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Fellow Creatures: Kantian Ethics and Our Duties to Animals

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When {man} first said to the sheep, "the pelt which you wear was given to you by nature not for your own use, but for mine" and took it from the sheep to wear it himself, he became aware of a prerogative which . . . he enjoyed over all the animals; and he now no longer regarded them as fellow creatures, but as means and instruments to be used at will for the attainment of whatever ends he pleased.

Immanuel Kant[1]

Any action whereby we may torment animals, or let them suffer distress, or otherwise treat them without love, is demeaning to ourselves.

Immanuel Kant[2]

1. Human Beings as Ends-in-Themselves

Perhaps no theme of Kant's ethics resonates more clearly with our ordinary moral ideas than his dictum that a human being should never be used as a mere means to an end. "You are just using me!" is one of the most familiar forms of moral protest. Nearly any modern person, asked

1. CBHH 8:114, p. 225. Kant's ethical works are cited in the traditional way, by the volume and page number of the standard German edition, *Kants Gesammelte Schriften,* edited by the Royal Prussian (later German) Academy of Sciences (Berlin: George Reimer, later Walter de Gruyter & Co., 1900–), which are found in the margins of most translations. I have also supplied the page numbers of the translations. The translations I have used are as follows:

C2 = The Critique of Practical Reason, translated and edited by Mary Gregor, in the Cambridge Texts in the History of Philosophy series. Cambridge: Cambridge University Press, 1997.

CBHH = "Conjectures on the Beginning of Human History," in *Kant: Political Writings,* trans. H. B. Nisbet, ed. Hans Reiss. 2nd ed. Cambridge: Cambridge University Press, 1991.

G = Groundwork of the Metaphysics of Morals, translated and edited by Mary Gregor, in the Cambridge Texts in the History of Philosophy series. Cambridge: Cambridge University Press, 1997.

LE = Lectures on Ethics, trans. Peter Heath, ed. Peter Heath and J. B. Schneewind. New York: Cambridge University Press, 1997. These are actually students' notes from Kant's ethics courses.

MM = The Metaphysics of Morals, translated and edited by Mary Gregor, in the Cambridge Texts in the History of Philosophy series. Cambridge: Cambridge University Press, 1996.

2. *LE* 27:710, p. 434.

to make a list of practices that are obviously wrong, would put slavery on the list, and Aristotle never seems so alien to us as when he complacently remarks that "the slave is a living tool."[3] A person, we now feel strongly, is not just a tool to be used for the achievement of other people's ends. Of course we do use each other as means to our ends all the time: the cab driver or friend who drives you to the airport, the doctor who treats your illnesses, the relative who lends you money, all do things that help you to promote your own ends. But to treat someone as a *mere* means, as Kant understands it, is to use her to promote your own ends in a way to which she herself could not possibly consent.[4] In philosophical ethics, for the past couple of centuries, the primary philosophical rival to Kantianism has been utilitarianism, the theory that we ought to promote the greatest good or happiness of the greatest number. And in the ongoing debate between these two theories, Kantians have had no greater weapon in our arsenal than the reminder that, in principle, utilitarianism permits a person to be sacrificed against his will if the interests of the many are sufficiently served by the sacrifice. Utilitarians have offered many arguments to show that such a sacrifice could not possibly, all things considered, be what does the most good. But the fact remains that, *in principle,* utilitarianism allows you to use a human being as a mere means to an end.

Kant argued that treating a person as a mere means violates the dignity every human being possesses as "an end-in-itself."[5] And he enshrined this idea in one of his formulations of the Categorical Imperative, the Formula of Humanity, which runs: "So act that you always treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."[6] Kant identifies our humanity with our rational nature, a capacity he thinks of as

3. *The Nicomachean Ethics* VIII.11 1161b4, p. 1835. I have quoted from the translation by W. D. Ross, revised by J. O. Urmson, in *The Complete Works of Aristotle*: *The Revised Oxford Translation,* ed. Jonathan Barnes, vol. 2, using the usual marginal column and line numbers from the standard Bekker edition of the Greek text (Princeton: Princeton University Press, 1984).

4. The sense of "could not possibly" here is literal. The victims of forceful, coercive, and deceptive actions cannot consent because these actions by their nature give their victims no opportunity to consent. For a defense of this interpretation, see Korsgaard, "The Right to Lie: Kant on Dealing with Evil," in Korsgaard, *Creating the Kingdom of Ends,* pp. 133–58, especially pp. 138–39; and Onora O'Neill, "Between Consenting Adults," chapter 6 in her *Constructions of Reason: Explorations of Kant's Practical Philosophy.*

5. The idea of an "end-in-itself" is introduced at *G* 4:428, p. 36; "dignity" is explained at *G* 4:434–35, pp. 42–43.

6. *G* 4:429, p. 38.

distinctive of human beings, and he identifies our *practically* rational nature with our capacity to govern ourselves by autonomous rational choice. Respect for humanity, Kant believes, demands that we avoid all use of force, coercion, and deception, that is, all devices that are intended to override or redirect the autonomous choices of others.[7] At the same time, it demands that we help to promote the ends of others, other things being equal, when they need our help.[8] This is because an essential aspect of respecting your own humanity is regarding your own chosen ends as good and worthy of pursuit. When that same respect is accorded to others, it demands that we also regard their chosen ends as good and worthy of pursuit.

Kant describes rational beings who respect one another's humanity as forming what he calls the "Kingdom of Ends." Like the Kingdom of God on earth, the Kingdom of Ends is a spiritual or notional community, constituted by the relations among human beings with a shared commitment to a certain conception of themselves. But with a characteristic Enlightenment twist, Kant reconceives this spiritual kingdom as a kind of constitutional democracy, in which each citizen has a legislative voice. In the Kingdom of Ends, the autonomy of every person is respected and, within the limits imposed by that respect, the goods chosen by each are pursued. Moral laws may be viewed as the laws, legislated by all rational beings in congress, of the Kingdom of Ends.[9]

When people are confronted with this account of morality, the question almost immediately arises: but what about non-rational beings? If the value of humanity springs from our capacity to be governed by autonomous rational choice, what are we to say about those who, we presume, have no such capacity? What about infants who are not yet rational or the very old and demented who are rational no longer? What about the severely retarded and the incurably insane? And what about the non-human animals? Are none of these to be regarded as ends-in-themselves? And if not, does that mean that we are allowed to use them as mere means to our ends?

7. These restrictions follow from the conception of what others can "possibly consent to" that I described in note 4.

8. *G* 4:430, p. 39. "Other things being equal" because the duty to help others is an "imperfect" duty: we have a certain discretion about whom we help and how and how much.

9. Kant defines the Kingdom of Ends as "a systematic union of various rational beings through common laws" and also as "a whole both of rational beings as ends in themselves and of the ends of his own that each may set himself." *G* 4:433, p. 41.

In my view, most of these questions are misguided. On Kant's conception of rationality, most of the beings I just mentioned *are* rational beings. Some of them are, for various reasons, unable to reason *well;* some of them are at stages of their lives when reason is undeveloped, inert, or non-functional. These conditions, I believe, do not affect their standing as rational beings under the Kantian conception. Those claims require defense, but I won't be giving that defense in this essay. My concern here is with the one group mentioned who, I believe, really are *not* rational beings: the non-human animals.[10] I am going to argue that despite appearances, and despite what he himself thought, Kant's arguments reveal the ground of our obligations to the other animals.

2. Animals and Rational Animals

I am going to begin by laying out a conception of what an animal is, and how a rational animal is different from a non-rational one.

An animal is a certain kind of living entity. According to an ancient theory first advanced by Aristotle, an *entity* (or substance) is matter arranged in a way that enables it to do something, matter arranged functionally.[11] A car, for example, is matter arranged so as to travel at high speeds under human guidance. A living thing, Aristotle claimed, is a special kind of entity. It is matter arranged in such a way as to maintain and reproduce that very arrangement. Aristotle claimed that the most characteristic activities of living things are therefore nutrition and reproduction. Though for the most part made of fragile materials that are always being damaged and used up, living things are arranged in a way that enables them to constantly replace those fragile materials through the process of nutrition. And they also impose their arrange-

10. In the section that follows I present a conceptual account of the difference between rational and non-rational animals. It is of course an empirical question which things in nature, if anything, fit the categories I lay out there. I believe that in fact the distinction I make marks the boundary between human beings and the other animals. This is partly because I believe that convincing accounts can be given of how "rationality" in the sense I define it may be linked to certain other attributes that have been thought of as distinctively human. Kant offers some of these accounts himself in CBHH, as I discuss below. But it is possible that there are rational beings other than human beings, including some of the other species of animals that we find on this planet. And it is of course possible that the conceptual distinctions I draw are not fine enough to capture the phenomena. These questions cannot be settled *a priori.*

11. These ideas are found primarily in Aristotle's *Metaphysics* and especially in his book *On the Soul.* Kant's discussion of purposiveness in nature in the *Critique of Teleological Judgment* suggests that he is in a general way sympathetic to them.

ment on other bits of matter through reproduction. So living things carry on as if they had a purpose, but as if that purpose was simply to be, and to keep on being, what they are. They are self-maintaining entities.

An animal, in turn, is a living thing of a special kind—one capable of perception and voluntary motion. Animals maintain themselves in part by forming representations or conceptions of their environment and guiding themselves around in the environment in accordance with those representations. These two tasks—forming a conception of your environment (that is, belief), and guiding yourself around in the environment (that is, action)—may be carried out in either of two ways, which I will call the instinctive and the rational.

Our main concern is with action, and to locate the difference I need to explain Kant's conception of action.[12] Kant believes that an action always involves the interaction of two factors, an incentive and a principle. Don't be thrown by that word "incentive"; it does not mean an economic reward.[13] The incentive is the thing that makes it occur to an agent to act. It is a kind of motivationally loaded representation of an object, produced by perception or thought. When you are under the influence of an incentive, you perceive or think of a certain object as desirable or aversive in some specific way—as edible, erotically appealing, dangerous, a rival, interesting, or whatever it might be. The principle determines what the agent does, or tries to do, when he is confronted with that kind of incentive: the agent sees things of that kind as *to-be-eaten*, *to-be-mated-with*, *to-be-fled*, *to-be-fought*, *to-be-inspected*, or whatever. Incentives and principles exist in natural pairs, for an agent's principles determine which incentives he is subject to as well as what he does about them. For instance, if you are a human being whose principle is to help those in need, then the perceived neediness of another presents you with an incentive to help. If you are a cat whose principle is to chase small scurrying creatures, then the movements of a mouse or a bug are an incentive to give chase.

As that example is meant to suggest, a non-human animal's principles are its instincts. To say that an animal acts on instinct is to say that

12. This account of action is suggested by the account at MM 6:211–14, together with an account of the workings of instinct suggested by the discussion in CBHH.

13. The German is *Triebfeder,* alternatively translated as "incentive" (Gregor, James W. Ellington); "impulsion" (H. J. Paton); "spring" (Thomas K. Abbot); and "drive" (Lewis White Beck). None of these exactly captures the idea, which is explained in the text.

it acts on the basis of an established connection between a certain kind of representation (the incentive) and a primitively normative response, an automatic sense that a certain action is *called for* or made *appropriate* by the representation. I say that the animal responds "normatively" to the incentive, rather than merely that the incentive causes the animal's movements, because the concept of action is not adequately captured by the idea of a movement caused by a mental representation. The smell of baking pie can cause you to salivate, or to go to the kitchen, but the first of those responses is not an action, and the second is. And the difference between them cannot rest merely in the particular appropriateness or efficiency of the second response itself; it has to rest in the agent's grasp of the second response as somehow appropriate. In the case of human beings we can say that the agent goes to the kitchen because he takes his interest in the pie to be a reason for doing so, while he does not salivate because he thinks he has a reason for doing so. How exactly this difference between action and reaction is to be captured in an account of non-rational action is a difficult question, but it is clear that there is such a difference. The difference between mere reaction and genuine action may be less well-marked in the case of non-rational animals than in the case of human beings—although for that matter it is not always very well marked with us—but it is certainly there.[14]

Every animal is born equipped to make some of these instinctive normative connections, but the idea of instinctual action that I am advancing here does not depend on that fact. To that extent I am using the term "instinct" more broadly than usual. It is quite common to contrast the idea of an "instinctive response" with a "learned response." Because of this usage, the idea of instinct has fallen into some disfavor with scientists, who have come to realize how much more depends on learning than they once believed. But the term "instinct" as I am using it is not limited to inborn principles. What I will call an "intelligent" animal is one who is characterized by its ability to learn from its experiences. It is able to extend its repertoire of practically significant representations beyond those with which nature originally supplied it. So intelligence is

14. I should also note here that the slippery word "instinct" is sometimes used for mere reactions like salivating. I am not using it that way here: I am using it for forms of belief and action, both of which involve a certain "taking one thing to count in favor of another" on the part of the animal.

a capacity to forge new connections or principles, to increase your stock of appropriate responses. After the puppy's encounter with the porcupine and the beehive, the porcupine and the beehive get added to the category of the *to-be-avoided* and are now perceived in that way.

Rationality and intelligence are often confused.[15] But at least as Kant understands rationality, they are not the same thing. Kant believed that human beings have developed a specific form of self-consciousness, namely, the ability to perceive, and therefore to think about, the grounds of our beliefs and actions *as grounds.* Here's what I mean: an animal who acts from instinct is conscious of the object of its fear or desire, and conscious of it as *fearful* or *desirable,* and so as *to-be-avoided* or *to-be-sought*. That is the ground of its action. But a rational animal is, in addition, conscious *that* she fears or desires the object, and *that* she is inclined to act in a certain way as a result.[16] That's what I mean by being conscious of the ground *as a ground.* So as rational beings we are conscious of the principles on which we are inclined to act. Because of this, we have the ability to ask ourselves whether we *should* act in the way that we are instinctively inclined to. We can say to ourselves: "I am inclined to do act-A for the sake of end-E. But should I?" We have the ability to question whether the responses our incentives present to us as appropriate really are so, and therefore whether we have reason for acting in the ways that they suggest.[17]

The same contrast exists in the theoretical realm, the realm of belief. An intelligent but non-rational animal may be moved to believe or expect one thing when it perceives another, having learned to make a certain causal connection or association between the two things in the

15. Just to take one example, Mary Midgley, in her discussion of Kant in her essay "Persons and Non-Persons," in *In Defense of Animals*, ed. Peter Singer, uses them as synonyms, and therefore wonders how intelligent an animal has to be in order to have moral standing on Kant's account. See especially p. 56.

16. Being conscious of the ground of your beliefs and actions as grounds is a form of *self*-consciousness because it involves identifying *yourself* as the *subject* of certain of your own mental representations.

17. See Korsgaard, *The Sources of Normativity,* lecture III, for a more detailed account of this way of understanding the human condition. I should note here that formulating the question as "whether we really have a reason" to act as the incentive suggests a realist conception of reasons—as if they were already out there and we are checking whether our maxim corresponds to them. As I will make clear later in this essay, that is not the conception I have in mind: I believe that Kant is best understood as a "constructivist" about reasons and values: his view is that we create values and reasons through moral legislation.

past.[18] But as rational animals we are *aware* that we are inclined to take one thing as evidence for another, and therefore we can ask whether we should. For instance we can ask whether we should take a certain perception as a reason for a belief. Although a non-rational animal may be described as following certain principles in its beliefs and actions, those principles are not the objects of its attention. Rational animals, by contrast, think about and therefore *assess* the principles that govern our beliefs and actions.[19]

Kant also believed that the formal principles of reason express this capacity for self-conscious assessment. Suppose you desire a certain end-E, and you are inclined to perform a certain act-A as a result. You want to know whether you have a good reason to do this act for the sake of this end.[20] I won't try to fill in all the steps here, but Kant believed that the test of whether you have such a reason is whether the principle of "Doing act-A for the sake of end-E" can function as a normative principle. And he believed that we can answer that question by asking whether we can

18. I use the term "association" advisedly here, for I think that David Hume, in his *Treatise of Human Nature,* ed. L. A. Selby-Bigge, gives an excellent description of the workings of what I am here calling intelligence, although he mistook it for a description of the workings of reason. See especially book I, part III.

19. In the text I emphasize the differences between rationality and intelligence, but of course in fact they work together. Once our principles are in our own mental view, we can think about them intelligently as well as rationally. In particular, I believe that it is the combination of the two powers that enables us to form *hypotheses.* An intelligent animal that has often encountered bees may learn that they sting, and avoid them accordingly. It may also, from association, avoid other things that look like bees. An animal that can think about, rather than merely follow, the connection between bees and stinging can wonder whether all striped insects, or all buzzing insects, sting, form an hypothesis, and investigate accordingly. I am tempted to believe that this is one of the reasons why human beings appear to be exponentially more intelligent than the other animals.

20. As Kant sees it, the question here isn't just whether the act is an effective and efficient means to the end; it is a question about the whole package, about whether there is a reason for doing-the-act-for-the-sake-of-the-end. Effectiveness of the act is one aspect of the question, but, as I am about to explain in the text, so is the universalizability of the whole. Relatedly, Kant of course thinks it is within our capacity to reject the whole package, and so give up the pursuit of the end, if we judge the action to be wrong. This ability to set aside our inclinations when the actions motivated by them would be wrong is an essential aspect of our freedom. Non-rational animals do not have this kind of freedom. There is a subtle but important difference between two kinds of inhibition at work in the claim I have just made. A non-rational animal can inhibit an instinctive response if another instinctive response is stronger; but a rational animal can inhibit instinctive response altogether in the face of normative judgment. Failure to distinguish between these two kinds of inhibition has led to great confusion not only about freedom of the will but also in the social-scientific theory of rationality. See Korsgaard, "The Myth of Egoism," especially pp. 17–19.

will that our principles, or maxims as he calls them, should be universal laws. That's how he arrives at his famous categorical imperative, in its Universal Law Formulation: "Act only on a maxim that you can will as a universal law."[21] Because we regulate our conduct in this way—in accordance with our own conception of laws—Kant describes us as having "legislative wills," and it is this fact that he identifies with both autonomy and practical rationality.[22] We legislate, morally, to ourselves and each other, through our wills.

What all of this means is that rationality, for Kant, is the capacity for normative self-government. Rationality makes us capable of assessing and judging the principles that govern our beliefs and actions, and of regulating our beliefs and actions in accordance with those judgments. Rationality also makes it *necessary* for us to exercise this capacity, for as long as we are conscious of our principles, to some extent we cannot help but assess them. Once they are before our minds, we must decide whether to endorse or reject them, and act accordingly. According to Kant, the fact that human beings live under this kind of normative self-government is the distinctive difference between human beings and the other animals. And it is clear from this account why Kant thinks that we are the only moral animals, in the sense that we are the only animals whose conduct is subject to moral guidance and moral evaluation.[23] We cannot expect the other animals to regulate their conduct in accordance with an assessment of their principles, because they are not conscious of their principles. They therefore have no moral obligations. But it is not obvious why Kant should think that it follows that we have no obligations to them. That is the question to which I now turn.

21. First stated at *G* 4:402, p. 15. The argument I am discussing here is roughly that of *G* 4:446–47, pp. 52–53.

22. The actual phrase Kant most often uses is "a will giving universal law." The idea is introduced at *G* 4:432.

23. There are people who are inclined to blame non-human animals for cruel or disorderly behavior, or to praise them for sympathy and cooperativeness and displays of maternal love. And there are moral theories, such as Hume's, that can make sense of this kind of praise and blame. On Hume's theory it appears that non-human animals may have what are called "natural virtues," admirable qualities that do not depend on the capacity of those who have them for moral thought. But no one—not even this sort of moral philosopher—would blame a non-human animal for being *unprincipled* or *thoughtless.* So everyone should agree that at least some moral qualities are essentially tied to the capacity for rational reflection. For Hume's account of the natural virtues, see the *Treatise of Human Nature,* book III, part III.

3. Kant's Attitude to Non-human Animals

Kant's own attitude about the moral status of non-human animals is puzzling. In the argument leading up to the Formula of Humanity, Kant frankly categorizes non-human animals as mere means. He says:

> Beings...without reason, have only a relative worth, as means, and are therefore called *things*, whereas rational beings are called *persons* because their nature...marks them out as an end in itself....[24]

The contrast comes up again in the essay "Conjectures on the Beginnings of Human History," in which Kant speculates about the emergence of humanity from our animal past. Using the story of the Garden of Eden as his model, Kant describes a process leading from the origins of self-consciousness to the development of morality that comes in four steps. First, as human beings become self-conscious in the sense I described earlier, the ability to compare the objects to which we are instinctively drawn with other objects that resemble them prompts us to try those other objects. Self-consciousness enables Eve to reflect on the fact that she is instinctively drawn to, let's say, eating pears, and then, having noticed that *apples* are similar to pears, she gets the idea that she might try one of those too.[25] The fateful result is the first free choice—that is, the first choice not governed by instinct—ever made in human history. Self-consciousness also brings with it the ability to inhibit our impulses, which in turn brings sexual sublimation and with it romantic love and the sense of beauty. That is the second step. Next we begin to anticipate the future, acquiring both the capacity to be motivated by concern for the future and the terrifying knowledge of our own mortality.[26] And then, Kant says:

24. *G* 4:428, p. 37. Interestingly, Kant does not in general divide the world into ends-in-themselves and mere means. As we will see later, his theory of value allows for, and even requires, a category of things that have a relative worth as ends: things that we value for their own sakes although they are not ends-in-themselves, and that get their value from our own needs and interests. This is the status Kant reserves for the ends we pursue in our actions. In general, something's having the status of a relatively valuable end depends on someone's happening to care about it, so this status could not be used to ground a general duty to animals. But it is rather striking that it does not seem to occur to Kant here that we might value natural objects for their own sakes in this way.

25. This is the practical analogue to the activity of forming hypotheses discussed in note 19.

26. These remarks summarize CBHH 8:111–14, pp. 223–25.

> The fourth and last step which reason took, thereby raising man completely above animal society, was his…realisation that he is the true end of nature…. When he first said to the sheep, "the pelt which you wear was given to you by nature not for your own use, but for mine" and took it from the sheep to wear it himself, he became aware of a prerogative which, by his nature, he enjoyed over all the animals; and he now no longer regarded them as fellow creatures, but as means and instruments to be used at will for the attainment of whatever ends he pleased. This…implies…an awareness of the following distinction: man should not address other *human beings* in the same way as animals, but should regard them as having an equal share in the gifts of nature…. Thus man had attained a position of *equality with all rational beings,* because he could claim to be an end in himself….[27]

Our realization that we are ends-in-ourselves is here firmly linked with the moment when we ceased to regard the other animals as fellow creatures and began to consider them as mere means instead. It is particularly haunting that Kant imagines Adam *addressing* these remarks *to* the sheep, as if that one last vestige of the peaceable kingdom, the ability to communicate with the other animals, was still in place at the moment when we turned our backs on them.

So when we look at what Kant thinks about how we should treat non-human animals, his views come as something of a surprise.[28] Kant does think we have the right to kill the other animals, but it must be quickly and without pain, and cannot be for the sake of mere sport. He does not say why we should kill them, and the subject of eating them does not come up directly, but presumably that is one of the reasons he has in mind.[29] He does not think we should perform painful experiments on non-human animals "for the sake of mere speculation, when the end could also be achieved without these."[30] He thinks we may

27. CBHH 8:114, p. 225. I have changed Nisbet's rendering of the German *Pelz* from "fleece" to "pelt," although the German can go either way, because I think that the rendering "fleece" softens Kant's harsh point; a sheep, after all, may easily share its fleece.

28. The main discussions are at *MM* 6:442–44, pp. 192–93; *LE* 27:458–60, pp. 212–13; and *LE* 27:710, pp. 434–35.

29. The question of eating animals comes up only indirectly when Kant mentions the fact that in England butchers are not allowed to serve on juries because their profession is thought to habituate them to death. *LE* 27:459–60, p. 213.

30. *MM* 6:443, p. 193. It is not clear whether these two requirements are meant to function together or separately, so it is a little hard to know how much of a limitation Kant intends this to be.

make the other animals work, but not in a way that strains their capacities. The limitation he mentions sounds vaguely as if it were drawn from the golden rule: we should only force them to do such work as we must do ourselves.[31] And if they do work for us, he thinks that we should be grateful. In his course lectures, Kant at this point sometimes told his students a story about G. W. Leibniz carefully returning a worm he had been studying to its leaf when he was done.[32] And both in his lectures and in the *Metaphysics of Morals,* Kant has hard words for people who shoot their horses or dogs when they are no longer useful.[33] Such animals should be treated, Kant says, "just as if they were members of the household."[34] He remarks with some approval that "in Athens it was punishable to let an aged work-horse starve." He tells us that "any action whereby we may torment animals, or let them suffer distress, or otherwise treat them without love, is demeaning to ourselves."[35]

But these moral duties, it turns out, are not owed *to* the other animals, but rather to ourselves. Kant thinks we are misled by what he calls an "amphiboly"—in this case, a natural tendency to mistake an internal relation for an external one—to suppose that we owe these duties to the other animals.[36] The "amphiboly" is possible not only with respect to non-human animals, but also with respect to plants and other naturally beautiful objects. In all of these cases, the duty to ourselves in question is the duty to cultivate feelings that are conducive to morality. In the case of plants and beautiful natural objects, the feeling to be cultivated is the love of the beautiful. The love of the beautiful, Kant says, is a disposition to love something even apart from any intention to use it; perhaps this disposes us to love people for their own sakes. In the case of what Kant calls "the animate but nonrational part of creation," he says:

> . . . violent and cruel treatment of animals is . . . intimately opposed to a human being's duty to himself . . . ; for it dulls his shared feeling of their suffering and so weakens and gradually uproots a natural dispo-

31. *MM* 6:443, p. 196.

32. *LE* 27:459, pp. 212–13.

33. *MM* 6:443, p. 193; *LE* 27:459, p. 212.

34. *MM* 6:443, p. 193. But why only "as if"?

35. *LE* 27:710, p. 434.

36. For Kant's account of "amphiboly," see the *Critique of Pure Reason,* trans. Norman Kemp Smith, pp. 276–81; A260/B316–A268/B324 in the Prussian Academy edition pagination.

> sition that is very serviceable to morality in one's relations with other people.[37]

In his course lectures, Kant made the same point by saying that non-human animals are "analogues" of humanity and that we therefore "cultivate our duties to humanity" when we practice duties to animals as analogues to human beings.[38]

But why don't we owe these duties directly to the other animals? In the *Metaphysics of Morals,* Kant argues explicitly that human beings can have duties only to human beings. He says:

> . . . a human being has duties only to human beings (himself and others), since his duty to any subject is moral constraint by that subject's will.[39]

Kant thinks that we can have duties only to someone who is in a position to morally constrain or obligate us *by his will,* and that only someone with a legislative will can do that. The non-human animals cannot obligate us because they do not have legislative wills.

It is important to notice what this argument actually says, and what it does not say. What it actually says is that non-human animals cannot obligate us because without legislative wills they cannot legislate for us or participate in the moral legislation to which as rational beings we are subject. Kant does not say that a human being, as an end-in-itself, is a

37. *MM* 6:443, pp. 192–93.

38. *LE* 27:459, p. 212. The idea that we can "cultivate" virtue by doing something that is not itself virtuous (or anyway, not virtuous except insofar as it counts as cultivation) sounds nearly incoherent. But the expression used in this passage is careless. In the *Metaphysics of Morals* Kant makes it clear that he does not have in mind anything like Aristotelian habituation; all that he means is that we can cultivate emotions that are *useful,* in a somewhat external way, to morality. I believe that the view of the emotions behind this conception of their role in moral life and also the view of pleasure and pain that is behind Kant's conception of the emotions are both mistaken. Kant thinks of pleasure and pain, and therefore of the emotions, as something like brute tastes, rather than as having a perceptual aspect. I follow Aristotle in thinking of pleasure and pain as something like the perception of reasons, or at least of the natural good and evils in which reasons are grounded. On Kant's view, an emotion such as sympathy can give you a kind of taste for helping that accidentally coincides with your duty, while on the Aristotelian view sympathy may serve as a perception of the grounds of moral legislation. I have discussed these ideas in *The Sources of Normativity*, §§4.3.1–4.3.12, pp. 145–56 (my only previously published discussion of our duties to non-human animals), and in "From Duty and For the Sake of the Noble: Kant and Aristotle on Morally Good Action," in *Aristotle, Kant, and the Stoics: Rethinking Happiness and Duty,* ed. Stephen Engstrom and Jennifer Whiting, especially pp. 223–27.

39. *MM* 6:442, p. 192; see also *MM* 6:241, pp. 32–33.

precious commodity like a Ming Dynasty vase, while a non-human animal is an expendable commodity like a grocery-store wine glass. In a sense, it is not an argument *from* the value of rational beings, or of the lives of rational beings, *to* our obligations to rational beings at all. Instead, it is an argument *from* the capacity to obligate, or the lack of that capacity, to the assignment of a certain kind of value. Or, perhaps more properly speaking, it is an argument that identifies a certain kind of value—being an end-in-oneself—with the capacity to obligate. So Kant isn't arguing that we have no obligations to non-human animals because they or their lives lack a certain kind of value. He is arguing that they lack this value because they cannot place us under obligations. The question, of course, is whether he is right.

4. The End-in-Itself and the Legislative Will

This identification between being an end-in-itself and having a legislative will is reflected in the argument of Kant's *Groundwork of the Metaphysics of Morals.* Kant's argument for the Formula of Humanity proceeds in two steps. He says:

> The ground of this principle [the Formula of Humanity] is: rational nature exists as an end in itself. The human being necessarily represents his own existence in this way: so far it is…a subjective principle of human actions. But every other rational being…represents his existence in this way…on…the same rational ground that also holds…for me; thus it is at the same time an objective principle….[40]

So Kant argues first that the conception of ourselves as ends-in-ourselves is a "subjective principle of human actions." He then adds that this "subjective principle" has an objective ground. In a footnote attached to that last remark, Kant refers us to the section where he argues that all rational beings are autonomous. So his claim is that autonomy provides the objective ground for our view of ourselves as ends-in-ourselves. What does Kant mean by all this?

I believe that when Kant claims that the conception of ourselves as ends-in-ourselves is a "subjective principle of human action," he means that we human beings regard ourselves as capable of conferring value on

40. *G* 4:428–29, p. 37.

the objects of our choices.[41] That is, we take our choices to be the source of legitimate normative claims, claims we make on all rational beings. As he makes clear in the text leading up to this argument, Kant does not believe that the ends that human beings pursue have, in and of themselves, some sort of objective value that is prior to our interest in them. He says, "The ends that a rational being proposes at his discretion as effects of his actions (material ends) are all only relative; for only their mere relation to a specially constituted faculty of desire on the part of the subject gives them their worth."[42] More generally, Kant rejects a certain form of value realism, which holds that certain states of affairs or objects *just are* intrinsically valuable, and that it is rational to desire or promote them because they have that value. According to Kant, we do not desire things because they are valuable; rather, we take them to be valuable because we desire them. We desire things because they satisfy our appetites, please our senses, stimulate our curiosity, arouse our faculties, make us feel interested and empowered and alive. We desire things because, given our psychology, they are suited to satisfy, arouse, or please us.[43] Yet as rational beings, who are conscious of our choices and the grounds of those choices, we can pursue our ends only if we are satisfied that doing so is good—that is, that our ends are worthy of pursuit. Since our ends are not good in themselves, but only relative to our own interests, it must be that we take our own interest in something to confer a kind of value upon it, sufficient to make it worthy of rational choice. And that means that we accord a kind of value to ourselves. "What matters to me," the human being in effect says to himself, "really matters, and is worth pursuing, because *I* matter." And he embodies this conception of himself in his actions, both by pursuing the things he cares about as genuine goods, and by demanding that others help him to pursue them when he is in need.[44] That is the sense in which the conception of ourselves as ends-in-ourselves is a subjective principle of human action. We regard ourselves as *sources* of value—that is to say, as sources of normative claims that are binding on ourselves and others.

41. See also Korsgaard, "Kant's Formula of Humanity," in *Creating the Kingdom of Ends,* pp. 106–32.

42. *G* 4:428, p. 36.

43. I don't mean that psychological suitability or the satisfaction of need is the reason for our desiring things; I mean that it is the cause or ground of our desire.

44. As Kant puts in *The Metaphysics of Morals,* we "make ourselves an end for others" by this sort of demand. *MM* 6:393, p. 156.

The crucial move in Kant's argument, for our purposes, comes later in the *Groundwork,* when he connects this conception of ourselves with the idea that we have legislative wills. Let me now say a word more about what Kant means when he characterizes our wills as legislative. Earlier, I said that because we are self-conscious, we are able to assess our instinctive impulses to act. When you experience, say, a desire to do act-A for the sake of end-E, you can ask yourself whether you should do that, whether you have a reason. According to Kant that amounts to asking the question of the categorical imperative—whether the maxim "I will do act-A for the sake of end-E" can function as a universal law. Now suppose that the maxim in question fails the universal law test—you cannot will your maxim as a law. (Below I will say more about how exactly you determine this.) You are now "willing a law," for you now lay it down as a universal law that one must not do act-A for the sake of end-E, and you act autonomously when you conform yourself to that law by refraining from the action. Since the maxim fails the universal law test, all rational beings must also acknowledge the force of this law, and that means that you can also obligate others in its name.

Now suppose instead that your maxim passes the categorical imperative test: you can will to do act-A for the sake of end-E, and, accordingly, you endorse the principle of doing so and act on it. Even in this case, you exhibit a legislative will, for you have now adopted E as your end. And assuming that Kant's other arguments go through, this means that people have an obligation, many other things being equal, to help you in your pursuit of this end. In effect you have laid it down that it is a good thing, worthy of anyone's pursuit, that you should have this end, or be able to do it, or whatever it might be, depending on the nature of the end.

It is essential to see that, in Kant's system, all genuine value comes from legislative acts of the sorts I've just described. Kant says that "nothing can have a worth other than that which the law determines for it."[45] Importantly, there is a way in which even the special value of humanity as an end-in-itself comes from our own legislative acts. This is because in the very act of treating our own ends as good and worthy of pursuit, in spite of their lack of any inherent value, we in effect *confer* the

45. *G* 4:436, p. 43.

status of end-in-itself on ourselves.[46] In other words, value, as Kant sees it, is a human creation, made both possible and necessary by rationality. Because we are rational, we cannot act without at least implicitly endorsing the principles upon which we act, and in that sense willing them as laws. These acts of endorsement or legislation are what transform mere desiring into acts of valuing. And for Kant acts of valuing are the source of all value—all legitimate normative claims—not the other way around. Obligation does not arise from value: rather, obligation and value arise together from acts of the legislative will.

Because he believes that all value and obligation arise in this way from moral legislation, Kant concludes that only human beings can obligate us, and that therefore only human beings are ends-in-themselves. He says:

> . . . morality is the condition under which alone a rational being can be an end in itself, since only through this is it possible to be a law-giving member in the Kingdom of Ends.[47]

But actually he is conflating two slightly different conceptions of the end-in-itself here. In one sense, an end-in-itself is the source of legitimate normative claims—claims that must be recognized by all rational agents. In another sense, an end-in-itself is someone who can *give* the force of law to his claims, by participation in moral legislation. Kant's metaphysics of value does make it logical to connect these two ideas, because of the way in which he traces all value—all legitimate normative claims—to acts of the legislative will. If we have obligations concerning animals, they can only follow from laws that we legislate ourselves. The only possible source of law and obligation is a rational will, and, *in this sense,* a non-rational animal cannot be the source of obligation. But it

46. In other words, our assigning ourselves the status of end-in-itself is not an exception to the view that the status of end-in-itself depends on the capacity to obligate. I regard myself as an end-in-myself because the dictate of my own mind can obligate me. (See also note 61.) One might suppose—indeed I think Kant may have supposed—that my capacity to obligate myself shows up only in my capacity to limit my conduct in accordance with *moral* laws. That is, he might have supposed that I do not obligate myself when I decide to pursue an otherwise optional end that I have deemed worthy of my choice. He held that we are not obligated to pursue our own happiness, on the (false) ground that we always inevitably pursue it. I think this is inconsistent with his view that we obligate others when we choose an end: if others are obligated to pursue my own happiness as a good, then so am I. Later, I will explain why I think that choosing optional ends manifests the conception of oneself as an end-in-itself.

47. *G* 4:435, p. 42.

does not follow that the other animals cannot be ends-in-themselves in the first sense—the sources of legitimate normative claims—because it does not follow that there is no sense in which they can obligate us.

Laws are by their very nature universal, according to Kant, and a universal law can extend its protection to someone who did not participate, and could not have participated, in its legislation. In his political philosophy, Kant explicitly recognized this by introducing a category of what he called "passive citizens"—including, as he supposed, women, children, apprentices, and house servants—whose rights are protected by the laws of the state even though they may not vote.[48] We are not now likely to have much patience with this category as applied to human beings, but the concept is clear enough.[49] Or indeed, even without it, we can make sense of the idea of a law protecting one who did not and could not have made it, since our most basic laws—against theft and murder, say—protect even foreigners from these violations. Suppose only men can vote, and they make a law asserting that everyone is guaranteed a right of free speech. Can a woman then obligate a man to desist from trying to silence her? In the sense of making a law, or participating in making a law, compelling him to desist, she cannot. In the sense of having a claim on him in the name of a law whose authority he acknowledges, she can. The fact that non-human animals cannot participate in moral legislation is insufficient to establish that they cannot obligate us in this later sense. The question, then, is whether we human beings ever find it necessary, on rational reflection, to will laws whose protection extends to the other animals.

5. Universal Laws for the Treatment of Animals

Now it would be nice if I could, at this point, formulate a maxim, run Kant's universal law test, show you that it leads to a certain duty, and that the duty in question is owed to the other animals as well as to people. But the argument is not going to be so easy, for there are notorious problems making Kant's universal law test work in any algorithmic

48. *MM* 6:314–15, pp. 91–92.

49. Some people would say that children do belong in this category. I don't agree with that, because I think "child" does not name a type of person or citizen, but rather a stage in a person or citizen's life. I realize that sounds like a mere redescription, but I believe that it actually has moral force. This is not the place to make the case, but in general I think it is important not to confuse life-stages with types of beings.

way. And, interestingly, these problems come to the fore when we try to test maxims involving the treatment of animals, for several reasons. Elsewhere I have argued that on the best reading of the universal law test, to ask whether you can will a maxim as a universal law is to ask whether you can will the universal practice of pursuing a certain end by means of a certain action without undercutting the effectiveness of that action.[50] For instance, to take one of Kant's own examples: Suppose you are in need of money, and you consider promising a potential lender that, if he lets you have the money, you will pay him back next week, although you know that in fact you will not be able to repay. You propose to make a false promise. According to Kant, you should ask whether you could at the same time will that everyone who needed money attempted to get it in this way. Kant claims that, under these conditions, people would just laugh at promises to repay money as "vain pretenses," rather than lending money on the strength of them.[51] Since making a false promise would then not *be* a means of getting the money that you need, you could not rationally will to get money by that means. So you cannot will your maxim as a universal law.[52]

But how well this test works depends on which of two types of act are involved in the maxim. Some act-types are purely natural, in the sense that they depend only on the laws of nature for their possibility. Walking and running, slugging and stabbing, tying up and killing—these are act-types that are made possible by the laws of nature. Other act-types depend for their possibility not merely on natural laws, but also on the existence of certain social practices or conventions. Writing a check, taking a course, and running for office are act-types of this kind: you can perform such acts only in societies with the sorts of practices and conventions that make them possible. Now where a maxim involves an act-type that must be sustained by practices and conventions, and at the same time violates the rules of those practices and conventions, it is

50. See Korsgaard, "Kant's Formula of Universal Law," in *Creating the Kingdom of Ends,* pp. 77–105, for further discussion.

51. *G* 4:422, p. 32.

52. It is important to remember that this is a thought experiment, designed to determine whether your maxim can serve as a universal law and so can be a normative principle. The argument in the text is not supposed to provide your motive for avoiding the false promise. Your motive springs from the fact that your autonomy commits you to willing only maxims that can serve as laws; the thought experiment shows you whether your maxim can serve as a law.

relatively easy to find the kind of problem that Kant supposed the universal law test would reveal.[53] This is because practices and conventions are unlikely to remain effective in the face of their universal abuse. That's what happens in the false promising case: if everyone abuses the convention of promising, promising ceases to work as a way of getting things done. But maxims involving purely natural actions are hard to rule out by means of the test. This is why another of Kant's examples, that of committing suicide in order to escape your own misery—he thinks that is wrong—cannot be made to work in the same way as the false promising example.[54] Suicide is a method of escaping your own misery that depends only on the laws of nature for its effectiveness, not on any convention. No matter how universally practiced it is, it will work.

I think it is obvious that most of the things that human beings do to non-human animals that come up for moral scrutiny are natural acts in this sense. The relationships between human beings and the other animals are not generally governed by shared practices and conventions. Most of the things we do to non-human animals that raise moral questions are natural actions like eating them for pleasure, or experimenting on them for information, or hunting them for sport, methods that will produce the desired results no matter how universally practiced they are.[55] So the test is not going to rule them out. But since the test would fail to rule out the same sorts of actions when practiced on human beings, we should not take this as evidence that such actions are not wrong. We should only take it as signifying the inadequacy of the test.

This is not to say that an action involving the abuse of a convention between human beings and non-human animals is not conceivable. Imagine a vivisectionist who calls out to a former pet, "Here kitty kitty kitty. . . Daddy's going to give you a treat," as a way of luring the animal to the laboratory table. No matter what you think about animal experimentation, you must be a very hard character indeed if you don't find

53. What kind of problem does the test reveal? The universal law test is best equipped to expose maxims whose wrongness rests in a failure of reciprocity, a willingness to perform actions whose effectiveness is parasitic on the fact that others do not act in this way. So another way to put the point I am about to make in the text is to say that reciprocity is not the moral issue involved in our dealings with the other animals.

54. *G* 4:421–22, pp. 31–32.

55. Hunting or fishing a species into extinction might be an exception to this, but a universal law test that proved that would not demonstrate a duty to the animals in question; it would only demonstrate a duty to other human beings who might wish to hunt and fish.

that scenario disturbing. Yet even in this kind of case we are not likely to construct a successful universal law test. Kant's argument against the universalizability of false promising depends on the thought that in a world where people in need of money regularly offered false promises, lenders would eventually *get the idea.* They would know that these promises were insincere.[56] That's why Kant thinks making such promises would cease to be a way of getting money if it were made universal law. Whether he is right or not, non-human animals are likely to be gullible even to the most universally practiced of human tricks. But again, this appears to be an inadequacy in Kant's test, not a vindication of playing tricks on non-human animals, lest we license playing tricks on gullible human animals.

Maxims involving the treatment of non-human animals, then, have precisely the features that put Kant's universal law test under the most strain. Usually, when confronted with such problems, Kantians turn for help to the Formula of Humanity, which seems to work far better as a casuistical tool. In many cases where it seems difficult to work out whether a maxim could serve as a universal law without undercutting its own effectiveness, it seems clear and obvious that the maxim describes an action that treats someone as a mere means.[57] But it may seem impossible to get help from the Formula of Humanity in this case, since after all it is this very formula that translates the moral law into a law about how we are to treat human beings. Nevertheless, I believe that reflection on the argument for the Formula of Humanity can show us why we have obligations to the other animals.

6. The Natural Good and the Grounds of Legislation

The argument for the Formula of Humanity appeals to the fact that we take our choices to confer value on their objects. In that sense, I have suggested, we take ourselves, and our own interests and concerns, to matter, that is, to be the source of normative claims on ourselves and other rational beings. But we do not take our interests and concerns to matter only *because* they are the interests and concerns of an autonomous

56. More properly speaking, potential lenders would *always already* have got the idea. Strictly speaking, Kant's test involves imagining your maxim as a law of nature (*G* 4:421, p. 31), and the laws of nature are eternal.

57. See note 4; it is often easy to tell whether an action involves coercion and deception.

rational being.[58] The fact that I am autonomous enables me, many other things being equal, to legislate (to myself and other people) against what I take to be bad for me. But it does not follow that I legislate against it only because it is bad *for an autonomous being.* Think again of the case of passive citizenship. Only an active citizen can help to vote for a law against murder. But he need not vote for it merely because he considers the unwilling death of *an active citizen* to be a bad thing. If the citizens of a state can vote certain protections for all human beings, why couldn't citizens of the human moral community, the Kingdom of Ends, vote certain protections for all animal beings?[59] For instance, one might suggest, we demand that we not be tortured, injured, hunted, or eaten, not just because of the assault on our autonomous nature, but because of the assault on our animal nature; therefore we should not treat our fellow

58. Suppose someone says: I take my interests and concerns to matter simply because they are *mine,* not because they are the interests and concerns of an autonomous being *or* of an animate being. There are several things to say in response to this. First, this would of course block any form of universalization: "mine" functions as an indexical here, and indexicals in general block universalization. So if this move were correct, it would not get us duties to people but not non-human animals—rather, it would block duties in general. Second, it is at least odd to suppose that this thought could be the basis of my making a normative claim on other people—why should they take my concerns to matter simply because they are mine? Third, we need to be more specific about what the "mine" refers to here. If it refers to "me right now" I have no ground for thinking anyone's concerns will matter tomorrow. But if it is intended to refer to me tomorrow, we have to say what makes me "me" tomorrow. Is "me" tomorrow, for instance, the occupant of this spatio-temporally continuous human body tomorrow, whoever she may be? Then I at least must universalize over all occupants of this body. At this point a range of more substantive arguments, familiar from the personal identity literature, must be used to sort out what the actual object of your concern is. I give reasons for thinking that we identify with our humanity in *The Sources of Normativity,* especially §§3.4.1–3.4.10, pp. 113–25; I am now arguing that our humanity necessarily includes our animality.

59. In one place, Kant seems at first to be granting this point. In the *Metaphysics of Morals* we find a section devoted to "A human being's duty to himself as an animal being" (*MM* 6:421–28). This category appears to call into question Kant's claim that we cannot owe duties to non-human animals: if we can owe duties to *ourselves as* animal beings, why can't we owe parallel duties to other animal beings? Unfortunately, however, it turns out that the section is misnamed, for its content is all too consistent with Kant's earlier position. Our duties to ourselves as animal beings turn out to be merely duties *with respect to* our animal nature, not duties *to* our animal nature. The category covers the duties not to commit suicide, not to maim or disfigure oneself, not to masturbate, and not to stupefy oneself through the excessive use of food or drink or the use of narcotics. The common thread of Kant's arguments—I won't review them here—seems to be that we are not to use the capacities we share with the other animals in ways that are inconsistent with, or in some vaguer way inappropriate to, our moral nature. Suicide, for example, is supposedly forbidden because "to annihilate the subject of morality in one's own person is to root out the existence of morality itself from the world, so far as one can, even though morality is an end in itself" (*MM* 6:422–23, p. 177). Kant seems in fact to be urging us to treat *our own* animal being as a mere means, a sort of place to house moral nature.

animals in those ways.[60] Autonomy puts us in a position to make the demand, but it is not the reason *for* the demand.

That is a tempting thing to say, and I think something very close to that is the truth. But in the Kantian system, saying that we legislate against something *because* it is bad for our animal nature is not quite the right way to put it. For in the Kantian system, normative reasons and values are all *products* of the legislative will. As I said earlier, Kant sees the world of value as a human construction—values result from acts of valuing, rather than the reverse. Valuing is not a response to reasons and values that are already "out there." It is response to the need, created by self-consciousness, to endorse the grounds of our actions, and so to treat them as reasons.

This means that I can't quite make my point by saying that we object to pain and torture or injury *because* they are bad for us as animal beings. There are no normative reasons and values, and so no such normative "because," until we start valuing and disvaluing things. Although it sounds odd to put it this way, there is a sense in which, in Kant's system, we have *no general reason,* antecedent to all rational legislation, to pursue the things we take to be good for ourselves. Rather, when we do decide to pursue them, and so take ourselves to be the sources of value, we create these reasons. The decision to regard ourselves as the source of legitimate normative claims is the original act that brings the world of normative reasons and values into existence.[61]

60. One may be tempted—I think that Kant may have been tempted—to suppose that the only morally important thing here *is* the assault on our autonomous being. We *choose* not to be treated in these ways, and someone who treats us in those ways therefore violates our autonomous choice. And that is the morally important thing. For if we deny that pain and injury are intrinsically bad, then we must grant that a rational being may, for his own reasons, choose to undergo them, and that is a choice we should respect. That is certainly a conclusion Kant wants, and I think rightly so. But nevertheless, saying that respect for the other's choice is the only thing that matters ignores the question of the rational being's relation to himself, and the attitude toward himself expressed by the content of his choices, which I am about to discuss in the text.

61. In *The Sources of Normativity*, §4.4.2, pp. 161–64, I argue that the cost of refusing to take ourselves to be of value is having no reasons to act at all. This is why, even though we confer value on ourselves, we are not merely relatively valuable ends. The alternative view would be that human beings simply have intrinsic value, but there are several problems with this view. First of all, since the notion of intrinsic value is a metaphysical one, postulating that human beings just have it is inconsistent with Kant's general anti-metaphysical stance. Second, it is inconsistent with his view, mentioned earlier, that all value comes from legislation. Third, and relatedly, Kant would then be making an argument from value to obligation. I believe, and think that Kant believes, that no such argument is possible, although this raises complicated issues.

But *what* we decide to treat as the source of legitimate normative claims is not just our autonomous nature. For Kant clearly supposes that unless we find that we cannot will our maxims as universal laws, we will act on the natural incentives that prompt us to formulate those maxims. To take yourself to be an end-in-itself is to be inclined to treat your natural incentives as reasons. In fact, following a Stoic tradition, Kant characterizes our tendency to do that as a form of "self-love." The value we set on *ourselves,* as ends-in-ourselves, is not expressed merely in respecting our own autonomous choices, but also in the content of those choices—in particular, in choosing to pursue what I will call our "natural good."

To explain what I mean by this, I must return for a moment to the picture with which I began. An entity, I said, is matter organized so as to do something, to serve some purpose or function. In one familiar sense of the term "good," any entity in this sense has a good: its natural good is whatever enables it to function at all and to function well. It is in this sense that we say that rust, or riding the brakes, or bad gasoline is bad for a car: they impede its functioning. In another sense, of course, it is not really the car that these things are bad for, since the car exists not to serve itself but to serve us. Its function rests outside of itself.

So when we say that something is good or bad for a living thing, say a plant, we mean something slightly different. Since the function of a plant, in the sense I mentioned earlier, is to maintain itself, it is the plant's own needs, not our needs, that are affected by things that enable or interfere with its functioning. A plant therefore "has a good" in a slightly deeper sense than a car does, since what is "good for it" is more authentically good for *itself.*[62]

Even if you don't accept that, you can agree that an animal has a good in a deeper sense still. For an animal has the capacity to experience and pursue what is naturally good or bad for it. Of course I don't mean that non-human

62. Kant of course denies this when he suggests that plants and non-human animals are really made for us, not for themselves. But despite what he says in CBHH, his view that the world is made for human beings follows from, rather than supports, his view that only human beings are ends in themselves. In "Aristotle and Kant on the Source of Value," I argue that Kant supposes human beings must be the end of nature because the world can be justified only if the unconditional value of morality and other values conditional upon their consistency with morality are realized (*Creating the Kingdom of Ends,* pp. 225–48, especially pp. 239–43). If the argument of this paper is correct, the world would also be justified by being good for non-human animals, although only human beings could judge that it is so. And if the argument of this paper is correct, it is also true that the world is *not* justified in that way.

animals say to themselves that their ends are good; only rational animals do that. But in general, although not infallibly, an animal experiences the satisfaction of its needs and the things that will satisfy them as desirable or pleasant, and assaults on its being as undesirable or unpleasant. These experiences are the basis of its incentives, making its own good the end of its actions. In that sense, an animal is an organic system to whom its own good matters, an organic system that welcomes, desires, enjoys, and pursues its good. We could even say that an animal is an organic system that matters to itself, for it pursues its own good for its own sake.[63]

Of course some people will be tempted to say that only an animal with a self-conception can be said to "matter to itself." The difficulty with using that idea to draw any hard moral lines is that the idea of self-conception is not univocal. I have identified, as the form of self-consciousness characteristic of rational beings, a conception of one's inner states and activities *as* one's inner states and activities, an ability to say "this is how I am now disposed to act, or to think." That is a form of self-consciousness because one can situate oneself within one's inner world, identify oneself as the subject of one's own representations. Mirror recognition might be said to be the external analogue to that: a conception of one's outer states and activities as such, an ability to think something like "this is how I look." An animal who can recognize itself in the mirror can situate itself in the outer, public world, in the gaze of others. But some animals who lack the capacity for mirror recognition may be successfully named and called, and that might be thought to imply a certain sense of self. Animals who know their place in a social order or hierarchy also seem to have a certain sense of self, in the sense that they can situate themselves in that social hierarchy. Even animals who seem to know when a threat or offer is directed at or to them must have some

63. When I say that an animal "matters to itself," or, as I sometimes put it, exhibits "self-concern," I do not mean that an animal is self-interested in the familiar sense that is related to the idea of selfishness. Despite its familiarity, I don't believe that *that* conception of self-interest can even be coherently formulated. (On this see my "The Myth of Egoism," especially pp. 2–29.) Roughly speaking, I don't mean that it wants things for itself as opposed to caring for the good of its offspring or community, say. I mean rather that it experiences and pursues its own good, it takes its own good as its end, and that these facts change the nature of its good, or of what we mean when we say it has a good. Just as we show concern for another person by promoting that person's ends (whether they are self-oriented ends or not), so we show concern for ourselves by promoting our own. To put it another way, I am trying to describe what is special about the form of an animal's good, not something about its content. I thank Seana Shiffrin, Steve Darwall, and Peter Railton for prompting me to try to be clearer about this point.

sort of primitive self-conception. The description may be *more* appropriate to animals with a more highly developed consciousness and sense of self.[64] But any animal who experiences its own good and pursues it as the end of its actions to that extent matters to itself. This is a still deeper sense of "good for" than we can apply to the plant. When we say that something is naturally good for an animal, we mean that it is good from its point of view.[65]

Because we are animals, we have a natural good in this sense, and it is to this that our incentives are directed. Our natural good, like the other forms of natural good that I have just described, is not, in and of itself, normative. But it is on our natural good, in this sense, that we *confer* normative value when we value ourselves as ends-in-ourselves. It is therefore our animal nature, not just our autonomous nature, that we take to be an end-in-itself.[66]

64. If the details could be worked out, the idea that a more profound form of self-conception makes a moral difference might be used to support the common intuition that in general it is worse to mistreat "higher" animals, and worst of all to mistreat human beings.

65. Strictly speaking, of course, we mean that an animal's good must be connected in the right way to things that are good from its point of view. No animal enjoys or welcomes medical treatment, but the results are appreciable from the animal's point of view.

Utilitarians would agree that animals have a good in virtue of their capacity for experience, especially the experience of pleasure and pain, but they understand the matter differently. They think pleasant and painful experiences are intrinsically good and bad respectively. On their view, this sense of "having a good" is completely distinct from the functional sense explained in the text, and is the one that matters morally. I think this view is based on a false conception of what pleasure and pain are, and have so argued in *The Sources of Normativity*. See note 38. What I say in the text is based on what I take to be the correct conception—that pleasures and pains are perceptions of the good. But for my purposes in making this particular step in the argument, the utilitarian conception will do nearly as well.

66. A member of the audience at the University of Michigan asked how I might block the claim that this only shows we must value the animal nature *of rational beings.* I think that the correct reply is a fairly familiar one—that anyone who made such a claim would be lying or engaged in self-deception. For comparison, imagine a white male who claims that in valuing his own freedom he is only valuing the freedom of white males: if, unknown to himself, he turned out to be a black woman (imagine a genetic test with somewhat startling results) then he would agree that his freedom doesn't matter. Our response would be that he's either insincere or deceiving himself, that he's suffering from a failure of reflective imagination. This kind of response is harder to articulate in talking about human beings and the other animals. We have to say your legislation against being tortured or hunted or eaten would stand even if you were not a rational being. And that claim is ambiguous: in one sense it would not, since you would then lack the power to legislate. But that sense is irrelevant. I want to say: the content of the legislation would stand, even though its form would fall. Allan Gibbard helpfully proposed to me that I should make the point R. M. Hare's way: ask the challenger to imagine that he is about to be deprived of his rational nature, but may now settle the question whether he will afterward be tortured or not. Can he really say: "In that case it won't matter"? See Hare, *Freedom and Reason,* pp. 222–24.

By saying this, I do not mean to imply that human incentives are simply the same as those of the other animals. Many of them are, of course: our love of eating and drinking and sex and playing; curiosity; our capacity for simply physical pleasure; our objection to injury and our terror of physical mutilation, pain, and loss of control. To the extent that we value and disvalue these things, we are valuing our animal nature; and when we legislate for and against these things, we are legislating on behalf of our animal nature. That is part of my point, and might be enough for my argument, but there is a somewhat deeper point that I also want to make.

Obviously there are other incentives, specifically human incentives, born of the complex interactions between our animal incentives and our rational and intellectual powers—say, the desire to experience beauty or to do science or philosophy.[67] But even in conferring value on the satisfaction of these specifically human desires, we are in a sense valuing our animal nature, for we are still conferring normative value on the kind of natural good characteristic of creatures who experience and pursue their own good.[68] We are affirming that good of a creature who has this kind of good, who matters to himself, is the source of normative claims, and building a system of values up from that fact. And that is the point here: Human beings, for Kant, are not distinguished from the other animals by being in connection with some sort of transcendental, rational order beyond nature with which the other animals have nothing to do. Instead we are distinguished by our ability to *construct* a transcendental, rational order out of the essential love of life and the goods of life that we share with the other animals.

So let me put the point this way. The strange fate of being an organic system that matters to itself is one that we share with the other animals.

67. There are also moral incentives, of course, that only rational beings experience. When you find that you cannot will a maxim as a universal law and therefore must will to refrain from an action or do some other action instead, the law itself presents the refraining or acting to you as something *necessary-to-be-done.* In that case you are motivated by what Kant calls "respect for law."

68. The general structure here—that moral value arises when the natural good is made the object of legislation—is one that we find in early modern voluntarists such as Samuel von Pufendorf and Thomas Hobbes. According to these thinkers, God or a sovereign creates moral obligation by making laws requiring what is in any case reasonable or good. A similar structure may also be found in early moral sense theorists, such as the Earl of Shaftesbury and Francis Hutcheson, who believed that the natural good is rendered moral or normative when the moral sense approves of it. For further discussion, see Korsgaard, *The Sources of Normativity,* especially §§1.3.1–1.3.4, pp. 21–27; and §§4.5.1–4.5.5, pp. 164–66.

In taking ourselves to be ends-in-ourselves we *legislate* that the natural good of a creature who matters to itself is the source of normative claims. Animal nature is an end-in-itself, because our own legislation makes it so. And that is why we have duties to the other animals.[69]

7. Epilogue: Does Ought Imply Can?

Many people are struck with the idea that if we are obligated to treat all animals as ends-in-themselves then it is nearly impossible to lead a morally decent life. This is one source of a certain kind of urgent questioning that vegetarians are often subjected to. Do you kill the spiders in your bedroom? Do you feed your cat meat? What would you do if you found out that plants are conscious? How far down the scale of life is moral concern supposed to go? Animals matter to themselves in the sense that they perceive and pursue their own natural good. We do not think of plants as perceiving and pursuing their good, and yet like animals they are essentially self-maintaining beings and in that sense are oriented toward their own good. And they exhibit a certain responsiveness to the environment, to light and moisture. Probably there is no distinct line in nature between such responsiveness, primitive patterns of

69. Why shouldn't the argument of this essay extend even further down the line of the different senses of "natural good" or "good for"? Our moral values spring from reflective endorsement of the natural good we are inclined to pursue as animals, but that natural good in turn depends on the sort of good to which plants are oriented, and that in turn to the general, functional capacity for having a good. Why shouldn't we think that implicit in our endorsement of our own self-concern is a concern for the good of anything that has a good? At the risk of being thought a complete lunatic, let me admit that I am tempted by this thought. There is no reason to believe that "moral standing" is an on-off notion: perhaps it comes in degrees or kinds. We respond normatively to plants; a drooping plant in need of a drink seems to present us with a reason to water it; a sapling growing from what seems to be almost sheer rock makes us want to cheer it on. Is this because we cannot help animistically imagining that the plant experiences its good? Is it because, as I say in the text, the line between plants and animals is unclear? Or is it perhaps because the shared condition of *life itself* elicits these responses? Or could it even be that we have duties, not only to our fellow creatures, but to our fellow entities? Granted, it sounds absurd to suggest that we might have duties to machines, yet still there is something in the far outer reaches of our normative thought and feeling that corresponds even to this. A general discomfort in the face of wanton destructiveness, a tendency to wince when objects are broken, an objection to the neglect or abuse of precision tools that isn't rooted completely in the idea of economic waste… Again it might be suggested that such feelings result from a kind of animistic imagination, that we imagine that the tool feels the badness of being broken. But what is it that calls forth that animistic imagination, unless it is a distant form of respect for functional identity itself, a condition we share with all entities? I do not mention these possible consequences of my argument in order to insist on them, but only to affirm that if someone thinks this follows I wouldn't regard that as a reduction to absurdity. Perhaps we *should* treat every kind of thing in accordance with its nature, that is, in accordance with the kinds of good and bads to which it is subject.

perception and response, and full-blown patterns of consciousness and action. Certainly there is no distinct line in nature between plants and animals. Nature is a realm of gradual shade-offs, not of hard lines. Why shouldn't we have obligations to all living things? But if we do, how can we possibly meet our obligations? For it is the nature of things that life preys on life, and we cannot help that.

Many philosophers believe in the principle that "Ought implies can": if you are obligated to do something, it must be possible for you to do it. When Kant himself advanced this principle, he meant that it is possible for us to be *motivated* to do what we know we ought to do.[70] Some philosophers have taken the principle in another sense, to mean that if you find that it is physically impossible for you to do something, you cannot be obligated to do it. There are, I think, two possible reasons for taking this view, but neither applies in a Kantian framework. Many philosophers in the empiricist tradition believe that there is a conceptual connection between being blameworthy and being obligated. They believe that the standards of praise and blame are defined first, and to say that you are obligated to do something means that others would rightly blame you if you omitted it.[71] Since we cannot be blamed for failing to meet impossible standards, we cannot be obligated to meet them. But for Kant to say that you are obligated to do something means that the laws you yourself endorse say that you should do it, not that you are rightly subject to blame. Blame is a different issue.[72]

The other reason why people think we could not be saddled with impossible obligations is that, if we were, we would have to conclude that the world is in a certain way morally objectionable, a way that forces us into wrongdoing. Life does prey on life; nature is a scene of suffering; if those things are repugnant to human moral standards, then the world is set up in a way we must deplore, but in which we must nevertheless participate. But on a Kantian conception of morality, this objection is

70. This is how I understand the "Fact of Reason" argument at *C2* 5:29–31, pp. 26–29.

71. This is true, although in somewhat different ways, of both sentimentalism and utilitarianism. In sentimentalist theories, obligation results from the internalization of the disapproving gaze of others. In at least some utilitarian theories, we say someone is obligated to do something, in the strict sense, only if it would be worth punishing or blaming him for omitting it, all things considered.

72. See Korsgaard, "Creating the Kingdom of Ends: Reciprocity and Responsibility in Personal Relations," in Korsgaard, *Creating the Kingdom of Ends,* pp. 188–221, especially pp. 197–200.

not to the purpose. For Kant believed that moral standards, like all rational standards, are essentially human standards, and there is no guarantee that the world will meet them, or make it possible for us to do so.[73]

But these difficulties do not give us a reason not to do our best: to treat all animals, as far as we possibly can, as fellow creatures, whose good matters for its own sake. There are hard questions about how to do this, but some conclusions are easy. We certainly don't need to hunt. A twenty-first-century citizen of a developed nation certainly doesn't need to eat animals. And the supposed necessity of performing cruel experiments on non-human animals certainly isn't established merely by citing the benefits that human animals might gain from those experiments.[74] For the dignity of rationality does not rest in a supposed right it gives us to ravish our fellow creatures for our own benefit. It rests in the ability it gives us to govern ourselves, as far as it is in our power, with the principles and standards that we ourselves endorse.

So I will end by putting my point another way. When Kant isolated the idea of an end-in-itself as the only possible source of value in the world of facts, I believe that he was exactly right. The reason there is such a thing as value in the world is that there are in the world beings who matter to themselves: who experience and pursue their own good. Were there no such beings, there would be no such thing as value. Were there no such beings, nothing would matter. But we are not the only such beings. We are the beings who create the order of moral values, the beings who choose to ratify and endorse the natural concern that all ani-

73. Kant did think that we had reason to *hope* that the world, in ways we cannot quite see, does cooperate with our moral endeavors. It is on this thought that his religious philosophy is based.

74. One sometimes hears that certain forms of experimentation for medical purposes stand a chance of "saving many human lives." I find this way of talking worrying, because I believe that the idea of "saving a life" has an irreducibly contextual aspect that is lost or obscured when we think in statistical terms. Since everyone does die eventually, the claim that someone or something has saved a life must refer to some specific occasion on which death was possible or likely. One cannot save lives without any reference to any such occasions, although one can in this general way extend the human life span. If I am about to die on the operating table, and a certain injection revives me, it has saved my life. A medication always used in such contexts could be said to save many lives. But there is a tendency to transpose this picture onto our thinking about forms of medical treatment that instead tend to prevent certain kinds of emergency situations from arising at all, or simply to extend the life span. I certainly do not mean to denigrate the value of such treatments, which generally speaking probably do a greater service to humanity than ones that more literally save lives. Nevertheless, the question whether it is worth torturing non-human animals to extend the human life span has a somewhat different edge to it than the question whether it is worth torturing non-human animals in order to "save human lives," and we need to be aware of the difference.

mals have for themselves. But what we ratify and endorse is a condition shared by the other animals. So we are not the only beings who matter. We are the only beings who on behalf of all animals can shake our fists at the uncaring universe, and declare that in spite of everything we *matter.* [75]

Bibliography

Aristotle. *Metaphysics*. Translated by W. D. Ross. In *The Complete Works of Aristotle*: *The Revised Oxford Translation*, ed. Jonathan Barnes, vol. 2. Princeton: Princeton University Press, 1984.

———. *The Nicomachean Ethics*. Translated by W. D. Ross, revised by J. O. Urmson. In *The Complete Works of Aristotle*: *The Revised Oxford Translation*, ed. Jonathan Barnes, vol. 2. Princeton: Princeton University Press, 1984.

———. *On the Soul*. Translated by W. D. Ross. In *The Complete Works of Aristotle*: *The Revised Oxford Translation*, ed. Jonathan Barnes, vol. 1. Princeton: Princeton University Press, 1984.

Hare, R. M. *Freedom and Reason*. Oxford: Oxford University Press, 1963.

Hume, David. *Treatise of Human Nature*. Ed. L. A. Selby-Bigge. 2nd ed. revised by P. H. Nidditch. Oxford: Clarendon Press, 1978.

Kant, Immanuel. "Conjectures on the Beginning of Human History." In *Kant: Political Writings,* trans. H. B. Nisbet, ed. Hans Reiss. 2nd ed. Cambridge: Cambridge University Press, 1991.

———. *The Critique of Judgment*. Trans. Werner Pluhar. Indianapolis: Hackett Publishing Co., 1987.

———. *The Critique of Practical Reason.* Trans. and ed. Mary Gregor. Cambridge Texts in the History of Philosophy. Cambridge: Cambridge University Press, 1997.

———. *Critique of Pure Reason.* Trans. Norman Kemp Smith. London: Macmillan/New York: St. Martin's Press, 1929.

———. *Groundwork of the Metaphysics of Morals.* Trans. and ed. Mary Gregor. Cambridge Texts in the History of Philosophy. Cambridge: Cambridge University Press, 1997.

———. *Lectures on Ethics.* Trans. Peter Heath, ed. Peter Heath and J. B. Schneewind. New York: Cambridge University Press, 1997.

———. *The Metaphysics of Morals.* Trans. and ed. Mary Gregor. Cambridge Texts in the History of Philosophy. Cambridge: Cambridge University Press, 1996.

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Korsgaard, Christine M. *Creating the Kingdom of Ends.* New York: Cambridge University Press, 1996.

———. "From Duty and For the Sake of the Noble: Kant and Aristotle on Morally Good Action." In *Aristotle, Kant, and the Stoics: Rethinking Happiness and Duty*, ed. Stephen Engstrom and Jennifer Whiting. New York: Cambridge University Press, 1996.

———. "The Myth of Egoism." Published by the Department of Philosophy at the University of Kansas as the Lindley Lecture for 1999.

———. *The Sources of Normativity*. Cambridge: Cambridge University Press, 1996.

Midgley, Mary. "Persons and Non-Persons." In *In Defense of Animals,* ed. Peter Singer. Oxford: Basil Blackwell, 1985.

O'Neill, Onora. "Between Consenting Adults." Chapter 6 in her *Constructions of Reason: Explorations of Kant's Practical Philosophy*. Cambridge: Cambridge University Press, 1989.