goods perhaps cannot help but eventuate in some kind or degree of moral aloofness, or tentativeness of concern—it would always depend on the “payoff,” whether that be utilitarian or egoist in nature (although these are diametrically opposite in so many other ways). Others, and their good, exist only very imperfectly to the very unempathetic, or, that is to say, on their world views.

The fact that the utilitarian gives moral standing to all conscious beings is also not sufficient to warrant a description of the theory as being most deeply empathetic to such individuals. Once moral standing is assigned, the theory does not proceed in a deeply empathetic way, given the present argument about its very normative process. Being granted moral standing does not mean that one will be treated as an end in oneself, or regarded with deep empathy. Once moral standing is conceded, it remains an open question, on any ethical theory, whether the beings with such standing will be treated as “mere means,” or not, in particular actions that are undertaken.

There are significant corollaries of this distinction, some of which may be raised on this occasion. A proper view of the good may reinforce our authenticity in relating with others, reminding us that there may be nothing more urgent than dealing with the actual good of those around us, rather than getting “lost” in abstractions concerning the good from conscious beings. Sometimes, in terms of empathist moral necessity, there may be nothing more important than saving an individual’s life, at least for a given agent. In the absence of conflicts, there is nothing more important to oneself than the good of those it is in one’s power to affect. We owe direct care to others, not to an impersonal whole of values. This does not mean ignoring masses of strangers whose good is unknown, but acknowledging that it, too, belongs to individuals, and as such, ideally is immune to utilitarian exploitation.

Authenticity with oneself is also, potentially, a factor here. In deciding things for themselves, individuals may weigh abstract “good from” considerations, rationalize a given decision, and, in the process, neglect their own primary perspective. For example, one
might rationalize that one ought to associate with someone, when one's true point of view is that, all considered, one really does not wish to do so. It may pose excessive demands on an agent if he or she is expected to conduce to the greatest good from conscious beings. Extracting such a good from all conscious beings in the context, after all, may leave empty shells which were, perhaps, first stripped of individual rights. Indeed, one may disavow utilitarianism as a view, yet without being aware of the different views of the good, be tempted dishonourably to act for great pools of good from conscious beings, which may yet, on abstract reflection, appear tempting.

There are other important implications here to be considered. "Good from" perspectives uniquely lend themselves to vicious forms of competitiveness, which I shall simply label "competitive good from." Of course one will tend to identify with one's own perspective, at least to a substantial degree, but if one perceives others' good unempathetically, then it merely becomes a value with which one can compare one's own fortunes. One does not, on such a view, identify with others and view their good as good for them, and graciously accept this. "Good from" is overabstract, and leads to comparisons between the goods of different beings. The "good of" perspective, by contrast, accepts whatever goods different beings in fact happen to have. Competitive good from may result in a painful gap being experienced between one's own good and that of others, a feeling of a lack, by comparison, since one does not identify with one's own and others' good, just as they are, but rather, thrives on an abstract sense of the good instead. Thus, venomous forms of jealousy are born. Jealousy of another's position may be based on a perversely unrealistic idea of "justice," where good from conscious beings is equally to be distributed to all. Thus, if an object of jealousy suffers a setback, this can be seen as bringing a state of affairs as closer to "fairness," and the envious one who incurs a gain may be inordinately possessive or attached to that good, thinking it is especially "deserved." Or so things might seem, to one caught up in the spell of good from conscious beings.

One cannot feel confident or secure on a competitive good from framework, since there is always someone "better," or a higher abstract standard of good to which to hold
oneself. Competitive good from leads to familiar obsessions with racing for more possessions, living space, speed of transport, achievements and tokens of repute, money, food, getting one’s way, etc. Putting others down and aggrandizing oneself become two sides of the same coin. There may emerge an obsession with blaming and criticizing, comparing individuals to an abstract standard of goodness, rather than accepting the actual good and simply progressing from there. Ego becomes unstable, big or small, vulnerable or secure—always in the abstract, comparative relation to others, or to an abstract standard based on the most general levels of good from conscious beings (i.e., pertaining to no one in particular, but to everybody, in a sense). A healthy self-worth merely has and accepts whatever good pertains to the self, without irrelevant abstract comparisons. Juggernaut, itself, is a manifestation of competitive good from, on which nonhuman animals are the ultimate “losers.” The folk wisdom which states, “We must not compare,” perhaps comes from some sense that the overly abstract obsession with “good from” conscious beings is neither empathetic nor healthy.

Since deep empathy is currently so very uncommon, it may actually be easier for most people to think of the good more abstractly, or simplistically, and that may help to explain utilitarianism’s current popularity. I believe S. F. Sapontzis is correct in stating that everyday thinking has utilitarian dimensions, which accounts for vivisection itself, certain political decisions, and indeed, many ways of human relating. Recognizing and acting in light of the distinction could save innumerable innocent lives, if, for example, I am correct about vivisection. This moral confusion is possibly come by quite honestly. Yet despite the beguiling neatness of adding and subtracting goods, it remains that “a mess of rights” is better than making a mess of what is right. If individuals are not worth respecting, one by one, each after the other, then nothing in this world is worthy of much respect.

Both Juggernaut and utilitarianism have made deceptive claims as to what is morally “best,” as I hope to have revealed. For both views are based in an inadequate sense of reality, insofar as empathy assists us in acquiring a better sense of some very important realities. While utilitarianism may impressively stay in the 7-range of empathy, it also fails
in finding the ultimate objects of 7+ empathy, at every juncture: the individual points-of-view. This deficiency is also, notably, a flaw of Juggernaut, but in a different way. Does utilitarianism qualify as a philosophy of deep empathy? Certainly. As an ethic of deepest or deep enough empathy? Not at all. The utilitarian motive for maximizing good from conscious beings represents, no doubt, a very deep compassion for conscious beings themselves, only it is a misguided way of seeking to realize this compassion. In seeking simply to maximize "the good," utilitarianism, in its blurry-eyed benevolence, loses sight of that concern for individuals which no doubt motivated such a view in the first place.

Many classical objections to utilitarianism relate to the distinction set out here, but none goes far enough, I suppose, in articulating it. Consider, for example, the complaints that utilitarianism does not take individuals seriously enough, that it kills and harms innocents when there might be another way, and the intuition that it is somehow a mistake to aggregate so abstractly. To a utilitarian, pursuing what is good from conscious beings, none of these objections makes any sense. What is more respectful of individuals—all of them—than maximizing the good associated with them, such a theorist might ask, in defence of utilitarianism? Richard Ryder's variation on this theme is a complaint that utilitarians aggregate goods that are completely private to individuals, and so cannot be publicly accounted in a utilitarian formula. This objection, frankly, also makes no sense if one accepts the move of abstracting good from conscious beings, since of course that can be added and subtracted from an aggregating perspective. However, one thing that Ryder's otherwise odd objection does is point to the inseparability of goods from individuals.

My distinction is superficially suggestive of Regan's "receptacles" objection, considered earlier. However, the latter seems to imply an ontological separation, on the utilitarians' part, between individuals and their good, which utilitarians need not accept at all. What is wrong, rather, is the focus on the good from conscious beings as abstractly "separated" from the consideration of individuals in normative decisions, so that empathy

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with those beings is effectively lost in decision-making. There is not necessarily any mistaken notion of what individuals are that is at work, here, let alone any mistake as to how individuals enjoy and produce what is good, or how good may be secured for them. Utilitarians typically would not "see" how individuals are given any less than their due, all supposedly being considered. Regan enjoins that we really need to consider both the "cup" (the individual, of course) and its "contents" (the individual's good). That is all very well, but this does not distinguish between the two key ways of considering the contents, and without that distinction, it will seem to the utilitarian that he or she is fully considering the cup—indeed, more fully than could otherwise be the case. This is so because good from would not be perceived as a point of departure for adequately considering individuals as such. Still, Regan's own intuitions may have been vaguely directed at the problem at hand.

The enlightened utilitarian may well agree that 7+ empathy entails not acting against individuals' good, unless it is "absolutely necessary" to do so, where absolute moral necessity is understood in terms of producing the greatest aggregate good, or perhaps the least harm. Yet, given the distinction just made, utilitarians are really trying to justify infringements against individuals, in cases like vivisection, based on pursuing the maximal good from the conscious beings involved. That is, the good from the experimental animals is abstracted from the creatures, along with the good from the suffering humans, and through adding and subtracting these abstract units of good and harm, it is determined what the best course of action must be. Yet, as indicated, I reject this conception of good as unempathetic to individuals or as inconsistent with 7+ empathy itself. So I feel no obligation to promote the greatest good from conscious beings at all, and do not perceive this to be a rationale for moral action, let alone for understanding any action to be absolutely morally necessary.

I will argue that vivisection is not carried out by utilitarian heroes who do what most of us do not have the stomach to do, but rather, by people who are fundamentally morally misguided. The utilitarian approach optimizes based on a suboptimal understanding of the good. These are two very different approaches, here, and it seems plain enough, to me, which is deeply empathetic (enough), and which is not, in the final
analysis. The distinction outlined may help to account for the sharp divide in individual rightist and utilitarian moral thinking, and why the rightist may find puzzlement or difficulty in *seeming* to stop short of doing what is "best" in terms of goodness. Once the process of moral theoretical abstraction begins, it may become difficult to put on the brakes. The distinction accounts for why each mode of valuation seems complete and logical to the respective proponents, and why the opponent would seem so mistaken, although again, rightists have been challenged indeed to articulate just how this might be the case. Utilitarians, at times, may chastise deontologists for limiting their pursuit of the good, but it is arguable, now, that utilitarians are limited in their very conception of the good itself, and, therefore, its actual pursuit. Far from utilitarianism being so superior, “good from” conceptions are so anemically abstract, and therefore uncompelling, that they may feed skeptical doubts about the reality of good per se.

I should add that, since ethical empathy is based, fundamentally, in a consideration of individual welfare, it could be classified as “welfarist.” Like many forms of utilitarianism, “Animal welfare” is often contrasted against “animal rights,” in this sense. This is a costly distinction, at times, for animal protection as a social movement, since the two camps frequently end up fighting one another, and each also battles those who think that the two perspectives may be somehow reconciled. It is only a confusion between the two views of the good, here considered, that makes animal welfarism seem, of necessity, a concession to utilitarianism, and hence to vivisectionism. The kind of welfare that consists in the good of conscious beings, is intrinsically resistant to pure aggregation. It is, perhaps, more distinctively rightist. This may all the more be the case in that solely stressing animal *welfare* risks making animal *autonomy* into a nonbasic consideration, although I have argued that autonomy is just as basic. But it is interesting that one usual implication of holding animal welfare at a premium, that such a view is not abolitionist with respect to animal exploitation, will be seen not to hold true of ethical empathy. This new theory also advocates, like Singer’s utilitarianism, the equal consideration of (equivalent) interests, where interests correspond to the good of conscious beings. However, such an
egalitarian consideration, rooted in a profound respect for individuals, is, once again, thoroughly resistant to aggregation.

I have no trouble understanding that we must identify strongly with individuals, as such, and that this alone gives individuals a kind of respect, regardless of whatever values may be associated with them, in terms of Q-capacities, richness of experiences, or contribution to consequential goods, especially aggregated goods from conscious beings. Taking this identification with individuals seriously, acting for the good of individuals will never "squeeze out" individuals themselves, unless it is absolutely necessary to do so, such as in a choice between a life and a life. (It will be maintained that vivisection is just such a case, but please bear with me here.) If individuals are identified with in this strong fashion, regardless of whatever good may pertain to them, the identification will persist in the face of sums of "good from" that might be appealed to in a would-be justification for harming individuals. Such an identification with individuals, and a subsequent granting of a kind of inherent value to them, as reasoned in Chapter Two, could not be "canceled out," even just for practical purposes, by optimizing the good from conscious beings, however tempting that may seem. Indeed, unlike in utilitarian deliberations, the good of individuals is not added up and "canceled out" by disvalues or overruled by greater values. The good of individuals is real, and is empathetically and emphatically respected, in some form, no matter what happens, and our view of the good reflects this, unlike, I find, the far more abstract exercise of utilitarian aggregation.

Whereas utilitarianism will minimize harm overall, regardless of any presupposed individual rights, ethical empathism proper will grant individual rights, based on a powerful 7+ regard for the beings in question, and only minimize harm in ways that first recognize such rights. This reflection additionally reveals that comparing values, per se, is not the key problem here, as some critics of utilitarianism allege. Those same critics may find themselves trying to compare values, as well, in desperate situations in which even a stringent respect for rights must fail to guarantee the good of all. Minimizing harm, then, is not merely a residual concern, for harm is first minimized to individuals, and hence to their rights. However, aggregative minimizing of harm to the good of conscious beings, when
rights are not enough, is a residual concern, at best. An empathist might conceivably (although not necessarily) advocate maximizing the good of conscious beings, which would be very different from utilitarianism, because any good-maximizing would occur within a framework of individual rights being firmly entrenched. Maximizing the good of conscious beings might, in some cases, produce less value than the maximal good from conscious beings, but it is no moral sacrifice—on the contrary, we would forego an adequate sense of moral reality to side with utilitarianism.

So if rights come into conflict, then harm minimization might be brought into play to decide a given moral question—but not before. Identifying with individuals is unconditional, and therefore has absolute primacy over aggregate harm minimization. The former is key to deep empathy in general, and any other evaluative considerations are properly premised upon it. Utilitarianism inherently risks exploiting some individuals, or harming them—unjustly forsaking them and their good—if that will lead to an overall maximum of good from conscious beings. Using a necessarily imperfect economic analogy, neither can a company simply maximize profit (something that is, of course, inconceivably more self-interested than maximal utility), regardless of various laws pertaining to theft, paying dividends, abstaining from polluting, and so on. By contrast to utilitarian strategies, ethical empathism will resist all exploitation as something that is hostile to individual rights, and which cannot be justified by an appeal to the abstract mirage of good from conscious beings. We do not strip away all thoughts of rights, so as not to be "prejudiced," and then calculate the least overall departure from the good from conscious beings, for in that dangerous fluidity of moral consideration, one loses one's uncompromising 7+ empathy for individuals (supposing, of course, that one ever had it). Some goods, as pools of good from, may have to be foregone, their value possibly not even investigated, if they are ill-gotten, or pursued in contempt or willful exclusion of individual rights. In the case of vivisection, the animals would have individual rights, and would not be harmed for a sum of benefits conceived in terms of good from conscious beings.
Failing a utilitarian strategy, then, the vivisectionist might concede the appeal to the good of conscious beings. Such a proponent would then, of course, be obliged to turn to a rights framework in order to justify vivisection: given a conflict between rights to life between humans and nonhumans, would not humans "win," based on deciding questions of value? Again, we are not pursuing maximal good from conscious beings, even once rights prove to be in conflict. Before resorting to anything else, taking individuals seriously, through deep empathy for them, requires minimizing conflict between their rights. It would be a false dilemma if we did not have to choose between affirming the rights of humans and the rights of nonhumans, and it would be an ideal solution if we could do what is required in the face of human suffering and disease while affirming the rights of all conscious beings.

5.9 Stepping Outside the Dilemma Box: Affirming Ahimsic Medical Research

As has already been conceded, ethical empathism does not reject all resorting to bad means. The victims of our bad means might even be innocent, for while we might wholly identify with their ahimsic interests, we might equally do the same with a greater number of others, who might also be harmed in the given scenario. However, a stringent test of bad means is required. Any bad means that is permissible must be absolutely necessary to use. Yet what is "necessary" cannot be in any way rationalized on the basis of appeal to maximal good from conscious beings. Thus, the cost of not engaging the bad means would have to be catastrophic, and appeals to rights would have to be indecisive. Vivisection does not pass this test. Utilitarians try to pass off vivisection as a dilemma, as a choice between destructions: either vivisect animals, or see people die who could be saved through vivisection. If vivisection were a dilemma, then Q-factors might come into play in assessing the lives of beings, and harms might be minimized if rights cannot decide the day. These other evaluative factors could—if a dilemma were the case—be brought into play, without disrespect to individuals’ inherent value, since full respect for inherent value could not—on the dilemma supposition—be guaranteed anyway. In some narrow
situations, we cannot fully express 7+ empathy, but it is conceivable that this limitation could never, in all honesty, apply to the limitlessly ranging possibilities of medical research.

Medical research, as a practice, always ought to allow for ways of proceeding with full respect of everyone’s rights (keeping in mind that no one has a right to violate anyone else’s rights, certainly not on the pretext of maximal good from conscious beings). It is not at all simply a matter of either-or. Harmless medical research respects the rights of nonhuman animals, whose harming can indeed be avoided in any case, and also respects suffering human patients, in that full moral efforts are undertaken to secure cures and treatments for these suffering beings. A clear, creative path is open. We are never so limited that we absolutely must do medical research by overriding rights. To exclude rights-holders would simply be oppressive, and arbitrarily discriminatory (including if one arbitrarily seeks to act in light of an unrealistic abstraction of the good from conscious beings).

Creativity and resourcefulness are anathema to dilemmas, and people often respond to dilemmas, even in the abstract, by seeking innovative ways out, which sidestep the alleged impasse. This type of response to theoretical puzzles may evade the challenge of actual dilemmas, and adjustments can creatively be made, in turn, to counteract such evasions. It is the case, however, that a creative response is, from a practical point of view, both healthy and appropriate in difficult situations, in which significant costs seem inevitable, no matter which way one chooses. A dilemma cannot be framed where both prongs exist only if one ignores the demands of individual rights, and one merely considers different pools of good from conscious beings as possible ends—again, regardless of rights. Medical research is a free and creative endeavour, in which we must select from a pool of possible ends, and those ends must accord with 7+ empathy. The end is to prevent suffering to humans as much as is ethically possible, and the means cannot be faulted if and only if they do not involve harm that is morally to be avoided. Harm to animals is avoidable, in respect of the rights of all, but the harm to the people might be unavoidable if the only way of securing cures, through vivisection, violates the rights of conscious
beings. We must be uncompromisingly ethical in our research pursuits, in spite of any possible temptations to the contrary.

Reducing vivisection to a dilemma scenario is, in a certain way, insulting to human intelligence, and, even more profoundly, to the animals who are used in the research. This said, could there be conceivable scenarios in which there is only a choice between destructions, and creative options are minimized? However, to be so restricted in choices, one would have to surrender one’s moral freedom to refrain from violating the animal’s rights, and one would uphold the “rights” of other individuals to trump others’ rights. It is most difficult, therefore, to think of any case in which vivisection is ever morally justified. For example, taking a chance with a substance or procedure in order to save a life on one occasion is hardly vivisection, but rather, an emergency medical measure, in which one will do a great deal in order to avoid total disaster (assuming the person or being will die anyway).

Animals used for vivisection will not die anyway, and our creativity is no more circumscribed in a way that forces us to use such creatures any more than we are “forced” to use humans. The moral imagination is and must be richer than that. It is degrading to reduce the tremendous, virtually limitless possibilities of human freedom to the most wretched restriction of liberties of all: hard choices, in which the only possible pool of ends is ahimsic—a false dilemma put forward by vivisectionists, if there ever were such a thing. There only seems to be a dilemma if we accept two prongs, conceived in terms of good from conscious beings. At the level of considering ends and means in light of rights, and the good of conscious beings, then there is a wide open vista of endless choices facing us, and we had best make deeply empathetic determinations. The whole range of ahimsic research could never be exhausted, any more than the possibilities of artistic rendering could one day be depleted.

Vivisection is a debased form of human creativity, which we have fallen into, so to speak, partially because it is easy enough to exploit weaker beings, and to turn away from our altogether better ends. The term “debased” is by no means an exaggeration, insofar as a complete empathy itself may be described as morally basic. We must never turn away
from legitimate research, as a society, and there can be little or no excuse for doing so. We could never say that we have tapped out ahimsic research, and must now turn to animals. That would be admitting defeat, or the exhaustion of creativity, courage, and of the freedom of good people. That is altogether too much to concede to any apologist for vivisection. If an ahimsic cure for a given malady is not yet available, it is our challenge to make it so. It is a pessimistic, and necessarily ignorant reduction to hold that possibilities—of the radically unknown—are hopeless without vivisection. It would be, in many ways, scientifically preferable to avoid the species-disanalogies between humans and nonhumans, and also, of course, to turn our energies away from deliberately sickening, rending, harming, and killing nonhumans.

If ahimsic research possibilities do not reach fruition immediately, we must be patient, rather than turn to animal research, working faithfully in light of the ends that we must hold, ethically, and strive for, socially. Simply because we do not know of enough ahimsic research possibilities now, does not mean they do not exist, or are undiscoverable through diligent efforts. It must be acknowledged, too, that vivisection, although much more intensively cultivated over the past number of centuries, leaves an equal number of unknowns before us now. We must find the moral courage to seek ahimsic research goals without reserve, and then we will begin to see more results in this badly underfunded and underworked area. To the extent that vivisection “works,” pragmatically speaking, then in moral terms, it only succeeds in achieving himsic, non-7+ ends that never should have been held in the first place. For that matter, in the relevant sense, medical research on humans would likely “work” even better, at least for human benefits. Vivisection on nonhumans which “works,” for its part, would simply be a case of being “successfully immoral,” on a par, in some ways, with robbing a bank and getting away with it. We must simply refuse ends that are of a lesser calibre than what ethics requires of us.

Creative freedom is arguably the highest and greatest form of freedom. If harm is avoidable in any choices, it is most eschewable in a creative capacity, so far is vivisection from being “absolutely necessary,” as its apologists claim. Similarly, there is no “absolute moral necessity” of a dilemma here, nor yet of pursuing the maximal good from conscious
beings—whatever, in fact, that abstraction might amount to. Vivisection is literally beyond the creative moral imagination. Ahimsic biomedical research can only be called “alternative,” as it now is, in a culture that has contempt for animals. Really, the only ethical path is ahimsic, and using animals in vivisection is not even, itself, a viable “alternative,” for ethical purposes. In fact, the presently so-called “alternative” mode of research is not an alternative at all. We need to turn the paradigm of what is now fashionable in science inside-out. Ahimsic medical research is not peripheral, nor an afterthought, nor simply “nice,” as it is on today’s paradigm. It is “real,” ethical research, and the rest is ethically unthinkable. Vivisection is an alternative to acceptable moral agency. It is not even at “the moral fringe,” but beyond it.

We can and so must accommodate both not acting against the good of humans suffering from disease, and the good of nonhuman animals. Vivisection cannot be rationalized as the least harmful infringement of rights if no rights infringements whatsoever are necessary. Vivisection only has the illusion of necessity because of impoverished, although well-intentioned, moral theorizing, and because it is so very much entrenched in the contemporary social order. Anti-vivisection can be so absolute and exceptionless precisely because there always is another way, or at the very least, always a chance to avoid infringing rights in this case, even if there commonly is a state of ongoing puzzlement in the slow progress of legitimate scientific research. This is why we must be uncompromising and persistent in seeking to eradicate vivisection, along with other abuses of conscious beings. There is no ethical mandate for trying to minimize harm, in terms of aggregate good from conscious beings, without first respecting the rights of all individuals as such, even if cures are just as elusive as they are. Insisting on total or near-total freedom to seek cures is patently ahimsic, and so immoral.

What I would characterize as “true” medical research has been marginalized in this society, and so its actual significance for science—along with untold expressions of scientific freedom—remain only too obscured, for the present. Of course the possibilities of ahimsic research will seem limited if they are only explored to a limited extent by society. A forest will seem limited if we only face a portion of its outer perimeter and never
venture much farther. In my experience, the most frequent objection to the incorrectly so-called "alternative" (i.e., ahimsic) research methods is that presently, they are of limited scientific value. I am convinced (aside from ethical deliberations in the preceding) that this is largely due to radical underdevelopment. We must also not allow vivisection itself to become overglorified, scientifically, by researchers who are professionally self-promoting, in search of scarce grant monies. Some say that there is no substitute for working with whole organisms—so let there be more ahimsic studies of people and animals who are naturally sick. Whatever natural limitations there may be to ahimsic research, there are also moral limits, which it respects, and past which we literally should proceed no farther.

But this is no timid approach. Medical science must be bold, striking out in new directions, emphasizing innovation, rather than routine subjection of conscious beings to shocks, noxious substances, and so forth. Some scientists might have us believe that they cannot work creatively enough in this exploratory field without resorting to nonhuman animals. To them I say that they must work for those who have more vision, rather than be allowed any morally debased form of "creative" destruction. No one ever stated that medical research is supposed to be easy. Let them be loath, in their own persons, to concede creative failure. Yet rather than use animals as tokens for grants and career advancement, and supposing that they refuse to work under a wiser person's creative direction, let them be debarred from the medical research profession. There is an awful social inertia at work here, which must be overcome: nonhuman animals are ready-at-hand to work on, whereas unknown technologies, decidedly, are not. The current system is unempathetic with regard to ahimsic researchers, offering them little or no societal or financial support. This is a morally corrupt state of affairs, however unwitting may be its genesis.

It may be objected that there is not always a third way besides killing animals or letting people die, because we do not know ahimsic cures now. There is nothing new in such a panicky observation. It is hardly an objection to point out that medical research into unknowns is occurring. We are trying to bring the unknown into the light, through ethical means. We always have a moral choice, no matter how long the unknowns persist, and
many of them have done so already for centuries (or longer). It is *always* the case, apart from any question of scientific progress, that avoiding rights infringements of nonhuman animals can and must be avoided. Beyond that, it is a distinctive vice to allow impatience for results to allow one to commit unethical acts in order to speed up any given process. *Morally acceptable* progress regarding the unknown will have to be sufficient. It is never "necessary" impatiently to opt for rights-violating means in pursuit of the unknown, merely fallen into out of desperation.

The only general criticism of something remaining unknown for any length of time is if the inquiry is not good enough in some way, either scientifically and/or ethically. For the purposes of ethics, it is asserted here that all research must respect moral rights in order to qualify as "good enough." This applies not only to not avoidably infringing the rights of very cognitive beings, who are close evolutionary cousins, but also to much more humble conscious beings. We avoid rights infringements which are indeed avoidable. Because our knowledge is so imperfect, we do *not* avoid peaceful means which may, in some cases, inevitably—although we could not know this—fail to deliver what we want (as most forms of vivisection have failed in the past). We have no right to benefits which avoidably infringe the rights of others. We also have no real, let alone, enforceable, right to live free of all diseases. We are responsible for adequately countering diseases, as we can, but that response includes framing means and ends that respect individuals as much as possible, not promoting good from conscious beings as much as possible. We truly seek the best kind of medical research, which is most consistent with the rights of all individuals involved.

It is useless to ask, "Suppose we could eliminate all of the unknowns from the future regarding medical research. Would we not then be obliged to affirm vivisection, seeing how valuable it is?" Rights theory still rules out such avoidable bad means in pursuit of the ends of cures and treatments. What is more, however, we could only eliminate the unknowns if we actually did the research without first knowing the results, and if we *did* have such knowledge through some other arcane means, then we would not need to carry out the research. Or if we were to forget this knowledge subsequently, we would be in much the same situation that we now find ourselves—come full circle.
Vivisection is unempathetic, and it is perhaps intrinsically wrong to commit a moral act with a thoroughly mistaken, because unempathetic, sense of values as one's guide. No payoff can be big enough to take a falsifying view of another and his or her good. This is an agent-relative requirement of ethical empathy which is absolute in nature. Being deeply respectful of the good of all, when that is an option, means excluding means that are avoidably hostile to the good of some. If this compromises anything, then it is only a pursuit of that which is already morally compromised, from an empathist perspective.

There is no dilemma in choosing between a path that is in accord with 7+ empathy, and a path which is not. Since there is no dilemma, there is no basis for invoking other factors besides rights, such as differences in Q. A (possible) conflict of interests is not the same as a conflict in rights. No one has the right avoidably to usurp the rights of others, so there is no hostility to human rights if animals are not vivisected—killed—for human benefit. It is a case of pure exploitation, in which only humans stand to benefit.

Any foregoing of cures that might otherwise be had through vivisection may be tragic, in a sense, but hardly immoral. It is a bad thing if we never come to have certain cures, on the hypothesis that they might have been otherwise possible, but bad states of affairs are not necessarily intrinsically morally wrong. Only actions can be right or wrong, and the act of vivisecting is wrong because, in its setting of research objectives, it does not empathize entirely with all conscious beings involved. Again, we can only minimize losses or gains after we have ensured that individual rights are respected, and this vivisectors fail to do. Therefore, vivisection does not enter into any just minimization of harms. On the contrary, there may well, for all we know, be more benefits to humans in pouring all of our efforts into ahimsic research. Utilitarianism has little credibility, in the first place, for telling us what we must do based on the totally unknown consequences of researching in particular ways. No case of projected benefits could be more unknown, in a way, since we are speaking, here, of undiscovered things. We cannot predict such a form of human creativity, or its value, any more than we can tally up chance and novel discoveries in advance of their occurring. It is a myth that we can simply calculate these things, as observers. The future is up to us, and will reflect on us, as moral beings, depending not
only on the results that we affirm, but on the ends and means that we choose to arrive at those outcomes. Indeed, abstaining from rights-violating, even when the benefit is absolutely certain, is or may be nothing less than morally necessary, on the moral framework that is here defended.

All of this amounts to a paradigm shift in the way that we look at medical research. We are inverting the traditionalist's choice between destructions, and affirming, instead an open vista of life-affirming possibilities all around. Dilemma thinking, as regards vivisection, trivializes the issue, forming a reductionist notion of what research is possible, and is apparently designed to railroad the practice into a status of legitimacy. A simple but true integrity results from viewing the issue of vivisection with a fully empathetic vision. Scientists pride themselves on being more enlightened than most people, but they are as much in need of moral guidance as the rest of us. In relation to these scientists, and society at large, we need a principled assertiveness regarding ahimisc forms of research, and a frank unwillingness to retreat regarding what may be justified as morally right. Ethical empathy is indeed an ethic of staunch—although carefully reasoned—advocacy, where need be, and it is so without apology. For 7+ empathy is not an insipid, half-hearted sympathy, or an insufficiency of good intentions, or a keeping of actual victims of oppression at a "professional distance" in either our investigation of what ought to be the case, or our carrying out of our moral duties.

Utilitarians are really seeking unjustly to exploit nonhuman animals for human benefit, using the cloak of appeal to maximal good from conscious beings as a spurious rationalization. This is so, although there need be no deliberate cynicism involved, and there probably would not be any such attitude present. In any case, it is just such instances of exploitation which most obviously differentiate ethical empathy from utilitarianism. For in true dilemmas, hard choices, and in situations which can accommodate the good of all without conflict, empathy and utilitarianism may well mimic each other. In a true dilemma, rights are not decisive, and both views may have to decide on a sacrifice based on an abstract comparison of the values of lives. An empathist's doing so concedes nothing to utilitarianism, since full empathy with individuals and according of rights is still
maintained—it is just not practically decisive in the given context. The same would hold of a hard choice (not exploitation cases, in which rights are avoidably overridden, and some imagine they have a right to that), in which the right decision is, in some sense, obvious, although it remains that someone’s rights have to be overcome.

As for conditions of plenty, utilitarianism would maximize the good from conscious beings to satisfy everyone fully, if the situation permits, and that is also what is the most good of all beings. There is no reason why rights and utilitarianism should not commonly overlap in practice if there is (1) no concentration of good from conscious beings, nor harm to it, which tempts someone to create a gap between the views, and (2) no gap between individual rights and the actual treatment of conscious beings, that is effectively forced by naturally or artificially (but unavoidably) limited situations. These areas of overlap may lend to still further confusion between “good of” and “good from.” However, one view of the good is to be rejected utterly as unempathetic. Whatever a utilitarian framework can offer in situations of conflict, an ethical empathist can more than rival, since the latter retains a proper respect for individuals, while also being open to comparative evaluations when and if they become germane.

This refutation of utilitarianism extends not only to act utilitarianism, but also to all indirect strategies, for all versions of utility-maximization aim, after all, for the greatest good from conscious beings. We do not need to deduce rights, rules, duties, virtues, intrinsic values, or loyalty from pools of good from conscious beings, but can hold them out of respect for individuals as such. Nothing in abstract good-maximization will tell us to leave individuals in peace, as much as possible, and the latter are at the mercy of potentially violent dislocations that happen to optimize good from conscious beings.

The indirect strategy of utilitarian rights is worth noting, here, since rights have traditionally been used as a buttress against oppression. Certainly, Singer regrets ever making reference to rights in his discourse on animal ethics: “it would have avoided misunderstanding if I had not made this concession to popular moral rhetoric.” Sumner proposes a possible theory of animal rights which would stop short, for example, of being

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abolitionist of animal research for medical purposes, as a sort of compromise between abolitionist theories of animal rights such as Regan's, and utilitarian (i.e., non-rights-based) theories of animal liberation such as Singer's. The latter is an example of an attempt to reconcile animal rights and animal welfare, mentioned earlier, but in favour of some recourse to vivisection. However, as I have argued, the Platinum Principle does not even permit this usage of animals, which many people see as one of the few necessary usages. No deep empathy could harbour such a compromise. Sumner, in *The Moral Foundation of Rights*, defends a consequentialist theory of rights, premised upon our limited cognitive abilities in aiming directly for maximal good in each case. However, I hold that if we had perfect knowledge of utility, then we would end up aiming for maximal good from conscious beings, which is not worth aiming for, or so I have argued. So such a relatively unempathetic goal would not be worth aiming for with full knowledge, let alone in a more ignorant state, such as the human condition admittedly imposes.

Any number of syntheses of rights and utility maximization, such as that of Victor Grassian, are also objectionable. Also, certain rights theories might see the respecting of rights as the order of the day, but beyond a certain threshold (say, in the difficult realm of moral dilemmas), utilitarian considerations may be brought into play, insofar as rights prove indecisive. I take issue even with this notion. Utilitarian aggregation need not always override rights at some terrible point, although there may be extreme times when not everyone's rights can be satisfied. Any dilemma decision, or otherwise difficult moral choices, can be rendered with reference to the good of conscious beings, rather than good from conscious beings. Rights theory should eliminate utilitarianism, not merely hold it at bay, hovering in the background, ready to descend when death or other difficulties become imminent.

We have seen, in the case of vivisection, that any "good from" such an exploitive practice is morally beside the point. This form of animal usage may have seemed like the

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last bastion of regarding and using animals as tools, the one true and absolute “necessity” in exploiting them. In fact, vivisection represents a mere, although stubborn, corruption of human freedom which is needless—and worse. It does not take much to go astray in ethics, as the near-hypnotic plausibility of Juggernaut attests. As with Juggernaut, love of the good cannot ever justify avoidably turning away from the realities of keeping with deep empathy, at any time, and in any form. Even being too abstract in one’s highly ethically motivated conception of goodness can make one fall short, and that to grave effect. Compassion is all very well, and Schopenhauer even argued that “[u]niversal compassion is the only guarantee of morality”\textsuperscript{47}—yet he still ate meat,\textsuperscript{48} which is not, arguably, expressive of the highest empathy towards the animals who were killed for the sake of his gustatory pleasure.

Vivisection has proven to be a most illustrative case for the investigation of the general problem of bad means, and of certain claims to dilemmas, or near-dilemmas. But there are other useful examples of bad means to ends, a few of which may be briefly illustrated. Let us consider the case of what I might call “assertive vengeance.” Such vengeance would not have, as its object, merely lashing out, in order to satisfy one’s angry feelings. Rather, one might seek to visit such retribution upon others just in order to teach those others, perchance, a lesson. The idea, anyway, would be to cultivate empathy in wrongdoers, by making them suffer, perhaps as their victims were made to suffer. Leave aside the fact that such a teaching is uncertain to occur, or that vengeance might only teach its recipient to be an enemy of the vindicator. Moreover, let us, for now, overlook the possibility that people know what it is to suffer, regardless. Even were this form of vindictiveness to improve the empathy of its victims, it would be using an avoidably bad or harmful means towards a good end, and that is just what the empathist theory disallows. This finding applies, then, to vindictiveness in general, including angry emotional abuse, passive-aggressive responses, and also, to threats of retribution. It also applies to harsh forms of punishment in order to achieve goods ends such as a “balance of justice.”


may have, in response especially to harmful wrongs, a “tit for tat” strategy in the form of careful deterrence and/or reform measures. This need not involve avoidably using harmful means, but could reflect a choice between (1) future harms that are undeterred, and (2) the exercise of deterrent measures—which need not be (comparably) harmful at all.

Other examples, which I will merely mention, are attempting to create greater intimacy (a good end) through betraying others’ confidences (a bad means, going against others’ autonomy—leaving aside the fact that the recipient will not trust the gossip, thus sabotaging intimacy). Obviously, experimenting on vulnerable human beings in order to garner useful medical information is also unethical in light of the same principle. Empathy for the sick people could not licence an unempathetic approach to the victims of such experiments.

All of this discussion conduces to a common theme of avoiding harm unless it is absolutely necessary, or unless it is unavoidable. We can collect this theme together under a “Principle of Strict Ahimsa,” which will help to define avoidability for us. This principle is derived from more fundamental considerations related to deep empathy. The Principle of Strict Ahimsa states that we must avoid harm to individuals as much as possible. Avoiding harm as much as possible would have to mean eschewing it as much as is physically and/or psychologically possible in the given situation. It would have to mean avoiding harm in whatever might be in one’s power, including one’s means, ends, and possibly even the results of one’s actions which are not, themselves, aimed for. If a situation only offers harmful options, then strict harm avoidance would require minimizing harm in that situation, although first by not harming individuals, and hence their rights, and only residually minimizing harm to the more abstract good of conscious beings (supposing that rights must be violated in the given situation). It cannot be stressed enough that we must avoid harming individuals, above all, since empathy for individuals is so primary. There would be no overriding of this stringent avoidance of harm based on utilitarian considerations of maximal good from conscious beings.

Notably, too, avoiding harm as much as possible means that one may actually have to engage in harmful actions oneself. Otherwise, one is not negating harm, per se, as much
as possible, but merely negating one's own harmful behaviours as much as possible. That would be a Strict Avoidability of Oneself Harming Principle, rather than a Strict Ahimsa Principle, per se. Yet one's empathetic concern goes beyond a preoccupation with minimizing one's own commission of harm, to seeing that individuals are harmed as little as possible, and correspondingly, the good of individuals. Strict ahimsa can be concerned with nothing less than actual negation of harm—period—even though some purists, who would never harm themselves, pose themselves as strictly observing ahimsa. All they are doing is strictly forbidding himsa by their own agency. To use an analogy, one does not favour company productivity by being exclusively concerned with one's own contributions to it. So, even though one may morally be forced to harm, in certain rare situations, it is not as though nonviolence is just “good” or “ideal” in such situations, but not always the right thing: actually engaging in forceful means may be the best way of negating violence itself, and thus may be uniquely both good and rightful, a true (albeit difficult) expression of ahimsa. In doing harm ourselves, we may suffer from the illusion that we are adding to harm, perhaps not trusting ourselves. But a wider view reveals, in carefully isolated circumstances, that forceful action will reduce overall harm in the given context (e.g., doing a judo flip to stop an attacker). Paradoxically, then, nonviolence is not always merely approximated through a careful use of force, but is thereby realized. Yet we may well be thankful that this is the exception, rather than the more peaceful rule.

5.10 Anti-Vivisection After All: Replies to Possible Objections

A case has been made against vivisection, and utilitarianism more generally. However, it is possible to anticipate a number of objections against these related but distinct positions:

I. What about empathizing with sick human beings, who fervently wish animals to be used for medical research? Insofar as vivisection has been established to be unethical for anyone to engage in, we cannot empathize with that which is fundamentally unempathetic, although we ought fully to empathize with any sick person wishing to become well.
II. **It may be psychologically and physically avoidable to vivisect, but the fact is, it is also just as avoidable to abstain from vivisection, and this abstention, as noted, also results in harm.** The harm to humans noted may be justifiable, just insofar as strong rights themselves are justified. The point is that vivisecting involves avoidable rights violations, whereas anti-vivisection upholds the rights of all. Avoidable harm is not the sole issue, in strictly good from terms, since harm to individuals as such is paramount, and hence their stringently protected rights. Rights, or their substantive equivalent, are not extra verbiage in ethics, but are indispensable for protecting individuals, as such, from good from encroachment. Duties alone might not allow this, since without focusing on individuals, as our objects of empathy, we may simply speak of a duty to maximize good from conscious beings, above all other duties, and that will lead to trouble of the sort that has been already discussed.

III. **As against this argument from deep empathy, it is necessary to detach from particular points of view. Otherwise, we end up overly attached to beings in the present context, and unable to take account of those strange to us, far away in distance or time, or those dwelling anonymously in unaccountably large masses of conscious beings.** It is good, of course, to be empathetically considerate of beings in the present. A fully empathetic outlook will allow for the depths of those distant, as well. As already stated, the theory does not require a meditation of deep, imaginative empathy with all individuals at all times, but a respect of other points of view, and a recognition that ahimsa flows, in principle, from any deep empathy which is the due of conscious beings. One need not be able to give a full-blooded biography of another in order to accord with an ethic of deep empathy towards them. Such an abstract model, which is very much tantamount to individual rights—or something equivalent—is as close as can be, in many cases, to deep empathy.

IV. **Objective right and wrong do not depend on the psychological states of moral agents, such as their empathy or lack of it.** There is a sense in which this is true: moral laws appear to hold no matter anyone’s failure or success in knowing them. However, we need certain psychological states in order to know ethical principles, and why they are right or wrong. A psychopath, a sadist, or a narcissist is perhaps disqualified. Some use of mind, or
"psychological states," is required for any kind of knowledge, including mathematics. The correctness of the argument from empathy, however, does not stand or fall with anyone's given psychological states.

V. Why stop at the overly concrete or particular good of conscious beings? Is that not myopic? The goods that "good from conscious beings" refer to are all real, and take account of goods from a more objective, and effective "bird's eye" overview. It is not more morally effective to lose deep empathy, or to have an unempathetic accounting of the good, which is what I have argued "good from" essentially is. There is nothing "myopic" about "good of" considerations, since they can be extended across any number of beings, in full respect of their actual realities of conscious living. Deep empathy is not compulsively "getting lost" in one's empathy, but more fully finding what is ideal, and respecting others' realities, if only obliquely and imperfectly. Vivisectionists—indeed, vivisectors themselves—can, for their own part, regard animals operated on with substantial empathy . . . only, evidently, it is not enough.

VI. Ethical empathism claims to be "deep," in a relevant sense, but actually, it is superficial, since deep empathy is claimed even in relation to strangers who are, perhaps, of very peculiar species. This view accommodates and respects the depths in others, without pretending to know any more than we do. Universal principles of deeply empathizing, not least of all, ahimsa, are observed, which help to preserve the depths of consciousness in others—even of total strangers—from unwarranted incursions.

VII. Is not human health a necessity? So is not anything which serves that end itself a necessity? It is not "necessary" to do whatever it takes to achieve even a necessary end. Whatever research protocol we adopt, among many possibilities, is not a necessity, and we must choose in accord with our best moral reasoning.

VIII. People are not capable of perfect empathy. So it is wrong to idealize such empathy, if ought implies can (i.e., we cannot rightly be told we ought to do the impossible). We can, indeed, act in accordance with ahimsa, to the best of our abilities. Furthermore, we know that such a stance stems, or must flow, from perfect empathy. Therefore, at least a
very crucial part of our practice can indeed accord with perfect empathy, in an important sense.

IX. Why can we not speak of competing rights to life in vivisection, held by nonhuman animals who are apt experimental subjects, and those humans who are suffering from diseases? And why should not the people win? On a deeply empathetic perspective, rights are held in concert, if at all possible, not by egoistic individuals who compete as much as possible with others, each willing to do anything to preserve his or her own life. Moral rights express a simultaneous and respectful concern for all conscious beings. Humans are not to be favoured over nonhumans, here, or vice versa. The rights of all are to be respected whenever possible.

X. It is objected that we benefit from experiments on nonhuman animals, while harming them. However, from an anti-vivisectionist perspective, animals benefit from being left alone, whilst people suffer and die as a direct consequence. An animal’s right to life is not a benefit that is derived from someone’s willingness to abstain from violating that right. A right to life is not a kindness that is bestowed, but is unconditionally part of the respect due to individuals who are regarded with 7+ empathy. It is our duty to bestow rights to animals, not a benefit resulting from any refusal to vivisect. Rather, the refusal is based on an understanding that animals have rights, or some real equivalent. By contrast, the benefits people seek from vivisection do need to be justified, if they can be, but such a justification must fail, because they run afoul of rights. The mere assertion of an animal’s right to life, by contrast, cannot violate anyone’s rights.

XI. An objection from counterexamples: if we allow (1) predators to prey on innocent herbivores, (2) people to defend themselves against irrational attackers, and (3) the clearing away of wild habitats for human use, it follows that we can allow humans to use animals in science for the humans’ vital needs. In the first case, predators either kill or they die. It is a true choice between destructions, or a dilemma. Predators need to eat, and potential prey need to escape. Still, perhaps this problem is not so straightforward. We have concluded that we are to preserve conscious individuals. It is not just a case of 1 predator vs. 1 prey animal. For one predator, in his or her lifetime, will likely destroy many prey, if only one
allows this (assuming that one is in a position to make a difference, in a particular case). Would not the most individuals be preserved by killing predators? From an ecological standpoint, it might be replied that if we got rid of all predators, then herbivores would overmultiply, exhausting all plant sources of food, and then all animals in the ecosystem would disappear. Short of this catastrophic scenario, however, many possibilities present themselves. If a hunter goes out and kills a few predators, he may save numerous lives, while not creating a catastrophic collapse of an ecosystem. We may be able to reduce the number of predators without coming to that awful state, or even wipe out most or all of the predators, while finding a way to control herbivorous populations, or else their food supply. If we are to get involved, why not get very involved?

Using utilitarian reasoning, S. F. Sapontzis comes to the conclusion that policing predators may be required, since any one predator will kill so many prey. Even if we reject utilitarian reasoning, and embrace rights, could we not find that the fewest rights are abrogated if predators are killed? After all, do not prey have a right to life, which carnivores do not have to respect, but we do? And killing herbivores ourselves, or allowing someone or something else to kill them, even though we could prevent that—what is the moral difference? Standardly, there is no moral difference between inflicting and allowing harm. Surely it would be unempathetic to maintain that harm to prey is morally insignificant. We plausibly cannot say that a predator has a right not to be harmed by us, while holding that prey do not have rights which require us to prevent avoidable harm that they might suffer (whether by a moral agent, or just natural causes like predation). Again, not assisting a wild animal in distress, whom we encounter, when we can do so, may be considered to be unempathetic.

Trying to portray predators as just taking out “one prey at a time” (with a series of one-on-one encounters, and a moral indifference as to who survives) is not always accurate, and ignores all of the lives cut short by just one animal living just one full life. It is not the herbivores who are reducing the numbers of conscious beings, but the carnivores, so simply equating their impact on individual lives would be naive. The

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utilitarian math, and also preserving as many rights to life as possible (when not all can be preserved, since predators die without any prey), leads to a peculiar conclusion. So might even a rights view favour killing predators, as involving a conflict between predators and prey, where the fewest individuals are lost, and the most good of conscious beings is respected by controlling predation? Normally, this objection is not taken too seriously, but it poses a genuine issue for ethics, as Sapontzis rightly insists. This is, then, at least a serious theoretical puzzle, with not so much how we spend our weekends at stake, perhaps, so much as the plausibility of different moral theories. Both utilitarianism and rights theories seem to lead to absurdity in this case. Or do they?

We should immediately distrust so absurd a conclusion as a predator police scenario, notwithstanding the fact that S. F. Sapontzis devotes 16 painstaking pages of his book to showing that it is not so absurd. If it were not so bizarre, would it take so long to show it? In any case, we must admit that merely calling a scenario “absurd” is not enough to discourage its realization. We need to find out why we mistrust it. Even Sapontzis seems to find the scenario at least to appear somewhat odd, however, near the beginning of his deliberations:

Conjuring up pictures of militant animal rightists fanning out across land and sea to protect mice from snakes and owls, rabbits from hawks and foxes, fish from bears and sharks, and otherwise making the world safe for the small and the herbivorous can easily make a moral obligation to prevent predation appear absurd. But appearances can be deceiving.\(^50\)

He refers, with apparent ruefulness, to what is “commonly lost in the laugh of the predator reductio,”\(^51\) which he aims to take seriously. He concludes that we are morally obliged to prevent predation, so long as we do not cause more suffering than we prevent.\(^52\)

In the wake of the shock that he might expect us all to feel at this conclusion, he reassures:

Now, other than preventing predation by animals under our control (e.g., pets), it seems likely that for the foreseeable future, animal rights activists will do better by directing their organized efforts on behalf of animals toward alleviating the unjustified suffering humans cause animals than by attempting to prevent predation among animals.\(^53\)

\(^{50}\) Ibid., p. 233.

\(^{51}\) Ibid.

\(^{52}\) Ibid., p. 247.

\(^{53}\) Ibid.
I fail to find this reassuring. We would have to “go after” the predators (by sterilizing, blocking their efforts, or just killing them) once—and if—we are done liberating other animals. It is also not clear why animal activists ought not to prepare themselves for dealing with this “problem” now, and become crack shots, who take out as many predators as they can when they go hiking in nature. To fail to do so might just be morally lax, or indolent. I also foresee that the method of killing predators would be “preferable” merely to blocking their maneuvers or sterilizing them, since the latter two options leave them free to kill again, and the most lives could be saved by just wiping out the carnivores. Even confining the predators would be, not just unfeasible and inhumane, but requisite of “feeding time.”

I think that most people would feel, in spite of the moral reasoning that has been offered, that all of this seems somehow to wrong the predator, or is somehow unempathetic to him or her, even though there is an excellent chance that he or she will kill more individuals than just one, which is all that his or her own life is worth, after all—right? It is difficult to isolate the problem here, but that should be nothing new, considering our earlier explorations of Juggernaut and utilitarianism. Still, it is possible that all we need do here is to invoke the account just developed, with the distinction between two views of the good.

On the good of conscious beings perspective, individuals are to be excluded as little as possible. This refers, not a little, to individual existence as such, for if we have 7+ empathy for all conscious beings, then we must at least favour their existence, finding their good to be good indeed, and worth realizing. That is why we brought in this view of the good when discussing the issue of “sacrificing” animals for research. This may seem to get us nowhere, because again, more individuals might exist if we wipe out predators. The point is that we are obliged to prevent avoidable harm, where avoidable means that we can avoid the harm without being immoral, i.e., unempathetic. However, in order to favour a predator’s existence at all, as we must, if we are to have 7+ empathy for all conscious beings, we must consider his or her predatory practices to be a form of unavoidable harming, which is necessary for his or her survival. Moreover, if we empathetically accept
preying as necessary harming, at least for the predator (and not necessarily overall, or necessary per se), then we must also accept the implication that it is necessary for them to harm a whole series of prey animals, and not just one being, who is of equal inherent value to the predator’s own individual being.

It follows, then, that it only seems like we are maximizing good of conscious beings in killing all predators. Really, considering the good of all means identifying (however personally repugnant this might be for us) with the predator’s unavoidable need to harm, and also identifying with the potential prey’s being as well, together with all that the herbivore needs in order to survive. We must face these individuals, in a situation where we might be tempted to intervene, with all due empathy. To identify with a being’s very existence, but not what is absolutely needed for that existence, is an absurdity in itself. So it is not the case that the most good of conscious beings would overwhelm the predator’s interests, since the latter includes the unavoidable reality of preying on a series of beings, and any such unavoidable reality is a limiting factor for any other moral consideration, including the good. Any claim that predators’ interests are outweighed by prey, then, must be from an abstract, unempathetic view of the good: good from conscious beings. Deep empathy must always outweigh the misguided pursuit of maximal good from.

We do not interfere with empathetically unavoidable harming in the case of self-defence, as we shall see in the next problem case. Also, it is an unavoidable harm pertaining to our own natures that we crush a series of tiny beings in our lifetimes, if only because we cannot always adequately perceive that they are going to come beneath our footfalls, our bodies rolling over, and so on. We can prevent children from torturing animals, and psychopaths from killing, for although it might stem from the individuals’ “natures,” it would not be unavoidable harming, tied to their very existence. It would not relate to a concern for not excluding them as individuals, as in the case of the predator. Children and psychopaths could live on, being respected in harmony with everyone else as much as possible. This is not to praise predators as virtuous, nor even to favour them, but just to give them their due as individuals who are to be identified with deep empathy. It is
equally understandable that one would want to spare an individual prey animal, and this may create not only ambivalence, but perhaps even times of anguish. It would seem, then, to be a dilemma, as improbable as this may have seemed from our initial reasoning in terms of good from (posing as good of conscious beings). As with other moral problems, it is crucial how we view the realities involved, especially as regards deep empathy. The best way to deal with this dilemma is probably to leave wild animals be, unless we happen to have some special sort of relationship with an animal, which may be a deciding factor in our empathetic dealings with them. A genuine dilemma, then, is not analogous to the case of vivisection, and does not licence us to kill laboratory animals.

In the second case, there is also a choice between destructions in certain defensive situations, although in many cases, creative dealing with situations may result in remarkably nonviolent thwarting of attacks. There is a tension between empathy for the potential attack victim, and for the attacker, although there can be no empathy with either accidental or witting intentions to harm—indeed, such is to be opposed, not merely regarded neutrally, given that it is counter to the well-being of those who are to be empathized with. Again, bad means are hardly ever justifiable, but if it comes to preventing a killing, and only causing some harm, or the killing of an attacker, as a necessity to stop the lethal attack, then such bad means may be warranted. If rights will be violated anyway, no matter what one does, then one must choose how to respond, and perhaps whose rights will be abrogated and how, if that is within one’s power to decide. In certain very rare kinds of cases, preserving one’s life from an attacker literally requires killing someone, due to the constraints of a situation, but pursuing cures in laboratories never actually requires killing animals in the same way—how we pursue such cures is still very much up to us.

In the third case, animals do require habitat, but so do humans—there is once again the possibility of a dilemma. In some cases, although again, nonviolent creativity can often offset such dilemmas. Where we live is our own habitat, and if we run out of room, it is because wildlife is equally “encroaching” upon our own freedom. Nonencroachment altogether is an illusory option. There is no moral difference, other things being equal,
between encroaching upon others, or allowing others to encroach upon oneself. Hence the tensions that can lead to a dilemma. People can find ingenious ways of avoiding wildlife encroachments if they set themselves to the task. These reflections point towards an ethic of minimal encroachment, with slow, deliberate and gradual expansions of human habitation, which would be in accord with ahimsa. It supports an ideal of trying to live in harmony with the natural world. Perhaps Walden Pond provides a better picture for our world than the city of New York, although neither might be ideal for the present day. Habitat encroachment, then, offers nothing even close to a parallel with vivisection. It is not a matter of vivisecting animals, or else they vivisect us, or of vivisection being inevitable, let alone almost ubiquitous. Vivisection does not result in dilemmas of this sort, it is contended, and therefore it is a different sort of case. No one has a right to have avoidable rights violations inflicted on anyone else. That would extend to research on animals, but also, it could be added, to needless habitat encroachments, excessive usage of force against attackers, and humans preying on other animals, when they have a choice not to prey at all.

It would be much costlier, in a sense, to concede that bad means are sometimes permitted if utilitarian aggregation were also allowed. But strong rights protection, mandated by deep empathy, also renders conscious beings immune from, by far, most potential incursions through bad means. Whereas vivisection, as a practice, is only "justifiable" with reference to maximal good from conscious beings, the same is not true of allowing most cases of predation (as repugnant as they may be in many aspects), resisting violent attackers, and making respectful use of wild spaces for human purposes. The latter three sorts of cases can, as illustrated above, be analyzed in terms of individual rights, and the good of the individuals in question.

5.11 Moral Dilemmas in Principle

One might hope to live a life which avoids the tragedies of choice, but, unfortunately, that is not always possible. Sometimes one is faced with choices, the realization of any of which will harm others, or oneself, in ways that are of comparable—or even not readily
comparable—magnitude. Ecofeminists, who commonly call for people to avoid "dualistic" thinking, may exhort us to choose both horns of the dilemma. But that is evasive. In a true dilemma, it is not possible to choose both, although that may be possible in situations in which there are conflicting considerations which are nonetheless not mutually exclusive. Others would try to cut through dilemmas like a sword through a Gordian knot, attempting to devise criteria for deciding all cases—not surprisingly, the bases for such criteria are often problematic. Others might simply try to ignore dilemmas, since they may be supposed to be comparatively rare occurrences—but they remain inescapable.

It is important to clarify what is and is not truly a dilemma. For example, the notion of comparable harms was mentioned above. An absurd case which would not represent a dilemma is as follows: a person is forced, at gunpoint, to shovel excrement for two minutes, otherwise five million people will be killed by nuclear weapon strikes. Both alternatives are oppressive, in some sense, but they are hardly comparable. Being forced to shovel is scarcely an infringement of a necessary good. insofar as a few such minutes are a negligible interruption of one’s autonomy. Moreover, anyone with moral autonomy will unquestioningly make the small “sacrifice” in order to deliver millions from a horrible end.

Hard choices of this nature, which can only be resolved in one acceptable way, are mainly difficult because one has, after all, to harm, and this goes against normal, empathetic inclinations. In actual dilemmas, one has the additional difficulty of actually resolving one’s deliberations. In cases in which multiple dilemmas are involved, or even a choice between three elements, A or B or C, dilemma logic may still be applied. For example, out of A or B, one may choose B, and likewise choose B out of B or C, until one is left with B. The method of sorting through binary oppositions remains. In cases in which one must gauge the choice of least harmfulness, some suggestions can tentatively be made, but I do not have much to say about this. Less severity of harm can plausibly be construed in terms of: (1) loss of vital functioning, including mortal losses, (2) how many beings are affected, (3) indirect harm to other beings, who might be harmed by the disabled or lost agency of someone else, (4) degrees of feeling pain, both during and after the event in question, (5) duration of the harm, (6) other harms caused, in succession, by the given
harm. This schema is very complex, but nevertheless, there are often clear-cut cases, such as the manure-shoveller case contemplated above. If the least harmful option is truly unclear, then, effectively, one may be facing a moral dilemma. That is, even if the harms are not the same, if one cannot know this, then it cannot be said that one ought only to see one choice as involving the least harm. One can call this an “apparent” dilemma, if one wishes, but while that might technically be more accurate, it may amount to the same, as an actual dilemma in practice.

In a dilemma, however, which simply does feature comparable harms, one is morally forced to harm—which is different from a licence to harm. Having certain characteristics does not licence one to harm, nor, as we have seen, does the securing of benefits. While one who is willing to do harm in order to secure a benefit may lose 7+ empathy for the one sacrificed, as in the case of vivisection, an empathist facing a dilemma never loses 7+ empathy for anyone in the tragedy. Lamentably, however, not all can be helped in any dilemma situation. Saving one person instead of another in a lifeboat that will sink, unless someone goes overboard, is just a very hard choice. One would save all, if one could, however. Deep empathy requires one to save someone, and not to neglect to help at least someone. The situation dictates that someone must be lost, but not necessarily who. Even an omniscient being, who knew all about a situation, may not know which path to take in advance, especially if both options are comparably good and/or bad.

Even though it is a condition, for sparing someone from harm, that another be harmed, this is not saving the one as a means to harming the other—or at least that would be a wrongful moral motivation. One simply has to choose between harms, rather than avoidably and mistakenly to choose a harm in order to create some benefit(s), thus regarding one of the parties with less than 7+ empathy—i.e., at most, a conditional form of empathy. Dilemmas can be used as a false cover, therefore, for nefarious actions.

There may, in true dilemmas, be cases of using others as mere means (which is different from saving someone as a means to harming someone else), although there is tragedy. For example, consider the often-recreated case of choosing between the life of a fat person, stuck in a hole that might alone allow, say, 30 people below, in a sea cave, to
escape the coming tide. If one does nothing, then all die, and if one kills the obese individual (say, by explosives), 30 are saved. This may indeed be a difficult choice, but on ethical empathy, it is not obviously a dilemma, since the harms are not comparable. There is a choice between harms that is unavoidable, and one chooses the least of the harms. Not only that, but there seems to be a choice between rights violations, if just letting people die violates their rights, as surely as actively killing them. One deeply empathizes with the person, but one is unable to realize that empathy, as one would dearly wish, if one is to avoid total tragedy. A minimum of overriding of rights is called for in such a case. The deadly tide example is yet another case in which empathy is compatible with harming even an innocent individual.

It might be objected that the rising tide case is all too similar to vivisection, in that harm will result in any case, no matter how one chooses, and killing the fat boy is indeed a calculated means in order to enable the rest of the people to escape from the cave. Are the 30 exploiting the fat boy? Also, in overriding his right to life, how can they legitimately be asserting their own rights, if no one has a right avoidably to subvert the rights of another? As with so many philosophical problems, the answer can only present itself if we face our difficulty fully and without evasion. Yes, the relationship is exploitive, and the boy's rights are being violated. This cannot be evaded, even by pointing out "advantages," such as the explosives shortening the rest of a now-miserable life, and enabling an instantaneous death that would be preferable to drowning.

The situation with the rising tide is different from vivisection in the following way: it is impossible to uphold individual rights in the former example, but not the latter. We can seek to uphold the fat boy's right to life (while not violating anyone else's rights), but we shall surely fail. For the flood will soon claim his life. Alternatively, we can seek to uphold the rights to life of the 30, without violating anyone's rights, but that will fail for the same reason. In other words, straightforwardly upholding individual rights must fail. "Ought implies can," so it cannot be said that we ought to uphold rights in the situation if we positively cannot do so. If rights protection must fail, then to aim for rights protection in such a situation is not rational, or futile, and we must minimize harm in the situation.
We can pretend to no “right” to harm the boy in this case, but killing him clearly minimizes harm. In the case of vivisection, however, it has already been shown how anti-vivisection upholds not only animal rights, but human rights, since humans do not have the right avoidably to infringe the rights of animals. Nor does anyone have the right to be free of diseases or death if being so means that another’s rights are infringed.

If a terrorist threatens to kill a large number of people, unless one kills a smaller group of people oneself, could this be analogous to vivisection? Again, whether the terrorist threatens to kill just discrete groups, or everybody, no matter what one does, then it becomes inevitable, once again, that rights must fail, which is not the case with vivisection. One may not be the sole cause of the outcome, but neither is a general who gives orders in a war, who remains morally responsible, in the absence of having fired a single shot himself. In the terrorist example, the threat cannot be dealt with in a rights-respecting way, but not so one’s responses to diseases and infirmity.

Suppose, however, we refer back to the rising tide scenario, and modify it with the proviso that the boy’s head sticks out far enough above ground level, so that the shallow tide will not drown him. The 30 people may still opt to blow him out of the hole, in order to save themselves, even though he would survive, if only they would let him be, and allow themselves to drown. This is where the “ought implies can” principle, just invoked, breaks down. For we cannot insist, in this case, that it is futile to uphold the right to life of the boy. The 30 unfortunates can indeed just leave the boy alone, and accept their own deaths. The baffling part might seem to be: which is morally right? On an absolute rights framework, the boy would be left alone. Yet it is not clear that this is absolutely necessary, nor so simple. What if, per impossible, 500,000 lives could be saved by blowing the fat boy into oblivion? Would it still be morally wrong to override his right to life then, in order to save so many other lives? Are not the same kinds of things at stake in both options: lives?

Recall that it was indicated that bad means are sometimes allowable. It is certainly a bad means to override the boy’s right to life. Nor should we fool ourselves in disclaiming that we are overriding his rights if we opt to blow him up. If we do this, however, could
we also rationalize the bad means of using animals for vivisection? The analogy between such a dilemma (supposing we opt to override the boy's rights) and vivisection fails if we can show that vivisection is relevantly different, involving a lack of 7+ empathy for individuals, and a dependence on aggregate good from conscious beings, deficiencies which our dilemma logic need not suffer from. A disanalogy, in fact, holds true. We can render a decision to kill the fat boy, as part of one of the least savoury exercises of Strict Ahimsa, or avoiding as much harm as possible.

It will be observed, or recalled, that rights themselves are not fundamental considerations, on ethical empathyism. The underpinning for such fixtures is ethical empathy itself, or a 7+ regard for individuals and their good. Conscious beings are granted a strict right to life out of respect for their good, and this is a useful generalization to make. However, in the case of 30 lives vs. 1 life, here, empathy for individuals, and the good of individuals, may have us opt to save the greater number. Since empathy for individuals is more fundamental than rights, or very the rationale for rights, there is no irrationality in rendering such a decision. It makes sense to appeal to the empathetic Platinum Principle, a more basic idea, when rights cease to serve the rationale of simply protecting all individual lives in the given context. Indeed, rights are just a useful shorthand for entrenching the Platinum Principle, or deep empathy, in common practice, when we cannot always deeply empathize with individuals, yet wish stringently to respect them. Any apparent contradiction, here, is just that: superficial and nonexistent. Hence, the need to avoid bad means may be outweighed by overwhelmingly bad results.

How is this different from vivisection? Could we not say that we should strip animals of rights, and opt to minimize harm by vivisecting? Again, the rising tide example was decided strictly on the basis of considering individuals, and the good of those individuals. Close attention to the case of vivisection, however, reveals that it is inextricably caught up with calculations based on a "good from" perspective. In animal experimentation, the scenario is such that whole series of animals are tested, harmfully, in order to develop treatments. Particular animals may be of no value at all in developing cures or treatments, or only of the marginal value of warning us never to do that same
procedure to any conscious being ever again (supposing the experiment is scientifically unsuccessful). It is absolutely unclear, for any experiment that could conceivably be worth performing, whether any benefit actually would result. All individual animals are viewed as utterly expendable, in this sense, since it is never known whether the particular animal’s suffering and dying really will offset anyone else’s suffering and dying. A willingness to sacrifice an individual being for nothing, or next to nothing (warning others not to sacrifice others for nothing again), is pure expendability. On the “good of” perspective, consideration of particular individuals is all to the point; on the “good from” view, it is somehow—I know not how—supposed to be almost beside the point.

In the rising tide example, we consider 31 particular individuals, with specific harms accruing to each, on the different possible resolutions of the difficulty. However, with vivisection, it aims for maximal good from conscious beings, where that “good from” is derived from a long-term series of sacrifices, perhaps over centuries, with only some of the particular individuals contributing to relief from suffering. Thus does the vivisector continually “fish” for results. The others are sacrificed for nothing, or next-to-nothing, as indicated. Even if the overall harm to nonhumans from such research (in good from terms) were not to outweigh the suffering of humans from diseases (again, in good from terms), that putatively can be ameliorated by vivisection alone, that does not alter the fact that an unempathetic pursuit of the good is fundamentally at work here. The good of individuals is avoidably disregarded in a pursuit of the optimal good from conscious beings. That interpreted maximal good may even be a mirage, given the radical unknowns of the case.

In the dilemma, there is actual harm to individuals at stake, and no tenuous, partial connection to some postulated, abstract good from conscious beings. As outlined earlier, the maximal good of conscious beings clearly dictates an abolitionist position regarding vivisection, and our contemplation of this unique sort of dilemma, with the unfortunate fat boy, in no way alters this result. While the utilitarian is content to look at overall good from conscious beings, the point of view that takes individuals fully seriously will object to each of the animals being used as “expendable,” and see each of these usages as points of breakdown of deep empathy, in the ongoing progression of actions and events. No one is
expendable for creating the aggregate of good from conscious beings, a misconceived ideal in itself. Any sacrifices of individuals that are permissible would have to be in "good of" terms, such as we find in the person of the lamentable fat boy.

We rightly try to avoid just those situations which violate rights, where, due to situational pressures, the underlying rationale for rights (summarized by the Platinum Principle, and its essential reflection of deep empathy) and rights themselves come into conflict, and so upholding of rights themselves may no longer be justifiable. When, however, do the terrible costs of observing rights override the rights themselves? How can we come up with a precise threshold for rights being defeasible? A right, after all, cannot be overridden with impunity, which is at the heart of any objection to killing the fat boy who might survive the rising tide. There is an excellent reason why there never can be a comprehensive answer to these questions. That is, such a decision must sometimes rest, in part, on the agent's own moral character and exercise of free will. These are all that the decision could depend on, in some cases, for there is, perhaps, no right time to do what ordinarily would be wrong. There is no way that one can be tidy, neat, or "rightly ordered" about this. Conflicting moral considerations lead to conflict and uncertainty, ambiguity, and there may be no way around this uncomfortable fact. That said, this just pertains to the exact boundary, the invisible "bright line" that is so much sought after by moralists. There are times when rights must be respected, such as when the only justification urged for breaching the given right(s) is an unempathetic call to maximize good from conscious beings, and other times when rights must be overridden, such as when one must save billions by destroying an insect (who is about to die in a day's time anyway). But while it is, at least, acceptable to have a bad means, in certain straits of agency, it is never all right avoidably to treat individuals in an unempathetic manner. Even when an overwhelming amount of good of conscious beings is at stake, which is the right kind of good conception, that could not conceivably give any excuse for disrespecting individuals.

Harming when it is not absolutely necessary, simply is unempathetic; harming when it is absolutely necessary can indeed be deeply empathetic. In the rising tide example, however, one does not have the option of avoiding a course of action which
would ordinarily be wrongful: it ordinarily would be wrongful to kill the person stuck in the hole, or to allow the group of 30 individuals to perish. As it turns out, the least harmful of these alternatives is available and known. In the constrained context, choosing that alternative is not a mistake, since one is refusing to harm unless absolutely necessary, and, therefore, maintaining a painful, tragic empathetic loyalty that is inevitably strained to the breaking point, reflecting as much integrity as can be salvaged. Choosing harshly can merely be a result of the harsh choices that are feasible. The key, here, is not only minimizing harm, per se, but guaranteeing the least harm to individuals that is possible as an absolute priority.

For all of this hard reality, in these horrible and rare events, however, individuals can yet glow with altruism in dilemma situations. When abstract considerations are deadlocked, it remains that some individuals may sacrifice themselves for others. Optimific approaches to resolving dilemmas would, on the face of it, always have those who are richer in well-being, or abilities as agents, emerge as survivors. Therefore, such approaches would see as no more than an emotionally difficult choice that which an empathist would find to be a dilemma, since ethical empathism considers discrimination based upon richness of being to be a form of discriminatory oppression, at least if such discrimination is considered to be the only way of resolving the actual dilemma. Leave aside, for now, the problem that richness of life is very difficult to assess: sometimes a difference in character or health can make all the difference, or even an ability to take joy from even the simplest things in life. I am not prepared to assign an equal overall value to all lives. I am not prepared to concede that, since different values may indeed be associated with different lives, but nor, in upholding 7+ empathy for all conscious beings, am I prepared to allow that "the rich" must be served above all. It is oppressive, in the shadow of Juggernaut, to mandate an absolute favouring of richness of being, or Q. Although creating more good in the world than would otherwise be is a noble goal, so, also is showing mercy to those who are less fortunate and less endowed by nature. Yet these last two goals are often incompatible, and may boil down to choosing "rich versus poor" individuals, in actual dilemmas. One is forced to make this choice, anyway—at times—
rather than arbitrarily favouring rich over poor as a policy (although such favouring can also be present in dilemmas).

If one holds that it is always a “waste” to sacrifice oneself\(^4\) for a being of lesser value, it should not be overlooked that a merciful agent might wish autonomously to relinquish his or her own richer life, on the reasoning that he or she has already enjoyed life more than the less fortunate being, and allowing the latter to live will help to close the disparity in lifelong well-being. While the rich do not deserve hardship, just because the poor have suffered, it remains that rich and poor alike have needs in dilemmas—which remain dilemmas, complete with different modes of logic for choosing in favour of each option, each of which can equally be engaged. In ordinary circumstances, avoiding the irrationality of the classist fallacy does not permit us to harm anyone, rich or poor; but in dilemmas, we have sufficient natural reason to harm, due to the dire circumstances, if not a purely moral reason. Focusing compulsively upon irrelevant similarities and differences, at any time, however, results in our getting lost in a fog of illusion as to what ought to determine moral respect.

Suppose that one chooses the route of self-sacrifice in a dilemma, e.g., by giving one’s life to save another, who might be less rich in Q. How far one goes in sacrificing to help others is, itself, a dilemma. It is always a free choice whether or not to sacrifice oneself in a true dilemma. One would be exceedingly unlikely to sacrifice oneself for a flea, to be sure, even though an anti-reductionist account of a flea might grant it some form of awareness: they sense things, and we can postulate that it is evolutionarily advantageous that they can feel. Nevertheless, it very well might be too great a sacrifice, a throwing away of too much goodness of life, to die for the sake of the flea. That said, it is hard to say what the limits of compassion, and a truly free choice, in a dilemma, has few absolute rules to constrain it. Even numbers are not all, which is why many cases which, computationally, might seem like easy decisions are actually difficult, and possibly even dilemmas. For me, it may be a hard choice, but not fully a dilemma, to choose between saving either 2 saints, or 47 axe murderers, from certain death.

\(^4\) Sacrificing others, in this particular context of supererogation, would violate the autonomy of others.
If one throws all principled choosing to the winds, favouring neither “rich” nor “poor,” then this is analogous to indiscriminate oppression, or harming in a completely arbitrary manner, whereas favouring rich or poor can be compared, in important ways, to different forms of discriminatory oppression (classism and reverse-classism, respectively). We must never allow our interpretations of dilemmas to compel us systematically to devalue others—or anyone—for whatever reason. Indeed, I would assert that it is a primary goal of ethics not to allow dilemma reasoning to undermine clear-cut obligations in the ethics of ordinary practice. Some people might even obsess about dilemmas, and morally harden themselves in preparation for any such eventuality. Yet dilemmas are hardly the whole of ethics. Norms pertain to the normal, and these are not to be extracted from dilemmas, which precisely are a breakdown of the normal.

That such hard choices have only vaguely guiding considerations, pertaining to the value of lives (including to others, who might be harmed by a being’s loss), anti-oppression, etc., but no absolute constraints, goes well with the idea, adduced above, that dilemmas involve a case of genuine free choice.\(^{55}\) Ethics cannot tell people how to be free, exactly, but rather, how not to be free. Dilemmas present us with perhaps the most terrible form of freedom of all, at least for moral agents of integrity. It does take strength of character to make hard choices, and one must live—or perhaps even die—with such choices. Perhaps it is even a character flaw to expect moral theories to make all of one’s choices for oneself. in effect. Dilemmas are often discussed very much in the spirit of dire choices, and so it might be said, by one who chose one of the harsh options available: “I’m sorry, but I had no choice.” Conversely, one who avoidably chooses a bad option in an emotionally difficult, but clear choice may aptly be admonished, “You had a choice!” However, radical choice between harms, for dilemmas, is perhaps the only unevasive model. Trying to erect structures of dilemma criteria, for use in resolving such cases, may avoid the fact that such criteria may be as arbitrarily chosen as any choice that might be made in the situation. More than that, favouring rich or poor (by whatever aspects of Q), systematically, can itself be oppressive. People understandably focus on dilemmas to test

\(^{55}\) Recall how freedom was postulated as a practical principle, in light of anti-reduction, in the third chapter.
if they are, indeed, as they appear, to see if there is a hidden solution—but sometimes, it
seems likely, there is no such thing.

In many of our choices, including ones that are not tragic, we often leave many
goods unrealized—we cannot have it all, even as preserving the lives of all might be lost to
us in certain dilemmas. Yet apart from cases of wrongfully neglecting unrealized goods,
we may find a kind of dilemma, in which we choose amongst competing goods. Surely
one is responsible for all that one freely undertakes, but not for all that one does not realize,
since one cannot be expected to do what is beyond one’s ken or one’s power. This
statement, however, does not exonerate those who are guilty of genuine neglect, or who
fail to use their power to attend especially to the needs of those who require assistance.

In dealing with these dilemmas, both happy and sad, reason cannot be expected to
do everything for us in our attempts to define ourselves and our lives. Indeed, how one
chooses to resolve a dilemma does define not only oneself, as an agent, but also the
situation, and how it unfolds. Dilemmas can be said to reveal true moments of moral
personality, since the person freely forms or defines himself or herself, in often
overwhelmingly significant instances of choosing. If a choice is simply dictated by reason,
by contrast, then it is not straightforwardly an instance of free self-definition, although, in
some fashion, one is free to accord with rationality or not, or indeed, to determine what is
most rational or not. However, whatever the virtues of rational choice, we cannot expect
reason to “clean up” dilemmas, so that they are no longer evils, once we arrive at the
moment of decision, leaving the chosen path both pristine and lovely. We cannot dismiss
the path not chosen with a clean conscience, however fervently people might wish to be
unambiguously redeemed.

Even inviting others to make dilemma decisions for oneself serves to define one’s
own character in a certain way. No one could rightly decide for autonomous participants in
dilemmas, except in cases in which one’s own autonomy is undermined, or else decisive
intervention, say, might put an end to the dilemma situation itself, by undercutting it. In
general, however, surrendering one’s rightful freedom of choice, whether to philosophers
or to anyone else, is a terrible choice to make. Some questions in ethics, on this analysis,
can only be answered by individuals themselves, and philosophers cannot rightly presume to usurp others' autonomy by seeking to answer such questions for them. Still, while one cannot always indicate what is morally required, philosophers may possibly help to illuminate what is morally allowable, in the full range of freedom. It is empathetic fully to recognize and respect another's freedom of choice where it exists, and not to attempt to reduce it to a vanishing point. Indeed, those who side with certain ways of resolving dilemmas, as a rule, may lack empathy for "the other side," each proceeding with a rigid conception of how things should be, rather than identifying also with how others might freely choose, however tragically.

Evidently, then, the model of dilemma resolution here being advocated is nonlinear, as opposed to linear. A linear model would seek one chain of reasoning that would carry us through all situations in the same way every time. A nonlinear paradigm allows for branching off, such as junctures of free decision permit, and for indeterminacies as to how to proceed. In short, nonlinearity allows for more choices. Indeed, if we are genuinely free, I submit that we can only have a nonlinear understanding of free choice. If justifications settle every decision unequivocally, that would no longer be a free choice, in any meaningful sense. Not all truth or reality consists of one path, as the fact of evolution confirms, or even some math problems, which yield a whole domain of values as an answer, or the famous uncertainty principle in quantum physics.

A dilemma is not an ideal situation, and it is, perhaps, absurd to expect an ideal answer. A rather chaotic result is inevitable, in such scenarios, since there is, and cannot ethically be, one principle of order. Dilemmas can be considered "moral breakdowns," of sorts. One cannot interpret the structure of morality from them, any more than one can interpret morality from the amorality of predation in nature. The moral ideal is necessarily lost or unrealizable in dilemmas, and while moral considerations are present, there is not—in a true dilemma—any resolution into clear-cut duty. Sometimes, again, we can be confronted with merely conflicting considerations, and we can balance these in our outcome. That would possibly be a false dilemma, or else, a kind of synthesis. True dilemmas—or the worst of them—are hardly so kind.
Dilemmas, not surprisingly, have been cited as evidence in favour of skepticism in ethics, or the elusiveness of a universal set of norms. Such terrible choices need not be construed in this way, however, for one cannot universalize truly free choices. Dilemmas do not show that ethics, as a whole, is incoherent, but only that, in more ways than one, it is sometimes very hard to carry on. In fact, it is more coherent to recognize the shadow of oppression in rigidly identifying with any given horn in a dilemma, rather than to attempt to reduce such possibilities by proposing a more linear model for all dilemmas. The very fact that informed people of good conscience disagree about dilemma resolution perhaps ought to tell us something about the nature of the objects of their disagreements. This fact does not amount to ethical relativism, if we can agree that we are forced to behave in an oppressive-like manner—of, say, classism or reverse-classism—whichever way we choose, and to acknowledge a moral order which breaks down (at least into nonlinearity) in dilemmas. One can very well endorse others' choosing their own way, in dilemmas, without necessarily indicating that one would choose the same way oneself.

It may be objected that this approach does not afford sufficient moral guidance in dilemmas. Can it be that, were we to deeply empathize with all participants in a difficult situation, we might become “frozen” or unable to act? Indeed, some may believe that ethics is only of value in hard cases, and is otherwise a simple matter of common sense. However, an empathist would feel compelled to do something, even perhaps something harmful, if it meant avoiding the loss of life of everyone in a given situation. Moreover, the offering of easy answers is not automatically a measure of a good ethical theory. Some theories, even oppressive ones, are altogether too facile in their offering of “solutions.” Finding easy answers where none are available is a limitation of a theory, which might only, in the end, succeed in making life harder, by serving to mandate particular forms of oppression (in keeping with generalizing of the discriminatory criteria for resolving the dilemma itself). Just because one wishes an ethical theory to resolve all problems does not make it possible or even desirable to do so. It is understandable that people would wish to

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56 Such patterns of dilemma choices fall short of fully being oppressive, I think, since we do not freely and avoidably undertake to choose to do harm, per se, although we may relatively freely choose a particular form of harm.
know how to do their best in tough situations, and also would seek not to be blamed by others—or themselves. People do not mind dilemmas in choosing flavours of frozen dessert, but when it comes to choosing amongst bad things, they would sometimes rather be “forced” to choose an option, by virtue of reason or other means, in order to avoid responsibility for any bad thing (even though, one step removed, it is not their fault that they are forced to choose among bad things). Sometimes we have more choices than we would like.

But while many insist that morality should ideally be made easy in dilemmas, I would insist that just the contrary is true. While we should not, of course, create additional difficulties, the dilemma choice itself ought to be hard, and even be made to seem as hard as it is, precisely because it does involve true conflict. This acceptance of different approaches to dilemmas may even lead to more tolerance both of oneself and others. Certainly, dilemmas can be divisive, but if they are accepted, such as they are, this acceptance can have a healing effect, embracing those who might choose either way.

Dilemma ethics, if carried out in a certain manner, can help to offset fanaticism, which invariably insists on one right way even if that is not appropriate. Dilemmas will always be with us, as problems, but the more so if people always insist on only one answer.

It is true that one cannot find, in every case, peace in having done “the” right thing, but one can also make peace with the idea that, at times, there is no one right thing that is to be done. At the same time, one ought not to find too much peace in dilemmas: one needs to mourn the losses that occur, if one is to carry on with empathetic sensitivity and attention. Dilemmas are often, quite understandably, experienced as traumatic. However, one can be too little at peace if one imagines that one can “have it both ways” in choosing. Having mixed feelings might be seen as a weakness, on linear thinking, which demands one way of viewing and feeling about things. However, the confusion of dilemmas can give rise to mixed feelings, as a healthy sign, rather than as an indication of lack of rectitude, or even irrationality. Such mixed feelings, paradoxically, may be a sign of greater clarity and integrity. Having mixed feelings about opposing pure oppression, however, may well indicate a problem.
Is it not significantly practically guiding, in dilemma ethics, to be told that one is radically free? Such an insight guides one to choose for oneself, which can be an example of the most dramatic and helpful direction that one could possibly receive, in certain instances. Again, such counsel accomplishes furthering the individual's self-definition, preserves freedom and the dignity of individual autonomy in ethics, promotes tolerance and understanding of others, forces people to be aware of the true difficulty and tragedy of the situation, emancipates people from narrowly linear modes of thought, and prevents people from generalizing the way they harmfully choose in dilemmas to ethical life at large.

5.12 | Moral Dilemmas in Practice
The latter discussion of moral dilemmas might seem exceedingly abstract or theoretical, without sufficiently imparting a sense of how it actually applies to the real world. Certain bizarre thought experiments were employed in 5.11, but these are hardly enough to show how empathist dilemma ethics can assist in clarifying ethical interrelationships between individuals. A number of cases will now be considered. It is enough, for present purposes, to indicate that a dilemma may well be present in each case here considered (due to an irreducible choice between morally significant evils), and that, therefore, ethical empathist dilemma theory may well apply. Traditional types of dilemmas span a literature and area of thought of great magnitude. This present section need not offer definitive answers regarding many common (alleged) moral dilemmas. It is possible that no compelling justification is available for either side of a dilemma, although an investigation of all of the arguments which claim to vindicate either side of putative dilemmas here noted would be necessary in any comprehensive study. Notwithstanding, it has been urged that no such answers may be available, and for very good reasons. I also cannot pretend to account for the many fine nuances and complications attendant to dilemmas. However, it will be instructive to observe, partially as a prelude to further research, how ethical empathy broadly reflects, with some justification, upon certain morally difficult situations. Such situations cover many of the controversial practical questions of ethics,
and any ethical theory must have something to say about any number of such issues, if only tentatively.

Consider the problem of contributing to famine or poverty relief as a possible dilemma, insofar as, in overly simplistic terms, one’s earnings can be directed either to helping the less fortunate, or else towards more commonly self-serving pursuits. The same dollars cannot (in. again, oversimplified terms) be used for more than one overall purpose. Ethical empathy demands that moral agents attend, in some sense, to the needs of everyone. However, individuals also have their own welfare and autonomy needs. Their freedom, however contingently based, is also to be identified with. No one is obliged to give with such generosity that they leave themselves miserable, thus neglecting their own emotional needs. One ought not harmfully to use oneself as a means to assisting others. It remains a dilemma, however, just how one is to balance one’s giving. For between avoiding excesses of luxury, and ensuring that one’s own needs for well-being and autonomy are met, many allocations are possible.

Should one boycott drug companies that test on animals, even if they market a medication that is important to one’s health? Would acting to boycott at the expense of one’s own health be harming oneself as a means to the end of boycotting (or depriving certain companies of money for vivisection), even as the animals would be used as mere means in further testing that one might risk funding? It has been argued that no one has a right to use another as a mere means. even out of good intentions, to produce a greater overall balance of good. So perhaps this does not amount to a question of rights—or, at least, an answer in terms of rights—but rather, is another personal dilemma decision. Activists perhaps do not have a right to ask others to engage in any activity that will endanger their health, including consumer boycotts, for a greater overall good that might result from such economic manipulation. People, as already argued, have no right to vivisect nonhuman animals as a means to supposedly optimal good from conscious beings, either.

Would consuming the given drug encourage and fund further animal testing? Perhaps. It seems to come down to this. The fundamental rationale for an individual rights
framework is the good of conscious beings. Both depriving oneself of needed medication, and testing on animals, will result in infringing such good. It is a question of allowing either the animals, or humans, to suffer. This brings us back to one of the basic questions of this chapter, namely: can we not then regard vivisection itself as such a dilemma, and prefer to sacrifice the nonhuman animals? In the case of opting to consume an existing medication, there is no regarding of individuals as expendable, at least not in the same way that occurs in vivisection. Recall that animal experimentation draws good from a long-term series of experiments, but not all of these are (significantly) successful. Many or most experiments are virtually fruitless, and those animals harmed and killed are regarded as purely expendable for maximal good from conscious beings, in the sense already discussed. To the extent that this dilemma involving existing medications exists, however, there are definite, if not quantifiable, harms to individuals that we must consider: (1) there will (or must be) actual significant harm if one abstains from the given treatments, or else (2) there must be some increase of harm to animals derived from a portion of one's funding (and that of fellow activists), whether those drug tests are scientifically "successful" or not.

We would do well to draw on what we have learned from the rising tide example, especially the variation where the fat boy can survive if he is not harmed by the people trapped in the sea cave. In this case of medicinal usage, one is not speculating on avoiding harm to humans. Here: one knows a human will be harmed as a result of not taking the drug, if the dilemma is to obtain at all. In the case of vivisection, however, the particular harm to animals, in any single experiment, is not necessarily offset by any prevention of harm to the good of humans, but this uncertainty is "justified" by indicating that the procedure might yet contribute to the overall maximal good from conscious beings, in the long term. Thus, nonhuman animals are regarded as utterly expendable, for maximal good from, whereas in the dilemma at hand, neither party is seen as expendable for any such unempathetic abstraction. Rather, one simply has to choose between evils, and sacrificing oneself or the animals for a speculative amassment of good from conscious beings has nothing to do with the matter. One's justification for taking a proven medication is nothing like putative justifications for vivisection, then, except superficially. Still, it remains that
any "justification" for taking a tested drug is not absolutely decisive, because of the animals' competing interests. But neither is consuming the drug flat-out immoral, since it is rooted in respectfully empathetic, "good of" terms. This dilemma is in terms of good of conscious beings, then, and not any abstract, exploitive good from calculation. Since it is not clear, in the abstract, how to decide the dilemma, then it must, true to form, be up to the individual to decide.

This dilemma may be only historically specific, however. Consumers can create a powerful demand not only by boycotting, but just as significantly, by speaking out and activating, even as consuming participants in a given market. If there is enough of a vociferous and well-justified demand for new companies, which develop treatments in the new way of ahimsic research exclusively (and, perhaps, enough legislative moral courage to ban vivisection), then those companies surely will come into being. New firms along these lines would secure a segment of the market, which would leave behind the host of himsic companies in an instant, and thus ensure profitability. Older outfits might also switch to (more) ahimsic forms of research. Activists need, then, no longer feel that they are contributing to animal testing, with these new medical supply houses, once the stranglehold on the market by himsic firms is ended. The dilemma currently under contemplation, then, would vanish.

Dilemma logic also applies to issues at the end of life. Consider the case of someone living in agony, such as an acute stage of a metastasis of cancer, who wishes only to leave this world. Since this person is not to be avoidably harmed, it must be the autonomous decision of the dying person to decide his or her fate. The question is: what are the ethical constraints surrounding the unfortunate's use of autonomy? On the one hand, the person might live longer, and enjoy some good from life, in the absence of intervention, on the other hand, the person's long and terrible suffering will be ended. In keeping with the dilemma ethics previously outlined, it is up to the patient to decide, and no one can categorically tell him or her how to make the decision, without forcing his or her choice—impartially clarifying the options may be useful, however. The conditions of life would have to be such as to make the quality of life more or less unbearable, for it to be a
genuine dilemma, however. The harm to oneself in ending one's life would have to seem almost inevitable to consider because of the great harms inherent in continued living. I conceive of harm in ending one's life viewed as a life history, both potential and actual—potential benefits would be lost. Whether or not the individual is aware of this fact before he or she expires (or after, for that matter). Otherwise, the patient would seek to harm himself or herself without need—with less than 7+ empathy for the self's own good—and would, in fact, be depriving himself or herself, and possibly others, as well.

As to whether others ought to assist a person who elects to die? This raises a separate but related dilemma: does, say, a doctor abstain from helping, and thus ensure great suffering, or else assist, and possibly, thereby, violate the doctor's own autonomy? After all, we choose our professions, and does someone have to kill as part of the job description “healer”? People of different characters would choose different sides. It is not clear that someone who opposes all euthanasia is sufficiently merciful in this case, but even for someone who approves of such a practice in general, he or she might find himself or herself psychologically or physically unable or unsuited to assist, or ambivalent about the particular case. The suffering patient would no doubt seek someone of a character suitable to helping him or her, who would not be homicidal in any general sense, but rather, actively merciful. Such deliverers would be most apt to assist those who face their own dilemma of continued existence, although those who refuse to help are not necessarily immoral, and are not necessarily unempathetic, either. It may well be inappropriate, therefore, legally to force doctors to assist with euthanasia, but also to forbid it under all circumstances.

In our everyday lives, we face a wide variety of other possible dilemmas, which I shall not examine in detail. Do we follow a questionable rule, or not? Do we express our anger at an affront, or not? Do we express ourselves stridently, or remain calm? Do we have a child, or refuse to contribute directly to world overpopulation? Do we drive a car, facilitating our arrival at places where we wish to go, or abstain, in order to prevent pollution, “roadkill,” risk of harmful accidents, and the consumption of non-renewable resources? Do we kill insects whom we cannot physically relocate, and which disturb our
emotional or physical health (assuming that we ought to avoid killing such conscious beings whenever reasonably possible)? The Jains and Buddhists who refuse to kill insects under any circumstances are not irrational, but nor, perhaps, are they exclusively morally right. Another commonplace: Should we remain friends with any given oppressor, or cut ties? I would never declare that there is no moral right and wrong, but neither, in cases such as these, is there is any place for trying to erase human freedom, even when it is, or can be, most difficult to bear.

5.13 Conclusion: Surveying the Moral Landscape

In our quest for the moral imagination, we have alighted upon the importance of the empathetic vision, in particular, together with all of the feelings of compassion that stem from such an empathy—given an ethical concern for the good. Reasons for the importance of empathy are rooted in the truth-seeking project of seeking an adequate awareness of other points of view, through identifying with them. This, in turn, helps to provide a rationale for both moral justification and, indeed, moral motivation. Identifying with others with a view to their good—the central idea contained in the Platinum Principle—marries both true awareness of others with being disposed to act for others, just for them. Indeed, empathy is more than just a tool of awareness, it also changes who we are, or our very nature or character.

Many forms of ethics posit a *fiction* of a “moral equality,” which only extends to “higher beings,” while denying the reality of *empathetic equality*, which favours equally empathizing (at a 7+ level) with all conscious beings—including oneself. This empathy would hold, at least in principle, through the respecting of rights to welfare and autonomy needs. Sometimes it is only *hoped* that we can meet such rights, but it remains that there is much that we can hope for beyond the current, admittedly troubled, state of the world. However, there is no real equality, even among “higher” beings, without empathetic equality, since, after all, what collection of higher beings could be exactly equal in their heights of real or imagined grandeur? Empathy, by contrast, can equally be extended, no matter what are a conscious being’s contingent attributes.
As we have seen, too, ethical empathism itself can credibly encompass, or at least suggestively approach, a wide array of issues. At the very basis of morality, skepticism in ethics can be either accepted or rejected, since no absolute proof either way has been entertained. However, ethical relativism has been rejected, owing to practically decisive reasons in favour of certain ways of being and acting. A variety of nonanthropocentric ethical theories have proven insufficient in the face of a newly articulated theory of humanism, namely, Juggernaut: Peter Singer's utilitarianism, Tom Regan's rights theory, S. F. Sapontzis' "common-sense" view, Bernard Rollin's rights framework, Evelyn Pluhar's neo-Gewirthian rights view, the feminist ethic of care (or its anti-speciesist varieties), ethical vitalism, the ethic of nonviolence, the general rejection of speciesism, and the argument from marginal cases. The humanisms of Aristotle, Aquinas, Immanuel Kant, R. G. Frey, a number of other moral philosophies have also been sorted to one side, insofar as their views are unempathetic and blatantly commit the classist fallacy.

In order to refute Juggernaut, ethical empathism itself is offered, together with its rights to autonomy and welfare, its summation in the form of the Platinum Principle (an improvement on the Golden Rule), its wholesale rejection of oppression, and its suggested compatibility with a plurality of theories of value. The harms of both Juggernaut and its natural ally, objectivism, are also contemplated. Many of the key insights of the animal liberation views, supposedly laid to waste by Juggernaut, are resuscitated on ethical empathist grounds.

Various issues directly affecting humanity are at least explored for insights directly stemming from ethical empathism. The classist fallacy demonstrates that traditional forms of oppression, such as racism, sexism, homophobia, classism, ableism, ageism, lookism, and others, are all inherently irrational. The same, of course, is true of speciesism, and also, discrimination based on rationality, or any other irrelevant characteristic. Oppression of nonhumans is compared to that which is visited upon human beings, and the two are found to be comparable in general form, although, of course, not the same in all details. Subtler practical issues, such as the failure to identify with oneself, the treatment of the terminally ill, manners of regarding other humans, trust, or factors which conduce to
empathy, and lack of empathy, and so on, have also been considered. It is noted how empathy receives only a cursory, peripheral treatment in existing works on ethics. Reductionism of animal minds is rejected as oppressive. Also, for practical moral purposes, determinism, and materialist conceptions of human minds, are also rejected as oppressively reductionistic. Surprisingly, anthropocentrism, itself, is to be characterized as often anthropomorphic, whereas nonanthropocentrism is usually the target of this charge.

Other practical issues addressed, at least in part, include the treatment of nonhuman animals, plants, mere things, and ecosystems. The development of practical tools, such as a philosophy of dilemmas and the distinction between good of and good from conscious beings, as applied to wrongful means, lend themselves to further articulations in practical ethics. Other practical matters which are addressed—if only to show that they may be moral dilemmas, and so subject to dilemma theory—include: lifeboat ethics (or comparable dilemmas), self-defence and defence of others, the taking of vengeance, famine relief, euthanasia, taking medications tested on animals, intervening in predator-prey situations, and so forth. Rival theories of practical ethics have serious doubts cast upon them, rooted both in ethical empathism and still other concerns. Such theories include Kantianism, ecoholism, natural law theory, contractarianism, and—the most formidable of these—utilitarianism. The challenge is thrown out to other ethical theories to show that they meet the demands of deep empathy, with its inclusive concern for others' good, realistic awareness, and avoiding of that hopeless gulf which was dubbed "the classist fallacy."

Large systems of ideas are the means by which people transact both lives and deaths. Yet there is no purely abstract or impersonal search for truth through deep empathy. It amounts to seeking to acknowledge the often-inaccessible realities of each conscious being, at least in one's realm of influence, which amounts to a form of respecting what is unique to each particular being, including their good. My own views are very similar to those of the philosopher. Evelyn Pluhar, which were considered earlier, if only to a limited extent. She, as I, advocates anti-oppression, and also rights to welfare and freedom, whereas I stress rights to well-being and autonomy. She stresses agency as a model, and such can be enlarged to encompass the recipiency of beings, if experiencing is
considered to be a kind of agency. She also stresses the importance of empathy as a background consideration, although I take measures to bring this aspect of morality further to the fore. The practical implications of her ethic are as abolitionist as my own.

Juggernaut presents its own seductive logic, and seems, at first, to present an advantage, in its strict promotion of goodness, that traditional animal liberationists lack. It turns out that a revised philosophy of animal liberation has something crucial which Juggernaut, itself, lacks. Deep empathy surpasses the inherent shallowness of oppression, and this more respectful form of regard is utterly anti-oppressive. In comparing and contrasting oppressions, we have not "extended" what it is for humans to be oppressed, but only recognized that nonhuman animals are oppressed in their own ways. We are hopefully only "extending" our own world view, if at all, further into the domain of adequacy.

It seems possible, to me, that many people are conditioned by this classist society in such a way as to be apt to disagree with my critique of classism. However, philosophies change, by way of reflecting the times, and vice versa. Quite likely, in light of historical precedent, the unexamined assumptions of people of the future will be quite different than those which prevail in the present day. The enormous numbers of animals who are oppressed today is not exactly known, although it is certain inestimably to compound the billions who have already perished. One oppressed animal constitutes an excess of oppressed beings, from an anti-oppression perspective. The emancipation of all conscious beings, in all its fullness, will require an extraordinary transformation of us all. Ethical empathy means that one is more of a participant in reality, in relationship with others, being involved without necessarily being intrusive. Being more considerate also means being more implicated in reality as a whole. Empathy for conscious beings need not produce a discordant noise, for gradually sifted through the ethics of deep empathy, a unique and ongoing sort of music may unfold.
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