# Moral Awareness and Animal Welfare

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**To Rémy**

*...the spirit and the soul shine through the human eye,*
*through a man's face, flesh, skin through his whole figure,*
*and here the meaning is always something wider than*
*what shows itself in the immediate appearance.*

G.W.F. Hegel, *Berlin Aesthetics Lectures*, 1820

# Introduction

This book is primarily a study in both conceptual and practical aspects of moral attitudes towards non-human animals - hereafter, animals. Several of the main areas of ethical inquiry are introduced, explained, and subjected to criticism in a traditional style of ethical argument. Among the themes examined here are prominent ethical theories, such as utilitarianism and animal rights, which are examined in the context of animal studies. Questions are also raised regarding the links between utilitarian theories and animal welfare science, identifying differences in scope and methods of welfare science and ethics, and introducing further ethical theories and approaches to our understanding of moral obligations to animals.

One of the problems with the objectives of animal welfare and animal rights is the idea that the basis for protection must rest on the possession of morally significant properties, which can be determined empirically. Hence the business of ethics is said to be involved with the identification of these properties and the provision of scientific evidence that they are possessed by the animals in question. The moral debate is simplified: moral obligations to certain animals are clear cut, either they possess the morally relevant qualities or not. Frequently the line is drawn between properties possessed by humans and interest focuses on whether other animals may possess them. As a rule, these properties include structures allegedly associated with sentience, consciousness, rationality, memory, personhood, and various forms of cognitive abilities. In this respect ethics is consequently superseded by empirical studies and further inquiry is marginalised as subjective or emotive.

The appeal to morally significant properties is contested throughout this book. Instead, the approach taken is conceptual rather than an

empirical study of the faculties possessed by animals. It therefore opposes what has become a dominant belief in animal welfare studies; that ethical matters can be replaced by empirical and scientifically quantifiable studies of animals. It also opposes much of what is taught in courses on animal welfare, which is largely centred on cost benefit assessments.

Although it is argued here that ethics, as a subfield of philosophy, is characterised by conceptual inquiries, rather than the measurement of cages or assessments of the cost and benefits associated with the infliction of suffering, the inquiry here does not ignore meaningful interaction between animals and humans. Rather, it looks at the way moral attitudes towards animals and many other entities actually operate. Morality, so it is argued throughout this book, is influenced by rules and traditions which are capable of changing and evolving and can be subjected to criticism. There are moral concepts without which discourse would be meaningless and a person without any understanding of them would be lacking in an ability to function as a human being: concepts of honesty, compassion, love, lust, hate, anger, jealousy, and many more are integral to human relationships and extend in various ways to our relationship with animals. The view taken here is that there are many ways of revealing awareness of moral duties, whether they are to humans, other animals, the living, injured or dead. Every society throughout history has exhibited morally significant attitudes to the dead (animals and humans) which are sometimes similar and sometimes different to those revealed towards the living. Some companion animals are cremated or buried, and have similar caskets to deceased humans. Other animals may be eaten, their body parts used as clothing. Some attitudes towards dead animals are bound up with notions of dignity and what is meant by honouring the dead; they involve questions of meaning, not empirical facts. The issue of sentience, autonomy, personhood, and rationality is not the sole determining

factor underpinning moral attitudes towards both humans and other animals. There are ethical duties to corpses, parts of bodies, and even beings that may exist in the far-off future.

Drawing boundaries of moral significance around animals which are companions, regarded as pets, and wild animals or those in the food chain is of little help in understanding the peculiarities of moral obligation. There are people who will testify to the special relationship they have with a blackbird or squirrel in their garden, and there are farmers who share friendship with animals they raise for the food chain. There is no single criterion for the determination of moral obligations, no easy alternative to learning about morally appropriate behaviour and how moral traditions may be relevant in various contexts.

The original intention of this book was to include a lengthy discussion on animal intelligence, communicative skills, and ability to display emotions, citing examples where the abilities of many animals compare with human abilities. But evidence for this is being published so frequently and comprehensively that it did not appear relevant to repeat these studies, and given the wealth of information now available, it must be extremely hard to deny that many non-human species have significant levels of intelligence, communicative skills, and share many similar emotional states with those exhibited by humans. However, the argument presented here is that evidence regarding the possession of these qualities does not solve the moral problem of whether or not we have moral duties to animals. That has to be taken for granted – we do. Evidence of intelligence, for example, provides us with criteria for the best way to respond to animals and meet their needs as intelligent beings. If a being can feel pain or suffer from psychological problems, then these facts will have a bearing on the correct and most ethical way to respond to them. If a child has a need for specific forms of mental

stimulation this fact should influence our behaviour towards it. If dolphins in captivity can suffer psychological problems because of their intelligence, then we ought to re-think our ideas about their status in captivity and confinement. But these features are guides to our conduct towards them, not criteria for membership of a moral community or designation of rights.

The first two chapters provide an introduction to ethics, which is specifically aimed at those with an interest in animal related ethics, and proceeds to outline several mainstream ethical theories. Chapter One assesses consequential and deontological theories with reference to utilitarian and rights theories respectively, which is then followed with an introduction to virtue ethics and the theory of reverence for life associated with Albert Schweitzer. The second chapter introduces the four principles of bioethics, which were outlined by Beauchamp and Childress (1979) and suggests ways in which they can be applied to animal concerns. In some respects one can see an affinity between the four principles and the duty of care requirements underpinning the Animal Welfare Act 2006, which is briefly mentioned in order to facilitate a discussion of specific ethical debates, such as the distinction between acting and failing to act, and extension of the duty of care provisions of the Act to cover proposals for Good Samaritan ideals.

Chapter Three approaches ideas about criteria for moral standing with reference to notions of personhood, where having the properties which allegedly confer a person with personhood are said to entitle that person to be treated as a member of a moral community. The notion of personhood as a criterion for moral standing draws together utilitarian and rights theorists, as both see persons as morally privileged beings. According to this approach the objective is to determine the boundaries between persons and non-persons. A frequently held view is that a person possesses certain cognitive

properties, and anything meeting these requirements has a specific claim to moral standing. According to some schools of thought animals depicted as non-persons can be killed, experimented upon, placed at risk or hurt if benefit to others outweighs their interests. Taking a critical stance towards this approach it is argued here that criteria for personhood as a condition for the moral standing of animals is arbitrary and unrepresentative of moral inquiry. Despite the appeal to person status in bioethics it can be argued that criteria for personhood and the moral status associated with it, is not significantly distinct from criteria for celebrity status and the privileges that accompany it. There are human beings to whom moral duties are required who nevertheless lack criteria for personhood. Unless one is prepared to take the morally dubious step of regarding these humans as potential laboratory artefacts a more acceptable approach to moral standing of animals is required.

Chapter Four returns to the concept of autonomy which features in the four principles of bioethics. It is recognised that the concept of respect for autonomy is part of the framework for moral inquiry concerning humans and other animals. However, Kantian models of autonomy used in bioethics, have limitations. Consideration of post Kantian ethics, with particular reference to Hegel's criticism of Kant, reveals a richer and more fluid understanding of the ethical status of autonomy. It is concluded that recognition of autonomy is a conceptual matter, not something to be determined by empirical criteria and tests.

Chapters Five and Six, focus on the assumption that animals must exhibit morally relevant characteristics, such as sentience or consciousness. This is combated and attention is drawn to potential confusions along with various attempts to identify these characteristics. Criticism is directed at attempts to provide scientific evidence of the mental life of animals. Various ways of deriving

knowledge of animal minds by means of analogies with human mental activity are portrayed and subjected to criticism in both chapters.

So what is under attack is a philosophical position; a version of Cartesian philosophy, which has survived in the animal sciences, yet – to put it mildly – the animal sciences would be better off without. The approach taken here is loosely based on the philosophy of Wittgenstein; with particular emphasis on the work of some the early exponents of what might be termed Wittgenstein's philosophy of mind. When setting out to combat nonsense that emerges in several accounts of the mental life of animals it is essential to draw a distinction between various kinds of nonsense. We often speak of nonsense when someone denies what science has proven, that blood circulates and the heart functions as a pump. One might refer to outlandish conspiracy theories, which link alleged sightings of extra-terrestrials with the assassination of J.F. Kennedy, as being in the realm of nonsense. But this is not the kind of nonsense which interests philosophers and ethicists. There is a kind of nonsense expressed if one claimed that his car resented the route he had chosen, or that a pair of shoes disliked each other. This kind of nonsense does not merely go against established facts; it also conflicts with what can be intelligibly said about certain things and what words can possibly mean. Hence speculations about horses constructing mathematical theorems, or brains passing value judgements, about hidden minds behind external physical manifestations of animal behaviour, the location of happiness centres within brains, are all forms of nonsense of interest to philosophers. It is argued here that many appeals to knowledge and certainty regarding, for example, inferences about an animal's conscious states, fall under the heading of philosophical nonsense.

A further development in the critique of welfare science, and its links with utilitarianism, features in Chapter Seven, which examines the moral arguments surrounding the training of dogs as companion

or working animals. This chapter provides an example of ethical argument, taking a point of view and either criticizing or defending it. Not all ethical writing, it must be stressed, involves the teaching of theories. In this chapter the focus is on the widely discussed arguments in favour and against the use of electric shock training aids. It is argued that a welfare approach which relies on consequential and cost benefit assessments within a utilitarian framework is largely unsatisfactory. From an ethical standpoint the objective of an inquiry into the use of electric shock training aids is not to determine their efficacy or popularity but to assess their moral status; is it right or wrong to employ them? It follows that an ethical inquiry will attend to the moral content of arguments regarding their use.

Chapter Eight continues the opposition to utilitarianism, the appeal to sentience and intelligence as a measure of moral entitlement, and outlines an argument which is unacceptable to utilitarians and rights theorists, whereby the aesthetic features of animals is proposed as additional criteria regarding our moral interest in them. The arguments in this chapter also indicate a further use of ethical inquiry; it takes the form of a requirement to explore an argument, and reflect upon alternative proposals to those normally taken for granted. In this case we confront arguments which trivialise the idea that the beauty of animals should be assessed alongside arguments for their protection. Included here is an examination of a controversial discussion concerning the role of aesthetics with regard to the breeding and showing of pedigree dogs, whereby numerous expert panels and reports have condemned pedigree dog breeding and exhibiting them, as a threat to the welfare of many established breeds. The alleged conflict between aesthetics and welfare concerns is examined in a philosophical context.

Chapter Nine outlines and criticises several problems arising in welfare ethics. It must be acknowledged that despite the critical

edge of this discussion it is not designed as an attack on science, nor does it imply a rejection of the stated objective of welfare science to use scientific methods to identify animal suffering and improve the well-being of animals. One of the targets here is the belief that ethical regard for animals is covered by investigations to identify and eliminate unnecessary suffering, usually with reference to the five freedoms of welfare. It is argued here that the principle of unnecessary suffering and the five freedoms, which focus on the welfare of farm animals, are necessary but not sufficient requirements for determining the ethical status of companion animals.

There is an important distinction to make between the provision of evidence to establish a scientific or ethical argument and the use of anecdotes to illustrate a conceptual matter. In the latter case anecdotes regarding the author's personal experience with animals serve only as illustrations rather than contestable evidence. They must not be regarded as case studies.

There is one final point to make, which is to advise readers about the style of doing ethics portrayed in this book. Some readers may feel irritated by a tendency to wander off what seems to be the essential topics, following what appear to be loose ends unconnected with the main thread. This is deliberate and its purpose is to give expression to an important aspect of ethical inquiry – to follow the argument wherever it may lead, as in the Socratic tradition. This aspect of ethical inquiry reveals that it is an activity, rather than a subject with clearly defined objectives and limits. As an open-ended activity there are no standards, theories, or objectives that are free from critical attention, no thread of argument, practical or conceptual, that is unworthy of attention.

# Chapter 1
# Morality

*Socrates to Adeimantus*
*"You would never believe – unless you had seen it for yourself – how much more liberty the domestic animals have in a democracy. The dog comes to resemble its owner…and the same is true of the horses and donkeys as well. They are in the habit of walking about the streets with a great freedom, and bump into people they meet if they don't get out of their way. Everything is full of this spirit of liberty". "You're telling me", replied Adeimantus, "I've often suffered from it on my way out of town".*
Plato, Republic 563

## Introduction

Every society, cultural and social group, holds a number of beliefs about good and bad conduct. A sense of values informs people's lives, over what they do, what they decide to do, and over their comments and judgements about themselves and others. People try to shape their lives according to moral values; they think that some kinds of life are more worth living than others, and have an outlook on life, and generally try to bring their children up to share this outlook. Elementary beliefs about right and wrong are instilled into the young during the earliest stages of language acquisition and social interaction. Language and practical activity are impregnated with moral values and at an early stage of social awareness moral notions about justice and fairness, honesty and truthfulness, will find expression; infants will utter moral judgements such as "It is not fair", "he is cheating, telling lies", and so on. Various rules requiring moral duties towards other beings may be taught by means of analogy and appeals to self-interest. A parent or guardian might

instill respect for animals by confronting a child with the question "How would you like it if someone hurt you, as you are hurting the cat?" With maturity and reflection, many elementary moral practices and the arguments supporting them, can become increasingly sophisticated, showing an awareness of universal moral principles.

Children are often capable of uttering profound moral judgments which are discarded with maturity. Professor Gaita (2004) recalls a child referring to a small rodent as deserving protection as it was one of "God's creatures". Later at school the child was corrected and learned to replace "God's creatures" with "nature" and spoke of "poor nature" when conveying a sense of protection. We might seek to understand how moral perspectives develop. A reference to animals as part of nature is less offensive to atheists and agnostics, perhaps, but the revised version loses sight of a moral dimension which is not confined to beliefs in ownership by some metaphysical being. A reference to being one of God's creatures is bound up with the language of caring, of showing some kind or moral respect that is appropriate. One of the tasks of the philosopher/ethicist is to restore insights which are crushed with maturity. Suppose, for example, we continue with the child's education. The child may enroll on one of the practical courses in ethics, where she may be told that the reason why animals should not be harmed is because they are sentient, and that the role of the utilitarian ethicist is to minimise suffering. Or the child might be told that the animal has rights, and the infliction of suffering would be to neglect those rights. She may even become an animal welfare scientist and advocate the objective of securing maximum positive welfare. One might wonder whether the imposition of these theories and professional perspectives over the child's original reaction marks any substantial progress in moral development.

As this example shows, moral development is not always characterised in terms of progress towards more sophisticated and

enlightened standpoints. One of the functions of moral inquiry is to draw attention to what may be lost or gained with theoretical transitions. During the course of one's life ingrained values may be challenged, and new moral principles and outlook may replace the old. This process, in many ways, resembles the development of science, where new circumstances challenge traditional and established beliefs, and new theories emerge to replace the old. An example of this process is the changing attitudes towards laboratory, farm, and companion animals over the past 40 or so years.

## Ethical limits to conduct

A popular, but largely correct, account of morality is that it is a means of restraining certain forms of conduct. Restrictions on cruelty and causing suffering to animals are widely recognised moral constraints on behaviour. But moral restraint is more widespread. As a guide to conduct, morality can place constraints on both the ends and means of people's actions. Even if the end is universal happiness, morality may intervene, saying, "not by this means". The point is made in an exchange between Ivan and Alyosha in Dostoevsky's) *The Brothers Karamazov*:

> *"Imagine that you are creating the fabric of human destiny with the object of making men happy in the end, giving them peace at last, but that it was essential and inevitable to torture to death one tiny creature – that baby beating its breast with its fist, for instance – and to found that edifice on its unavenged tears, would you consent to be the architect on those conditions?" Tell me the truth.*
> *"No, I wouldn't consent", said Alyosha softly* (1981).

An objective, like finding a cure for a disease, may be regarded as morally commendable, whereas the means might not be morally commendable if certain unnecessary degrading or painful procedures

are involved in the research program. From the moral standpoint not only are the results of an activity to be assessed the procedures by which these results are achieved are also subject to scrutiny.

## Moral philosophy and ethics

The study of morality, and of the nature of moral argument, is called moral philosophy or ethics. For most purposes, these terms can be used interchangeably, and this is how they will be employed here, but they do have slightly different meanings. 'Ethical' is derived from the Greek word for personal character and has a broader meaning, which includes concern with the value attributed to different kinds of lives and activities. Professional bodies tend to use the term 'ethics' when referring to desirable activities within the profession or organisation. The term 'morality', which is derived from the Latin term for social custom, is frequently restricted to its interest in rules and duties but it is often used when considering whether certain feelings or attitudes are of a moral kind. For example, remorse' (in response to a failure to carry out a particular duty) indicates a moral feeling, whereas regret might not be. To experience remorse, one must have made a moral judgement on one's action or inactions. The experience of regret is frequently associated with moral reflections, but it also has a sense which excludes morality. A criminal may regret leaving fingerprints at the scene of the crime, but this would neither count as an experience of remorse nor regret tinged with moral judgement. These considerations provide an insight to the nature of morality.

It may be easier to understand what morality and ethics are by explaining what they *are not*. They are not easily classified as a subject, like chemistry, law or biology which may have clearly defined boundaries and a recognizable subject area. Ethics is, perhaps, better described as an activity, which finds its way into any discipline and cannot be contained in a definition.

It is a common, but mistaken, belief that ethics is reducible to feelings or emotions. It is not, although feelings and emotions may have a moral component. Consequently, ethics is not a sub-field of psychological inquiry. Matters of moral concern will often be described as emotive issues. In the debate on the employment of electric shock training devices for dogs, commentators often portray the issue as emotive, which is a dismissive way of regarding non-scientific discourse. People may express emotional feelings in response to cruelty or unpunished crimes. But the wrongness of cruelty and unpunished crime is not based on emotions; the emotional response is based on the recognition of wrong in these instances.

Closely linked to the view that morality is reducible to personal feelings or emotions are beliefs that it is a subjective or personal phenomenon. This is misleading. There are moral principles which are universally acknowledged: in general, people disapprove of lying and cheating, and even more strongly disapprove of cruelty, causing suffering, seriously injuring, or killing others. Exceptions may be allowed, but they are justified with reference to a higher moral priority: we may lie and cheat and harm others in order to defend ourselves or others from wrongfully inflicted harm or death.

Morality (and ethics) stands in contrast to other concerns. Self-interest may conflict with morality when an obligation to others is contrasted with selfish desires. Ethical judgments are not relative to this or that culture. If that were the case, there would be nothing to discuss and no possibility of ethical argument or inquiry. Nor is ethics reducible to religion or law. While most religions and legal systems give expression to ethical rules, ethics is not contained by them. A moral obligation may be contrasted with legal, political, economic, and religious considerations. This does not mean that the latter are without moral content, but that the moral interest is different. From the moral standpoint it is always possible to question whether this

law, this political directive, economic reform, or Divine command, is good. Likewise, a moral obligation might demand more than a legal requirement. A powerful ethical imperative is captured in the Dogs Trust slogan – "A dog is for life, not just for Christmas". It is within the law to dispose of the dog after Christmas, but the ethical message says otherwise.

This independent and critical feature of morality is not reducible to other disciplines. Morality is a powerful social phenomenon. Moral claims may conflict with self-interest, physical well-being, and various forms of happiness. For this reason it is mistaken to reduce morality to self-interest or even a set of rules which cement the social order. Theories of morality attributed to animals frequently display morality in this narrow schema. It is sometimes held that animals in the wild exhibit various forms of moral behaviour. Studies of animal behaviour may corroborate this claim. But inferences drawn from the alleged social order of animal groups which carry the assumption that their moral system is functional in promoting social harmony will inevitably fail to depict morality. In contrast, pursuance of a moral imperative may result in self-destruction or social disintegration. The nineteenth-century German philosopher, G.W.F. Hegel, drew attention to the fact that the great moral figures of history and literature, such as Socrates and Antigone, not only brought harm to themselves; they were disruptive of the social order. The complexity of morality reflects the complexity of human social interaction. Whether or not non-human animals have a moral outlook is a controversial but challenging avenue for research.

## Ethics and professional practice

Most professions have ethical codes which refer to obligations towards clients and other members of the profession. Almost every aspect of professional practice is governed by ethical criteria. In the

case of animal welfare studies both research and teaching of ethics lies almost exclusively within the domain of the veterinary profession. A welfare study, as we shall argue, can incorporate elements of theoretical baggage which narrows the scope for ethical assessment of our relationship with animals. Studies of animal welfare often embrace a utilitarian standpoint whereby an assessment of costs and benefits outweighs the analysis of moral concepts. Courses in practical ethics frequently rely on case studies and considerations of practical matters, frequently neglecting the wider moral compass. Yet morality is not confined to measurements of the size of cages, good farming, laboratory practices, or minimizing suffering, as important as these matters may be. Activities, such as cleaning out the living areas to prevent spread of infectious diseases, are important – probably more so than ironing out contradictions in ethical theory – but they are matters relating to widely recognised standards of professional practice, and do not in themselves constitute ethical inquiry.

The following questions indicate the scope of applied ethics for professionals: will the service provided by the professional add to the welfare and benefit of the client? What are the limits of a professional's obligation to a client? In the legal and medical professions there are ethical obligations to protect confidentiality, to give honest and informed advice. Similar obligations may apply in the case of animal welfare professionals, with the added complication regarding the primary object of ethical obligation: is it the animal, or the owner who is after all responsible for paying the bill? Or is it the general public who may be affected by the animal's behaviour? The tendency within veterinary practices to keep records of the particular animal, using its name, is indicative of awareness that the veterinary professional is the advocate for the animal. On a broader scale is awareness of the tensions between environmental claims and animal claims, and further tensions between human and animal claims. These issues take us directly into the subject of the

application of ethics to the professions, so it is appropriate to say something about ethics as a subject for study.

Ethics has a long history and there is no doubt that the earliest human communities were aware of good and bad conduct. As a discipline *ethics can be described as a critical inquiry into our ideas regarding moral and right conduct*. Among the tools that are employed in ethics are *arguments, analogies, examples, and counter-examples*. As a sub-field of philosophy, ethical inquiry requires rigor and accuracy. Like any branch of scientific inquiry, it seeks objectivity while acknowledging grey areas where uncertainty prevails.

Although ethics has always been an essential feature of human life, developments in the life sciences and biotechnology are forcing professionals in animal welfare to focus on difficult moral dilemmas. For example, we have the ability to perform organ transplants on dogs and cats (Cress, 2014). According to the law, stray animals can be exterminated within a certain period if not claimed. The law requires that they should be killed in a humane fashion. Perhaps the law might allow these strays to be killed in a humane fashion and *then* permit their organs to be transplanted into much loved companion animals who require organs and whose owners are willing to pay expenses and make a substantial contribution to the society that looks after the stray animals who are destined to become donors. Is this a good thing or a bad thing?

## Moral theories

While there may be strong views held regarding the moral status of animals there does not appear to be any signs of a philosophical consensus on the issue. But as our ethical intuitions are guided by moral theories that have been reflected upon throughout the history of philosophy we can, at least, examine our intuitions by means of a critique of these moral theories. We may start with an examination

of the belief that animals are a means for human purposes, which can be said to embody a theory known as moral anthropocentrism.

## Moral anthropocentrism

Any attempt to understand moral obligations to other animals must take into consideration a standpoint known as moral anthropocentrism. This is the view that human interests are located at the centre of the moral universe. It finds expression in various ways; in the view that animals only matter insofar as they matter to us; that animals are not morally significant and that we should regard them as objects that we can dispose of as we so require; that the wrongness of harming animals is because it may lead to the infliction of harm on humans. On these views regulations prohibiting cruelty would not be drafted primarily in the animal's interests; they would serve to protect the interests of people who are distressed by the infliction of cruelty.

Moral anthropocentrism has a long-standing tradition. In theology and philosophy it can be seen in a school of thought embracing Thomas Aquinas in the Middle Ages, and through the scientific revolution with René Descartes and Immanuel Kant. It has attracted philosophical supporters (Leahy, 1991, Carruthers, 1992). A supporter of moral anthropocentrism will be capable of recognizing that we should be kind to animals, shun cruelty, but maintain that human interests are always in a position to override animal interests, and believe that we have no moral duties to them; that is, we only have duties to animals insofar as we have duties to respect human interests (Carruthers, 1992).

Moral anthropocentrism emerged in the debate over cloning animals. Arguments in favour of a dog cloning service for specialists and the general public have been advanced, placing human interests at the centre of concern. According to one supporter of animal cloning:

> *Since service dogs' abilities are strongly genetically influenced, developing the ability to clone good service dogs could immediately contribute in significant ways to the lives of many humans by making good service dogs more readily and cheaply available* (Varner, 1999: 417).

It can be argued, as indeed Varner does, that a cloning program need not involve the infliction of harm on the animals involved, and is therefore insulated from welfare objections. But the moral justification of cloning animals is an appeal to the benefit it would provide for humans.

The philosophy associated with Immanuel Kant (1724-1804) maintains that the wrongness in harming animals is because it will encourage a tendency to harm humans. Says Kant: "Our duties to animals are merely indirect duties to mankind" (1963:239). According to Kant we should not treat animals cruelly lest we develop the habit of treating humans cruelly: "He who is cruel to animals becomes hard also in his dealings with men" (*ibid*: 239). Psychological profiles of criminal offenders with records of abusive behaviour towards humans often reveal a history of abusive behaviour towards animals. Whilst there is considerable evidence to support Kant's prediction, it is a morally anthropocentric position insofar as the interests of animals are only relative to human well-being. In fact, a reverse perspective could be based on Kant's anthropocentrism. Suppose it was believed that harming animals was a beneficial form of psychotherapy? If predictions were to indicate that sadistic forms of child abuse could be reduced if perpetrators were engaged in a therapeutic program involving the infliction of harm upon animals a morally anthropocentric argument could be made in favour of the program.

According to critics of moral anthropocentrism it is a doctrine that should have been discarded once the full impact of Darwinian Theory

had been recognised. Darwinian Theory does not acknowledge the supremacy or special role of any one species. According to the nineteenth century supporter of Darwin, J. Howard Moore, moral anthropocentrism is "the boldest and most revolting expression of human provincialism and conceit ever formulated by any people. It was the doctrine that man was the centre about whom revolved all the facts and interests whatsoever..." (1992: 314) Moore countered moral anthropocentrism with the proposition that "*Man* is *not* the *end*; he is but an incident, of the infinite elaboration of Time and Space" (*ibid:* 319).

Many opponents of moral anthropocentrism employ either consequential or deontological arguments; although in practice a combination of both is usually operative. Consequential and deontological standpoints are expressed in moral theories such as utilitarianism or rights theories, respectively. Utilitarianism and rights theories are well-grounded in ethical theory, and are currently centred in bioethics, jurisprudence, business ethics, and most branches of professional ethics. They are not philosophical standpoints recently generated by pro-animal activists, but are derived from a long-standing tradition in Western ethical systems.

## Consequential arguments

A consequential approach to ethics will place emphasis on the outcome of an action; actions which benefit are considered good and those which result in harm are considered bad. This is often expressed in theories associated with utilitarianism. The utilitarian standpoint is consequential insofar as it involves the summation of the benefit a particular course of action will achieve. If the benefit is sufficient then the course of action is deemed to be good. This is classical utilitarianism, and it seems to fit well with many decisions regarding animal husbandry and the use of animals in research,

and is the dominant mode of ethical reasoning in welfare studies. Consequential theories cannot be accused of lack of realism or dogmatic adherence to rules; they are guided by circumstances. For example, lying is bad in some circumstances but acceptable in others.

## Utilitarianism - the principle of utility

It might seem perverse to open a discussion on ethical principles with reference to a principle which would not be accepted as a moral principle by many moral philosophers. Yet the principle of utility is frequently invoked in the context of health care ethics, veterinary decision making, and in the wider political spectrum. Its assessment is therefore relevant to informed deliberations about animal welfare.

The principle of utility was formulated in the 19th century by Jeremy Bentham, (1748-1832), who was the son and grandson of lawyers, and it was intended that he should also be a practicing lawyer. But Bentham was so disenchanted with the current state of English law that he turned to philosophy and the study of the theoretical foundations of a perfect system of law, and consequently wrote manuscripts on economics, politics, law, and jurisprudence. Bentham sought to replace moral decision making with a hedonistic calculus concerning the balance of pleasure/ happiness on the one hand with pain/suffering on the other. In order to establish the foundations of a perfect legal system Bentham held that the principle of utility, known as the "greatest happiness principle", rested on the undisputed natural fact that all living beings prefer pleasurable experiences over painful ones. His objective was not to introduce the principle as a method of doing moral philosophy but for doing away with moral philosophy and replacing it with a mechanistic and scientific approach. It is therefore one of the curiosities of practical ethics that the appeal to utility has become the cornerstone of animal welfare ethics. It should be emphasized, that utility is not the point

of morality; the point of morality, since the time of Socrates, has been to set limits to utility.

In the opening paragraph of the *Introduction to the Principles of Morals and Legislation*, Bentham states that: "Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*" (1789, 1970). This is not merely a factual statement; for Bentham it informs us about what we ought to do. Sweeping aside theoretical and theological foundations of morality in Chapter XVIII, Sec. 1., of the *Introduction*, Bentham posed the question of moral obligation towards all sentient creatures as follows: "The question is not: Can they reason? Nor can they *talk*? But, *Can they suffer?*" (*ibid*). This doctrine has implications for animal welfare, offering a plausible dimension for scientific studies on the likelihood of pain and suffering among animals in our care.

The principle of utility indicates that the right law will be that which provides the greatest amount of pleasure and in its negative form states that the right law will be that which minimises misery and suffering. Pleasure and pain, being the ultimate measure of value, provide Bentham with guidelines for the well-being of all sentient creatures. Generally speaking, it is the negative aspect of the principle that has provided legislators with guidelines; it is easier to establish consensus with regard to actions that alleviate suffering than those aimed at the promotion of pleasure. This should be clear once it is recognised that the terms pain and pleasure do not refer to opposite states, and that contrary to the direction taken by several approaches to animal welfare, pain and pleasure cannot be assigned to negative and positive experiences or placed on a continuum from very painful to very pleasant. Should a dentist point out that the treatment will be pain free one cannot infer that it will be pleasant! Whereas the intensity and duration of pain can be scientifically assessed, morally charged concepts like pleasure and happiness are

not reducible to biological structures or quantifiable mental states and are unsuitable candidates for scientific assessment.

## Classical Utilitarianism: pain and pleasure

According to the 19th century doctrines of Bentham (1970), human beings and other animals are akin to machines driven by the experiences of pain and pleasure. Bentham erected an entire system of law and jurisprudence on this crude psychological belief, and in doing so reduced morality to a quantifiable activity which calculated the outcomes of any action in terms of its propensity to minimise pain or maximise pleasure. Although it is easily refuted with regard to human beings, who are motivated by a variety of factors, the pleasure/pain calculus is assumed to be applicable to animals, largely because of the survival of mechanistic assumptions in the animal sciences. One of the most glaring anomalies in Bentham's psychology is the assumption that pain and pleasure are end states, standing in opposition to each other.

Early conceptions of pain were logically connected to the notion of punishment. The word 'pain' comes from the Latin word '*poena*' which means punishment. This idea has largely disappeared from scientific medicine, although there are reports concerning a retributive dimension to the experience of pain which indicate an element of self judgment. From earliest records the experience of pain has been bound up with moral beliefs, connected with theories of Divine retribution and in a number of cases a sense of guilt has been observed in studies of cancer patients (Byrne 2021) and patients suffering from diseases which are sexually transmitted (Dawson,2019).

In early times pain was attributed to the presence of evil spirits that inhabited the sufferer. By the time of Aristotle (384-322 BC) the emphasis had shifted from the product of external spirits to the condition of the mind. According to Aristotle pain was "agony

of the mind". In the 17th century, under the influence of scientific rationalists such as Descartes, the idea of pain as a result of physical damage to the body became dominant. Cartesian dualism between mind and body provided the basis for a distinction between mental and physical pain. Insofar that punishment and pain are related in the modern world, it is a contingent matter. Physical pain or harm is not a necessary ingredient of punishment. A modest fine will do.

Despite the popularity of Bentham's simplistic hedonistic calculus, pain and pleasure are unlikely candidates for polar opposition. Allowing for differences in an individual's tolerance of pain, doctors, dentists, veterinary surgeons, and torturers, should have no problem in recognizing situations involving pain. For many people recognition of pain in others is so real that they have difficulty in controlling their reaction to it. There are reports of novice police officers confronted with notorious crime scenes or the victims of serious road accidents. Certain painful conditions can be misdiagnosed but despite Cartesian skepticism and downright stupidity, there is no difficulty in recognizing pain. Broken bones, torn ligaments and severe burns are paradigmatic instances of pain.

Pain is a distinct and unique category of experience which only because it is generally viewed as unpleasant, can it be said to stand in opposition to pleasure. We are frequently informed that pain is the opposite of pleasure. Pain feels bad and pleasure feels good. In practical experience they are not mutually exclusive. Many enjoyable and pleasant activities include elements of pain; horse-riding, jogging, and most forms of athletic or strenuous sporting pursuits, involves elements of pain, which are regarded as an acceptable aspect of attaining success in these activities.

To date utilitarian theory has not produced a philosophically secure theory of pleasure, and attempts to produce a scientific assessment of

pleasure remain elusive. The Farm Animal Welfare Council (FAWC, 2009:13) acknowledged that there are "difficulties in measuring scientifically the mental state of pleasure". This should not be regarded as a limitation of current scientific knowledge; the limitations here are of a conceptual nature. The FAWC insisted that inquiries regarding the "mental states" of pleasure in humans and other animals is a scientific matter, although confused by public attitudes to companion animals, the representation of animals in the media, not forgetting anthropomorphism which allegedly creates bias.`

> *It can be useful to distinguish between whether it is right to take an animal's life, e.g. for the provision of meat, and whether it is right to use animals in other ways, e.g. as draught or companion animals. Until a few decades ago, only a very small minority of people would seriously have asked whether it is right to use animals but this view has changed because of our knowledge about the capacities of sentient animals. The distinction, in terms of the capacity to suffer and to feel pleasure between 'higher' animals and ourselves seems less clear-cut. Difficulties in measuring scientifically the mental state of pleasure in farm animals exacerbate this confusion. The portrayal of animals by the media, anthropomorphism, and the high value placed upon companion animals has not helped as they bias people's views* (FAWC, 2009:13).

The difficulties are not due to bias, inaccurate presentations in the media, or anthropomorphism; the identification of and assessment of pleasure is a conceptual matter: it is because the experience of pleasure is not a mental state and is neither measurable nor locatable in an organism, but is bound up with the attitude a human or animal has towards certain situations and events and what meaning they have in their lives. This requires a philosophical and moral inquiry not a scientific one. Within moral discourse judgments concerning pleasure and happiness can be determined objectively, but the

scientific search for the "mental state of pleasure" remains elusive - a product of conceptual confusion, akin to a search for the East Pole.

Concepts of pleasure and happiness are not names applied to sensations but are applied according to rules governing their relevance in certain circumstances. One might take steps to minimise pain and distress experienced by animals during transport to the slaughterhouse, but it would not be appropriate to speak of a pleasant journey to the slaughterhouse. This is not a limit on science and means of alleviating suffering; it is bound up rules for the appropriate use of the term 'pleasant', which involve a network of connexions and associations for its application. An understanding of the concept of pleasure requires an ability to employ rules governing the concept which include a variety of expressions concerning a pleasant meeting, a pleasant holiday, a pleasant face, a distinction between morally acceptable forms of pleasure and those which are immoral. To speak of animals enjoying a pleasant journey to the slaughterhouse is a conceptual error, as pleasure and being slaughtered are incompatible. One might be said to be misapplying the rules of logic and grammar when speaking of a pleasant journey to the slaughterhouse, whereas it might well be appropriate to refer to a humane slaughterhouse, and pain free methods of slaughtering the animals which meet with the highest standards of welfare.

Whilst pain has been a major subject of scientific study, pleasure has received less attention from the scientific community. In many cases pain can be associated with changes in certain physical structures, but the association of pleasure with physical structures is problematic and frequently incoherent. Drugs of various kinds may produce sensations or moods which can be described as pleasant, but this hardly covers the broad range of phenomena to which the concept of pleasure is applied, and certainly cannot produce meaningful evidence that pleasure is reducible to descriptions of

certain physical states. This would be an example of science over-reaching itself.

To state the matter quite simply: pleasure is not an experience; it is not a physical state. Some experiences can be described as pleasant, but this does not provide grounds for defining pleasure as an experience. The concept of pleasure is integrated into our lives, it is expressed when we speak of things we value, how we appreciate things and events. We want to enjoy the music we listen to, the games we play, not merely to experience an end state called pleasure. The pleasure I anticipate in retiring is in the knowledge that I am lucky to have lived to retirement age, and relaxation from the tensions and frustrations of a lifetime of work. Consider the data relating to pleasure: a pleasant afternoon, a pleasant memory, a pleasant tune, a pleasant meeting, a pleasant character, a pleasant expression on someone's face, a pleasant childhood, a pleasant time in university, or a pleasant afternoon in the zoo – although it might have been more pleasant to stay at home and read a book. Few, if any, of these standard examples of pleasure support the conjecture that pleasure is a locatable physical state in an organism.

And if pleasure is not a state, it is not an end state as depicted in Bentham's utilitarianism. In ordinary terms, pain can be depicted as an end state, usually brought about by some means. For example, various painful skin disorders may be an end state brought about by spending too much time exposed to the sun. Yet only in a superficial sense can pleasure be described as an end state. An evening at a concert may be described as a pleasant experience, as if the concert is the means and pleasure is the end state. The concept of pleasure does not apply to an end state but to the agent's appreciation of the concert. In this case the reference to pleasure is an expression of an aesthetic or value judgment. This point can be made clearly with reference to activities involving the relationship between means and