Kant's Treatment of Animals

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Some of the greatest writers on moral philosophy have claimed that their theories about morality do not run counter to the moral views of ordinary men, but on the contrary are an elucidation of such views, or provide them with a sound philosophical underpinning. Aristotle, for example, made it quite clear that he could not take seriously a moral view that was at odds with the heritage of moral wisdom deeply imbedded in his society. His doctrine of the mean was based on a philosophical consideration of such wisdom. And Immanuel Kant thought that *his* moral philosophy articulated the moral views of ordinary men.

There is no reason to suppose that Aristotle and Kant and others were simply paying lip service to the views of the common man, since their appeals to ordinary views as support for their own philosophical positions are too frequent, and indeed sometimes too crucial for their arguments, for us to have any confidence in dismissing those appeals as insincere. It follows from this that philosophers who take their stand with ordinary morality are open to serious criticism if their moral philosophical positions are in radical opposition to the ordinary views they claim to espouse. If it emerges that there is such an opposition then philosophers of the kind in question will have to show that the opposition is not a real one; or that ordinary morality is wrong—which of course they might claim they have shown in so far as they have justified their own moral philosophical positions. But in that case those of their arguments that assume the correctness of ordinary moral views would be considered unsatisfactory. Or, alternatively, they must simply abandon their philosophical positions. Our aim is to show that Kantian rationalism must be rejected precisely because it is radically at odds with a sound ordinary moral view concerning our treatment of animals, namely, the view that animals, in so far as they have a capacity for suffering, are objects of direct moral concern. That is to say, recognition of the fact that animals are capable of suffering leads us to say that there are moral limits to our treatment of them.

One of the central propositions in Kant's ethical system is that persons, and persons alone, are proper objects of respect.[1] But since something can correctly be regarded as an object of moral action if, and only if, it is worthy of respect, it follows that persons, and persons only, can be objects of moral action. For Kant this is equivalent to saying that only persons are

[1] For a detailed discussion of this proposition see: A. Broadie and E. M. Pybus, 'Kant's Concept of Respect', *Kant-Studien*, forthcoming.

ends in themselves, or, put otherwise, that persons are the sole limiting conditions on moral action. From this it follows that any being that is not a person can, with moral justification, be used merely as a means.

If Kant is right in his claim that persons alone are the proper objects of respect, then serious consequences follow concerning the moral status of animals. For unless they are rational they cannot be regarded as ends in themselves, and indeed only by the use of a questionable argument can animals be shown to give rise to any moral duties at all. For if Kant, or any philosopher in the Kantian tradition, wishes to say that animals are worthy of moral consideration, he must arrive at this conclusion by showing that our duties towards animals are in some way dependent on our duties towards persons. Thus, in so far as Kant wishes to claim that we have duties towards animals he must take one or other of two lines. He can say that animals are persons. Or he can say that there are moral limitations on our treatment of animals because certain kinds of treatment of animals can involve us in, or lead us to, treating persons merely as means and not at the same time as ends.

A third line, which at first sight seems plausible, is that we can determine the nature of our duties concerning animals by a direct application of the test of universalization. Kant cannot take this line, because there is no contradiction involved either in the universalization, or in the willing of the universalization, of the maxim that I will always treat animals as if they have no capacity for suffering.

Are animals persons? Kant has two answers to this question, which, despite appearances to the contrary, are not mutually inconsistent. The first is that animals are not persons. This viewpoint emerges in the *Grundlegung* where he writes: 'Now I say that man, and in general every rational being, exists as an end in himself, not merely as a means for arbitrary use by this or that will . . . Beings whose existence depends, not on our will, but on nature, have none the less, if they are non-rational beings, only a relative value as means and are consequently called things'.[2] On the basis of this consideration, he presents the following formulation of the categorical imperative: 'Act in such a way that you always treat *humanity* (our italics), whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end'.[3] This formulation leaves no room for doubt that Kant does not wish to regard animals as persons, but wishes to put them in the category of 'things' (Kant's technical term for all beings which are not persons). Our interpretation of Kant's use of the term 'person' is backed by Paton, whose comment on the above formulation of the categorical imperative is: 'Strictly speaking, "humanity" should be "rational nature as such", but

[2] H. J. Paton, *The Moral Law* (London: Hutchinson 1966), pp. 90–91.
[3] Ibid p. 91.

the only rational nature with which we are acquainted is to be found in man'.[4] We are of course acquainted with animal nature, and if our interpretation of Kant is correct, it follows that animal nature is not regarded by Kant as rational; and hence, on Kant's view, animals are not persons but things.

This interpretation of Kant is further borne out by his explicit statement in his later work, the *Metaphysic of Morals*: 'So far as mere reason can judge, man has duties only to man (himself and other men); for his duty to any subject is moral necessitation by that subject's will. Hence the necessitating (obligating) subject must, *first*, be a person; and this person must, *secondly*, be given as an object of experience . . . but with all our experience we know of no being other than man that would be susceptible of obligation (active or passive). Therefore man can have no duties to beings other than man.'[5]

It is a pity that Paton did not elaborate the Kantian idea that the only rational nature with which we are acquainted is to be found in man. For Paton's remark prompts the difficult question of what it is to be acquainted with rational nature. Let us assume that such acquaintance involves awareness of rational nature as rational. The problem is, on the basis of what criteria do we decide whether a given nature is rational or not? In particular, on what grounds are we entitled to say that the only rational nature with which we are acquainted is human? We will be discussing this problem in detail later. Meantime, we wish to point out that Kant himself merely assumes that it is only in human beings that we are acquainted with rational nature.

Kant's other view on the nature of animals is that their nature is analogous to human nature. This view is expressed by Kant in his pre-critical writings, and he continued to maintain it even in his last work on moral philosophy, the *Metaphysic of Morals*. In the *Lectures on Ethics* he says: 'Animal nature has analogies to human nature, and by doing our duties to animals in respect of manifestations which correspond to manifestations of human nature, we indirectly do our duty towards humanity. Thus, if a dog has served his master long and faithfully, his service, on the analogy of human service, deserves reward.'[6] In *The Doctrine of Virtue* he uses exactly the same example. He says: 'Even gratitude for the long service of an old horse or dog (*just as if* they were members of the household) belongs indirectly to man's duty with regard to these animals'.[7] The use of the significant phrase 'just as if' makes it clear that Kant was again making use of the analogy between human and animal nature propounded in his earlier work.

[4] Paton, op cit., p. 132, 66 n. 2.
[5] *The Doctrine of Virtue*, tr. M. J. Gregor (Harper Torchbooks, 1964), p. 108.
[6] *Lectures on Ethics*, tr. L. Infield (Harper Torchbooks, 1963), pp. 239–240.
[7] p. 109. Our italics.

His claim that animals are analogous to persons appears to mean no more than that they behave as if they have psychological states that we take to characterize people. It does not imply that animals have a faculty of reason. Hence the view that animals are in some respects analogous to people is consistent with the view that animals are not rational beings.

If animals are not persons, and if we have duties only to persons, it follows that we have no duties to animals. It does not follow, however, that our treatment of animals is not subject to moral assessment. For one point that follows from Kant's basic ethical position is that any behavioural expression of rational agency whatsoever is morally assessable. That is to say, according to the Kantian view any action whatsoever must be either demanded by the moral law, consistent with the moral law, or prohibited by the moral law. Hence, the question arises, on the basis of what considerations do we establish the moral worth of our treatment of animals?

We have already mentioned Kant's view that only rational beings are ends-in-themselves. The alternative to being an end-in-itself is being a means-to-an-end. Something that can be regarded merely as a means to an end is of course not an object of independent moral concern. But there is one Kantian principle in particular that makes it quite clear that for Kant non-rational beings must in some respect be objects of moral concern. That principle, which is not the less basic for being, as he himself admits, analytic, is 'He who wills the end wills the means'. Since there is that logical link between ends and means, it follows that treatment of things that can morally be only means, must be bounded by moral restrictions. In particular, let us suppose that a person, recognizing something as a rational being, intends to treat that being in a way that is morally appropriate, viz. as an end-in-itself. Let us suppose, further, that certain things have to be used as means in order that the morally appropriate behaviour towards the rational being can be accomplished. In willing to treat the rational being in the appropriate way he must therefore will to treat the means appropriately, viz. as a means. It follows that he has a certain duty with regard to those means, the duty being to use them in order to fulfil his duty to the rational being. In so far as he does not use those means, even though they are available and, we must add, the only means available for the fulfilment of his duty towards the rational being, it follows that he has failed in his duty with regard to those means.

This conclusion holds whether or not the means in question also have the status of ends-in-themselves. We can have a duty with regard to a person in so far as we are treating him as a means to a further end, and likewise we can have a duty with regard to a piece of dead matter in so far as we are treating that as a means to a further end. If somebody lends us a book on the understanding that we will return the book undamaged, then we clearly have a duty with regard to that book. For we have a duty not to damage it. It is important to note in such cases that one can have a duty with regard to

a means only in so far as one already has a prior duty to an end-in-itself. Since only persons are ends-in-themselves it follows that any duty we have with regard to something as a means derives from a prior duty to a person.

Kant uses two phrases in a technical sense in talking about the two kinds of duties. First, he speaks about having a duty *to something*, when the something is being regarded in its capacity as an end-in-itself. Secondly, he speaks about having a duty *with regard to something*, when the something is being regarded as a means to an end. Kant's use of the technical phrases 'duty to' and 'duty with regard to' can lead to confusion. He does, however, have an alternative and preferable terminology to cover the same distinction. Sometimes, instead of speaking of duties *to* he speaks of *direct* duties, and instead of speaking of duties *with regard to* he speaks of *indirect* duties.[8]

Now, Kant, as we have said, clearly regards animals as non-rational beings, and therefore not as ends-in-themselves. His basic position on the treatment of animals can be expressed simply as follows: we can have indirect duties to animals, but we cannot (and this is a logical 'cannot') have direct duties to animals.

We have so far shown what Kant would have to say about the moral restrictions on our treatment of animals if he were consistently to apply his account of the moral law to the problem of the treatment of non-rational beings. The question remains whether Kant did in fact take the line that we claim that, in the interests of consistency, he must. A careful examination of his writings reveals that Kant unswervingly follows this line.

In *The Doctrine of Virtue* he says: '. . . man can have no duty to beings other than men. If he thinks he has such duties, it is because of an *amphiboly of the concepts of reflection*, and his alleged duty to other beings is really a duty to himself.'[9] In the *Critique of Pure Reason* B326 Kant informs us that a transcendental amphiboly is 'a confounding of an object of pure understanding with appearance'. When he tells us that to suppose we have duties to beings other than man is to be guilty of an amphiboly, what he means is that such a supposition is based on the false assumption that beings which lack a faculty of reason are subject to *a priori* principles of morality; or, to put it more briefly, it is based on the false assumption that beings which do not have a noumenal self, do.

Since, for Kant, animals are non-rational beings, it follows that, to use Kantian terminology, the supposition that one can have direct duties to animals rests on an amphiboly. We shall now spell out in detail the way Kant himself avoids this amphiboly.

Since direct duties can only be to rational beings, and the only rational beings with which we are acquainted are human beings, it follows that our indirect duties to animals must be based on a direct duty either to ourselves

[8] *The Doctrine of Virtue*, p. 109.
[9] p. 108.

or to other people. Before showing how Kant attempts to base our duty to animals on our direct duties to ourselves or to other people, a few words must be said about the Kantian distinction between duties to ourselves and duties to others. Kant himself appears to think that a discussion of the distinction is not necessary and that it is safe to make immediate use of the distinction, taking it to be intuitively obvious what the distinction is.

It is clear that there is at least one sense in which there really are for Kant direct duties toot hers as well as to oneself. For, one of the formulations of the categorical imperative tells us, 'Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end'.[10] But the concepts of direct duty to oneself and direct duty to others do not have an identical logical status. For it can be shown that any violation of a duty to others implies, within the Kantian scheme, a violation of duty to oneself, whereas a violation of duty to oneself does not imply a violation of duty to others. (Of course there can be individual cases in which, in violating one's duty to oneself, one is also violating one's duty to others.) We fulfil our duty to others by acting on the principle of never treating them merely as a means, and consequently we violate our duty to others by treating them merely as a means. It is impossible to violate our duty to others without at the same time violating our duty to ourselves, for in violating *any* duty we fail to do justice to our nature as rational beings. It follows that all violation of our duty to others involves us in an act of self-betrayal. In using another rational being merely as a means to an end, we would be using ourselves in the same way. Thus there is a sense in which any violation of duty to others involves two violations of duty.

If duty to oneself and duty to others had an equal logical status we should also have to say that the violation of duty to oneself necessarily implied violation of duty to others. But violation of duty to oneself does not have this necessary implication. For it is possible to violate one's duty to oneself without in so doing using anyone else merely as a means. For example, whether or not it is often, or even generally, the case that a person who commits suicide uses others merely as a means to an end, it is possible for a person to commit suicide without in so doing showing a lack of proper moral regard for any other person.

Given any two sets A and B, the following formal definition of 'logical priority of a set' can be formulated: to say that A is logically prior to B is to say that B is, for logical reasons, a proper sub-set of A. In other words, B is included in A, but not vice versa. We have shown that the class of actions that are instances of duty to others is a sub-set of the class of actions that are instances of duty to oneself, and that the class of actions that are instances of duty to oneself is not a sub-set of the class of actions that are

[10] Paton, op. cit., p. 91.

instances of duty to others. Hence the set of actions that are instances of duty to oneself is logically prior to the set of actions that are instances of duty to others. Transferring the concept of logical priority to cover relations between concepts as well as between sets, we can say that the concept of duty to oneself is logically prior to that of duty to others.

It follows from what has been said that if Kant is correct in saying that our indirect duties to animals are dependent on our direct duties to ourselves and others, then it should always be possible to justify the claim that an agent has violated his duty with regard to an animal by showing that that agent has violated his duty to himself. In other words, the question of the agent's violation of direct duty to others can be left out of account.

Kant fails to see the logical priority of duty to oneself over duty to others. In some places he tries to found indirect duties to animals on direct duty to others, and in some places he tries to found them on direct duty to ourselves.

In the *Lectures on Ethics* Kant states unambiguously his view that our indirect duties to animals can be justified by reference to our direct duties to others. He writes, 'If a man shoots his dog because the animal is no longer capable of service, he does not fail in his duty to the dog, for the dog cannot judge, but his act is inhuman and damages in himself that humanity which it is his duty to show towards mankind. If he is not to stifle his human feelings, he must practise kindness towards animals, for he who is cruel to animals becomes hard also in his treatment of men.'[11] Not only should he refrain from maltreating animals because this involves a violation of duty to others, but he ought to be positively kind to animals, since 'Tender feelings towards dumb animals develop humane feelings towards mankind'.[12]

Kant holds equally unambiguously that our indirect duties to animals can derive from our direct duties to ourselves. In *The Doctrine of Virtue* he states, 'Even gratitude for the long service of an old horse or dog (just as if they were members of the household) belongs *indirectly* to man's *duty with regard to* these animals. Considered as a *direct* duty, however, it is always only a duty of man *to* himself'.[13]

In another statement in *The Doctrine of Virtue* he hints at, though still does not grasp the significance of, the logical relationship between the concepts of duty to oneself and duty to others. He writes '. . . violent and cruel treatment of animals is far more intimately opposed to man's duty to himself, since it dulls his sympathetic participation in their pain and so weakens and gradually destroys a natural disposition most useful to morality in one's relations with other men'.[14]

[11] Paton, op. cit., p. 240.
[12] Ibid., p. 240.
[13] p. 109.
[14] p. 109.

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On the face of it, Kant would appear to be holding three distinct positions here. First, he holds that maltreatment of animals is wrong because it leads us to be unsympathetic to, and ultimately cruel to, other people. In other words it leads us to treat other people merely as means. Secondly, he holds that it is wrong because it involves us in using our own rational nature as a means to an end. Thirdly, he holds a combination of these positions that amounts to a claim that, in maltreating animals, we use our own rationality as a means to an end, damage our humanity, and thus become liable to fail in our duties to other people. It is clear from the text that Kant regarded these three positions as aspects of the single position that the indirect duty not to maltreat animals rests on our direct duty to respect rationality as such. We violate any direct duty by acting on a maxim which cannot serve as a universal law. Contrary to what we might expect, Kant's account of the duty not to maltreat animals does not appear to rest on this basis. For the maxims on which we act when we maltreat animals may in fact be universalizable: at least, Kant nowhere attempts to show that they could not be. Instead, he falls back on an account of human psychology that he makes no attempt to justify. Even if he is correct in his psychological assumptions, they could not serve his purpose, for whether or not human beings tend to be rendered unsympathetic towards other people by their practice of cruelty to animals is a contingent matter of fact about *human* beings, and not a fact about *rational* beings.

Given Kant's account of duty in terms of rationality as such, it follows that our alleged indirect duties towards animals are not duties in the Kantian sense at all, and to refer to them as duties, albeit indirect ones, is to confer a spurious moral legitimacy on the maxim to avoid maltreating animals. What Kant chooses, tendentiously, to call 'indirect duties' can better be described as avoidance of forms of behaviour whose habitual performance by a given human agent will lead that agent, as a matter of psychological fact, to acquire a tendency to treat rationality merely as a means. And this manifestly is not what Kant means by a duty, indirect or otherwise.

Our objection is not merely a verbal one, for even if we allow Kant to call the kinds of behaviour in question 'indirect duties' he cannot prove his point. His argument, put briefly, is to the effect that if human beings maltreat animals they will acquire a tendency to use rationality (in themselves or in other people) as a means. But, according to Kant, animals are, in the technical sense, things, and consequently are precisely what we should use as means. His argument therefore is that if we use certain things, viz. animals, as means, we will be led to use human beings as means. If this argument were generalized, Kant would have to say that using things as means would lead us to treat rational beings as means. And Kant cannot avoid this generalization of his argument, since he cannot point to a morally relevant characteristic which differentiates animals from other things

which, he would say, we can use as means. For the only morally relevant characteristic they could possess would be rationality, and yet he maintains explicitly that they do not possess this characteristic. That is why they are things. Thus, if he is to use the argument that using animals as means will lead us to use rationality as a means, he must generalize it, and say that because of the effect on our behaviour towards other people, we ought never to use anything as a means, and we have an indirect duty not to do so. This is not merely absurd, but contrary to his imperative of skill.

Kant appears to be aware of this difficulty, for otherwise there seems to be no point in his taking the unexpected and unhelpful line that animals are analogous to persons. He writes 'If, then, any acts of animals are analogous to human acts and spring from the same principles, we have duties towards the animals. . . .'[15] But an animal is not rational, and as Kant says in the *Grundlegung*, 'Only a rational being has the power to act *in accordance with his idea* of laws . . . that is, in accordance with principles. . . .'[16]

Having ceremoniously ushered animals out of the front door of the moral universe, Kant has, with commendable discretion, tried to smuggle them in again through the back.

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[15] *Lectures on Ethics*, p. 240.
[16] Paton, op. cit., p. 76.