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*Finding Agency in Nonhumans*

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# On Midgley and Scruton

## Some Limits of a Too Moderate Animal Ethics

Francesco Allegri

*Università degli Studi di Siena*

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[allegri2@unisi.it](mailto:allegri2@unisi.it)

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In addition to Tom Regan, to whom *Relations* has dedicated its 2019 special issue, recent years have seen the passing of at least two other important scholars in animal ethics: Mary Midgley (who died on October 10, 2018, at the age of 99 years) and Roger Scruton (who passed away on January 12, 2020). They were two excellent thinkers, but their position about the moral status of animals is, in my opinion, too moderate, i.e. too weak. And this is what I would like to highlight briefly in the following pages, which want to remember Midgley and Scruton.

Let us start with Mary Midgley. One of the distinctive features of Midgley's reflection on animals is the introduction of a special obligation related to the belonging of species. I will limit my remarks on Midgley to this aspect. Like Williams and Nozick (Williams 2006, 139; Nozick 1983), Midgley seems to think that we are justified in giving precedence to humans over non-humans on the basis of a peculiar obligation of species membership. Although far from denying animals a relevant moral status, she criticizes Singer on the notion of speciesism. According to Midgley, Singer is wrong to think that any preference for our species is nothing more than a prejudice comparable to racism. In her view, presenting speciesism in analogy with racism is a mistake because these are two extremely different concepts, whose similarity is only superficial:

Race in humans is not a significant grouping at all, but species in animals certainly is. It is never true that, in order to know how to treat a human being, you must first find out what race he belongs to. (Cases where this might seem to matter always really turn on culture.) But with an animal, to know the species is absolutely essential. A zoo-keeper who is told to expect an animal, and get a place ready for it, cannot even begin to do this without far more detailed information. It might be a hyaena or a hippopotamus, a shark, an eagle, an armadillo, a python or a queen bee. (Midgley [1983] 1998, 98-99)

## One cannot compare

a trivial human grouping such as race to this enormous, inconceivably varied range of possibilities [...]. Overlooking somebody's race is entirely sensible. Overlooking their species is a supercilious insult. It is no privilege, but a misfortune, for a gorilla or a chimpanzee to be removed from its forest and its relatives and brought up alone among humans to be given what those humans regard as an education. If we ourselves were on another planet, among beings who considered themselves, and perhaps were, superior to us in intellect and other ways, we would have no doubt about rejecting such an offer for ourselves or our children. (*ibid.*, 99)

In fact if virtuous and highly intelligent extraterrestrials, the Quongs from Alfa Centauri, offered to adopt human infants, their undoubted status as persons, as self-conscious and rational by hypotheses, would not be sufficient to make us accept the proposal, because we would still maintain considerable perplexities:

The first think, I should guess, concerns emotional communication. Do the Quongs smile and laugh? Do they understand smiles and laughter? Do they cry or understand crying? Do they ever lose their temper? Does speech – or its equivalent – among them play the same sort of emotional part that it does in human life – for instance, do they greet, thank, scold, swear, converse, tell stories? How much time do they give to their own children? Then – what about play? Do they play with their young at all? If so, how? [...] What singing, dancing or other such activities have they? What meaning do they attach to such words as love? Without going any further, it seems clear that, unless they are the usual cheap substitute for alien beings which appear in films – that is, more or less people in make-up – we shall find that the answers to these questions give us some reasons to refuse their offer completely, even if reluctantly. And these reasons will be of the same kind that applied to the duckling. A human being needs a human life. (*ibid.*, 106-107)

According to Midgley, these considerations justify our predilection for members of our own species, creating a special obligation towards them. In her opinion, speciesism should be rejected not so much because the species boundary does not identify a morally relevant difference, but only insofar as species membership is seen as the factor that marks the ultimate boundary of morality, the limit beyond which no living creature can have any importance for man (*ibid.*, 101).

Midgley's remarks appear acute and a reply that excludes any role for special obligations, giving moral theory entirely neutralistic connota-

tions, is not convincing<sup>1</sup>. I therefore think that Midgley is right in saying that a belief cannot be considered necessarily a prejudice

simply because it points out some individuals, regardless of their merits and capacity, as objects of concern before others. The special interest which parents feel in their own children is not a prejudice, nor is the tendency which most of us would show to rescue, in a fire or other emergency, those closest to us sooner than strangers. These habits of thought and action are not unfair, though they can probably be called discriminatory. There is a good reason for such a preference. We are bond-forming creatures, not abstract intellects. (*ibid.*, 101-102)

But the decisive problem with regard to the issue we are dealing with is herself to pose it: “The question which people who want to use the notion of speciesism have to decide is, does the species barrier also give some ground for such a preference or not?” (*ibid.*, 102). Midgley responds positively to this question: “The natural preference for one’s own species does exist. It is not, like race-prejudice, a product of culture. It is found in all human cultures, and in cases of real competition it tends to operate very strongly” (*ibid.*, 104). On this point, my position disagrees with her.

Midgley’s observations are interesting, but the thesis of a special obligation based on belonging to species does not convince me. Let me be clear, the dimension of special obligations is irreplaceable for a moral theory. The question is, however, whether special obligations also include one that concerns belonging to a particular biological species. That is to say, the mere fact that an individual belongs to my species makes a preference in her favour justified or even obligatory. I do not think so. If, in a dilemmatic situation, I were faced with an extraterrestrial endowed with sensitivity, self-consciousness and rationality, and a human, and they were both unknown to me – i. e. without having any relationship of friendship, love, gratitude etc. towards them – I do not believe that I should give priority or would be justified in giving priority to the member of the species *Homo sapiens*. Indeed, if I had developed a relationship of gratitude with the extraterrestrial, this would justify my preference for him. Of course, the extraterrestrial should be quite similar to us (Midgley is right about this). She would have to be capable of affection, emotion, etc. If she were a cold entity, however intelligent, it would hardly have been possible to develop special relationships with her. Special obligations to have moral

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<sup>1</sup> Instead Singer, in the first edition of *Practical Ethics*, seems to state that ethics requires that in our actions we evaluate the moral claims of those affected regardless (independently) of our feelings for them (Singer 1979, 69).

plausibility must be justified by moral principles, such as gratitude, fidelity, etc.<sup>2</sup>. I cannot find a justification for species membership.

Moreover, even if it were true that species membership brings on the scene a further special obligation in addition to those we have towards persons bound to us by relationships of gratitude, love and friendship etc., this does not affect the question of moral status, as Midgley seems to think. Nor do the special relationships listed above, which seem to authorize us, in particular circumstances, to give precedence to certain subjects with whom we have ties of affection, but certainly not to diminish our obligations towards (or the rights of) those who do not enjoy these special relationships (DeGrazia 2002, 30). According to DeGrazia, Midgley fails to grasp the difference between equal *treatment* and equal *consideration*, confusing the problem of “*what interests members of a group have with the issue of how much weight their interests should receive*” (DeGrazia 1996, 63). DeGrazia points out that “Of course, species differences are important in understanding the various interests of animals. But if they are also important for determining the weight that their interests should receive, Midgley has not shown us why” (*ibid.*, 63).

Let us move on to Roger Scruton. He believes that we have obligations towards non-human animals, because there are sources of morality, such as virtue (which, however, seems to bring into play only indirect reasons), sympathy and respect, that require them. For example, “Two of our sympathetic feelings are of great moral importance: pity towards those who suffer and pleasure in another’s joy. And these two feelings lie at the root of our moral duties towards animals” (Scruton 2000, 36). In fact,

Pity and sympathetic joy extend naturally to other species. I know that the dog with a broken leg is suffering, in something like the way that I would suffer. I know that the same dog, hunting on a lively scent, feels a joy that has its equivalent in me. Only a heartless person would feel no distress at the sight of such canine suffering or no pleasure at the sight of such joys. (*ibid.*, 37-38)

In animal ethics Scruton exemplifies very well a moderate position, for which, to put it briefly, we have an obligation not to make animals suffer, but we do not have an obligation to keep them alive. In this perspective animals possess moral status, i.e. they are worthy of direct moral consideration, but it is not comparable (in any way) to that of humans, whose value is higher and whose interests are to be given greater importance. Scruton rejects all those human practices that involve unjustified suffer-

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<sup>2</sup> I argued along these lines in Allegri 2005.

ing directed at other sentient beings, the emblematic example is given by intensive rearing. But he does not believe that an early induced death constitutes a harm to beings without a sense of the future (or lacking a sense of the long-term future). Or, if it is, it is not such as to render their killing unjustifiable.

The ethics of Scruton and of “conscientious” carnivores or omnivores, as Singer calls them, is to refuse the logic of factory farming for the suffering it inflicts on animals. But contrasting it not so much with a vegetarian or vegan diet, which they reject, as with traditional farms, where chickens, pigs, cows, etc., before being killed, live a happy life, in accordance with the standards of their species. According to Scruton,

Someone who was indifferent to the sight of pigs confined in batteries, who did not feel some instinctive need to pull down these walls and barriers and let in light and air, would have lost sight of what it is to be a living animal. His sense of the value of his own life would be to that extent impoverished by his indifference to the sight of life reduced to a stream of sensations. It seems to me, therefore, that a true morality of animal welfare ought to begin from the premise that this way of treating animals is wrong, even if legally permissible. (*ibid.*, 102)

Instead,

It is right to give herbivores the opportunity to roam out of doors on grass, in the herds and flocks which are their natural society; it is right to allow pigs to rootle and rummage in the open air, and chickens to peck and squawk in the farmyard, before meeting their end. But when that end should be is more a question of economics than of morals. (*ibid.*, 104)

Scruton does not see anything wrong in killing, without causing suffering, cattle that have been reared in a traditional way, as they, unlike humans, do not have “an eye to the future” (they have no aspirations, plans, etc., and their life has a repetitive character). In his view,

there is a real distinction, for a human being, between timely and untimely death. To be “cut short” before one’s time is a waste – even a tragedy [...]. No such thoughts apply to domestic cattle. To be killed at thirty months is not intrinsically more tragic than to be killed at forty, fifty, or sixty. (Scruton 2004, 88)<sup>3</sup>

On this point, I believe that his reflection is not convincing. In fact, such a reasoning, even to accept it, certainly does not cover the entire animal world (and perhaps not even the area of farm animals). There are surely animals that are self-conscious and have “a look toward the future”: apes,

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<sup>3</sup> In similar terms, see Scruton 2000, 142.

dolphins, whales and so on. But even if it were true that all non-human species are devoid of a prospective view of reality, it cannot be said that they do not lose anything in dying before their time. Also beings which are only sentient, without self-awareness and rationality, killed prematurely lose all those satisfactions conform to their own species which they would have enjoyed living longer: more food, more sex, more children to be raised, etc. (Singer and Mason 2006, 253). They do not need to have a sense of the remote future and/or a desire to continue living to undergo harm. The fact that a lizard – assuming it is a being without complex mental skills – cannot have an interest (in the sense of desire) to live, having no sense of the future, does not mean that it is not in its interest to avoid a premature death. That it is not – cannot be – interested in continuing its life does not mean that it is not in its interest to continue it.

Furthermore, Scruton's reasoning is challenged by the argument from marginal cases. As Singer observes, Scruton's view could be re-proposed by replacing the animals with atypical human beings (as suffering from relevant brain disabilities). That is, it could be said that

there is a real distinction, for a cognitively normal human being, between timely and untimely death. To be "cut short" before one's time is a waste – even a tragedy [...]. No such thoughts apply to a being unable to make plans for the future. For such a being to be killed at an early age is not intrinsically more tragic than to die in old age. (Singer 2009, 576)

Scruton's argument therefore implies that "it would be permissible to kill humans who, because of profound intellectual disabilities, are not conscious of their lives as their own and do not look forward to future achievements". But "Those who find this conclusion too shocking to accept cannot defend the killing of animals for meat on the grounds that animals lack the higher mental abilities that make it wrong to kill normal humans" (Singer and Mason 2006, 253). If we are not disposed to support the morality of killing of an innocent human being – in broad terms – with severe cognitive limits (*and we do not have to be*), then we cannot accept the morality of killing sentient beings (which do not harm us) without a prospective view of the future, just because they belong to other species.

If my previous arguments are correct, then a moderate position such as that well exemplified by Midgley and Scruton is an inadequate option for the moral status of animals.

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