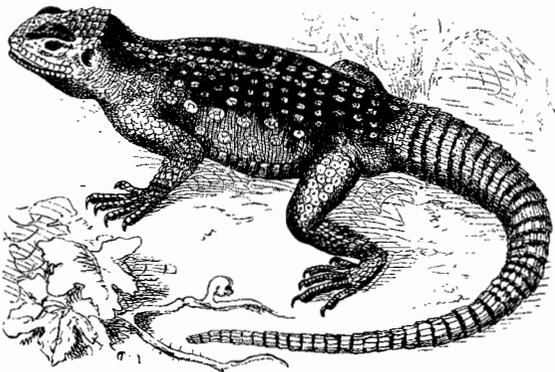


"I'd be a better person if I weren't turned on by these pictures; after all, the personalities, which are what really ought to count in eroticism, are not represented." We can also imagine an erotophobe who thinks "These are natural human activities, I would be a better person if I related more positively to this material." That is, morality may crosscut the witnessing reaction. Again, it is only the analogue of the witnessing reaction that is properly included in the contractors' deliberations.

² The question arises whether the suggested way of maintaining a distinction between the cases of animals and marginal humans can be attributed to Carruthers. It is true that he does not crisply distinguish content of principles from type of justification and type of attitude that goes with them. Nonetheless, I think (but shall not argue in any detail) that my discussion is quite in accord with Carruthers' views. I note that in P. Carruthers, *The Animals Issue* (Cambridge, Cambridge University Press, 1992), the pages from 110 to 118, which deal mostly with marginal humans, are filled with talk about rights. The section on animals and character (pp. 153-156) is, by contrast, focused upon cruelty and sympathy. A notable exception occurs near the beginning of p. 154. Here, however, the kind of wrongness that cruelty to animals has, and that is to be further discussed in this section, is explicitly *contrasted* with violation of rights.



Reply

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I take the general thesis of Professor Robinson's comments to be this: in conceding so much to Carruthers for the sake of the argument, I have provided the contractarian with sufficient grounds on which to overcome the initially plausible-looking objections I have raised (or at least I have failed to show that I haven't provided such grounds). In keeping with the spirit of his comments, then, I will limit myself here to the narrow question of whether Robinson has succeeded in hoisting me not so much with my own petard, as with the one I have tentatively accepted on loan from the contractarian.

I.

My first argument maintained that if the contracting agents would decide to avoid the risk of being distressed by the sight of animals suffering for trivial reasons in public, then they would also decide to avoid the risk of being distressed by their knowledge that animals are suffering for trivial reasons in private. Robinson's objection, I think, can best be summarized in the form of a dilemma: either I am relying on there being a *moral* aversion to this suffering, in which case I am renegeing on my commitment to argue the issue on the contractarian's own terms, or I am appealing to a nonmoral aversion, in which case I have failed to account for the fact that, in general, what is done out of sight is less emotionally distressing than what is done in full view.

I will focus on the first horn of the dilemma and make a brief comment about the second. With respect to the first, I think that there *is* a way for me to appeal to the existence of a moral aversion to private animal



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suffering while retaining my commitment to arguing on Carruthers' own terms. Robinson argues that the contractors themselves cannot have a moral repugnance to factory farming (or to anything else). And on this point he is surely correct. But even if *qua* contractors they can have no such repugnance, they may still worry that after the veil of ignorance is lifted they will find themselves to be people who do find factory farming morally repugnant, and so from behind the veil they can worry that outside of the veil they will be morally distressed by it.

Now this strategy may at first seem simply to beg the question against Carruthers all over again, but I believe that it does not: Carruthers has argued, after all, that many people do feel sympathy for animals, and that those who do can "easily" come to believe that animal suffering has moral standing (p. 157). Carruthers himself argues that this belief is an "illusion," to be sure, but he has also insisted that when deliberating from behind the veil of ignorance the contractors must take into account how the principles they consider "might be distorted or abused" (p. 115). In response to Robinson's observation, then, I suggest that the contractors in question must consider that in endorsing a character which is sympathetic to animal suffering, they are endorsing a character which makes it likely that many people will come (albeit distortedly) to believe that animal suffering is morally important, and so to be morally repelled by factory farming. As a contractor, then, I do have reason to worry that I will be morally distressed by factory farming once I get beyond the veil, even though as a contractor behind the veil I am not morally distressed by it or by anything else.

A brief remark about the second horn of the dilemma: although I can't defend the claim here, I suspect that the suffering that an animal is typically subjected to in a factory farm is far greater than the sort of suffering which, when seen in public, suffices to generate a nonmoral emotional aversion. While we are more distressed by seeing a dog kicked than by knowing that one is being kicked, then, we may be more or less equally distressed by seeing a dog kicked and by knowing about the far more serious harms being done to veal calves or intensely farmed chickens. An emotional, nonmoral aversion to the knowledge of such suffering, then, may suffice for my purposes even given the fact that, all things being equal, what is done out of sight is less distressing than what is done in plain view.

II.

My second argument maintained, to follow Robinson's useful terminology, that if contracting agents would agree to criticize the character trait of brutality, and thus to condemn the sorts of acts which arise from it, then they would for the same reason agree to condemn the character trait of trivial indifference, and thus to condemn those who support factory farming from it. To this Robinson replies that while *we* can certainly agree that trivial indifference to animal suffering is a moral flaw, we cannot allow the contracting agents themselves to believe this, and he adds that it seems plausible to suppose that contractors would in fact have substantially less to fear from those who are trivially indifferent toward animals than from those who are brutal toward them.

I think I can accept both of these observations. Carruthers gives as examples of actions which he takes to be shown to be wrong by his account both the driver who hits a dog with his car for fun, and the driver who after accidentally hitting a dog with his car, considers stopping to help the dog but decides not to because he is late for an appointment with his barber (p. 154). Now it seems to me open to Carruthers to say both that the contractors themselves would not believe that either person was morally flawed and that they would have more to fear from the first sort of person than from the second. Still, provided that they would just as soon not have to count on getting help when they need it from the second sort of person either, the contractors would have reason to criticize that sort of person as well. The second person allows the animal to suffer out of a motive that is trivial, and my suggestion was, and remains, that this is what people do by supporting factory farming.

III.

My final argument maintained that if marginal humans have full moral standing for the reasons that Carruthers provides, then so do animals. Robinson considers this to be the most important of my arguments, so it will come as something of an anti-climax for me to conclude by saying that on this issue I believe we are essentially in agreement. Nonetheless, I do believe that on this issue we are essentially in agreement.

The reason that this is not immediately apparent, I think, lies in a confusion in Carruthers' terminology.

Carruthers begins his book with the following statement:

The task of this book is to consider whether animals have *moral standing*—that is, whether they have rights that we may infringe by killing them or causing them suffering, or whether there is some other way in which we have direct moral duties towards them (p. 1).

Now it is true, as I noted in my paper, that Carruthers often uses the expression “full moral standing” rather than just “moral standing,” but he seems to use them interchangeably. At one point in the preface he says he will “defend a theoretical framework that accords *full moral standing* to all human beings, while non-arbitrarily withholding such standing from animals,” but the passage continues with the very next sentence beginning, “In attacking those who attribute *moral standing* to animals...,” as if he means to be denying the claim that animals have any moral standing at all (p. xii).

The question, then, is this: does denying that animals have *full* moral standing commit one to denying that they have any moral standing at all? In one sense, the answer is no. This is the sense which refers to the content of the duties we may have toward them. We might have some duties to animals but not the full list of duties that we have toward marginal humans. This is the sense that Robinson focuses on, and I accept his conclusion that contractors would accept more restrictions on their treatment of marginal humans than on their treatment of animals. In this sense, the moral status of marginal humans would be “more full” than the moral status of animals.

But in another sense, the answer is yes. In this sense, having moral standing means being a possessor of rights or an object of direct moral importance, and this property does not come in degrees: one either has it or does not have it. My moral standing cannot be more fully direct than yours, though I can be the object of more direct duties than you are; even if you have more rights than I do, I have the rights that I do have just as fully as you have the rights that you have.

This is the sense in which I deny that Carruthers’ argument succeeds. I take Carruthers to be arguing that animals are of *no* direct moral significance, that they possess no rights at all, not just that they possess fewer rights than marginal humans do. This is certainly how Carruthers’ publisher is pitching the book. The copy

on the back of the cover begins: “Do animals have rights? In contrast to the philosophical gurus of the animal rights movement, whose opinion has held moral sway in recent years, Peter Carruthers here claims that they do not” (one wonders where all this swaying has been taking place; certainly not in most of the philosophy departments I am familiar with). My claim is that if marginal humans have rights, then so do animals, even if they don’t have all the same rights. And so, in this sense, their moral *status* is the same.

Now this conclusion, to be sure, may not be strong enough to satisfy the aforementioned animal rights “gurus,” but, to reiterate (and to conclude), my point here has not been to recommend moral contractarianism to these gurus, but rather to suggest that it does not serve their opponents as well as Carruthers claims it does.

