

Journal of Practical Ethics

❧ Volume 6, Number 1. June 2018 ❧

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ISSN: 2051-655X

For Hierarchy in Animal Ethics

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ABSTRACT

In my forthcoming book, *How to Count Animals, More or Less* (based on my 2016 Uehiro Lectures in Practical Ethics), I argue for a hierarchical approach to animal ethics according to which animals have moral standing but nonetheless have a *lower moral status* than people have. This essay is an overview of that book, drawing primarily from selections from its beginning and end, aiming both to give a feel for the overall project and to indicate the general shape of the hierarchical position that I defend there. In this essay, I contrast the hierarchical approach with its most important rival (which holds that people and animals have the very *same* moral status), sketch the main idea behind one central argument for hierarchy, and briefly review three potentially troubling implications of the hierarchical view. I close with a discussion of a promising possible solution to the most worrisome of the three objections.



I

One of the most striking developments in moral philosophy over the last half century has been the remarkable explosion in the discussion of animal ethics, that part of moral philosophy that deals with our moral obligations toward (nonhuman) animals. It would of course be an exaggeration, but only a mild one, to say that fifty years ago philosophical discussion of the treatment of animals was virtually nonexistent. The topic suffered from something close to complete neglect. On the rare occasion when a moral philosopher had something to say about animals, it was largely a matter of admitting—albeit only in passing—that it was wrong to be cruel to them,

that the gratuitous infliction of pain was morally problematic. And then, for the most part, the matter was typically left at that.

Fifty years later the pendulum has swung the other way. Animal ethics is now a well entrenched subdiscipline within the field of moral philosophy as a whole. There is an ever growing cascade of books and articles devoted to the subject, a constant stream of journals and conferences. What's more, it seems to me that a particular philosophical position within animal ethics has emerged as well.

I hesitate to say that it is the *dominant* view. I doubt if there is enough consensus in the philosophical literature on animal ethics to have much of anything substantive lay claim to a title like that. But it does seem to me that many theorists are drawn to some version of the view I have in mind.

Here's the basic idea. According to this view, otherwise similar harms or benefits for people and animals count equally from the moral point of view. "Pain is pain," as the point is sometimes put.¹ In this sense, animals and people can be said to have the same moral status. To be sure, there are important differences between people and other animals, including differences in terms of which goods and which bads are likely to be at stake in any given case. These, in turn, can make it morally appropriate to treat people and animals differently. But that's not because animals somehow count *less* than people do, from the moral point of view. On the contrary, *similar* goods (or similar bads) are to be treated the same, regardless of whose interests are at stake. That is to say, in and of itself it matters not at all whether we are talking about the interests of a person or the interests of an animal. Similar interests are to be given equal weight in our moral deliberation, regardless of whether we are dealing with a person or an animal. Strictly speaking, everyone has the *same* moral status.

For obvious reasons, it would be natural to call this position *egalitarianism*. It assigns the same weight to the interests of animals and of people. It gives the same moral status to both, considering neither group higher or lower than the other.

But for still other reasons, equally obvious, it would be potentially misleading to call the position in question egalitarianism, for the label is already in use as the name for views that hold that equality has moral significance in its own right (for example, that there is value in the equal distribution of welfare). Using the term "egalitarianism" for the first sort of view as well would only invite needless confusion. So we'll need another name for the position I am trying to describe.

1. For example, Peter Singer, *Animal Liberation*, updated ed. (HarperCollins, 2009), p. 20; and David DeGrazia, *Taking Animals Seriously* (Cambridge, 1996), p. 234.

Accordingly, I propose to call the view in question *unitarianism*, since it holds that there is only one kind of moral status—a status shared by both people and animals. The name is far from ideal, I suppose, but I cannot think of a better one, and if nothing else it has the advantage that “unitarianism” is not already the name of any sort of prominent position in moral philosophy.

Unsurprisingly, unitarians differ from one another in all sorts of ways. For it is one thing to say that all of us—people and animals alike—have the same moral status. It is quite another thing to spell out what that status involves, just how it is that we are morally required to treat one another. Thus there can be, for example, unitarian *utilitarians*, instructing us to bring about the greatest balance of pleasure over pain. As unitarians, such utilitarians simply remind us to count the pleasures and pains of animals every bit as much as the pleasures and pains of people. And there can be unitarian *deontologists* as well, instructing us, say, to avoid harming the innocent (even if the results of harming them would be better overall). As unitarians, such deontologists remind us to avoid harming innocent *animals*, just as we are to avoid harming innocent people. In short, almost all of the sundry debates within normative ethics remain contentious and unresolved even if we embrace unitarianism. In and of itself, unitarianism doesn’t tell us how to treat people or animals; it only tells us that the same fundamental rights extend to all.

There is a lot to be said in favor of unitarianism. But one advantage should be apparent from the start. If we accept unitarianism then it is reasonably easy to see how to *extend* our moral theory so that it covers not only people but animals as well.

The truth, of course, is that in the past almost all of our moral theorizing has been limited to thinking about people. And while, as I have just observed, the debates in normative ethics are far from resolved, it does seem fair to say that for the most part what we have been working our way towards, by means of these debates, is a moral theory that would accurately tell us about the obligations that people have toward *people*. So even if you have such a normative theory worked out to your own satisfaction, strictly speaking you still face the question of how to extend or generalize that theory so that it covers animals as well. Unitarianism provides a simple and straightforward answer to that question: our interactions with animals are governed by the very same set of principles that govern our interactions with people (as spelled out by your favorite moral theory). Armed with a normative theory adequate for dealing with people, there is no further work to be done.

In contrast to the unitarian approach to animal ethics, it seems to me that

common sense embraces, rather, a *hierarchical* approach, where animals count, but count in a lesser way. On this alternative view, people have a higher moral status than animals do. There are still restrictions on how we are to treat animals, but these are not the very same restrictions that govern our treatment of people. People have rights that animals lack, or have stronger rights, or perhaps a person's interests count for more than (or count in different ways from) an animal's.

Admittedly, one should probably hesitate before making confident assertions about common sense in this area. Some people apparently believe that animals don't have any sort of moral standing at all; they are merely one more resource to be used as we see fit.

I suppose there is a sense in which a view like this—where animals lack moral standing altogether—could still be described as hierarchical, since people clearly have a higher status on this account than animals do. But similarly, there is a sense in which such a view could instead be called unitarian, since it holds that there is indeed only a *single* moral status (that had by people). But as I intend to use the terms, at any rate, *neither* label applies to those who simply deny the moral standing of animals. As I intend to use the terms, both unitarians and hierarchy theorists agree that animals do indeed count, morally speaking; animals have moral standing. Unitarians and hierarchy theorists differ only in terms of whether animals have the very same moral status as people or a lower one. Accordingly, if enough people believe that animals don't count morally at all, then it would be a mistake to claim that common sense embraces a hierarchical approach.

I suspect that most people reject the extreme claim that only people count. What I take to be the common view, rather, is that animals do indeed count morally, but they simply do not count in the very same way that people do. Animals count for *less*.

Of course, here too, there remains tremendous room for disagreement. In addition to the familiar debates from normative ethics about the details of our obligations toward people, questions about the appropriate *extension* of our normative theory (so that it covers animals too) now become pressing and difficult. After all, it is one thing to say that animals count, but in a lesser way. It is quite another thing to spell out exactly how they count, what it really means to say they count in a lesser way. If the interests of animals are not to be counted in precisely the same fashion as the interests of people, how then *are* they to be counted? Although it does seem to me to be true that common sense accepts a hierarchical approach (or, at a minimum, it is true

that a lot of people accept something *like* that idea), I don't think there is anything close to a clear understanding of what the lesser standing of animals entails.

In my book, *How to Count Animals, More or Less*, I argue for a hierarchical approach to animal ethics. Given what I have just said, then, at best I can only partially claim the mantle of common sense. I do think that many readers will find my central thesis—that the right approach to animal ethics is a hierarchical one—to be fairly obvious, hardly worth arguing for. But at the same time, if I am right that there is nothing like a consensus about what the lower status of animals comes to, then I imagine that the various specifics that I discuss remain controversial.

Accordingly, at various places in the book I take some initial steps toward trying to develop a moral theory that is appropriately sensitive to differences in moral status. I explore, for example, what might be involved in extending some common distributive principles (such as egalitarianism, or a priority view) to animals, while taking into account the fact that animals count for less than people do, with some animals counting still less than others. Similarly, I ask what certain deontological principles or rights might look like—such as the right not to be harmed, or the right to self-defense—once we modify them so as to reflect the various differences in status that we find between people and animals, or among animals.

However, it is probably best to admit that in my book I don't actually develop a detailed hierarchical theory. At best, I offer a sketch of what a theory like that might be like. In fact, truth be told, in many places—really, in most places—all I do is try to point out how desperately far we currently are from having an adequate moral theory when it comes to the treatment of animals. Unlike the unitarians, who think it a relatively trivial matter to extend moral theory to cover animals, I find myself thinking that we remain very much in the dark about how best to do that. I can only say how to count animals *more or less*.

I do however want to emphasize one further point. Although I defend a hierarchical approach to animal ethics, I do so with considerable misgivings, for I am afraid that some may come away thinking that my aim to is to defend an approach that would justify much or all of our current treatment of animals. After all, it seems reasonable to suggest that it is part of the commonly accepted view that our treatment of animals is, in the main (even if not in all specifics), morally acceptable; and I have already suggested that the common view is a hierarchical one. So in defending hierarchy, aren't I defending—in broad strokes, at least, if not with regard to every detail—our current treatment of animals?

But nothing like this is remotely the case. Our treatment of animals is a moral horror of unspeakable proportions, staggering the imagination. Absolutely nothing that I say here is intended to offer any sort of justification for the myriad appalling and utterly unacceptable ways in which we mistreat, abuse, and torture animals.

In this regard the unitarians have an easier time of it. No one would be tempted for even a moment to suggest that we already treat animals in anything like the way that morality requires us to treat people. So unitarians are very well positioned to condemn current practices for the moral monstrosities that they are.

But that doesn't make unitarianism the truth. On the contrary, it seems to me to be true both that animals count for *less* than people and yet, for all that, that they still count *sufficiently* that there is simply no justification whatsoever for anything close to current practices. It may be less straightforward to condemn our abuse of animals once one embraces a hierarchical view, but it is still important to do so.

Having said that, however, I should nonetheless warn the reader that the requisite arguments for the unjustifiability of our treatment of animals will not be found in my book. To work out those arguments with care one first needs to articulate in detail the appropriate hierarchical normative theory; and as I have already suggested, it seems clear to me that we are very far indeed from having anything like that. My book is intended as a contribution to the attempt to produce the relevant hierarchical theory. But the truth is, it throws out far more questions than it answers.

II

A hierarchical approach to normative ethics emerges rather naturally from two plausible thoughts. First, the various features that underlie moral standing come in degrees so that some individuals have these features to a greater extent than others do (or in more developed or more sophisticated forms). Second, absent some special explanation for why things should be otherwise, we would expect that those who do have those features to a greater extent would, accordingly, count *more* from the moral point of view. When we put these two thoughts together they constitute what is to my mind a rather compelling (if abstract) argument for hierarchy.

Some of the implications of this line of thought seem to me completely congenial. On the one hand, many animals clearly do have some of the features that ground moral standing, so these animals *count*, morally speaking. Indeed, it is plausible to think that they count for far more than we ordinarily recognize. (Certainly they count

for far, far more than one would think, given the appalling ways we normally treat them.) But at the same time, I think it is also clear that animals have *fewer* of the relevant features than people have (or they have them to a lesser degree), so that animals count for *less* than people. All of which is just to say: there are different degrees of moral status, and people have a higher status than that had by animals. What's more, and this is a third plausible implication of this basic line of thought, since animals themselves vary, one to the next, in terms of their possession of the relevant features, some animals have a higher moral status than others.

Now it sometimes happens in philosophy that an abstract argument that seems otherwise persuasive has implications that are hard to accept. One then faces the difficult question of whether to accept the argument and its troubling implications or instead somehow resist the argument (and thus avoid the implications), by abandoning some initially plausible premise. Happily, we don't face this dilemma with regard to the abstract argument for hierarchy that I just rehearsed. For as I argue at length in the book, these implications are plausible in their own right. Indeed, the hierarchical approach allows us to avoid various unattractive or absurd conclusions with which we might otherwise be saddled. Overall, then, the hierarchical approach is rendered even more plausible by virtue of its implications.

But that's not to say that there are no cases at all where hierarchy leads to results that may be surprising or even intuitively difficult to accept. On the contrary, I suspect that *no* position that we could adopt on the issues surrounding animal ethics will be a completely comfortable one for us to embrace. Accordingly, our aim should be to think through the comparative strengths and weaknesses of the various alternative views and tentatively accept the view that seems to offer the most attractive position overall—all the while recognizing that even the view that does best in terms of this comparative assessment will have at least some implications that may trouble us.

In my book I identify three such implications of hierarchy, ones that might reasonably give us pause. First, just as ordinary adult human persons have a higher moral status than animals do, anyone who accepts hierarchy must be open to the possibility of “superior beings,” beings with a status even higher than our own. I know that this is a possibility that some would like to disallow, but speaking personally I think it shouldn't really bother us. The possibility of such beings may be a humbling one; but it's not, I think, unacceptable.

More worrisome, second, is the existence of “marginal cases,” humans with such severe cognitive impairments that they simply fail to count as persons at all. Given

their restricted and diminished psychological capacities, it seems inevitable that their moral status will be lower than our own. I argue that an appeal to something I call *modal personhood*—the fact that such severely impaired humans *could* have been people—can reduce the bite of this implication somewhat (giving marginal humans a higher status than animals that are their psychological peers); but I would not want to deny that most of us would find it difficult—initially, at least—to accept the thought that the severely impaired count for less. Nonetheless, since the alternatives (such as unitarianism) seem to me even less plausible, this does seem to me to be the view that we should, upon reflection, accept as well.

But that still leaves a third troubling implication, which I call “the problem of normal variation.” It is one thing to accept that those with capacities far beyond ours (superior beings) or far below ours (marginal cases) would have a status different from our own. It is quite another thing to accept the claim that since even ordinary adult human persons differ, one to the next, in terms of their various psychological capacities, they must also differ, one to the next, in terms of their moral status, with some of us having (slightly) lower status than others.

Even this last implication will not seem unacceptable to everyone. Viewed against the tremendous range of relevant capacities that we find among creatures with moral standing (think of the minimal agency and—perhaps—sentience of a fly, as compared to the incomparably rich cognitive and emotional lives of persons), the differences found among ordinary adult humans will be relatively trivial. For all practical purposes, then, these differences may be ones that are sufficiently limited that we are quite justified in simply disregarding them. On such a view, there may indeed be minor differences in moral status from one person to the next, but these differences will justifiably play no role in our moral deliberations.

As I say, some may find this last response sufficiently plausible and reassuring to put the concern to rest. Indeed, for the most part, that’s true in my own case as well. But I know that many others will remain uncomfortable (to say the least) at the thought that there may be genuine, even if small, differences in our moral statuses. These people will understandably wonder whether there is a more robust answer to the problem of normal variation.

A response capable of giving all of us (that is, all normal adult humans) the very *same* moral status would need to somehow overcome the presumption stated above that variations in the features underlying moral standing should result in corresponding variations in moral status. The claim would have to be, rather, that certain

minor variations in psychological capacities (the kinds of differences we see displayed among ordinary persons) actually make no difference to status at all. Instead of status increasing steadily with increases in the relevant capacities, status would have to grow less smoothly than this, remaining flat or constant over the range of variation we find among normal humans.

Of course, if there were only *one* moral status—if unitarianism were true—we would have this result automatically. For if there is only one status, not only does the normal variation in the relevant capacities that we find among ordinary persons make no difference to status, *no* variations in those capacities make any difference at all. Under unitarianism, after all, as long as one has moral standing of any sort, one's status is exactly the same as everyone else's, no matter how much it might be the case that other individuals have the relevant capacities to a greater or to a lesser extent. In effect, under unitarianism status would remain flat or constant across the board—for *all* beings with moral standing whatsoever—not just for ordinary adult persons.

But as I argue in my book, we have ample reason to reject unitarianism. So a plausible view here is going to have to be a more complicated one than that. Another alternative, I suppose, would be a view according to which moral status can indeed vary and does indeed increase with greater capacities (as we move up the animal kingdom)—*until* we reach the range of capacities found among normal adult humans, at which point status stops increasing. (Conceivably, it might start up again once we get *past* the normal range of human capacities, so that superior beings might still have a status higher than our own.) The problem with a view like this, of course, is that it is difficult to see what could be so special about the particular range of capacities that normal humans happen to display, such that here and here alone small variations in capacity make no difference to status, while at other levels they do.

More plausible, I suspect, would be a view according to which this sort of feature—where certain variations in capacities make no difference to status—is found repeatedly, not just when it comes to normal human capacities. Perhaps status is *regularly* flat or constant over a given range of variation in capacities. But instead of imagining that all levels of capacity elicit the very same status (which is, after all, the unitarian position), we can suppose that there are a number of such ranges, where each such range elicits a different (constant) status.

If a view like this can be defended, it would hold out the possibility of solving the problem of normal variation. It would also, obviously, have implications for what we should say about the status of *animals* as well. Instead of holding—as we might

otherwise do—that whenever two animals differ in their capacities they differ in moral status as well, we will instead think of the animal kingdom as being divided into an appropriate number of broad categories, where each such category is assigned a single corresponding status. No doubt dogs will still have a higher status than fish, say, but minor variations in capacities among fish (for example) will not ground even minor differences in the resulting statuses.

Note that a position like this needn't be seen as incompatible with the second premise of the abstract argument I sketched at the start of this section. As I intended that claim, at any rate, it wasn't an assertion that status *must* go up with increasing capacities. Rather, it was describing what we should expect to happen in the absence of some special mechanism capable of producing a *different* effect. That is, I meant only to suggest that status will increase with capacities *unless* there is some special mechanism or force that prevents this from happening. Accordingly, those attracted to the idea that minor differences in relevant psychological capacities normally make no difference to moral status need only insist that there *is* such a mechanism, something that “overrides” the fact that there is a *range* of capacities that holds among normal adult humans (or, for that matter, among fish), thus blocking the effect—increasing status—that we would otherwise expect.

What might such a mechanism look like? I believe that a promising answer emerges if we adopt a “realistic” approach to evaluating moral principles, that is, if candidate rules are evaluated (by the relevant foundational machinery) under realistic assumptions about the epistemic and motivational limitations of actual moral agents.

The details will differ, of course, depending on the specifics of one's foundational theory (whether rule consequentialism, contractarianism, ideal observer theory, or what have you). But whatever one's foundational theory, one can adopt a version of the theory which is sensitive to what we are *actually* like, one which uses realistic assumptions about our cognitive and motivational limitations, when evaluating potential moral rules. Theories like this share a commitment to *practical realism*. And I believe that if one accepts practical realism then one is likely to end up with a normative theory that includes only a few different levels of moral status, since more complicated approaches to status will be poor choices for moral agents with the kinds of limitations that we actually have. Arguably, then, despite the differences in psychological capacities that we really do find among people, all of us may nonetheless have the very same moral status.

III

I have suggested that theories that incorporate practical realism may end up with a coarse-grained approach to hierarchy, one where instead of having a continuum of possible levels for moral status there will only be a fixed number of such levels (so that even individuals who differ in terms of their psychological capacities may have the same status). Is there more that we can say about this? More that we can predict about the hierarchical theory that will emerge?

I do have a few conjectures, but it is worth emphasizing the point that they are indeed only conjectures. Precisely because practical realism attends to empirical facts about the kinds of rules that we are well suited or ill suited to try to act upon, it is to a significant extent an empirical question what rules will emerge as optimal from any given foundational theory. So the conjectures I offer remain just that—mere conjectures—until the relevant empirical work is done.

Similarly, it is important to bear in mind that the precise rules that emerge will also depend on the particular foundational theory that you embrace. Since I do not try to develop any of those theories in my book, at best all I can point to are a few broad features that, I suspect, will be common to those accounts.

Nonetheless, it does seem possible to make a few predictions. The most important of these is of course the very claim I have already emphasized, that theories that embrace practical realism will generate only a few different levels of status. I'm not prepared to offer an exact number, but it seems likely that there won't be more than a half dozen or so. (Perhaps, if we ever do encounter superior beings, we may need to add a few more.) My thought here is that much more than this would already involve us in a larger number of levels than we can readily call to mind.

It isn't so much that we cannot readily think to ourselves that there are ten or twenty—or even more—levels of status. It is, after all, easy enough to think that some creatures have a status represented by the value 1, others by .9, others still by .8, and so on, down to .1. (Or, for that matter, 1, .99, .98, .97, and so on.) The worry, rather, is that the more categories there are, the more difficult it becomes to identify who goes where, and this difficulty radically increases the chances of making a mistake.

Perhaps, then, we will have only a handful of categories: one for persons, and another few dividing up the animal kingdom into large groups with roughly similar capacities. Perhaps those covering animals will simply include one level for extremely intelligent animals (that is, animals with fairly developed psychological capacities),

one for moderately intelligent animals, and one final level for minimally intelligent animals. Or perhaps the divisions will be a bit narrower than that, with one or two more levels than this.

I hesitate to actually attempt to demarcate the relevant divisions, since I know too little about the actual capacities of different animals, but if only for the sake of illustrating the *kind* of approach I have in mind, let me just suggest that there might be one level for the most intelligent animals, those closest to being full-blown persons (like dolphins, whales, squid, or great apes), another for highly intelligent animals (like dogs, pigs, parrots), another for “midlevel” animals (rabbits, cows, squirrels), still another for “lower” animals (other birds, fish, reptiles), and one last level for the very lowest animals, with the least developed psychological capacities (such as insects and spiders). Again, the point here is not to claim that these *are* the relevant divisions, but only to suggest that the actual divisions will be comparably broad and inclusive, with relatively clear indicators of which types of animals fall into which groups.

The idea here would be to have not only a relatively small number of groupings, but also a relatively easy way to assign a given animal to its relevant group. After all, it would hardly be feasible to expect us to undertake a detailed investigation of a given animal’s specific psychological capacities each time we were going to interact with one. This makes it almost inevitable that in normal circumstances we will assign a given animal on the basis of its species (or, more likely still, on the basis of even larger, more general biological categories).

An approach like this would be similar to what we see when a rule consequentialist favors a rule prohibiting doing harm. Although harming an innocent isn’t *always* the act with the worst consequences, there is nonetheless a broad correlation in place, so that normally we do better to simply avoid such acts rather than trying to directly calculate the possible consequences of our actions. Because of this, despite its imperfections, a coarse-grained rule like “don’t harm the innocent” still earns its place as part of the optimal set of moral rules. Similarly, then, even though assigning status on the basis of species (or family, order, or even class) will not always correctly identify a given animal’s overall level of psychological capacities, there should nonetheless be broad correlations, so that ordinarily we will do better to assign on the basis of broad biological groupings, rather than trying to directly determine the given animal’s capacities. (Indeed, given the near universal ignorance and underestimation of the cognitive and emotional capacities of animals, left to our own devices most of

us would routinely place animals at far too low a level if we had to estimate capacities directly.)

Does this mean that the view that emerges will reject an individualistic approach to status (where one's status turns on one's individual properties, rather than on the various biological groups to which one belongs)? To some extent, perhaps, but not completely. For despite our rather limited ability to size up the psychological capacities of individual animals, it would be silly to suggest that we are altogether incapable of doing this, under any circumstances whatsoever. Consider the fanciful example of a golden retriever who has been given a supervitamin and has now miraculously been turned into a person (while still remaining, nonetheless, a dog). We might well be able to recognize that this particular dog has psychological capacities far exceeding that of ordinary dogs—that this dog, unlike ordinary dogs, is a person. (Imagine, for example, that the dog begins to discuss with us its plans for next summer, or that we translate the poetry it has been writing!) In such extraordinary cases it will presumably be appropriate to give the dog the very same status as we ourselves have, despite the fact that it remains canine. Similarly (if a bit less extreme), if a snake, say, were to display psychological capacities at the level of, for example, a cat, then once we recognized that fact it would be appropriate to give it a correspondingly higher status.

Cases like this would be somewhat similar to the rule consequentialist's recognition that despite the suitability of a general prohibition against harming the innocent, the right not to be harmed should have a threshold. For even though we are not normally very good at identifying cases where *slightly* more good would be done by doing harm, when the amount of good at stake is *great* enough our judgment to the effect that we are now in an exceptional case becomes much more reliable. Accordingly, a rule that permits doing harm in such extraordinary cases is actually optimal. Similarly, then, while the optimal rule for assigning status (given practical realism) is likely to tell us that in *ordinary* circumstances we are to do this on the basis of biological classification, it is also likely to recognize *exceptions*, unusual cases where we should assign a given individual a higher status—or, for that matter, a lower status—than that to be given to its biological peers.

An especially important example where we would probably be justified in departing from the ordinary practice of assigning status on the basis of biological classification might be that of marginal cases, humans who are so severely impaired as to fall short of being a person. Just as it should be possible to recognize animals who tremendously *exceed* the psychological capacities typical of their kind, and just as

optimal rules for assigning status should allow for more individualized assignments in such cases, it also seems clearly possible to recognize humans who fall tremendously *short* of the psychological capacities typical of normal adult humans and who should thus be assigned a lower status than the rest of us have. And tragically, as we also know, such cases—unlike our imaginary example of the golden retriever who is a person—are all too real.

Where then should we expect marginal cases to be placed? What status will they be given? To say that they will have a lower status is not yet to say on what level they will be placed. In this connection it is worth recalling the role that modal personhood (the fact that one *could* have been a person) may play in raising one's status. Since we do seem capable of recognizing cases that involve a significant degree of modal personhood, there is no reason to assume that practical realism will direct us to simply disregard this feature altogether. Furthermore, it is also worth bearing in mind the fact if we adopt practical realism then it is important to attend not only to our epistemic limitations but also to our *motivational* ones. So if it should turn out—as might well be the case—that we are simply incapable of being motivated to conform to a set of rules that would direct us to treat impaired humans as no better than their psychological peers, then we should anticipate that the severely impaired will have a higher status than we might otherwise have expected (based on their actual capacities alone).

Suppose, then, that on the optimal classificatory scheme that emerges from practical realism there is a group for animals that fall just short of being persons, or that are persons but only in a more limited way than normal adult humans. It is conceivable that marginal cases may belong here as well (despite having less developed capacities than the various animals that are assigned to this level). Alternatively, it might turn out that practical realism will direct us to distinguish between more and less severe *instances* of marginal cases. (Perhaps those who fail to be persons but who nonetheless manifest a reasonable degree of agency will be assigned a higher status than those who are so impaired that they display little or no agency at all.) Indeed, given the likelihood that we are not particularly effective at identifying impaired humans who fall *just* short of being persons, it could easily turn out that the optimal rules will tell us to place even the significantly impaired at the same level as ordinary persons. Perhaps only the most extreme and unmistakable cases of severe cognitive impairment will be assigned a lower moral status at all.

I am not prepared to choose among these various alternatives; too much turns on empirical matters I don't feel at all confident about. (I am particularly uncertain as

to what motivational limitations there might be concerning how we are able to treat impaired humans.) But the point remains that practical realism could play a significant role in determining the moral status of the severely impaired, and this might well result in assigning them a higher status than we might otherwise think warranted.

In broad outline, then, the kind of view that I think most likely to emerge if one accepts practical realism looks like this: there will be only a small number of levels of status, and in ordinary circumstances individuals will have their status assigned on the basis of species or other, broader, biological classifications, though in exceptional cases—where the individual clearly has significantly higher or lower capacities than is normal for creatures of their kind—appropriate adjustments (up or down) to status are to be made. Clearly, any number of details remain to be worked out, but it does seem to me that this kind of *limited hierarchy* (as we might call it), is the most likely implication of practical realism.

For reasons that I have suggested, I think it unlikely that there will be all that many different levels of status in such a system, probably no more than four, five, or six, or so. But in principle, of course, the number could be higher than that, if we, as moral agents, have rather higher epistemic abilities than I am currently inclined to give us credit for. Still, even if the number of levels were twice or three times what I am imagining (and I very much doubt it could be much higher than that), it is extremely unlikely that more than one of these levels applies to normal adult humans. So however the details get worked out, it does seem reasonable to expect that an appeal to practical realism will solve the problem of normal variation. In effect, a suitable form of limited hierarchy will have only one level “to spare” to cover the full range of ordinary human capacities.

It might be claimed, however, that I have actually been too *liberal* in describing the number of levels that will emerge from practical realism. I have suggested there may be as many as six or so, but conceivably, of course, the number might be even smaller than that. Since it is, after all, an empirical matter (at least in part) how many levels are optimal, anyone who embraces practical realism must be open to the possibility that given our actual epistemic limitations it is a mistake to generate a system with *any* distinctions in moral status at all. That is to say, it might be that the optimal set of rules, given practical realism, would involve only one single status, with the very same status being assigned to all creatures with any moral standing at all. This is, of course, the unitarian position. So in principle, at least, we can see how one possible argument for unitarianism might emerge out of an appeal to practical realism.

Less extreme, though still more limited than what I have suggested, would be a view according to which the optimal set of rules would recognize only *two* different levels of moral status, one for persons and another for animals. On such a view, all animals would have the very same moral status, though people would nonetheless have a higher one. Conceivably, a version of what I call *restricted deontology* might be defended along lines like this; that's a view according to which people have deontological rights, but animals, in contrast, are to be treated in keeping with consequentialism. Alternatively, it might be possible to defend, instead, a view where animals were granted deontological standing as well, but of a weaker sort than the deontological standing granted to persons.

As I say, views of these more extreme types do seem possible, and in principle, at least, someone who appeals to practical realism should be prepared to entertain their possibility. But that's not to say that it seems especially likely that views of these more extreme sorts will emerge. On the contrary, it seems to me that these views go too far in their pessimism about our epistemic abilities. At least, that's the case if they are defended (as I have just been considering the possibility of doing) by means of an appeal to practical realism.

To be sure, anyone who embraces practical realism must take full cognizance of our epistemic limitations. And I have of course been emphasizing the thought that if we do this we are led to a more limited form of hierarchy, one with at most a small number of levels of moral status. But practical realism requires not only that we be realistic about our limits, it also requires that we be realistic about our *abilities*. So should the suggestion be made that we are altogether incapable of successfully drawing any distinctions at all (not even one between persons and animals) or at most *one* such distinction (precisely that between persons and animals), then it seems to me that any such assessment of our epistemic abilities is unduly cramped. It would run afoul of practical realism to have too many levels of moral status. But it would also run afoul of that very same idea to have too few.

Of course, it must be conceded that if even a limited form of hierarchy is to be adequately defended one must eventually show just how and why one's favored foundational theory supports a hierarchical approach to status in the first place. Although I argue that practical realism—if one accepts it—puts pressure on hierarchical views to guarantee that there are neither too many nor too few levels, I don't try to argue at all for the claim that it is in fact a *hierarchical* view (of some sort) that will emerge from the most plausible foundational theories. Or rather, a bit more accurately, I don't to

do that directly. For I do argue at various places in my book that only a hierarchical normative theory will yield intuitively acceptable answers on a number of different moral issues. So I presume that any *acceptable* foundational theory will, in fact, not only grant animals moral standing, it will also generate hierarchy of some sort. Still, in *How to Count Animals, More or Less* I don't try to explore exactly how and why such hierarchy would emerge from any given foundational view. That is work for another occasion. The more limited point I am trying to make here is that *given* that an adequate foundational view will in fact generate hierarchy at the normative level, if we *also* embrace practical realism then the result will be a limited hierarchy of the sort I have been describing.

IV

As I have already remarked, in broad outlines the view I arrive at bears a striking resemblance to what may well be the commonsense view. For I imagine that most people would concede that animals count morally, and they would certainly also insist that animals count less than people do. Similarly, I take it to be something like the commonsense view that although animals count, they don't all count in the same way: some matter more, morally, than others do. Furthermore, I imagine that most people either accept or come close to accepting something very much like a *limited* hierarchy view, according to which there are at most only a small number of morally relevant divisions within the animal kingdom, with higher animals (for example, dogs, monkeys and whales) counting for more than other animals (such as chickens, rabbits, and mice) who in turn count for still more than the rest (like fish, perhaps, or maybe insects).

But this very similarity brings us back to a concern I expressed at the outset of this overview, that my position in *How to Count Animals, More or Less* will be misconstrued and taken to be a defense of something like current attitudes and practices toward animals. After all, people count more than animals do, right?

I hope it is clear that any such interpretation would be a gross misunderstanding of my actual view. Animals count for less than people do, but they count for far, far more than we ordinarily acknowledge.

The day may come when it will be common to look back on mankind's long history of abuse of animals and recognize it as the disgrace and horror that it is. But that day is not yet upon us. Conceivably, then, given the widespread mistreatment

and disregard for animal interests that continues to this very day—indeed, given the innumerable ways in which abuse of animals runs almost unnoticed through countless aspects of human life—it may well be the case that the most *pressing* task for moral philosophy with regard to animals is to establish that they really do count morally, and that they count for a tremendously great deal more than we seem ready to acknowledge (given the horrific ways we actually treat them).

Crucial though it is, that is not the task I have undertaken in my book. For it seems to me that no such project can be successful unless it is undertaken in full acknowledgment of another essential fact about animals—the fact that although they do count morally, they count for *less* than people do. The moral theory with regard to animals that we need to be defending is indeed a hierarchical one; and until that fact is more widely recognized in the philosophical literature, I suspect that many of our efforts to secure decent and just treatment for animals will be doomed to failure.

Perhaps that is an overly pessimistic assessment. I hope so. But even if so, at the very least it seems obvious to me that our understanding of ethics—not just animal ethics, but all of ethics—will be confused and incomplete until such time as the significance of status is properly taken into account.

The Claims of Animals and the Needs of Strangers: Two Cases of Imperfect Right

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ABSTRACT

This paper argues for a conception of the natural rights of non-human animals grounded in Kant's explanation of the foundation of human rights. The rights in question are rights that are in the first instance held against humanity collectively speaking—against our species conceived as an organized body capable of collective action. The argument proceeds by first developing a similar case for the right of every human individual who is in need of aid to get it, and then showing why the situation of animals is similar.

I first review some of the reasons why people are resistant to the idea that animals might have rights. I then explain Kant's conception of natural rights. I challenge the idea that duties of aid and duties of kindness to animals fit the traditional category of "imperfect duties" and argue that they are instead cases of "imperfect right." I explain how you can hold a right against a group, and why it is legitimate to conceive of humanity as such a group. I then argue that Kant's account of the foundation of property rights is grounded in a conception of the common possession of the Earth that grounds a right to aid and the rights of animals to be treated in ways that are consistent with their good. Finally, I return to the objections to the idea that animals have rights and offer some responses to them.

KEYWORDS: animals, duties of aid, humanity, Immanuel Kant, perfect and imperfect duties, rights.

1. THE QUESTION OF ANIMAL RIGHTS

Some people use the term “animal rights” to refer simply to the moral claims of non-human animals, whatever those might be. In this paper I use the term “rights” in its more specific sense, to designate a particular kind of moral claim. Roughly speaking, a “right” is a claim that may be, and ought to be, legally enforced. The enforcement of rights can be claimed as a matter of law and justice: it is not merely a matter of charity.

Most people think that non-human animals (hereinafter “animals”) have what philosophers call “moral standing.” That is, they believe that animals are the appropriate objects of moral concern, and they think that we have moral duties to treat animals in certain ways that are good for them for the sake of the animals themselves, and not just, say, for the sake of their owners or of keeping them profitable. Admittedly, many people think that these duties are of a rather weak kind: they think we ought to treat animals “as humanely as possible” *given* the ways that we use them. For example, according to some animal welfare laws, animals used in scientific research in ways that might be painful to them must be given anesthetics *if* it does not interfere with the purpose of the research. The duty to spare the animal pain is not taken to be a reason against doing the research. But most people admit at least a duty to prevent animals from experiencing “unnecessary” pain.

Most people also think that at least some of our duties to animals should be enforced by legal sanctions. That is why there are animal welfare protection laws on the books. Yet, for reasons I will describe below, many people think it is absurd to suppose that animals either do or should have rights, in the specific sense of rights I am concerned with here. This combination of views may look contradictory on the surface, but in fact, animal welfare laws do not usually grant the animals themselves any rights, at least if we think of a right as something that the right-holder can claim. For example, at least in the United States as things stand now, the legal representatives of animals cannot sue for the enforcement of animal welfare laws in the name of the animals themselves. Only human beings who can claim to have some interest of their own in the enforcement of animal welfare laws can sue to have them enforced (Sunstein 2004).

In this paper I argue that animals do have rights, but that these rights have a distinctive structure. I say that animals “do have rights” rather than merely that they “should have rights,” because the argument I will give is based on Immanuel Kant’s conception of rights, and is therefore in the natural rights tradition, according to which rights are grounded in morality, and can in a sense exist prior to, or independently of, any positive laws that are actually on the books. I will discuss the idea of a natural right further in section three. The distinctive structure of animals’ rights is this: Many of our rights are held against individuals, at least in the first instance: either against every individual in a group, as one’s civil rights are, or against some specific individuals, as when two people are bound by a contract or a promise. Animals, I argue, have rights that are in the first instance rights against humanity collectively speaking, humanity as a group, to be treated by people in ways that are consistent with what is good for them. The corresponding duties of individuals are derived from the duties we have collectively. I believe that as individuals we also have duties to treat animals well, and in particular to avoid cruelty. But I think that the duties of humanity collectively speaking are in a distinctive way the ground of rights that ought to have legal force.

I will try to demonstrate that there are such rights—rights against humanity collectively—by arguing for another important case of this kind of right. I believe that every human being who is in need of aid in order to survive in a reasonable condition has a right with exactly this structure—a right against humanity, collectively, to ensure the provision of that aid. Both that particular human right and animal rights are traceable to the same fact, namely the fact that humanity, collectively speaking, is in a position to exercise extensive control over the fate of all of the inhabitants of the planet with whom we interact.

2. OBJECTIONS TO THE IDEA OF ANIMAL RIGHTS

In this section, I sketch some of the reasons why people are resistant to the idea that animals either do or should have rights. After I have offered my account of why animals have rights I will return to these objections and discuss how we might respond to them.

2.1. ANIMALS ARE PROPERTY, AND PROPERTY CANNOT HAVE RIGHTS.

Following the tradition of Roman law, legal systems generally divide the world into persons and property, treating human beings as persons, and pretty much everything else, including non-human animals, as property. Persons are the subjects of both rights and obligations, including the right to own property, while objects of property, being by their very nature for the use of persons, have no rights at all. Animals, of course, are traditionally classified as property—domestic animals as the property of individuals or organizations, and wild animals as the property of the state. For obvious reasons, there can seem to be a kind of incoherence in granting rights to property, especially rights against the owners of the property. For this reason, some animal rights advocates have proposed that animals, or that animals with a certain degree of cognitive sophistication—primates and cetaceans perhaps—should be reclassified as legal persons.

To anticipate, the view I advocate in this paper does not call for this kind of reclassification. I think we should reject the legal bifurcation instead, and acknowledge the existence of a third legally relevant category, whose members can have some kinds of rights. Though I do not have space to discuss the issue in depth here, I want to mention one reason why I think this matters. Although people use the term “person” in different ways, I think that we can identify one fairly widely accepted concept of a person that is morally and legally important, and that non-human animals do not fit that concept. Speaking roughly, the concept of a person is the concept of a normatively self-governing being. By that I mean a being who is able to govern her choice of ends and actions by applying standards of rightness and wrongness, and/or of goodness and badness. Only human beings and certain organizations, such as political states, fit that concept.¹ As the ideas I will discuss in connection with the third objection suggest, many of many of our most important rights—those associated with autonomy—spring from the fact that we are persons in this sense. Animals do not share in these rights, so reclassifying animals as persons blurs a distinction that we have good moral and legal reasons to make.

2.2. RIGHTS REQUIRE A KIND OF RECIPROCITY OF WHICH ANIMALS ARE INCAPABLE.

Many people think of the realm of rights as being in some distinctive way a realm of reciprocity. Rights are something we accord reciprocally to each other. To say you

1. For further discussion see Korsgaard 2018, Section 3.2.3.

have a right implies that you also have obligations, in particular obligations to respect the rights of others.

It can be hard to pin this thought down in exactly the right way. For instance, we might be tempted to think of it as something like a bargain based on mutual self-interest—I will keep my hands off of your property or your liberties if you will keep your hands off of mine. David Hume argued that animals do not have rights with something like this conception of reciprocity in mind. Hume makes the argument in order to prove that the duties of justice are grounded in considerations of self-interest and utility. We expect people to conform to the duties of justice only under certain conditions, Hume argues, and those conditions are exactly the ones in which conforming to the duties of justice is useful to all concerned. One of these conditions is an approximate equality of power between the parties to the agreement, which renders it in the interest of all parties to make and maintain the agreement. If you had enough power to completely control someone else, it would not be in your interest to make any concessions to him, and Hume thinks you therefore would not owe him anything. On these grounds, Hume argues that we do not have duties of justice to the other animals:

Were there a species of creatures intermingled with men, which, though rational, were possessed of such inferior strength, both of body and mind, that they were incapable of all resistance, and could never, upon the highest provocation, make us feel the effects of their resentment; the necessary consequence, I think, is that we should be bound by the laws of humanity to give gentle usage to these creatures, but should not, properly speaking, lie under any restraint of justice with regard to them, nor could they possess any right or property, exclusive of such arbitrary lords. Our intercourse with them could not be called society, which supposes a degree of equality; but absolute command on the one side, and servile obedience on the other. Whatever we covet, they must instantly resign: Our permission is the only tenure, by which they hold their possessions: Our compassion and kindness the only check, by which they curb our lawless will: And as no inconvenience ever results from the exercise of a power, so firmly established in nature, the restraints of justice and property, being totally useless, would never have place in so unequal a confederacy.

This is plainly the situation of men, with regard to animals; and how far these may be said to possess reason, I leave it to others to determine (Hume 1975, pp. 190-91).

But bargains based on self-interest are subject to the free-rider problem: you lose your reason to comply with them when it is in your interest to renege. So this kind of reciprocity cannot ground any strong commitment to upholding the rights of others.

Later I will propose a conception of reciprocity that I think is more to the purpose. But however exactly we understand the nature of the reciprocity involved, we are inclined to view it as essential to rights. Having rights goes along with having responsibilities or obligations; you cannot have one without the other. But non-human animals are not moral beings, and therefore we might suppose they cannot have moral or legal obligations. So we might conclude that they cannot have rights.

2.3 THE FUNCTION OF RIGHTS IS TO PROTECT AUTONOMY, AND ANIMALS ARE NOT AUTONOMOUS.

A third and related problem, for some thinkers, is that they believe that the special point of rights, as opposed to other kinds of moral claims, is to secure the liberty and autonomy of those who hold the rights. This is particularly true of thinkers in the natural rights tradition, and of those who uphold the “will theory” rather than the “interest theory” of rights. The interest theory of rights holds that rights exist to protect an individual’s important interests; while the will theory holds that rights define a sphere over which an individual has normative control. That sphere consists of those actions she is free to do if she chooses, and the objects of property she may use as she likes. The control is “normative” because others count as wronging her if they interfere with her actions or use her property without her permission. Immanuel Kant, who represents the natural rights tradition, thought of rights as coercively enforceable prescriptions that are essential to maintaining the (equal) liberty of everyone. The use of force or coercion against free rational beings, he argued, is wrong, except when you are using force to protect someone’s freedom—to hinder a hindrance to freedom, as he put it (Kant 1996, 6:231).² So we may use force or coercion—that is, we may use the power of law—in order to protect equal liberty, but not to promote other ends. John Rawls, to take another example, thought of rights in a liberal society as aimed at securing to each citizen, as far as possible, the ability to pursue her own conception of the good—that is, her own conception of what is worth doing and caring about in a human life (Rawls 1971). According to such views,

2. References to Kant will be given in the usual way by the page numbers of the relevant volume of *Kants gesammelte Schriften*, which appear in the margins of most translations.

rights ensure that we are not bound by restrictions grounded merely in other people's ideas about what is worth doing and caring about. We are bound only by restrictions that spring from the requirement that everyone's liberty or autonomous pursuit of her own conception of the good should be equally protected.

But there is no point in trying to secure political liberty or autonomy in this sense to the other animals. They live according to their natures, not according to their values or their free choices or their personal conceptions of what is good. Nor is there much to be said for granting them what might seem the nearest analog to that kind of liberty—freedom of action in the simplest sense, allowing them to go where they please and do what they want. When animals, either wild or domestic, live within the confines of human society, it is essential both for their safety and ours that they live under a certain degree of human control. So on this showing rights do not seem to be the sort of thing we could intelligibly grant to animals. Rights protect a kind of liberty that the other animals do not and could not possibly have.

2.4. THE IDEA THAT ANIMALS HAVE RIGHTS HAS COUNTER-INTUITIVE IMPLICATIONS ABOUT THE ACTIONS OF OUR ANCESTORS AND THOSE NOW LIVING IN THE DEVELOPING WORLD.

There are also worries, perhaps of a more vague kind, about the implications of the idea that animals have rights for humanity's past relations with animals, and, for similar reasons, for livestock farmers in the developing world now. It is natural to think that our duties of beneficence or kindness—duties that we do not usually think of as grounded in rights—are relative to our own resources and necessities. We cannot be required to give more than we can afford. That implies that these duties can change with changing conditions. When we think of our duties to animals as mere duties of kindness or humanity, we can say things that sound sensible about the actions of our ancestors. We no longer need to use real furs to keep from freezing, for example, because now we have indoor heating and artificial fabrics that work just as well. But our ancestors, especially in northern places, could hardly have refrained from wearing furs. We do not need to eat meat nowadays, when we can ship vegetables from wherever they are now growing to places where they are out of season, or keep them frozen until times of need. But this was not always true. We can now afford to be more humane than we once could; and we can make that change without any implied criticism of those who came before us. A similar point can be made about the

impoverished owners of small holdings of livestock in the developing world. They cannot be expected just to give their livestock up. Kindness to animals is a luxury that they cannot afford.

But it is harder to think of a *right* as something that can be balanced against the costs to those who are supposed to respect it. Slave owners, most of us now think, were always wrong, regardless of cultural and economic conditions. No one has the right to treat another human being as property, and no one ever did. Our ancestors had to use furs, eat meat, hunt, and use animals for labor. That is how the human species evolved and came to live all over the planet—by using animals. So if animals have rights, were our ancestors simply wrong to do these things? If that seems counterintuitive, doesn't that show that even if animals have claims on our kindness, those claims do not spring from anything like animal rights?

2.5. THE IDEA THAT ANIMALS HAVE RIGHTS HAS OUTRAGEOUS PRACTICAL IMPLICATIONS.

Most importantly, however, the idea of animal rights seems worrisome because of its practical implications. Are all animals going to be accorded a basic right to life, and, if so, are meat-eating and hunting going to be outlawed? Would experiments on animals have to be brought to an end, or limited to those that do not harm the animals? And what about those of our own activities that inevitably hurt or kill animals, even when the purpose of those activities is benign? We kill mice and voles when we drive tractors through the fields on which we grow our vegetables. We kill and injure birds when we put up wind turbines—or for that matter, when we put up windows and power lines. Whenever we use pesticides, we kill not only their targets but other animals as well. Should all such activities be illegal, or legally regulated in some way?

These are controversial questions, and I think that under any reasonable conception of animal rights, the answer to some of them will be “yes,” even if those implications do seem outrageous to many people now. But the questions I have just raised lead naturally to further questions that begin to make the idea of animal rights seem not just controversial but silly. If animals have a right to life, for instance, might people be prosecuted for killing vermin that are infesting their homes or their food supplies or for swatting mosquitoes that are trying to bite them? And if animals have rights to life, or rights not to have suffering inflicted upon them, ought we to interfere

between predators and their prey, in the name of protecting the rights of prey animals to escape this form of suffering and death? And must we then find adequate meat substitutes for the predators? Or should we actually try to eliminate predator species altogether—if only we knew how—as Jeff McMahan suggested in a New York Times editorial a few years ago? (McMahan 2010).

There are obvious reasons, based on past experience, to worry about the human competence for tinkering with nature on this kind of scale. But even leaving those worries aside, many people find the idea of our managing nature in this way deeply distasteful, although the reasons are a little obscure. Some of us do not like the idea of living in a completely domesticated world. Some people feel that it is not part of humanity's business to try moralize nature, or even that we do not have the right to. These worries give rise to some rather deep questions about what the human place in nature is, and how we should think about and respond to the amoral character of nature itself.

For all of these reasons, many people think that even if we have duties of kindness and humanity to animals, these duties do not arise from any rights on the part of the animals themselves, and should not be the grounds for giving animals legal rights.

3. NATURAL RIGHTS, MORAL RIGHTS, AND PROVISIONAL RIGHTS

Before I challenge that claim, I need to clarify something about the conception of rights I am working with here. So far, most of what I have said has been ambiguous between two claims: that animals *should* have rights and that they *do* have rights. There is a reason for this ambiguity, for there is a problem about what is going on when someone makes the case for a legal right.

Saying that I am arguing that animals “should have rights” has the disadvantage of making it sound as if all I am saying is that there is something to be said in favor of their having legal rights, some reasons that would support the policy of giving them rights. But that may not seem like the correct way to argue for a right, since a right ordinarily functions as a trump and a trump requires something stronger than some considerations in its favor. If I have a right to something, call it X, then you have no right to deprive me of X. My right is supposed to be a *decisive* consideration against your depriving me of X, *however* good your reasons for depriving me of X would be if I did not have the right. So to say that I have a right to X is not just to say that there

is a very strong reason for me to have X: it is to say something about the relations in which I stand to those against whom I claim the right. *However* good others' reasons are for depriving me of X, they will be wronging me if they do so. That includes my relations to society collectively speaking. But if my right is a trump even against society collectively speaking, how can society collectively speaking be in a position to *grant* me the right? When someone claims that she has a right, she is claiming precisely that no one is in a position to deny her that to which she has a right. But if no one is in a position to deny her the right, then it seems as if no one is in a position to grant her that to which she has the right either. What she is saying is precisely that this is not the sort of thing that others may withhold *or* to grant, however good their reasons. Consider, for instance, the idea that a nation might give its slaves a right to their freedom. Is another human being's right to her freedom something that it is ours (all of us? the rest of us?) to give? How can society give someone his freedom, if it was already his own by right?

Some philosophers propose to deal with this problem by invoking the idea of a "moral right" and saying that moral rights are the grounds on which we should establish legal rights. That enables them to split the difference—the moral rights *do* already exist in the nature of things, even if the legal ones do not. Then we can say that what society does when it enacts laws protecting people's rights is not granting them rights they did not already have, but protecting their moral rights by making them legal and so coercively enforceable.

That can sound sensible until we remind ourselves what exactly a right is. A right, at least according to Kant and others in the natural rights tradition, is—by definition—a claim that may legitimately be coercively enforced. You have a right when you have a claim on others to act in a certain way and it is morally legitimate for you (or for society on your behalf) to defend yourself with the use of force against violations of that claim. Not all moral claims, we believe, may be coercively enforced. I cannot sue you for hurting my feelings or being rude to me or have you thrown into prison for breaking my heart, though you should not do these things. I cannot have you arrested if you fail to open a door for me when my arms are full of packages or to help me change a tire by the side of the road. How do we draw the distinction? Some philosophers would argue that the distinction should be drawn on pragmatic or consequentialist grounds: on whether the costs of coercive enforcement are worth preventing wrongs of this kind. Kant, however, believed that the distinction is based on principle. We have already seen what the principle in question is: we may coercively

enforce a claim only when we are “hindering a hindrance” to freedom. According to Kant, I am free when I can pursue my own ends and in doing so I am not subject to the wills of other people, that is, they may not legitimately just decide to interfere with my actions or prevent me from pursuing my ends. I am not made subject to your will when you try to break my heart, for I am perfectly free not to care. I am not made subject to your will when you fail to open a door for me, for that does not stop me from going through the door. But I am made subject to your will when you enslave me or make use of my person or my property without my consent. So my claims against these actions are coercively enforceable—that is, they are rights.

This account of what makes a moral claim one of *right* makes trouble for the proposed use of the distinction between moral and legal rights. It follows from it that if there are any rights, there is a sense in which they *already* have the status of law: that is, they may legitimately be coercively enforced. This, after all, is why we think it can sometimes be morally legitimate for people to fight even their own governments for their freedom: because they have a coercively enforceable right to that freedom even if there is no positive law upholding it. On this view, natural right is underwritten by “natural law.” So the state cannot be seen as making it possible to coercively enforce a claim that is already there, since the claim was not only already there, but already coercively enforceable too.

Now this may not seem like a big problem. For of course there is still a question about the relation between law in this natural sense and the positive statutes that are actually passed by some political society. So why shouldn't we say that a state that makes a law establishing a right is simply acknowledging a natural right that is already there, by making its own laws match the natural laws?

But there's a problem with this too, which was brought out first by Thomas Hobbes, and then, following him, Kant. They pointed out that there is a sense in which rights do not exist even *morally* until laws upholding them are enacted by political society. After all, to say that you have a moral claim of right is not only to imply that you are entitled to defend your claim with force. It is also to imply that people have a moral obligation to respect your claim. But Kant and Hobbes argued that no one can be morally obligated to respect my rights until he has some guarantee that I will respect his rights. For if I force you to respect my rights without giving you a guarantee that I will respect yours, then I am putting you in a position where you are subject to my will and so are unfree. As Hobbes put it, a person who respects the rights of others when they do not respect his “would but make himself a prey to

others, and procure his own ruin.” Kant agrees: “No one is bound to refrain from encroaching on what another possesses if the other gives him no equal assurance that he will observe the same restraint towards him.” (Hobbes 1994, Part 1, chapter 15, p. 9. Kant 1996, 6:307). Hobbes and Kant argued that it follows that no one has a duty to respect *anyone’s* rights until some mechanism of enforcing *everyone’s* rights is in place. Since a right implies a duty on the part of others to uphold that right, and others cannot have that duty unless their rights are upheld as well, rights occupy what we might call interpersonal space—my rights and yours can only be realized together. Notice that this explains one of the intuitions about rights that I mentioned earlier: that there is something essentially reciprocal about rights. Rights are reciprocal in the sense that the full realization of my rights depends upon the full realization of the rights of others. It follows that whenever you claim a right, you commit yourself to respecting the rights of others.

Kant argued that it is only the political state that can provide guarantees of the enforcement of everyone’s rights. So if I say, “I have a right to X,” I make a demand on others that I am not in a position to make unless we live together in a political state: claims of right presuppose the existence of the political state, that is, it presupposes our membership in a collective body committed to upholding the rights of all. Claims of right presuppose this even if we are in a pre-political “state of nature” and the political state exists only in idea. So when I claim a right in the state of nature, I commit myself to supporting the existence of a political state. According to Kant, this means that we have a duty to live in the political state. Our rights in the state of nature, are, as Kant put it, “provisional.” They exist in the sense that we have the right to defend them, but not in the sense that anyone else has a duty to respect them. It is only when the state is actually formed that they become, again as Kant put it, “conclusive.”

Kant’s distinction between provisional and conclusive rights explains the status of natural rights better than distinction between moral and legal rights does. Provisional rights are in one sense already “legal” rights, since the right-holder is morally entitled to coercively enforce them. In another sense, however, they are not yet quite moral rights, since no one else is obligated to respect them. What society does when it legalizes a right is neither to grant the right holder something that is already his own and not society’s to give, nor to acknowledge a merely moral right that is already there by making it enforceable. What society does instead is to *realize* a right whose existence is *essentially* incomplete or imperfect in the state of nature.

4. PERFECT AND IMPERFECT DUTIES

With that conception of natural rights in view, I now want to return to the question of what our obligations to the other animals are. What exactly is the difference between saying that human beings owe a moral duty of humanity or kindness to the other animals, and saying that animals have a right—that is to say, a natural right, in the sense I have just defined—to be treated in ways that are consistent with their good? The tradition of moral philosophy supplies us with one fairly standard way of thinking about this difference: in terms of the distinction between perfect and imperfect duties. As the distinction is normally understood, it goes something like this: A perfect duty is a duty to do some particular action. It is what is nowadays called a *directed* duty, meaning that it is owed to someone in particular, someone who is *wronged* by its omission. A standard example of a perfect duty is the kind of obligation we incur through an act of our own, like making a promise. If I make you a promise, I owe you the act I promised to perform, and I wrong you if I fail to perform it. The duties of justice are generally considered perfect duties. Here what is owed is often omission rather than action. If you violate one of my rights, you have wronged me by performing that act, which you ought to have omitted.

We have an imperfect duty, on the other hand, when we are obligated to do some general kind of action, but the duty is not specific about exactly which actions we should do, and it is not owed to anyone in particular. Many of us think of our duties of charity as taking roughly this form. We ought, we feel, to do something for those who are less well off than ourselves, but it is entirely up to us what form the giving takes and exactly to whom we will give. You can give volunteer time if you do not have much money, or money if you do not have much time. You can give to Oxfam or the Red Cross or you can micro-finance would-be entrepreneurs in third world countries. Or you can give spare change to homeless people sleeping in doorways on the street. For that matter you can give your spare change to one such person and give nothing to the next. All of that is entirely up to you. But no homeless person or charitable organization has a particular claim on you. No such individual is entitled to feel wronged or to drag you to court if you choose not to give to him. Imperfect duties, in short, do not correspond to rights.

The picture that results is a familiar one. There is a realm of justice in which we can make claims on one another. If those claims are not met, someone has been wronged. The duties of justice serve mainly to protect our freedom or autonomy and

the rights in which it is embodied. But a good person, a well-motivated person, will go beyond meeting the demands of justice. She will want to promote the good of others as well as to respect their rights, and so will engage in acts of charity, kindness, and beneficence. These actions cannot be required of us by law, but a good person will want to do them. It is into this category, according to this traditional story, that the morality of both kindness to animals and of charity to strangers falls.³ This is the picture I wish to challenge.

5. IMPERFECT DUTIES VS. IMPERFECT RIGHTS

Nowadays many people would call this story into question. One worry concerns the duties of rescue. If you are driving down a deserted road and encounter someone who has been injured in a car accident, your duty to help him seems to be a duty of beneficence. You are concerned with promoting his good, not with protecting his freedom. But you do not seem to have the discretion supposedly associated with the imperfect duties of beneficence. You cannot just choose either to help or not as you please in the way you can (supposedly) choose to give money to a particular homeless person on the street or not as you please. Of course if stopping would put you in some sort of danger, or if you are even now rushing someone else to the hospital, then we might think you do nothing wrong in not stopping to help. But short of that, it seems as if you owe it to the injured person to stop, and as if you have wronged him if you just drive on by. So there seems to be a required action and a specific person who will be wronged if you do not perform it—the characteristics of a perfect duty.

We might try to argue that the duties of rescue, unlike ordinary duties of charity, simply are perfect duties. But Peter Singer has famously argued that our duties of charity to distant strangers often have the same features as the duties of rescue (Singer 1972 and 1997). There are people in third world countries in conditions of famine or extreme poverty who are dying right now. Assuming that there is simply not enough charity already on offer to cover all the need, a small donation, not costly to you, could make the difference of life and death to one of these people. It is not clear which one, of course, so there is no particular person who can accuse you of wronging him if you do not make the donation. In that respect, the duty looks imper-

3. You might think that the duty of kindness to animals doesn't fit the category of imperfect duty because cruelty to an animal plainly wrongs that animal. But this ignores the fact that on this traditional conception, hurting or killing an animal just isn't counted as cruelty in the sense that violates duty if people deem it "necessary."

fect. But in other ways, it looks just like the more local case of rescue—someone will die or be harmed if you do not act—and that seems to make it a perfect duty.

This suggests that there is something wrong with the distinction between perfect and imperfect duties. Imagine a reasonably affluent society in which most people are entirely well motivated—good, genuinely charitable people. If it were really true that it is entirely a matter of discretion to whom each person gives, and exactly when and how, then someone could starve or die of an injury in their midst, without anyone doing anything wrong, simply because no one happened to choose him as the object of their charity.

Faced with this sort of problem, I think we should take a look at a different possible way of understanding the duties of beneficence—not in terms of the idea that benefactors have an imperfect duty, but in terms of the idea that those in need of aid have an imperfect right. The early modern philosophers who introduced these categories into our moral thinking often write as if an imperfect right were just the right correlative to an imperfect duty. But in fact it matters which of these ideas we take to come first.

Suppose we take the fundamental moral fact here to be that each of us, individually, has an imperfect duty to help others. It is not owed to anyone in particular. Is it owed to anyone at all? There seem to be two possible answers. First, it is not owed to anyone, but is an undirected duty. Or perhaps it is owed in some vague way to “the needy.” Apparently, then, it is the needy, taken collectively, who hold the correlative imperfect right, and the needy, taken collectively, who are wronged if it is not met. Either way, the analysis seems inadequate to the case: it is individuals, not just this group, who are wronged if their need is ignored.

But suppose instead that we take the fundamental moral fact to be that of an imperfect right. Then we can say that *every* person has a right to, say, adequate sustenance, and to care when sick or injured. But the right is “imperfect” because it is not clear who among us owes it to him, or exactly how the need is to be met. Who then holds the correlative imperfect duty? The parallel answer is that it is all of us—the members of the group taken collectively—who have a duty to ensure that everyone among us gets help when he is in need.

I am not the first to point out that assigning the duty of aid collectively to a group explains some other intuitions that many of us have about this kind of duty (Murphy 2000). In particular, it explains the intuition that for each of us who does have enough to help others, there is something like a “fair share” of charitable contributions, a

proportion of the total need that she should be expected to meet, given her level of wealth and income. If others in the group do not give their fair share and you do, then not only those who remain in need but you also are in a sense wronged by them. It also implies that the duty of each of us is not, at least in the first instance, to give enough to charity to support all of the unmet need that we possibly can. Instead, our most immediate individual duty is to try to organize the group in such a way that all unmet need will be met. Speaking roughly, this means that taking political action to realize better conditions, where possible, may be just as good as or better than trying to solve the problem of unmet need through extensive charitable giving.

I believe that the idea that each of us has an imperfect right to aid, should we come to need it, makes much better sense than the idea that each of us has an imperfect duty to give such care to some unspecified people. It implies that if people among us suffer or perish for want of aid, those individuals have been wronged. The “imperfection” of the right rests in the fact that it is hard to pick out any particular individual who is responsible for the wrong or for correcting it. But it seems perfectly reasonable to say that society, or humanity taken collectively, has failed to uphold the right of this needy person to assistance, and so has done wrong.

That is, it seems reasonable to say this if it is possible to have a right as against a group or collective in the first instance, a right that does not arise from one’s rights against the individuals in the group. We can only have a right against a collective if the collective can have the correlative duty. So before we can ask whether there really is an imperfect right to aid we must address some questions about how a collective can have a duty.

6. CLAIMS OF RIGHT AGAINST COLLECTIVES

For some entity to have a duty—to be required to do something—that entity must be an agent. On most accounts of morality, and certainly on Kant’s, it must be a rational agent, one who is capable of thinking and making decisions based on reasons. In particular, the rational agent must be capable of recognizing that it has duties and responding to the fact that by doing them. How can a collective or group of people have a duty, on this account?

Like many philosophers, I think there is no problem in recognizing that groups of people can form collective agents in this way. Groups can think when their members can think, and when they can also talk and debate, which amounts to thinking to-

gether. They can act—not just individually but as a group—when they have procedures for making and enacting decisions that makes those decisions and actions count as the decisions and actions of the group. Political states are collective agents in exactly that sense. A political state thinks through the thoughts of its citizens and legislators when they debate public issues, makes its decisions by voting and passing laws, and enacts its decisions by enforcing those laws. The enforcement of the law counts as the action of the state. It also acts as a collective agent when its duly elected representatives, or otherwise legitimate leaders, perform actions in their official roles that the laws entitle them to do. That’s what happens when one country declares war on another, for instance. That is something that the country, considered as a collective agent, does.

So it is possible for a group to hold a duty corresponding to a right. But of course, humanity, taken collectively, is not at present such an organized group. We have no mechanism for making decisions that makes those decisions count as the decisions of humanity, collectively speaking. But Kant’s conception of natural right shows us that a right can exist *provisionally* against a group that as yet exists only in idea, so long as the group is one to whose existence those who claim the rights are committed. Suppose all human beings must claim rights, perhaps including rights to enough of the world’s resources to survive in reasonable conditions. And suppose that, as Kant thinks, this commits each of us to the existence of a collective body dedicated to upholding the rights of everyone. Then that collective body, by virtue of the commitments of its own members, exists provisionally itself. In that case it is possible for individuals to have an imperfect right against that collective body itself. So we each *could* have an imperfect right to aid, owed to us by humanity collectively speaking.

But do we? In the next few sections I will argue that we once we understand the implications of the grounds of property rights, at least as Kant understands them, we will see why we cannot have rights to our own property without also having a duty to share it with others when they are in need.

7. THE GROUND OF PROPERTY RIGHTS

Kant, as I mentioned earlier, thought that the function of rights is to protect the freedom of everyone, and he thinks freedom itself is something to which every individual has a right. Among the rights he thought necessary for the protection of

freedom is the right to claim things as our property: we can claim bits of the land and its products as our own. His argument for this comes in steps.

First, imagine you are living in the state of nature and you pick an apple off an unowned tree. If anyone attempted to prevent you from doing this, he would have to interfere with you physically—grab you by the wrist, perhaps, and tear the apple from your hand. This would be inconsistent with your freedom—he would be using force to try to prevent you from acting, and you would therefore have the right to resist. You would be hindering a hindrance to your freedom. It follows that you have a right to eat the unowned apple, to make it your own by consuming it, simply because no one has a right to prevent you from doing so.

But that only shows we have a right to otherwise unowned things when they are in our physical possession. Kant thought that it must also be possible to have rights to objects even when they are not in our physical possession—that is, to own them. If it were not possible to do that, we could not make free and effective use of any natural resources that we cannot immediately consume or keep at all times in our physical control. The point is perhaps most obvious when we think about the use of the land, the primary object of “property” in Kant’s theory. I cannot grow beans on a piece of land if you are free to rip them out and plant wheat there whenever I am not actually in physical control of the land we both wish to use. So without property rights, we could not use natural resources effectively without being subject to the wills of others who might compete with us for the use of those resources. In effect it would render the use of natural resources for anything except immediate consumption impossible. Kant thought this would be inconsistent with our freedom. Therefore Kant concluded that we must all agree that it is possible for an individual to claim ownership in the land and its products, where ownership is a normative relation that goes beyond physical possession. It is a right, a kind of extension of our original right to freedom (Kant 1996, 6:246-255).

As we saw in section three, however, so long as we remain in the state of nature, these rights are necessarily “provisional.” They cannot be made “conclusive” until we come together into a political state, which will guarantee that the rights of all are upheld. This would be true as a conceptual matter even if the natural world offered itself to us in neatly bundled lots with fences already around them, but of course it strengthens the argument when we recall that there will always be disputes about the exact contours of our rights. Do the oranges falling from your tree into my yard belong to you or to me? May I put on a dam on the river as it flows through my land

without regard for the effects on the water supply when the river reaches you? Such disputes can only be settled legitimately by laws we make together; otherwise one of us will be unilaterally imposing his will on the other: our relations will be relations of power rather than right.

Kant took the argument to imply that those who live on adjacent territory have a duty to organize themselves into a political state. It is people who live in proximity who make claims of right against each other, and who therefore form the group against whom an individual right is held. In more modern terms, participation in a shared economic system may be a more relevant form of proximity than shared territory. But Kant was also keenly aware that ultimately, all territory is adjacent, and that applies to economic systems as well. The Earth is round, as Kant liked to emphasize, and human technology conquers the mountains and the deserts and the sea, breaking down the barriers between us (Kant 1996, 6:311, 6:262). So, ultimately, a claim of property right is a claim against everyone else who can claim rights: a claim at least against every other human being. And that means that ultimately, whenever we claim a right, we presuppose the organization of the whole human race into an organized body dedicated to upholding and protecting the rights of everyone, and commit ourselves to membership in that group.⁴

8. COMMON POSSESSION AND THE RIGHT TO BE WHERE YOU ARE

Before I can explain why this leads to an imperfect right to aid, it will be useful to revert to the question of animals for a moment. I have explained why Kant thinks it must be possible for us to acquire rights in the land and its products—why we must be able to own property. In the past, philosophers have taken this kind of story also to show that we are able to claim the other animals as property. But why exactly should that be?

In the traditional doctrines of rights developed in the seventeenth and eighteenth centuries, especially in the theory of John Locke, it is perfectly clear what makes it possible for people to claim property in the other animals. It is a view,

4. What I've just said may seem to imply that everyone who claims a right is committed to the existence of a world government. I think that it does imply that, but Kant, notoriously, held back from drawing that conclusion, for reasons that are not perfectly clear. He did, however, think that claims of right commit us to membership in some sort of collective body dedicated to upholding the rights of everyone—he thought it could be something like a non-coercive League of Nations. I leave the question to what sort of collective exactly we are committed to one side here.

derived from Genesis, to the effect that God gave the Earth and everything that is in it to humanity to hold in common, explicitly including the animals (Locke 1980, p. 18; Genesis 1:29-30 and 9:3). Each of us can claim parts of this commonly held possession, provided that he does so in a way that respects the fact that the whole is owned or possessed in common with others. Locke thought that when you take property from the commons, you have to leave “enough and as good for others.” (Locke 1980, p. 21). Kant, as we have seen, thought that when you claim rights to property, you commit yourself to upholding the rights of others. Both insisted that the assumption that human beings hold the world in common plays an essential role in their explanations of why we can have rights to property. The role of the assumption is to answer an obvious question: How could human agreements to divide the Earth up into objects of private property be legitimate, if we had no right to the Earth in the first place?

But rather than grounding the idea of common ownership in revelation, Kant characterizes it as an idea that we necessarily presuppose when we claim our rights. He describes it, rather surprisingly, as the right of every human being *to be where he or she is*. He says (1996, 6:262):

All human beings are originally...in a possession of land that is in conformity with right, that is, they have a right to be wherever nature or chance...has placed them. ...The possession by all human beings on the Earth which precedes any act of theirs that would establish rights...is an original possession in common..., the concept of which is not empirical...Original possession is, rather, a practical rational concept which contains a priori the...only principle in accordance with which people can rightly use a place on the Earth.

Whenever we claim a right to the land or its resources, as individuals, we presuppose that humanity in general is in rightful possession of the Earth. We have to presuppose it, because if we lacked this right, our right to freedom would be pointless, since it would not include a right to use any of the resources of action. There would be nowhere we had a right to go and nothing we had a right to use or consume. What makes humanity the group that holds the right to the Earth, according to Kant, is that each human being has a right to be “wherever nature or chance has placed them.”

The argument for this last point can be reconstructed in a way that brings out a parallel with the argument by which Kant shows we may claim ownership in previously unowned consumable goods. Prior to any individual claims of right, you are

not doing anything wrong just by being here—you are not, so to speak, trespassing. It follows that if someone attempted to use coercion to remove you, he would be wronging you, by violating your freedom. Just as you have the right to resist someone who tries to snatch the apple from your hand as long as it has no individual owner, you have the right to resist someone who tries to remove you from a place on the Earth so long as that place has no individual owner. And it follows from that that you have a right to be here. Every human being has the right to freedom, and so every human being must be regarded as one of the group whose rights you must acknowledge when you claim your own rights. You claim to be part of this group simply because you are here, and so must accord that standing to others who are here as well. Characterizing this most basic of all rights as a right to be where you are gives us a pleasingly literal way of interpreting the idea of moral standing: if you find yourself standing somewhere on the planet, then you are a being who can claim rights in the land and its resources.

9. THE MEANING OF COMMON OWNERSHIP

The idea that we originally owned the world in common may sound fanciful without its theological grounding, but I think there is a way of thinking of it that brings out an important point. Obviously, the world is not literally owned by anyone, individually or in common, until human beings come along and set up our systems of property. So prior to any system of rights there would be nothing wrong in my establishing myself on some piece of land and defending it against all comers: that is, I would not be violating anyone else's rights in doing so. But if I am to think of this act as establishing that I have a *right* against all comers, as something that they have an obligation to respect, then more is needed. Or to put the same point another way, if I am to conceive of my relations with others in moral terms, in terms of right and wrong, and not merely in terms of power—then more is needed. For whenever I claim a right, as we have seen, I presuppose the idea of humanity as an organized body committed to enforcing the rights of all the inhabitants of the Earth. And if humanity did form such an organized body, then we would all have to agree, through our legislative process, about who had a right to what: about how we are going to divide things out (I will say more in defense of this claim in the next section). And—finally now to come to the point about the right to aid—we would not all agree to a division of things that effectively denies someone the resources he needs in order to live. That, after all,

would amount to evicting him from the planet, as if he had no right to be here. So my rights are by their very nature limited to a reasonable share of the Earth's resources. They are limited for the simple reason that others also have a right to a reasonable share.

That means that if property is now divided up in such a way that some of us can only live because of the charity of others, then there must be injustice in the situation, even if no one has done anything wrong to bring the injustice about. Although in the *Groundwork* Kant categorizes beneficence as an imperfect duty, elsewhere he puts forward exactly this way of looking at it. In the *Metaphysics of Morals*, after describing the duty of beneficence, he remarks:

Having the resources to practice such beneficence as depends on the goods of fortune is, for the most part, a result of certain human beings being favored through the injustice of the government, which introduces an inequality of wealth that makes others need their beneficence. Under such circumstances, does a rich man's help to the needy, on which he so readily prides himself as something meritorious, really deserve to be called beneficence at all? (Kant 1996, 6:454).

In his course lectures Kant was even more forthright:

One may take a share in the general injustice, even though one does nobody any wrong by civil laws and practices. So if we now do a kindness to an unfortunate, we have not made a free gift to him, but repaid him what we were helping to take away through a general injustice. For if none might appropriate more of this world's goods than his neighbour, there would be no rich folk, but also no poor. Thus even acts of kindness are acts of duty and indebtedness, arising from the rights of others (Kant 1997, 27:416).

Kant's point here is that if some people are rich enough to give and some so poor that they need to be given to, then there must already be injustice, even if it is not the result of any particular individual doing anything wrong. The world is not divided up into shares of resources in the way it would be if humanity were actually organized into a group and deciding on this division together. This need not be anyone's fault: it is the result of the historical development of economic conditions over a period of time when no one (no representative of humanity collectively) was in charge of

world's economy as a whole. It was no one's job to make sure that things did not work out so that some people are rich and others poor, especially across national borders. Indeed, this kind of story illustrates why there should be such a thing as an "imperfect" right. There are imperfect rights *because* there are provisional rights which have not yet been made conclusive, even if this is through nobody's fault.

It is important to see that there is injustice here, not just an unfortunate situation. In the first of the two passages I just quoted, Kant draws our attention to the fact that this kind of inequality makes the poor *need* the charity of the rich. Plainly, if someone else is in a position to determine whether you are able, say, to get enough to eat or not, through discretionary acts of his own, then you are subject to that person's will. And that means that by Kant's criterion, you are not free. The traditional picture's distinction between a realm of justice concerned with the protection of freedom and a realm of beneficence concerned with the promotion of the good does not hold up. Without rights to a fair share of the world's resources, the poor are a subject population. They are subject to the wills of the rich. So, as Kant urges here, we should regard giving aid not as a discretionary act of virtue, but as the correction of a wrong—as justice rather than as charity.

Following Kant, I have argued that the world's needy have an imperfect right to the aid they need to live in reasonable conditions. This right is a provisional right, held most immediately against those on adjacent territory or in a shared economic system, but ultimately against humanity collectively speaking. Correlative to this right is a duty of humanity collectively speaking to provide the needed assistance. The right is imperfect in the sense that it is unclear who exactly should provide the assistance. Yet we have a duty to make this right perfect, by organizing ourselves in such a way that the need will be met, for example, by collecting taxes to be used in support of the poor. We have this duty because such an organization is presupposed by our own claims of right. So here we have a right with a particular structure: an imperfect right held as against humanity collectively speaking. That, I will argue is the kind of right that the other animals have against us.

9. TWO CONSEQUENCES OF RIGHTFUL OWNERSHIP

Before I can explain why a similar argument shows that the other animals have rights against humanity, I must make explicit something that I have already assumed in making the argument above. In making his argument for property rights, Kant em-

phasizes one consequence of legitimate possession: when you are in legitimate possession of something, anyone who uses it without your permission wrongs you. But it is a more general consequence of the legitimate possession of a piece of territory that you are the one who determines what may and may not happen there: in other words, you may make the laws for a territory that is yours.

Earlier I argued that when we claim a right, we claim to be acting in the name of a political state dedicated to upholding the rights of everyone. The result of property rights having these two aspects—a right to the use of the territory and a right to determine what happens on it—is that the sovereign of the political state functions both as the legitimate ruler, and as what Kant calls “supreme proprietor” of the land. As such, the sovereign has the right both to levy taxes and to make laws that apply to the territory in general. This view has consequences both for the way we think of welfare rights and the way we think of the right to a vote, or more generally to a say in what happens.

First, consider welfare rights. Kant claims that, on his conception, “the determination of the particular property of each is in accordance with the ...principle of division, instead of with principles of aggregation.” (Kant 1996, 6:323-324). In other words, it remains true within a particular state (and not just of the Earth originally) that the land is regarded as held collectively by citizens, and *divided out* by the sovereign among the people for their use. What Kant means when he speaks of “division” rather than “aggregation,” is that the social contract should not be conceived as made by people each of whom brings his private land into the state with him, and with the land then being *aggregated* into the nation’s territory, as Locke sometimes suggests (Locke 1980, Chapter IX, section 120, p. 64). Rather, from the start the territory is seen as possessed in common by all the citizens, and divided out among individuals by the sovereign. Indeed, Kant tells us that:

...the real definition [of a right] would go like this: a right to a thing is a right to the private use of a thing of which I am in (original or instituted) possession in common with others...Hence, speaking strictly and literally, there is also no (direct) right to a thing. What is called a right to a thing is only that right someone has against a person who is in possession of it in common with all others (in the civil condition) (Kant 1996, 5:261).

This means that no individual really owns *the land* (or the means of production

more generally), a permanent thing which belongs to the people of the state collectively, and more broadly to humanity. Instead private “owners” have a sort of life interest in such property.

This is one of the main reasons why, despite his emphasis on freedom and private ownership, Kant is no libertarian. Indeed the very first conclusion he draws from the fact that the sovereign must be regarded as the supreme proprietor of the land is that the government has the right to tax the people for the support of the poor (Kant 1996, 6:325-327).

Now consider the right to a vote. If the right to territory includes a right to determine what may or may not happen on it, and we all own the territory in common, then we all share the right to determine its laws. This grounds something like a right to democracy, a right to a vote about what the laws of the state will be. To be one of the possessors of the world is to be legislative for it, to have a right to a share of control in what happens in it. This aspect of rights matters when we turn to the question of the rights of animals, because human beings have taken complete control over the world that we share with them, and their fate is determined, to varying degrees, by our laws.

10. THE RIGHTS OF ANIMALS AGAINST HUMANITY

I have argued that, on Kant’s view, making a claim of right commits you to the endorsement of humanity as a collective agent, a body committed to upholding the rights of everyone. If there were such an agent, the world’s resources would be divided out fairly—not necessarily equally, that would require further argument—but certainly in such a way that no one was dependent on the charity of others, and therefore subject to their individual wills. People therefore have an imperfect right, as against that collective body, to a sufficient share, and your duty to respect that right commits you to giving others aid when they are in need. This is a duty you have not simply as a particular individual, but as a representative of humanity collectively speaking. I have also claimed that people’s right to a share of the world’s resources includes a share in the determination of what happens in the world, a right to participate in the making of the laws that govern the world. I believe that, for similar reasons, animals have a right that we take into account their interests when we make our laws.

In Genesis, God gives the world to humanity, explicitly including the other animals as part of the gift. Early natural rights theorists like Locke believed that

shows that we can have individual rights over animals, as we can over the land and the objects that we own. But even if that argument were sufficient to show that we can have the right to do what we like with the animals, many of us believe that nobody gave the Earth to humanity, with or without the other animals; instead, we just took it. Our relation to the other animals as things stand now is not one of right; it is one of raw power, as Hume emphasized in the passage I quoted in section 2.2. But animals are not mere objects: animals, at least the ones I am concerned with here, are sentient beings with lives and interests of their own. So we should conceive our relationships to the other animals in moral terms, not merely in terms of power. We should see them as fellow creatures, not just as objects that may be owned. To conceive of our relation to animals in moral terms, however, is to think of the other animals, like ourselves, as having a right to be where they are—that is, as among those who are in rightful possession of the Earth. After all, if a human being's claim to a rightful share of the resources of the earth and a share of control over what happens in the world is not grounded in revelation, then it is grounded, as Kant claims, simply in the fact that we are here, and are doing nothing wrong by being here. But that is true of the other animals as well. If we regard the other animals not merely as property, but as fellow creatures with a stake in what happens in this world, then their subjection to the human species raises issues of justice, not merely of kindness.

Someone might reply that in the Kantian story I am relying on here, all rights are ultimately grounded in a right to freedom, and that the other animals can have no such right, because they are not free in the relevant sense: they are governed by instinct. But at this point it is important to see that once we focus on the question of animals, two aspects of freedom that in the human case go together can come apart. The right to freedom, in Kant's theory, involves having the right to act autonomously—in accordance with one's own values—but it also involves having the right not to be subject to the wills of others. Each of us as an individual is, of course, subject to the collective will of the citizens of whatever political community we live in, and ultimately to the collective will of humanity, but our right to freedom includes the right not to be subject to the arbitrary will of other individuals and private organizations. Animals are not autonomous, in the Kantian sense, because they act according to their natures rather than their values, but they are agents, and they may certainly be subject to the private wills of others, and in particular, of course, to the wills of human beings. So even in Kant's theory, issues about the other animals' freedom—and therefore issues of right and justice—can arise.

Do animals have a right to that freedom? In spelling out his conception of right, Kant does not make it clear why he thinks that human beings have a right to their freedom, and there is room for controversy over the point. One possibility is that he intends to derive that right from the moral value he believes that autonomy gives human beings as ends in themselves. Elsewhere I have argued that on Kant's conception, non-human animals must also be seen as ends in themselves, because they have a good of their own, and a kind of autonomy, because their instincts teach to act in ways that promote that good (Korsgaard 2018).⁵ On that conception, the argument would be that it is inconsistent with their status as ends in themselves to subject them to the wills of others if that means that those others may force them to act in ways that are contrary to their good. However, Kant seems to have believed that the arguments in his account of right could be made independently of his moral theory, and it is possible to read him simply as working with a conception of where the burden of proof lies. On that showing, if a creature, human or animal, is a free agent, you may not subject him to your will *unless* you have the right to treat him as your property. This is because unless you have that right, he is doing nothing wrong if he resists, and the fact that he is doing nothing wrong if he resists means that he has the right to resist. The burden of proof rests on the one who wants to treat another free agent as property. If we think of things that way, in the absence of something like the Genesis story, animals are not property by their nature, and have the same right to be free of arbitrary control as human beings have.

But now that human beings taken control of most of the world's territory and undertaken to determine what can and cannot happen on it by making our laws, we, collectively speaking, have made animals subject to human wills. We have taken over the control of the animals themselves and of a world that is as much theirs as it is ours. This gives them a two-fold right against us. First, they should not be made subject to the arbitrary wills of individuals and private organizations, a right which is violated by their status as property; and second, their interests must be taken into account when we make our laws.

Of course that way of putting it brings out a difference: it can only be the *interests* of the other animals, not their *wills*, that help to determine what sorts of laws we should have. I have suggested that, as joint possessors of the world, human beings can claim a right to something like democratic government—a right to participate in making the laws that determine what will happen in the world, so far as what happens

5. For the view that animal action exhibits a kind of autonomy, see Korsgaard 2009, chapter 5.

is up to human beings. But we cannot form a collective agent or a democratic body that includes all of sentient life, and if we do presuppose such an collective, it can only be in idea. The other animals cannot join with us in setting up a set of rules to govern the world that we share with them. They cannot join with us in shared deliberations about these matters, or in making the laws that inevitably affect their own lives and welfare. Insofar as human beings govern the world, animals are necessarily a subject population. They are what Kant called “passive citizens,” citizens who cannot vote (Kant 1996, 6:314; see Korsgaard 2018, 125-126). The best we can do is try to represent their interests in making our laws.

Humanity—increasingly as time goes on—controls what happens on this planet, and the other animals, or at least some of the other animals, are—also increasingly as time goes on—subject to our wills. Animals—maybe not all of the insects and certainly not all of the even tinier creatures that are everywhere around us—but middle-sized animals of the sort that are at stake in these discussions—have gradually become a subject population, dominated by the collective power of the human species. If we regard ourselves as making laws not merely about how we should treat the other animals, but on their behalf, because like us they are among the rightful inhabitants of the world, then they have a right that we should make laws that are consistent with what is good for them. They have that right for the same reason that each of us does, because they are here, and are doing nothing wrong by being here.

The rich control the resources of the planet that we ought to share with the poor, so at least until we have greater justice, we owe them aid as a matter of right. The more humanity becomes actually organized, and therefore actually able to take collective action, the more outrageous it becomes that we do not organize ourselves in such a way that this need is met. Humanity determines the fates of both individual people and individual animals through the laws we collectively make determining what individuals may do to one another. Unlike the power imbalance between the rich and the poor, the power imbalance between human beings and the other animals is not something that will ever go away. But to the extent that animals live under the control of human laws, they are owed the protection of human laws. Animals have a right to that protection, in the same way that the poor have a right to our aid. Both groups have a right to that protection because they are a population effectively subjected to humanity’s collective control over the Earth.

11. REPLIES TO OBJECTIONS

At the beginning of this paper I described some of the objections that people make to the idea of animal rights: In conclusion, I will briefly sketch some responses to these worries that follow from the account I have defended. This will also give me an opportunity to bring out some of the implications of the view, although obviously that is a large and complex topic to which I cannot do justice here.

II.1. ANIMALS ARE PROPERTY, AND PROPERTY CANNOT HAVE RIGHTS.

Animals are not things, and should not be property. They do not have to be, because we do not need to choose between treating them as property and treating them as persons. Since they are not autonomous, they do not have all the same rights as people, but that doesn't mean that they have none. If private individuals and organizations are going to keep domestic animals as companions, make them work, and use their products, those individuals and organizations should serve as their guardians, and be answerable to the law for their treatment. Obviously, which kinds of interactions should be allowable should depend on what is compatible with their good, and this is a contested issue. Some people believe that death is not a bad thing for non-human animals, so long as they are treated humanely during their lives; to such people the idea that farmers might be the guardians of animals being raised for food will make more sense than it does to those of us who do not believe early death is consistent with an animal's good.⁶ Wild animals and commensal animals who live in niches created by human beings and wild animals who live on territory owned by the state are currently regarded as the property of the state; instead, the state should be their guardians, at least to the extent the control of the state affects their lives. Of course there will still be hard questions when those animals become dangerous to human beings or in other ways impossible for us to live with. But once we realize that it is not true that only human beings have rights, we should not assume that human interests should always prevail in such conflicts.

II.2. RIGHTS REQUIRE A KIND OF RECIPROCITY OF WHICH ANIMALS ARE INCAPABLE.

I have argued that the kind of reciprocity inherent in the idea of a right is this:

6. For further discussion see Korsgaard 2018, 4.3, pp. 59-67; and 12.3, pp. 220-226.

natural rights are provisional, and can only be made “conclusive” together. For human beings, that means that when we claim a right, we commit ourselves to upholding the rights of others, including, when we can, the rights of the other animals.⁷ But we also commit ourselves to the existence of an organized body that will enforce the rights of all coercively. In understanding the implications of this for animal rights, it helps to know that Kant distinguished two kinds of obligation: ethical and juridical (Kant 1996, 6:219). Ethical obligation is the obligation to be motivated by respect for the moral law in general and, in this area, by respect for the rights of others (Kant 1996, 6:391). You are juridically obligated when you may legitimately be forced to conform to a law. Animals cannot be ethically obligated, but domestic animals at least can be juridically obligated, that is, forced to conform to human laws, even though punishment for disobedience would be out of place. Domestic animals are in fact juridically obligated not to harm people or each other, or to keep away from areas where they would be dangerous to people or obstruct our projects, for example. Obviously, things are a trickier when we think of the commensal animals who live in the human world, and I will not try to take up that difficult topic here.⁸ In any case, if we respected the rights of animals, forcing them to conform to our laws and practices would be legitimate, and not, as it is now, an exercise of raw power.

II.3 THE FUNCTION OF RIGHTS IS TO PROTECT AUTONOMY, AND ANIMALS ARE NOT AUTONOMOUS.

It is true that animal rights of the sort I have envisioned are concerned with their good, not with protecting their liberty. I think it is important that we should preserve a category of rights that are specially concerned with the protection of human autonomy, and these will only pertain to human beings. But as I have tried to bring out, there is nevertheless an issue about the freedom of animals, for even in Kant’s eyes freedom is not just the capacity to live autonomously, but the absence of domination by the arbitrary wills of others. And so long as animals do not have legal rights, the law fails to acknowledge their right not to be subject to the arbitrary wills of

7. Although I have argued for the Kantian conception of natural rights from the idea that rights are trumps, I do not assume that there can be no genuine conflicts of right once the rights of animals are recognized. For further discussion see Korsgaard 2018, chapters 10 and 12 generally, especially section 12.1.

8. Many proponents of animal rights believe that human beings should leave all wild animals alone. Donaldson and Kymlicka, 2011, argue forcefully this position ignores the case of commensal wild animals with whom we cannot help but interact.

people and organizations. Laws that are intended to protect animal welfare without acknowledging that the animals have a right not to be subjected to people's arbitrary wills are inadequate because they are not answerable to any standard of natural right, and we therefore feel free to shape those laws to our own convenience. For example, the federal animal welfare act in the United States simply exempts laboratory rats and mice and farm animals from any protections. Laws designed to uphold the rights of animals could not, at least in principle, be arbitrary in this way.

II.4. THE IDEA THAT ANIMALS HAVE RIGHTS HAS COUNTER-INTUITIVE IMPLICATIONS ABOUT THE ACTIONS OF OUR ANCESTORS AND THOSE NOW LIVING IN THE DEVELOPING WORLD.

Cruelty to animals has always been wrong. But on the view I am proposing, the natural rights of animals against humanity collectively speaking arise from a circumstance that has developed gradually: the human takeover of the world. In my discussion of the duty of aid, I have tried to emphasize that we can believe the failure to aid is a violation of right, without thinking that the gradual rise of global economic inequality is the fault of anyone in particular, because it dates from a time when no one was in charge of the economic arrangements of the world. Once we see the wrong, and we are more globally organized, and we have the institutions needed to address inequality, of course, things are different—then we are at fault if we do not. I think something similar is true in the case of our relations to animals. Certainly it is true of the loss of habitat for wild animals: the spread of the human population to nearly every part of the world happened gradually, and when no one was in charge of the division of the world, or ever thought about leaving space for wild animals. We could do something about it now, if it is not too late.⁹ In a similar way, the practices of domestication arose from individuals and groups simply trying to cope with human necessities, at a time human beings were not sufficiently organized to find ways to protect animals while addressing those necessities. But at least in the developed world, this is no longer true. We can correct it now, without implying that our ancestors and those in less favorable conditions are at fault.

9. In this essay I have argued that groups can have duties and individuals can have therefore rights against them, but I have not argued that groups can have rights and we can owe duties to them, as these remarks suggest. For further discussion see Korsgaard 2018, chapter 11.

11.5. THE IDEA THAT ANIMALS HAVE RIGHTS HAS OUT-
RAGEOUS PRACTICAL IMPLICATIONS.

The rights that I have attempted to defend in this paper are rights that animals hold against humanity collectively, rights that arise from our collective control of their world. They are not rights that animals hold against each other, and do not imply that, for instance, a wildebeest has a right against a lion not to be eaten.¹⁰ I also believe that they are, as it were, proportioned to the kind of control that we exercise over the lives of animals. That kind of control is different in the case of those wild animals who live in “the wild,” or anyway away from human beings; the wild animals of commensal species who live with us, and domestic animals.¹¹ I think their rights against us would be different accordingly, though in each case they have a right that we exercise that control as far as possible in ways that are consistent with what is good for them.

But unquestionably, acknowledging the rights of animals would have some consequences that some would regard as outrageous. Some of our practices, certainly factory farming, and invasive scientific research on animals, cannot be regarded as anything but naked exercises of power and should be given up. My aim in this paper has not been to show that the idea of animal rights can be made uncontroversial. It has been to show that there is a philosophical basis in Kant’s theory of right for the idea.

We may suppose that animals have rights against humanity for the same reason that the needy have claims to our aid: the world belongs to us all. To regard the inhabitants of the Earth morally rather than in terms of power is to regard the Earth itself as the collective possession of all its inhabitants, who all have a right to share in its bounty and to a share in the determination of what happens, including who may do what to whom. In fact, whenever we ourselves make claims of individual claims of right, whenever we claim to live as we choose or do what we like with our own property, we are asserting a right whose basis is simply that we find ourselves resident on

10. This does not settle the question whether the antelope might have a right against us that we should protect him from the lion, of course. For further discussion, although not, unfortunately, a settling of the question, see Korsgaard 2018, Chapter 10, and section 11.7.

11. Donaldson and Kymlicka 2011 argue that domestic animals should be citizens, that the status of what they call “liminal” animals—commensal wild animals who depend on human beings—is comparable to that of immigrants, and wild animals who live away from human beings are like the citizens of other nations. I think of animals simply as members of a population that has become subjected to humanity, but I agree with them that the rights we hold against these groups are different.

the planet, and are doing nothing wrong by being here. So a commitment to dealing fairly with our fellow inhabitants of the planet is implicit in our claims.

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The Fundamental Problem of Philosophy: Its Point

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ABSTRACT

The fundamental problem of philosophy is whether doing it has any point, since if it does not have any point, there is no reason to do it. It is suggested that the intrinsic point of doing philosophy is to establish a rational consensus about what the answers to its main questions are. But it seems that this cannot be accomplished because philosophical arguments are bound to be inconclusive. Still, philosophical research generates an increasing number of finer grained distinctions in terms of which we try to conceptualize reality, and this is a sort of progress. But if, as is likely, our arguments do not suffice to decide between these alternatives, our personalities might slip in to do so. Our philosophy will then express our personality. This could provide philosophy with a point for us. If some of our conclusions have practical import, philosophy could have the further point of giving us something by which we can live.

1. WHY PHILOSOPHY FAILS IN THE FUNDAMENTAL RESPECT OF HAVING AN INTRINSIC POINT

In *The Myth of Sisyfos* Albert Camus straightaway claims that suicide is the fundamental problem of philosophy, perhaps even the only really serious philosophical problem. He suggests that the importance of a problem is determined by what actions the problem—or, I suppose, rather an answer to it—commits you to. But we should distinguish the philosophical problem which is most important *for philosophy*, or for us *as philosophers*, from the philosophical problem which is most important for us *all*

things considered, or as regards *all aspects of our lives*. It is the former that is most appropriately called the *fundamental* problem of philosophy, whereas the latter might instead be called the most *important* problem of philosophy.

Accordingly, I propose to explore what is the fundamental problem of philosophy by looking more narrowly at the consequences for philosophy of answering different philosophical problems. I believe that an application of this strategy lands us in the claim that the fundamental philosophical problem is whether (doing) *philosophy has any point*. For philosophy, the consequence of doing philosophy being without any point is as drastic as it can be: apparently, it is that there is no good reason to do philosophy. It might be that, for the business of living, other philosophical problems are more important. For instance, it may be more important whether *life* has a point because if it does not have any point, there would be no reason to prolong life.

It is more important for us whether life has a point than whether philosophy has a point, since if life has some point, but not philosophy, we still have reason to live, whereas if philosophy has some point, but not life, we cannot rationally philosophize, since we have no good reason to live which, of course, is necessary to do philosophy. Notice that even if philosophy has a point, it does not follow that life has a point, only that something in life has a point. Indeed, it seems that part of the point of philosophy could conceivably consist in showing that life does not have any point. If this were so—it will soon emerge that there is reason to doubt that it *is* so—part of the point of philosophy would be self-defeating, since if life comes to an end, so does philosophy. In any case, the question I am asking is whether philosophy has any point.

The fact that the problem about the point of philosophy is itself a *philosophical* problem signals a difference between philosophy and other disciplines, since it is not—at least not entirely—a *mathematical* problem whether mathematics has any point, nor a *medical* problem whether medicine has any point, and so forth—these are rather (at least partly) philosophical problems, like whether life has a point. This fact poses a special difficulty because in order to find out whether philosophy has any point, we have to *philosophize*, thereby boldly risking to do something that turns out to be pointless!

The question about the point of philosophy should be made more precise. Doing philosophy could obviously have a point by serving various *extrinsic* or *external* ends, such as earning your livelihood, getting recognition for your acumen, or getting the sort of fun you could also get from intellectual games and pastimes. But now I am interested in its *intrinsic* point, a goal or end that its distinctive method of

argumentation and conceptual clarification is designed to attain. (What characterizes this method is, as everything else in philosophy, moot.)

What would provide philosophy with such a point? A reply that readily suggests itself is that it could prove what the true answers to its chief problems are; this would appear to be the outcome that employment of its argumentative and clarificatory method is designed for. But it might seem that any old answer would not do given that it is proven true, for suppose that it is proved that the true answer to the philosophical question whether philosophy has any intrinsic point is that it does not have any. Then it would be paradoxical if it could be inferred that philosophy has an intrinsic point from the fact that it has shown that it does not have any such point! Likewise, we might be disinclined to concede that philosophy could show itself to have an intrinsic point by demonstrating that life does not have any point. For, as remarked, this would be self-defeating, since to do philosophy we have to go on living.

Therefore, we might better deny that philosophy can secure its having an intrinsic point by proving the *wrong* kind of true answers to philosophical problems. Presumably, these wrongful answers would be skeptical or negative answers. Possible examples—other than the ones just mentioned—would be if philosophy denied us benevolent gods, immortal souls, free will in the most valuable sense, knowledge of a physical world that exists independently of perception, an intelligible connection between mind and body, objective moral truths, and so on. Perhaps if philosophy were to yield such *disappointing* conclusions all across the board, we would be loath to ascribe any intrinsic point to it, even though it would have delivered true answers to its major problems. Only a minority of us would aim to vindicate for its own sake philosophical truths that we expect to be crushing.

Another possibility is that philosophy fails to have an intrinsic point because it is bound to be *inconclusive*, incapable of producing a rational consensus about the answers to its leading problems. A glance at its inception makes one possible reason for such inconclusiveness discernible. Philosophy began its life around 2500 years ago as speculation about general aspects of the world. Gradually, experiential and other empirical methods were established to deal with some of these aspects. The study of these aspects then dissociated themselves and became more specific disciplines—physics, biology, etc—in their own right, with their established methodologies. Philosophy remained as the tumultuous leftover that was recalcitrant to any agreed, more precise methodology.

A second reason for its inconclusiveness surfaced when it was remarked above

that philosophy is special in that the problem of whether philosophy has any point is itself a philosophical problem. For this indicates that a distinctive feature of philosophy is that *it cannot take anything for granted*. There could be no other discipline to which the investigation of philosophical presuppositions putatively beyond the scope of its self-examination could be delegated. An inquiry into the most fundamental matters is—by definition, it would appear—philosophical, fundamental matters being bound to remain in the contentious leftover. Since philosophy is in this sense bottomless, or goes all the way down, it seems that it will inevitably be inconclusive: even if philosophical arguments are logically valid—and, thus, guarantee true conclusions *if* their premises are true—they will inescapably have some premises whose truth can be denied or doubted because in the end they run out of support. It would appear to be especially likely that people will be tempted to deny or doubt some essential premise or other of an argument that has a disappointing conclusion; for this reason alone, inconclusiveness appears to be a more realistic candidate than a consensus about disappointing conclusions for robbing philosophy of its intrinsic point.

Big philosophical controversies frequently assume the form of there being, on the one hand, a pre-reflective intuition which has a strong hold on us in our commonsensical frame of mind and, on the other hand, weighty philosophical arguments against it. For instance, we have a steadfast intuition that there exists a physical world independent of our sense-impressions; yet there are powerful skeptical arguments challenging the justification of this intuition. We are convinced that many of our inductive extrapolations are reliable, but Hume made us realize that it is hard to see how this conviction can be justified. We like to believe that moral norms can be objectively valid in some sense, though it is not easy to see what this sense can be. We believe that we can be more or less deserving and that we are more responsible for what we cause by our actions than let happen by our omissions, but these beliefs are opposed by strong reasons for doubt. And so on. Attempts can be made to break such-like dialectical impasses by finding further arguments on one side or the other. This is however likely to lead to similar dialectical impasses because, as noted, in philosophy more or less any useful claim can be—and has been—doubted. Eventually arguments will peter out, and it will have to be extraneous factors such as our personalities and how social circumstances impinge on them that determine whether we come down on one side or the other.

I suppose its bottomlessness and attendant methodological disagreements

largely explain why the views of different philosophers often diverge or branch out right from the start into philosophies characteristic of their authors—the philosophy of Spinoza, Kant, etc—while we only rarely have occasion to resort to this manner of speaking in the context of other academic disciplines. When we do—as in the case of Newtonian physics as opposed to the relativistic physics of Einstein—it is because there are disagreements which pertain to the very foundations of the discipline.

Undeniably, there is a fair amount of intersubjective agreement of a *negative* sort among philosophers. To take just one example, even though he tried his utmost to be critical and skeptical, Descartes still claimed to perceive most clearly and distinctly it to be necessarily true that his idea of something more perfect than himself derives from something that is in fact more perfect than himself. There is in all probability unanimity today that this claim is *not* necessarily true—indeed, that it is patently false.

However, such a negative consensus does not bring us one whit closer to unanimity concerning the solution of any philosophical problem of note. With respect to such problems, we find ourselves on paths which go on forking indefinitely, making it harder and harder to decide what turns are the right ones. We draw distinctions that empower us to state theses with ever greater precision, but this process of splitting up theses into several more precise versions also makes it harder to determine which of these competing theses are true, or even closer to the truth. Therefore, growing philosophical precision is not like the more precise measurements of something's weight or length which undoubtedly bring us closer to its real weight or length.

It cannot be denied that greater conceptual precision constitutes progress or development in the discipline of philosophy, but to my mind this is not enough to show that philosophy has any intrinsic point. After all, we can get more and more adept at activities that are pointless, e.g. pastimes that we do just to kill time. If the outcome of our multiplication of distinctions is greater uncertainty and bewilderment about where the truth lies within the space of these distinctions, it seems dubious whether these endeavours could have any intrinsic point for us, whether we could rationally engage in them for their own sake, knowing full well that they will not enable us to close in on the truth.

On the other hand, it might be said that this process of conceptual refinement teaches us to appreciate the complexities of the issues. Even so, what drives us to making ever more distinctions is the idea that they bring us closer to the truth (unless it is that they serve extrinsic ends, such as getting better academic jobs or more rec-

ognition for smartness). So, this appreciation of complexity cannot be the *primary* intrinsic point of doing philosophy that we are looking for, but at most a secondary or subsidiary intrinsic point, which rides on the back of some other intrinsic point. Knowledge of this complexity is rather a by-product of the striving to establish a rational consensus about where the philosophical truth lies.

But even if philosophical disputes are bottomless, their being inconclusive is not anything we could justifiably assume at the outset; it is something that we shall have to work our way towards, by assembling evidence by hard experience of failures to establish agreement. This suggests that up to a point debating a philosophical issue can have a point because there is room for a rational hope of a resolution of it, and as long as this is so, we could legitimately reap benefits in the shape of conceptual clarification and greater understanding of conceptual complexities. But, as the debate continues, a suspicion is liable to grow on us that the arguments are getting too contrived and convoluted for there to be a realistic possibility of them bringing the issue to a close.

Perhaps we can compare the states of the art in contemporary philosophy and in contemporary physics. Contemporary physicists undoubtedly know more about the universe than Newton did, but they are nevertheless also aware that their ignorance about the universe is much greater than he apparently thought his ignorance was. Contemporary physicists are painfully aware of the incompatibility of the two pillars of modern physics, quantum physics and the theory of relativity, of the fact that they know next to nothing about the dark matter and energy which may compose as much as 95% of the universe, of the nature of the Big Bang, and so on. Furthermore, it may be seriously doubted whether they will ever have access to experimental means to make ground-breaking progress, to settle the truth of theories requisite for such progress, for example, to settle what, if any, string theory or multiversum theory is true. Then the point of pursuing research to make more pedestrian progress may be questioned, especially if, as is likely, it will be forbiddingly expensive.

By comparison, philosophical research is exceedingly cheap, and lack of observational data will not be what puts obstacles in its way. The obstacle will rather be that our shared intuitions are not fine-grained enough to decide between ever more precise proposals. This difficulty will increase rather than decrease the number of issues over which there will be disagreement. But with respect to neither physics nor philosophy would the fact that further research might now be pointless because it is

clear that it is degenerating into irresolvable disputes about esoteric matters imply that research in the past has been pointless.

2. PHILOSOPHY AS A MEANS TO SELF-KNOWLEDGE AND AS LIFE-GUIDING

The example of Descartes and the most perfect being is worth bringing up also for the reason that it is a good example of *wishful thinking* in philosophy, of how a claim can appear to be evidently true to philosophers when it is a potent tool in their hands, even though the claim is rather evidently false, and they attempt to adopt a skeptical frame of mind. For Descartes thought he could prove the existence of God—who would then function as a guarantor of the truth of other important beliefs—with the help of the claim that the source of the idea of a being more perfect than himself must lie in something more perfect than himself.

It is worth noting that there is an attitude that can be seen to be a form of wishful thinking about oneself and one's own assets: *the overconfidence bias*, the tendency to be unduly confident about one's own ability to get the facts right, or to perform various practical tasks well. For instance, a majority of drivers believe they drive better than the average, a majority of students believe they are in the top half of their class, a majority of university professors believe they are better researchers and teachers than most of their colleagues. As regards the future, most of us are inclined to think we are capable of achieving a lot more in a certain period of time than it is reasonable to surmise on the basis of what we have achieved in the past—this is the so-called *planning fallacy*. In academia it notoriously manifests itself in many of us regularly overstepping deadlines that we have optimistically laid down.

The overconfidence bias or more generally wishful thinking may account for why philosophers do not normally end up with disappointing conclusions or concessions about inconclusiveness, and why they are inclined to tweak their philosophizing to yield more satisfactory outcomes. For instance, it may explain why skepticism is not a popular position in epistemology and dualism is not in the philosophy of mind, despite the fact that, after centuries of efforts, no attempt to refute skepticism has won more widespread acceptance, and attempts to reduce the mental to the physical have continued to be failures, though they have successively become watered down.

The world comes out as simpler and scientifically more manageable if there is not anything mental which is distinct in kind from everything physical, since if there

is something irreducibly mental, its relation to the physical—in particular, neural states in the brain—appears to be inexplicable. Also, there is the problem of fitting together the mentalistic explanations we provide of our overt behaviour with the mechanistic explanations science delivers of the physical events. In the pre-scientific past, humans often tried to explain natural phenomena in mentalistic terms, as the works of gods or spirits. With the progress of science these animistic explanations have been superseded by mechanistic explanations. Some philosophers seem to want carry on this process to the paradoxical extreme of exorcising or evicting the inquisitive, explanation-seeking mind itself from the world. However, our urge to think in mentalistic terms is unquenchable. It has definitely lost its applicability to inanimate nature, but it will never surrender its applicability to our own behaviour. And it is as vigorous as ever in its enterprise of creating fictive characters in novels, films, computer games, and so on. It is astonishing that, although the earth is now the home to more than seven billion people, we still have not had our fill of people, but eagerly create countless fictive ones in whose company we happily spend a considerable portion of our time.

Wishful thinking, then, is a factor which could step in and clinch cases when the strength of arguments cannot. Another factor is *conformism*: many studies show that we are reluctant to stand out from the people surrounding us but instead prefer to go along with them. There is a disposition that works in the longer term to support conformism, namely *the exposure effect*: as a rule, we get attached to what we have been frequently exposed to, like the social and cultural traditions and fellow-beings with which we have grown up. Obviously, if the majority of the citizens of a society tend to comply with its customs, their behaviour will exhibit considerable amount of conformity. The exposure effect guarantees that the ways of life of a society will be stable and change only slowly.

An important species of conformism is people's inclination to obey those who have managed to ascend to some type of leading positions. This *subordination to leaders or authorities* is yet another factor that may shape our philosophical views. Students are swayed in the direction of their supervisors' views due to their persuasive power or charisma, or because they sense that this is prone to improve their career prospects. Even students who started out in earnest, set on discovering the truth of some philosophical matter, may slide into defending views that are suspiciously similar to the views of their teachers. There is a win-win situation here: the students secure a career, and their teachers that their work and reputation live on.

But in the process the former may be transformed from being philosophers living *for* philosophy to being philosophers living *off* philosophy in Schopenhauer's terminology, just as the latter may once have been. This is a process which could occur even if we are not under the influence of any authority. If no conclusive philosophical arguments are to be found, it would not be surprising if in the course of doing philosophy over many years, the belief that such arguments can be found wear thin and are replaced by a slowly growing conviction that philosophy does not have any primary, intrinsic point. But you have invested so much time and effort in philosophy, and made it your profession, so the sunk cost of giving it up would be insufferable. Thusly, living for philosophy could gradually turn into living off philosophy.

The expression 'living off philosophy', however, is a bit misleading because it suggests doing philosophy to earn your livelihood. This is important enough if you have not inherited wealth like, say, Schopenhauer and Kierkegaard. But the expression is meant to cover doing philosophy for all kinds of external ends, including getting recognition and intellectual stimulation of the sort that could be got from games like chess. The phrase 'living for philosophy' means doing philosophy for its own sake, with its primary, intrinsic point in mind, that it could rationally convince us of some worthwhile philosophical insights.

Now, if we get disillusioned about the possibility of establishing a rational philosophical consensus and, thus, cannot pursue it with this point in mind, is there any alternative to doing it only for fun, fame or fortune? If we possess enough independence of mind to be able to resist the lures of conformism and the rewards that might accrue from it then, when truth-supporting arguments fall short, our own personality traits—rather than the personality traits of others via our conformism—may seep in and influence our conclusions. After all, it was probably such traits that determined our choice to do philosophy in the first place, and the original choice of a philosophical orientation or specialization, so they may play a part in settling our philosophical conclusions as well. William James goes a bit further (James, 2004 Ebook):

'Of whatever temperament a professional philosopher is, he tries when philosophizing to sink the fact of his temperament...Yet his temperament really gives him a stronger bias than any of his more strictly objective premises. It loads the evidence for him one way or the other.'

Nietzsche put it characteristically hyperbolically (Nietzsche, 1973, §6):

'every great philosophy has hitherto been: a confession on the part of its author'

The author's personality shines through not only in the philosophies of such 'literary' philosophers as Nietzsche, Schopenhauer and Kierkegaard, but also in the philosophy of a highly academic philosopher like Kant, in which you can clearly discern traces of his Pietistic upbringing and obsessive-compulsive turn of mind.

In order to obtain a more detailed imprint of your personality, however, you have to be a rather *well-rounded* philosopher, who works across a fairly wide field of philosophical problems—like the great philosophers of the past—rather than a narrow specialist. It is natural, probably even necessary, for philosophical novices to start out as specialists, and only later to become more well-rounded by broadening their horizons gradually, though some issues will have to remain peripheral, receiving only fleeting attention. Careerwise, it is however likely that you will do better if you remain more of a narrow specialist operating in a network with other specialists in the same field who mutually support each other than if you attempt to become a more independently viable, well-rounded philosopher.

Moreover, as philosophy becomes more and more conceptually intricate by the labour of a growing number of specialized philosophers, it becomes increasingly hard for its practitioners to become well-rounded and counteract a fragmentation of philosophy. At least analytic philosophy is prone to contract or spiral inwards in the sense of developing ever more precise treatments of a set of problems prioritized in networks of philosophers who discuss each others work. This is harmful to analytic philosophy overall both because it is likely to make it irrelevant to people outside these networks and because it hampers philosophical progress by turning a blind eye to problems with the presuppositions shared by members of the networks. But to the insiders who take the presuppositions for granted, precision by a proliferation of technicalities gives an air of scientific objectivity.

If your personality traits influence the upshot of your philosophy and, thus, make it expressive of your personality—could it still have something of an intrinsic point? It could, at least in the sense that activities like art and literature, which are obviously also expressive of their creators' personalities, could have something of an intrinsic point. But philosophy would not then have an *exclusively* intrinsic point as it would have if its method of rational argument had sufficed to force agreement about the solutions to its major problems. For if philosophical argument turns out to be inconclusive, and your personality has to creep in to make you come down on one side

or the other, the point of doing philosophy cannot be *wholly* intrinsic to it. Its point will be dependent on your taking an interest in something external to philosophy, namely in having your personality articulated or revealed by it. Its point is however still *partly* intrinsic to it, since your interest is invested in arriving at a *philosophical* articulation or expression of your personality, in working out philosophical arguments to the point at which you could convince at least yourself. Doing philosophy in order to ‘know thyself’ is a time-honoured task which is sufficient for philosophy to have a point *for you*, given your interest in gaining self-knowledge, though you will not be pursuing philosophy strictly for its own sake.

In antiquity philosophy was supposed to be of help not only in the acquisition of self-knowledge, but also in learning how to live well. For instance, according to Epicurus’s conception of it (Long & Sedley, 1987, vol I, 156):

‘Philosophy is an activity that secures the flourishing [eudaimon] life by arguments and reasoning.’

A more sombre conception of the kind of advice philosophy could supply is the one that Plato puts into the mouth of Socrates in his dialogue *Phaedo*: to philosophize is learning how to die. I shall not try to unravel what Plato might have meant by this arresting assertion, which many have puzzled over. My purpose is just to illustrate that provision of practical advice about how to live has been conceived to be an essential element of philosophy since its inception.

This could be put by saying that, alongside living *for* philosophy and living *off* philosophy, we should place living *by* philosophy, or living in accordance with philosophy. Perhaps symptomatically, Schopenhauer omits to mention the latter option. He has been criticized for failing to comply with the stern precepts of his pessimistic world-view which demanded thorough-going asceticism. His defence for this omission referred to his determinism which he took to rule out behavioural reform. In this respect he stands in unflattering contrast to another determinist, Spinoza, who seemed to have succeeded admirably well in living in accordance with an equally demanding philosophy.

Like the aim that your philosophy be personality-revealing, the aim that it be life-guiding is partly extrinsic and partly intrinsic to philosophy. It is partly extrinsic, since the aim of having a philosophy that you could live by is extrinsic to philosophy, but also partly intrinsic, since it is specifically *philosophical* doctrines that you aim to

live by. If you have both of these aims, you will strive to make your philosophy well-rounded by exploring topics where your findings could have practical implications. You will not specialize exclusively in fields like, say, meaning and reference or causation and conditionals, but will ensure that your philosophical repertoire includes such disciplines as normative ethics. Naturally, the outcome of your pursuit of these life-guiding disciplines will also reflect your personality.

I shall soon turn to ethics, but let me first make clear that what is now designated as ethics or morality does not have monopoly of life-guiding doctrines. For example, in *Reasons and Persons* Derek Parfit (1984, pt III) famously argues that ‘personal identity is not what matters’, that is, that the fact that some person is identical to you cannot rationally justify your being especially concerned about the weal and woe of this person.¹ According to him, what matters is instead the holding of various psychological relations, such as this person sharing your memories, interests, etc. In principle, these are relations that could connect you to somebody to whom you are not identical. Now this doctrine about the insignificance of personal identity is not a distinctively moral doctrine, though it is of moral relevance, since it undermines self-interest which is often in opposition to the morally right course of action. It is not a distinctively moral doctrine, since it harbours implications also for the sphere of *prudence* where what is at stake is only how your own interests are affected. It tells that you should focus on whether what matters in identity is present—like psychological connections—rather than simply on the fact of identity itself.

For another illustration of life-guiding doctrines that are not specifically moral, consider Parfit’s discussion of temporal biases in *Reasons and Persons*, pt. II. One such bias is *the bias towards the near* (future), the fact that we are spontaneously more concerned about good and bad things that we think might happen to us in the near rather than in the more distant future. Another temporal bias is *the bias towards the future*, the fact that we are spontaneously more concerned about good and bad things that will happen to us in the future—especially the near future—than about such things that have happened to us in the past, so that we regret good things having passed, and are relieved when bad things have passed. It could be argued—though Parfit does not do so—that these temporal biases are irrational and that the rational attitude is one of *temporal neutrality*.² In the domain of prudence, this attitude of neutrality means

1. For my take on this issue, see *The Retreat of Reason* (2005, pt. IV), and *Inclusive Ethics* (2017, chap. 3.1).

2. I argue thus in *The Retreat of Reason* (2005, pt. III).

that what happens at some times of your own life does not matter more than what happens at other times simply in virtue of the difference of timing, whilst in its moral form it lays down that the same holds for each and everyone's life.

In ancient Greece, ethics comprised the intrapersonal dimension of prudence alongside the interpersonal dimension of morality. Its chief question was 'How should I live in order to lead a good life?' where 'good' covered what is good for ourselves as well as what is good for others. Nowadays, ethics or morality is rather thought to regulate our conduct only in so far as it impinges on the weal and woe of others, in other words, others for whom things can go well or badly (many would say that this is the category of sentient beings). We are regarded as imprudent or irrational rather than as immoral if we act in manners that are detrimental to our own long-term interest.

Greek and Roman philosophers were much preoccupied with the question of how we could lead good lives in view of the fact that our lives are largely beyond our control, a matter of good or bad luck: at any moment we could be struck down by accidents or injuries which rob us of our fortune, health or even life itself, which we shall eventually lose in any case.³ Philosophical schools competed against each other with different recommendations as to how to come to terms with this precariousness of our existence. For instance, the Stoic emperor Marcus Aurelius' recommendations featured a version of temporal neutrality: looking at our lives from the point of view of high above which makes them dwindle to insignificance.⁴ The doctrine that your identity does not matter could also be of assistance in muting the anxiety that we might feel because of all the harm that preys on us in every nook and cranny of the world. But whatever the philosophical recommendations, they were not easy to internalize and live by. Thus, many ancient philosophers, not least the Stoics, spent more time on exercises to train themselves to live by their convictions than to argue for their truth.

Turning now to morality, we again encounter doctrines that are demanding and hard to live by. I have maintained that philosophical divides often arise as the result of pre-reflective intuitions being pitted against weighty philosophical arguments. Such arguments challenge doctrines that are firmly entrenched in common-sense morality, for instance, that we have *rights* to our own body and mind, and property that we acquire by their means, that we *deserve* to fare better or worse than we in fact do, and

3. I discuss this issue a bit further in *Inclusive Ethics* (2017, chap. 13).

4. See for instance his *Meditations*, 9. 30. The view *sub species aeternitatis* also plays an important role in Spinoza's *Ethics*.

the act-omission doctrine and the doctrine of the double effect.⁵ The fact that these doctrines are so firmly entrenched will by itself make us disinclined to surrender them. But with respect to at least some of them—e.g. the rights theory and the act-omission doctrine—surrendering them will result in a morality that demands greater sacrifices from us than does common-sense morality, especially in the present, needful world in which those of us who are affluent have resources to mitigate much misery. This naturally makes many of us even more reluctant to surrender these deep-seated doctrines and confront our glaring moral shortcomings. For such reasons, the prospect that moral philosophers could demonstrate that their discipline has achieved its primary, intrinsic point by arriving at a rational consensus about what is morally right and wrong looks glum, though their investigations could serve the subsidiary point of producing a steadily growing understanding of the complexities of our moral notions by an ever-expanding battery of precise distinctions.

Another thing moral philosophers could do is to carry on their investigations until they reach a normative position with which their personality makes them comfortable. Then, apart from trying to live by this position, they could strive to spread the word of it, since other people could accept this position for the same arguments as they have, though these arguments are not conclusive. Moral campaigning of this kind is important because morality is essentially a *collective* code which, if valid, must be *universally* valid, valid for everyone capable of understanding it. We must agree about what is morally right or wrong because this concerns how we treat each other, not just ourselves; by contrast, the prudential norms we uphold for the running of our own lives could be entirely individualist, valid only for ourselves with our particular aims. Besides, some moral goals are such that we cannot attain them single-handed; their attainment necessitates the cooperation of a great number of agents. Consequently, if there is no trust that these goals are pursued by a multitude of agents, it might well be futile to contribute to them. Therefore, if moral philosophy cannot achieve its primary, intrinsic point by producing a rational consensus about what is morally right and wrong in the situations we regularly face in our lives, the second best we could do is to aim for as broad an agreement as possible with congenial people.

Far from establishing a rational consensus about what is morally right, and about

5. I argue against the applicability of the concept of desert in *The Retreat of Reason* (2005, pt. IV), and *Inclusive Ethics* (2017, chap. 7); against rights, the act-omission doctrine and the doctrine of the double effect in *From Morality to the End of Reason* (2013, chaps. 1-6).

what the ground and meaning of this rightness is, moral philosophers have produced a perplexing array of possible moral systems—consequentialist, deontological, contractualist, virtue ethical, you name it—but no agreed method to decide which of these system is the sound one. Indeed, it is even controversial what ‘soundness’ here is tantamount to, whether moral judgments can be true in the same sense as factual judgments, and true independently of our affective or conative attitudes, or whether moral judgments are merely non-cognitive expressions of such attitudes.

If it had not been for the fact that moral philosophy is often too esoteric to be grasped by the public, the substantial disagreement that is raging among its practitioners might have had a deleterious effect on public morality. Philosophical disputes about the foundation and content of morality might have eroded the authority that common-sense morality has acquired over centuries as a result of the exposure effect, and weakened the motivation to abide by it. It seems unlikely that this substantial disagreement will subside, for even though our moral responses must converge to some extent if we are to be able to live together in functioning societies—which is a pre-requisite of our evolutionary success—they are surely not so finely attuned that we should expect them to converge with respect to the manifold of fanciful scenarios that our philosophically trained cognitive powers could construct. However, the existing attitudinal convergence might still be sufficient for the campaigning indicated to establish well-grounded agreement on a large number of moral issues.

In fact, I am not sure that moral philosophy has made *any* noteworthy difference to public morality during the forty years or so that I have been engaged in it. Consider, for instance, what is sometimes hailed as the greatest achievement of modern morality: the recognition of the equal worth of all humans. There is no denying that there are very good philosophical arguments undercutting the view of racists and sexists that the differences between races and sexes by themselves could be grounds for differing moral value. But from the fact that *some* differences between humans cannot ground value differences between them, it obviously does not follow that *no* such differences between them can do so.

What about differences in respect of, say, intelligence, rationality or morality, which are often propounded as the basis for humans having higher value than non-human animals? These features certainly appear to be of value, but humans plainly *differ* as regards them, so an appeal to them is unpromising as a justification for the doctrine that all humans are of *equal* moral worth or value. Likewise, the appeal to them to justify the idea that humans have a higher value than non-human animals is

ill-conceived, since it clearly is not true that *all* humans—including the most mentally disabled—rank higher with respect to intelligence, rationality and morality than all non-human animals. An appeal to membership of the biological species *Homo sapiens* by itself as a ground for moral elevation will not improve the situation because it is as little plausible as an appeal to membership of a race or sex as such a ground. All in all, philosophical discussion appears to lend more support to the—to many of us—disappointing conclusion that the value of all humans is *not* equal and higher than the value of non-human animals. But, for better or worse, this discussion has not noticeably influenced public opinion.

What, then, is the explanation of the popularity of the doctrine that all humans are equal? Perhaps that in a globalized world people of different races come together for commerce and cultural exchange and demand consideration of their interests. Furthermore, due to the advanced technology and the more effective legal regimes of modern societies, the most conspicuous advantages of men over women as regards physical strength and aggressiveness recede into the background. And the invention and legislation of contraceptives have reduced the risk that women are hampered by frequent unwanted pregnancies. So, women are in a better position to claim the same consideration as men. The most obvious way to resolve such competition between claims for consideration from people of different races and sexes seems to be to give equal weight to all of them. If something like this hypothesis is correct, the ideology of human equality is the product of social, technological and other such-like forces having nothing to do with any reflection on the grounds of moral status.

3. CONCLUSION

Summing up, given the apparently inescapable inconclusiveness of philosophical arguments, philosophy could not have the primary, intrinsic point of establishing a rational consensus about the solutions of its leading problems. It could still have the subsidiary point of promoting greater awareness of the complexities of the conceptual apparatus by means of which we attempt to decipher the world. It could also produce arguments that persuade us if we allow our personalities to slip in and give them a finishing touch. To the extent that this is so, our philosophical position will give vent to our personality. This could provide philosophy with a point for us which is partly, but not entirely intrinsic to it, since it is in part dependent on our interest in having our personality shine through our philosophy. Naturally, for our philoso-

phy to express our personality more fully, it has to be well-rounded. Additionally, if our philosophy contains elements of practical import, it could also have point for us by equipping us with something we could live by. Living by philosophy should be distinguished from living off it in the broad sense here intended, namely pursuing philosophy for wholly extrinsic reasons such as earning our livelihood, getting recognition for smartness and intellectual stimulation, ends to which there could be other means—even better means—than philosophy. There is a perpetual risk of sliding into the living-off philosophy mode because of the elusiveness of philosophical truth and the pressures of conformism.

To end on a more personal note, I have never managed to live for philosophy in the sense implying that I thought I would eventually find arguments that would conclusively solve any of its big problems. From the start it has seemed to me that it was too late in the history of philosophy—which features so many confident philosophers who have had their convictions resoundingly refuted—to entertain seriously any such hope. I have never doubted that it was unavoidable that my personality would enter somewhere in the game to fix the outcome. Also, a large part of the fascination philosophy has had for me throughout my pursuit of it stems from the fact that it is uniquely able to combine the theoretical and practical: a philosophical vision of the world encompassing practical implications to live by.

Acknowledgements

Many thanks to two reviewers for helpful comments.

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