

Thomasine Kushner, "Interpretations of *Life* and Prohibitions against Killing," *Environmental Ethics*, Summer, 1981, Vol. 3, No. 2, pp. 147-154.

In "Interpretations of *Life* and Prohibitions against Killing," Thomasine Kushner develops the valuable

distinction between *zoe* and *bios*, *being alive* and *having a life*. Her aim is to provide the basis for a more

rational application of moral rules against killing. "Having a life," says Kushner, "means being the subject of a certain life with its accompanying history, nexus of personal and social relationships, complex patterns of psychological characteristics, plus the whole fabric of events as they happen to and affect the individual." Beings who *have lives* are also "capable of some degree of problem solving, effecting relationships that give satisfaction, benefiting from past experiences to influence present situations, as well as experiencing and expressing a range of emotions."<sup>1</sup>

Kushner suggests that *bios*, understood in this sense, is the most rational basis for prohibitions against killing. She thus opts for a position intermediate between that of many Eastern religions, which often include all animals (and in the case of Jainism, all living beings) within their sphere of moral concern, and the dominant tradition in the West, which includes only humans. Kushner does an excellent job of showing that acceptance of this criterion would require extension of the right to life to many non-human animals. There are, of course, gradations of *bios*: some animals have more complex "biographies" than others, and therefore, in the case of conflict, would be entitled to preferential treatment, so far as preserving their lives is concerned. Kushner's position is thus consistent with maintaining that human life *in general* is of greater value than animal life, but she shows herself quite free of speciesist prejudice by pointing out that a conflict could theoretically arise in which one would be morally obliged to save the life of a non-human rather than a human, if the non-human's life exhibited the qualities of *bios* to a greater degree.

The concept of *bios* is a worthwhile contribution to value theory and to the ethical foundation of our duties to

(many) non-human animals. In the present paper, however, Kushner utilizes it to argue a thesis which is *not* convincing. She begins by noting that the sacredness of life is a principle shared by Eastern and Western culture. They differ only as to "how the term *life* is to be interpreted." That term, according to Kushner, is ambiguous, and its ambiguity is the source of differing prohibitions against killing. For the Jains, the extension of 'life' is all living beings, while for the Western world it is solely human beings. Kushner suggests that a more appropriate extension would be "all beings which have lives."

She thus presents the moral problem of the sacredness of life as though it were at bottom merely a linguistic or conceptual difficulty.<sup>2</sup> In her account the diversity of prohibitions against killing is "traceable to an ambiguity in the term *life*," and a more rational basis for such prohibitions can accordingly be reached simply through analysis and "reinterpretation" of that term.

But surely this is to get things backwards. The ambiguity of the term 'life', as used by different cultures, derives from their radically differing value systems, not the other way around. To clarify the term 'life' is merely to point out these differences, not to resolve them. In point of fact, Kushner is not primarily engaged in linguistic or conceptual analysis at all, but in *value theory*. Her argument is *synthetic*, for it involves the recommendation of an alternative value system as a basis for prohibitions against killing. But in order to establish her claim that *bios* is a preferable criterion for preservation of life, it would be necessary to explicate the true foundations of what she takes to be erroneous concepts of life, to show that these are, in fact, false, and to prove the the concept of

*bios* is preferable. To what extent is she successful in doing this?

Kushner's explication of the Jainist and Buddhist views on killing is quite lucid so far as it goes but fails to make clear what the true basis for these positions is. The greater inclusiveness of Eastern prohibitions against killing is typically rooted in fundamental metaphysical conceptions of a unified totality of being quite alien to the dualistic, creationist metaphysic of the Christian West. The belief in reincarnation also often plays a decisive role in this regard, particularly in Hinduism. Kushner's ready dismissal of Eastern prohibitions against killing of all animal life as morally "counter-intuitive" is rather parochial. It may be counter-intuitive to us Westerners, but it would by no means be so to a Hindu, a Buddhist, or a Jain. For a devotee of the Krishna consciousness movement, for example, the universal ban on killing of animal life is rooted in the belief that all animals possess self-identical souls. "Having a life," in Kushner's sense, is from this viewpoint by no means a prerequisite for having a soul, and ergo not a prerequisite for respecting an animal's life.

Moreover, even if we grant, from a Western perspective, the greater value of *bios* over *zoe*, it is not clear why *zoe* should thereby be *completely* excluded from moral consideration. It would seem equally consistent with Kushner's general position to maintain that *all* animals (or even all living beings) have an intrinsic right to life, although those whose lives have the quality of *bios* have a greater right to life.

There is some reason to believe that such a position is more nearly correct than the one which Kushner adopts. When we exclude, for example, all *indirect* grounds for moral objection to the gratuitous killing of

non-animal, living beings (e.g., the effect on humans, other animals, or the eco-system, aesthetic concerns, etc.), there remains in sensitive persons a residue of outrage which can only be accounted for in terms of the "interests" of those beings themselves. That the nature of existence compels us to kill some living beings in order to survive does *not* prove that we are not morally obliged to avoid killing whenever possible.

Two of the prominent objections in the Western tradition to the granting of rights to animals are that for a being to have rights it must be capable of asserting those rights, and that for a being to be the beneficiary of an obligation, it must be capable of fulfilling similar obligations in return. If it is not capable of this, then we can have no duties toward it and, *fortiori*, it can have no rights. Kushner attacks these positions using the so-called "argument from marginal cases." The case of human infants and the mentally retarded would seem to suggest that the capability of asserting rights or fulfilling moral obligations is not a prerequisite for the possession of rights, assuming that we are willing to accord rights to these humans.

The same argument could be applied, of course, to the various other criteria which are often presented for denying non-human animals rights in general, or the right to life in particular. Implicit in the attribution of rights to infants and mentally retarded humans is the recognition that the criteria ordinarily employed for denying animals the right to life are too high.

Kushner fails in her paper, however, to prove that *bios* is the correct criterion. Since in many cases infants and mentally retarded persons *fail* to exhibit the qualities of *bios*, the argument from marginal cases would

seem to suggest the appropriateness of a *lower* criterion than *bios* as the basis for the right to life. Nor is Kushner's explanation as to why *bios* is valuable very compelling. More importantly, she makes no attempt to show how such value, if it exists,

entails a right to life. In spite of its valuable contribution to the elucidation of the problem and the broadening of our moral horizons, Kushner's article thus fails to provide a final answer to the question, "What life is sacred?"

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#### NOTES

<sup>1</sup> Kushner, p. 151.

<sup>2</sup> Kushner never makes it clear in her article whether she thinks she is doing conceptual or linguistic analysis.