
Reasonable Partiality and Animal Ethics

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REASONABLE PARTIALITY AND ANIMAL ETHICS

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ABSTRACT. Moral psychology is often ignored in ethical theory, making applied ethics difficult to achieve in practice. This is particularly true in the new field of animal ethics. One key feature of moral psychology is recognition of the moral primacy of those with whom we enjoy relationships of love and friendship – *philia* in Aristotle’s term. Although a radically new ethic for animal treatment is emerging in society, its full expression is severely limited by our exploitative uses of animals. At this historical moment, only the animals with whom we enjoy *philia* – companion animals – can be treated with unrestricted moral concern. This ought to be accomplished, both for its own sake and as an ideal model for the future evolution of animal ethics.

KEY WORDS: animal ethics, companion animals, moral psychology, *philia*, reasonable partiality

I

Should ethical theory make a difference to solving real world moral problems? For much ethical theorizing it is not clear that the answer is in the affirmative. Just as the scientific revolution disvalued and ignored qualitative distinctions given in sense experience for the sake of constructing a mathematizable picture of the universe, one can argue that a good deal of ethical theory is not directly relevant to dealing with moral questions arising in the real world. Consider a person asked to donate to a charity, for example the United Way, which funds various local activities in a community such as the Girl Scouts, homeless shelters, Special Olympics, etc. Suppose the prospective donor lives in Fort Collins, Colorado. Upon reflection, he decides to donate to the United Way, but in a different community, say Altoona, Pennsylvania. He is then asked, “Why Altoona? Are you from there? Do you have family there?” His reply is tendered on a theoretical level: “What difference does it make where I donate the money if two communities are equally needy?” Common sense would not accept such a response, since built into ordinary moral consciousness is the notion that you have a stronger moral obligation to your own community than to just any community.

Or suppose someone says to the donor “How can you bother to give to the United Way when children are starving? The needs of starving children are more pressing than the needs of Girl Scouts!” This is certainly true on a theoretical level, yet does not work in the real world. Few of us triage our contributions in such a way, or would accept an argument showing that money you spend on toys for your children (who already have many toys) ought instead be sent to Bangladesh. As one of my cowgirl students responded when another student asked how one could worry about animals when babies were dying, “Morality is not a single shot shotgun”. We all work within the sphere of our psychological predilections.

Those of us who work in applied ethics, i.e., who try to use ethical theory to help us change behavior or decide among real world choices or make the actual world a better place, cannot rest content with well-crafted, internally coherent, elegant theoretical formulations that don’t hook into reality. For us, as it were, ethics must be an interpreted calculus, not an uninterpreted one. This is certainly true in the area of animal ethics. If one is working to improve the lot of farm animals, one neutralizes one’s ability to make progress in this areas by affirming to all who would listen that “we should not be raising animals for food”, even if one can mount a sound argument in favor of this claim. Similarly, however logically consistent, coherent and elegant one’s theoretical ethic may be, buttressing the claim that we ought not do invasive research on animals, it does not help guide us in how to make animal research more ethically acceptable, short of abandoning the enterprise, which society is not in fact willing to do.

The theoretical works of Regan and Singer, while of great value in principle, rarely provide any direction in providing real world solutions. If the logical consequence of Regan’s ethic is “we don’t want bigger cages, we want no cages!”, how can this be utilized to improve research, for it implies it is senseless to affirm that we can make improvement in invasive animal uses, short of abandoning them. Henry Spira, eulogized by Peter Singer as the most effective animal ethics activist of our age, repeatedly admonished animal advocates that there has never been a social revolution in the U.S. that wasn’t incremental, and that there was no reason to believe that moral progress in animal use would not proceed the same way, particularly given the degree to which animals are disenfranchised. There would be no quantum leap to not using animals for human benefit.

Similarly, the only practical suggestion that Singer provides for ameliorating the suffering associated with factory farming is becoming a vegetarian; he even includes some vegetarian recipes to ease readers into this radical life-style change! Yet we all know of people (sometimes ourselves!) who have been admonished by physicians to cut down on meat for the sake of our health, as we are at serious risk for heart-attack and stroke. People do not do so for the sake of prolonging their own lives; *a fortiori* most

people will not do so – let alone become full vegetarians – because Singer has advanced a solid moral argument in favor of vegetarianism.

What is missing in many theoretical ethical approaches to such issues is a sensitivity to *moral psychology*. Kant may well claim that moral philosophy borrows nothing from “anthropology”, (i.e., psychology), but that is philosophy fiction. For example, in the real world, one must deal with the question of how one gets scientists, ideologically indoctrinated in what I have called *The Common Sense of Science* (Rollin, 1989), which affirms that science is value-free and doesn’t make value-judgments in general or ethical judgments in particular,” to become conscious of ethical issues in animal research. Similarly, and far more generally, if there is evidence that society is displaying ever-increasing moral concern for animal treatment, and the only social ethic for animals is a prohibition against overt cruelty, and most animal abuse is not overt cruelty, how will society conceptualize this new moral concern? Or if one is approaching farmers for whom animal treatment is not seen as a moral issue, how does one get them to acknowledge that some things they do are wrong? Being able to deal with these and other questions indeed requires knowledge of moral psychology, of how people think and how one can change that thinking.

In fact, functioning as a moralist who effects real change – as opposed to being one who makes a logical case for such change – requires that one be a moral psychologist as much as a moral philosopher. While one, in principle, could have learned this major point from Plato’s dialogues (as we shall discuss), one could not learn it existentially until one was put into a position of making it work.

In 1978, the Veterinary School at Colorado State University employed this author to develop the issues of veterinary ethics, and to anticipate where society was going in the area of animal ethics, so that the school could make its work compatible with changing social ethics. It was clear that an important issue was that students dreaded the way surgery was taught. Students who had just completed the surgery class, along with their instructors, reported that surgery instruction proceeded by using the same dog 8 times: a surgery on Monday, Wednesday, Friday; the following Monday, Wednesday, and Friday; the next Monday, and then a terminal procedure on Wednesday. Between surgeries, the animals were thrown into cages without even blankets or any analgesia, and if the students wished to provide after-care they had to cut classes! When questioned, the surgeons responded, “We’re a good place, another school uses them 22 times!”

One surgeon, in particular, was not satisfied with the *status quo*. He expressed the belief, not previously expressed by him or others, that animals should not be subjected to pain merely because they were unowned, and he was outraged that pain was inflicted merely to save money. He urged this author as “the ethics person” to assist in effecting change in this area. The

other surgeons, when encouraged to express their long-held, but previously unexpressed, moral outrage, agreed to end the practice of multiple surgeries with little or no aftercare. Within three months, surgery instruction had transformed to single surgeries, with students graded as much on after-care as on carpentry, and within a year the surgeons voted to eliminate any wake-up surgery. "The students will learn recovery on client animals; we don't need to cause suffering," they said.

This incident illustrates clearly what Plato meant by "recollection." When dealing with adults on matters of ethics, one cannot clash with them and force change in thinking. One must rather make them "recollect" their own deep moral principles. One needed, metaphorically, to use judo, not sumo. The vast majority of people who went into veterinary medicine (at that time it was easier to gain admission into human medical school than veterinary school!) did so because they believed animals were worth caring about in their own right. Informal polls of thousands of veterinarians over a 25-year period show that well over 90% of them proclaim primary allegiance to the animal (what I call the Pediatrician model) rather than to the client (what I call the Garage Mechanic model.) Veterinarians approached in this way are allowed to make a clear choice in favor of animal welfare.

A similar approach can be used with cattlemen and even rodeo people, made to "recollect" the Biblical ethic of husbandry and good care they are steeped in. A lecture presented some years ago to the Colorado State University Rodeo Club succinctly illustrates this point. The topic, the new social ethic for animals in relation to rodeo, met with not unexpected hostility. The audience of rodeo cowboys expected a sermon chastising them for abusing their animals. Instead, they were presented with a discussion of many aspects of ethics with no mention of rodeo: the nature of social morality and individual morality, the relationship between law and ethics, the need for an ethic for how we treat animals. When queried as to their position on the latter question, after some dialogue, they all agreed that, as a minimal ethical principle, one should not hurt animals for trivial reasons. They were then given the opportunity to apply the newly-learned ethical principles to their own practices and returned shortly with the surprising revelation that what was wrong with rodeo was "everything." The student president of the Rodeo Club stated, "when we started to think about it, we realized that what we do violates our own ethic about animals." He continued, "we want to think this through. Rodeo means a lot to us. Will you help us think through how we can hold on to rodeo and yet not violate our ethic?" To me, that incident represents an archetypal example of successful ethical dialogue, using recollection, and judo not sumo!

Both the rodeo case and the surgery case illustrate the relevance of moral psychology. Had the participants in the ethical dialogue been told merely

what was wrong with the surgery teaching or with rodeo they would have shut down completely and ended the discussion. But by making the same point through *asking*, we were able to make moral progress and even effect practical change. (The Civil Rights revolution in the U.S. also took place largely because leaders like King and Johnson showed Southerners that they believed all humans should be treated equally and that black people were human; they just didn't bother to draw the conclusion.)

Thus far, I have tried to illustrate the importance of moral psychology to genuine applied ethics. This insight has been the key to this author's approach to animal ethics. As another example, when 1985 federal legislation for laboratory animals mandated discussions of protocols by Animal Care and Use Committees, it was expected that although initially reviews would be perfunctory, with members deferring to each other's expertise, eventually something in a protocol would strike someone as morally wrong or at least morally questionable, and that this would lead to professional deference being replaced by moral debate (Rollin, 2002). This of course has turned out to be the case, and has not only helped overturn scientists' agnosticism about value judgments in science, but also helped them "reappropriate common sense" on morally relevant subjective states in animals such as pain, fear, distress, anxiety, loneliness, etc, something whose knowability was denied by Scientific Ideology.

I would argue then, that moral psychology is integral to applied animal ethics, so integral, in fact, that I take as my point of departure in animal ethics what I find in emerging social ethics for animals. Twenty years ago, I argued that if concern for animals continues to increase in society, and people need a new ethic for animal treatment, and the traditional ethic forbidding deliberate cruelty does not suffice, people will turn to our consensus ethic for humans and apply it, *mutatis mutandis*, to animal treatment. Given that our social ethic in Western democratic societies is a mixture of utilitarianism and deontology, with our social decision-making occurring largely with the utilitarian goal of producing the greatest benefit for the greatest number, and rights serving as a deontological check on the excesses of utilitarianism, it seemed reasonable to expect that society would demand rights (that is, legal protections) for animals against excessive utilitarian zeal in factory farming, research, testing, etc. This expectation was indeed "prophetic", not in the Nostradamus sense of predicting the future, but in the Biblical sense of saying *if* things continue as they have been progressing, this and this will occur, given the logic of our ethic and an awareness of moral psychology. (It should be noted that although I do indeed take the social consensus ethic as a given, I argue on independent grounds for the superiority of western democratic ethics, and its revisability by reason) (Rollin, 1999).

II

One key feature of moral psychology is partiality to those one is close to and bonded to by bonds of love, friendship and affection. This was axiomatic to thinkers like Aristotle and Hume. Indeed, this seems so ubiquitous and widespread a moral intuition, that any theory failing to acknowledge it is highly suspect. Consider Kant's ethic, which implies that if your grandfather, on his death bed, asks you if you think his life was worth anything, and you in fact think he wasted his life on idle pleasures, you are obliged to tell him the truth. (Kant, of course, argues that this follows from the abstract nature of reason, and one's inability to logically universalize lying.) I dare say that such a conclusion is so far from the ordinary moral intuitions Kant affirms an ethical theory must explain, that Kant's theory is *prima facie* false, however eloquent it may be. Indeed, despite Kant's self-proclaimed desire to create an ethic that holds for "any rational being in general", it is in my view his failure to acknowledge human moral psychology that vitiates his ethic. While, in contrast, Hume bases his ethic on contingent facts about human nature, it is nonetheless far more plausible.

In fact, as Kant affirmed but failed to respect, ethical intuitions are to ethical theory what perceptions are to scientific theory – data to be explained. On occasion, ethical theory can alter one's intuitions, as when revulsion or disgust at physical deformity or homosexual behavior is transformed by the study of ethics into compassion or empathy or at least to moral irrelevance. But no theory can override the (perhaps biologically based) intuition that we favor those made close to us by bonds of blood, friendship or love. Indeed, a person who regularly acted on Kantian theory and hurt people's feelings rather than told white lies in family, friendship, or loved one situations would be seen as a monster. A man who tells his fiancée the truth about how he feels about her new, and very expensive, New York coiffure might very well end up unmarried, with such honesty providing the "single experiment", in Hume's phrase, to prove that Kant's theory didn't work in real life.

Rational partiality towards one's friends and family (spouse, children, parents and relatives) is a major feature in Aristotle's ethics. In fact, a discussion of friendship (*philia*), comprises a full one-fifth of the *Nicomachean Ethics* (Edel, 1982, p. 309). "Friendship" for Aristotle is more inclusive than it is for us; it includes love, marriage, and feeling for one's relatives, as well as what we call friendship. Such *philia* is biologically rooted, to be found in "birds and most animals" (*Nicomachean Ethics*, 1155a).

"Without friends," says Aristotle, "no one would choose to live, though he had all other goods; even rich men and those in possession of office and of dominating power are thought to need friends most of all; for what is the use of such prosperity without the opportunity of beneficence,

which is exercised chiefly and in its most laudable form towards friends.” (*Nicomachean Ethics*, 1155a).

The moral priority of one’s obligations towards the immediate circle one is bonded to by *philia* is taken for granted by Aristotle, and is indeed seen “to hold states together” (*Nicomachean Ethics*, 1155a). And “when men are friends they have no need of justice, while when they are just they need friendship as well, and the truest form of justice is thought to be a friendly quality” (*Nicomachean Ethics*, 1155a).

Thus, the priority of moral obligations to one’s own is seen as a natural fact by Aristotle, who would doubtless have marveled at Kant’s attempt to make such obligations equally binding with regard to all rational beings.

This is similarly the case with Hume, who sees love of family as the first step by which people transcend pure selfishness. Familial affection is the ultimate source of moral thought beyond oneself:

In the original frame of our mind, our strongest attention is confined to ourselves; our next is extended to our relations and acquaintances; and tis only the weakest which reaches to strangers and indifferent persons. . . . Our natural, uncultivated ideas of morality, instead of providing a remedy for the partiality of our affections, do rather conform themselves to that partiality and give it an additional force and influence (Hume, 1739, ed. Selby-Bigge p. 489).

Indeed the only remedy to possible excesses stemming from the natural hold of partiality is through “artifice”, or convention, which creates a broader sense of justice necessary for the survival and well-being of all (including those in our circle we are inclined to favor!) (Hume, 1739).

Thus perhaps the two greatest moral philosophers of common sense and common experience, Aristotle and Hume, see rational partiality as the inevitable foundation of morality. In particular, both see friendship and love and family as the most fundamental source of the experience of caring for others outside oneself. Indeed, only a full blown rationalist could ignore the strength and hold of caring for others we are close to in favor of basing morality solely on abstract reason.

III

What is the relationship between reasonable partiality and animal ethics? Can animals fall within the sphere of reasonable partiality for humans? Does this concept have any applicability in human/animal moral interactions? Or, does reasonable partiality make sense only in the context of human to human interactions?

I will argue that part of reasonable partiality is preference for those with whom we have love and friendship, or *philia*. This is a fact of moral

psychology which must put rational constraints on ethical theory and figure into ethical behavior. We can and should expand our moral circle, but must take cognizance of what is regarded as common sense among the audience we are addressing. It makes sense, then, in terms of contemporary moral psychology, in increasing moral concern for animals to press for better treatment of companion animals first, because of our special relationship with these animals, and because our relationship with them is not inherently invasive, involving inflicting pain, distress, or death. At this point in time, we cannot demand that people treat all animals as they would agree they ideally ought to treat animal companions.

Before addressing this question directly, let us remind ourselves of the roots of animal ethics as it has developed in the West during the last three decades, a discussion we began earlier. One can track emerging social concern for animals roughly back to the mid-1960s. Prior to that, the social ethic for animals in the civilized world was restricted to a prohibition against sadistic, intentional cruelty, an ethic based in some measure on the realization that animals can suffer, but more in reasons first enunciated by Thomas Aquinas, namely that people who behave cruelly toward animals will likely graduate to similar behavior towards humans. Since the majority of animal use was, prior to the mid 20th century, agricultural – food, fiber, locomotion and power – and since agricultural success depended on good *husbandry*, failing which the animals were not productive, only the anti-cruelty ethic was needed to catch sadists and psychopaths, unmoved by self-interest. As the Bible said, the wise man took care of his animals. In the mid-twentieth century, however, agriculture changed dramatically to industry from husbandry, and technology allowed us to force square pegs into round holes in confinement, without impairing productivity, though assuredly impairing welfare. At about the same time, large amounts of animal research and safety testing developed, which involved hurting animals significantly for human benefit, rather than out of cruelty. The anti-cruelty laws and ethic did not fit such uses, yet such uses caused far more animal suffering than did cruelty.

As society became aware of the new animal suffering not occasioned by cruelty, it demanded limitation of animal suffering in the context of human benefit. As mentioned earlier, this led to adapting the notion of rights to fit animals, and legally mandating protections for animals used for human benefit. Hence all civilized countries now have legal protections for research animals, and most of Europe beginning with Sweden has them for farm animals. Though the legalization of protection for farm animals has not yet reached the U.S., a recent Gallup poll shows that such protections are favored by 75% of the U.S. population.

In addition, certain other social factors potentiated the emergence of the new ethic. These included fewer and fewer people making their living from

animals (only roughly 1.5% of the U.S. population is engaged in production agriculture); the correlative emergence in society of the companion animal as the paradigm for an animal in the social mind (almost 100% of the U.S. public professes to see their pets as “members of the family”); the rise of massive social ethical movements such as the various Rights movements to protect the disenfranchised (including animals and the environment); the writings of philosophers and scientists pressing for greater protection for animals; the discovery by the mass media that “animals sell papers.”

The development of legal protections (rights) for animals in Britain, Europe, and the U.S. was largely fueled by awareness of what were perceived to be *major atrocities* in socially accepted animal uses. The U.S. Animal Welfare Act of 1966 was passed because of well-documented stories of dogs being kidnapped and sold to research laboratories, and because of striking photos published in *Life* magazine of the atrocious conditions under which research dogs were kept by vendors supplying animals to research. The 1966 Act specifically disavowed any control over the conduct or design of research. After a series of revelations of outrageous research *use* of animals (notably the University of Pennsylvania head injury studies that were videotaped by the researchers and stolen and made public by activists) the public demanded assurance that research design and animal care was done right, which led to the passage in 1985 of the laws my colleagues and I had worked on beginning in 1976.

Similarly, the European concern with farm animals was spurred in the 1960's by journalist Ruth Harrison's publication of *Animal Machines*, a book showing that farms had become factories, and that the idealized, husbandry-based farm was becoming obsolete. The resulting public outcry forced the British government to charter the Brambell Commission, a study group of eminent scientists chaired by ethologist Sir Rogers Brambell, which concluded that no agricultural system which did not respect an animal's basic freedoms – being with its own kind, having room to do postural adjustment, etc. – was morally acceptable. While the Brambell Commission had no regulatory authority, its conclusions have served as a moral beacon for European Society, and culminated in the Swedish law of 1988 essentially abolishing high confinement agriculture, which principles in turn are being embodied in EU regulations.

In other words, the growth of the new ethic has been fueled by public perceptions of atrocities in accepted animal use which are immune to cruelty prosecution, and since the 1970's has resulted in various parts of the world in legislation banning such diverse activities as steel-jawed traps, tuna nets that catch dolphin, the slaughter of horses for food, sow stalls; and have increased penalties for cruelty. Non-legislative consumer concern has forced the abolition of zoos as prisons, white veal in the U.S., and much new animal testing of cosmetics. (The Body Shop became a multi-billion

dollar industry by disavowing such testing). The key point is that the pattern of animal ethical evolution has been the illumination of unknown areas of animal abuse and atrocity and their rectification.

In my 1981 book on animal ethics (Rollin 1981), a chapter was devoted to companion animals, assuming that the emerging social ethic would engage these issues – mass euthanasia of companion animals for convenience; puppy mills; public ignorance of companion animal needs; perpetuation by breed standards of vast numbers of genetic defects leading to great suffering and premature death. But, a decade later, as chronicled in an article written for the American Veterinary Medical Association, it was shown that despite the proliferation of animal ethics, virtually none of these companion animal issues had been socially addressed. To explain this apparent paradox, one must recognize that while it was true that animal treatment had traditionally been socially invisible (except for overt cruelty), there were in fact two opposite ways that something could be invisible – either by being too arcane and esoteric, or by being too familiar; so common as to be taken for granted. While the new ethical searchlight was illuminating what was invisible in the first sense (e.g., factory farming, animal research), it had done nothing to increase awareness of what was taken for granted (companion animal treatment).

In addition, with all the money spent on companion animals, people were further blinded to the morally problematic. Veterinary students and other audiences, told that there was no area of animal use where animals were getting the best possible treatment commensurate with that use, always indignantly responded that companion animals were a counter-example. This blindness was further perpetuated by campaigns extolling the virtue of “the human-animal bond”, and affirming that “pets are wonderful”, in part meant by animal-using industries to counter the growing social thrust for animal welfare.

In 1982, in the keynote speech at the University of Pennsylvania’s major, well-funded conference on the human-animal bond, later published in book form as *New Perspectives on Our Lives with Companion Animals*, it was pointed out by this author that there is indeed a contract between humans and companion animals, and animals are holding up their part well, but humans were significantly failing to do so, in ways I detailed. This observation was not well received by the conference participants, who were engaged in an orgy of self-congratulation for what they considered their perfect interconnections with companion animals.

In addition to all of these factors militating against society’s shining the new ethical searchlight on the treatment of companion animals, the problem was further exacerbated by an interesting feature of moral psychology: While I can see every minute trace of disorder in your backyard, every problem in how you raise your children, the disarray in my backyard is

ignored, and I view my child-rearing as perfect. As easy as it is to see researchers (the others) as monsters; it is equally difficult to measure our own behavior by the same yardstick.

IV

Let us return to the issue of reasonable partiality and animal ethics in the light of our discussion of the emergence of animal ethics. There are major conceptual limitations on the extent to which society can develop animal ethics as it applies to animals used by humans for food, research, testing, sport, entertainment, or indeed in any solely utilitarian manner – in other words, most animals. We can certainly continue to ameliorate atrocities, as we did in research – the multiple use of animals, the failure to use analgesia and sometimes even anesthesia for painful procedures. (The denial of the knowability of pain in animals was a robust part of scientific ideology in theory and practice in the U.S. until we *legislated* that animals feel pain and forced science to “reappropriate common sense.”) But we will continue to take their lives and even hurt them for scientific purposes if the experiment cannot be performed without hurting them. (There is no sign that the public has any desire to abolish animal research.) In fact, one British scientist enjoyed a great deal of respect at his university, and even convinced his colleagues to voluntarily adopt the U.S. protocol review procedure to protect animal welfare, in addition to the British inspectorate system. But when he proposed a calculus to decide that some terminal experiments were not worth painlessly taking an animal’s life, he was literally driven out of the institution!

Similarly with food animals. The very nature of our relationship with them precludes their ever being full moral objects to us. At best, the new ethic in essence says that if animals’ fundamental interests are no longer naturally protected as they were in husbandry, they should be protected in the legal system, i.e., granted rights to protect them from excessive suffering incurred in human uses. Obviously, this could never, for example, include the right to life!

What is generally at issue in society in the new ethic – except regarding frivolous animal uses – is not human use of animals, but rather controlling pain, distress and suffering attendant on that use. Society does not abolish animal research or food animal production; it restricts these practices to minimize suffering. But it does not question their acceptability. The *raison d’être* for these animals is still serving humans – witness the locutions “food animal”, “lab animal”. Such animals, like slaves, remain property, albeit, again like slaves, property protected against some abuses by law. Only a few radicals demand “animal liberation”, though most

people support *rights for animals* in the sense of legally guaranteed protections.

Even in the new ethic, then, animals remain property, and as Kant says “means to an end, that end being man”, as opposed to humans, according to Kant, for whom morality requires that they be treated not merely as means, but as “ends in themselves”. We recognize animal suffering, wish to see it controlled, but are generally not prepared to abandon the uses which cause harm to the animals, e.g., food production, research, testing of consumables for toxicity. Animals are still tools, albeit tools who suffer and whose suffering should be limited as far as is practicable, given their use.

It is certainly the case that the new ethic has moved beyond the self-interest basis inherent even in husbandry, by self-consciously demanding the mitigating of animal suffering in the pursuit of benefits for humans. But, while we try to minimize the suffering of animals we use for our benefit, we have little doubt about the appropriateness of killing them for food, using them clinically in research, or in general unhesitatingly manipulating their lives for our benefit, even if it is plain they would rather not be so used. It is in fact only in one ever-increasing area of animal use that we move closer to treating them as full moral persons – as ends in themselves – the area of companion animals.

Let us elaborate on the Kantian concept of “ends in themselves” before proceeding. According to Kant, all and only rational beings are “ends in themselves”, not merely “means”. Rational beings have “intrinsic value”, whereas non-rational beings, animate or not, possess only “instrumental value” and are thus just means. It is not very clear why, for Kant, only rational beings enjoy this high moral status; nor is it very clear what it means. I have elsewhere attempted to reconstruct Kant’s reasoning for giving moral primacy to rational beings (Rollin, 1976), but that is not relevant here. Instead, we shall try to provide plain meaning to these concepts in a manner useful to our discussion and grounded in common sense and common moral meaning.

Let us imagine having clogged drain pipes. I may try to unclog them with a plunger from my garage. Suppose the plunger does the job. If that is the case, the plunger is a means to my end – unclogging the pipes. I then am not morally obliged to reward the plunger; it is a tool to further my (or some other person’s) ends or goals. Not only am I not obliged to reward it, I may throw it away; use it to start a fire, or toss it back into the garage without a “thank you”. It is solely a means to my ends, possessing use value or instrumental value, but no *intrinsic* value – since it is non-conscious, inert matter, what I do to it *doesn’t matter to it*; it is incapable of valuing what happens to it, whether good or bad.

On the other hand, suppose, after trying the plunger, I need to call a plumber. Although the plumber is indeed a means to my end (unclogging

my pipes), he *is not merely* that – he is a locus of moral attention since what I do to him matters to him. So it would be wrong for me not to pay him what I agreed to pay; or to toss him into the garage or trash heap. I am obliged to behave morally toward him. He is not merely a tool – a means to help me achieve my ends – but he has needs, interests, desires, intentions, feelings, the fulfillment or thwarting of which matter to him. Built into him is the positive and negative valuing of what is done to him, such valuing is intrinsic (built into him), rather than merely a result of how well he serves me or how much or how little I value his usefulness to me (his instrumental value). Thus, he is an “end in himself”.

As we mentioned, Kant restricts having intrinsic value or being an end in itself to rational beings, but it is difficult to see why this should be so. Surely any sentient or conscious being has states that matter to it in a positive or negative way – pleasure matters to an animal in a positive way, pain or fear in a negative way. Since it can value what happens to it, it has intrinsic value. Given the logic of morality, we should extend our moral attention to those states that matter to it when our actions affect that being. So what if it can't reason? –not all or even most of our moral attention focuses on reason *vis a vis* people. Most of it in fact focuses on feeling, on not hurting people physically or mentally, or helping them be happy or escape from suffering. So if human beings are ends in themselves, why not animals, since they too have feelings and goals that they value?

These Kantian concepts probably apply most naturally to our relationships of love, sex, and friendship with other people. We all recall how badly we can feel when we find out that someone we consider a friend maintained a relationship with us only because we had a car. We feel they used us as a means to their ends, without really caring about our ends.

Similarly, when sexual morality began to be thought about in secular terms in the 1960s, and the question of what sort of sexual relations were moral or immoral was raised outside of a theological context, many people argued that what makes sex moral or immoral was not any given act, but rather how one views one's partner. If my partner is merely an outlet for my lust, if I do not consider her pleasure or satisfaction, then I behave immorally towards her, for I see her solely as a *means*, possessing *instrumental* value. Thus even basic sexual intercourse in the “missionary position” can be immoral, whereas what has been called “perverse” can be perfectly moral if I respect my partner's needs and desires.

Applying these categories to animal treatment by humans, we realize that even husbandry agriculture, however much it helped animal welfare, did not represent a fully moral posture towards animals, since our primary focus was on maximizing the benefit *we* derive from animals. Animals are still *means*. Similarly, what we have called the new ethic for animals, which attempts to codify respect for animals' interests into our social ethic, is still

not a fully moral posture, for we are only protecting those animal interests consonant with our use of animals, not looking beyond the context of our uses. We do our best to control pain in research or agriculture, and perhaps at most work to fit how we keep the animals to their natures, but ultimately their use for us trumps the interests they possess intrinsically. However well we treat these animals, they are “food animals” or “research animals”; means to our ends – our ends trump their ends. However much a research animal might wish to be free, or a milk cow to keep her female calf, our interests come first. This is a logical or conceptual point: no matter how well-treated a slave may be by his master, he or she can never be a full object of moral concern.

In the twentieth century, however, a new role for animals has assumed prominence (Rollin, 2001) wherein, at least in theory, animals can conceptually be looked at as ends in themselves and as possessing intrinsic value, and indeed, ideally should be so viewed. This is the role the animal assumes as a companion, a pet, a friend, a member of the family, in short as a giver and receiver of love and friendship. As in any loving relationship, each party should not see the other merely and solely as a means to their own satisfaction. We all believe we should feed the dog whether we happen to feel like it or not; we all believe that the dog should care about us as something other than a source of food. (Think of how hurt a pet owner would feel if the dog indiscriminately follows anyone else who has food.)

In its purest, ideal form, the relationship with our companion animals is a reciprocal one, to *give and receive love*. This historically and conceptually new relationship with animals is a function of certain new features in our society. Our nuclear and extended families have been shattered. Pretty much gone (except perhaps in some rural areas) are situations where three or more generations live together as a matter of course. Children are, by and large, no longer expected to provide for parents, economically or emotionally. Divorce is epidemic – in the U.S. over half the marriages end in divorce. Large urban areas such as New York City breed loneliness; to make up for the lack of physical space, people distance themselves from each other emotionally. In large apartment buildings, people typically do not know their neighbors and don't care to, particularly if the neighbor is older and single. Single parents generate latchkey children who again can live lonely lives. A child with a single working parent often cannot access peers after school. In all of these cases an animal may be the only solid, reliable source of giving or receiving love a child, adult or older person may have. Little wonder, then, that people spend extraordinary amounts of attention and money on their pets, and spend fortunes on saving their lives. Even well-integrated families can treat a pet as a loved one. At Colorado State University's veterinary school, students are shown a videotape of a successful businessman in his sixties, with a loving family, describing the

three years of hellish grief he experienced after the death of his 16 year old dog. Grief counseling over pet loss is now an established field of veterinary medicine, and a fundamental axiom of the field is that one can never predict in advance who will suffer grief most dramatically. Twenty years ago, the *Wall Street Journal* reported the (then) astonishing fact that people were spending over six figures U.S. dollars on treating their animals at our oncology center. One can barely today imagine a family friend reassuring a grieving pet owner with what was common sense a generation ago: "Why are you so upset? It's just an animal! You can get another."

Not every pet owner, of course, has this ideal relationship with their animals, else we would not see the trashing of millions of animals per year. But enough owners do to make this relationship a growing moral entity in society.

So prominent has this love/friendship relationship with companion animals become in society, in fact, that one foundation, funded with \$500 million U.S., exists solely to stop the killing of healthy companion animals. If they are successful, the money will be doubled! And, in certain cities like San Francisco and Boulder, Colorado, legislative attempts are being made to replace the legal notion that companion animals are property which can be disposed of as "owners" see fit, with the revolutionary ideas that humans are guardians, not owners, and like adoptive parents cannot dispose of children in whatever way they wish. (These law proposals are probably unconstitutional, but tell us much.)

Equally revealing, but considerably more surprising, is the fact that California passed a law by a huge voter margin making it a first class felony to slaughter a horse (perceived as a companion animal) for food, or ship it or sell it for slaughter. Other states are moving to raise the financial value of pets to far above their replacement value, and some judges have already awarded hefty sums to people whose animals were killed on the grounds that, while animals are property, they are unique in that they give and receive love. Twenty-four U.S. law schools have courses in animal law, and many of these legal scholars are working to raise the status of animals (particularly companion animals) from property.

In places like New York City, where *Gesellschaft* not *Gemeinschaft* prevails, an animal may be the only way to get to know other people. When I lived in New York, there was a culture of people who met every day while exercising their dogs in the park. We rarely knew each other's names – referring to each other as "Helga's owner" or "Red's master". But when Red's master went into the hospital, we all took turns housing and walking Red! And when I suffered from severe debilitating asthma that threatened to put me in the hospital for a month, Red's owner brought me an envelope and pressed it into my hand. "What is this", I said. "It is a key to my cabin in rural Ontario, and a map. Go up there, get away from New York, and breathe!"

Divorce lawyers claim that custody of the companion animal is often the stickiest issues in negotiating a settlement – worse than custody of the children.

In a recent book, Jon Katz has chronicled in moving detail the ways in which companion animals have truly become friends in today's society, including the case of a cancer survivor who, in her own view, received more help from her dog in dealing with cancer than she got from any humans (Katz, 2003). Couples suffering from “empty nest syndrome” when their children leave for college or marry, often stave off the emotional devastation by lavishing attention on their dogs or cats.

V

Let us tie the disparate threads of our argument together. Moral psychology must put rational constraints on ethical theory and figure into ethical behavior. A major moral psychological vector is reasonable partiality, i.e. preference for those with whom we have *philia*. In the mid to late twentieth century, we have seen the emergence of a new social ethic for animals, aimed at minimizing suffering. As this ethic has evolved, it has become clear that the full extension of this ethic has been limited by the fact that we keep these animals for human use. But one notable exception to this limitation is the animals with whom we ever-increasingly enjoy *philia*, love and friendship, given the nature of twentieth century urban life, divorce, and *gesellschaft*. Thus, it is perfectly reasonable, indeed necessary, to extend rational partiality to companion animals, as we do to any other object of love or friendship. In addition, at least at this historical moment, the full, logical development of animal ethics can only be instantiated with companion animals, since we are not constrained in that development by our need to hurt them or kill them. Indeed, hurting or killing them is incompatible with their role in our lives.

We may thus conclude that reasonable partiality towards companion animals is not only possible but obligatory with regard to these animals, both by virtue of moral psychology and by the very nature of our relationship with them. Although there are surely no morally relevant inherent differences between dogs and cows or laboratory rats, as philosophers like myself, Regan, Singer, and Sapontzis have stressed, the relational human psychological and social differences militate in favor of a difference in moral status between companion animals and other animals at this historical moment.

If our relationship with animal friends and objects of love is conceptually and logically similar to such relationships with humans, we can now demand parity in the treatment of both human and animal objects of *philia*. If we can accomplish this, we can continue to evolve animal ethical theory

for all animals by pointing to morally relevant similarities among companion animals and animals we currently exploit in a manner sufficient to shake our taking such exploitation for granted. Just as human ethics evolved from preference for one's object of *philia* (family, tribe) to more universalistic ethics (compare the evolution over 200 years of US constitutional protection from adult, white, male, native-born property owners to all humans), so we can anticipate that improving the treatment of companion animals will raise our moral sensitivity to all animals, and eventually change our current willingness to accept moral exploitation of certain animals for essentially selfish reasons. But, for the moment, moral common sense will continue to draw a distinction, not easily eroded, between animals we care for and animals we use. Current moral intuitions about animal use in society must give way to more reasonable intuitions; raising the status of companion animals is one possible way to accelerate such change.

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