

## **New Philosophical Basis for Animal Policy**

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### **Abstract**

The debate on animal rights today arises from a certain philosophical perspective that can be described as anti-speciesist and utilitarian-hedonistic (and, ultimately, anti-humanist and anti-humanitarian). According to anti-speciesists (such as Peter Singer), many animals can suffer like us, so they have to be included within the circle of the equals, and we should recognize them or giving them certain rights. In order to avoid animal abuse without adopt anti-humanist positions we must replace the notion of species by that of human family, and the utilitarian hedonism by an Aristotelian conception of human nature. In this regard, we can acknowledge the inherent value of animals, and this recognition generates duties for us (without granting rights to animals). Finally, we must recognize the right and dignity of every human being, along the lines set out by many contemporary thinkers, like Adela Cortina. Such recognition is based on our human nature as well as on the fact that all of us are by nature members of the human family, including the weakest and disabled, as MacIntyre has argued.

### **Keywords**

Animal rights, Disability, Human dignity, Aristotle, MacIntyre, Speciesism.

### **1. Human dignity and animal value**

What is at stake in the debate on the alleged rights of animals is clear in a recent book by Adela Cortina: *Las fronteras de la persona. El valor de los animales, la dignidad de los humanos* [*The boundaries of person. Animal Value and Human Dignity*]. After critically reviewing the different positions about animal rights, the author describes her own views. Human beings, she argues, have a dignity prior to any social agreement. Mutual recognition of it will eventually be translated into rights. However, this mutual recognition of human dignity should not be understood in terms of mutual benefit or simple selfishness. It goes further and can benefit others. It should even do. It should benefit all those beings that, like animals, have inherent value. The avoidance of animal

suffering can be achieved without attribution of uncertain rights. «There is no dignity – Adela Cortina says – but in the case of human beings»<sup>1</sup>.

Have we achieved in this way the safeguard of animal value and human dignity? It seems for me unquestionable this idea: the recognition of an inherent value of animals generates duties to people, and the fulfilment of these duties should be sufficient to safeguard animal interests. I agree that in order to avoid animal suffering is not necessary or even desirable, to undermine the role of rights. However, we have still the other side of the issue. On the edge of the argument still remain the weakest human beings, because of age, illness or disability. Do they have dignity? Adela Cortina's response is unambiguously positive.

In my view, this position is very sensible: animals have value, and human beings have also dignity and rights. But the thinkers that we can call anti-speciesists differ from this position. They intend to grant rights to animals, but they question at the same time the human dignity of the weakest. So, let's consider now their arguments.

Speciesism would be, according to such authors as Peter Singer, a form of discrimination analogous to racism or sexism, and therefore unfair. The anti-speciesists demands that no living being should be discriminated against because of the species that it belongs to. However, if we abandon the criterion of species, we have to look for another one in order to value beings and adapt our behaviour to their value, for we have, of necessity, to discriminate in practice. Now, that criterion will be fixed by some concrete characteristic of living beings, not by their mere belonging to a species. For example, we can establish the value as a function of the capacities of each being, the capacity to suffer or enjoy, the presence of mind, the linguistic or social capabilities, autonomy, etc.

However, if we act thus, we would be putting at risk the basic equality between human beings, as far as their dignity is concerned. That is to say, the anti-speciesist, who is against any discrimination on the grounds of species, either does not discriminate at all between living beings, which is not a viable course in practice, or puts at risk the equality between humans, which is not to be desired.

If we do not wish to use the species as a criterion of discrimination, we shall need a theory of the value of living beings that fulfil three desiderata: (i) it should recognize the inherent value of living beings, which is an important point, for if we only recognize

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<sup>1</sup> A. CORTINA, *Las fronteras de la persona. El valor de los animales, la dignidad de los humanos*, Taurus, Madrid, 2009, p. 225. My translation.

their instrumental value and do not discriminate on grounds of species, then it would follow that some human beings would simply be means of serving others; (ii) it should bring in some non-species-based gradation of the value of living beings; and (iii) it should not violate the equal dignity of all human beings.

We must accept that such a theory presents a challenge for the ethics of our times. Singer's ideas, for example, do not fulfil the third desideratum. According to Singer's ethics, it is in fact the weakest humans that are left unprotected. One can only view with trepidation the fact that the same hand writes in favour of animal liberation and infanticide: «The life of a newborn baby is of less value to it than the life of a pig, a dog or a chimpanzee». After this statement, one might expect Singer to undertake a defence of all of them, but what follows is not that, but an attempt to justify infanticide: «I do not regard the conflict between the position I have taken and widely accepted views about the sanctity of infant life as a grounds for abandoning my position. These widely accepted views need to be challenged [...] None of it shows, however, that the killing of an infant is as bad as the killing of an (innocent) adult [...] The grounds for not killing persons do not apply to newborn infants»<sup>2</sup>.

This, obviously, violates the minimal equality among human beings. Further anxiety may be caused by Singer's lack of clarity on the age of children who, in his view, do not deserve especial protection. He mentions such ages as “a week”, “a month”, “two years” and even “three years”. Singer even sets out the circumstances in which “killing an infant” would be acceptable. Obviously, «we should certainly put very strict conditions on permissible infanticide”. But, in fact, the only condition that Singer sets for infanticide is that “those closest to the child do not want it to live»<sup>3</sup>.

Perhaps the best way to discuss these sordid Singer claims would be to put it next to a text by Hans Jonas: «The timeless archetype of all responsibility is that of the parent for the child [...], the newborn, whose mere breathing uncontradictably addresses an ought to the world around, namely to take care of him. Look and you know»<sup>4</sup>.

Interestingly, Singer himself, when he plays not as a philosopher but as an activist in the *Great Ape Project*, simply returns into speciesist positions. The GAP relapses into the anthropocentric speciesism as it segregates by species and makes the cut on the basis of

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<sup>2</sup> Cfr. P. SINGER, *Practical Ethics*, Cambridge University Press, Cambridge 1993, pp. 169-173.

<sup>3</sup> *Ibidem*.

<sup>4</sup> H. JONAS, *The Imperative of Responsibility*. The University of Chicago Press, Chicago, 1984, pp. 130-131.

similarity to the humans<sup>5</sup>. The GAP explicitly advocates for including the members of the species *Homo sapiens*, *Pan troglodytes*, *Pan paniscus*, *Gorilla gorilla* and *Pongo pygmaeus* within the “community of equals”: «We demand the extension of the community of equals to include all great apes: human beings, chimpanzees, bonobos, gorillas and orang-utans. The community of equals is the moral community within which we accept certain basic moral principles or rights as governing our relations with each other and enforceable at law»<sup>6</sup>. Thus, the anti-speciesist philosophy of Singer eventually leads to an obviously speciesist political project, which grants rights to all members of certain species and only to them, although many of them may have a lower degree of sensitivity to pain, intelligence, sociability, emotional life than other individuals of different species such as elephants, dogs, dolphins, whales or other primates.

The question is whether it is possible to support respect for animals and their correct treatment, avoiding their rough consideration as machines or objects, avoiding the behaviourist stance that denies them a mind or emotions, without leading to the antihumanist – and antihumanitarian as well- consequences of Singer. I believe that it is possible to find a different basis, which does not lead to disregard for the lives of the weakest human beings.

Perhaps one of the problems of anti-speciesism lies in the fact that the very concept of species is not the most suitable for moral or political contexts. It already has its problems in biological contexts. In ethical contexts, it is mainly individuals and populations that count, as they are concrete entities. When we wish to make reference to humanity as a whole, it is preferable to use an expression with obvious moral connotations and a reference to concrete entities, such as “the human family”, as in the preamble of the *Universal Declaration of Human Rights*. Cospecificity is not a relationship that necessarily entails emotional, social, affective or moral bonds, while belonging to the same family is.

Bonds of this type should be gradually extended to other animals and living beings. If we manage to recognize signs of familiarity in other humans – in all of them – and if we manage to expand, from the closest to the most distant those bonds of respect and affect

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<sup>5</sup> Sometimes anthropocentrism is avoided only by resorting to anthropomorphism. The human being is displaced from the centre of the moral life placing there the whole of nature, ecosystems, or other living beings. But this is accomplished only by conferring human characteristics to them.

<sup>6</sup> P. CAVALIERI, P. SINGER (eds.), *The Great Ape Project. Equality beyond Humanity*, New York, St. Martin's Press, 1993, p. 4.

that unite us – or should unite us – with our family, then we shall be ready to go on to a new extension, then we shall be able to have our compassion reach other living beings, as the primatologist Frans de Waal sustains<sup>7</sup>. It is not therefore a question of abstract reasoning on criteria of discrimination of classes or sets, but to extend the bonds that unite us (or which should) to the other members of our human family.

The root of the problem lies in the characterization of speciesism. Once Singer builds such an unacceptable figure as speciesism, anti-speciesism and the dilemma it produces necessarily arrive. However, speciesism only affects to those who set the moral discrimination on the basis of the species. So I argue that the direct transposition of a concept, such as “species”, from biology into moral and political arena is not an adequate move.

Current biology requires a plural concept of species, for it has to be useful in a number of disciplines, each with its own interests and points of view. The notion of species that may be useful in palaeontology is not so applicable in zoology or botany, while these do not have to fit the interests of a biologist dealing with asexual organisms. And each of them will give rise to its own organization of the living world.

Many different functions are also required of the species. It will be a group of similar organisms that are also inter-fertile, with a common near origin, with their own phylogenetic trajectory and a differentiated ecological niche – it is the unit of evolution and also for some the unit of biodiversity. It is not odd that, depending on which function of the notion of species we are dealing with, somewhat different cut-off points will appear. And, in any event, the tension between the morphological and genealogical aspects will always be there. Could the species concept bear also with ethical, legal and political functions?

Neither Saint Thomas Aquinas nor Immanuel Kant – both criticized by Singer – thought his moral philosophy for an entity such as the species *Homo Sapiens*. Nor the bill of rights was thought for a species in the biological sense of the word. There are simply no rights of *Homo Sapiens*, but the rights of man and citizen, or human rights. The biological species concept introduces in moral contexts more confusion than anything else<sup>8</sup>.

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<sup>7</sup> Cfr. F.B.M. de WAAL: *Good Natured. The origins of right and wrong in humans and other animals*, Harvard University Press, Cambridge, 1996 pp. 209-213.

<sup>8</sup> Cfr. A. MARCOS, *The Species Concept in Evolutionary Biology: Current Polemics*, in W.J. GONZÁLEZ (ed.): *Evolutionism: present approaches*, Netbiblo, La Coruña 2008, pp. 121-142.

The relevant entities in ethical domains are individuals, populations, communities or families, which are concrete entities. The expression “human family” (which has nothing to do with the taxonomic notion of “family”) does not bring all the technical complexity of the controversial notion of species. The human family is a concrete entity, located in time and space, while the species *Homo sapiens* is an abstract idea. The so-called problem of speciesism has its roots in this categorical confusion.

## **2. Looking for new philosophical basis for animal policy**

The question is whether we can found the respect for animals, avoid them to be awkwardly considered as machines or objects, avoid also the behavioural perspective that denies them mind and emotions, and all this without the anti-humanist – even anti-humanitarian – consequences that accompany anti-speciesism. I think so. We can and we must find another basis to advocate against cruelty, a foundation that does not lead us to disregard the weakest humans. In addition, the philosophical basis that I am going to sketch now do not deny the inherent value of natural beings other than sensitive animals, as Singer’s utilitarianism does. The philosophical basis I am suggesting here comes from Aristotle and also from some contemporary neo-Aristotelian thinkers, especially Hans Jonas and Alasdair MacIntyre.

First, let me recall that Aristotle devoted his time to both the philosophy and biology. He is universally considered one of the founders of this science, and especially of zoology, as well as philosophical ethics. Furthermore, the Aristotelian approach to the study of living beings was never just an exercise in the cold and abstract reason, but he used to observe animal behaviour with sympathetic dedication all throughout his life. I will bring a single reference by way of illustration, but you could obtain many others in the same sense: «We can cite a multitude of facts which show the sweetness and familiarity of the dolphins, and in particular their manifestations of love and passion for their children [...] it was observed a day that a group of dolphins, large and small ones, were followed at a short distance by two dolphins that kept afloat a small dolphin died. They raised him with his back, as full of compassion, to prevent it from being prey of a voracious animal»<sup>9</sup>.

This is Aristotle, not a modern rationalist philosopher who believe, from a distant abstraction, that animals are mere machines, but a zoologist who appreciates finely the

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<sup>9</sup> ARISTOTLE, *Historia Animalium* 631a 8 ss.

characteristics of animals, who attributed them soul, emotions and even some kind of *phronesis*. It thus appears that the Aristotelian works are a promising source of inspiration for addressing the issues that concern us here.

Secondly we are interested in Aristotle as an integrative philosopher, not as a hierarchical one, as a philosopher of the golden mean. I mean, Aristotelian ethics and anthropology seek an integration of reason and tradition, i.e. rational critical thinking, on one hand, and the practices, customs and values of a given society, on the other one. Aristotle showed always respect to the perspective of the common sense. He used to take it as a starting point for philosophical reflection, as a contrast to his findings, but he was also capable of a critical distance from tradition and common sense. To put it in contemporary terminology, Aristotle aims at a sort of integration of tradition and criticism, or at a sort of reflective equilibrium. Aristotle's ethics was written from golden mean and moderation. And his politics generates a reformist spirit, never a revolutionary one. Aristotle would surely take as an alarm signal that which Singer does not care about, namely, the clash with the "so widely accepted views on the sanctity of infant life". Aristotle perhaps would stop before making proposals that directly conflict with the legal and ethical foundations of Western Civilization. Any Aristotelian thinker would aim at a better treatment for animals through sensible reforms rather than through revolutionary changes.

Another teaching from Aristotle, which will be valuable in our current context, refers to the human nature. On the one hand, it is well known the Aristotelian characterization of human being as a rational and social animal (*zoon logon politikon*). Our animal condition must be taken with all its implications. The other two notes must also, of course. They are the specific way in which we differ from the other animals. Therefore, there is not a mere juxtaposition, but an integration of the three dimensions of human being in the unity of each *person*. I think that this view of human nature can promote the proper treatment of the animals without degrading the human being, without equating what is actually marked by a *difference*.

On the other hand, Aristotle describes man as "intelligent desire or desirous intelligence"<sup>10</sup>. This characterization of the human being would be also of utility for today's debate, when we need to integrate, and not oppose or juxtapose, our rational and emotional aspects. To give humans and other living beings the dealing that in justice

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<sup>10</sup> ARISTOTLE, *Nicomachean Ethics*, 1139b 5.

deserve, the cold reason will be not enough, nor mere compassion, especially if they are disconnected from each other.

From Hans Jonas we can get a valuable philosophical tool that avoids uncontrolled proliferation of new subjects of rights, giving protection at the same time to human and nonhuman animals, as well as to the other living beings. In his book *The principle of responsibility*, he develops a theory of the inherent value of all living beings. He proposes going to the metaphysical root of the issue, i.e. to the question of the primacy of being over non-being. He wonders why being has value, why is it better than the non-being. The answer is that only what *is* can have value, so that the mere possibility of value is already a value that makes being preferable to nothingness: «The mere fact of value [...], being predicable at all of anything in the world, whether of many things or few, is enough to decide the superiority of being [...] over nothingness»<sup>11</sup>.

But this value of being is not given equally in all natural substances. They vary in value by varying its ability to sustain values. Jonas ideas intellectually justify the gradual inherent value of the living beings without resorting to the concept of species. By recognizing the intrinsic value of living beings, we realize that our duties immediately follow. Of course, these duties are only for humans. And basing upon these duties, we can endow human beings with the appropriate rights to fulfil these duties. In summary, we have followed this path: (i) recognition of the inherent value of all living beings, (ii) recognition of the duties derived therefrom, and (iii) recognition of the rights that facilitate us the fulfilment of these duties. In this approach the subject of rights is always the human being.

Further to this, there are very valuable ideas put forward by Alasdair MacIntyre in his book *Dependent Rational Animals*. As in the case of Aristotle and that of Jonas, also for MacIntyre would be worth remembering that we are not facing at “a dangerous anthropocentric thinker”. He credited even practical reason to the dolphins, and he devotes an entire chapter to ponder their intelligence<sup>12</sup>.

But my main objective here by quoting MacIntyre is looking for a solid philosophical basis for respect for human rights in all its extension, that is, respect for the rights of all human beings, and especially for the disabled and dependent people.

MacIntyre’s book thus represents an important development because it is a work of moral philosophy written not from the condescension toward dependent people, but

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<sup>11</sup> H. JONAS, *op. cit.*, p. 48.

<sup>12</sup> MACINTYRE, A., *Dependent Rational Animals*, Carus Publishing Company, 1999, chapter 3.



from the recognition that all of us are, has been, or will be, one day or another, dependent people. MacIntyre conceptualize the human being as an animal, with all the consequences of the term, rational and autonomous but also dependent by nature. The “we” that is often used in moral philosophy no longer will be the exclusive “we” of the completely autonomous people. That “we” of the moral subject will also include people not perfectly independent, because dependent people, at some point in life, are all of us. Including people with disabilities in “the circle of equals” is a proper way of drawing this circle, for the disabled people, in a sense, are all of us. Here there is no trace of speciesism. In other words, we should think on disability not only from an individualistic perspective, but also from the perspective of the human community in which we live.

Now we can see clearly that speciesism and anti-speciesism, and all the unpleasant consequences of both, ensue only by the confusion of biological categories, like species, with moral categories such as community or family – from the nuclear family to the entire human family. Working with moral categories, MacIntyre properly established a basis for a fair equality among all humans. Let me state here some quotes by MacIntyre: «Before the birth of a child parents generally want that child to conform more or less to some ideal, the details of which vary from culture to culture. [...] But the commitment to care of the ordinary good parent to this or that particular child, if the parent is to provide the security and recognition needed by the child, has to be a commitment to care for the child, even if it turn out to be ugly, sickly and retarded. And this holds for good parents of normally developing, healthy, intelligent and good-looking children just as much as for parents of children who suffer disfigurement or brain damage. Good parental care is defined in part by reference to the possibility of the affliction of their children by serious disability. The parents of children who are in fact severely disabled children do of course sometimes need to be heroic in their exercise of the relevant virtues as the parents of ordinary children do not. [...] [They] are the paradigms of good motherhood and fatherhood as such, who provide the model for and the key to work of all parents»<sup>13</sup>. By the way, let’s reflect a little: the protection of the disabled humans is normally exercised by their parents or relatives. In a natural way they are inserted into a community by means of other people who look after their interests. In fact, they are born already embedded in a human community. Treating the great apes or other animals

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<sup>13</sup> MACINTYRE, A., *Dependent Rational Animals. Why Human Beings Need the Virtues*, Carus Publishing Company, Chicago and La Salle, 1999, p. 91.

as if they were humans with disabilities would be nonsense. In this way, we would be forced to unnaturally introduce animals in a political community that is not their community, by arbitrarily assigning them a legal tutor.

«Those in dire need both within and outside a community generally include individuals – MacIntyre writes – whose extreme disablement is such that they can never be more than passive members of the community [...]. But that thought has to be translated into a particular kind of regard. The care that we ourselves need from others and the care that they need from us require a commitment and a regard that is not conditional upon the contingencies of injury, disease and another afflictions»<sup>14</sup>.

We can easily recognize “another self” in the disabled person, to use the same terms that Aristotle reserved to define friendship. This is because anyone can fall in disability due to an illness or an accident. So, we are obliged to equal consideration to all human beings, regardless of their abilities or disabilities. «But it will add to that regard – MacIntyre continues – a recognition that each member of the community is someone from whom we may learn and have to learn about our common good and our own good, and who always may have lessons to teach us about those goods that we will not be able to learn elsewhere»<sup>15</sup>.

MacIntyre’s ideas allow us to safeguard equality among members of the human family, without having to scale the value of each individual on the grounds of his intelligence or sensitivity. They are the family bonds, the fact that all of us belong by nature to a certain community, that give each and every one of us the same rights and that places us into the circle of the equals. This does not imply a disdain for the rest of the animals. On the contrary, from a healthy human community, which respects human rights and human dignity, it will be easier to devise protective measures to prevent the destruction and suffering of other natural beings.

### **3. Conclusive Summary**

1 - The debate on animal rights today arises from a certain philosophical perspective that can be described as anti-speciesist and utilitarian-hedonistic. From this perspective, some thinkers and activists are clamming for not to discriminate against individuals on the base of species, but according to their capacity for suffering. According to anti-

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<sup>14</sup> *Ibid*, pp. 127-128.

<sup>15</sup> *Ibi*, p. 135.

speciesists, many animals can suffer like us, so they have to be included within the circle of the equals, and we should recognize them or giving them certain rights.

2 - This view is mainly based on the thinking of Peter Singer. In his philosophical works we can see the last consequences of this line of thought. These consequences are anti-humanist and even anti-humanitarian. Singer arrives even to the justification of infanticide.

3 - The question for us is this: Can we avoid animal abuse without adopt anti-humanist positions? I would say here: Yes we can! To do this we must replace the philosophical underpinnings of the debate. The notion of species is to be replaced by that of *human family*, and the utilitarian hedonism by a different conception of human nature, in my opinion, by one of Aristotelian inspiration.

4 - What happens then to the animals? The animals have inherent value. The recognition of this value generates duties for us. The accomplishment of these duties will prove sufficient to prevent cruelty to animals. The philosophy of Hans Jonas provides a sound philosophical ground for these conclusions.

5 - Therefore, I think that no recognition (or granting) of rights to animals will be required. The pathway of the animal rights generates more problems than it solves. In the political and legal areas there exists another more suitable course of action, already taken by many states and the EU. This is a reformist policy of new laws on animal treatment. This policy should appeal, not to the alleged animal rights, but to the direct and indirect duties we have as humans.

6 - What about humans? We must recognize their rights and dignity, along the lines set out by many contemporary thinkers, like Adela Cortina. Such recognition is based on our human nature as well as on the fact that all of us are by nature members of the human family. And all humans are equal in dignity and rights, including the weakest and disabled, as MacIntyre has argued.

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