Moral Individualism, Moral Relationalism, and Obligations to Non-human Animals

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ABSTRACT  Moral individualists like Jeff McMahan and Peter Singer argue that our moral obligations to animals, both human and non-human, are grounded in the morally salient capacities of those animals. By contrast, what might be called moral relationalists argue that our obligations to non-human animals are grounded in our relationship to them. Moral relationalists are of various kinds, from relationalists regarding assistance to animals, such as Clare Palmer and Elizabeth Anderson, to relationalists grounded in a Wittgensteinian view of human practice, such as Cora Diamond and Alice Crary. This article argues that there are, in fact, two distinct types of moral reasons, those based on salient capacities and those based on relationships. Neither type of reason is reducible to the other, and there is no third type to which to reduce them both. Any attempt at reduction would run counter to deep intuitions about our moral relation to non-human animals as well as to other humans. Among the implications of this is that certain kinds of arguments, such as the argument from marginal cases, seem to be incomplete precisely because they do not capture the complexity of our moral relations to non-human animals.

Moral individualism is the view that, as James Rachels put it, ‘how an individual may be treated is determined, not by considering his own group memberships, but by considering his own particular characteristics.’ One might say, with little exaggeration, that the most ardent defenders of the elevated moral status of animals, such as Peter Singer, Tom Regan, and Jeff McMahan, are all moral individualists. They differ in their specific views, but they converge on the idea that characteristics rather than species membership that determine the moral status of living beings. In Singer’s case, to the degree that an animal can suffer, it is worthy of moral recognition. For Regan, to the degree that animal is a subject of a life, it requires our moral consideration. While the particular characteristics of these theorists differ, underlying them is a common commitment to moral individualism.

We might contrast moral individualism with a spectrum of positions that we could call moral relationalism. Relationalism is the view that the moral status of a living being is determined not by solely its particular characteristics but more importantly by the relations it has with human beings. This spectrum would run from the more to the less exclusive regarding the moral status of non-human animals. At one end would be those, like Carl Cohen, who deny all but the most minimal moral status to non-human animals. For Cohen, in order to enjoy full moral status, one must be capable of membership in a moral community. And since non-human animals are not so capable, their moral status is limited to not being properly subject to arbitrary torture. ‘But with all the varied capacities of animals granted, it remains impossible for them to act morally, to be
members of a moral community. The difficulty a position like Cohen’s faces is what to do with what are often called ‘marginal cases’: infants and the severely mentally handicapped in particular. His answer is essentially to ‘grandfather’ them into the human moral community. ‘Human children, like elderly adults, have rights because they are human. Morality is an essential feature of human life; all humans are moral creatures, infants and the senile included.’ This, of course, is precisely the kind of inconsistency that motivates moral individualism.

Further along the spectrum that runs toward moral individualism is what might be called Wittgensteinian relationalism. This is the position, championed in particular by Cora Diamond and more recently by Alice Crary, that our moral relations to non-human animals are derivative from our moral relations with other human beings. Wittgensteinian relationalism accords a much greater moral status to non-human animals than Cohen does, but that status remains parasitical on interhuman moral status. This position will be discussed in what follows, but only after a treatment of the position closest to moral individualism.

We might call this final position assistance relationalism. Its main proponents are Elizabeth Anderson and Clare Palmer. Both hold that many animals that do not have a relationship with human beings have a right to non-interference with their lives. They also hold that animals that do have a relationship with human beings gain their moral status in good part from that relationship. Moreover, in order to have a claim on any sort of assistance from human beings, assistance relationalism holds that there must be a relationship with human beings to ground that claim. Palmer is explicit in this commitment. Anderson is not so explicit, but it is implied by what she does say. To be sure, moral status is not entirely dependent on the relationship. My pet cat has a richer moral claim on me than my pet frog. However, the fact that they are pets gives them a moral status, and moral claims on me, that they would not have had they not been my pets.

This article argues that the debate between moral individualists and relationalists is at cross-purposes. There is a distinction that has not been adequately recognised in the debate. This is the distinction between what might be called relation-based reasons, or RBRs for short, and reasons based on the possession of morally salient capacities, or CBRs (capacity-based reasons). Once this distinction is recognised, two things emerge. First, the claims that are being defended in the debate are rooted in two distinct grounds of moral standing. These distinct grounds, although at times passingly treated in some of the above philosophers, have implications for moral theorising about non-human animals that block any sort of reduction, either to moral individualism or moral relationalism. Second, and related, there are situations in which it may be impossible to sort out one’s obligations, which is why some of the dilemmas posed in the debate feel forced or superficial.

A capacity-based reason, or CBR, is a reason one has to treat a being with moral regard in virtue of the capacities possessed by that other being. The two most common proposed capacities are those for sentience and self-consciousness; however, for my purposes it does not matter what capacities are considered morally salient. CBRs are the heart of moral individualism. It is because of the possession of one or more morally salient capacities that a particular being enjoys a certain moral status, and must be treated in accordance with the obligations that arise for others on the basis of that status.

A relation-based reason, or RBR, is an obligation based on membership of some form or another in a particular moral community or having a relevant relation to that moral
community. A common example would be pets, who are adopted into the human community. Now one might argue that pets cannot be members of a moral community because they cannot participate in it in the way that humans can. That claim is a controversial one. Vicki Hearne, for instance, argues that dogs (unlike most chimpanzees) are capable of relations of trust with humans that allow them to be participants in a moral community with them. However, the objection can be conceded without damage to the definition. If one insists that no animals fulfil the condition of membership in a moral community, then it is simply the latter condition — that of having a relevant relation to a moral community — that is the appropriate one. We will use the locution of membership here in order to avoid cumbersome phrasings, but one can substitute the idea of a relevant relationship to a human moral community if one likes.

I will use the term human moral community to refer to a community delineated at least primarily by human membership. Roughly, a human moral community is a community of interdependent individuals whose characteristic projects are human projects and who, in this interdependence, have a set of moral obligations to one another. We are not committed to there being only one human moral community. And even if we do think that there is more than one moral community, this does not entail that there are no moral obligations across communities. What constitutes a human moral community is a set of interactions and dependencies that give rise to obligations based upon those interactions and dependencies. If all of humanity is woven together into such a set, then there is a single human moral community. If not, then it could be the case that the interactions and dependencies of a particular community give rise to a particular set of obligations, while other moral obligations are grounded in characteristics other than those interactions and dependencies. (This possibility allows CBRs to exist alongside RBRs, a point whose importance will emerge later.) In short, whether there is more than one such community does not matter for the purposes of this article. Furthermore, referring to a human moral community does not entail, as we saw a moment ago, that such membership is restricted to human beings.

For some, there might be puzzlement about why we should concede that there are RBRs in the first place. Why should the existence of a relational bond confer, or enhance, the moral status of an animal? There are at least two reasons for this. First, we can think of our relations with animals on analogy with human relationships, like friendship. I have reasons to be more concerned about the wellbeing of my friends than of strangers, and this is in part due to my relationship with them. We can think of a relationship with a pet as involving similar reasons for concern. Second, non-human animals that are brought into the human community often become dependent on humans in a way they would not be in a non-human environment. Creating dependency in others would seem also to create obligations to them, or at least reasons to be concerned about their wellbeing.

One might think that the distinction between CBRs and RBRs would cleanly distinguish moral individualists from relationalists. This, however, would be mistaken. One of the most ardent defenders of moral individualism, Jeff McMahan, allows for relation-based obligations, at least among humans. Moreover, these obligations, he stresses, are not reducible to merely biological bonds. ‘In the normal case, of course, there is much more to the relation that a parent bears to her child than the mere biological connection: she is at least partially responsible for its existence and its need for aid, she has voluntarily assumed responsibility for it, she has bonded with it and it with her, and so on.’
What holds for the parental connection also seems to hold for a human moral community. Individuals brought into such a community, whether through birth or adoption, are importantly dependent on that community, or at least portions of it. Having assimilated an individual into that community brings with it certain obligations, just as a parent has certain obligations to her child. Similarly, to assimilate a non-human animal, whether feral or domestic, entails certain obligations on the part of the community, and especially its owners, that would not be there were the assimilation not to occur. This is a point stressed by Clare Palmer. ‘When humans deliberately create morally considerable, sentient animals who have no other ways of fulfilling their needs and are constitutively profoundly dependent on and permanently vulnerable to humans, then humans create special obligations toward those animals. Likewise, where humans close down animals’ options by external constraints on their movements and environments, preventing them from fulfilling some or all of their needs in other ways — then by making animals’ potential vulnerability actual, humans create special obligations to assist them.’9 Likewise, Elizabeth Anderson claims, ‘a condition on having rights to the positive provision of the means of life is that one actually be incorporated into human society. This condition places wild animals on the other side of the positive rights divide, and domesticated animals and captives on our side.’10

One might wonder whether the extension of McMahan’s idea to non-human animals is warranted. In the case of humans, it might be objected, assimilating them into society elicits a set of reasonable expectations with which non-human animals are not capable of complying. There is at least a tacit contract involved in the assimilation of humans into society that is beyond the conceptual capacities of non-humans. However, this objection seems misplaced on two counts. First, infants are also incapable of such expectations, and yet if anything that fact seems to make our obligations to them stronger rather than weaker. And second, although many non-human animals are likely incapable of conceptualising contractual relations, the training of domesticated animals certainly does create a set of reasonable expectations, or what certainly seem like expectations, among them regarding their duties and their care.

If this is true, then we cannot reduce moral status to the possession of morally salient capacities. Something else is in play, namely community membership (or relation). Although McMahan cites the relevance of such membership in the case of parents, he does not draw out the implications of this, that the characteristics relevant to parental obligations will apply wherever relevantly similar characteristics appear. Of course, McMahan would not limit such characteristics to humans or human interaction. Such a position would be speciesist in precisely the way his work criticises. What McMahan recognises in passing, then, is something that is central for the assistance relationalists: that certain positive duties attach to the formation of a certain relationships among particular living beings.

One will likely already have recognised that the RBRs cited by the assistance relationalists already require certain CBRs in order to get off the ground. This emerges in Palmer’s phrase ‘morally considerable, sentient animals’. And it is not a requirement that is neglected in the work of assistance relationalists. Both Palmer and Anderson endorse the idea that the possession of certain moral saliences ground particular moral reasons. Furthermore, this grounding is relevant not simply to RBRs. In other words, for the assistance relationalists, obligations toward non-human animals do not require both a) the possession of particular morally salient capacities and b) a relation to a human
moral community. In certain cases, the former is enough. For instance, Palmer notes, ‘I have maintained that mammals and birds can feel pain and that they have the capacity for other aversive and positive experiences. On that basis that they have these capacities, I have argued that they are morally considerable.’

For the assistance relationalists, then, not all of the moral status of non-human animals is grounded in a relation of non-human animals to humans. There are negative duties to non-human animals that are based on their morally salient capacities. Animals ‘in the wild’, to use Palmer’s terms, deserve that we not interfere with them in ways that diminish their flourishing. Alternatively, if we do so interfere, we are now in relation to them and owe them certain positive duties. These positive duties are duties of assistance, thus the name assistance relationalists. For the assistance relationalists, there are negative duties to non-human animals based on morally salient capacities, but all positive duties are based upon the obtaining of certain relationships with humans, through, for instance domestication, breeding, interference, adoption, etc.

Although Anderson does not make her position on this distinction evident, she seems to indicate her commitment to it in the reference to ‘positive provisions of the means of life’ in the passage quoted above. Moreover, she offers the difference between saving non-human animal prey from predation and saving a child from predation from the same predator as an example of the existence of an exclusive right to positive provision for members of a human moral community, claiming that, ‘An essential commitment of any society is the collective provision of good to its members. The possession of morally significant capacities alone does not make one a member of human society.’ However, it does not follow from the fact that a child has a membership claim for protection that there is no duty to protect a vulnerable animal.

Let us suppose that in the case of, say, a gazelle being attacked by a tiger, we could readily save the gazelle’s life without any significant effort, and let’s suppose that the tiger is not in imminent danger of perishing for lack of this particular meal. Suppose, for instance, that one is standing by the open gate of an enclosure and the gazelle runs through it, trailed by the tiger. All one has to do is kick the gate closed and the gazelle’s life would be saved. Do we really want to argue that in this case there is no reason to save the gazelle’s life? Or, if we want to offer a more fanciful example, suppose it were possible to push a button that was right next to us, the effect of which would be to momentarily disorient the tiger and allow the gazelle to get away. It seems hard in these cases to deny that there is some reason to assist the gazelle. And this reason, if it exists, must be grounded in the gazelle’s morally salient capacities. The obligation would be a CBR.

Situations like these would seem to create difficulties for any strict form of assistance relationalism. These difficulties are faced squarely by Palmer, who considers two distinct scenarios that provide difficulties for assistance relationalism. She attempts to answer each difficulty. It follows from assistance relationalism that there are no duties of assistance in cases where there is no relation between the human and the non-human animal in need of assistance. It is not enough to say that the human is a member of a society in which that animal has been raised or domesticated or assimilated. There must be a relationship between that particular human and that particular non-human animal. So, in a challenge to her own view, she asks us to imagine someone she calls Peter noticing a kitten in a dumpster. Would Peter have any obligation to assist the kitten? She says that he might, although the route to such an obligation would be tortuous. Perhaps Peter exists in a society in which pet ownership is an institutionalised practice. There are
many benefits, however weak, that might accrue to Peter from such an institutionalised practice, even if he is not a pet owner. ‘The reduction in human health-care costs from pet ownership, for instance, in Australia alone, was estimated in 1995 to be between AUS$790m and AUS$1.5b.’13 So if Peter is a member of a society which has an institutionalised practice through which he benefits, and that institutionalised practice has produced this kitten, he may have a reason, however weak, to assist the kitten.

However, as Palmer notes, there could be conditions in which Peter has no such reason. Suppose that Peter hates pets and has worked actively against the institutionalised practice of pet ownership that has produced this kitten. Then, she concedes, Peter might have no reason to assist the kitten.

This seems to me to rest a large conclusion — the claim for assistance to continue living — on a thin set of premises — the feelings Peter has about pets. Although one can concede that there might be more of a claim the kitten might have if it were Peter’s cat than, say, a feral one, or alternatively if Peter lives in a society from which he benefits by institutionalised pet ownership, but to conclude from the denial of these to the denial that there is any reason at all to save the kitten seems too strong. Suppose that it were easy for Peter to save the kitten — say, all he had to do was lift the kitten out of the dumpster because there was available food nearby — then I think it would be hard to conclude that he had no reason at all to do so.

Palmer, in fact, has considered this possibility, but offers an objection to it. If it were only the moral considerability of the cat combined with the ease of assistance that grounded a reason to assist — that is, if a moral relation were not involved — then wouldn’t one have the same obligation to save a rat in the same circumstances? After all, rats have a fairly complex experiential life, are certainly capable of suffering, and have their own type of flourishing. So why wouldn’t a rat have the same claim as a cat in these circumstances?

In fact, it is the assistance relationalist Anderson who provides the answer to this objection. We are not forced to accommodate the interests of animals whose flourishing is inimical to our own. That is to say, certain animals are enemies we are entitled to protect ourselves from. ‘Vermin, pests, and parasites cannot adjust their behaviour so as to accommodate human interests. With them, there is no possibility of communication, much less compromise . . . Beings whose interests are so fundamentally and essentially antagonistic to humans cannot claim even negative rights against interference and aggression from us.’14 Against any claim to assist the rat, then, one can argue a right of self-defence that would not be relevant in the case of the kitten.

But suppose that the rat wasn’t inimical to human interests. Suppose, for instance, that it was living in a remote location, was free of any disease, and could not possibly harm anyone. Would we then have a reason, however weak, to help it? I think that the answer is yes. The fact that kittens are cute and cuddly and rats are associated with filth and disease cannot ground a difference on moral reasons toward them, any more than cute and cuddly babies are due more consideration than ugly ones.

My claim is not that the reason for assistance is grounded solely in the morally salient capacities of the animals themselves. I am not claiming that all reasons are CBRs, or defending moral individualism. The arguments I offer here go in another direction. My claim is anti-reductionist, but this time from the other end. It is that we cannot reduce reasons to assist to our relations to non-human animals. Just as we cannot reduce our moral reasons to CBRs, we cannot reduce even our moral reasons regarding assistance.
to RBRs. Our moral space is more complex than that, consisting of at least both of these types of reasons, and, as we will see, occasionally in conflicting ways.

Perhaps the most intractable difficulty for assistance relationalism emerges in Palmer’s second challenge to herself, that of the drowning child. She considers the case of one’s coming across a drowning child to whom one has no relationship. Would there be a reason to assist in this case? The problem, as she recognises, is that if reasons to assist are grounded in relationships, and if there is no relationship to the drowning child, then there would seem to be no reason to assist the child. But this is highly counterintuitive. Palmer’s response here is to claim that there is a relationship through membership in a human community. She recognises, though, that this claim, if offered too baldly, smacks of speciesism, and so seeks to ground it in specific sharings that would create particular relationships characteristic of humans, such as communication, economic relationships, and mutual cooperation. But she herself worries that the addition of the idea of the human community might be, in her words, ‘ad hoc’. In the end, though, she believes that there is likely enough here to ground a relationship.

I doubt that the conception of a human community will succeed in grounding such a reason. First, the community relations she invokes are conceived at a very general level. It is unclear that they would give the particular person standing on the shore a specific relationship to the particular drowning child. Second, suppose that the drowning child is an infant that has crawled away from its mother. Infants aren’t yet participants in kinds of relationships that would ground reasons of the kind she speaks. Does that mean that the infant has no claim to be saved, or even that one has less of a reason to save the infant than one would to save an adult? It seems not. And if that is the case, then the reason to save the child or the infant cannot be grounded solely in one’s relationship to her.

So far, we have sought to show that there are both CBRs, grounded in the morally salient capacities of particular living beings, and RBRs, grounded in the relations one has to those beings, and that each is irreducible to the other. However, there is another approach, that of what I have called the Wittgensteinian relationalists, that would challenge the entire way in which I have been conceiving the issue. For them the ethical issue concerning what has moral status or what moral status a being has must be grounded in our way of being with one another, and more specifically in our human way of being with one another. We cannot read off our moral obligations or moral reasons from the characteristics of the animals themselves, and we cannot, contra the assistance relationalists, even read them off from our relations to those animals. We must first consider what it is like to be a participant in a human way of living.

For Diamond, there is an importance to the category of the human, but it is not grounded in biology. Rather, it is grounded in the imagination. In our interpersonal and intrapersonal lives, we have an image, however vague, of what it is to lead a human life. And our moral assessment is, and often should be, grounded in such an image. ‘We, who share this striking thing — having a human life to lead — may make in imagination something of what it is to have a human life to lead; and this imaginative response we may see (and judge and learn from) in the doings and words and customs of those who share having a human life to lead.’

It is this imaginative sense of having a human life to lead that informs our relations to one another, and appropriately so, she argues. Otherwise we cannot understand, for instance, the outrage of making fun of a mentally handicapped child who does not know
she is the object of ridicule. The affront, in this case, would be an affront to her human dignity, not to any particular capacity. In fact, this child may lack the capacity to recognise or be bothered by ridicule.

This does not entail that non-human animals do not deserve our moral regard. In fact, Diamond has a long-standing commitment to the moral treatment of non-human animals, as her article ‘Experimenting on Animals’, written in the late 1970s, displays. Rather, her claim is that it is in the web of our relationships with one another and with animals that our moral concern for animals does, and should, arise. Moreover, she recognises the dangers of such human solidarity, writing, ‘What might be called the dark side of human solidarity has analogies with the dark side of sexual solidarity or the solidarity of a human group, and the pain of seeing this is, I think, strongly present in the writings I have been attacking [i.e. those of Singer and Regan].’

Diamond, in short, is not Carl Cohen. But she leaves open the question of how we think of animals imaginatively in order to understand the proper moral relationships to them, other than to say, as might be expected, that animals such as pets are to be counted more among our fellow creatures than animals in the wild.

This question is taken up more fully by Alice Crary. Starting from Diamond’s idea that there is a properly human life to lead, she argues that our everyday engagement with other humans reflects that idea. We do not assess someone as human first, and then decide how to relate to her, but instead take her to be human, and thus requiring our ethical concern, in our pre-reflective interaction with her. Similarly, recognising what makes for the flourishing of different kinds of animals grounds our relationships with them. ‘If we continue to use the notion of the ethical broadly enough to allow us to describe this larger sense of what matters as “ethical”, we can say that, with regard to animals of different kinds just as with regard to humans, a certain type of ethical orientation is a condition and not a result of our ability to make mental ascriptions.’

It is because we are willing to treat animals as beings that flourish, each kind in its own way, that we can make ascriptions of what is going on in them. Otherwise, we would be unable to recognise what their behavioural expressions meant. They would be opaque to us. This leads to her conclusion that, ‘To see what is right about the ethical view of animals is to see that there is a respect in which, despite moral individualists’ claims to the contrary, animals are as such worthy of respect and attention.’

There are tensions within the Wittgensteinian view. For instance, the notion of a kind seems unstable. Are dogs a kind, with their own type of flourishing that ought to be respected? Or, instead, are pets a kind, and thus worthy of particular moral concern? The danger in answering these questions is that either one might refer to what it has been customary to do, which would be anathema to both Diamond and Crary, since they are both critical of what it has been customary to do — that is, to treat non-human animals disrespectfully; or alternatively, one might refer to what different animals or different kinds deserve, based on our practices and engagement with them. It seems to me that that answer must refer either to our relationships to them or to their characteristics. That is, it leads either to RBRs or to CBRs.

Now they might argue that, even if this is so, the CBRs they have in mind are kind-based rather than individual-based. But that leads back to the question of why an individual with particular characteristics or capacities should be treated differently from another one simply on the basis of species membership. To answer this objection by reference to categories like having a human life to lead would seem to be arguing
in a circle. Moreover, the reliance on kinds would seem to imply that, for instance, a chimpanzee with advanced communicative abilities should be treated the same as a chimpanzee that is mentally handicapped, which is a counterintuitive consequence of the reduction to kinds.

However, there is a different worry I would like to raise here, one that intersects with Diamond’s own concern about human solidarity. The more we find out about non-human animals, the more questionable our practices with regard to them become, whether those practices involve hunting them, eating them, experimenting on them, or creating environments inimical to their flourishing. It seems that this knowledge ought to be integrated into our practices in ways that perhaps challenge the very soil out of which those practices arise. Integrating this knowledge would not only impact our moral view, but the very way we see and, eventually, pre-reflectively engage with non-human animals. For instance, Diamond argues that, while eating dead animals may be wrong, its wrongness is of a different kind from cannibalism. ‘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.’21 Even vegetarians, she insists, would not think of it as wrong to eat a cow that was struck by lightning in the same way they would think it is wrong to eat a human so struck.

One might point out here that not all human beings throughout history have thought of eating humans as something that is not done, or even done out of disrespect.22 But I would like to make a different suggestion. Perhaps it is time that we start thinking of killing animals for food as something that just is not done, particularly if those animals have lives of the richness of a cow or a pig or even a chicken. Perhaps what Diamond has her finger on in the distinction she cites is not a deep fact about inter-human relationships but a historical justification for engaging in morally objectionable activities with regard to non-human animals. Now it may be that there is something deeply aversive about cannibalism that is not present in the eating of non-human animals, although once again history does not point that way (even though, to be sure, eating animals is far more common than cannibalism). However, that fact does not seem to ground any moral lessons in the integrity of the human, or at least it does not do so in any way that is likely to offer a moral lesson in how to treat non-human animals.

If this is right, then the Wittgensteinian relationalists’ contributions to the issue at hand do not, at the moral rather than meta-ethical level, go beyond that of the assistance relationalists. Human solidarity and having a human life to lead do not offer moral lessons in our relationships with non-human animals that challenge what we have already seen. Specifically, while they are of a piece with assistance relationalists in seeing certain obligations to non-human animals as emerging from our relationships with them, they have not offered a compelling argument against the moral individualists that CBRs are not relevant. In particular, they have not offered such an argument that CBRs should not be individually applied.

I have argued that neither CBRs nor RBRs alone adequately cover the moral ground in understanding our obligations to non-human animals, and that this is recognised, at least implicitly, by philosophers on both sides of the divide. The first implication of this is that there are at least two distinct but necessary grounds on which moral status might be claimed. A feral cat, for instance, does not have the same right to provision of food as a domesticated one. Again, we must be careful here. The claim is not that we have an obligation, or at least a reason, to feed the domesticated cat but no reason to feed the
feral one. It would rightly be considered callous if we saw a starving feral cat that we could easily feed but refused to do so. Rather, the claim is that the reason to feed the domesticated cat is stronger — and stronger still if one is the cat’s owner. This is because the CBR is supplemented in this case by an RBR.

We should also be careful here not to assume that this position entails that having an RBR always trumps any CBR that one might have. We cannot infer from the strength of the RBR relative to the CBR in this case to the more general conclusion that RBRs are always stronger than CBRs. For example, suppose that one had to choose between feeding one’s domesticated cat and letting it go hungry for a day while one assisted in the saving of a stranded whale. In this case, the need of the whale would seem to trump that of the cat, which can be fed later. That is, the CBR would outweigh the conflicting RBR. There is, then, no clear dominance in the relationship between RBRs and CBRs, although in situations in which all other things are equal an RBR may be stronger than a CBR.

The second implication of the dual necessity of RBRs and CBRs is that it helps explain the conflicted feeling that many of us have regarding what is called the argument from marginal cases, the argument that moral individualists make that there is no distinction in inherent moral status between, say, a severely cognitively impaired child and a chimpanzee. In imagining this case, we often feel that, on the one hand, we owe something more to the child. Yet, on the other hand, we have a sense that there is nothing to justify that feeling except a sense that he or she is ‘one of us’. This is the feeling articulated by Diamond when she says of a severely retarded person that, ‘someone may be deprived, for all or part of his life, of distinctively human capacities like reason. A human life without the exercise of those capacities is his human life . . . that, in his case, is what his having a human life to lead has been.’ And that, exactly, would be the speciesism that concerns moral individualists.

If we imagine that the chimpanzee is in the wild and the child in society, then we can see why the conflict exists. Looking from the perspective of CBRs, there is nothing to distinguish their moral status from one another. Looking from the perspective of RBR’s, there is. This distinction, however, stems not from the fact that the child is simply ‘one of us’, but that, to paraphrase McMahan’s words, ‘we are at least partially responsible for its existence and its need for aid, we have voluntarily assumed responsibility for it, we have bonded with it and it with us, and so on.’ To bring a being into society is to assume a certain responsibility for it, which in turns gives one, as a member of that society, obligations that one would not have otherwise.

The suggestion here is that the argument from marginal cases, either as a defence of moral individualism or a complaint about it, is a misguided one. It misses the fact that in thinking about marginal cases, there are often not one but at least two types of moral reasons present. Moreover, these types of reasons are not commensurable in the specific sense that they are not reducible to each other or to a third type that would incorporate them. The argument from marginal cases may enlighten us as to the role of CBRs in our moral thinking, but should not be taken either as a *modus ponens* whose conclusion is that chimpanzees have the same rights as severely mentally handicapped children or as a *modus tollens* whose conclusion is that moral individualism is false.

This point is an example of a more general one, that there are situations in which it may be impossible to sort out one’s moral obligations, which is why some of the dilemmas posed in the debate between moral individualists and moral relationalists, such
as the argument from marginal cases, feel forced or artificial. This thought is captured in Anderson’s claim that ‘once we acknowledge the plurality of values, the inadequacy of simplistic moral formulas, the dependence of rights on the natural and social contexts, and the consequences of their enforcement, we have quite a lot more work to do to figure out what they are.’ The argument presented here, however, is not simply that there is a plurality of values, but more deeply that there is a plurality of types of value, or more precisely types of moral reasons. This plurality asks of us that we recognise that some of our obligations to non-human animals are grounded in the characteristics they possess, while others are grounded in our relation to them, and that there may be no easy resolution — or perhaps no resolution at all — when these come into conflict.

However, if this way of approaching the issue is right, then we can ratify McMahan’s complaint against Cora Diamond’s and others’ privileging of human beings in the construction of our moral relationships with non-human animals. As we have seen, she seeks to found this privileging on the basis of a human ‘we’ that is not reducible to biology. However, McMahan asks, ‘My dog, like a radically cognitively impaired human being, lacks the distinctively human capacity of reason. He is deprived of that capacity by his individual biologically determined nature. Is my dog’s life without the capacity for human reason his human life?’ In the view presented here, it is not the fact of a ‘we’ that gives us RBRs, but rather the relation of an individual to our moral community. I think that a more interesting, because more comparable example, if we’re involved in the argument from marginal cases, would be that of the chimpanzee who has been brought into human society, and the severely cognitively impaired child. In a case like this, where the CBRs are equal and the RBRs at least much closer, one could perhaps make the case that the chimp deserves as much moral respect as the child.

All of this is in keeping with Anderson’s and Palmer’s claim that incorporation into society adds obligations that would otherwise not exist. However, the conclusion I have just come to, that there may be cases where our obligations to non-human animals are the same as to human ones, as well as the cases above regarding our having CBRs to the gazelle and the kitten, are, I believe, much closer to moral individualism than they might want to countenance.

I suspect, although I can only gesture at this here, that in thinking about our relationship to non-human animals, the CBRs focused upon by moral individualists are often, although not always, more important than the RBRs insisted on by those who oppose moral individualism. Even in cases where there are RBRs, as with the saving the child versus saving the gazelle case or the question of the moral status of the severely cognitively impaired child versus the chimpanzee, CBRs still play an important role in structuring our obligations. And there are other places where CBRs are clearly the more dominant category. First, and most obvious, are situations in which there are no RBRs. When we encounter non-human animals outside domesticated contexts, or when we encounter feral animals in domestic contexts, we have CBRs without having RBRs. Second, and crucially important, in addressing the ethics of animal testing, CBRs play a central role. One could argue that in animal testing there are RBRs to other humans at stake as well, for instance in the purported benefits that humans might derive from animal testing. Even if we grant that there are, we need to recognise two points. First, if the account offered here is right, then there are also RBRs toward the animals themselves, since they have been incorporated into a human moral community by being removed from their natural environment and placed under human care. Second, and

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more relevant to the current point, as we learn more about the complex lives of many non-human animals, the arena of CBRs becomes more prominent — or at least ought to become more prominent — in our consideration of our obligations to them.

Finally, there can arise the question of whether or not to bring a non-human animal into a human moral community in the first place. So far, I have said very little about how one gets membership in such a community. To offer a full account would, of course, require a separate paper. But I can say this. Getting this membership is not always a two-way affair. It often happens when a human moral community appropriates an individual. There is no social contract here, tacit or otherwise. If there were, then babies, pets, and severely cognitively impaired humans would not be members of this community. But it is precisely these members to which we have some of our deepest RBRs. To be a member of a human moral community, then, is to be brought into that community by some of its members in a way that is at least generally recognisable as appropriate, for example through birth or adoption.

In regard to non-human animals, however, the appropriateness of bringing them into a human moral community, and thus creating RBRs toward them, hinges at least in part on the prior question of whether it would be in the animal’s interest to be brought into such a community. As Anderson points out, ‘a condition on having a claim against being incorporated into human society is that such a life would be bad for the animal. This makes many wild animals eligible for a right that no human has.’ To ask about whether a particular animal has such a claim is to ask about our CBRs toward it. It is to ask whether the animal, being the particular creature it is, would flourish if it were in a human moral community.

This is a question of moral individualism. There may be animals from types of species that would normally flourish if left in the wild that, by reason of injury or some other deficiency, would be better off being adopted by a human moral community. Asking whether to adopt such an animal is a matter of asking about our CBRs (or perhaps another category, CBP’s — capacity-based permissions). In any event, it is a question of whether to create RBRs toward that particular animal, a question that cannot be answered on the basis of RBRs that don’t yet exist.

The conclusion here may seem to be a pessimistic one. If there is a plurality not only of moral reasons but of types of reasons, then we seem forced to conclude that there is likely to be no resolution of our moral obligations at the theoretical level or perhaps in many cases even at the practical level. This would seem to leave us bereft of guidance in our moral relations to non-human animals. I believe this pessimism is misplaced. While it is true that a theory of our moral relations to non-human animals would have to incorporate distinct sources of reasons, and thus would face a difficult obstacle right from the outset, the implications for our practical relations to animals are less dire. In order to see why, compare a typical case of human conflict that is analogous to the issue that concerns us here: keeping a promise.

We know of situations in which one has made a promise to another, only to find that that promise conflicts with another obligation we may have. In a classic example, a professor promises to meet a student at a certain time, but on the way to the office comes across someone who needs assistance after an accident. In this case, the reason to assist the injured person overrides the reason to keep the promise. This is not because we can reduce promise-keeping to a scale of needs in which the student comes out the loser, nor because we can reduce the accident victim’s needs to some kind of tacit social promising.
And it isn’t because there is a third type of measure present either, unless we want to say that ‘more urgent’ implies a particular kind of measure. It is simply that we recognise that the victim needs assistance right now, and the student’s needs can likely wait.

The analogy here is straightforward. Promising is a socially instituted practice that relies on inter-human relationships and creates reasons. Promising is a practice that creates RBRs. By contrast, the victim’s needs are capacity-based. While our reason to assist him or her is not based on intrinsic characteristics, it is based on a set of needs that do not require us to have a particular relationship to him or her — just as I argued above that we need not have a particular relationship to the drowning child in order to have a reason to save that child. Thus, in this conflict of promises we have something very much like a conflict between RBRs and CBRs, and yet we know how to resolve that conflict.

The lesson is clear. While there may be conflicts of reasons and even conflicts of types of reason, this does not mean that we are necessarily barred from guidance in our relations with non-human animals. What is required instead is a recognition of the different types of reason and how they operate in specific situations in order to use our best judgment to inform our actions. We need to recognise ourselves as members of a world that calls to us both in our role as a part of a web of relationships and in our role as a moral inhabitant of the planet. This recognition requires reflection and sensitivity on our part, and it may be that such sensitivity and reflection do not always yield clear answers. But that we engage in it does not seem too much to ask of ourselves in our relationships to creatures who are far more vulnerable to us than we are to them.27

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NOTES


4 Cohen op. cit, p. 37.


9 Palmer op. cit, p. 93.

10 Anderson op. cit, p. 289.

11 Palmer op. cit, p. 23.

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12 Anderson op. cit., p. 284.
13 Palmer op. cit., p. 111.
14 Anderson op. cit., p. 288.
16 Palmer op. cit., p. 123.
17 Diamond (1991) op. cit., pp. 43–44.
19 Crary op. cit., p. 36.
20 Crary op. cit., p. 41.
24 Anderson op. cit., p. 296.
27 I would like to thank Chris Grau, Adrian Walsh, and especially Jeff McMahan for extensive and helpful comments on an earlier version of this paper.