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A Critique of the Kantian Theory of Indirect Moral Duties to Animals

Jeff Sebo
Texas Christian University

Abstract

Kant famously argues that we have no direct moral duties to animals; instead, we have only indirect duties to animals insofar as our treatment of them affects human beings. In this paper, I argue that Kantian ethics implies that we have direct moral duties to animals after all. I begin by arguing that the humanity formula of the categorical imperative, as normally interpreted, poses a problem: if rationality but not animality is an end in itself, then humans as well as nonhumans have only indirect moral status with respect to many of our activities. I then argue that we can solve this problem only by allowing that rationality as well as animality is an end in itself, from which it follows that humans as well as nonhumans have direct moral status. The upshot is that Kantian ethics, in order to protect the vulnerabilities of humans, must protect the vulnerabilities of nonhumans as well.

1. Introduction

Much has been made of the seeming incompatibility of Kantian ethics and animal rights. Kant argues that we have no direct moral duties to animals as beings with inherent value; we have only indirect duties to them insofar as our treatment of them affects the interests of other human beings. For example, in "Duties to Animals and Spirits" Kant writes, "[So] far as animals are concerned, we have no direct duties. Animals are not self-conscious and are there merely as the means to an end. That end is man." He reiterates this point later by writing: "Our duties towards animals are merely indirect duties towards humanity" (*ibid*).

In contrast, animal rights advocates argue that animals are beings with inherent value, and so we have direct duties to them whether or not our actions toward them promote the interests of other human beings. To cite just one example, Tom Regan (1985) argues that animals have inherent rights for the same reason that we do: "We are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others" (487). We may consider this argument a direct, or *intrinsic*, account of duties to animals, as opposed to the indirect, or *instrumental*, account that Kant offers.[i]

My aim in this paper is to challenge the validity of the indirect-duties view by arguing that Kantian ethics not only permits but entails the inclusion of animal rights. I recognize that this approach puts me at odds with Kant, but I can live with that. Kant is not always the best interpreter of his own theory, as his questionable "four examples" in *Groundwork II* demonstrate (*G* 222 [4: 421]).[ii] Furthermore, he is infamous for his sexism in *The Metaphysics of Morals* and his racism in "Observations on the Feelings of the Beautiful and the Sublime," yet we do not thereby conclude that his ethical theory is sexist or racist. Rather, we simply accept that we

should distinguish "Kant the man" from "Kantianism the theory." In the same way, I will now examine whether Kant is right to exclude animals from the sphere of direct moral concern. Does his view follow from a proper application of his own theory, or is it simply the inconsistent result of uncritical prejudice?

Many have challenged Kant by pointing out that his argument rests on the assumption that animals are nonrational, whereas we now know that many animals possess significant rational capacities.[iii] For example, recent studies in cognitive ethology indicate that chimpanzees and bonobos have intellectual abilities similar to, if not greater than, those of a normal human child: they can form mental representations of themselves and others, communicate with symbols, discern cause-and-effect relationships, solve simple logical and mathematical problems and much more (Wise 179-237). Furthermore, even though not all animals are able to perform higher cognitive functions, they are nonetheless able to set ends based on inclination and pursue the necessary means for achieving them, often creatively. This research suggests that any argument for the universal moral superiority of human beings will be unsuccessful, because no matter what criteria we select, some animals will always outperform some humans.[iv] Therefore, we have good reason to reject the simplistic view of animal minds that Kant describes in his books, and to blur the moral line he creates between humans on one hand and all other animals on the other.

While this response has merit, I do not presently intend to side with it, nor do I intend to develop this line of reasoning any further, as it is an empirical argument that tries to fit animals into the Kantian view, not an analysis of the view itself. Instead, for the sake of the argument I wish to lay out, I will presuppose that all animals are nonrational (granting that this point encounters substantial empirical resistance) in order to argue that the low moral value Kant

extends to animals poses significant problems for his ethical theory. Specifically, I will argue that the "humanity formula" of the Categorical Imperative (CI)[v], as presently interpreted, commits Kant to claiming that human beings have only indirect moral status, even though he asserts that they are ends in themselves. I will then show that, because of this problem, the humanity formula clashes not only with the other formulas of the CI, but also with the very sensibilities on which the moral law is based. Finally, I will argue that we can solve this problem only by expanding the circle of moral concern in a way that includes all sentient nonhuman animals. The upshot will be that Kantian ethics, in order to protect the vulnerabilities of human beings, must protect animals as well.

2. The Kantian Argument against Animal Rights

I begin by outlining exactly why Kant believes animals do not have direct moral status[vi]. First, what does it mean for something to have direct moral status? It means that one must regard that thing an end in itself, or rather, as a being whose value commands the respect of all rational agents. In contrast, if something has indirect moral status, one must regard that thing not for its own sake, but to comply with a duty one has towards something else. In this sense we have indirect moral duties concerning inanimate objects. For instance, we are obliged not to burn down houses, smudge paintings with our fingertips, or rip the heads off teddy bears not because these things have rights, but because they have value to people who do. Of course, the fact that people care for these things is contingent. The same inanimate object can move in and out of moral standing based entirely on external factors: for example, whether a human being values it, or whether it continues to benefit humans in general. This is why Kant considers inanimate

objects to be "relative ends" (ends whose value is dependent on our desires) rather than "objective ends" (ends in themselves) (*G* 228 [427]).

Kant argues that animals are relative ends in much the same way: we must treat them kindly not because they have rights we should consider, but because they have value to people who do have rights. In this sense, ripping the head off a kitten is no worse than ripping the head off a teddy bear: it is wrong not because it harms the kitten, but because it harms a person who cares about the kitten.[vii] Granted, Kant says that harming animals is wrong for an additional reason: though not wrong in itself, it might habituate us to become more violent towards other human beings (as humans and nonhumans have similar behavioral responses to pain). But this reason is equally contingent and indirect, for even though it governs our treatment of animals, it does so only for our own benefit: abusing animals is wrong because it might hurt us. Of course, Kant realizes that one can have indirect moral status without thereby being a relative end; otherwise human beings would be relative ends too. After all, anything that lives in an ecosystem, let alone a social community, can be a means to other ends, but something is a relative end if and only if that thing is *merely* a means to other ends. Given this, why exactly does Kant believe that animals are relative ends?

Kant defends his position on animals by citing the humanity formula of the CI, which states that humanity is an end to which we hold direct moral duties. In *Groundwork II*, Kant writes:

> *Rational nature exists as an end in itself.* This is the way in which a human being necessarily conceives his own existence, and it is therefore a *subjective* principle of human actions. But it is also the way in which every other rational being conceives his existence, on the same rational ground which holds also for me;

> hence it is at the same time an objective principle from which, since it is a supreme practical ground, it must be possible to derive all laws of the will. The practical imperative will therefore be the following: *Act in such a way that you treat humanity, whether in your own person or in any other person, always at the same time as an end, never merely as a means.* (*G* 229-230 [4: 429])

Kant adds that since human beings are rational, they count as objective ends: "[As] rational beings, [human beings] must always at the same time be valued as ends" (*G* 230 [4: 430]). This argument, Kant believes, is what allows us to remove animals from the sphere of direct moral concern: I am obligated to you simply because you are a member of the human species: a class of beings that, due to their rational nature, are objective ends, or ends in themselves. In contrast, animal species have mere "price" instead of "dignity"[viii], because animals are capable of responding only to inclination, and dignity stems only from the presence of humanity. Thus, Kant believes that even though animals are sentient beings capable of pleasure, pain and happiness, they are not objective ends: their value is dependent solely on the desires of humans.[ix]

3. The Problem with the Humanity Formula

Importantly, under this interpretation of the humanity formula, rational nature is both necessary and sufficient[x] for direct moral status: we are objective ends because we are rational, and animals are relative ends because they are not. Perhaps Kant interprets the humanity formula this way because he wants to avoid suggesting that humanity, in the relevant sense, is limited to human beings. As Thomas Hill, Jr. discusses in his edition of the *Groundwork*, Kant intends for the moral radar to include any being with a capacity for reason, such as angels or rational aliens

(269). But while he accomplishes this goal through the humanity formula, I believe that he does so at a great price: by claiming that rational nature is *necessary* for direct moral status, he imposes serious constraints on the duties we can derive from the CI. Specifically, he allows for a very limited set of duties that do not address our substantial vulnerabilities as humans. In what follows, I will explain why I believe this is an important problem for Kant, and I will conclude that we can solve it only by considering humanity to be sufficient, but not necessary, for direct moral status. The implication will be that animals might just have direct moral status after all.

If, as Kant suggests, humanity is necessary for direct moral status, then our value as ends is dependant on the fact that we possess a capacity for reason. As Hill notes in his article "Humanity as an End in Itself" (1980), Kant repeatedly uses the phrase "humanity in a person" in *The Metaphysics of Morals*, suggesting that humanity is not a description of a particular species, but rather a property found in all people, whether or not they happen to be biologically human (Hill 85). Kant also supports this interpretation when he introduces the humanity formula in *Groundwork II*, writing, "*Rational nature* exists as an end in itself," and, "The practical imperative will therefore be the following: Act in such a way that you treat humanity, whether *in* your own person or *in* any other person, always at the same time as an end, never merely as a means" (G 229-230 [4: 429], emphasis mine). This passage implies that our moral duties refer not to us, nor to those around us, nor even to the communities in which we live; rather, they refer to nothing other than *reason itself*—the rational nature that resides within us and allows us to act out of reverence for the moral law. And since humanity, which affords us dignity instead of mere price, is nothing more than rational nature, *it is the rational nature in humans that possesses dignity, not the humans themselves*.

Further passages in the *Groundwork* support this analysis. For example, in *Groundwork I,* Kant argues:

> Now if an action done out of duty is supposed to exclude totally the influence of inclination, and, along with inclination, every object of volition, then nothing remains that could determine the will except objectively the law and subjectively pure respect for this practical law. … That preeminent good which we call "moral" consists therefore in nothing but the idea of the law in itself, which certainly is present only in a rational being—so far as that idea, and not an expected result, is the determining ground of the will. (*G* 202 [4: 400]; 203 [4: 402]).

Moreover, in *Groundwork II* Kant claims, "Autonomy is thus the basis of the dignity of human nature and of every rational nature" (G 236 [4: 436]). Kant believes that this argument grounds the claim that human beings have direct moral status yet animals do not, because only humans are connected to rational nature. However, I am not sure that this distinction holds—not because I believe that animals have direct moral status under this interpretation of the humanity formula, but because I believe that humans might not.

Consider *Groundwork III*, where Kant discusses our rational nature. He writes:

> [A rational being] has two perspectives from which he can consider himself and from which he can acknowledge the laws governing the use of his powers and consequently governing all his actions. He can consider himself first so far as he belongs to the world of sense, under laws of nature (heteronomy); and secondly—so far as he belongs to the intelligible world—under laws that are not empirical but, being independent of nature, are founded on reason alone. (*G* 252 [4: 452]).

Kant distinguishes autonomy from heteronomy to support the argument that we must imagine ourselves as transcendentally free (autonomous), for otherwise we would not be subject to the moral law. However, he grants that we must also imagine ourselves as part of the causal order (heteronomous), and that the perspective from which we are free is no more compelling than that from which we are not. It is this point that presents a problem for the notion that our moral status is based on our humanity, for if it is true that we must imagine ourselves as both autonomous and heteronomous, and if it is also true that we have direct moral duties only to rational nature, then it follows that we have direct moral duties only to our *autonomy*. In other words, whereas we have a direct moral duty to cultivate and preserve our rational nature, we have, at best, an indirect moral duty to care for our physical bodies. After all, they reside in the world of sense, and so they, along with all the inclination-based ends they pursue, are subject only to the laws of physical causation. Thus, considered in themselves (apart from being empirically necessary for our agency), they have mere price, not dignity.

Accordingly, all our negative direct moral duties[xi] must fall under two main categories: the duty to avoid maxims that insult or frustrate the process of reason, and the duty to avoid maxims that hinder the physical processes required for rational behavior. For example, it is always wrong to tell a lie or make a false promise, because such behavior misrepresents the world to other rational beings and thereby insults the dignity of rational nature. Kant argues for this conclusion through the false promising example in *Groundwork II*, as well as through arguments elsewhere condemning lying, mockery, and servility. As Hill notes, "Kant is unusual, at least compared to moral philosophers today, in stressing the moral importance of attitude and gesture aside from their consequences. Mockery is opposed, whether or not it is effective for the purpose of reform or deterrent, because it reflects a disrespectful attitude toward the humanity of

others" (Hill 97). Additionally, under this view, it is always wrong to consume drugs and alcohol, because they seem to negatively impact our capacity to perform higher cognitive functions. Kant argues for this conclusion in many passages as well, claiming, for example, that one should never consume opiates or alcohol because they cause one to be temporarily irrational, with a weakened "capacity to use his powers purposively" (*MM* 180 [427]).

On the other hand, we have no negative direct moral duties to avoid maxims that do not hinder rational agency. For example, while I have a duty not to chop off your head (because the proper functioning of your brain is required for your agency), I have no similar duty not to chop off your arm, because such an act would not hinder your capacity for reason in the least. Of course, it might hinder your ability to pursue specific moral ends (as might losing your car, job or any other material possession), but it would not hinder your capacity to pursue moral ends in general; you would simply have to set new ends based on your newfound physical limitations. In fact, the amputation of some body parts might even lead to a *decline* of the temptations associated with inclination, thereby allowing reason to hold a firmer grasp on your motives.[xii] Granted, one could argue that our animal nature has moral status because of its connection to our rational nature; but why should our animal nature have *direct* moral status simply because it resides in a body that also happens to house our rational nature? This would be tantamount to arguing that a dog has direct moral status simply because he lives in a building that also happens to house a human. In other words, the connection between our animal nature and our rational nature is every bit as contingent and indirect as the connection between rational agents, nonrational animals, and inanimate objects. Consequently, the humanity formula reduces all aspects of us not directly concerned with reason to indirect moral status.[xiii] It is in this respect that the humanity formula clashes with the other formulas of the CI, as well as with our moral

sensibilities, for it commits us to an untenable demarcation of direct and indirect moral duties. For example, we have a direct moral duty not to anesthetize patients prior to surgery, yet we have a mere indirect moral duty not to amputate their limbs against their will.

This consequence, aside from being plainly ridiculous, is inconsistent with the universal law formula of the CI, from which we derive a direct moral duty not to engage in such behavior. After all, it is impossible for me to physically assault you without failing the contradiction in conception test; for by universalizing the maxim of my action, I necessarily will to be an *unwilling* participant in the act. Thus, I cannot coherently imagine the maxim of this action as a universal law, and so the maxim fails under the CI.[xiv] This presents a problem for Kant, because he draws an equivalence between the humanity and universal law formulas in *Groundwork II*, implying that one could, in principle, use them interchangeably:

> "[The] principle 'So act in relation to every rational being (both yourself and others) that this being may at the same time count in your maxim as an end in itself' is…basically the same as the principle, 'Act on a maxim which at the same time embodies in itself its own universal validity for every rational being'" (238 [4: 438]).

Thus, we cannot argue that our animal nature lacks direct moral status while maintaining that I have a direct moral duty not to, say, amputate your limbs against your will. Not only would this argument render the CI incoherent, but it would undercut the force of the prohibition against physical assault generally. Of course, one could argue that some cases of physical assault, such as sexual assault, render the survivor less capable of acting rationally, but this is clearly not always true.. For example, people often claim that traumatic events serve as *catalysts* for rational behavior, helping them to reprioritize their lives and focus on what is important. Moreover, some

philosophers even claim that pain and suffering is an important channel for rational development. Aristotle, for example, argues that trauma is a cathartic experience that allows us to overcome emotive impulses in the future, while Nietzsche argues that masters of morality flourish in life only by overcoming severe physical and psychological challenges.

Therefore, if we want to say that we have a direct duty not to engage in physical assault according to the humanity formula, we need to base this claim on grounds other than that physical assault has the potential to hinder our rational agency. This demonstrates that while rational nature may be the *source* of the duty not to engage in physical assault, it cannot be the *object*. The object of this duty must be an inclination-based end not to be abused and exploited. But if this is the case, then rational nature is not necessarily the source of the ends that command our moral attention (e.g. the end to not be physically assaulted); rather, it is the tool that we use to see if an end meets the requirements of the moral law. And if an end meets the requirements of the moral law, then it commands our respect wherever it may be found — be it in a rational agent or in a nonrational animal. Therefore, we cannot maintain that we have a direct duty not to physically assault human beings in general according to the humanity formula unless we extend the scope of this duty to nonhuman animals as well, since they also desire not to be abused and exploited. And since we cannot apply the moral law arbitrarily, endorsing the inclination-based end not to be abused and exploited wherever we may find it obliges us to extend the same courtesy to other inclination-based ends: how we treat one determines how we treat the rest.

We are thus faced with a dilemma: either we uphold rational nature as both necessary and sufficient for direct moral status, thereby accepting that we do not have a direct duty to engage in any behavior that does not directly hinder it, or we uphold rational nature as sufficient for direct moral status but not necessary, thereby accepting that it need not be present in the objects of our

direct duties. Our decision regarding this dilemma will be based on whether or not we choose to reconsider the moral status of our animal nature. On one hand, if we say that nonhuman animals lack direct moral status, then we must say that our animal nature does as well. On the other hand, if we say that our animal nature has direct moral status, then we must say that nonhuman animals do as well. We must, in other words, establish Kantian grounds for distinguishing moral agents (those with rights and duties) from moral patients (those with rights but no duties). I believe that this second option is not only the more plausible of the two, but also the more consistent with the primary text and the secondary literature, as well as the better means for resolving other issues associated with the Kantian scheme. In what follows I will support these claims, and in doing so I will flesh out precisely what I mean when I say that animals have direct moral status**.**

4. The Kantian Argument for Animal Rights

4.1. The Primary Text

The animal rights position fits well with *The Metaphysics of Morals*, where Kant claims that we have a moral obligation to pursue the happiness of others. Kant writes, "When it comes to my promoting happiness as an end that is also a duty, this must therefore be the happiness of *other* human beings, whose (permitted) *end I thus make my own end as well*" (*MM* 151 [6:388]). Kant even specifies that this type of happiness is inclination-based happiness, or in his words, "natural happiness (which consists in satisfaction with what nature bestows, and so with what one *enjoys* as a gift from without)" (*ibid*). Thus, according to Kant, we have a moral duty to promote the permissible inclination-based ends of human beings. And given that inclination-based ends reside in animals as well as humans, the following question is raised: is the duty to pursue the

permissible ends of others limited to the community of moral agents, or does it extend to all sentient beings?

The answer to this question hinges on what is required for an end to be "permissible" in the relevant sense. Interestingly, several sections in the *Groundwork* suggest that an end can be permissible even if its possessor is not a moral agent. For example, Kant states in the *Groundwork II* that for an end to be permissible, it must be pursued not out of reverence for the CI, but only in accordance with it: "an action that is compatible with the autonomy of the will is *permitted*; one that does not harmonize with it is *forbidden*" (*G* 240 [4:439]). In other words, an end is permissible if and only if one can measure it against the moral law without exposing a fatal contradiction, either in conception or in will. This requirement, however, does not imply that the being whose end is in question must *engage* in such measurement, or that the end must be pursued out of respect for, or even in recognition of, the moral law.[xv] One does not render an end impermissible, after all, merely by pursuing it out of inclination. For if this were the case, then we would have a moral duty to deny ourselves and others of *all* ends based on inclination—up to and including happiness itself. In other words, we would have to ensure that everyone in the kingdom of ends lives the life of an ascetic. And clearly, when Kant argues that we have a duty to pursue the permissible ends of others, he does not mean that we have a duty to prevent others from being happy. Rather, he means that when the ends of others are consistent with the requirements of reason, we have a duty to pursue them.[xvi] Therefore, Kantian ethics does allow for animals to have permissible ends in the relevant sense.

4.2. The Secondary Literature

The argument that moral agency is not necessary for direct moral status also has roots in contemporary Kant scholarship, especially regarding the purpose of the CI. For example, Barbara Herman (1984) writes, "I view the CI procedure as being designed to draw our attention to those features of our condition—as rational agents in this world and as members of a community of persons—that serve as the conditions of our willings" (584). Here, it is significant that Herman sets "rational agents in this world" apart from "members of a community of persons," as it suggests that the two categories are not necessarily identical. And if Kantianism allows for an individual to be a "member of a community of persons" without also being a "rational agent", then we might have Kantian grounds for distinguishing moral agents from moral patients—which is necessary if we are to assert that animals are objective ends.[xvii]

Herman hints at this possibility when she argues that angels do not have a positive duty of beneficence towards human beings because they "are not vulnerable and dependent," and so "the argument for beneficence could not require them to reject a maxim of nonbeneficence" (590). In other words, since angels do not require help from others, they may choose not to lend aid to others without fear of contradiction. In contrast, Herman argues, since human beings are both autonomous and heteronomous, they must reject the maxim of nonbeneficence in order to pass the contradiction of will test. She writes, "The CI procedure is to show that, for any of us [human beings], the availability of the help of others is not something it can be rational to forgo," and that, "[The] argument that defeats the maxim of nonbeneficence leads, positively, to a duty of mutual aid" (584, 592).

Interestingly, this passage implies that if angels *were* "vulnerable and dependent," they would have a positive duty of beneficence towards human beings. For even though they (presumably) have a superior capacity for reason, they would still be obliged to us because of our

shared need for help. Let me spell out this point by emphasizing what it is not asserting. First, it is not suggesting that human ends would translate to angel duties only if the angels valued them too. Even if the angels had no respiratory systems, for example, they would still not be permitted to rid the universe of oxygen. Simply put, the angels would be obliged to help us not because *they* valued our ends, but because *we* did. Second, this point is not implying that the angels would hold duties to us only if they were dependant on us. Even if they were not in the position to benefit from us at all, they would still not be permitted to ignore our needs, or to exploit us for personal gain. This is because for them, the grounding of the duty of beneficence would not be a contractualist desire for reciprocity; it would be a logical consequence of the value they place on help in general.[xviii] In other words, they would be obliged to help us because they would be dependent on *others*, not because they would be dependent on *us*. As Herman argues:

> [It] is the fact of our dependency—that we are, equally, dependent (again: not that we are equally dependent)—that is the ground of the duty to help. I may not be indifferent to others not because I would thereby risk the loss of needed help (this is not a duty of fairness or reciprocity) but because I cannot escape our shared condition of dependency. (592).

This argument carries with it important implications regarding animals, because the relationship between "vulnerable and dependent" angels and humans is analogous to that between humans and animals: humans have a superior capacity for reason compared to animals, but we are nevertheless bound to them by virtue of our shared needs—"those features of our condition…that serve as the conditions of our willing." Thus, even though animals might never be able to return the favor, so to speak, they still have ends to which we hold direct moral duties. In this respect, Herman provides us with a Kantian precedent, or at least the beginnings of a

Kantian rationale, for the claim that a being can have moral rights without having moral duties. Specifically, while heteronomy alone is not sufficient for one to be a moral agent, it is sufficient for one to be a moral patient, or to have ends that a moral agent must consider.[xix]

So are animals objective ends? That depends on how we interpret the term. Kant writes that an objective end must "provide … universal principles, … principles valid and necessary for all rational beings and for every act of will" (G 228 [4: 427]). Animals do not seem to satisfy this criterion, because not *every* rational being has "principles valid and necessary" for treating them as ends in themselves. For example, God, angels, and other purely rational beings are not obliged to endorse inclination because they have none: the only objective end for them is rational nature itself. On the other hand, God, angels, and other purely rational beings are not moral agents. Kant writes in *Groundwork II* that since pure autonomy is not tempted by inclination and pure heteronomy does not have transcendental freedom, both autonomy and heteronomy are necessary for moral agency (G 245 [4: 445]; G 240 [4: 440]).[xx] Therefore, even though a strict interpretation of "objective end" excludes animals, perhaps so strict an interpretation is unnecessary when our discussion is about the scope of the moral radar. For not only is the moral perspective of non-moral agents beside the point, but it is a bad guide to use for determining who has direct moral status. (The duty not to assault people, for example, simply cannot be as contingent and indirect as the duty not to rip the head off a teddy bear—at least not if we want to remain charitable to Kant.) So for our present purposes, I submit that we should consider "objective end" as extending to all ends that provide "principles valid and necessary" for every moral agent, not every rational being. In this case, the world of objective ends includes not only rational nature, but also our physical nature, animals, and everything else that we necessarily endorse through our willings.

4.3. The Kantian Problem of "Exceptional" Human Beings

Finally, extending the moral radar to include animals provides a solution to the Kantian problem of "exceptional" human beings such as infants, the elderly, and the severely mentally disabled. As Hill notes, "a serious worry" about the humanity formula "is that it places a comparatively higher value on rational capacity, development, control, and honor than most morally conscientious and reasonable people are prepared to grant" (Hill 98). Indeed, Kantians who wish to ascribe moral status to exceptional human beings are forced to confront a serious overemphasis on rationality in the text, and any solution that preserves moral worth only for the rational is destined to fail. For example, Herman tries to resolve the issue by arguing that infants have the *potential* to develop a capacity for rationality, claiming, "We might regard an infant as one whose present inability to help will be overcome in the passage of time" (Herman 593). But this claim is not true in all cases, and it is not applicable to the elderly and severely mentally retarded. Besides, we have good reason to reject the argument that we can attribute rights to beings based on rights they may one day have. After all, we do not allow law students to convict criminals in the courtroom, nor do we permit medical interns to perform open-heart surgery. As Peter Singer puts it, a prince, by virtue of being a potential king (and having a high probability of actualizing this potential), does not have the rights of a king. Given this, how can we maintain that nonrational humans have moral rights if rationality is a necessary condition?

Laurence Thomas (2003) recognizes this problem, writing:

> Could individuals [who have severe mental retardation] … see themselves as Legislators of universal moral law or as members of the Kingdom of Ends? Would it be reasonable to expect them to see themselves in this way? Could they

> be expected to have self-respect on the basis of reasoning? Just what does it mean for others to have Kantian respect for SMR persons? (Thomas 9-10).

However, Thomas offers a solution that also preserves the logocentric nature of the humanity formula. He argues: "[In the case of SMR persons] the mentally deficient is a person for whom something went terribly wrong. There is something that he ought to have (or should have had) but lacks, which is very different from merely lacking something" (22). Thus, Thomas sets apart rational and nonrational sentient beings by referencing *teleology* as the relevant distinction: the SMR might have the same intellectual capacities as animals, but they were *meant* to be rational, and so we should treat them as if they are. However, this argument is even worse than the previous one, for not only does Thomas neglect to explain the nature of this teleology, but he also refuses to explain why it is morally relevant. After all, if I were to inject a rock with a "rationality serum," would it then have direct moral status *even if* my experiment failed and it never gained the capacity for rationality?[xxi] Surely not. It is not a dormant or stunted capacity for rationality that gives exceptional humans value; it is the fact that they are sentient animals with the capacity for pain, pleasure, and happiness.

5. Conclusion

In this paper, I have argued that if rational nature is a necessary condition for direct moral status, then we must accept that our animal nature, and all the inclination-based ends we pursue, have indirect moral status. The duties we hold towards one another based on maxims unrelated to reason are no more binding than the ones we hold towards animals. Therefore, either our animal nature has the same low status we attribute to animals, or animals have the same high status we

attribute to our animal nature. In response to this dilemma, I have argued that the second option is not only the more plausible of the two, but also the more consistent with the primary text and the secondary literature, as well as the better means for resolving the Kantian issue of exceptional human beings.

Thus, we need to view the humanity formula as representing not a necessary condition for moral status but a sufficient one: rather than establish that humanity is the *only* end in itself, it establishes only that humanity *is* an end in itself (thus preserving space on the moral radar for nonrational beings). Consequently, while autonomy may be the source of moral obligation, it cannot be its sole object, because through our acts of willing we endorse and pledge to preserve all permissible inclination-based ends, whether we find them in other humans or in animals. This obligation is a logical consequence of the value we place on inclination in general, and it is vital to our experience as dependent beings in a world of limited resources and unlimited dangers. So are animals objective ends? To the extent that we are, yes. The domain of ends extends beyond the community of moral agents: we have a duty to promote the permissible ends of *all* creatures influenced by inclination and capable of pleasure, pain, and happiness.

In closing, I would like to add a word about the practical implications of my argument. We know that if we are to regard animals as "exalted above all price," then we cannot also regard them as our property. But how far does that extend? We presently buy and sell animals for food, clothing, entertainment, experimentation and more; we use them "merely as means" not only for economic sustenance, but also for the practices and traditions that shape our cultural identity. So, if animals have direct moral status, does that mean we should stop using them altogether? Some will argue that it does, because it is inherently wrong to treat animals as property. Others will argue that it does not, because we can find ways to treat animals as

property while still promoting their permissible ends (thereby treating them as ends in themselves as well as means to our own ends, which is permissible under the Kantian view). Both of these positions are reasonable. However, it is worth nothing that, whichever position we ultimately accept, it will render most of what we currently do to animals deeply morally problematic.[xxii] For that reason, even though speculation at this point might be premature, I suspect that when the theoretical dust settles (and this may not happen for quite some time), Kantians will emerge as dedicated proponents for the animal liberation movement.

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[i] I presented versions of this paper at the Texas Undergraduate Philosophy Conference and the First Annual Animal Liberation Student Association Conference. I would like to thank everyone there for their excellent questions and comments, particularly Julie Hunter, Jeff Casey, Anthony Nocella, II, Steve Best and Karen Davis. In addition, I am grateful to Mark Bernstein, Thomas Hill, Jr. and especially Richard Galvin for providing me with extensive and helpful notes. Finally, I would like to thank the editors and reviewers of *Animal Liberation Philosophy & Public Policy* and *Ex Nihilo*, in which a previous version of this paper (entitled "Are Human Beings Ends In Themselves?") was published.

[ii] After Kant introduces the supreme moral law in *Groundwork II*, he applies it to four moral dilemmas, deriving the following conclusions: (1) We have a duty not to commit suicide. (2) We have a duty not to make false promises. (3) We have a duty to cultivate our talents. (4) We have a duty to help others. Scholars have challenged his arguments, particularly the first and third, and many have developed new ways of applying his theory that contradict him.

[iii] Here and throughout the rest of the paper, I will use "animal" as shorthand for "nonhuman animal."

[iv] I owe this argument to Peter Singer (2002), who argues that we should reject "speciesism" for the same reason we reject racism and sexism: "The white racist claims that whites are superior to blacks, but this is false; although there are differences among individuals, some blacks are superior to some whites in all of the capacities and abilities that could conceivably be relevant" (3).

[v] Kant considers the CI the supreme principle of morality. He presents several versions, or formulas, of the CI in *Groundwork II*: the universal law formula, the universal law of nature formula, the autonomy formula, the humanity formula and the kingdom of ends formula. Kant believes that each formula expresses the same supreme principle (though whether this is true is an open question that scholars continue to debate). In this paper I will focus primarily on the humanity formula, as it is most relevant to this discussion, but I will briefly touch on the universal law formula later on.

[vi] Here, I take "direct moral status" to be defined in terms of direct moral duty. That is, a person to whom we owe a direct moral duty can be said to have direct moral status. I take "indirect moral status" to have the same relationship with indirect moral duty.

[vii] Note that the person does not need to care *for* the kitten. For example, the rancher whose cattle die prematurely may suffer only economically, but he suffers nonetheless.

[viii] Kant distinguishes between dignity and price as follows: "In the kingdom of ends everything has either a *price* or a *dignity*. Whatever has a price can be replaced by something else as *equivalent*. Whatever by contrast is exalted above all price and so admits of no equivalent has dignity" (G 235 [4: 434]).

[ix] Barbara Herman (1984) represents this view, arguing that "objects and animals cannot respond to need as such, nor can they take my ends as their own," and, "animals are not, strictly speaking, capable of providing help, although they may of course do things that are helpful to us" (Herman 588, 593). As a result, Herman concludes (based on Kantian grounds, no less) that the positive duty of beneficence does not apply to nonrational beings.

Other philosophers who have supported this position include Henry J. McCloskey (1979), who argues that either actual or potential moral agency is a necessary condition for moral status, and Carl Wellman (1995), who believes that the freedom to control oneself in a possible confrontation is a requirement for moral status. Neither McCloskey nor Wellman believes that nonhuman animals have moral status.

[x] By "necessary for direct status," I mean that if one is not rational, then one will not have direct status. In contrast, by "sufficient for direct status," I mean that if one is rational, then one will have direct status, but one can also have direct status without being rational. Thus, sufficiency without necessity preserves room on the moral radar for nonrational beings. My argument here is that we are correct in interpreting rational nature as sufficient for direct status, but not in interpreting it as necessary.

[xi] Negative duties are duties *not* to perform certain actions, whereas positive duties are duties *to* perform certain actions.

[xii] Consider, for example, some arguments posed for forcible castration of pathological sex offenders.

[xiii] I owe a debt to Tom Regan here, because my argument that the humanity formula reduces human beings to mere receptacles of rational nature is similar to his argument that utilitarianism reduces human beings to mere receptacles of pleasure. In fact, Regan and I even draw the same conclusion: people should have moral value because they are the subjects of lives that are important to them, not because their bodies are vehicles for that which does have moral value.

[xiv] My implementation of the universal law formula here is based the interpretation Richard Galvin (1991) offers regarding the contradiction in conception test. Supporting a position previously argued for by Marcus Singer in *Generalization in Ethics* (New York, 1961), Galvin criticizes three general views of the contradiction in conception test, including the "Causal Law Versions," the "Teleological Law Versions" and the "Inconsistency of Intentions Views." He then defends as an alternative the "Strict Logical Impossibility View," which derives the immorality of an act from the form of its maxim, not from the synthetic circumstances which surround it. Finally, Galvin illustrates the superiority of the "SLI" interpretation by applying it to the cases of false promising, lying, rape, slavery and stealing.

[xv] All an end needs to be permissible is this: it, along with all its necessary means, must in compliance with the CI.

[xvi] Note that this argument does not preclude the possibility of there being degrees of patienthood.

[xvii] Of course, I am not suggesting here that Herman agrees with my application of her view, because she most certainly does not (see fn. xi for a brief summary of her view on animals). Instead, I am suggesting that her view is consistent with, perhaps even committed to, the inclusion of animals on the moral radar.

[xviii] One might argue that we ought to pursue the happiness of others not because happiness is morally valuable, but because our beneficence will influence others to be beneficent as well. Thus, the argument might go, the duty to pursue the happiness of others does not extend to nonrational animals, because they are not capable of understanding beneficence as such. But my response to this challenge is the same: the duty of beneficence is not grounded in a contractualist desire for reciprocity; it is a logical consequence of the value we place on help in general.

[xix] For further (non-Kantian) arguments regarding this point, refer to MacCormick (1976) and Feinberg (1980). MacCormick argues that to have a right is to have an interest that should be protected by the duties of others, and Feinberg contends that to have a right is to be a claimant, or to have interests on behalf of which others can speak. This interest theory of rights is compatible not only with animal rights, but also with the rights of human infants and groups of people. I should note, however, that Feinberg qualifies this claim by arguing that *species* of animals cannot have any rights—not even the right to survive—because they do not have collective interests. This is an important point, especially when our discussion enters the realm of endangered species preservation. For my purposes in this paper, though, I will limit our discussion to the rights of individual animals.

[xx] In support of the claim that the purely heteronomous are not subject to duty, Kant writes: "[Autonomy] of the will is unavoidably bound up with [morality] or rather is its foundation" (245 [4: 445]). Arguing that the same is true of the purely autonomous, he writes:

> A will whose maxims necessarily agree with the laws of autonomy is a *holy*, absolutely good will. The dependence of a will not absolutely good on the principle of autonomy (that is, moral necessitation) is *obligation*. Obligation can thus not apply to a holy being. (240 [4: 439])

[xxi] This argument owes a significant debt to Michael Tooley, who develops a similar line of reasoning in his article, "In Defense of Abortion and Infanticide." He writes:

> Suppose at some future time a chemical were to be discovered which when injected into the brain of a kitten would cause the kitten to develop into a cat possessing a brain of the sort possessed by humans, and consequently into a cat having all the psychological capabilities characteristic of normal adult humans. Such cats would be able to think, to use language, and so on. Now it would surely be morally indefensible in such a situation to hold that it is seriously wrong to kill an adult member of the species Homo sapiens without also holding that it is wrong to kill any cat that has undergone such a process of
> development: there would be no difference. (205)

With this foundation in place, Tooley introduces a series of thought experiments in support of the thesis that killing an injected kitten would be morally equivalent to killing a normal kitten; and so potential agency—produced "naturally" or otherwise—is morally irrelevant. To this effect he argues: "It perhaps needs to be emphasized here that the moral symmetry principle does not imply that neither action is morally wrong. Perhaps both actions are wrong, even seriously so. The moral symmetry principle implies only that if they are wrong, they are so to precisely the same degree" (*ibid*). Even though Tooley develops this argument as a means for addressing abortion and euthanasia, it is relevant for this discussion as well, as he grounds it on the premise that teleology is not an adequate surrogate for direct moral status.

[xxii] As James Rachels notes, "Cruel methods are used in the meat-production industry because such methods are economical; they enable the producers to market a product that people can afford" (503).

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