
1.
Here is a very common philosophical opinion: *being human* plays no important role in moral thinking. Call this the anti-humanist thesis. I argue that a thirty-year old paper by Cora Diamond, ‘Eating Meat and Eating People’ (‘EMEP’) can help us to see that the anti-humanist thesis is false.

The thesis is familiar from discussions of animal ethics, where a central assumption is that species—in particular being human as opposed to being a chimp or a chicken—carries no moral weight. To think it does is *species-ism*, a favouritism akin to racism. Rather, moral standing is conferred by properties that can be possessed by members of any species, if sophisticated enough. Species-ists offend by allowing species-loyalty to bias moral standing. As Peter Singer says:

… ‘speciesists’ give greater weight to the interests of members of their own species when there is a clash between their interests and the interests of those of other species. Human species-ists do not accept that pain is as bad when it is felt by pigs or mice as when it is felt by humans.¹

So *human being* is without inherent moral potency. This position is so common as to be taken for granted.

∗ Editor’s Note: ‘Re-Readings’ is a regular feature in *Philosophical Papers*. Authors are invited to write on a past article, book, or book chapter that they deem, for whatever reason, to deserve renewed attention. Authors are encouraged, where appropriate, to discuss the work’s reception by and influence upon the philosophical community.
The morally significant properties anti-humanists intend are such pre-moral capacities as sentience, self-consciousness, happiness, preferences, rationality and autonomy: ‘pre-moral’ because (supposedly) their comprehension involves no sense that, morally, we are to act in some ways and not others. They are often gathered under the concept *person*. Anti-humanists believe it is these capacities and their corresponding interests (and only them) which makes something of (intrinsic) moral concern. This theory can come with (at least) a consequentialist ethic, as in Peter Singer’s work, or a rights-oriented one.\(^2\)

The priority of *person* over *human* has more than academic interest. Philosophers like Singer use it as a crucial premise in arguments for animal rights. That is Diamond’s focus. But it should be remembered that it has also been used to defend abortion, euthanasia and infanticide. In ordinary speech a person is a human being, but in philosophy a person is *any* being which possesses the pre-moral capacities. Just as there are some animals which are rudimentary persons (chimpanzees) so there are some humans who are not persons: the unborn, infants, the comatose and the demented, the severely mentally handicapped or mentally ill. Since it is person-hood that confers moral status, not human-ness, there is no serious moral wrong done (the thought goes) in killing these humans if utility favours it.\(^3\)

Inspired by Diamond, I shall argue that the *person* concept, and its components, will not bear the weight philosophers place on them. There is a concept *human being* that plays a crucial role in moral life. Indeed, the role pre-moral capacities do have depends on the *human being* concept, and associated ones like *animal*. This is the reverse of the orthodoxy, where being human matters only in so far as it correlates with pre-moral capacities.

Re-reading Diamond today I am struck by the richness of the paper—and saddened by how badly it had been ignored by the

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3 Such views can be found in Singer *Practical Ethics*, and in Tooley op. cit.
philosophical mainstream. I shall develop her ideas, defending them against objections. I try to show, in Section 4, how the human being concept can be presented to make it less susceptible to the allegations of species-ism and idealism.

2.

For years I accepted the pre-moral capacities’ theory and the anti-humanist thesis. Then I read Diamond. Diamond is vegetarian, but one dismayed ‘by the obtuseness of the normal [philosophical] arguments’ for it (EMEP: 322). She fears those arguments elevate animals by diminishing humans. She singles out the views of Singer and Tom Regan. She summarises their anti-speciesist argument that I described in the first section, then outlines some drastic consequences they draw:

... both Singer and Regan argue, if we, as a justification for differential treatment, point to things like the incapacity to use speech, we should be committed to treating in the same way as animals those members of our own species who (let us say) have brain damage sufficient to prevent the development of speech—committed to allowing them to be used as laboratory animals or as food or whatever. If we say ‘These animals are not rational, so we have a right to kill them for food’, but we do not say the same of people whose rationality cannot develop or whose capacities have been destroyed, we are plainly not treating like cases alike. The fundamental principle is one we could put this way (the formulation is based on Peter Singer’s statements): We must give equal consideration to the interests of any being which is capable of having interests; and the capacity to have interests is essentially dependent only on the capacity for suffering and enjoyment. This we evidently share with animals. ...

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It is on the basis of this sort of claim, that the rights of all animals should be given equal consideration, that Singer and Regan ... and others have argued

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that we must give up killing animals for food, and must drastically cut back—at least—the use of animals in scientific research. (EMEP: 319-320, original emphasis)

Call this 'the standard argument'. Diamond asks of it, why do we not eat our dead? She is not denying that sometimes people do eat their dead, but this is a matter of extremity or important ceremony. Eating our dead has a significance evident in the fact that in no culture are the dead eaten in the throw-away spirit we eat McDonald’s. She continues:

Now the fact that we do not eat our dead is not a consequence—not a direct one in any event—of our unwillingness to kill people for food or other purposes. It is not a direct consequence of our unwillingness to cause distress to people. Of course it would cause distress to people to think that they might be eaten when they were dead, but it causes distress because of what it is to eat a dead person. Hence we cannot elucidate what (if anything) is wrong—if that is the word—with eating people by appealing to the distress it would cause, in the way we can point to the distress caused by stamping on someone’s toe as a reason why we regard it as a wrong to him. (EMEP: 321)

Diamond is saying that justification for not eating our dead in terms of distress caused to the living is circular. Compare explaining why we feel we wrong friends by gossiping nastily about them behind their backs, even when we can rightly be sure they will not find out. To say it is wrong because of the distress it would cause if they found out, faces the problem that the friends would only be distressed because of a sense that such behaviour wrongs them regardless of whether they know about it or how they respond. They are not distressed at being caused distress, or at the fact they have discovered their betrayal (even though they would not be distressed if they had not discovered it): they are distressed and indignant about the betrayal.

The point applies to thick moral concepts generally. Take murder. If we say its evil consists in the grief inflicted on survivors, then we will not distinguish it from death by natural causes (since it also inflicts grief) unless the grief is specified as being grief over the victim’s being murdered. The murder only produces these distinctive responses (ones to murder) because the people concerned take murder to have that meaning
(take it to be murder) independently of their responses. We travel a circle back to murder as an irreducible moral concept. The same goes for rape, bullying, or racism. These humiliate because of what, independently of natural effects (responses of hurt, fear, anger etc.), they mean. What is done to us is not humiliating because we feel humiliated; we feel humiliated because what is done to us is humiliating.

The pre-moral capacities’ theorist might say this just means that ‘people believe there is something morally terrible, independently of the distress it causes, about betrayal, murder, etc. But that doesn’t mean the belief is true.’ But the theorist has to say—given his theory—that, if we were ideally rational, we would abandon this belief and see nothing wrong in betrayal itself: for the theory says that betrayal is only wrong because it affects pre-moral capacities, but this effect depends on the false belief, so if the belief goes so does the effect, and so too the idea that bad-mouthing our friends is intrinsically wrong. The very concept of betrayal would be abolished. This should discredit the pre-moral capacities’ theory.

These defences of the circularity point are mine, not Diamond’s. Her main argument is that if Singer et al. took seriously their human-animal comparison, they would see that in the human case our not eating our dead is a form of respect for human beings—a sense of the momentousness of human life—that is not a function of the harm it causes to human capacities and interests. In overlooking this, the standard argument begins from a false premise. If Singer et al. took into account the truth that humans have an importance which transcends their pre-moral capacities, they would, in pursuing the comparison with animals, have to seek something similar in the case of animals. But instead their position finds ‘absolutely nothing queer’ (EMEP: 322) in vegetarians eating cows killed by lightning. In response, Singer asks:

Why is this curious? It is only curious on the assumption that vegetarians must think it always wrong to eat meat. No doubt some vegetarians are moral absolutists, just as there are absolute pacifists, absolute anti-abortionists, and
absolute truth-tellers who would never tell a lie. I reject all these forms of moral absolutism.\footnote{Peter Singer ‘Utilitarianism and Vegetarianism’, Philosophy and Public Affairs, 9(4), 1980, pp. 325-337, at 327-328, original emphasis.}

This is a spectacular missing of the point. Diamond is saying that if Singer argues for vegetarianism on the basis of comparing animals with humans and that ‘the eating of meat is, morally, in the same position as the eating of human flesh’ then he must (to maintain parity with our willingness to eat accidentally killed animals) hold that ‘it is just squeamishness, or something like that’ which prevents us eating our dead (EMEP: 322). More accurately, he must either say that, or start finding something odd about vegetarians eating road-kill. That is, he must acknowledge that with animals, as with humans, there is more to not eating them than the suffering involved in farming and killing them.

Either way Singer cannot so easily argue that since we do not eat humans therefore we should not eat animals. If he tries to sustain the comparison by ignoring or denying the importance of respect for the dead in the human case, re runs into the problems sketched in this section. If, alternatively, on the strength of the comparison, he assumes something similar in the animal case, then (apart from problems about just how far this goes) he must admit there are reasons for not eating animals that transcend their pre-moral capacities.

If we give up the pre-moral capacities’ theory the implications are radical. We have to recognise a realm of moral meaning, autonomous from—but not possible without—pre-moral capacities and interests. Murder and respect for the dead (for example) each bear a certain sort of relationship to those capacities, but that relationship constitutes a meaning not reducible to the capacities.\footnote{This is really quite unmysterious. I punch someone in the face. It hurts, like bumping into the door hurts. But as well as my punching him having that effect, the victim is also aware that the punch constitutes another human being treating him with contempt. He not only thinks ‘this hurts’, he also asks ‘why have you cared about me so little as to damage my pre-moral interests in this way?’ Thus there arises an additional evil (a moral evil) over and above the physical one. The new evil is not possible without the old, but is not reducible to}
sense of the *momentousness* of human life. It is this irreducible moral meaning that the standard argument is oblivious to.

3.
Diamond gives this expression to the momentousness of human life: *persons are not to be eaten* (where ‘persons’ means ‘human beings’). Equally we may say they are not to be murdered or betrayed etc. Here she builds on this idea of a human being:

We can most naturally speak of a kind of action as morally wrong when we have some firm grasp of what *kind* of beings are involved. But there are some actions, like giving people names, that are part of the way we come to understand and indicate our recognition of *what* kind it is with which we are concerned. And ‘morally wrong’ will often not fit our refusals to act in such a way, or our acting in an opposed sort of way, as when Gradgrind calls a girl ‘Girl number twenty’. Doing her out of a name is not like doing her out of an inheritance to which she has a right and in which she has an interest. Rather, Gradgrind lives in a world, or would like to, in which it makes no difference whether she has a name, a number being more efficient, and in which a human being is not *something to be named, not numbered*. Again, it is not ‘morally wrong’ to eat our pets; people who ate their pets would not have pets in the same sense of the term. (If we call an animal that we are fattening for the table a pet, we are making a crude joke of a familiar sort.) A pet is not something to eat, it is given a name, is let into our houses and may be spoken to in ways which we do not normally speak to cows or squirrels. That is to say, it is given some part of the character of a person. … Treating pets in these ways is not at all a matter of recognizing some *interest* which pets have in being so treated. There is not a class of beings, pets, whose nature, whose capacities, are such that we owe it to them to treat them in these ways. Similarly, it is not out of respect for the interests of beings of the class to which we belong that we give names to each other, or that we treat human sexuality or birth or death as we do, marking them—in their various ways—as significant or serious. And again, it is not respect for our interests which is involved in our not eating each other. These are all things which go to determine what sort of concept ‘human being’ is. Similarly with having duties to human beings. This is not a consequence of what human beings are, it is not justified by what human beings are: it is itself one of the things which go to build our notion of human beings. And so too—

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*it* either. In general, the new level of moral evil comes about because we just are built to care about how others treat us.
very much so—the idea of the difference between human beings and animals. We learn what a human being is in—among other ways—sitting at a table where WE eat THEM. We are around the table and they are on it. The difference between human beings and animals is not to be discovered by studies of Washoe or the activities of dolphins. It is not that sort of study or ethology or evolutionary theory that is going to tell us the difference between us and animals: the difference is, as I have suggested, a central concept of human life .... (EMEP: 323-324, original emphasis)

Diamond is claiming that some human practices—naming people, not eating them, rites of passage—partly comprise our sense of what being human is. It is easy to believe that our responses to objects of moral concern are based upon a logically prior ‘cognitive’ grasp of a morally relevant pre-moral property (sentience etc.) a grasp independent of the response. Diamond says that, on the contrary, our power of response conditions our understanding of what we respond to. The property is, so to speak, understood as that thing which has this sort of ‘place in our lives’, that to which we find ourselves having certain sorts of responses, attitudes, practices, and so on. It does not first present itself to us independently of all that (combining with a desire to produce an action or response). She elaborates the point in relation to ‘human beings’, but it will apply also to particular human actions, responses and traits like murder and betrayal, kindness and cruelty. These are not purely factual concepts, or divisible into factual and moral components. Diamond is claiming the response goes to the heart of the concept.8

But isn’t it obvious that we recognise human beings (or pain, or murder, or kindness, or cruelty) first, and then, as a consequence of that

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8 It will often, though not always, be the case that our actual response on an occasion will be central to our understanding on this occasion that this act here is one of, say, murder. How is this to be squared with saying (as I did in the last section) that people respond on the basis of a belief that this is murder independently of their response (or belief)? In saying there is a belief here don’t I imply that the moral meaning (murder) not only exists but is grasped independently of the response? Only on philosophical assumptions I don’t share. Not if you believe, as I do, that the belief is a propositional abstraction (which we may or may not assent to, depending how bright we are) from what is expressed concretely in the intentionality of the response. Then the response can still be the form of understanding this is murder.
recognition, respond morally? But the falsity of this follows from the failure of the pre-moral capacities' theory. A pre-moral property is one we can comprehend without having any sense of how to behave morally. If the theory is false, then our moral responses (a sense of how to behave) must be bound up with our concept of what it is we are responding to.

Not all those responses are unequivocally 'moral'. As Diamond says, 'morally wrong' will not fit Gradgrind's use of numbers for names. Nevertheless our use of names is a form of individualising tenderness that helps constitute a sense of humans as 'not to be murdered, betrayed, etc'. It is a proto-moral root to the tree of right and wrong. Others are the rites of passage Diamond mentions, and responses like love and grief.

But surely Gradgrind understands 'Girl number 20' is human? True, he does not fail altogether to see her humanity. But that’s because he retains many of the distinctive inter-human practices and responses that compose human being. They are suppressed rather than absent. Things are different in more serious cases. Primo Levi, in his Auschwitz memoir, If This is a Man, describes the look at him from one of his captors as 'across the glass window of an aquarium'. The Nazis saw Levi as less than human, as something fundamentally different from what they were. Racist language is replete with animal imagery. ‘They’ squawk like parrots and look like monkeys. ‘They’ are primitive, sub-human etc. The imagery expresses at least an effort in the direction of not seeing others as human.

This is not a failure to see that some people belong to homo sapiens. No more than when we say 'young people think they’re immortal' we mean they would fail a biology test. We mean in the first case that certain distinctively inter-human responses are impaired, and in the second that

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certain responses to death (an awareness of our own and others’ vulnerability and mortality) are often under-developed in the young. These are not the responses found in science, where the impersonal and the objectifying are dominant. There is a ‘factual’ concept of a human being—nowadays largely scientific—and there is a humanistic one. The latter is comprised of the humane practices and responses discussed in this paper. In the light of responses like love, grief and remorse, death for example, appears in humanistic understanding not as a biological fact but as a terror, a relief, an end to our opportunities, something which prompts us to ask questions about the meaning of our lives. No such issues arise when death is understood merely as a biological phenomenon. So it is for the ‘big facts’ of human life generally: mortality, our vulnerability to suffering and to our passions, and so on. By contrast the ‘factual’ concept of a human being is marked by the impersonal responses of measurement, prediction, causal explanation and so on. If the pre-moral capacities’ theory fails, then the factual concept provides no basis for morality. Neither, actually, does the humanistic. But the humanistic is at use in morality, as the factual is not.

So there is a concept human being which plays a fundamental role in ethics. By contrast, the anti-humanist orthodoxy of the pre-moral capacities’ theory, which gives centrality to the person concept, is mistaken.

4. Diamond’s predominant characterisation of human being is in terms of prohibitions, practices and responses. There is an awkward indirectness about this that is not remedied by saying, more positively, that a human being is something to be respected in certain ways. It invites two charges. First, a generalised version of the species-ist objection, which says that the human being concept is liable to be a custom-made rationale of privileged treatments for humans—or whites, males, etc. It also encourages a suspicion of idealism: we are making the existence of me (thus of my pain etc.) depend on how others respond to me. The latter
accusation has a germ of truth. Elucidating this will enable me to respond to the both charges, by reversing the emphasis in human being from responses to humans, to what humans are, explained in terms of their capacities for such responses.

Murder remains murder even if no one knows or cares. Therefore it is not the distress a murder standardly causes which makes it murder. It is also true that a murder is still murder if people—including the victim if he sees what is coming—fail to respond ‘as to murder’. This is so even if they are unable to respond. But, at least for the victim, this incapacity must be of a certain sort: mental illness or handicap perhaps, or being only a baby—a damaged or immature member of the kind. To be murdered you must belong to a kind whose sane, adult members, with no motives to hide their responses, respond to murder in certain ways. It is no good if your kind is wombats or walruses: they cannot be murdered (or murder). This means that, in normal ecological circumstances—ones short of some catastrophe rendering all or most of the kind damaged or immature—most members of the kind will respond to murder in some relevant way. The upshot is that (talking of normal ecological circumstances) while, in individual instances, a victim of murder, and others aware of it, do not, and sometimes cannot, respond relevantly, this is only so because in the preponderance of instances they do. Thus while act is independent of response in particular instances, it is not independent of it in general. Notice that on this position murder itself, and not just our concept of it, depends upon our reactions. This is not idealism in any objectionable sense. No more than it is to say a table is a table—as opposed to a hunk of wood in a certain shape—because of the human use it is put to.

This raises the question, what kind is this? We can do better than saying: the kind that can be murdered, betrayed, etc. A problem here is that there are senses in which we betray and disrespect animals. Rather than saying the betrayal in mind is the sort that applies only to humans, we can characterise humans in a more positive way. Human beings, but not animals, are capable of:
• *love*, in a sense which requires that it be distinguished from infatuation

• *grief*, in a sense which requires that it be distinguished from self-pity, or animal pining

• *remorse*, in a sense which requires that it be distinguished from regret at being caught

These capacities, among others, and along with the taboos and practices Diamond mentions, are what make it possible for natural phenomena like suffering or death to enter into our lives and understanding, not as scientific conundrums but as personal problems which demand moral reflection and response. They are also what make possible murder, rape and racist contempt: only a kind of creature with these capacities can be the victim, or the perpetrator, of such crimes.

These capacities are, broadly, *moral*, in that the requirement that they be distinguished from what Raimond Gaita calls their ‘false semblances’ (infatuation etc.) removes them from the realm of pre-moral capacities. Drawing those distinctions just is a matter of understanding that we should respond and behave in some ways and not others. Nevertheless, just as the standard argument sees the human/animal difference as one of being located at different points along a linear scale of pre-moral capacities, am I not substituting a similar scale of moral properties?

Yes, but with two crucial differences. First, the moral properties provide no *justification* for moral conduct. They do not do the job which person-hood fails to do. It is no good to say, ‘he possesses these qualities, therefore he should not be murdered’, because one cannot properly understand remorse without understanding that it is about things that are *not to be done*—and serious things like murder (we would not have remorse in the sense we do if we felt ‘it’ only for trivial matters); or love without understanding that *betrayal* is a violation of it; and so on. These concepts are structured as an inter-related whole, not in a serial order of progressive justification.
Second, there is a difference in the treatment of individual variation. According to the standard argument, species-membership has no moral weight. So humans lacking relevant pre-moral capacities (the unborn, babies, the severely handicapped) lack corresponding rights. But this position takes an unduly narrow, scientific view of what ‘our’ kind is, viz biological species. Again there is also a humanistic sense of our kind. It is not a matter of sharing capacities, but of shared relationship. Babies, the handicapped, are created in the human act of sexual love, borne inside a mother’s body, and raised inside a family. This creates a level of intimacy and dependence, and thus a moral meaning, that has no genuine counterpart with even the most loved of family animals. Thus it is that there is nothing morally problematic in the fact that we have a funeral for a mentally handicapped infant, but not for a dog, even though the infant may have less developed pre-moral capacities and scarcely developed moral capacities.

A persistent anxiety about Diamond’s position is that it would license any sort of morality, at least any that has been, or is, embodied in the practices of some human community—racism, for example. But Diamond’s argument neither licenses nor defeats any moral position. She claims the concept human being to be universally at use among humans. Sometimes, as with racists, part of that use consists in denying that some people are human. Diamond would say, I think, that philosophy can say nothing for or against that denial. But any non-philosopher can see that it is false. People of colour do have the moral capacities—and animals do not. The fact that racists do not see this should no more undermine our confidence in it than our love of music should be dented by the fact that some people have a tin ear. And just as one does not correct a tin ear by appealing to philosophy or science, but by educating people in music, so equally one does not correct what Stanley Cavell has called racists’ ‘soul-blindness’ by doing philosophy, but by exposing them to the life experiences that will open their eyes. (So that, again, the fact that people of colour have the moral qualities is not the sort of value-free fact that can lever racists out of their racism. Rather, the racist’s discarding
his racism and his coming to acknowledge the fact, are one and the same process.) Some philosophers seem to think of this as resorting to indoctrination. But it is a tendentiously limited conception of human life to see any form of persuasion which cannot be under-written by philosophy as indoctrination.\textsuperscript{10}

This anxiety is really a generalised version of the species-ism accusation (that I promised to address in this section): once we abandon the pre-moral capacities' theory, \textit{any} objectionable prejudice is defensible. I fear that Diamond's emphasis, in her account of the human being concept, on our treatment of human beings (prohibitions, practices, responses) tends to encourage this thought, albeit via the false idea that we simply \textit{choose} these behaviours. Daniel Dombrowski actually attributes this false idea to Diamond when he writes that she believes moral standing is bestowed by stipulation, so that humans possess 'the Orpheus-like ability to bring moral patient status to life merely by saying that it should be so'.\textsuperscript{11} Here is where it seems to me that there is an advantage in elucidating human being, not \textit{indirectly} in terms of 'a thing to be treated like this'—as if we could speak only about how it is \textit{to be treated}, not \textit{how it is}—but directly in terms of it being a creature which has these responsive capacities (of love etc.). For while how we \textit{do} treat one another might, carelessly, be thought to be a simply a matter of choice, it is much harder to say that of how we are \textit{able} to treat one another—which is 'what we are' comes to for the humanistic concept. The difference may ultimately be only verbal, but it is a verbal difference that may mislead. It is much more clearly \textit{not} a matter of stipulation that human beings of all races possess the moral qualities discussed in this section—and that animals do not. Here we seem to be up against a reality, a reality made true by our responsive capacities, but not thereby a product of our wills. This should discourage both the species-ist thought, and the idealist thought.

\textsuperscript{10} For an excellent discussion of these issues see ‘Anything but Argument?’ in Diamond’s \textit{The Realistic Spirit}, pp. 291-308.

That the moral capacities cannot be apprehended independently of our responses to them (so that, as I said before, they do not fill the justificatory role that pre-moral capacities are supposed to) does not make them a matter of stipulation. Philosophical argument and Orpheus-like stipulation are not exhaustive alternatives. Between them lies the complex reality of our moral lives, whose richness is exhibited by the art which has explored it. (Nor is Diamond, as a philosopher, trying to stipulate an ethic. She is trying to describe central concepts of actual moral life. Singer is in much more danger of stipulation.)

5.

Diamond reports this astonished reaction to her argument:

We cannot point and say, ‘This thing (whatever concepts it may fall under) is at any rate capable of suffering, so we ought not to make it suffer.’ (That sentence, Jonathan Bennett said, struck him as so clearly false that he thought I could not have meant it literally; ....) (EMEP: 325, original emphasis)

Does Diamond deny that suffering is a reason for action? No. But capacities can be reasons for action without morality being a function of them. As David Cockburn has said in conversation, we should distinguish whether someone’s being in pain is a reason to help them, from whether we have reason to help people in pain. The answers are ‘yes’ and ‘no’. In seeing that someone’s pain is reason to help them, I have run out of reasons. If I fail to see this, it is not because I need a further reason telling me why; I am losing my very concept of a person (human being) in pain. A person is not something to eat—or to ignore when in pain: the concept human being plays a crucial role in the appeal to pain.

Diamond’s point is that the appeal to pain—and other pre-moral capacities—does not go on in a vacuum. It depends on a background of responses which compose our concepts human being or animal. There is no response to pain per se. The response is to the person-in-pain, thus saturating our understanding of what we respond to with all the meaning of human being. It would be a mistake to construe this as: here is a more
fundamental reason ‘this thing is a human being’ supporting in a chain-of-justification relation the reason ‘this thing is in pain’. Pain is not separable from the individual who suffers it—and *vice versa*—in a way that would create such justification. We can explore what is implicit in *pain* or in *human being*, but these are different entrances into an intricately structured whole.

6.
Humans can feel affinity with animals. Tenderness for their vulnerability, wonder at their strange lives, tacitly underlie our sense of obligation to them. Diamond elucidates this sense of ‘mortal kin’ by reproducing a poem by Walter de la Mare:

*Titmouse*

If you would happy company win,
Dangle a palm-nut from a tree.
Idly in green to sway and spin,
Its snow-pulped kernel for bait; and see
   A nimble titmouse enter in.
Out of earth’s vast unknown of air,
Out of all summer, from wave to wave,
He’ll perch, and prank his feathers fair,
Jangle a glass-clear wildering stave,
   And take his commons there—
This tiny son of life; this spright,
By momentary Human sought,
Plume will his wing in the dappling light,
Clash timbrell shrill and gay—
And into Time’s enormous Nought,
   Sweet-fed will flit away.

[EMEP: 328]\(^{12}\)

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12 Quoting poetry can mislead by suggesting that compassion for animals requires sophisticated literary taste. But that literature elaborates upon experiences democratically available to anyone.
Is the capacity for such a response to animals necessary for the concept animal? Don’t hunters and animal-experimenters have the same understanding of animal as their critics? Yes, but in no relevant sense do hunters etc. lack this capacity (ie a sense which exculpates them from responsibility). More importantly, hunters and their opponents share this attitude: injury to animals requires justification, kindness doesn’t. Like their opponents, hunters find the demand for justification of harm to animals intelligible, but equally they would find a demand to justify not harming animals unintelligible—unintelligible in the radical sense in which we would find it unintelligible to respond to suffering by putting a flower pot on your head. No one gives or expects reasons for not harming animals.13 An animal is something not to be hurt or injured.

But can animal be understood by a Kantian robot which fulfils the duty of not harming animals, but which cannot have feelings about them? It is one thing to claim that practical moral responses condition animal, another to claim that compassionate fellow-feeling does.

It is true that the animal concept does not require having such fellow-feeling. That is why one can recognise moral claims for animals without being fond of them. It is even true one can have the concept yet be incapable of such sympathy. But the incapacity would have to fall short of autism, or other radical absences of normal responses—like the Kantian robot. More usual incapacities—fear of animals—do not deprive one of the concept.

But why would the Kantian robot lack the concept? Suppose an animal in fear. The robot will respond to the duty to assuage that fear. How? Sometimes there is just one way—your company. Many animals can be reassured by human company. But that company must be marked by sympathy, tenderness, etc., so a Kantian robot cannot meet that need.

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13 Not harming them per se. There will be demands to justify why we shouldn’t cull animals which harm the environment or are a threat to other animals or humans. But it is defining of our understanding of animals that these additional conditions are necessary to make such demands intelligible.
Now the catch is: when you release battery hens from their cages—something a Kantian robot could do—how can you aim at the hens’ welfare, understanding it as welfare, if you are incapable of—incapable in the radical sense in which the Kantian robot is incapable—the sympathy required in the case of assuaging an animal’s fear?

The robot’s action can be aimed at their welfare without understanding it as such—like a machine which opens the cages automatically. But can the robot see welfare as welfare if he does not understand that pain is the intelligible and proper object of sympathy? And how can he see those responses are intelligible and proper if he is not even capable of them? (The case is not like that of someone whose incapacity is of a weaker sort, e.g., a vegetarian who fears animals. This person belongs to a kind of creature whose form-of-life is hugely marked by the possibility of this kind of fellowship with animals. The Kantian robot’s is not touched by it.) To see pain and suffering as intelligible objects of sympathy when they occur in non-Robots would require responses like admiration, or sorrow or remorse (at his own incapacity)—in other words he would already be beyond a Kantian robot. (Would approval be enough? But approval must be more than words, if the words are to mean approval.) If this is right, then any kind of moral concern for animals, however remote and practical, is dependent upon a background of possible human-animal kinship.

This sympathy for animals expresses itself in ways that outstrip their pre-moral capacities and interests. Certainly it outstrips those that a utilitarian like Singer can acknowledge. Suppose Australia pioneered a system of mass industrial factory farming in which the animals were spared any suffering by being rendered permanently insentient by anaesthetic. Some of us may find this even more disgusting than the status quo, where animals at least retain the power to make some mute protest against their tormentors. But Singer’s philosophy lacks the resources even to make sense of this thought.

Diamond makes the same point with a real life example. In the following passage she quotes a description by the English
pharmacologist, Sir Lauder Brunton, defending his experiments on animals on the ground that they did not involve any pain:

To illustrate his point he described a dog on whom he had made a gastric fistula, and which ‘never showed the slightest sign of pain’. Brunton went on that whenever he went to examine the dog:

it showed great delight—just like a dog that has been sitting about the house, and wants to run out for a walk. When it saw that I was going to look into its stomach, it frisked about in the same way as if I was going to take it out for a walk.

These daily examinations were not only painless but, Brunton explained, eagerly anticipated by the dog, because it liked to be made much of and shown around.—Now one possible reaction to this story is that it is a miserable life for a dog to have nothing to look forward to but the daily examination of the interior of its stomach. …. It is clear that … Brunton [did not see] the pathos of the case, the possibility of its eliciting not, ‘Oh good, no pain,’ but, ‘What a miserable life for an animal.’

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