



Between the Species

## THE MORAL SIGNIFICANCE OF THE "INNOCENCE" OF ANIMALS

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Apparently, what has prompted animal  
rightists' interest in animal innocence is



# PHILOSOPHY

Jim Harter, Animals, 2-42  
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what Dale Jamieson calls the "Argument from Innocence" against animal exploitation. Roughly, this argument contends that since animals are not criminals, we are not justified in inflicting suffering and death on them. It seems to me that this argument is not a serious one, for it is not directed against a justification for our exploiting animals which has or would ever be seriously put forward. To my knowledge, no one has ever claimed or even suggested that chickens, sheep, white mice, guinea pigs, etc., (ordinarily) are criminals and that our use of them in laboratories, abattoires, etc., is merely giving them the punishment they so richly deserve. "Those chickens are vicious little beasts, and de-beaking is just what they deserve" and "white mice are incorrigible little criminals who should be given cancer to pay off their debt to society" are just not the sort of thing that anyone says to justify factory farming or animal research. Consequently, mounting the Argument from Innocence seems but another example of tilting at windmills.

Furthermore, in expanded form, the Argument from Innocence must read something like this:

P1: Prima facie, no sentient being should be exploited as a means merely for fulfilling the interests of others. (Let's call this "the right to respect.")

P2: The right to respect can be forfeited, but it is forfeited only through committing serious crimes.

P3: Animals have not committed serious crimes.

C: Therefore, animals have not forfeited their right to respect.

Whether P1 should read as it does or should, rather, be limited to a proposition referring only to human beings is what is at issue in the animal rights debate. Most mainstream moral philosophers (not to mention most people in general, if they ever made explicit their presumptions about such things) would insist that P1 is incorrect and should be replaced with something like the following:

P1': Prima facie, no human being should be exploited as a means merely for fulfilling the interests of others.

It follows that the Argument from Innocence is circular, if it is supposed to be a contribution to resolving the animal rights debate and may, consequently, be disregarded when the issue concerns whether animals are entitled to rights.

Nonetheless, the issue of animal innocence--by which I ordinarily mean animals' supposed inability to recognize and respond to moral values--does seem to enter into the animal rights debate significantly in the following two ways. These two ways constitute the horns of a dilemma on which it may be thought that animal rightists are skewered: in order to answer the naturalistic objections to animal rights raised under the first heading, one can point to the innocence of animals, but that very innocence would seem to leave animal rights prey to the Kantian criticism to be noted under the second heading. Let's call this "damned if they are, and damned if they're not" situation the "Dilemma of Innocence."

First, one of the most common responses to animal liberation arguments is "But animals eat other animals!" This phrase seems to have a double meaning to those who use it:

since animals consume other animals, they do not deserve to be treated any better by us, and

since one species exploiting another is a standard, even essential, part of the natural order, we are merely taking our place in nature and making our contribution to the natural cycle of life on earth when we exploit animals.

Questions of animal innocence are relevant to evaluating these contentions. We can call the first contention the "Let them reap what they sow!" defense of our exploiting animals, the second contention the "It's only natural!" defense. We will deal briefly here with each in turn.

Of course, it is immediately amusing when the "Let them reap what they sow!" defense is offered in support of our consuming cattle, sheep, hogs, rabbits, and other herbivores. It is also striking that when animals occasionally turn the tables and prey on us, e.g., shark and bear attacks, we do not resignedly say "I guess we, too, have to reap what we sow." Rather, we usually brand such animals "renegades," "monsters," or even

"murderers" and pursue them with unbridled vengeance. Apparently, we feel that if we do the reaping, that balances the books, but if we are the harvest, then retribution is needed to balance those books. I do not think that further discussion is needed to conclude that "Let them reap what they sow!" is just a self-serving excuse for our reaping the benefits of being the strongest species around.

Additionally, it can be noted that animal predation can usually be considered "innocent," in that it is usually properly described as "doing what they must in order to survive." Animal predators cannot ordinarily be described as careless, callous, or self-indulgent exploiters. So, if it is "only fair" for us to treat animals as they treat each other, then we should limit our exploitation of them to "doing what we must in order to survive." Given our many frivolous uses of animals and the vast array of alternatives to animal exploitation which we already have or could develop, our exploitation of animals goes far beyond that limit. Consequently, the "Let them reap what they sow!" justification of why it is moral for us to exploit animals is not only a hypocritical but also an insufficient excuse for the extent of our exploitation of them.

Turning to the "It's only natural!" argument, this defense of our exploiting animals presumes that we can learn how we morally ought to behave by studying how animals behave. There probably is some truth to this. Since we share many physical, psychological, and social needs with animals, we may very well learn how efficiently to balance and fulfill these various needs through studying how animals do this. Since at least one of the goals of morality is commonly thought to be promoting the general welfare through fulfilling, as far as possible, the needs of all, such knowledge can be of value in determining what we morally ought to do.

However, if we presume that animals are innocent of morality (and that nature is not structured and directed by a morally concerned super-natural being), it follows that there is no reason to believe that we will find in nature paradigms of moral concern, moral behavior, or moral order. So, although studying the concerns, behavior, and social order of animals may provide useful information for developing answers to moral questions, such study could not--contrary to what some environmental ethicists seem to be-

lieve--reveal the fundamental moral concerns or principles needed to answer moral questions. For example, while what we ought morally to do depends, in large part, on maximizing the general welfare and securing a fair shake for all, such goals can seem largely, if not completely, absent from a natural order in which the survival and reproduction of the strongest appears to be the predominant organizing mechanism. Thus, if animals are innocent of morality, we cannot, logically, point to the natural order in which one animal exploits another as a moral paradigm justifying our exploiting animals.

However, if animals are innocent of morality, animal rights would seem open to the following, Kantian criticism: since animals are not capable of being moral agents, they are not entitled to being considered as ends in themselves and, consequently, may be exploited (humanely, of course) for the benefit of moral agents (i.e., human beings). Here, curiously enough, being innocent counts against animals and animal rights.

One can respond to this Kantian argument in several ways. For example, one can argue, as I have done elsewhere[2], that animals are not as innocent of morality as Kantians (and other mainstream moral philosophers) would have us believe. Contrary to what Kant maintains, being moral is not limited to acting out of respect for law, and contrary to what Huxley portrays, nature is not merely red in tooth and claw. Many moral virtues, e.g., loyalty, compassion, and self-sacrifice, are found in the animal realm. This response would, of course, raise doubts about what we have just said in response to the "It's only natural!" objection to animal rights. However, these doubts would only complicate, not undermine, those answers. Briefly, to acknowledge that animals are not entirely innocent of morality no more entails that their common patterns of interaction express basic moral principles than does acknowledging that we are not entirely innocent of morality entails that common patterns of human interaction express basic moral principles. "Is," even when it refers to the natural order, simply does not entail "ought," from which it does follow that something which is natural may, nonetheless, not be moral[3].

Another response to the Kantian objection would not even raise such doubts: Kant has provided argument for why moral agents

should (morally) be treated as ends in themselves, but he (nor anyone else, to my knowledge) has not demonstrated that only moral agents should (morally) be treated as ends in themselves. Furthermore, since what, from the Kantian perspective, is supposed to be unique about moral agents is our ability to act disinterestedly, impartially, fairly, etc., it hardly seems credible that possessing this capacity can morally justify our pursuing our self-interest and exploiting animals. Citing our ability to act out of a sense of justice as the justification for saying that we need not worry about justice when it comes to our dealings with animals would seem to be a paradigm of a practical contradiction. Hence, even if animals are incapable of being moral agents, it is at least doubtful that this entitles us to exploit them.

Thus, animals' innocence, i.e., their inability to be fully moral agents, can contribute to answering the "But animals eat other animals!" objection to animal rights and can do so without leaving animal rights vulnerable to the Kantian side of the Dilemma of Innocence. That seems to me how it enters seriously into the animal rights debate.

#### Notes

1. We may also note that the suggestion in P2 that it is morally acceptable to treat criminals as mere means to society's satisfactions would likely not be accepted by morally concerned people today.

2. "Are Animals Moral Beings?," American Philosophical Quarterly 17 (1981).

3. I discuss these "But animals eat other animals!" complexities to animal rights at greater length in Chapter 6 of my forthcoming Morals, Reason, and Animals.



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# MOONSPAN

Wolves

Children of the moon  
 Sired by the night wind  
 (She tolerates him kindly  
 as goddesses will  
 who long for children)

Wolves'

Voices rising  
 Echo their sire  
 In rivalry of him  
 They race across  
 The rippling snows  
 In speed and silence  
 With Her silver  
 Still staining their fur  
 Lunar gold  
 Glows through their eyes

Luna weeps for her children  
 The night wind wails in grief

Humankind: take heed

For She

Controls the tides  
 And he commands the seas

And their children are dying

Paulette Callen

(continued from p. 11)

3. Ibid., and see my "Accountability and Answerability," Journal for the Theory of Social Behaviour, 2/2 (1972).

4. Jamieson and Regan, op. cit.

5. Ibid.

6. Cf. William K. Frankena, Ethics (Englewood Cliffs, New Jersey: Prentice-Hall, 1973), p. 101.

7. "Why (Most) Humans Are More Impor-

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