

Relational Approaches to Animal Ethics and the Intuition of Differential Obligations

by

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BA, Concordia, 2009

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

MASTER OF ARTS

in the Department of Philosophy

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Abstract

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Capacity-oriented accounts of animal ethics have been fairly successful in establishing that the interests of animals ought to be included in moral considerations. Yet, even when individual animals have identical capacities and interests there remains a strong intuition that humans have greater moral obligations to some animals, such as pets, than to others, such as animals in the wild. This thesis argues that contemporary relational approaches to animal ethics offer a plausible, more direct means of accounting for this intuition than do current forms of capacity-oriented approaches such as those offered by Peter Singer and Tom Regan.

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Acknowledgments

I am grateful to my supervisor, Colin Macleod, and committee members, Scott Woodcock and Angus Taylor, for their invaluable help, support and patience during this process. I am also grateful to my friends and family who always seemed to know when to listen, when to leave me alone, and when to give me a nice dose of reality beyond graduate studies. Finally, I am most grateful to my partner, Eric Pedersen, for his continuous encouragement and faith in my abilities, without which I would never have completed this project.

Introduction:

There are many longstanding philosophical puzzles concerning our moral obligations to non-human animals.¹ Historically, the dominant view in Western philosophy has been that there is a sharp distinction between humans and animals, which justifies excluding animals from the moral community. This sharp distinction is typically grounded in whether or not the beings in question possess a capacity for reason. In Ancient Greece, Aristotle believed in a natural hierarchy between humans and animals whereby humans were considered superior to animals because humans possessed *logos*, and animals did not². This view was reinforced in the middle ages by Saint Augustine and Saint Thomas of Aquinas whose amalgamation of Aristotelian theory and Christianity led to an instrumental view of animals; since animals lacked reason, they were presumed to have been divinely created for human use.³ In the Enlightenment, René Descartes held the view that animals were mere automatons or machines, incapable of experiencing pain.⁴ This belief served to justify animal experimentation, which was becoming more popular in the emerging modern scientific paradigm. Immanuel Kant acknowledged that animals could indeed experience some pain, but thought that their lack of reason precluded them

¹ Despite deficiencies, I will use the term “animal” in place of “non-human animal” from here on.

² Aristotle, *Nicomachean Ethics*, Trans. J.A.K. Thompson (Toronto: Penguin Books Ltd., 2009) Book 9, 9:15.

³ Taylor, Angus *Animals and Ethics: An Overview of the Philosophical Debate*, 3rd Edition (New York: Broadview Press, 2009) p.34.

⁴ Descartes, René “Discourse on the Method” in *The Philosophical Writings of Descartes* Trans. John Cottingham, Robert Stoothoff and Dugald Murdoch (Cambridge: Cambridge University Press, 1997) p.139.

from being considered valuable in themselves and worthy of treatment as such.⁵ Any duties humans had to animals were indirect, that is, they were not owed to the animals directly but rather to other humans. Although Kant condemned treating animals in cruel and wanton ways, this was not in direct consideration of the animal itself but to prevent humans from developing habits that might influence their treatment of other rational persons. While the view that animals lack direct moral standing has not been held uniformly by all Western philosophers throughout history,⁶ it was not until the 19th century that sustained questioning of this view began. Moreover, it is only relatively recently that substantial divergence from this view has gained momentum.

Several factors have merged to make the gradual displacement of this dominant view possible. On the scientific side, Darwin's evidence for common ancestry suggested that humans and animals are different not in kind, but only in degree, thus undermining the sharp, categorical distinction between humans and animals.⁷ Current ethological studies reject the notion that animals do not feel pain, and suggest that most animals are at least conscious if not self-conscious.⁸ As Gary Francione puts it, the "neurological and

⁵ Kant, Immanuel "Of duties to Animals and spirits" in *Lectures on Ethics* (Cambridge: Cambridge University Press, 1997) p.212-213.

⁶ Notable dissenters include Pythagoras, Empedocles, Porphyry, and Saint Francis of Assisi.

⁷ Darwin, Charles *On The Origin of Species by Natural Selection* (London: John Murray, 1859).

⁸ For a summary of studies and arguments regarding animal suffering, emotions and consciousness see Griffin, Donald R. *Animal Minds: Beyond Cognition to Consciousness* (Chicago: Chicago University Press, 2001); Bekoff, Mark *The Emotional Lives of Animals* (New World Library: California, 2007); and Rollin, Bernard E. *The Unheeded Cry: Animal Consciousness, Animal Pain, and Science* (Oxford: Oxford University Press, 1990).

physiological similarities between humans and nonhumans render the fact of sentience non-controversial [...] virtually no one any longer questions whether animals feel pain and distress.”⁹ On the theoretical side, utilitarian philosopher Jeremy Bentham rejected the dominant view that rationality was the ultimate basis of moral considerability. With respect to the moral standing of animals he famously stated that “the question is not can they talk? Nor, can they reason? But, can they suffer?”¹⁰ His theory contributed to the rise of the 19th century British humane movement that established the first RSPCA and enacted some of the first laws against animal cruelty. Finally, the contemporary animal liberationist movement, spearheaded by philosophers Peter Singer and Tom Regan, has gained considerable momentum in the last forty years. I use the term “animal liberationist” in the same inclusive sense that Angus Taylor uses it to denote people who share the fundamental view that “animals must no longer be treated essentially as resources for human use”.¹¹ At this point in history most people, philosophers and non-philosophers alike, admit that animals have at least some morally relevant interests and some form of basic moral standing.

However, while 88 percent of Canadians support the goal of minimizing and

⁹ Francione, Gary *Introduction to Animal Rights: Your Child or the Dog?* (Philadelphia: Temple University Press, 2000) p. xxxvi-xxxvii.

¹⁰ Bentham, Jeremy *The Principles of Morals and Legislation* (Amhurst, N.Y.: Prometheus Books, 1988) p. 310.

¹¹ Taylor, Angus *Animals and Ethics: An Overview of the Philosophical Debate* 3rd ed. (New York: Broadview Press, 2009), p.10.

eventually eliminating all forms of animal cruelty and suffering,¹² everyday practices and eating habits of North Americans do not reflect this. Slaughterhouses in Canada kill over 650 million animals annually,¹³ and factory farms in the United States alone process over 8 billion animals annually. Before slaughter over 95 percent of these animals spend their short lives confined in small, crowded spaces that prevent them from carrying out any semblance of a minimally decent life. Factory farms, much like car factories, are designed to be maximally efficient at producing economic units for the lowest cost. This means that animals are subject to highly painful and stressful conditions. For example, millions of male ‘layer’ chicks are discarded through gassing chambers or massive bins where they are piled on top of each other until they suffocate. The remaining laying chickens are de-beaked and de-toed without anaesthetic then crammed into wire battery cages, usually 4 to a cage, which are stacked atop of each other. Pigs are also confined to small, crowded cages where they are often unable to turn around or lie down comfortably. Sows are kept in separate stalls from their piglets. These farrow stalls have special slots for feeding and are designed to prohibit the sows from moving so that they are constantly available for their piglets to feed. Cows are painfully de-horned, branded and kept in crowded, filthy spaces. Dairy cows are often kept tied up indoors in small stalls that prevent them from turning around or grooming. Transportation to slaughterhouses is even more crammed, dangerous and stressful for all animals. In the case of cows, transportation results in

¹² WSPA – Humane Treatment of Animals Poll Dec. 2010,

<http://wspace.ca/mediacentre/reportsfactsheets/default.aspx>.

¹³ Canadian Federation of Humane Societies, Last modified March 21, 2012,

http://cfhs.ca/farm/farming_in_canada.

fatality rates of up to 25 percent before the cows even reach the slaughterhouses.¹⁴ Clearly there is an inconsistency between the desire to reduce or eliminate animal suffering and continued support of factory farms. Supporters of the meat industry usually claim that the harm being done to animals is economically necessary. This claim suggests a hierarchical view of interests whereby human interests inevitably trump competing interests of non-human animals. This demonstrates that, despite widespread acknowledgement of the morally salient interests of animals, there remains a double standard where human treatment of animals is concerned.

Despite the important shift from the historical view of animals as sharply differentiated from humans towards widespread recognition that animals have morally relevant interests, many practical and philosophical puzzles still remain. For instance, what does taking the morally relevant interests of animals into account mean for our everyday practices? Do animal interests matter equally to the interests of humans? Should humans treat all animals as they would treat humans with comparable interests? Should we treat all animals exactly the same? Are there any morally relevant differences between individual animals that would justify differential treatment on the part of humans? What bearing do our complex relationships with animals of different kinds have on the nature of our obligations to them? These are all important and interrelated questions, but the focus of this thesis will be on these last puzzles concerning whether or not humans might have differential obligations to different animals based on the complex relations we stand in to them. What I mean by ‘differential obligation’ is a special obligation or duty owed to some animals and not to others.

¹⁴ Francione, (2000) p. 10-13.

There is a strong intuition in common-sense morality that we have greater obligations to some people than we do to others. In moral theory these differential obligations are referred to as special obligations, associative, or relational duties, and they are grounded in the variety of relations we stand in to each other.¹⁵ This does not imply that we have duties to some but not all humans. We can have some basic duties to all humans—for instance, to refrain from torturing them--- but we may also have additional duties to particular humans such as our children that are grounded in the special relationships between persons. For example, A’s negative interest in not being tortured may be equal to B, C and D’s similar interest in not being tortured, but this equal moral significance does not necessarily translate into equal positive moral obligation on the part of another person, X. While X has a negative obligation not to torture A, B, C and D, X might not be obliged to actively provide them all with resources. There might be reasons, pragmatic or otherwise, which make it so that X’s positive moral obligations to A are greater than, or override, X’s positive obligations to B, C and D. Suppose that X is A’s parent, and B, C and D are orphans in a distant country. A strong intuition is that, although the parent has an equal obligation not to harm or torture any of the children, the parent’s positive obligations to feed her own child are greater than her obligation to feed the other children. Thus, associative duties are consistent with the equal moral standing of all human beings, but they do not translate into equal treatment for all humans.

¹⁵ Scheffler, Samuel *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2001); Kolodny, Nico “Do Associative Duties Matter?” in *The Journal of Political Philosophy*: Volume 10, Number 3, 2002, pp. 250–266; Goodin, R.E. *Protecting the Vulnerable* (Chicago: University of Chicago Press, 1985).

Interestingly, in the animal case there seems to be a similarly strong intuition that we have differential obligations to animals in virtue of the different relationships we stand in to them. For example consider the following three scenarios:

1) You are on a weeklong trek through a national park when, on day 2, you encounter a wild rabbit on the trail suffering from a severely broken limb. The break occurred by accident: a branch laden with heavy spring snow snapped and landed directly on the rabbit's leg, crushing it instantly. You are capable of assisting, but you would have to turn around and therefore forego completing your hike. However, if you do not assist, the rabbit will become easy prey for predators or die of starvation.

2) You are walking through your neighbourhood park when you encounter a feral rabbit with a similarly severely broken limb. This break occurred accidentally: a heavy rainfall caused a section of the rabbit's burrow to cave in near the entrance just as the rabbit was emerging. You are capable of helping the rabbit but doing so would cut your walk short. If you do not help the rabbit, it will inevitably be killed by neighbourhood dogs, or starve to death.

3) You are cleaning your domestic rabbit's cage while it roams the house. When you finish you find that your rabbit has broken its leg quite badly. It was squeezed into a tight space in the furnace room when the sudden firing of the furnace gave it a start and its attempted flight resulted in a painfully mangled limb. You have to attend an important charity benefit that evening and taking the rabbit to the vet would likely make you late.

Do you have a moral obligation to assist in any of these cases? If so, which ones and why? Clearly the interests of each of the rabbits are the same: they are experiencing the same degree of pain, and they have virtually the same future prospects insofar as each

rabbit will suffer and die without your assistance. The common intuition is that, while it might be commendable to help the wild rabbit, we do not have a strong moral obligation to do so, whereas we do have a strong moral obligation to assist the domesticated rabbit. The case of the feral rabbit is less clear and intuitions vary regarding this case.

The point of these scenarios is to illustrate that, even when the animal interests at stake in different cases are the same, it is not obvious that humans who have the same opportunity to attend to these interests have the same moral obligations to different animals. When animals like the rabbits in the preceding scenarios have exactly the same interests, and we are similarly situated to help them, do we have exactly the same obligation to do so, or do the different contexts support differential obligations? If the intuition that we have strong obligations to domestic animals and weaker obligations to wild animals is correct, there must be some important distinction between animals in different contexts that results in differential obligations on the part of humans. From here on I will call this intuition the ‘intuition of differential obligations’. If we can establish what, if anything, makes this distinction relevant, then we should better be able to establish what our moral obligations to different animals are.

Given the similarity between the intuition regarding our moral obligations to wild versus domesticated animals and the intuition about associative duties in the human case, this type of relational thinking will be helpful in terms of fleshing out what taking animal interests seriously means beyond merely acknowledging that they exist.

Unsurprisingly, theorists working in the field of animal ethics offer different solutions to account for our intuition that animals in different contexts warrant differential treatment from humans. The leading accounts of animal ethics advocated by Singer and

Regan provide us with some tools for recognizing potential morally relevant differences in the contexts of animals with otherwise identical interests. However, these accounts are predominantly focused on establishing that animals possess the relevant capacities to qualify for moral standing and detailing the basic duties to animals that flow from acknowledging this standing. Because of this they are not specifically designed to address the intuition of differential obligations.

Recently a number of animal ethics theorists have been turning their attention to questions about the possibility of human associative duties towards animals. A new strand of thinking on the topic has been emerging which takes the relationships between animals and humans to be a relevant factor in determining our moral obligations to non-human animals. Unlike the capacity-oriented approaches of Regan and Singer, these relational approaches do not take the capacities and related interests of animals to be the *sole* determinants of our duties to animals. As might perhaps be expected, there are a variety of different relational approaches that take different aspects of relationality to be morally relevant. Mary Midgley holds that the existence of special relationships or bonds formed between humans, animals and communities have moral relevance.¹⁶ Clare Palmer and Keith Burgess-Jackson have offered relational views that take specific causal relationships between humans and animals to have moral relevance.¹⁷ On their view humans are understood to have special obligations to animals they have made vulnerable or dependent. And most recently, Sue Donaldson and Will Kymlicka take the relationship

¹⁶ Midgley Mary *Animals and Why They Matter* (Georgia: University of Georgia Press, 1983).

¹⁷ Palmer, Clare *Animals Ethics in Context* (New York: Columbia University Press, 2010);

Burgess-Jackson, Keith "Doing Right by Our Animal Companions" *The Journal of Ethics* 2: 159–185, 1998.

between animals and political communities to be of moral relevance.¹⁸ They suggest a differentiated rights framework for animals that mirrors the one employed for human citizens, denizens and sovereigns. On this view domesticated animals warrant treatment as co-citizens, feral animals warrant treatment as denizens, and wild animals warrant treatment as members of sovereign nations.¹⁹

For the purpose of this thesis, I will proceed from the assumption that animals have morally relevant interests and that their similar interests hold equal moral weight.²⁰ My aim is to find a promising account for the intuition of differential obligations. I will explore both how capacity-oriented accounts such as those proposed by Singer and Regan, as well as relational views like Burgess-Jackson's, Palmer's, Donaldson and

¹⁸ Donaldson, Sue and Kymlicka, Will *Zoopolis* (Oxford: Oxford University Press, 2011)

¹⁹ Another important body of literature on the moral relevance of our relationships with animals is found in feminist care theory. I will not pursue analysis of this literature in this thesis for several reasons. Firstly, I find the premise of this approach inherently problematic insofar as it precariously privileges relationships above all other moral considerations. While lived, caring relationships are, perhaps, integral to the formation of human identities as ethical beings, a theory which bases moral obligations entirely on the experience of caring for another runs into a problem wherever caring-relationships do not exist. I do think that further consideration and analysis of these theories would be worthwhile, however, I am limited by both time and length considerations and must forego an involved analysis of this body of literature. For more discussion of the care tradition in animal ethics see Josephine Donovan and Carol Adams' *The Feminist Care Tradition in Animal Ethics* (New York: Columbia University Press, 2007).

²⁰ This is consistent with Singer's principle of "equal consideration of interests", where similar interests are given equal moral weight, even though different individuals may merit different treatment because their interests are not all the same.

Kymlicka's account for this intuition. I will argue that a relational view in conjunction with capacity view offers a more promising account for the intuition of differential obligations than the existing capacity-oriented accounts do on their own. The corollary of this is that our moral obligations to animals are determined both by the animal's possession of the relevant capacities and morally salient interests as well as our relationship to the particular animal. While like interests might generate like obligations in a world devoid of relationships, we have very good reasons to take relationships and context to play a significant role in determining our moral obligations within our relationship embedded world.

When I use the word intuition here I am using it in a strictly philosophical sense to refer to a reflective or considered judgment. While intuitions of this sort can be mistaken, I take them to be a useful starting point for conceptual analysis. In this thesis I take the intuition of differential obligations to be an intuition that is worth exploring and, if possible, preserving. I think it is important to preserve this intuition for several interconnected reasons: firstly, because it is capable of providing a more satisfying or direct account of our obligations to wild animals, which is a notoriously troublesome issue for traditional accounts of animal ethics²¹. And secondly, because I believe it to be a widely shared and accessible intuition for pet owners, and thus might provide a strategic entry into dialogue about our general obligations to other animals. If a pet owner feels special obligations to her own pet, and accepts that these obligations arise out of specific

²¹ For a characterization of some of the problems traditional animal liberationist approaches encounter when considering moral obligations to animals in the wild see Mark Sagoff "Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce" (*Osgood Hall Law Journal*, Vol 22: 297-307)

features of her relationship to her pet, then she might be more likely to see that she has similar moral obligations to animals that she stands in similar relationships to, such as animals used for food. The connection between these two reasons is that acceptance of this intuition and the considered judgment that motivates it will serve to strengthen current theories of animal ethics against claims that including animals into the moral community is counter-intuitive.

The following chapters will be structured as follows. Chapter one will critically assess the standard capacity-oriented approaches to animal ethics offered by Singer and Regan in light of how they account for the intuition of differential obligations. This will serve a twofold purpose: 1) it will illustrate the theoretical background within which the current relational theorists are working, and 2) it will highlight precisely where these standard views seem to fall short and where relational approaches might make a useful contribution to theorizing about our duties to animals.

Chapter two will lay out and critically analyze four different relational approaches demonstrating how they attempt to account for the intuition of differential obligations. In the end two of the views stand out amongst the others and I will suggest that a hybrid of the two views provides the most promising relational framework.

The concluding chapter will address the issue of compatibility between capacity views and relational views. I will argue that relational views are compatible with capacity views and are best thought of as extensions to, rather than replacements of, capacity views.

Chapter 1:

The most influential and important accounts for including animals into the moral sphere have been offered by Peter Singer and Tom Regan. Their theories are widely regarded as having invigorated and enriched the current animal liberationist movement. As such they are a natural place to start in terms of thinking through the intuition of differential obligation. To maintain the focus of this thesis I will not delve too deeply into the intricacies of their theories. I will instead outline the relevant aspects that pertain to the issue of differential obligations. My strategy is to explore how each theory would account for the intuition of differential obligations by assessing how the theories would respond to the three rabbit scenarios from the introduction.

As a preliminary note, it is worthwhile to point out that while their theories vary considerably, Regan and Singer both offer what have been characterized as “capacity-oriented accounts”. A capacity-oriented account is one where the possession of specific capacities qualifies a being for equal moral considerability. For Singer it is the possession of *sentience*, which can be broadly defined as the ability to feel, perceive sensation, or be conscious. Not coincidentally, sentience is a necessary condition for the ability to suffer. Similarly for Regan, the morally relevant capacity is being an experiencing '*subject-of-a-life*' which grants a being inherent value, and accordingly, equal moral rights.²² So, for example, on both Singer and Regan's views, wolves would be included in the moral community, whereas trees would not. This focus on capacities as the sole determinant of a

²² I discuss the details of subject-of-a-life-ness below, for now it is sufficient to understand that the definition includes sentience.

being's moral considerability is what makes their theories less likely to be able to account for the intuition of differential obligations. If all beings who qualify as sentient, or subjects of a life are accorded equal moral standing and no other factors are identified as having direct moral relevance, then variation among our moral obligations to animals might be difficult to establish. It would seem, *prima facie*, that our duties to animals can only be a function of the gravity of their interests and nothing else. By this I mean that, unless other morally relevant factors are identified, humans would have identical obligations to animals with identical interests. Yet, as I will show, although neither Singer nor Regan's views are able to adequately account for the intuition of differential obligations, they both offer some tools for thinking through these variations.

1.1 Singer's Position

Like his theoretical predecessors Jeremy Bentham and J.S. Mill, Singer approaches the argument for including animals into the moral community from a utilitarian perspective. He argues that the relevant criterion for moral considerability is sentience, and advances the principle of equal consideration of interests which dictates that we "give equal weight in our moral deliberation to the like interests of all those affected by our actions."²³ He contends that any attempt to draw a line of moral considerability between humans and non-humans is "speciesist", that is, arbitrary discrimination based on species membership.²⁴ As a utilitarian, he considers the morally

²³ Singer, Peter *Practical Ethics*, 2nd ed. (New York: Cambridge University Press, 1993) p.21.

²⁴ This term was originally coined by Richard Ryder, but popularized by Singer.

correct action to be that which maximizes overall welfare, and he believes that following the principle of equal consideration will result in this maximal aggregation of welfare.²⁵

Singer does not directly address the intuition of differential obligations, yet he provides a glimpse of how he might respond in the following passage concerning what to do about the existence of carnivorous predation practices:

It must be admitted the existence of carnivorous animals does pose one problem for the ethics of animal liberation, and that is whether we should do anything about it. Assuming that human beings could eliminate carnivorous beings from the earth, and that the total amount of suffering among animals in the world would thereby be reduced, should we do it? The short and simple answer is that once we give up our claim to “dominion” over other species we should cease interfering with them at all. We should leave them alone as much as we possibly can. Having given up the role of tyrant, we should not try to play god either... this answer is too short and simple...it is conceivable that human interference will improve the conditions of animals, and so be justifiable. But when we consider a scheme like the elimination of carnivorous species, we are considering an entirely different matter. Judging by our past record, any attempt to change ecological systems on a large scale is going to do more harm than good. For that reason, if for no other, it is true to say that, except in a few very limited cases, we cannot and should not try to police all of nature.²⁶

It will be helpful to break down this passage into its core arguments. First Singer questions whether we should eliminate predation in an ideal world, where we could both effectively eliminate predation practices and be certain that this would result in a decrease of overall suffering. At first he appears to answer in the negative, claiming that ‘once we

²⁵ Singer adheres to ‘preference’ or ‘interest’ utilitarianism, which takes whatever act results in the maximization of interests or preferences to constitute the morally right act. --- Francione, Gary *Rain Without Thunder: The Ideology of the Animal Rights Movement* (Philadelphia: Temple University Press, 1996).

Because increasing pleasure or welfare and minimizing suffering are constitutive of normal preferences, I will use preference satisfaction and maximization of welfare interchangeably in this thesis.

²⁶ Singer, Peter *Animal Liberation* (New York: Harper Collins, 1975) p.226.

give up our claim to “dominion” over other species we should cease interfering with them at all’. The reasoning here seems to be that once we discard the hierarchical view where humans reign supreme over animals, we should cease to meddle or interfere with them at all, even when it is for their own (purported) benefit. No matter how reasonable this may seem, it is not in fact consistent with Singer’s theory. Supposing that these ideal conditions were met and that humans could in fact end the suffering produced by carnivorous predation practices resulting in maximization of overall welfare, Singer would have to accept that this would be the morally correct mode of action in order to be consistent. We can also imagine a possible world where, through the use of soy-puppets, or sophisticated non-sentient meal replacements for animals who are natural predators, we could meet both the nutritional needs and predatory inclinations of predators, as well as reduce overall suffering. In this fictional world Singer would have to admit that doing so would be the morally correct course of action.

Singer, however, is aware of the inconsistency of his short answer, as he is quick to acknowledge that it is “conceivable that human interference will improve the conditions of animals, and so be justifiable.”²⁷ Thus he admits that even once we have abandoned the hierarchical scale of animality there are at least some circumstances in principle where human interference might indeed be justifiable on his theory. The type of in-principle-justifiable interference would be one where the outcome is guaranteed to reduce overall suffering, such as the soy puppet scenario, or potentially real world scenarios, such as aiding the injured rabbit in the forest. Despite this concession, Singer nonetheless denies that we are obliged to end carnivorous predation practices for the pragmatic reason that,

²⁷ Singer (1975), p. 226.

in our non-ideal world, any attempts at large-scale ecological change have resulted in more harm than good.²⁸ This is an empirical claim, and as such it would have been helpful if he had offered an example of the type of interference to which he is referring. We can assume, however, that he was referring to something like the introduction of invasive species to vulnerable populations, such as the cane toad in Australia which was introduced to reduce the cane beetle population but has led to massive environmental degradation.²⁹ It is not difficult to grant Singer's point that human interference with ecosystems has not always worked out (i.e. maximized welfare). Yet, this point pertains to large-scale 'interferences' rather than small scale ones. What it suggests on a smaller scale is still an open question.

Singer denies that we have an obligation to categorically end carnivorous predation occurring in the wild because of the tendency of human large-scale interference to turn out badly. However, we must still question how his theory responds to smaller scale interferences such as assisting one small rabbit suffering in the forest. As noted, Singer acknowledges the possibility that in some 'limited circumstances' human interference would improve the conditions of animals (and maximize welfare), and that in such circumstances interference would be justified. So, on a smaller scale where we can

²⁸ Jeff McMahan offers an interesting objection to this argument: "Since it is too late to prevent human action from affecting the prospects for survival of many animal species, we ought to guide and control the effects of our action to the greatest extent we can in order to bring about the morally best, or least bad, outcomes that remain possible."- "The Meat Eaters" in *The New York Times: The Stone*, September 19, 2010.

²⁹ Australian Government Department of Sustainability, Environment, Water, Population and Communities. Policy on Cane Toads. Last modified March 21, 2012.

<http://www.environment.gov.au/biodiversity/invasive/ferals/cane-toads.html>

be fairly certain that our actions would maximize welfare it would seem that Singer has to admit that such interference will be justified. In fact, the interference may be more than just morally permissible; it may be required. Consider the example from the introduction where one encounters a rabbit in the wild who has broken its leg. If we assume that the rabbit's welfare will be maximized by our assistance, and that no other interests will be set back in the process to counterbalance the maximization of welfare, it would appear that we would find ourselves with a moral obligation to assist the rabbit on Singer's view.

If this analysis is correct then it would seem, *prima facie*, that Singer is not able to account for the intuition that our obligations to animals in the wild are in principle different than our obligations to domesticated animals. Singer might object that this analysis is too simple and does not adequately take into account relevant practical considerations. There are epistemological constraints that render the matter of predicting outcomes difficult. It is not clear that assisting the wild rabbit will necessarily lead to maximal preference satisfaction. He might claim that interfering by assisting a wild animal even when it appears that no other interests will be set back directly or immediately, will inevitably result in a set-back of interests indirectly over a longer time period. After all, animals in the wild often fall subject to such unfortunate fates, and this may be one of Nature's mechanisms for managing populations within ecosystems. The point of these considerations is that, if we are uncertain as to the actual outcome of our actions, then, based on the results of previous attempts at 'playing god' (interfering on a large-scale), we may have good reason to refrain from 'playing angel' (interfering on a small scale).

If we accept this form of reasoning, and if it can justifiably be attributed to Singer, then we might conclude that his view is in some sense able to provide a means of accounting for the intuition that we need not in principle assist the wild rabbit. We might formulate the argument as follows:

1. We have an obligation to assist animals when doing so leads the maximization of welfare.
2. When we don't have reasonable epistemic certainty as to the predictable outcomes of our actions, we should refrain from interfering.
3. When it comes to animals in the wild, we cannot be certain that our interference will result in optimal maximization of welfare.
4. Therefore, we should refrain from interfering with animals in the wild.

While this may be a satisfactory argument to explain the intuition that we don't have an obligation to assist a wild animal, accepting this form of reasoning brings us to a counter-intuitive conclusion regarding our own domesticated pets. Consider the following scenario: you live alone with your cat, Garfield, in a rural area near some woods. Garfield loves to spend her time roaming and hunting in the nearby forest. One day you are walking through the woods and you come across Garfield, injured and stuck beneath some heavy branches that the wind caused to fall. She will inevitably starve or be eaten if you do not help. Do you have a moral obligation to assist Garfield here? If we do not have an obligation to the injured wild rabbit because of epistemic uncertainty regarding whether or not assistance will maximize welfare, it seems that we might similarly not have an obligation to our own companion animal on the same grounds. Granted we might consider our own loss of welfare from losing our companion, but we could not be certain that this would outweigh whatever welfare might otherwise be maximized from leaving

our cat to suffer and die. There are plenty of hungry predators in the woods whose welfare would be increased by eating poor Garfield, and it is at least an open question whether missing your own companion animal is worse than taking food from another who is struggling to survive. I think the obvious intuition is that we have a moral obligation to assist our companion animal in this situation, but I bring up this illustration to show that Singerian-type reasoning has a difficulty supporting it.

There is another possible line of defense which Singer himself does not take, but which is nonetheless informed by utilitarianism. The argument proceeds as follows: when considering the question of maximizing welfare, or happiness, for animals in the wild, we should consider not only the quantitative aspect of happiness, but the qualitative aspect as well. With this consideration in mind, limiting the intrinsic *telos*, or capacities of wild animals by interfering in their natural predation practices reduces their qualitative happiness and thus does not result in the maximization of happiness overall. Hence we should not interfere in the natural practices of wild animals.³⁰ Yet, this line of reasoning encounters a number of problems, not the least of which is that it is unclear how exactly qualitative considerations should be integrated with quantitative considerations. It is possible that even if we consider the qualitative good of wild animal predators fulfilling their intrinsic capacities, this would still produce less overall good when compared to the good produced by ending predation practices considered as a whole. Or, if qualitative measures override quantitative considerations categorically, then it problematizes the status of domesticated animals, suggesting that domesticated animals are being harmed

³⁰ Taylor, (2009), p. 157.

simply by virtue of living in a state that potentially prohibits them from fulfilling their intrinsic capacities.

Much of the argument outlined above depends on practical considerations regarding epistemic conditions that are open to reasonable interpretation. It is relatively easy to imagine disagreement over whether or not assisting a single injured rabbit in the wild is a substantial enough act to warrant the term “interference”. A reasonable person might contend that, in the broad scheme of things, helping one rabbit will have no real impact on the ecosystem at large. Another equally reasonable person might contend that it is precisely small actions such as these accumulated over time that create the sort of negative ecological impact that Singer is concerned about.³¹ Since reasonable people can disagree about a number of factors in the equation, particularly concerning the appropriate time frame for consideration, it does not seem unjustified to question how consistently applicable Singer’s response is to the intuition. While taking practical considerations into account is important and necessary in applied ethics, it is also helpful to have clear principles which lead to a consistent framework that dictates as clearly as possible what the appropriate mode of action is. Aristotle pointed out that we can only reasonably expect “as much precision as the subject matter admits of”³² and ethics is notoriously unlike mathematics in terms of the preciseness of its responses. Nonetheless, if it turns

³¹ Consider the parable about starfish, where a man goes out every morning and throws as many starfish back into the ocean as possible. When questioned as to why he thinks this makes a difference in the great scheme of things, he simply replies “it made a difference to that one” as he throws the next starfish back into the ocean, “and that one”, “and that one”...

³² Aristotle, 1094 B11-3.

out that there is a simpler means of accounting for the intuition of differential obligations, then Occam's razor would suggest we adopt this alternative means. It is my view that a relational theory is in fact able to account for this intuition with a simpler, more direct principle and as such ought to be considered not only a viable, but desirable addition to Singer's view. This will be discussed in the next chapter, for now let's examine Regan's account in light of the intuition of differential obligations.

1.2 Regan's Position

Unlike Singer's utilitarian approach, Tom Regan offers a rights-based approach to animal ethics. The mark of equal moral considerability for Regan is inherent value and meeting the 'subject of a life' criterion is a sufficient condition for having inherent value on his view. Regan defines the 'subject of a life' criterion as follows:

Individuals are subjects of a life if they have beliefs and desires; perceptions, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference and welfare interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interest.³³

What is important for our purposes is that on his view, any being who qualifies as a *subject of a life* has inherent value and thus has an equal right to respectful treatment and not to be used merely as a means. This principle of respect can only be overridden under certain specific circumstance in accordance with his mini-ride and worse-off

³³ Regan, Tom *The Case for Animal Rights* (Berkeley: University of California Press, 1983), p. 243.

principles.³⁴ Regan insists that inherent value is a categorical value, that is, that beings who have inherent value have it equally. Because of this it seems *prima facie* unlikely that his view will be able to account for the intuition of differential obligations. Since all the animals in these cases have inherent value, they each are entitled to be treated with respect and not to be harmed. Moreover, since the harm principle is a principle of justice pertaining not only to cases where we ought to refrain from harming, but also extending to cases where we ought assist others, it seems to follow that all beings who possess inherent value would have an equal right to assistance. In order to accommodate the intuition of differential obligations Regan needs a way to avoid this conclusion.

There are two potential directions Regan might go to attempt to avoid this conclusion. The first route is suggested in his discussion of moral agents and patients. Regan claims that only moral agents can have moral duties, “because only these individuals have the cognitive and other abilities necessary for being held morally accountable for what they do or fail to do.”³⁵ Moral patients on the other hand are beings that are subjects of a life, but which do not possess the relevant capacities to be held morally responsible for their actions. If only moral agents can be held responsible for

³⁴ The Miniride principle states that “Special considerations aside, when we must choose between overriding the rights of many who are innocent or the rights of few who are innocent, and when each affected individual will be harmed in a *prima facie* comparable way, then we ought to choose override the rights of the few in preference to overriding the rights of the many.” Regan, p.305. The Worse off principle states that “special considerations aside, when we must decide to override the rights of the many or the rights of the few who are innocent, and when the harm faced by the few would make them worse-off than any of the many would be if any other option were chosen, then we ought to override the rights of the many.” Regan, p. 308.

³⁵ Regan, p. 285.

their actions, it follows that *Nature* (since it is not even a moral patient on Regan's view) cannot be deemed morally responsible for the harm it produces. If this is right then whatever is not a moral agent cannot possibly violate the rights of those with inherent value. So, in the case of the wild rabbit suffering a broken leg in the forest, the difficulties it faces in the wild do not constitute a violation of its rights.

Taken alone, this claim is not yet capable of doing the work Regan would need it to in order to account for differential obligations. This is because the question is not about whether Nature has duties, but rather, about whether or not humans as moral agents have duties to moral patients that are facing threats. Regardless of whether rights are being violated in the sense Regan uses, it is nonetheless reasonable to think that humans as moral agents still have moral obligations to assist in situations where others are suffering. Yet Regan specifies that as a principle of justice, the principle of respect imposes a duty to assist only “those who are the victims of injustice at the hands of others.”³⁶ Here I think we find his full answer. If Nature is incapable of violating rights, then it is likewise incapable of being unjust; thus whatever harm it does produce is simply unfortunate. Given this, Regan’s view commits him to the claim that we have no duties to assist in merely unfortunate circumstances, though he could still maintain that assisting in these circumstances might nonetheless be a good thing to do. While the conclusion that we do not have duties or moral obligations to assist those who face unfortunate circumstances is itself contentious, it enables Regan to say that humans might have differential duties of assistance to animals (and presumably even to other humans), even when the animals whose interests are at stake have equal inherent value.

³⁶ Regan, p. 249.

Using this line of reasoning, one way he might account for differential obligations is by determining whether an injustice or violation of rights has occurred. When the situation that calls for assistance was produced by a moral agent, then we (as moral agents) find ourselves with an obligation to assist; but where the situation was not produced by moral agents, we have no moral obligation to assist. So, when considering the case of the injured wild rabbit, we would find ourselves without an obligation to assist since the harm was produced by a non-moral agent and therefore no rights are being violated or injustices incurred. Similarly, in the case of the injured rabbit in the park we would find ourselves with no obligation to assist since it was natural factors which led to the rabbit's injury. In the case of the domestic rabbit, however, we would likely find ourselves with an obligation to assist since a strong case could be made that, although we did not directly cause the injury, we are responsible for the furnace.

There are aspects of this line of reasoning which are helpful in thinking about differential obligations. The distinction between moral agents and patients is helpful in solidifying categories of moral responsibility and recognizing that while a non-moral entity may be *causally* responsible for some unfortunate event, only moral beings can be *morally* responsible. Moral responsibility is an importantly different kind of responsibility from causal responsibility. Under the right conditions, a strong wind may *cause* somebody to fall off the top of a tall building and thus be causally responsible for the person's death. Yet under no conditions can the wind be held morally responsible. Alternatively, if a moral agent pushes a person off of a building then the moral agent is both causally and morally responsible for the person's death. Another useful aspect of this type of reasoning is the link between causality and moral responsibility, whereby people

are understood to be responsible for the harms they have caused. As we shall see, several relational theorists rely on this causal link to establish moral responsibility.

However, while there are some helpful components of this type of reasoning, accepting this argument is problematic since it leads to us to the counterintuitive conclusion that, unless something else is generating a duty, we do not have obligations to assist our own pets, or our own kids, when they face natural threats. Accepting that we have no moral obligations when the situations calling for assistance are produced by non-moral entities supports the intuition that we do not have a moral obligation to assist the rabbit in the wild. However, it also supports the view that we have no moral obligations to our companion animals when the harms they incur derive from non-moral entities--- for instance, the domesticated rabbit who broke its leg in the furnace room³⁷, or a kitten who is stuck outside during an intense snowstorm. Since the threats and harms these animals face are not being produced by moral agents, we have no moral obligation to assist them. Yet, because the intuition that we do have obligations to assist companion animals in these cases is so strong, Regan's view falls short of being able to sufficiently account for the intuition of differential obligations.

The other avenue that may be open to Regan as a means of accounting for the intuition of differential obligations is that of 'special considerations'. Regan briefly discusses the possibility of 'special considerations', whereby something like a special

³⁷ Although it might successfully be argued otherwise, to make my point I am assuming that we are not responsible for the circumstances that led to the rabbit getting injured by the furnace. We could imagine instead that our domestic rabbit gets injured during a tornado and the point would still stand that, although we didn't cause the harm we still have obligations to it.

relationship might provide a reason to assist in limited circumstances. For example, he argues that in a situation where you must choose between doing something that will harm a stranger, or something that will harm a loved one slightly less, it is only natural (and thus presumably justifiable) that you choose to harm the stranger over your loved one. Although his miniride principle dictates otherwise, he reasons that we can view the “moral bonds between family members and friends as a *special consideration* that justifiably can override the otherwise binding application of the miniride and worse-off principles.”³⁸ So, here he admits that special relationships can be morally relevant in determining what our moral obligations are. The reason Regan gives for why these relationships matter is that we stand in special moral relationships to friends and family which are “not totally disanalogous to contractual arrangements [...] like contracts, relationships between loved ones are built on mutual trust, interdependence and the performance of mutually beneficial acts”³⁹

This is a promising direction for Regan. However, his acknowledgment of special considerations is largely unexplained and pertains exclusively to moral dilemmas (i.e. scenarios where there is a forced choice between several non-ideal options which necessarily result in a violation of rights). As such, it does not pertain directly to the question of whether in principle we have differential obligations to animals in different contexts. If special considerations are only relevant as a decision mechanism where there is a forced choice between two undesirable options, then it is not clear they are able to do the work we need them to do to establish that we have special obligations outside of

³⁸ Regan, p.316.

³⁹ Ibid., p.316.

moral dilemmas to our domesticated rabbit. Regan might nonetheless view this as a possibility, and if so we could extend the reasoning of ‘special considerations’ to the rabbit cases. Thus he might argue that in the case of the pet rabbit, or the kitten in the snowstorm, we have obligations because the special relationship we stand in to our pet may be ‘not totally disanalogous to contractual’ and therefore elicit special obligations regardless of the cause of the harm. However, this is purely speculative; if there is indeed room within Regan’s theory for such ‘special considerations’, the fact that they are considered ‘special’ rather than the norm indicates that Regan thinks such relationships, where they do exist, are not ubiquitous enough to warrant a fully articulated principle. As we shall see in the next chapter, relational theorists consider such relationships to play a prominent role in determining our moral obligations to animals, rather than simply being an extra consideration used to determine courses of action in moral dilemmas. Thus, although Regan’s view may be able to provide room for at least some differential obligations, the relational approaches, as we shall see, are able to accommodate the intuition of differential obligations in a more direct manner.

In summary, so far we have seen that Singer’s initial response to the question of our obligations to wild animals is that we should “let them be” if interfering with them does not maximize welfare. This is consistent with his utilitarian position, but fails to adequately account for the intuition of differential obligations. In order for Singer to account for the intuition of differential obligations he needs to appeal to the epistemic uncertainty of whether or not assistance will in fact maximize welfare. But, as we saw, refraining from assisting an injured wild rabbit on the basis that we cannot be certain our actions would maximize welfare leads to the counter-intuitive conclusion that there may

be specific circumstances where we ought also refrain from assisting our own domesticated pets on the same basis. A utilitarian framework might be able to support the intuition of differential obligations if it appeals to a principle whereby assisting particular animals is the best way to maximize welfare.

Regan's response to the question of our obligations to wild animals was that we only have obligations where a moral agent has caused the harm or rights violation in question. Similar to Singer's view this leads to the absurd conclusion that when our own companion animals are harmed by non-moral entities we may not have moral obligations to them. In order for Regan to account for the intuition of differential obligations he must extend the jurisdiction of 'special considerations' beyond the realm of moral dilemmas' to the realm of typical human-animal relationships. As we shall see in the next chapter a properly articulated principle of relationality can do exactly this. Hence, incorporating relational factors into either Singer or Regan's capacity view will enable them to more adequately account for the intuition of differential obligations.

Chapter 2: Relational Accounts

Thinking through our moral obligations to animals in relational terms is not new. For example, concern for some animals and their well-being may have developed through feelings of kinship towards animals. Yet, even if feelings of kinship played a role in the development of human concern for animals, this sentiment of kinship may never have been grounded in concern for animals as beings deserving of moral considerability on their own terms. In ancient Greece one of the first documented animal sympathizers, Pythagoras, based his concern for animals on his belief that they were vessels for reincarnated human souls. Indeed Pythagoras seemed to believe that animals retained characteristics of the human souls who inhabited them, as evidenced by his recognition of the “voice of a friend in a dog being beaten”.⁴⁰ Another notable animal sympathizer during the middle ages, Saint Francis of Assisi, demonstrated great concern for animals and nature. He based his concern on the belief that humans should treat all of God’s creation with respect. Continuing the history of viewing animals as devoid of inherent value, many contend that humans currently treat animals as objects rather than subjects, as evidenced by the existence of highly industrialized factory farms. To borrow the terms of Martin Buber, it seems that the majority of humans today stand in an “I-It” rather than an “I-Thou” relationship to animals, viewing them predominantly as commodities or objects rather than as existential subjects entitled to appropriate acknowledgement and

⁴⁰ Redwing, Christoph *The Life and Time of Pythagoras* Trans. Steven Rendall. (New York: Cornell University Press, 2005), p. 62.

navigation.⁴¹ While a genealogy of the development of concern for animals would be an incredibly interesting project, it is far beyond the scope of my project here. Nonetheless, it is important to note that recent historical attitudes towards animals, displayed in the thought of philosophers as diverse as Descartes and Kant, have greatly influenced contemporary attitudes towards animals - a fact which many argue is reflected by our legal system which continues to consider animals as property.⁴²

This chapter will trace the role that *relationality* has played in contemporary moral theory concerning animals. I will outline the theories of several notable relational theorists, highlighting both their strengths and weaknesses and examining how each approach responds to the three rabbit scenarios. Analysis of these responses will shed light on which views offer the best tools to account for the intuition of differential obligations.

The forms of relationality that I focus on here are not necessarily constituted by relations of affective ties. Although in the case of Midgley the relevant moral relation might appear to be based on affective ties, it is not in fact clear precisely what gives the relationship of social nearness moral relevance on her view. Hence, it could be affective ties, or perhaps practical ties of community, reciprocity and interdependency which generate special moral considerations on her view. The forms of relationality that I focus on here are perhaps better characterized as being expressed by certain kinds of power relations. For example, Burgess-Jackson and Palmer's views hold the relation between

⁴¹ Buber, Martin *I and Thou* Trans. Walter Kauffman (New York: Charles Scribner's Sons, 1970).

⁴² Theorists such as Francione who think the legal of view of animals as *property* is influenced by Cartesian/ Kantian conceptions of the animal.

actors who create vulnerability or dependence in others, and those vulnerable others, to be morally relevant insofar as the act itself generates a power imbalance that leaves the animal other in a position where it has needs that would not otherwise have existed.

2.1 Mary Midgley: Kinship and Social Nearness

British philosopher and feminist Mary Midgley was one of the first to suggest that our relationships with animals are connected to our moral obligations to them. In the same year that Regan published *In Defense of Animal Rights*, Midgley published a book entitled *Animals and Why They Matter*. In contrast to capacity-oriented approaches such as Regan's, Midgley explicitly contends that considerations of relational proximity and kinship are relevant to our moral thinking. She claims "we can indeed owe special overriding duties based on kinship and other forms of social nearness...and this is true of nearness in species as well as of other kinds."⁴³ She does not limit moral obligations to human-human relationships but allows space for animals to occupy positions of morally relevant social nearness. She thinks humans can have moral obligations to animals because of their position in mixed-species social communities. This is consistent with her view of multi-faceted complex ecological communities. However, it is unclear precisely what she means by nearness in species, as well as what other kinds of nearness might be morally salient. Furthermore, she limits the moral primacy of such relations of nearness to situations where sharp competition is at hand, such as 'lifeboat' type situations where

⁴³ Midgley, p.23.

survival is genuinely at stake.⁴⁴ This has the positive benefit of enabling her to claim that while social nearness has a place in our moral thinking it does not preclude our capacity to have moral obligations to those who are not socially near. Accordingly, she rejects the conclusion that “those further from us are always too far down the queue to be reached”⁴⁵ on the grounds that sharp competition is rarely present in actuality, and that there are other distinct claims capable of outweighing nearness. This suggests that understanding our moral obligations to animals is a complex and multifaceted matter determined by a number of distinct and overlapping factors, whose primacy is determined by context. Yet, despite the insightfulness of this suggestion, it also opens the door to the critique that, without at least a partially worked out framework of what the other morally relevant factors are and how they interact, there is no way to establish a prescriptive normative framework.

Ultimately Midgley does not provide a sufficient framework to work out what her view would dictate in scenarios such as our rabbit cases from the introduction. We can be relatively certain that she would think we have an obligation to assist the domesticated rabbit, since it must be ‘socially near’ if any animal is, but we do not know if some other factor might be capable of overriding the nearness factor here. Neither can we know if the rabbit in the park would be considered near enough to warrant special obligations of assistance, or whether other factors would come into play in this scenario. Likewise we

⁴⁴ For more on lifeboat ethics see Peter Singer’s chapter “Rich and Poor” in *Practical Ethics* (New York: Cambridge University Press, 1993); or Garrett Hardin’s “Lifeboat Ethics: the Case Against Helping the Poor” in *Psychology Today* (September, 1974).

⁴⁵ Midgley, p. 23.

cannot know what obligations her view would dictate for the rabbit in the forest who is presumably outside the realm of kinship. Even supposing that we had a clearly articulated explanation of what counts as 'near enough', it remains unclear what other factors warrant consideration in the process of establishing whether or not we should assist. I am not trying to suggest that a demanding, complex, difficult to manoeuvre and perhaps 'messy' moral framework is in itself objectionable. Indeed, I think that any moral theory which is too simplistic is missing something fundamental about the structure of the world and morality. I am simply claiming that we need at the very least to strive for clarity wherever possible. The assertion that social nearness is a morally relevant factor which can sometimes be overridden by other mysterious morally relevant factors is deficient in this department. Without at least a slightly more detailed account of what factors are relevant in our moral considerations of animals, Midgley's account can at best point us in the right direction and at worst render the question of what moral obligations we have to others into an interpretive free-for all, liable to fall back into the deadly habit of perpetuating the status quo treatment of animals.

Overall, Midgley does not provide a sufficient explanation for how or why social nearness factors into our moral obligations to animals. This may be because she, like many others, takes the importance of relationships for granted in our moral thinking. Yet, without an explanation of why relationships are important it is difficult for her view to avoid the undesirable conclusion that our obligations to those who are near always override obligations to others down the line. Her view on its own cannot do the work that a more systematic relational approach might do to help us sort out our special obligations to animals. Nonetheless, she points us in the right direction by reminding us that our

natural communities extend beyond the species boundaries, and that social nearness plays a role in our moral thinking.

2.2 Keith Burgess-Jackson and Obligations to Pets:

One of the next theorists to address the role that relationships play in our moral obligations to animals is Keith Burgess-Jackson. In his 1993 article, “Doing Right by our Animal Companions” Burgess-Jackson argues that just as parents have special obligations to their children, so too do humans have special obligations to those companion animals they take into their homes.⁴⁶ His argument is that if we accept that responsibility can be voluntarily undertaken, and that parents have special responsibilities to their children in virtue of the relationships existing between them, then we cannot consistently deny that we likewise have special obligations to our pets (regardless of whether or not the institution of pet ownership is morally permissible).⁴⁷ In the philosophical literature on associative duties there is a debate about whether associative duties can arise only through voluntary choices, or whether they can also arise in involuntary circumstances. Burgess-

⁴⁶ “If you believe that a parent is responsible for his or her children, then, by parity of reasoning, you should believe that humans are responsible for the animals they bring into their lives.” - Burgess-Jackson, p.170

⁴⁷ This is an interesting issue that exceeds the scope of this thesis. Abolitionists such as Gary Francione contend that pet ownership ought to be rejected categorically because it is inherently exploitative. Others such as Donaldson and Kymlicka disagree on the basis that, regardless of the justness of the origins of the relationship, meaningful mutual bonds can develop in interspecies relationships. I lean towards this latter view. – Francione, Gary *Animals as Persons: Essays on the Abolition of Animal Exploitation* (New York: Columbia University Press, 2008); Donaldson and Kymlicka, p. 79.

Jackson aligns himself with the ‘voluntarist’ position, but, as will soon become clear, this weakens his argument.

In a 2011 post on the social networking site Facebook, Prime Minister Stephen Harper started a poll under the heading: “We have a new family member, a grey tabby, what do you think he should be named?”⁴⁸ followed by a list of names for people to vote on. This illustrates just how common it is in our society to consider companion animals as members of the family. The wording and content of Harper’s post may have been chosen somewhat carefully so as to resonate with the general public and reflect the appropriate attitude towards companion animals. Given the predominance of the view that pets are honorary family members, it may not seem particularly controversial to claim that the obligations we have to our pets are similar to those we have to members of our family (particularly if we have accepted that animals have moral standing to begin with.)

Burgess-Jackson aims to do precisely this. He is extending the intuition that we have special obligations to our family members (and those who are near and dear to us) to include the animals we already consider family members. Broadly speaking, this view that relations of nearness and kinship are factors in our moral obligations to animals is not unlike Midgley’s. Yet contra Midgley’s account, Burgess-Jackson provides us with an explanation of how the moral obligations are generated. He claims “it is the fact of vulnerability, therefore, conjoined with causal responsibility for that condition, that

⁴⁸ Posted June 4th, 2011

https://www.facebook.com/home.php?sk=question&id=10150276962247110&qa_ref=qd

The vote resulted in the cat being named Stanley.

generates moral responsibility.”⁴⁹ More specifically, the special obligations are generated by the act of closing off opportunities for animals to fulfill their needs in other ways: “this closing off of opportunities makes the animals vulnerable or dependent, which [...] generates a responsibility in its producer. The vulnerability is a direct consequence of what one does.”⁵⁰

This appeal to created vulnerability or dependence as factors which generate obligations is a helpful (and I think correct) way of thinking about our special obligations to animals. It is particularly helpful because we can extract from it a normative principle, namely, that whenever we create vulnerability and/ or dependence in a companion animal we assume special responsibilities towards it. We can apply this normative principle to a range of different cases and use it to guide our actions by allowing it to help determine whether or not we have special moral obligations to particular others. For example, in the aforementioned rabbit cases we know that Burgess-Jackson would affirm that we have a moral obligation to assist the domesticated rabbit since clearly we have rendered it vulnerable or dependent. Given the reasoning behind how the special obligations are created, it would not be a stretch, *prima facie*, to assume that we likewise would have special obligations to assist any animals in which we created vulnerability or dependence. For example, if the injured rabbit in the park, or the injured wild rabbit in the forest, had been made vulnerable by our moving into their territory and creating more dangers (i.e. more dogs running around) or pushing them into new, more dangerous territory (i.e. unfamiliar wild territory) then it would seem that we would find ourselves with special

⁴⁹ Burgess-Jackson, p.170.

⁵⁰ Ibid, p. 168-169.

obligations to them. Surprisingly however, it appears that this extension is not one that he supports.

The reason Burgess-Jackson's view is limited in its application to non-domestic animals is due to its narrow focus on voluntarily acquired obligations. For Burgess-Jackson, responsibility must voluntarily be assumed by an individual in order for special obligations to be generated. As noted earlier, this lends his view to be characterized as 'voluntarist' where voluntarist, as defined by Samuel Scheffler, means that "one's special obligations must always arise from some voluntary act on one's part."⁵¹ Voluntarism in this sense is perhaps best understood in contrast to involuntarism, and non-voluntarism. Involuntarism refers to the performance of an act explicitly against a person's will, whereas non-voluntarism refers to the performance of an act when explicit consent of the individual is unavailable. (For example, in cases of euthanasia, it is *non-voluntary* if a patient has given no previous or current consent, and is unable to give his consent but the family decides to act on his behalf. It is *involuntary* if the patient explicitly requests not to be euthanized.) Another limitation for his view is that it is restricted to responsibilities incurred by individuals rather than groups or collectives. Because he restricts his view to individuals, he is unable to extend his normative principle to circumstance where groups or collectives have created vulnerability or dependence in others.

At first glance this sort of voluntarist account may appear an intuitively good basis for special obligations. These two limitations enable Burgess-Jackson to circumvent the complicated issues surrounding obligations incurred by a collectivity or group (a society, for example) and obligations which are not explicitly acquired through voluntary action.

⁵¹Scheffler, 2001. p.54.

However, while these may be complicated issues that are beyond the scope of a short essay, they are nonetheless important issues which any full relational framework must address. The voluntary owner-pet relationship might indeed generate a *further* reason to treat an animal especially well. Yet, the relationship need not necessarily be entered into voluntarily in order for obligations to be generated.

Considering Burgess Jackson's claim that what generates special obligations is the creation of vulnerability and dependence, it would seem that consistency calls for all such dependence and vulnerability creating relations to generate special obligations. In the human case, parents who plan on having children are generally considered as responsible for meeting the needs of their children as parents who did not plan on having children are. It may sound somewhat odd to talk about voluntary, involuntary or non-voluntary parenthood, but suppose that Harry and Sally accidentally get pregnant while using contraception responsibly. Suppose Sally chooses to bring the pregnancy to term and keep the baby despite Harry's wish for her to get an abortion. In this situation we might acknowledge that Harry involuntarily became a father.⁵² This does not, however, exempt him from incurring some parental obligations, at the very least paying child support. Or if Sally chooses not to keep the baby once it has been born she has the responsibility to at

⁵² I tried to construct this example so as to avoid the possibility that Harry was voluntarily accepting responsibility. One might think that Harry voluntarily placed himself at risk of incurring a duty by engaging in intercourse, but given their responsible use of contraception that risk would be negligibly low since there is a 0.02 percent per-condom pregnancy rate. --- Hatcher RA et al. *Contraceptive Technology*, 18th rev. ed. (New York: Ardent Media, 2004).

least leave the child in capable hands and not under a bench somewhere. Granted there may be exceptional circumstances when the parents are incapable of meeting the needs of their offspring and therefore cannot be held to the same standard of responsibility, or complicated factors that might potentially override these special obligations, such as if the child was conceived and born against the will of the mother. But, complications aside, common morality and the legal system hold parents responsible for meeting the needs of their dependents regardless of whether or not they planned on becoming parents. The fact that Harry did not explicitly and voluntarily enter into the role of a father is not enough to exempt him from owing special obligations to his child. Likewise, the fact that a person has not explicitly and voluntarily entered into a vulnerability and dependency creating relationship with an animal should not exempt her from having special obligations to the animal.

A full relational account should be able to address cases where obligations have been generated voluntarily as well as non-voluntarily. It should also be able to address cases where special obligations are owed by a group of people who have collectively brought about vulnerability and dependence in an animal or group of animals. In the human case, when the actions of a group of people or a corporation render another group vulnerable or dependent, that first group assumes some moral responsibility. For example, suppose an oil company starts drilling in a new area and a by-product of the drilling is that the local water supply becomes contaminated with dangerous gases. The act of making the water undrinkable makes the local population vulnerable to new dangers as well as dependent on outside water sources. Regardless of whether or not the oil company intended this result, it nonetheless incurs responsibility to the local population and ought

to ensure that they have access to free, safe water at the very least. So too in the animal case can groups of people owe obligations to animals they have made vulnerable or dependent regardless of their intent. Special obligations ought to be generated wherever one or more people have, directly or indirectly, intentionally or unintentionally, created vulnerability or dependence in an animal or group of animals.

Furthermore, Burgess-Jackson's parity reasoning between parental special obligations and pet owner special obligations is not entirely consistent with the individualism of his view, since the parental case generally involves two adults incurring responsibilities. In the case of human parents we say that both parents have special obligations to their children (because they are jointly responsible for bringing them into the world), even if one or more of the parents did not explicitly or voluntarily accept the responsibility. Similarly we might also say that more than one person can owe special obligations when they have collectively created vulnerability or dependence in an animal, even if they indirectly or involuntarily created this vulnerability. A better example might be the oil-drilling example. Even if some members of the board of directors opposed the decision which led to the creation of vulnerability in others, they would still incur special obligations in virtue of their role in the company. Burgess-Jackson briefly notes that his view *might* be compatible with what he terms a collective-responsibility argument (whereby 'humans *qua* humans' have obligations to domesticated animals generally). But he limits his argument to individuals to avoid the "additional challenges"⁵³ that arise from

⁵³ Specifically: "spelling out the nature, ground, distribution, and limits of collective responsibility." Burgess-Jackson p. 164.

the issue of collective responsibility. At the end of the day, these limitations he imposes on his view lead to inconsistent conclusions.

Overall, Burgess-Jackson articulates a useful normative principle to assist us in determining our moral obligations to animals, that of ‘created vulnerability’. However, a fuller, systematic relational account needs to address not only the companion animal-owner relationship, but also the whole spectrum of human animal relationships whereby vulnerability and dependence are created, either voluntarily or involuntarily, by individuals or collectives.

2.3 Clare Palmer and Animals in Context:

In her recently published book *Animals Ethics in Context* Clare Palmer offers a more detailed account of special obligations derived from the spectrum of human-animal relations. Because her account is significantly more expansive than either Midgley’s or Burgess-Jackson’s, I will focus only on the aspects of her view which I take to be particularly promising or problematic. I will suggest several directions where I feel her account might be expanded further to better address potential objections.

Like Burgess-Jackson, Palmer thinks that special obligations are generated from the creation of vulnerability and dependence. She explains that “when humans deliberately create morally considerable, sentient animals who have no other ways of fulfilling their needs and are constitutionally profoundly dependent on and permanently vulnerable to humans, then humans create special obligations toward those animals.”⁵⁴

⁵⁴ Palmer, p.93.

Yet, unlike Burgess-Jackson, she considers the special obligations we have to animals across the wild-domestic spectrum, not simply to those we have voluntarily taken into our homes.

Her account is predicated on what she calls the “*laissez faire intuition*” (LFI), which is the intuition that while we have a special obligation to assist certain animals, we do *not* have special obligations to assist ‘fully wild’ animals. Palmer illustrates this intuition through the following comparative case studies. The first case involves the tragic death of over ten thousand wildebeests while crossing a river during an annual migration from the Serengeti to Kenya in 2007. This unfortunate event was witnessed by groups of tourists and documented by media. Both the media portrayal of the tragedy and the widespread reception of it indicated that, while unfortunate, the human bystanders were not thought to be blameworthy for failing to assist the dying wildebeests⁵⁵. The second case involved a British family who had seriously (in 32 cases *fatally*) neglected 114 horses on their farm in Amersham. This family was convicted of a number of charges relating to animal cruelty and the resulting media coverage of the event elicited public horror, and moral indignation. Palmer points out that although both horses and wildebeests are sentient and capable of similar suffering, the response of the general population indicates a widespread intuition that human responsibilities to fully wild animals are different than human responsibilities to domesticated ones. Here ‘fully wild’ is defined as those animals who are both *constitutionally wild*, that is, whose nature and habits have not been affected by humans on a wild-domesticated scale, and *locationally*

⁵⁵ It is not entirely clear how they could have assisted, it is possible they could have called conservationists, or attempted to bar the Wildebeests from crossing the river at that spot.

wild, that is living in a place uncultivated by humans on a wild-developed scale.⁵⁶ With this definition Palmer is identifying a group of animals with whom humans do not stand in *any* relationship to, that is, animals whose lives have not been affected in any way by human activity and who have thus neither been rendered dependent on humans nor made vulnerable by human activity. Given the far-reaching effects of global warming it may be questionable whether any such fully wild animals continue to exist.⁵⁷ However, regardless of whether or not fully wild animals so defined do exist, her definition serves to identify a group of animals that, in principle, humans do not owe the same obligations to as they do to their domestic counterparts. It is also important to note that this does not mean that we have *no* obligations whatsoever to fully wild animals. As Palmer points out, we still have a general negative duty not to harm them, and there may in some cases be additional reasons to aid them.

Identifying this category of animals to whom we in principle do not owe positive obligations of assistance is very useful in terms of setting up a relational framework since it illustrates one polar end of a spectrum of morally relevant human animal relationships. The opposing end of this spectrum would be the category of animals who are entirely vulnerable to, or dependent on humans, such as domesticated animals like pets and farm animals. So we have fully wild animals on the one end, and fully dependent animals on

⁵⁶ Palmer, p.63-65.

⁵⁷ Here I am assuming that humans have contributed to expediting global warming, and thus could be considered to stand in indirect relation to animals across the globe who are affected by global warming. For an early statement of how far-reaching effects of global warming change our relations to the natural world, see Bill McKibben's *The End of Nature* (New York: Random House, 1989).

the other end of the spectrum, with varying degrees of dependency in between. Despite the possibility that there exist other morally relevant relationships that intersect with this spectrum on a non-linear basis, Palmer focuses on this particular type of relation, most likely because of the intuitiveness of its moral relevance. The moral relevance of this particular relationship is grounded in the common-sense intuition that humans are responsible for the effects of their actions. As Burgess-Jackson pointed out, it would be inconsistent for someone who believes humans are responsible for the effects of their actions to deny that they are responsible where these effects involve the health and wellbeing of companion animals. Continuing this line of argument, Palmer makes clear that it would be similarly unreasonable to eschew responsibility for actions that affect the wellbeing of any animal, regardless of its companionship status.

Unlike Burgess-Jackson, Palmer considers the possibility of special obligations to animals across the full spectrum of human-animal relationships, including those incurred indirectly, and by groups or individuals. For Palmer special obligations can be generated by “human/animal entanglements, histories, and shared institutional frameworks where humans are, or have been, either responsible for harms to animals or for the generation of particular vulnerabilities in animals.”⁵⁸ Thus we see that animals who have inadvertently been harmed or made vulnerable through human practices or development are owed assistance by those who generated the harm, and the category of those who generate harms is not restricted to individuals. The category of those who are responsible might include humans who are no longer alive, or potentially, as Burgess-Jackson puts it, ‘humans *qua* humans’. For instance, if someone discovers a litter of kittens who were left

⁵⁸ Palmer, p.89.

to die in a dumpster by their (pedigree obsessed) owner because they had some breed imperfections. Palmer would contend that the person who stumbles across these kittens would have an obligation to help them. On a straightforward voluntarist account such as Burgess-Jackson's there would be no obligation to the kittens since the kittens were not bred nor harmed by the person who encounters them, and therefore the person has neither thwarted his general duty not to harm animals, nor explicitly agreed to take responsibility for them. However, since Palmer takes into consideration indirectly acquired obligations and group responsibility, she claims that there is indeed a special obligation to assist the kittens, despite the accidental nature of the context. Palmer grounds this special obligation in the view that when the original perpetrators of vulnerability and dependence are no longer accessible to meet their obligations the obligations then fall to the beneficiaries of the created vulnerability. So, in the dumpster kitten case, because the stranger is a member of a society that endorses and benefits from pet ownership, he would have an obligation to the kittens despite not being the one who directly caused them harm (unless he was actively rejecting the social and health benefits of the institution of pet-ownership).

Unfortunately, this answer is somewhat deficient in terms of establishing that special obligations can be incurred non-voluntarily. Despite expressing skepticism concerning the adequacy of voluntarism for grounding our special obligations, Palmer has offered a modified voluntaristic view herself. In Scheffler's terms, the sort of voluntarist position Palmer is advocating here would be called "revisionist voluntaristic assimilationism" whereby "a range of relationships that do not fit the voluntaristic model narrowly construed may nevertheless be represented as contractual in an extended sense,

and hence as duty generating, because they involve the voluntary acceptance of benefits.”⁵⁹ The problem with this view is not simply that Palmer is being inconsistent by advocating it but that it may not be able to do the work she needs it to do to account for the range of scenarios where people might indirectly or involuntarily acquire special responsibilities to others. First of all, not every person or group of people incurring special obligations will necessarily be benefitting from whatever practice has created the vulnerability. Second, regardless of the question of benefits, there are some cases where active repudiation of a practice cannot negate the existence of special obligations. For example, consider again the oil company whose drilling process is negatively affecting the drinking water of a local population. Even if some members of the board of directors had actively opposed the decision which led to the creation of vulnerability in others, they would still incur special obligations in virtue of their role in the company. Or, consider instead specific historical injustices such as residential schools. We might say that regardless of direct involvement in, or endorsement of, the schools, members of Canadian society and the government have special obligations to First Nations people affected by these institutions. Although our current government did not set up the schools and openly repudiates the horrors that occurred at the schools (despite how shockingly recently they were abolished), this does not necessarily exempt them from special obligations such as the duty to pay reparations.

Whether or not ‘collectives’ can be held morally responsible for harms is a complex and much debated philosophical issue. An important criticism against collective responsibility is that, unlike individuals or aggregative groups who are moral agents and

⁵⁹Scheffler, p.55.

can be ascribed intentions, it is incoherent to speak of collectives as having ‘intentions’ or of being the types of agents that can be morally blameworthy.⁶⁰ I cannot here present a full argument for collective responsibility. However, I will proceed from the assumption that it is possible.⁶¹ Further, for this thesis it need not be established that collectives can have intentions. What matters here is that it is coherent to ascribe obligations to collectives. I am suggesting that, if a government is considered a collective in the relevant sense, it makes sense to say that a government can have obligations regardless of whether or not the government can rightfully be said to have intentions or to be morally blameworthy.⁶² In light of the residential school example, while the current government might not be morally blameworthy for all the harms caused by the program enacted by previous governments, this need not have any bearing on whether or not the current government owes victims of residential schools reparations. Assuming that it is coherent to ascribe duties to collectives, it follows that collectives could find themselves with special obligations to animals in similar cases. For example, where a past community has

⁶⁰ Smiley, Marion, "Collective Responsibility", The Stanford Encyclopedia of Philosophy (Fall 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2011/entries/collective-responsibility/>>.

⁶¹ For arguments in support of the claim that collective responsibility is possible, see: Cooper, David, “Collective Responsibility: Again” in *Philosophy* (Volume 44, No.168: p. 153-155, April 1969); Gilbert, Margaret “Who’s to Blame? Collective Moral Responsibility and Its Implications for Group Members” in *Midwest Studies in Philosophy*, XXX: 94–114, 2006; and Thompson, Jenna “Collective Responsibility for Historic Injustices” in *Midwest Studies In Philosophy* (Volume 30, Issue 1, p.154–167, September 2006).

⁶² Jenna Thompson makes an interesting argument that the proper cite for collective responsibilities are ‘morally reliable institutions and practices’ and that “correcting and repairing injustices is part of what it means to support morally reliable institutions and [people] have this duty even if they in no way contributed to the wrong.” - Thompson, 2006.

made a population of animals vulnerable or dependent, obligations may fall to the current generation of community members regardless of the status of their moral blameworthiness. Ultimately, while Palmer does not shy away from addressing the issues of group responsibility and obligations incurred by groups or collectives, her current ‘revisionist voluntaristic assimilationist’ view is not capable of doing the heavy lifting she needs it to. There is room in her view for a reconsideration of what generates special obligations in cases where the original perpetrator(s) is a collective, or is no longer present.

Putting complications of collective responsibility aside for the moment, Palmer's account has begun to fill the gaps where Burgess Jackson's account was incomplete. Her principle that we owe special obligations to animals that we have made vulnerable or dependent can be consistently applied across a range of human-animals relationships. This makes it easier to see what her approach would dictate in the three rabbit scenarios from the introduction. It is clear that the person who finds their own pet rabbit injured has an obligation to assist it because the owner's relationship to the rabbit constitutes the paradigmatic case of a vulnerability and dependency creating relationship. The case of the rabbit in the park is somewhat more complex since we would need more specifics about the rabbit. If the rabbit was an abandoned domestic rabbit it would be clear that, just as Palmer thinks we have a special obligation to rescue the dumpster kittens, we would likewise have a special obligation to aid the abandoned pet rabbit. However, if we suppose that the rabbit in the park is relatively wild, in that it is neither domesticated, nor a descendent of domesticated rabbits, then Palmer could not argue that we stand in the same relationship to this rabbit as we do to the pet rabbit. Therefore, she could not appeal

to the 'shared benefits' of the institution of pet-ownership as the motivation behind our obligation. She would have to identify a way that "we" stand in relation to this animal that has rendered it vulnerable to or dependent on humans. This may or may not be not be difficult to do. If the rabbit was living in the park as a result of human encroachment on rabbit habitat, then a case could be made that humans (or at least the proximal community) owe special obligations to the affected rabbits. Now consider this scenario: suppose the park is on the outskirts of a small town which itself borders on a vast forested area, and suppose the rabbit is a "fully wild" animal according to Palmer's definition, one that has wandered closer than usual to a human community. In this case, according to Palmer, we would not owe any special obligations to the animal, unless it could be shown that we had caused the rabbit to wander close to the human community.

In some cases it may be very difficult to establish the nature of the relationships we stand in to particular animals. However, since this is a practical, epistemic matter it does not bear on the conclusion that, when we know that we stand in some sort of vulnerability and dependence creating relationship to an animal, we have special obligations to them. This point, however, brings up a significant concern with Palmer's view: that of defining the scope of our obligations. If humanity's role in global warming situates us universally in a relation whereby we have rendered all animals on earth vulnerable to new threats, which is a possibility Palmer considers,⁶³ then Palmer needs to address whether or not

⁶³ Interestingly, she notes that even if global warming is human caused and harmed some animals it would not result in obligations to all animals since other animals would thrive in higher temperatures. Nonetheless, even if human caused global warming was only detrimental to a percentage of animals across the globe, this could still amount to an unprecedented number of animals that we have special obligations to.--- Palmer, p.142.

there is a point during the causal chain when our effect on animals is so far removed or abstract that our relation base obligations weaken or dissipate altogether.

Another issue which Palmer's account would do well to address is the precise nature of our obligations to the animals to whom stand in the relevant relationships. Palmer's account revolves around the concept of humans owing positive assistance to the animals we are engaged in a vulnerability or dependency causing relationship with. Yet, depending on one's understanding of the term *assistance*, it may not capture the full extent of obligations that moral agents owe moral patients in virtue of their relationships. There is a degree of ambiguity concerning the term *assistance* which calls for clarification. A straightforward understanding of the term might take it to mean simply offering help to those already suffering or in imminent danger. A more nuanced understanding of it might call for measures which ensure that foreseeable dangers never occur. To use one of Palmer's examples as illustrative, assisting the Amersham horses on the straightforward view would mean something along the lines of rescuing the horses from the horrid conditions, restoring appropriate conditions, and providing them with the requisite medical attention. A nuanced understanding of assistance might require monitoring or preventative measures to ensure that animals are treated appropriately and never subject to the abuse and neglect that the Amersham horses were. Given her example of the Amersham horses- and the moral indignation with which their neglect was received by the general public, I think her inclination would be towards the nuanced view. Simply tending to the already neglected horses and restoring appropriate conditions would not be enough and would not alleviate the public's moral indignation. The force of the LFI rests on the fact that people were upset that the horses suffered those conditions in the first

place they (rightly) held the owners of the farm morally and legally responsible for the neglect of the horses.

It is important for a relational account to at least begin to outline what the scope and nature of our special obligations towards animals are. Although some forms of assistance might not be any more demanding than simply informing the relevant authorities, others could require a great deal of effort, especially obligations in response to long-term exploitation.⁶⁴ The person who discovers kittens in a dumpster could do as much as voluntarily taking the kittens into their home, tending to them and raising them with care, or as little as calling the local animal shelter to assist the kittens. The kinds of more demanding obligations a fully articulated relational account might be able to support are things such as providing regular visits to the vet, ensuring that domestic animals have adequate food, water, shelter, exercise and psychological stimulation, as well as a plan in place for if and or when their owner passes away or can no longer take care of them. Insofar as Palmer does not specify precisely what our obligations to animals are, her account is at risk of being used simply to support the status quo treatment of animals.

However, a promising direction for Palmer's approach stems from her conceptualization of the vulnerability creating relation across a spectrum from fully dependent to fully independent animals. This allows room for the reality that some relationships involve the creation of much more vulnerability and dependence than others.

⁶⁴ Here I have in mind something like possibly reverse-breeding animals to the point where they are again capable of performing actions essential to survival. Some breeds are no longer capable of reproduction and require artificial insemination- while there may be grey area around precisely what amount of vulnerability and dependence is acceptable- this is clearly beyond the point of acceptability.

There is variation among companion animal species or breeds which call for different degrees of special obligations. For example, cats are typically considered more independent than dogs and, as such, require different kinds of care. A cat owner could typically leave their cat with a special food/water dispenser and a cat door for a weekend trip without harming it. This would be unthinkable for a pet dog. A domestic dog cannot be left in the same conditions because the physical and social needs of canines are significantly higher than those of felines. Even within breeds of dogs, there are some whose needs are more extensive than others. Some dogs have been bred for specific traits which leave them vulnerable to health complications that other dogs are much less likely to experience; hence human obligations to these breeds are more extensive than to others.⁶⁵ While there remain difficult open questions concerning the scope and nature of relational obligations, the view that we have stronger obligations to animals in which we have created greater degrees of vulnerability and dependence in provides us with a helpful mechanism for sorting our obligations.

Overall, Palmer offers a logical expansion of Burgess-Jackson's principle of created vulnerability which provides a promising foundation for the intuition of differential obligations. Although she addresses the issue of obligations incurred indirectly and/or by collectives, the revisionist voluntaristic view she provides does not adequately encompass all the scenarios which she herself would want to support. Thus, her view could be improved by providing a new articulation of what generates obligations in those particular cases. There is also room in her view to include a rich, nuanced view of assistance which

⁶⁵ For example, pugs and other toy breeds are more likely to experience potentially fatal health conditions and thus need to be watched much more closely and visit the vet more regularly than other breeds.

calls for meeting the needs of animals we have made vulnerable or dependent. And accepting this opens the door to the possibility that the extent of our special obligations grows relative to the extent to which we create vulnerability and dependency, and the forms that these vulnerabilities or dependencies take.

2.4 Donaldson and Kymlicka's Citizenship Account of Relational Rights

Donaldson and Kymlicka offer a political framework of animal rights which draws on existing citizenship theory to develop an expanded and group differentiated conception of human-animal justice. Like Palmer, they consider the broad spectrum of existing and possible human animal relations. They reject the false dichotomy which characterizes animals as either fully free (wild) or fully dependent (domesticated). They propose that animals and the various rights accorded them should be considered relative to this complex spectrum of human animal relationships: “the simplistic dichotomy of wild and domestic animals – and the accompanying call to simply “let animals be”-- needs to be replaced with a more complex matrix of relationships, and a more complex set of moral prescriptions.”⁶⁶ However, unlike Palmer and Burgess-Jackson's accounts where special obligations are generated from relationships which create vulnerability and dependence, the relationship which is of moral consequence on their view is primarily the relationship between the animal and human political communities. It is noteworthy that rather than talking about special obligations or duties they use the language of rights. While this is a significant departure from Palmer and Burgess-Jackson, whose accounts

⁶⁶ Donaldson and Kymlicka, p.69.

did not explicitly utilize a framework of rights, using this language makes little difference to the arguments set forth. The rights versus welfare debate is a significant and divisive topic within the animal liberationist literature and movement.⁶⁷ However, it does not bear significantly on the focus of this thesis and hence will not be addressed here.

On Donaldson and Kymlicka's view the variety of different relationships between animals and the human political communities generate different duties. Relational rights are attributed to different groups of animals based on where they are situated in respect to social political territories and human communities. Animals are divided into three broad categories: domestic, liminal, and wild, (each of which has differentiation within). They suggest we understand each category in terms of existing political groups, namely: citizens, denizens, and sovereigns, accordingly. Thus, domesticated animals are to be conceptualized and treated as co-citizens, liminal animals as denizens, and wild animals as sovereigns. On their view each category of animals so conceptualized is to be accorded the same rights (where relevant) as those possessed by human members of these political communities. To some readers these suggestions may be shocking or difficult to grasp. This is not surprising since this political framework is a novel framework within animal liberationist theory itself. While it may seem relatively intuitive to think of companion

⁶⁷ While all animal liberationists agree that animals should not be harmed unnecessarily, there is a division between animal welfarists and animals rights advocates (or abolitionists). The former group generally think it is acceptable to use animals for human purposes as long as harms are mitigated and animals are treated humanely. Animal abolitionists think that using animals is inherently exploitative and seek to end all exploitation of animals. As Francione characterizes it, "the welfarists seek the *regulation* of animal exploitation; the rightists seek its *abolition*." Gary Francione, 1996, p. 1.

animals in associational, relational terms (i.e. as family members, or ‘man’s best friend’ etc.) as Burgess Jackson and Palmer have suggested, thinking of animals in terms of political equals- as we think of our fellow citizens- will no doubt strike a less intuitive chord. But lack of intuitive appeal alone is no reason to reject a view, and, as I hope to convey, there are some positive elements to thinking about animals in terms of these political groups. In particular it may offer a more promising framework for thinking through issues of collective responsibility. First, let us unpack these categories a little more to understand how the framework might be practically applied.

As noted, domestic animals (such as the domestic rabbit from our ongoing example) are to be considered and treated as co-citizens. Citizenship, as defined by Donaldson and Kymlicka, is comprised of three distinct functions: rights of nationality, which are rights to reside in and return to a certain territory; popular sovereignty, which broadly means belonging to the people in whose name the state governs⁶⁸; and democratic political agency, which is “to be an active participant in the democratic process (or at least have the right to engage in such active participation)”.⁶⁹ Conceiving of domestic animals as co-citizens means that they are entitled to normal entitlements of citizenship in at least the first two senses: they are entitled to reside in particular territories, and to have their interests included in considerations of government. Additionally, Donaldson and Kymlicka contend that domestic animals are also entitled to the third, more republican sense of citizenship: that of being contributing members of the polity. Though counter-intuitive to many, Donaldson and Kymlicka reject the view that animals are incapable of

⁶⁸ Donaldson and Kymlicka, p.55.

⁶⁹ Ibid., p.56.

political agency. They draw from the contemporary disability movement to suggest that we explore forms of “dependent”, “assisted” or “interdependent” agency which would enable animals to contribute to determining the public good for a community.⁷⁰

In terms of wild animals (such as the wild rabbit from our example), Donaldson and Kymlicka suggest that we utilize a framework of sovereignty to think through the rights of animals who live predominantly apart from human communities. Their definition of sovereignty is broader and more flexible than narrow definitions which require the political group to possess the ability to make and enforce laws. The competence needed for sovereignty on their view is simply “the ability to respond to challenges that a community faces, and to provide a social context in which its individual members can grow and flourish.”⁷¹ Accordingly, they view the moral purpose of sovereignty to be to protect autonomy as a means to enable the flourishing of communities.⁷²

Ultimately they think that treating wild animals as sovereign means respecting the rights of wild animals to live where they live, and how they choose to live, without exploitative or paternalistic interference from outsiders.⁷³ It is important to remember that

⁷⁰ Ibid., p. 103-108.

⁷¹ Donaldson and Kymlicka, p. 172.

⁷² Ibid., p. 170.

⁷³ Interestingly, this view of sovereignty is similar to Angus Taylor’s argument that a liberal ethic “Enjoins us to refrain from interfering with the actions of any being that is competent to of manage its life, except where such interference is necessary to protect us form harm.” – Taylor, Angus “Nasty brutish and short: the illiberal intuition that animals don’t count” in *Journal of Value Inquiry* (Volume 30, p.265-277, June 1996) p. 265.

they are offering a rights based approach, and drawing from existing citizenship theory where sovereignty involves:

recognizing that the people inhabiting the territory have a right to be there and to determine the shape of their communal life; and that they have the ability to do so. This recognition means that a sovereign community has the right to be free both from colonization, invasion and exploitation on the one hand, and also from external paternalistic management on the other. Sovereign people have the right to make decisions about the nature of their communal life, provided these do not infringe on the rights of other sovereign nations.⁷⁴

However, the sovereignty accorded wild animals on this view is not absolute. They contend that respect for sovereignty is consistent with “various forms of interaction and assistance, and even with forms of intervention”,⁷⁵ as long as these are forms which correspond with the moral value of sovereignty to promote the flourishing of communities through autonomy and self-determination.⁷⁶

Donaldson and Kymlicka propose two fundamental principles to aid the process of determining whether intervention is justifiable. They suggest that we assist wild animals only 1) in catastrophes when we are able to and our efforts are not rejected, and 2) in a manner that enables a return to a flourishing, autonomous state for the animal(s) in question.⁷⁷ They stress, however, that any decisions to assist must involve a careful weighing of the following two arguments: 1) the ‘fallibility argument’ which points out

⁷⁴ Donaldson and Kymlicka, p. 170.

⁷⁵ Ibid., p. 178.

⁷⁶ For example, if humans use technology to deflect a meteor poised to hit a jungle this would sustain the autonomy of wild animals without impacting them (Donaldson and Kymlicka’s example).

⁷⁷ Donaldson and Kymlicka, p. 179-187.

human proclivity to make mistakes and requires that we must consider our ignorance of the complex workings of natural systems and recognize that our actions may not have the effects we intend in the long run; 2) the discretionary argument which contends that we have limited resources and our assistance can justifiably be offered or withheld on a discretionary basis in consideration of what will be the most beneficial use of our resources.⁷⁸ Given these guidelines, even in a case where a natural catastrophe has struck a group of animals, where the animals are not rejecting our efforts to assist, and where we can be relatively certain that our efforts will rehabilitate the animals to a flourishing, autonomous state, it is still up to our discretion whether or not our resources will be best utilized here. This aspect of the sovereignty view seems problematic, but I will discuss this feature of their view later.

Finally, in terms of liminal animals such as the rabbit in the park from our example, Donaldson and Kymlicka propose to consider them as varieties of denizens (such as migrants or temporary workers). Their view is that thinking through forms of human denizenship will “shed light on the appropriate terms of denizenship for liminal animals, helping use to identify a characteristic set of interests and injustices that can accompany this status.”⁷⁹ They define liminal animals as “those who are drawn to, or adapt to, human settlements, rather than avoiding or fleeing it (or being destroyed by it), and this results in forms of dependency and vulnerability which distinguish them from both domesticated animals and truly wild animals.”⁸⁰ There are a number of sub-

⁷⁸ Ibid., p. 163-164.

⁷⁹ Ibid., p. 215.

⁸⁰ Donaldson and Kymlicka, p. 217.

categories which liminal animals can fall under,⁸¹ and the relational rights they merit differ somewhat; however there are three basic rights that Donaldson and Kymlicka think should be secured by denizenship: 1) Secure residency, which entails that no matter how a denizen enters a state, they must be secure in it once they reside in it;⁸² 2) Fair terms of reciprocity, which entail a “reciprocal reduction of citizenship benefits and burdens [which] represent a fair accommodation of interest, not a hierarchical relation of exploitation”⁸³; And 3) anti-stigma safeguards, which require states to take measures to ensure that denizens are not made “vulnerable by their alternative status.”⁸⁴ Just as states retain a right to monitor and regulate who is permitted entry into the state, so too can communities set up barriers or disincentives to keep unwelcome denizens, human or animal, out of specific zones. However, security of residency maintains that animals who succeed in passing the attempted barriers, or animals who already live within a particular community, cannot simply be tossed out but must be accorded the appropriate status either as denizens, or co-citizens.

One of the positive aspects of Donaldson and Kymlicka’s view is that it is well equipped to deal with the creation of just institutions and states. As a political theory that

⁸¹ There are four main sub-categories: “opportunistic” animals which are highly adaptive, such as raccoons, sparrows; “niche specialists”, who are “much less flexible in their dependency on forms of human activity”; “feral domesticated animals and their dependents”; and “escaped and introduced exotic species”. Donaldson and Kymlicka, p.219-226.

⁸² Donaldson and Kymlicka, . 239.

⁸³ Ibid., p. 239-240.

⁸⁴ Ibid., p. 240.

draws on existing frameworks of citizenship, it appears much more capable of addressing issues of collective responsibility than any of the previous relational accounts. As we saw, Burgess-Jackson ignored the problem of collective responsibility, and Palmer struggled with it. However, since citizenship theory is primarily focused on the establishment of just institutions which regulate and promote just relations between citizens, denizens and sovereigns, I think this view is best able to account for collective responsibility. The main problem with collective responsibility for Palmer was that her modified voluntaristic account was unable to support the strong intuition that dissenting members of groups, or later generations of groups who had caused harm to others, nonetheless had special obligations to the groups that were harmed. On the political view, the State can assume responsibilities as a collective, without worrying about placing moral blameworthiness on its members. Many of the harms animals face today are systemic and institutionalized already, it is difficult to blame any single person for the current factory farming system. As we saw, Palmer's view is well equipped to deal with individual obligations, but when the problems are systemic, a political view that deals predominantly with establishing just institutions is better able to remedy institutional harms. For example, in the case of residential schools, while it is difficult and messy to point the finger at particular people now and claim they are both morally blameworthy and responsible for reparations, it is easy to acknowledge the deeply damaging system for what it was: a systemic failure to adequately consider the interests of First Nations people and treat them with due respect. Yes there were individuals who did morally reprehensible things, and are morally blameworthy as such, yet just because these harms were carried out by individuals does not excuse the system for being the catalyst for these harms. Nor does it excuse the

institution from being the entity best situated to make recompense, regardless of whether or not the individuals in power now were involved in setting up or carrying out the unjust institution. Similarly in the animal case, especially when it comes to pet ownership and other domesticated animals, it is difficult to lay blame on particular individuals for bringing domesticated animals to their current state of vulnerability and dependence, but that has no bearing on whether or not society has obligations in light of these past systemic historical (and ongoing) harms. Thus, where previous relational accounts had difficulty accounting for collective obligations, a political view is able to address these concerns. Conversely, as I will show in the next few pages, the political view is less well equipped to deal with cases of individual obligations, unless it adopts some of the insights of the literature on associative duties.

With this general understanding of what these different political frameworks entail let's examine how they might be applied to the three rabbit examples from the beginning. As noted, the three broad categories of animals Donaldson and Kymlicka outline correspond nicely with the three rabbit cases: the domestic rabbit ought to be conceived of and treated as a co-citizen; the rabbit in the park as a denizen; and the rabbit in the wild as a sovereign. Let us turn now to an analysis of how this theory might account for the intuition of differential obligations.

In terms of the rabbit in the wild, Donaldson and Kymlicka would support assisting the individual rabbit so long as doing so was within the assistor's capabilities and would accord with the moral purpose of sovereignty. Assistance would thus be permitted, perhaps even required, as long as it would result, to the best of the assistor's knowledge, in reinstating the agency of the rabbit such that it could return to an

autonomous, flourishing state. However, there would be no absolute requirement of assistance since consideration of the fallibility and or discretionary argument might lead a person to justifiably refrain from aiding the rabbit. Even if we could be completely certain that assistance would have no negative impact on the agency or flourishing of the individual rabbit and its community, it would still remain up to the individual in the position to assist to use their discretion whether or not assistance would be the best use of their resources. However, if the assistor knew both that it would result in a good outcome, and that it would be the best use of their resources, then, in principle, there would be obligation to assist. The main difference between Palmer's view and this view is that, for Palmer, even where there is such perfect knowledge there is no obligation to assist unless the person stands in some sort of vulnerability and dependency creating relationship with the injured animal. However, humans do not have access to such perfect knowledge.

The problem with Donaldson and Kymlicka's view here is surprisingly similar to the problem Singer's view encountered in chapter one. Both views use the practical consideration of epistemic uncertainty surrounding what may or may not result from assistance to excuse the person situated to assist from assisting. This may seem harmless and practical enough, however, as I tried to show in chapter one, it leads to some counter-intuitive results. Recall the example of Garfield, the pet cat who gets injured in the nearby forest and found by his owner. If epistemic uncertainty can justify not assisting the wild rabbit in the forest, then it seems it could similarly justify not assisting Garfield. However, since our intuitions about obligations to our own companion animals are so strong, this is an unpalatable conclusion. Fortunately, as I have been trying to show, there is an easy solution to this undesirable consequence: if we identify the relationship of

created vulnerability or dependence which we stand in to our domestic animal as morally relevant, then we can account for the obligation to assist one and not the other. Granted, Donaldson and Kymlicka offer a different reason why we would have an obligation to assist Garfield and not necessarily the wild rabbit, namely, that we ought to be treating Garfield as a co-citizen and the wild animal as a sovereign. Yet, as I hope to show below, at least in some cases it seems that our treatment of domesticated animals as co-citizens is perhaps better motivated by relational considerations such as Palmer's. considerations.

In terms of the obligations we have to assist the injured domestic rabbit, it seems obvious that Donaldson and Kymlicka's citizenship framework would support assistance since domestic animals are to be treated as co-citizens. Although not explicitly mentioned by Kymlicka and Donaldson, I think it is safe to assume that all citizens (human or animal) would have a right to assistance. Yet it is unclear how this right actually translates into obligations that we have on an individual level to each other. It seems wrong to say that it is by virtue of shared citizenship that a parent has an obligation to care for and protect his children. Similarly, in the case of the injured pet rabbit it seems that associative considerations rather than simple citizenship rights motivate this obligation. If Donaldson and Kymlicka considered domesticated animals not only as co-citizens but also as dependents, much like children, and accepted a corresponding framework of relational obligations based on the asymmetric relation of created vulnerability or dependence, then they would better be able to address the issue of individual special obligations. Without an appeal to relational duties based on created vulnerability or dependence, Donaldson and Kymlicka have a difficult time explaining

who has special obligations to assist particular animals such as the injured domestic rabbit.

Yet, considering animals as dependents is only helpful in cases where the direct guardian is accessible. The question still remains what our obligations are to injured domestic animals who are not in our direct care, and who have not been harmed by us. Even if all citizens have a right to assistance, it still remains unclear whether failure of a bystander to assist would be a breach of obligation. Suppose that instead of discovering that your own pet has been injured you notice while on vacation that someone else's pet has been injured and nobody is around to help it. There is no direct relationship between you and the pet, nor you and the pet's owner since you don't even know who the owner is. It seems like you must have an obligation to assist the pet, but this obligation cannot be motivated by any direct relationship of dependence. I suggest that probing our intuitions in an analogous human situation might direct our thinking here. Imagine you are on a walk during your vacation and you encounter a stranger drowning in a pond.⁸⁵ Even if all citizens have a right to assistance, it is unclear whether failure of a bystander to assist or call for assistance would be a breach of obligation. It might be objected here that I am conflating legal duties with moral duties. Even if there is no legal duty to rescue someone in peril there might nonetheless be a moral duty to rescue the person. I agree. However, the point I am trying to make is that individual positive obligation is a more complicated matter for Donaldson and Kymlicka's political view. Clearly citizens have many negative obligations to each other which range from not blasting the stereo late at night to not

⁸⁵ This is a variation of Singer's famous case, but I made it an adult rather than a child since the obligations we might have to a child would likely be greater than the obligations we have to adults. .

murdering each other, but there are few instances of positive obligations. Human citizens have positive obligations to pay taxes, to report abuses, and perhaps to help each other out when doing so is not too much of a burden. Here it seems more plausible to say that shared membership in a state counts as a relation which can generate positive obligations. We might say that a just state is one which provides positive assistance to its members, and the most efficient way to meet these needs is to have its citizens help each other in situations like this one.

Even if shared membership in a state is not enough to ground an obligation in the human case, there is a fundamental distinction between human citizens and animal citizens that bears on our institutional obligations to them. The difference is that humans over time have brought domesticated animals into their current states of dependency and vulnerability. This is a fact which Donaldson and Kymlicka not only readily admit, but on which they predicate their argument for including domesticated animals as citizens: having “deprived them of other possible forms of existence (at least for the foreseeable future) we have a duty to include them in our social and political arrangements on fair terms.”⁸⁶ This suggests that the role that created vulnerability or dependence plays in their own political theory is greater than they think.

The difference between human and animal citizens has another important meaning. The nature of the asymmetrical power relations between domestic animals and their human owners/ breeders renders our obligations to certain domestic animals potentially even greater than our obligations to certain humans. For example some pets

⁸⁶ Donaldson and Kymlicka, p. 101.

are bred for particular neotonous traits which are detrimental to the well-being of the animals themselves. Given this relation we bring some animals into the world in a manner that is already unjust. Breeding humans in a similar manner (in fact ‘breeding’ humans at all) would be unthinkable. Imagine that hundreds of years ago slave owners bred their slaves to be extremely strong but this resulted in the slaves having difficulty breathing and being prone to early heart failure and painful seizures. The vulnerability created by this breeding practice ought to result in greater positive obligations to these slaves than to other citizens. Thus, the debt we owe to some domesticated animals might in some sense be greater than the debt we owe to some of our fellow human citizens. At the very least the nature of our obligations to animals we have bred to be vulnerable or dependent is importantly different than the nature of our obligations to human citizens.

In terms of liminal animals Donaldson and Kymlicka’s denizenship framework is intended to secure the following: security of residence, fair terms of reciprocity, and anti-stigma safeguards. Yet it is unclear what it would dictate in terms of assisting injured liminal animals such as the injured rabbit in the park.⁸⁷ Since liminal animals by

⁸⁷ As previously noted the different subsets of denizens translate into different rights for different animals, thus the category of denizen any specific animal falls into matters in terms of establishing what its rights are. There is a difference between a rabbit that has been abandoned by its owner, a rabbit who has escaped from its owner, and a rabbit who has never been captive or domesticated by humans. The escapee case is complex, since if the rabbit “chose” (with its feet) to escape from its domestic status, then fair terms of reciprocity might support diminished rights, whereas if the rabbit was abandoned then it seems wrong to say that its rights are diminished simply because it is no longer a domestic rabbit with co-citizenship status. For the sake of simplicity let’s assume that the rabbit in the park has escaped and thus demonstrated a will to live independently of its owners.

definition are not animals that humans specifically chose or bred to live alongside us, our debt to them is somewhat different. Perhaps the most straightforward way to determine what the denizenship framework might dictate here is to ask what a similar human denizen's rights are in terms of assistance. The kind of denizen most similar to this escaped rabbit might be a refugee. Suppose that a refugee, Mary, stumbles and breaks her leg in the park while out walking. We run into two seemingly separate questions here: 1) does she have a right to assistance? And 2) who is obliged to assist her? Even if we accept that she does have a right to assistance, the question of who is obliged to do the assisting remains open. Do all capable citizens who encounter her have an obligation to help her, and who is to cover the costs? Legally speaking, it would depend on whether or not there is a duty to rescue in the state where we reside, but the moral question is another matter. This may be precisely the sort of trade-off Donaldson and Kymlicka have in mind when they talk about fair terms of reciprocity. Insofar as animals choose to live independently of direct human contact, they forego certain rights that citizens possess, such as protections from predators or, potentially, rights to positive assistance. However, even if they are foregoing some rights of citizenship, surely in cases where a full citizen has been the cause of injury to a denizen, the full citizen would incur legal responsibilities towards the denizen. So for example, if a driver hits and injures an urban deer they would have the responsibility to call the relevant authorities, and pay the relevant bills, just as they would if they had hit a temporary migrant or their own co-citizen. Nonetheless, the moral question concerning whether an individual encountering a liminal animal in need (whom they have not directly harmed) has an obligation to assist remains open. It seems to me that support for assisting the injured feral rabbit is consistent with Donaldson and

Kymlicka's views on assisting animals in the wild, so long as the rescuer considers the fallibility and discretionary arguments, and so long as the rescue results in restoring the animal to a flourishing state, either autonomous or newly inter-dependent. If I am correct here, then much like their sovereignty framework, their denizenship framework suggests that, aside from cases where harm has directly been caused by an actor, there is no absolute obligation to assist, but doing so for well considered reasons is nonetheless justifiable (and often commendable).

This analysis of Donaldson and Kymlicka's view has demonstrated that, on a broader general scale our obligations to wild animals, domestic animals and liminal animals differ as a direct result of the political relationships we stand in to them. In line with the intuition of differential obligations we end up as a society having more demanding and extensive obligations to domestic animals (co-citizens) than we do to either liminal animals (denizens) or wild animals (sovereigns). Yet, as I have tried to show, cases of individual positive obligations are more complicated for Donaldson and Kymlicka. There are relevant differences between our relationships to animals in our direct care and those who are not, as well as relevant differences in the relations between humans and domesticated animals and humans to fellow human citizens. Donaldson and Kymlicka view would be well-served by including a relational principle like Palmer's to account for the asymmetrical power relations that result in, and sustain, relationships of created vulnerability and dependency in animals.

In summary, this chapter has analyzed four relational accounts in light of the intuition of differential obligations. We began with Midgley's view of social nearness, which served as an impetus for consideration of the moral relevance of relationships in

terms of our obligations to animals. Ultimately her view fell short of providing an adequate framework to assess representative cases such as the 3 rabbit scenarios. Similarly, Burgess-Jackson provided a promising, succinct principle for grounding our obligations to animals (the principle of created vulnerability or dependence). However, he failed to extend his principle to its logical conclusion, namely that we have obligations to all animals in which we have created vulnerability or dependence. Palmer made this logical extension and thus offered a much fuller and systematic account of our obligations animals in all contexts. I suggested that her view could be improved by linking the degree of vulnerability and dependence we have created in animals to the strength or degree of obligations we have to them. Her view offers an extremely promising and intuitive basis for the intuition of differential obligations specifically in cases of individual obligations but, given the modified voluntaristic aspect of her view she has a difficult time accounting for collective responsibility. Conversely we saw that Donaldson and Kymlicka's political view is much better equipped to deal with cases of collective or institutional responsibilities, but less well equipped to deal with cases of individual obligations such as the 3 rabbit scenarios. In the end, I suggested that Kymlicka and Donaldson would do well to incorporate something like the principle of created vulnerability to account for the individual obligations we have to animals, as well as acknowledge the significant difference between the relation we stand in to domesticated animals and the one we stand in to fellow human citizens.

At the end of the day, both Palmer's relational view and Donaldson and Kymlicka's political view are able to adequately account for the intuition of differential obligations, albeit on different terms. As noted, the main difference between their views is

that the latter deals predominantly with ways of setting up societies that will result in better overall treatment of animals, whereas the former is best able to account for individual obligations. A modified hybrid of the two views which utilizes the principle of created vulnerability to ground our individual obligations and the citizenship theory framework to set up and maintain just institutions and relations between humans and animals seems a promising direction as it provides a way to think through both our personal obligations as well as our societal obligations to vulnerable or dependent others.

Chapter 3

In this thesis, I have suggested that relational considerations offer a better explanation of the intuition of differential obligations than do existing capacity-oriented views. In closing, I would like to highlight the contribution that relational approaches make to the ongoing animal liberationist dialogue and make some brief comments on the issue of compatibility or overlap between relational views and capacity-oriented views. As will become clear, compatibility between relational views and aspects of capacity-oriented accounts is necessary to bolster the relational views' defenses against several inevitable objections.

3.1 Compatibility: Relational Views and Capacity-Oriented Views

Notably, each of the main relational views discussed in chapter two are considered by their authors to be compatible with at least some aspects of capacity-oriented approaches such as those discussed in chapter one.⁸⁸ As such, the relational views are perhaps best thought of as expansions of, or additions to, the existing capacity views rather than replacements of them. As will become evident, a purely relational approach that is not compatible with specific aspects of capacity views is open to a number of substantial objections. It would be open to the criticism that it casts its net either *too narrow*, including only some beings into the moral community to the detriment of others, or, *too wide*, including too many entities into the category of beings to whom we have

⁸⁸ Palmer, p. 34, 39, Burgess-Jackson, p. 178., Donaldson and Kymlicka, p. 49.

special obligations. In light of these objections, the importance of compatibility between at least some aspects of relational views becomes clear. When thinking through the compatibility of relational views to capacity-oriented views, we need to begin by establishing a precise definition of compatibility. First we need to establish whether the authors consider their views compatible each in the same way, or each in unique ways.

There are at least two slightly different senses in which the relational and capacity views are considered compatible. The first sense is basic compatibility with the general obligation to refrain from harming animals unnecessarily. This obligation is considered general because it applies to all humans towards all animals (barring exceptional circumstances such as self defense). It might also be characterized as a negative obligation, where the obligation is simply to *not* do something, rather than to actively do something, i.e. to refrain from killing a person or animal as opposed to actively saving a life.⁸⁹ What compatibility with this general obligation means for a relational view is that, although we might have special relational obligations to specific animals based on the relationships in which we stand to them, we *also* have general obligations to all animals in virtue of the types of beings they are. Specifically, we have a general negative obligation not to harm any animals. Donaldson and Kymlicka contend that, much like human rights, animals have the universal negative right not to be “tortured, experimented on, enslaved, imprisoned or killed.”⁹⁰ This type of compatibility is important for Donaldson and Kymlicka’s view since without it there may not be a specific principle

⁸⁹ For more on negative duties see Jan Narveson’s *Moral Matters* (New York: Broadview Press, 1999), p.33-34.

⁹⁰ Donaldson and Kymlicka, p.49.

preventing certain political groups from directly or indirectly harming or exploiting other political groups. Because the type of relation that is important for their view is the relationship between the state and the individual, there needs to be at least some general guiding principles or norms to prohibit harmful interactions between sovereign groups.

Interestingly, this type of compatibility is considerably less important for a relational view like Palmer's, since the relationship that matters from her perspective is any relationship between individuals or groups who affect other individuals or groups. So, if members of one sovereign nation were exploiting members of another sovereign nation, they would find themselves already in a relationship where they are creating vulnerability or dependence and hence would find themselves with obligations to assist or somehow remedy the imbalance.⁹¹ It should be clear that initiating nonreciprocal relationships where one party is unjustifiably rendering the other party vulnerable or dependent to their detriment would not be acceptable on a view like Palmers which seeks to remedy precisely these sorts of situations by establishing special obligations. Thus, compatibility with a general negative duty against harming others does not seem as important for Palmer's view, since something like it is inherent in the framework. The same goes for

⁹¹ It is not entirely clear whether or not developing relationships that create vulnerability or dependence is prohibited on Palmer's view (it most likely is not since that would prohibit procreation- the quintessential creation of vulnerable others). This is an issue that Palmer would do well to address by delineating more fully what the implications of her view are. My thoughts is that it is not necessarily wrong to initiate vulnerability, dependence creating relationships when there is a) meaningful consent from the individuals involved (e.g. marriage, cohabitation etc.); or b) if it for the benefit of a vulnerable individual who is unable to act on her own (e.g. benevolent paternalism); or c) when there is a likelihood that the individual will grow out of the relationship of pure vulnerability/dependence (e.g. kids).

Burgess Jackson's view as it is also predicated on relationships which create vulnerability and dependence.

Given Donaldson and Kymlicka's reliance on universal negative rights to maintain norms between sovereign groups, it would seem that their view is only compatible with a rights-based view. Without inalienable rights of individuals and sovereign states, there might be no mechanism to maintain appropriate relations between such groups. On the other hand, a Palmerian relational view could potentially maintain the same standards of order between sovereign groups without relying on general obligations or inalienable rights. Although compatible with these, Palmer's view could function without them, which frees up the possibility of her view being compatible with a consequentialist capacity-oriented view. Nonetheless, Palmer claims her view is most compatible with rights-based views. This may be because she wants to align herself with a view that strongly establishes negative obligations in order to avoid the objection that her relational view casts its net too narrow and is subjective to the point of favouritism.

An important objection that faces all of the relational theorists as well as proponents of associative duties is that individuals might fulfill special obligations to their loved ones at the expense of others (e.g. stealing food from the impoverished to feed their own child). Compatibility with a general negative obligation not to harm others enables the relational theorist to defend against this claim by arguing that, while we may have special obligations to beings that we stand in particular relationships to, these do not override our general obligations to others. Lack of compatibility with general negative obligations would render the project of explaining why individuals should not prioritize their loved ones to the detriment of others difficult.

The second, slightly different form of compatibility is compatibility with at least one of the basic arguments used to establish that animals have moral standing. This form of compatibility is important for all versions of relational views because it enables them to build their views from the foundations established by decades of work done by previous animal liberation theorists to establish that animals matter morally. Compatibility at this level makes it clear that relational theorists are not questioning whether all animals have moral standing. They take it as a given that any animal who has the relevant capacities, be it sentience, subject-of-a-life-ness, or as Donaldson and Kymlicka suggest, that there be “someone home”⁹², has equal moral standing, just as all humans have equal moral standing. Thus, the crux of the argument, as will hopefully be clear by now, is not that different animals have different moral standing, but that humans have different obligations to different animals based on the sorts of relationships we stand in to them. As Burgess-Jackson puts it: “we are responsible to both humans and animals because of the sorts of beings they are”.⁹³

This compatibility with traditional capacity oriented arguments for the moral standing of animals is extremely important to bolster defenses against the objection that a relational approach casts its net too wide. Without a clear criterion of what sorts of entities humans find themselves with relational obligations to, relational theories would be open to the criticism that humans might find themselves with relational obligations to all sorts of entities, such as other living organisms like trees and plants, ecosystems- or

⁹² Donaldson and Kymlicka, p. 25.

⁹³ Burgess-Jackson, p. 178.

even inanimate objects like rocks, houses or pavement. If humans have special obligations to everything we made vulnerable or dependent then we might just find ourselves not only with some bizarre moral obligations, but with obligations that far exceed our capacities. Many environmental ethicists would applaud the notion that we have moral obligations to ecosystems, for instance, an obligation not to impede the flourishing of ecosystems.⁹⁴ However, there is division amongst environmentalists over whether such obligations are owed directly to the natural systems, or indirectly, to humankind at large. Ultimately, it is difficult to establish what sorts of beings or entities ought to be beneficiaries of obligations. Moral philosophers have long debated what sorts of beings can have moral status. Although there is continued disagreement over the exact place to draw the line, it is generally agreed, given our current scientific knowledge at this particular point in history, that rocks and houses sit comfortably on the side of entities without moral standing, whereas human and non-human animals sit comfortably on the side of entities that have moral standing. While we might use the language of responsibility and obligation when discussing a homeowner's relationship to her house,

⁹⁴ This division occurs mainly between ecocentrists and anthropocentrists. For example, when considering whether or not to develop a wetlands into a suburb, the ecocentrist would argue that the ecosystem has intrinsic value and ought to be preserved for its own sake, whereas the anthropocentrist would argue that the ecosystem ought to be preserved for the sake of humans, (e.g. because biodiversity is important to human life, or even perhaps because of the aesthetic value of the wetlands for current and future generations). For more on ecocentrist views see Paul Taylor's "The Ethics of Respect for Nature", *Environmental Ethics* (3: 197-218 1981). For more on anthropocentric views see John Passmore's *Man's Responsibility for Nature* 2nd ed., (London: Duckworth, 1980).

this is not moral responsibility, unless of course the neglect results in harm to beings that have moral standing (such as a landowner/ slumlord - tenant situation). Claiming that animals are the sort of beings to whom humans can owe special obligations because they are either sentient or subjects-of-a-life identifies important differences between animals and non-sentient entities which enables the relational theorist to justifiably deny that we have the same obligations to both animals and rocks that we have made similarly vulnerable or dependent.

We see then that compatibility between relational views and capacity-oriented views saves relational views from at least two serious objections. Compatibility with the general, negative obligation not to harm any animals provides a defense against the claim that relational views are too subjective. This sort of compatibility renders favouritism to the detriment of others unacceptable on the relational view. In a similar vein, compatibility with the traditional capacity oriented arguments for the moral standing of animals provides a defense against the claim that relational considerations entail consideration of the interests of non-sentient entities.

3.2 Concluding Remarks

This thesis has suggested that the main contribution of relational accounts to the existing animal liberationist theory is that they offer a more satisfying and direct method of addressing the intuition of differential obligations. The ‘problem of wild animals’ is a trouble spot for animal liberationist theorists. As demonstrated in the first chapter, capacity-oriented approaches are not well equipped for addressing the intuition that we have different moral obligations to animals with similar or near identical capacities. On

capacity-oriented views such as Singer's and Regan's, animals with similar capacities warrant similar or identical treatment. Thus, if we have a moral obligation to assist a domestic rabbit we must in principle have a similar obligation to assist a wild rabbit. We saw that Singer might attempt to avoid this implication by arguing that because of our epistemic limitations concerning complete understanding of natural systems, assisting wild animals does not necessarily maximize the good. For example, if we 'interfere with Nature' by helping the wild rabbit with the broken leg we may inadvertently set off a chain of events which counteract our intentions (e.g., the mother fox loses her meal and cannot feed her starving pups, thus decreasing rather than increasing overall welfare). So, although we might have prolonged the life of one animal, in the larger picture, more animals suffered and utility depreciated rather than appreciated. While this coheres in a sense with the intuition of differential obligations, it requires making a generalized rule based on uncertain epistemic circumstances. There is no guarantee that assisting the wild rabbit will decrease rather than increase overall welfare, thus, choosing whether or not to assist wild animals must be left to generalized rules that are expected to promote the good in the long run. Singer's reasonable contention that we do not, and cannot, know all the consequences of our interactions with wild animals and natural systems gives us room to choose not to assist wild animals due to practical considerations, but it does not give us a direct reason that explains the intuition of differential obligations. For Singer, we will always in principle have the same obligation to assist suffering animals, both wild and domestic. A relational approach is able to offer a direct reason for the intuition of differential obligations: namely, that we owe greater obligations to animals we stand in particular relationships to that we do to animals we stand in little or no relationship to.

Thus, at the same time that a relational approach takes into account *relationality*, (which is sometimes characterized as a fluid and therefore difficult to track component of morality) it in fact offers a more tractable, direct reason for the differential obligations that we have towards different animals.

Similarly we saw that in Regan's capacity-oriented account he attempts to sidestep the issue of differential obligations by contending that only moral agents can inflict injustice, or violate rights. This leads to the counter-intuitive conclusion that any suffering that is not caused by a moral agent (e.g., suffering that occurs as a result of natural disasters) does not warrant obligations on our part since technically no injustice has occurred. I pointed out the unpalatable implications of this line of reasoning, namely that we have no moral obligation to assist our own companion animals, or even our own children, when natural disasters or other non human-caused suffering befalls them. A relational approach is able to avoid this unpalatable conclusion while accounting for the very intuition (that of differential obligations) that led Regan to engage in this ad-hoc explication.

In terms of relational accounts I demonstrated that, although Midgley's account pointed us in the right direction by including interspecies relations of social nearness into moral considerations, her view ultimately fell short of providing an adequate framework to assess representative cases of the intuition differential obligations. Similarly, although Burgess-Jackson's theory provided a promising, succinct principle for grounding our obligations to animals (the principle of created vulnerability or dependence), he failed to extend his principle to its logical conclusion, namely that we have obligations to all animals in which we have created vulnerability or dependence. Palmer made this logical

extension and thus offered a much fuller and richer account of our obligations to animals in all contexts. I suggested that her view could be improved by linking the strength of the obligations we have to particular animals relative to the degree of vulnerability or dependence we created in them. I also suggested that her view offers an intuitive and promising basis for the intuition of differential obligations specifically in cases of individual obligations but that, given the modified voluntaristic aspect of her view, she has a difficult time accounting for collective responsibility.

Finally, I showed that Donaldson and Kymlicka's political view is much better equipped to deal with cases of collective or institutional responsibilities than Palmer's since it draws from existing citizenship theory. However, I argued that their view is less well equipped to deal with cases of individual obligations because a) not all special obligations appear to be motivated by considerations of citizenship, and b) there is an important difference between our relations to human co-citizens, and animal co-citizens that manifests in the power relations in which we stand to them. In the end, I suggested that Kymlicka and Donaldson would do well to incorporate Palmer's principle of created vulnerability to account for the individual obligations we have to animals, as well as to acknowledge the fundamentally asymmetric power imbalance that exists between humans and domesticated animals.

Ultimately, I contend that an account of animal ethics that draws from Palmer's principle of created vulnerability as well as Donaldson and Kymlicka's insights into the ways in which we might set up social and political institutions that promote and maintain just interspecies relations, offers a promising and direct method of addressing the intuition of differential obligations. Further, I think incorporating specific capacity-oriented criteria

such as the basic injunction against harming and the criteria for identifying who falls into the category of beings whose interests deserve equal moral consideration can only strengthen this type of relational account. In conclusion, while there is much work still to be done to formulate a full account of how our complex relations to particular animals ought to bear on our moral obligations to them, I have pointed towards what I take to be a promising direction for animal liberationist theory.

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