

Royal Institute of Philosophy

---

Some Animals Are More Equal than Others

Author(s): Leslie Pickering Francis and Richard Norman

Source: *Philosophy*, Vol. 53, No. 206 (Oct., 1978), pp. 507-527

Published by: [Cambridge University Press](#) on behalf of [Royal Institute of Philosophy](#)

Stable URL: <http://www.jstor.org/stable/3749878>

Accessed: 14/03/2011 10:52

---

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=cup>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).



Cambridge University Press and Royal Institute of Philosophy are collaborating with JSTOR to digitize, preserve and extend access to *Philosophy*.

# Some Animals Are More Equal Than Others

LESLIE PICKERING FRANCIS and

RICHARD NORMAN

It is a welcome development when academic philosophy starts to concern itself with practical issues, in such a way as to influence people's lives. Recently this has happened with one moral issue in particular—but unfortunately it is the wrong issue, and people's actions have been influenced in the wrong way. The issue is that of the moral status and treatment of animals. A number of philosophers have argued for what they call 'animal liberation', comparing it directly with egalitarian causes such as women's liberation and racial equality and suggesting that, if racism and sexism are rationally indefensible, so is 'speciesism'. If one ought to give equal consideration to the interests of all human beings, then, so they claim, one must on the same grounds and in the same way recognize that 'all animals are equal', be they human or non-human. We believe that this assimilation of 'animal liberation' to human liberation movements is mistaken.

We focus our discussion on what we take to be the most persuasive defence of 'animal liberation', that put forward by Peter Singer.<sup>1</sup> The essence of Singer's case is this: traditional attempts to justify equal consideration for the interests of all human beings, but not equivalent consideration for the interests of non-human animals, have consisted in identifying some property—such as the possession of rationality, or language, or intelligence, or moral capacities—supposed to be characteristic of human beings and to distinguish them from all other species. But any property we might select either will *not* be possessed by all human beings, and so will involve us in unacceptable moral conclusions about how to treat, for example, very young children or human imbeciles; or,

<sup>1</sup> We shall refer to Singer's book *Animal Liberation* (New York: Avon Books, 1977) and to his paper 'All Animals are Equal' in T. Regan and P. Singer (eds), *Animal Rights and Human Obligations* (Englewood Cliffs, New Jersey: Prentice Hall, 1976). Further page references to these two works, abbreviated as *A.L.* and as *R.S.* respectively, occur parenthetically in the text. Arguments similar to the ones we discuss in this paper can be found in other papers in the Regan and Singer anthology, notably those by Feinberg, Regan and Rachels. Although we criticize Singer in this paper, we should like to acknowledge that his work has substantially affected our thinking on the issue.

## Leslie Pickering Francis and Richard Norman

if it *is* possessed by all human beings, will be possessed by some non-human animals as well. Singer writes:

If equality is to be related to any actual characteristics of humans, these characteristics must be some lowest common denominator, pitched so low that no human lacks them—but then the philosopher comes up against the catch that any such set of characteristics which covers *all* humans will not be possessed *only by humans* . . . [There are] humans who quite clearly are below the level of awareness, self-consciousness, intelligence, and sentience, of many non-humans. I am thinking of humans with severe and irreparable brain damage, and also of human infants.

(*R.S.* pp. 157 and 160; cf. *A.L.* pp. 250 ff. and 253 ff.).

According to Singer, the only other way of defending the superior moral status of all human beings would be to say that they have it *just because they are human*, i.e. are *members of the human species*. But to make moral status dependent on mere membership in a particular biological group would be to adopt a position on the same moral footing as racism or sexism—Singer calls it ‘speciesism’. He concludes that the reason why all human beings are entitled to equal consideration for their interests is simply that they do have interests; they possess the capacity for suffering and/or enjoyment or happiness (*R.S.* pp. 153 ff., *A.L.* pp. 8 ff.). But animals too can suffer or be happy, and therefore they are entitled to the same consideration. And this, Singer thinks, renders morally indefensible such practices as rearing and killing (even painlessly) other animals in order to eat them, and most of the laboratory experiments which are performed on animals (*R.S.* pp. 155–156, *A.L.* p. 24 *et passim*).

Up to a point we find Singer’s arguments convincing. We accept the principle that, other things being equal, it is wrong to cause animals suffering; and we are persuaded that this principle does require major changes in current factory farm methods of animal raising. But we take issue with the principle of *equal consideration of interests*. There are plausible grounds for giving greater weight to human interests than to those of non-human animals, and we shall present them in Part II of the paper. There, we shall suggest that human beings may justifiably attach more weight to human interests than to animal interests of similar intensity, not in virtue of the supposed differentiating properties, but because human beings have certain *relations* to other human beings which they do not have to animals.

Part II, then, will be the more fundamental and more ambitious part of the paper. As such it is also more contentious, and is thus a more precarious basis for a critique of ‘animal liberation’. In Part I, therefore, we shall attempt to show that, even without the more ambitious theory, one can effectively question the more extreme practical conclusions of the animal liberationists. We shall argue that the traditional grounds for

## Some Animals Are More Equal Than Others

differentiating morally between human beings and animals—human possession of rationality, linguistic or moral capacities, etc.—do not necessarily generate morally unacceptable conclusions about the proper treatment of human infants and imbeciles. We shall suggest that these traditional differentiating characteristics provide sufficient grounds for rejecting any moral prohibition on the killing of animals. And we shall claim that a moral prohibition simply on the causing of suffering to animals cannot easily be shown to entail a programme of ‘animal liberation’. From the atrocities of the factory farm, it does not follow that we must embrace vegetarianism under all conditions, or abandon medical research which may prevent human suffering.

### I

Singer’s central claim is that the characteristics of many human beings do not sharply differentiate them from animals. The two categories of human beings which Singer sees as raising insuperable difficulties for his opponents are very young children and ‘humans with severe and irreparable brain damage’. (Singer also refers to these as ‘permanently retarded humans’ and as ‘human imbeciles’). There are indeed difficulties here, but there is also a danger of exaggerating them by exaggerating the relevant empirical facts or by glossing as similar importantly different kinds of cases.

#### Human Infants

In so far as the category of infants is problematic, it is so only for the first two years or so of life, for beyond that age the mental capacities of human beings clearly exceed those of other species. However impressive the linguistic and reasoning powers of the non-human primates may be, they are completely eclipsed by those of the normal human three year old.<sup>2</sup> But even in the case of very young children it is not clear that Singer is correct to claim that ‘there is no characteristic that human infants possess to a higher degree than adult non-human animals, unless we are to count the infant’s potential as a characteristic that makes it wrong to experiment on him’ (*A.L.* p. 75). To cite just one characteristic, recent studies suggest that even very young infants are capable of social interaction and humour to a degree probably not possessed by most animals (with the exception of some primates).<sup>3</sup>

<sup>2</sup> See Edward O. Wilson, *Sociobiology* (Cambridge, Mass.: Harvard University Press, 1974), especially Ch. 26.

<sup>3</sup> See for example T. G. R. Bower, *A Primer of Infant Development* (San Francisco: W. H. Freeman and Co., 1977), especially Ch. 3; Jerome Kagan, *Change and Continuity in Infancy* (New York: John Wiley, 1971), especially Ch. 7.

## Leslie Pickering Francis and Richard Norman

All the same, it has to be admitted that the mental powers and experiences of a newborn baby are extremely limited, and are less than those of some animals. Must we, then, if we are to make the possession of fully human characteristics morally significant, accord a lesser moral status to very young babies? Such a conclusion is not as abhorrent as it may at first sound—for are there not in fact moral distinctions to be made between very young babies and other human beings? For example, in the case of a normal adult human being with nothing but suffering to look forward to, non-voluntary euthanasia is strenuously criticized by legal, medical, theological and philosophical writers.<sup>4</sup> Yet in the situation of a newborn baby with the same prospects, opinion is far more divided.<sup>5</sup> 'Passive euthanasia' (letting die) is frequently defended, and it is not even regarded as unthinkable that infanticide might be justified to prevent great suffering to others, particularly siblings or parents of the infant in question.<sup>6</sup>

To any discussion of infanticide, it must of course be added that there are very obvious *indirect* utilitarian reasons against killing or letting die. Babies are the objects of other people's emotional attachments—most usually those of parents, but also those of other relatives and other people who live with the child or who care for it (e.g. the staff of a children's home or hospital). To take the life of a young baby, even painlessly, would sometimes cause extreme emotional distress on the part of other human beings. This is an indirect reason for protecting the lives and interests of human babies, but an extremely powerful one.

Singer recognizes that it is. He therefore challenges his opponents to say whether they think that an orphaned human infant should be treated

<sup>4</sup> See for example Yale Kamisar, 'Some Nonreligious Views Against Proposed "Mercy-Killing" Legislation' *Minnesota Law Review* 42 (1958) 929; Robert M. Veatch, 'Choosing Not to Prolong Dying', *Medical Dimensions* (1972); Jonathan Glover, *Causing Death and Saving Lives* (Harmondsworth: Penguin Books, 1977); and papers in Robert H. Williams, ed., *To Live and Die: When, Why and How* (New York: Springer-Verlag, 1973).

<sup>5</sup> See for example R. S. Duff and A. G. M. Campbell, 'Moral and Ethical Dilemmas in the Special Care Nursery', *N. Engl. J. Med.* 289 (1973), pp. 890–894; James M. Gustafson, 'Mongolism, Parental Desires and the Right to Life', *Perspect. Biol. Med.* 16 (1973), pp. 529–557; Richard A. McCormick, 'To Save or Let Die: the Dilemma of Modern Medicine', *Journal of the American Medical Association* 229 (1974), pp. 172–176; James Rachels, 'Active and Passive Euthanasia', *N. Engl. J. Med.* 292 (1975), pp. 78–80; A. Shaw, 'Dilemmas of "Informed" Consent in Children', *N. Engl. J. Med.* 289, 914 (1973); J. Lorber, 'Spina Bifida Cystica: Results of 270 Cases with Criteria for Selection for the Future', *Arch. Dis. Child.* 47, 854 (1972); and John A. Robertson, 'Involuntary Euthanasia of Defective Newborns: A Legal Analysis', *Stanford Law Review* 27 (1975) 213.

<sup>6</sup> See for example Glover, *op. cit.*, p. 165. For a dissenting view, see Philippa Foot, 'Euthanasia', *Philosophy and Public Affairs* 6 (1977), pp. 85–112.

## Some Animals Are More Equal Than Others

in the same way as an animal and adds: 'I say "orphan" to avoid the complications of parental feelings . . .' (*R.S.* p. 156). But as we have just noted, feelings of attachment to a child are not confined to parents. A notorious case in which a Down's syndrome infant was allowed to starve to death from an uncorrected intestinal blockage was by all accounts extremely distressing for the staff of the hospital.<sup>7</sup> Singer's argument would need to depend upon cases in which neither the baby's parents nor any other people (such as grandparents, siblings, guardians, nurses, etc.) have any emotional attachment to it, and where the question posed is: how may the baby be treated in the short time before anyone else becomes attached to it? One can reasonably doubt the possibility of such a case—but of course one would need to admit that in such a case the standard indirect reasons for protecting human infants would not obtain.

It may be pointed out that people also form strong emotional attachments to animals. Do not pet owners become very fond of their pets, and would it not, in many cases, cause them great distress to have their pets harmed or killed? Certainly; and, other things being equal, it would be wrong to kill someone's pet dog. But that does not make it wrong to slaughter farm animals reared for food. Again, animals have animal parents, and the latter may suffer at the loss of their offspring; but here too we can accept (without espousing vegetarianism) that this is a factor to take into account in decisions about the treatment of animals. The central fact remains that the emotional attachments of others are a powerful reason for protecting human infants even though the latter do not possess all fully human characteristics.

### Permanently Retarded Human Beings

The second category of human beings which Singer asserts to be problematic for his opponents is what he calls the category of 'permanently retarded humans'. This is a large category, covering human beings with widely differing capacities, and Singer's argument tends to ignore the differences. Consider, for example, sufferers from Down's syndrome. Most accounts place their IQ range from roughly 20–80, with the majority clustered around 50.<sup>8</sup> Down's syndrome sufferers thus typically have linguistic ability, in some cases the ability to learn to read and write, and sufficient intelligence to perform tasks requiring limited physical skills. Traditional descriptions also emphasize their great capacities for affection and other

<sup>7</sup> See Gustafson, *op. cit.*

<sup>8</sup> See for example C. Henry Kempe, Henry K. Silver, and Donough O'Brien *et al.*, *Current Pediatric Diagnosis and Treatment* (Los Angeles: Lange Medical Publications, 1978), pp. 942 ff.; and Forfar and Arneil, eds, *Textbook of Paediatrics* (Edinburgh and London: Churchill Livingstone, 1973), pp. 880 ff.

## Leslie Pickering Francis and Richard Norman

emotional states. What Down's syndrome patients are typically regarded as lacking are abilities to engage in abstract thought, particularly mathematical reasoning.<sup>9</sup> But the situation may be more optimistic: some recent studies suggest that earlier pictures of Down's syndrome were based on institutionalized or inadequately stimulated populations, and that with intensive early intervention, Down's syndrome children can achieve at rates not far below those of their normal peers.<sup>10</sup>

Because of the role it will play in our subsequent argument, one capacity of Down's syndrome sufferers deserves particular emphasis. Because they possess the linguistic abilities distinctive of human beings—in particular the ability to use tenses; the ability to apply language to situations which are not immediately present, and in the absence of immediate stimuli; and the ability to abstract and generalize at least to some extent—they are able to entertain at least rudimentary ideas about the non-immediate future, and so are able to form projects for the future. This means that they have interests beyond an immediate sense of physical well-being and an absence of present pain: they need to grow and develop, to learn skills which will help them fulfil aspirations, and to have continuing access to resources. Most importantly, consideration of their interests will require consideration of their need to *live*, since without continued life, projects for the future will be interrupted. Continued life may thus acquire a moral significance which it would not otherwise have.<sup>11</sup> In this way, the capacity to form projects for the future may well have important moral implications; and it is a distinctively human capacity which is shared by many 'permanently retarded humans' such as the majority of sufferers from Down's syndrome.

Contrast Down's syndrome with anencephaly, severe developmental failure of the brain and cranium. Sufferers from this defect have few or no intellectual capacities, and are often stillborn or die shortly after birth.<sup>12</sup> One writer describes the contrast as follows: 'Nearly all would very likely agree that the anencephalic infant is without relational potential. On the

<sup>9</sup> See for example C. E. Benda, *Down's Syndrome: Mongolism and its Management* (New York and London: Grune and Stratton, 1969).

<sup>10</sup> See Alice H. Hayden and Norris G. Haring, 'Early Intervention for High Risk Infants and Young Children: Programs for Down's Syndrome Children', in Tjosse, ed., *Intervention Strategies for High Risk Infants and Young Children* (Baltimore: University Park Press, 1976), pp. 573–608.

<sup>11</sup> A stronger requirement—too strong, in our view—would be that, for a creature's continued life to be morally significant, that creature must possess the concepts of a continuing self and/or of life and death. See for example Michael Tooley, 'Abortion and Infanticide', *Philosophy and Public Affairs* 2, no. 1 (1972), and Jonathan Glover, op. cit., pp. 157–158.

<sup>12</sup> See for example P. F. Bray, *Neurology in Pediatrics* (Chicago: Year Book Medical Publishers, 1969), pp. 135 ff.

## Some Animals Are More Equal Than Others

other hand, the same cannot be said of the mongoloid infant.<sup>13</sup> It seems undeniable that sufferers from anencephaly do not possess the characteristics which normally distinguish human beings from animals. In this case, then, Singer would be right in saying that if we want to make such characteristics morally decisive, and if we want to deny animals the same moral status as normal human beings, then we shall also have to deny such a moral status to human beings suffering from this extreme form of mental deficiency. Singer assumes that such a conclusion would be morally unacceptable. But is it? To say the least, Singer cannot appeal uncontroversially to a contemporary moral consensus in the way that he would have been able to do in the case of Down's syndrome. The recent explosion of literature on the ethical dilemmas posed by anencephalic and other severely deficient infants reveals deep division on this issue.<sup>14</sup>

Singer's use of the example of 'permanently retarded humans' thus hinges on his failure to make the necessary distinctions within this category. Over a large range of cases, such human beings do have interests which should be considered in the same way as those of any other human being; but these are cases of human beings who, though mentally deficient, still possess in some measure distinctively human characteristics. There are, on the other hand, human beings who undeniably lack such characteristics—but then the nature and extent of our moral obligations to them is itself questionable.

### Animal Abilities, Animal Interests and the Wrongness of Killing

So far, then, we have argued that if the possession of fully human characteristics is given moral significance, this need not have unacceptable consequences for the treatment of human infants and the mentally deficient. We have now to consider Singer's other objection—that animals also possess the characteristics supposedly confined to human beings and so must be treated in ways similar to human beings.

Examples of relevant claims on behalf of animal abilities are the evidence that chimpanzees can be taught a rudimentary language,<sup>15</sup> and that rhesus monkeys exhibit capacities for moral feelings and action.<sup>16</sup> Various higher primates are capable of metacommunication—signalling, for example, that an aggressive gesture is in play.<sup>17</sup> But the linguistic capacities of even the higher primates must not be exaggerated; according to Wilson, 'true syntax'—i.e. the ability to use separate signals, bearing distinct meanings when used alone, in combination to form new messages—is only known

<sup>13</sup> McCormick, *op. cit.*, p. 174.

<sup>14</sup> See the literature cited in note 5.

<sup>15</sup> Regan and Singer, *op. cit.*, pp. 85 ff.

<sup>16</sup> Regan and Singer, *op. cit.*, pp. 215 ff.

<sup>17</sup> Wilson, *op. cit.*, p. 191.

## Leslie Pickering Francis and Richard Norman

to exist in human beings.<sup>18</sup> Primates are not known to be capable of the use of tenses, or of abstraction and generalization. Large evidential and conceptual issues lie here, but as far as we know the linguistic abilities needed to conceptualize plans for the future are lacking in the non-human primates.

What is more, just as there are important distinctions within the category of 'permanently retarded humans' which Singer ignores, so there are important distinctions within the category of 'non-human animals'. Even if some of the higher primates possess in a limited degree characteristics thought to be distinctive of human beings—even to a greater degree than very young or severely defective human beings—such facts do *not* permit a completely general conclusion about the proper treatment of all non-human animals. The impressive achievements of chimpanzees (or dolphins—another favoured case) do not make it wrong to kill and eat cows, sheep, pigs and chickens. Even if the facts were to show that the higher primates ought to be elevated to a moral status closer to that of human beings, this conclusion would not automatically follow for the vast majority of animal species, including most of the species traditionally used for food.

These differences among animal species can be used to argue against vegetarianism without a wholesale rejection of the moral status of most animal species. As Singer suggests, we may retain a moral prohibition on the causing of suffering to animals, or even the principle of equal consideration for the interests of all animals. But such principles are not an adequate basis for the advocacy of vegetarianism and of the cessation of experiments on animals.

Some advocates of 'animal liberation' have ascribed to animals a 'right to life'. Regan, for example, argues for vegetarianism on these grounds. He writes:

. . . the undeserved pain animals feel is not the only morally relevant consideration; it is also the fact that they are killed that must be taken into account . . . To attempt to avoid the force of my argument for conditional vegetarianism by buying meat from farms that do not practice intensive rearing methods . . . will not meet the total challenge vegetarians can place before their meat-eating friends. For the animals slaughtered on even the most otherwise idyllic farms, as well as those shot in the wild, are just as much killed, and just as much dead, as the animals slaughtered under the most ruthless of conditions.<sup>19</sup>

Singer is more cautious. He puts his main emphasis on the principle that it is wrong to cause suffering, but he does also think that it is (*prima facie*) wrong to kill animals, even painlessly, and sees this as providing additional

<sup>18</sup> *Ibid.*, p. 190.

<sup>19</sup> Regan and Singer, *op. cit.*, pp. 202–203.

## Some Animals Are More Equal Than Others

support for the case for vegetarianism (*A.L.* pp. 18 and 22–23). We have suggested that a primary reason why it is wrong to kill a creature painlessly is the fact that the potential victim is capable of entertaining aspirations for the future, which would be frustrated by death. If we are correct in our descriptions of the capacities of the majority of animals, this reason does not apply to them. Barring some other explanation of the wrongness of killing, Singer and Regan simply have not made the empirical case needed to show that it is wrong to take animals' lives painlessly.

Singer concedes that:

We may legitimately hold that there are some features of certain beings which make their lives more valuable than those of other beings . . . It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities (*A.L.* pp. 20–22).

But this is not the point we are making. The connection between the abilities we have referred to and the wrongness of taking life is not that such abilities make the life *valuable*. If the wrongness of killing human beings rested on the fact that their lives made the world a better place, then many of us would be in peril. The point is rather that only in the context of such abilities does death become a loss, a deprivation for, a frustration of the aspirations of, *the being who is killed*.

Without appeals to the wrongness of killing animals *per se*, the case for Singer's practical conclusions collapses. Take first the argument for vegetarianism. If the aim is to minimize the suffering of animals, it could be achieved by supporting legislation imposing strict controls on farming methods, even to the extent of eliminating modern intensive farming, without opposing the rearing of animals for food as long as it is carried on humanely. Singer's attempts to generate a stronger conclusion appeal to two empirical claims. In the first place he points out the very great extent to which modern farming methods are those of factory farming:

Whatever the theoretical possibilities of rearing animals without suffering may be, the fact is that the meat available from butchers and supermarkets comes from animals who did suffer while being reared. So we must ask ourselves, not: is it *ever* right to eat meat? but: is it right to eat *this* meat? Here I think that those who are opposed to the needless killing of animals and those who oppose only the infliction of suffering must join together and give the same, negative answer (*A.L.* p. 165).

But this is a major shift in the moral basis of vegetarianism, which is now being advocated not as a universal principle but as a particular tactic aimed at exerting pressure in support of certain specific changes. And whether it is the most effective tactic is, to say the least, debatable—

## Leslie Pickering Francis and Richard Norman

just as argument is needed to show that an effective way to oppose racial oppression in South Africa is to refuse to buy South African produce. Boycotts of this kind *can* be effective, but if they are to be successful they have to be selective, and to constitute a clearly organized campaign with definite and specific objectives. It is doubtful whether vegetarianism fits the bill.

Singer's second empirical claim is that even non-intensive farming methods involve the infliction of considerable suffering on animals:

In practical terms it is not possible to rear animals for food on a large scale without inflicting suffering. Even if intensive methods are not used, traditional farming involves castration, the separation of mother and young, the breaking up of herds, branding, transportation to the slaughter-house, and finally slaughter itself. It is difficult to imagine how animals could be reared for food without suffering in any of these ways (*A.L.* p. 164).

Yet Singer himself provides reasons for thinking that a good deal of this suffering could be eliminated. He quotes suggestions that castration is in fact unnecessary (*A.L.* pp. 145–146), refers to laws making transportation and slaughter more humane, and suggests that further improvements could be made in this direction (*A.L.* pp. 147–158).

Similar difficulties arise for Singer's discussion of laboratory experiments on animals. We do not deny that research aims require far stricter scrutiny than they now receive. But Singer writes as though research falls into roughly two categories: life-saving medical research (which he admits ought to continue), and research to test 'inessential' items such as cosmetics and floor colouring, food preservatives, drugs to cure sleeplessness, bleaches and new varieties of floor polish (cf. the lists on *A.L.* p. 32, p. 47, and p. 50). Such a division depends for its plausibility on the ascription of a 'right to life' to animals, which could be overridden by the aim of saving human life but not by any lesser human interests. If Singer does not appeal to any such 'right to life', his argument will have to be a straight utilitarian calculation of the respective interests of human beings and animals. What is then striking, and implausible, is his attempt to minimize the human interests at stake. What he calls 'inessentials' cannot all be dismissed simply by saying 'That does not seem to be any great loss' (*A.L.* p. 78). Sleeplessness can seriously impair human functioning; and while drugs are overused, it is cant to suggest as Singer does that trying to do without drugs is an admirable goal (*A.L.* p. 51). New preservatives and efficient floor polishers are part of a technology which vastly decreases the time spent on household management—a technology which is crucial to other liberation movements. Research on animals helps to satisfy important human interests other than life itself; abandoning all research other than the life-saving would not simply mean stripping some frivolous items from our lives.

## Some Animals Are More Equal Than Others

Singer also suggests that alternative methods of gathering the information we need about the safety of products are reasonably available. Once again, he is partially correct: the technology of research has been improved in recent years. But alternative strategies are not always available, and they may be very time-consuming or expensive. Time and expense are costs which must not be underestimated: they mean other research not attempted and delays in the introduction of products. Perhaps Singer's most naive assumption concerns our current knowledge: 'So far as new products are concerned it is true that, as I have already said, we would have to make do with fewer of them, using ingredients already known to be safe' (*A.L.* p. 78). Singer's confidence in our ability to identify 'safe' materials is belied by frequent discoveries; and often the knowledge we have stems from previous experimentation on animals which Singer's principles would have prohibited.

The precariousness of Singer's case for vegetarianism and for restricting research is revealed when he falls back on a quite different moral principle. His final argument for vegetarianism is this:

Shorn of all brutality and cruelty, quick, clean, and technically efficient, slaughter at its best still is based on the attitude that animals are means to our ends . . . (*A.L.* p. 157).

This principle that animals should not be used as means to our ends has never been defended by Singer, but he tends to invoke it when the principle of avoidance of suffering begins to appear insufficient:

If a person is opposed to the infliction of suffering on animals, but not to the painless killing of animals, he could consistently eat animals that had lived free of all suffering and been instantly, painlessly slaughtered. Yet practically and psychologically it is impossible to be consistent in one's concern for non-human animals while continuing to dine on them. If we are prepared to take the life of another being merely in order to satisfy our taste for a particular type of food, then that being is no more than a means to our end (*A.L.* p. 164. Cf. also p. 144).

It is difficult enough to see what this kind of Kantian principle amounts to even when applied to human beings. Human beings have to make use of one another all the time, and Kant wisely qualifies the principle so that it enjoins us 'never to treat humanity *solely* as a means but always *also* as an end'. Notoriously the principle remains obscure even with this qualification. We might take it to mean: 'Do not use another as a means to your interests unless you show equal concern for the other's interests'. Singer, however, would need something stronger than this, for it is when the principle of equal consideration for animals' interests begins to fail him that he falls back on the principle of not using animals as means. What can he mean by it? That we should never employ animals for our purposes

without their consent? That we should make use of their services only when freely offered? The absurdity of such a principle is obvious, and its absurdity derives from the undeniable differences between non-human animals and normal human beings.

## II

In Part I, while examining Singer's case against the usual bases for differentiating between human beings and animals, we were prepared to grant his principle of equal consideration for the interests of all human and non-human animals. We now wish to challenge this principle, and to argue that our obligations to other human beings are stronger than our obligations to animals.

Singer's argument is that no property distinguishes all human beings from all other animals, except being human, which is a property as morally irrelevant as being black or being female. What is notable is that the properties he considers as likely candidates are all *non-relational*: possessing reason, being able to feel pain, having interests. We suggest that what are important are the *relations* in which human beings stand to one another, and that with few exceptions they do not stand in the same relations to animals. Like the previous candidates, our proposed basis for distinguishing the moral status of human beings from that of animals is rough-edged, but it is less so. The characteristic relations that obtain between human beings do occasionally, and in limited forms, obtain between human beings and animals. They do not all obtain among all human beings. But, taken together, they do enable us to give a sense to the notion of 'the human community', warranting the use of this phrase as more than a mere metaphor. The combined effect of these relations is to bind all human beings together into a single overall community of a morally significant kind. And this explains why being biologically human has seemed on the surface to be a more morally plausible differentiating property than being of a particular race.

In what follows, we are only claiming that some relations among beings are morally significant. We do not examine the ways in which *particular* kinds of relations might determine the *content* of particular moral principles, or might constitute sufficient conditions for the existence of special obligations. Nor do we hold that the relations which we do examine are necessary conditions for beings having obligations to each other. Decisions about these issues would require a fuller moral theory.<sup>20</sup> We do suggest,

<sup>20</sup> A crucial question here would be how general or specific a sense should be attached to 'obligation'. If 'A has an obligation to do X' means simply 'A ought to do X', then we would certainly assert that human beings have obligations towards animals, and that these obligations do not depend for their existence on characteristically human relations.

## Some Animals Are More Equal Than Others

in the light of these relations, that human interests have a degree of moral importance for human beings which the interests of animals do not have. This is enough to reply to the vegetarian's claim that the only grounds which might be used to justify giving greater weight to human than to animal interests morally can be dismissed out of hand.

### **I. Communication**

We understand communication to involve at least an initiation and response understood by both parties to be such. With the requirement of understanding, our definition of communication is thus far richer than those found in the literature of sociobiology and ethology. Consider, for example, Wilson's definition:

action on the part of one organism (or cell) that alters the probability pattern of behaviour in another organism (or cell) in an adaptive fashion.<sup>21</sup>

Language increases the range and depth of possible communication, but communication can take place through gestures, expressions, or caresses or other physical movements. In saying that communication must be to some extent self-conscious, we do not require much sophistication; we only point to the difference between intentional eliciting of an understood response, and the silkworm moth's emission of the chemical sex attractor bombykol.<sup>22</sup>

Communication clearly obtains between human infants and their caretakers, quite early in life. Studies show that responsive smiling can begin as early as the first few weeks of life.<sup>23</sup> To revert to a previous example, it is perhaps the existence of communication which is central to the difference between anencephalic children and children with Down's syndrome.

Certainly, communication also occurs between some human beings and some animals. Obvious examples are individuals and their pets—even when those pets are animals of the kind frequently used for food. If communication is in general morally relevant, it is surely relevant in these cases; perhaps that is why it seems morally anaemic to say that the only thing morally wrong with killing the 4-H club member's calf is that it will make the child unhappy. Communication, even of a very indirect kind, does not, however, occur between most human beings and most animals, and biological barriers are among the most important reasons why.<sup>24</sup> (But, it may be said, should we not attempt to overcome these

<sup>21</sup> Wilson, *op. cit.*, p. 10.

<sup>22</sup> Wilson, *op. cit.*, p. 182.

<sup>23</sup> See note 3.

<sup>24</sup> Wilson, *op. cit.*, p. 183.

## Leslie Pickering Francis and Richard Norman

barriers instead of just accepting them? We shall return to this objection.)

Certainly, too, there are differences in the richness of communication among human beings. Basil Bernstein's work, for example, describes the impact of class barriers on communicative systems.<sup>25</sup> But even in such cases, the range and depth of communication—and the possibilities for development—are usually of a different degree from any communication that exists between human beings and animals. Nor are we denying the existence of a wealth of intra-species communication among animals.<sup>26</sup> Our point is not that communication itself is a value to be preserved, but that beings may assign more weight to the interests of those with which they share relationships such as communication, than to the interests of those with which they do not.

The degree of human communication makes it possible for human beings to *identify* with one another, in a strong sense. They can share each other's experiences and aspirations; they can imagine themselves in each other's positions. (Nor does the word 'can' here indicate merely an option which may or may not be exercised; to encounter the joys or sufferings of another human being without in any way internalizing them would normally require the deliberate inhibition of one's reactions.) Moreover, because human beings communicate with one another, they can also justify themselves to one another. When one human being acts in a certain way towards another, he/she can appropriately ask 'How could I explain and justify to the other person my way of acting? Could I do it by appeal to rational principles which the other person would accept?' More generally it makes sense to ask what principles human beings could agree on to regulate their behaviour towards one another. None of this applies to the interactions between human beings and animals. The rudimentary levels of communication between human beings and animals make possible no more than an equally rudimentary 'sympathy' for the plight of an animal. A human being can appreciate that an animal is in pain, or afraid, and can 'feel for' it. But any more developed identification with the experiences of an animal would be likely to be the product of fantasy.

### 2. Economic Relationships

Human beings engage in economic exchange and in co-operative production. Both these relationships involve the reciprocal satisfaction of need(s) and/or desire(s). It is against this background of reciprocity that it becomes possible to speak of the existence of 'exploitation'.

<sup>25</sup> Basil Bernstein, *Class, Codes and Control* (London: Routledge and Kegan Paul, 1971).

<sup>26</sup> For a wealth of material, see Thomas Sebeok, ed., *How Animals Communicate* (Indianapolis: Indiana University Press, 1977).

## Some Animals Are More Equal Than Others

Exploitation occurs when one person's needs and/or desires are satisfied at the expense of another's, if there is no special justification for the failure of reciprocity. In some cases a special justification *will* be available. For instance, the satisfaction of the needs of human infants is generally thought to be an example of need-satisfaction which is justified even when it is non-reciprocal; we produce for, rather than with, our children.

Exchange and co-operative production are paradigmatic cases of human beings treating one another as independent agents in their own right. When I enter into an act of exchange with another person, I recognize him/her as someone with whom I have to bargain. (Our point here is in part an extension of our emphasis in the previous section on the fact that human beings can make agreements.) When one human group makes war on another, it can view them simply as an impersonal threat; when one group forms economic relations with another, it has to recognize them as human—to regard them, in an important sense, as equals. Naturally we are not suggesting that true reciprocity obtains in all economic interactions. Of course people cheat one another. But this is a significant illustration of our basic point. Human beings cannot normally be said to 'cheat' animals.

Are there any cases of genuine economic exchange with animals? Most of the examples which we can imagine being offered would be purely superficial: a pet dog's exchange of a ball for a biscuit is a parody of human trade. There are perhaps cases where human/animal co-operation in common tasks is genuinely possible. The shepherd and his sheepdog working together, with mutual understanding, might be one such case. But by far the vast majority of human/animal economic relations are not reciprocal; the animal is the product rather than the partner in production.<sup>27</sup> This situation is precisely what some vegetarians would abhor, for it is their claim that the existing economic relations between human beings and animals exploit animals. We shall consider shortly what can be made of the suggestion that our relations with animals ought to be altered, and whether this vitiates the moral significance of those relationships which presently exist among human beings. For the moment it is sufficient to state that if there were to exist reciprocal economic relations between human beings and animals, this would strengthen our obligations to animals.

### 3. Political Relations

Human beings jointly create and engage in institutions which protect them, regulate them and accord them new powers. Not everyone partici-

<sup>27</sup> According to Wilson, none of the non-human species can be said to have an economy, even among themselves (op. cit., p. 557).

pates in these relationships, but it is in most cases thought to be morally wrong to prohibit them from doing so. Like economic relations, political relations in the main obtain among adult human beings, rather than between adults and children. With growing children, however, parents may sometimes attempt limited co-operative decision-making within the family; and schools such as Summerhill have granted full political powers over intra-school decisions to their pupils. Even vegetarians, however, admit that the lack of human/animal politics is not morally wrong.

Membership in a specific political community can carry with it specific rights and obligations. But more generally, and more relevantly for our present argument, the notion of 'the human community' gets its strength, in part, from the fact that human beings are members of political communities which themselves interact, negotiate, and enter into various relations and agreements with one another. The idea of a universal human community is to some extent a reflection of the existence of a political world-order. It is also in the sphere of political relations, along with economic relations, that principles of *equality* and of *liberty* become appropriate. We have seen that Singer wants to treat 'equality of consideration' as a totally general formal principle, to govern all moral interactions. We suggest that the proper and specific role of egalitarian principles is to give an authentically co-operative character to human political and economic groups. Similarly, the value of 'liberty' has its primary application in political and economic contexts where it points to the need for human beings to engage in co-operative endeavours as equal and autonomous participants in their own right, rather than as victims of exploitation and oppression.

#### **4. Familial Relations**

Human beings bear both consensual and biological family relations to one another. There are various kinds of human familial relations, but we shall focus here on the fact that human beings are the biological, and sometimes the voluntary, *parents* of other human beings.

The importance of this for our argument is that these are the social relations in which human infants most conspicuously share. We have suggested that, from a very early age, infants begin to enter into communicative relations with adults, and that for older children certain kinds of small-scale economic and political relations become increasingly possible. But this still seems to leave their membership in the human community rather precarious. What, then, is the distinctive feature of child-adult familial relations? It is not just the existence of the biological relationship, for this, though important, acquires a moral dimension only in so far as it is itself the basis for further features of the relation. Nor is it simply the fact that human adults protect and care for human infants, for they

## Some Animals Are More Equal Than Others

can likewise protect and care for animals. The distinctive character of child–adult relations instead stems from the fact that the child will itself, in due course, become a human adult and a fully participating member in other human relationships. But then this probable future is not just a matter of the child possessing certain abstract potentialities; the relation of adult to child is quite different from the relation of adult to unborn foetus, though the future course of events may develop similarly in both cases. What is crucial is that in the normal adult–child relation the child is actually growing and developing. The relation is an educative one. The child is not just a passive recipient. It responds to the adult, and this in turn elicits further responses from the adult. In this way the child constantly develops and becomes increasingly capable of more reciprocal relations with adults. The child grows *within* human relationships, and grows *into* human relationships. Once again one can see the significance of this by comparing it with extreme cases of mental deficiency in children, where the fact that the child is incapable of any significant development means that the relation between child and adult is quite different from the normal case. It is not just a question of the adult's having no rewards to look forward to in the form of achievements on the part of the child (though that does indeed make the adult's role a very dispiriting one). The relationship itself is different; it is purely custodial.

That parent–child relations have a moral dimension will scarcely be denied. While controversial, the view that biological or voluntary parents have special permissions and duties with respect to their children is not patently immoral; a parent who can save one child but not two might well not be morally censured for preferring his/her own. What might instead be suggested is that human beings can be something like the voluntary parents of animals—their pets. However, as we have noted, the human role in such cases will normally be 'parental' only in the sense of being a protective and nurturing one; the distinctive developmental features which we have stressed in the human parent–child relation will be present to a very small degree, if at all, in the relations between human beings and their pets. Even so, such relations may be treated as bearing some moral resemblance to the parent–child relationship; a pet owner would not be blamed for rescuing his/her pet rather than someone else's. (On the other hand, pets are handed on to new caretakers much more frequently than children.) But most animals do not have human beings as voluntary parents. Once again, it is open to the vegetarian to urge the increase in such human–animal caretaker relationships, although we doubt that those who admire 'wild' animals would be enthusiastic. It is less likely that there would be objection to the fact that human beings are not the biological parents of other animals; we have seen no protest at the fact that research has been directed at the production of tangelos or green revolution grains but not at human–ape cross-breeding.

## Leslie Pickering Francis and Richard Norman

Our claim, then, is that communicative, economic, political and familial relations are far more widespread among human beings (including infants) than between human beings and animals. We have noted various relatively uncontroversial ways in which such relations are regularly taken to have a moral significance. What we are suggesting is that, taken together, they add up to a network of relations which may quite generally justify human beings in attaching greater weight to the interests of other human beings than to those of animals. In other words, we are offering this as a plausible ground for rejecting Singer's principle of equal consideration.

We can now envisage two objections to his claim. (a) There are, it may be said, cases where human beings do not stand in any of these relations to one another, but where they nevertheless have very definite moral duties to one another. May they not then have equally stringent moral duties to animals, even in the absence of such relations? For example, we do not communicate reciprocally with, trade with, deliberate with, or have any but distant familial connections with remote future generations. We do not have even attenuated biological connections with civilizations not yet encountered, on this or other planets. Yet it might be thought that we have moral obligations to both. (b) Second, it may be said that the existence or non-existence of certain relations cannot be the basis of moral distinctions, if the non-existence of such relations is itself immoral. Though the relations in question fail to obtain between human beings and animals, they *ought* to obtain. This would be asserted by those who argue that we ought to attempt far wider communication with animals, or by those who would urge changes in the character of human-animal economic relations.

In reply to the first objection, we emphasize the relatively limited nature of our claim. We are not denying the possibility of obligations to future generations or uncontacted civilizations. Our claim is only that the presence of the relations we have been considering is a plausible moral factor, which may be an explanation for why some have thought it fair for us to weigh more heavily the interests of present generations and known peoples. Our view, then, does not entail the denial of obligations to those with whom we do not have relationships; their interests, even if weighed less heavily, may found such obligations. Moreover, our view leaves open the question of whether other bases of such obligations might be found. And even if such alternative bases turn out to be incapable of substantiating obligations to remote future generations or uncontacted civilizations any stronger than the obligations which, on our view, human beings have to animals, we would not necessarily regard this implication as unacceptable. It seems to us to be at any rate more plausible than an abstract utilitarianism which counts the interests of infinite future generations as all of equal importance.

Nor does our view sanction notorious cases of abuse. For it is important

## Some Animals Are More Equal Than Others

not to underestimate the extent to which the relations we cite obtain. Greeks did not consider barbarians 'Greek', but they communicated with them and traded with them. Pre-institutional encounters between European settlers and the indigenous Indians typically involved the exchange of goods, and duplicity and deception which were the communicative background of war. Our world is now a global economic system; although residents of the more prosperous industrialized countries do not and may never see inhabitants of the Third World, the prosperity of the former is in part dependent upon trade with (and exploitation of) the latter. Apartheid is designed to prevent inter-racial familial relationships; but it hardly prevents communicative, economic or political relations. The present generation has close familial ties to this generation and the next, and that generation will most likely have such ties in turn. In addition, there may be indirect cross-generational political and economic relations; individuals now engage in projects and plans which will be taken up by future generations. Thus the fabric of relations we consider is much more extensive than might at first appear.

But what of cases in which, the vegetarian might claim, relations fail to obtain for immoral reasons? *Ought* we not to develop closer relations with animals, for example—and, in the meantime, refuse to regard the absence of such relations as any ground for discriminating against animals?

The simple answer is that we *cannot*, for the most part, have more extended relationships with animals. Consider communication. Surely the basic barriers here are biological. While some animals have been taught rudimentary human sign language, they are animals which are very similar physiologically to human beings. In these cases, teaching language is made possible by the physiological possibility of pre-linguistic communication. Signing itself also requires physiological similarities. Imagine the problems of teaching language to a chicken rather than a chimpanzee; they do not simply lie in the fact that the chimpanzee has a more sophisticated neurological system than a chicken.<sup>28</sup>

What is more, the communication which has so far been achieved between human beings and animals remains extremely limited. Linguistic behaviour has not increased beyond reactions to immediate situations, efforts to satisfy immediately felt desires, etc. There has been no suggestion of anything resembling abilities to refer to the past or the future, to generalize, to differ on matters of principle, or to decide on common policies. Communicative relations with human infants are also limited in these ways; but they rapidly develop, while communicative relations with animals do not.

Of course, what most disturbs the vegetarian is not that we do not

<sup>28</sup> Wilson claims that there is little interspecies communication among the non-human animals, mainly for reproductive reasons (op. cit., p. 183).

talk to animals, but that we *exploit* them. Yet here too, one can question the possibility of extended relationships. Reciprocal exchange and co-operative production are dependent upon communication of a relatively sophisticated kind. In so far as such communication is impossible, so also is the development of economic relations which depend upon it. Along these lines, one might even challenge the possibility of *exploiting* animals, if exploitation involves the distortion or misuse of underlying possibilities for reciprocal economic endeavour. (This is not to say that our economic treatment of animals is without flaw; it is only to question whether 'exploitation' appropriately characterizes the flaws there are.)

One problem, then, with the view that we ought to extend our relations with animals is that it may not be possible for us to do so. Our further response is to ask what reason could lie behind the supposed moral duty to extend our relations with animals. It is important here to avoid a tempting, but misleading, analogy between the case of human-animal contacts and the case of initial encounters with a previously unknown social group. When such initial encounters occur, it might be argued, we ought to attempt communication and other forms of intercourse; why not, then, regard animals as like such a new people? The problem with this analogy is that, once again, animals are just not like such a 'new' group, in crucial ways. Typical first human contacts involve communication, of a non-linguistic or even partially linguistic kind. There are serious possibilities for *misunderstanding*. In short, the moral impetus for the development of richer relationships takes place against a background of relations which are absent in the case of encounters with animals.

Thus it would be question-begging for the vegetarian to assume that the absence of the relations in question is morally suspect. What is needed is some independent reason for thinking the relations ought to be developed to the extent that they can be. Certainly, the kinds of reasons offered by vegetarians are good reasons for thinking there ought to be some changes in how we treat animals; the fact that animals feel pain, for example, is a moral reason for stopping the gratuitously painful treatment of animals which so often and tragically continues. But as we have argued in Part I, such characteristics are not sufficient to support the moral burden Singer and others wish them to bear. It would be asking them to do even more work to support the view that we ought, if possible, to develop trans-species communicative systems, economic trade and co-operation, or even politics.

We question, then, the supposed immorality of the dearth of human-animal relations. If the lack of such relations is not itself morally problematic, then the human-animal situation is parallel to the present-future generation situation: such relations as obtain have the appropriate moral significance; but the brunt of a defence of the supposedly equal moral status of animals must be borne by other considerations. In Part I we have argued that these other considerations will not bear the weight Singer and

## Some Animals Are More Equal Than Others

others have placed upon them. In Part II we have suggested that it is morally permissible for human beings to attach special moral status to the interests of those to whom they bear certain relations—in the main, other human beings.

\* \* \*

The emphasis of this paper has been mainly negative—perhaps excessively so. We should therefore restate briefly our positive as well as our negative claims. We do consider it a valid moral principle that, other things being equal, human beings should not inflict pain or suffering on animals. We recognize that this principle, if consistently applied, would require changes in the present treatment of animals, especially in the spheres of factory-farming and laboratory experimentation; modern techniques of intensive farming are quite disgracefully and unnecessarily cruel. On the other hand we have questioned whether the moral status accorded to animals can validly incorporate a ‘right to life’. More fundamentally we have argued that in virtue of the relations in which human beings stand to one another but not to animals, human interests do properly have a degree of moral importance for human action which the interests of animals do not have. And this means that there is no adequate justification for refusing to take the lives of animals or to use them for human purposes (including food).

Why then has our emphasis been predominantly negative? The phrase ‘animal liberation’ says it all. 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. It 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 differences between human beings and animals, and their moral implications.<sup>29</sup>

*University of Utah and University of Kent at Canterbury*

<sup>29</sup> We should like to thank Virgil Aldrich, M. P. Battin, Mendel Cohen, Peter Windt, Tom Harrison, and Stewart Richards for their advice and comments, and Carolann McClure for her typing (and appropriate non-philosophical comments).