

The Moral Status of Nonhuman Animals

Rhiannon M. Farmer

Thesis submitted to the Faculty of the
Virginia Polytechnic Institute and State University
in partial fulfillment of the requirements for the degree of

Master of Arts
in
Philosophy

Approved by:
Dr. Harlan Miller
Dr. James Klagge
Dr. William FitzPatrick

January 31, 2003
Blacksburg, Virginia

Keywords: Moral Philosophy, Animals, Rowlands, Ethics,
Rawls

Copyright 2003, Rhiannon M. Farmer

The Moral Status of Nonhuman Animals

Rhiannon M. Farmer

(ABSTRACT)

Although moral individualism is sufficient for making fair moral decisions, it is itself supported by our implicit moral commitments; Rawls (and consequently Rowlands) uses the original position as a method for making moral decisions that are both fair and consistent without proposing a normative moral code, and DeGrazia adds content to this method by spelling out what interests are and which individuals are capable of having interests – and thus being morally considerable. Rawls does not go far enough in the process of bracketing off undeserved, unearned properties; he fails to see that properties such as rationality and species are undeserved.

Using Rowlands' interpretation of Rawls, I argue that the revised intuitive equality argument provides the justification for the social contract argument – that is, for bracketing off the properties that are arbitrary.

I use DeGrazia to make the case for sentience as being essential for moral consideration. Sentience is necessary and sufficient for having interests, and having interests is sufficient for being worthy of moral consideration. From this, I conclude that because there are many sentient nonhuman animals, there are many nonhuman animals that are worthy of moral consideration. Being morally considerable is not equivalent to having substantial moral status.

Rachels' moral individualism allows us to make moral decisions based upon the properties or characteristics of the individual, and this is particularly useful for pinpointing our treatment of humans and our justification for doing so and then simply extending this line of thought to nonhumans. This method allows us to isolate what is indeed relevant to the situation at hand and to consider if both individuals under consideration share it. In the case of moral status, sentience will play an important role because it is a property shared by humans and at least some nonhuman animals. Using Rawls, Rowlands, DeGrazia and Rachels as support, I conclude that at least some animals have significant moral status.

Table of Contents

Chapter One – Statement of Thesis and Synopsis of Chapters.....	1
Chapter Two – Explanation of the Original Position.....	5
Contractarianism – The Tradition.....	5
The basics of Rawls’ contract: hypothetical and heuristic.....	8
The original position itself: an explanation	11
Response to a common objection	15
Chapter Three – Revised Intuitive Equality Argument	17
A word regarding Rawls	17
Rawls and the principles of justice	17
The intuitive equality argument and an important revision.....	19
The importance of this argument	22
Consistent application of the revised intuitive equality argument.....	22
Chapter Four – Sentience and Having Interests.....	25
Going further: beyond contractarianism	25
DeGrazia and desires	26
DeGrazia and interests	28
Premises (b) and (c)	29
Conclusion	30
Chapter Five – Moral Individualism.....	32
What is moral individualism?	32
The principle of equality and relevant differences	33
Rachels’ motivation for moral individualism	35
Conclusion	39
Chapter Six – Conclusion	39
Works Cited	43
Works Consulted.....	43
End Notes.....	44
Vita.....	45

Chapter One – Statement of Thesis and Synopsis of Chapters

I plan to argue that the moral status of animals should be determined by looking at them individually rather than as a group, that a tool for such determination is a revised Rawlsian original position/veil of ignorance approach, and that sentience will finally be necessary and sufficient for having interests and thus being worthy of moral consideration. My argument is an extension of what Rawlsians are already committed to, and yet I plan to use Rachels' moral individualism to support this point. The Rawlsian approach is helpful for understanding the full consequences of our liberal beliefs (i.e., that just as the rational deliberators must represent non-rational humans in order to be fair, so too must they represent non-rational nonhumans). Rachels' moral individualism assists us in understanding the individual in his own right, looking at his characteristics and properties and then assigning moral status based on those properties. These approaches will then work together to establish that at least some nonhumans (those that are sentient) will have moral status.

The purpose of Chapter Two is to introduce contractarianism and explain the original position. I endorse a version of contractarianism put forth by John Rawls that follows in the Kantian tradition. Rawls' contract is hypothetical in that it is not historical, not binding, not a metaphysical entity, and it does not require an actual group of contractors in order for it to be a useful device. Additionally, it is a heuristic device, that is, a device of representation. Following in our liberal democratic tradition, it reflects the

idea of the equal moral status of persons and seeks to eliminate those things that make the contracting situation unequal. I will explain Rawlsian contractarianism and, more specifically, the original position, in great detail and answer some common objections.

In Chapter Three I continue to discuss the original position and Rawlsian contractarianism, but I focus more specifically on Rowlands' interpretation of Rawls. He argues that Rawls has two essential arguments to support the principles of justice he claims an individual would choose in the original position. The first and most often overlooked argument he calls the *intuitive equality argument*. The second and most widely discussed argument is the *social contract argument*. Rowlands stresses the importance of the first argument, stating that the social contract argument is dependent upon the intuitive equality argument. These two arguments work in conjunction to support the principles that Rawls claims a person would choose in the original position.

I reformulate the argument, calling it the revised intuitive equality argument. The revision in the first premise allows for the possibility that there are some properties for which we are not responsible, but yet *for some other reason* we are indeed morally entitled to the possession of that property and the corresponding benefits that accrue from it. There will have to be some other reason to justify why the individual is morally entitled to that property; moral entitlement will not be automatic. The revised intuitive equality argument lays out in detail the reasoning behind bracketing off certain properties in the original position. Moral decisions should be made based not on arbitrary properties but on those relevant to the decision at hand.

In Chapter Four, I will use DeGrazia to motivate a principled extension of Rawlsian contractarianism. I will argue in this chapter that (a) sentience is necessary and sufficient for having interests and (b) having interests is sufficient for being worthy of moral consideration. Because (c) there are many sentient nonhuman animals, (d) there are many nonhuman animals that are worthy of moral consideration.

In order to understand the idea of *interests*, I begin by examining the idea of *desires*. To determine which individuals actually desire, what is needed is evidence of sentience; here physiological evidence establishes if the individual has a nervous system that is capable of producing pleasant and unpleasant states. Through this chapter's argument, I will establish that there are many nonhuman animals that are worthy of moral consideration.

Chapter Five depends heavily on the work of James Rachels; in his book, Created from Animals: the Moral Implications of Darwinism, he comes to the same conclusion as was reached in my chapter four: that is, there are at least some nonhuman animals that are worthy of moral consideration. His theory – which he calls moral individualism - offers a full understanding of what it means to be worthy of moral consideration and how we are to make decisions regarding the treatment of these morally considerable individuals. An individual's characteristics will provide the necessary information for making decisions regarding treatment; as I will explain in greater detail later in this chapter, focusing on an

individual's particular characteristics rather than the characteristics of the group to which he belongs (i.e., the *kind* of thing he is) will ensure both a just and consistent manner of making moral decisions.

Rachels' motivation for advocating moral individualism stems from a desire to consistently apply the principle of equality. The principle requires that individuals be treated in the same way unless there is a relevant natural difference between them. Rachels argues that understanding species as differing in degree rather than kind should change the way we make moral decisions.

Ultimately, then, I will argue that combining Rawlsian heuristic devices, DeGrazia's conception of sentience and interests, and Rachels' moral individualism provide a fair and consistent method for making moral decisions that will ensure that those individuals who are worthy of moral consideration are indeed having their interests considered.

Chapter Two – Explanation of the Original Position

I will begin this chapter by providing an explanation of the traditional Rawlsian conception of the original position, addressing common misunderstandings and objections, and finally show that, when consistently applied, a Rawlsian approach commits us to bracketing off more properties in the original position than has commonly been thought.

Contractarianism – The Tradition

Contractarianism, as an approach to ethics, is based upon the idea that moral requirements are determined by the agreements that persons would make in a hypothetical contract that would regulate their interactions. The equality of persons is an essential component to contractarianism, although there are differing ideas about what exactly is meant by the equality of persons. The tradition of contractarianism takes two very distinct forms: Hobbesian and Kantian.ⁱ

In the Hobbesian form of contractarianismⁱⁱ, morality can be understood as a set of rules of conduct that are established in order to secure the interests of the individual while limiting the freedom of that individual as little as possible. These rules are established through a hypothetical contract that applies to the community, hence the tradition of the *social contract*. Hobbesian contractarianism holds that there is nothing objectively right or wrong about any of these rules of conduct; there is nothing wrong,

essentially, with using one's power to harm another in order to secure one's desires. It is, however, a dangerous way of conducting oneself in society, and it would be in my interest to not conduct myself in this manner if everyone else agrees to do so. This is where the contract comes into play. A resolution against the deliberate harming of another person will be mutually advantageous, and it would be accepted in the hypothetical contract. "The principles established by this imaginary bargaining process are to be obeyed not because it is inherently wrong to transgress them, but because it is irrational to do so. To this extent, and to this extent only, the hypothetical social contract can be thought of as yielding a moral code" (Rowlands 55).

It is important to note that this moral code will differ greatly from our common intuitions and conceptions of morality.ⁱⁱⁱ As was stated above, the rules established in Hobbesian contractarianism are done so because they are *mutually advantageous*; if a convention is not mutually advantageous, it will not become a rule of conduct. What makes something mutually advantageous greatly depends upon the individuals involved and how much power they bring to the table. It would not be mutually advantageous for most people to accept rules of conduct that protect the extremely weak; they have little, if anything, to fear from them, so any restriction on their interactions with the extremely weak will be seen as too great a restriction on their freedom, and not mutually advantageous whatsoever. "For the Hobbesian contractarian, therefore, infants, the congenitally handicapped, and many other types of human being seem to fall outside the scope of morality. Moral constraints can arise only between individuals who are roughly equal in power. When this condition is not satisfied, as in the case of individuals who are

unusually weak for some reason, such individuals fall outside the scope of morality” (Rowlands 55).^{iv}

This is very much out of line with the common understanding of morality, for most of us morality is about something more than mutual advantage. That is not to say that we should dismiss Hobbesian contractarianism or that our intuitions will simply refute Hobbes; Hobbes, remember, does not endorse the idea of an objective moral right or wrong. He is, rather, attempting to establish a sense of morality that does not require moral rights and wrongs in the objective sense. A refutation based on our intuitions of moral rights and wrongs would beg the question at hand.

What is important, however, is noting that Hobbesian contractarianism does not seem to be compatible with some of our basic liberal principles, such as the equal moral status of persons. The Hobbesian method of grounding a particular moral code does not provide us with a logical justification of the basic liberal principles we hold so dear.

One major difference between Hobbesian contractarianism and the second major form, Kantian contractarianism (the version of which I endorse is Rawlsian), is that while Hobbesian contractarianism uses the contract to *ground or justify* a moral code, Kantian contractarianism uses the contract “not as a method of grounding or justifying any particular moral code, but, rather, as a heuristic device in terms of which we can *identify and express* the principles embodied, often in a half hidden and implicit manner, in the moral code that we have, for whatever reason, in fact adopted. The contract device can be used in this way to express and reflect the idea of the equal moral status of persons, rather than as an account of how persons come to have moral standing. And the device can be used in this way to *eliminate*, rather than reflect, differences in the bargaining

power of the contractors” (Rowlands 56-7, emphasis mine). The contract is used for very different purposes, and, thus, justifies a significant split in the tradition of contractarianism.

Rowlands explains Rawls’ approach to the contract tradition in the following way:

Contracts are not always necessarily between individuals with equal bargaining power, and, thus, they have a natural tendency to override the needs of the weak. According to Rawls, however, this fact stems not from the nature of the contract as such, but from the conditions under which the contract is determined. A contract *can* give equal consideration to each of the contractors whatever their inherent power or abilities, but only if it is negotiated from a position of equality.

This position of equality Rawls calls the *original position*. (57)

Here we see that Rawls not only addresses the common concern about many humans falling outside the scope of morality in the Hobbesian tradition, but, more importantly, he defends the contract as a means for understanding morality by approaching it in a completely different manner.

The basics of Rawls’ contract: hypothetical and heuristic

What is Rawls’ original position, and what is its purpose? It is both a hypothetical situation and a heuristic device. It is hypothetical in that it is not historical, not binding, not a metaphysical entity, and it does not require an actual group of

contractors in order for it to be a useful device. Additionally, it is a heuristic device, that is, a device of representation. Unlike the Hobbesian version of contractarianism, it does not attempt to ground or justify a moral code; rather, it reflects the idea of the equal moral status of persons and seeks to eliminate those things that make the contracting situation unequal.

Rawls stresses that the original position is a hypothetical situation; it is not historical, because the question is what the contractors *would do* in a given circumstance – not what they actually *have done* or even actually *could do* in the future. The position need not actually take place in order for it to be of import. Also, because the position is hypothetical, it is not binding. The contract need not hold anyone to anything. A common objection to hypothetical agreements is that, since they are not binding, they are insignificant. Rawls correctly responds to this objection by stressing that the original position is meant as a heuristic device, or a device of representation that models “first, what we regard (here and now) as fair conditions for the terms of social cooperation to be agreed to (reflected in the symmetry of the parties’ situation); and second, it models what we regard (here and now) as reasonable restrictions on reasons that may be used in arguing for principles of justice to regulate the basic structure” (Rawls, *Justice as Fairness*, 85). The original position, as part of the social contract tradition, sheds a great deal of light on our moral code by acting as a device of representation – a device that expresses and reflects our sense of morality and can be used as a test against which we examine (and possibly eliminate) new maxims; it need not be a real, binding contract that grounds or justifies our moral code. Rowlands’ explanation of Rawlsian contractarianism is helpful in understanding the original position as a device for representation. It is:

...a device not for grounding, or providing a logical justification for, liberal principles, but, rather, as one for elucidating those principles. While the idea of contracting from an original position cannot justify basic liberal principles, it can, nonetheless, elucidate them in several ways. Firstly, since contractual agreements must be explicitly and publicly formulated, the contract device can render these principles more determinate. Secondly, since the veil of ignorance is a vivid way of expressing the moral requirement of putting ourselves in other people's shoes, the contract device can be used to render the principles more vivid. Viewed in this way, the contract idea is a heuristic device used not for grounding or justifying moral principles but for identifying and expressing more clearly principles that have been antecedently accepted for other reasons. (59)

We see, then, that Rawlsian contractarianism differs from traditional Hobbesian contractarianism in that it does not use the contract notion to ground or justify morality but rather to express or reflect it, and to use it as a test for other beliefs. Rawls uses the contract in a uniquely heuristic manner.

Part of the social contract tradition is the idea of a group of contractors that are in the process of bargaining. Because the original position is hypothetical and does not require actual contracting, one person can use this device on his or her own; there is no need for an actual group of bargaining contractors. “[W]hat is crucial to the original position is the idea that an individual is denied...particular knowledge about him- or herself...and is forced to choose principles of morality on this basis. The idea of distinct individuals denied such knowledge contracting with each other to choose these principles

is an additional, and non-essential, element” (Rowlands 139). The device, then, is extremely beneficial because anyone can use it anytime.

The original position itself: an explanation

With this background, we can now concentrate on the original position itself. Rawls’ motivation for using the original position is to “specify a point of view from which a fair agreement between free and equal persons can be reached; but this point of view must be removed from and not distorted by the particular features and circumstances of the existing basic structure. The original position, with the feature I call the “veil of ignorance” (Theory, 24), specifies this point of view” (Rawls, Justice as Fairness, 15). The point of view of the original position is fair because the “particular features and circumstances” of the deliberators have been bracketed off from the knowledge each deliberator has of herself. In A Theory of Justice, Rawls introduces the original position in the following way:

Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the

contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. (Theory 11)

So, in the original position, an individual must bracket off all undeserved, unearned properties from himself in order to be able to make decisions that are not based on his own bias, but rather the interests of all possible individuals. What is meant by an unearned, undeserved property? An unearned, undeserved property is one over which an individual has no control and has done nothing to merit its possession. It is then fortuitous and cannot automatically provide the individual with benefits or subject him to harm. The undeserved, unearned properties we each possess establish very specific interests that in turn create personal bias; when making decisions regarding justice, these personal properties must not be considered so as to promote fairness and the protection of as many common interests as possible. Being in the original position, behind a veil of ignorance, eliminates these undeserved, unearned properties so that all the deliberators are symmetrically situated and bring no particular biases to the bargaining table.

How does this affect the process of bargaining? First of all, it is important to keep a few things in mind about the (hypothetical) deliberators. The deliberators are rational and self-interested. This means that each deliberator must have the capacity for rationality so that he may actually take part in the process of bracketing off undeserved, unearned properties in the original position. Furthermore, each deliberator is self-interested; he is trying to secure the maximum advantage for himself while making as few concessions as possible. Rowlands offers an excellent explanation of what happens when the deliberators are understood in this manner:

Each contractor is still assumed to be trying to do the best they can for themselves; to formulate and advocate rules of conduct that will secure them the maximum advantage. But, since they are behind the veil of ignorance, this essentially has the consequence that each contractor will try to secure maximum advantage for all persons potentially affected by the contract. From behind the veil of ignorance, attempting to secure maximum advantage for oneself entails trying to secure maximum advantage for all. In order to decide from behind a veil of ignorance which principles will promote my good, I must put myself in the shoes of each person in the society and see what promotes his or her good, since I may end up being any one of these people. Therefore, agreements made in the original position give equal consideration to each person. (Rowlands 57-8)

Using rational self-interest in the original position, then, leads to an interesting outcome. Only by trying to secure the best possible outcome for oneself does the deliberator come to consider the interests of all; because the undeserved, unearned properties – those properties that give individuals the biases with which they make decisions regarding their own interests – have been bracketed off in the original position, the deliberator must consider those interests that are common to all. Because he does not know the specifics of his situation, he must consider many possibilities. This is quite an overwhelming task, however, since there are basically an infinite set of possible properties an individual may possess. The task is made more manageable by considering those properties that are common to all individuals that have interests. How much can be bracketed off from an individual if the individual is to still retain interests?

As stated above, the individual using this heuristic device must be rational; rationality is, however, one of the properties he must bracket off in the original position. Just as he must bracket off information regarding his natural intellectual abilities (whether he is smart or stupid to put it bluntly), he must also bracket off information regarding his capacity for rationality (for example, whether he is rational or non-rational – and this, remember, will include both humans with certain handicaps and a significant group of nonhumans). There need not be a conflict between these two points, for although rationality is necessary in order to use the original position as a device for making moral decisions, it will be bracketed off as an undeserved, unearned quality in the position. A common objection to this regards the notion of reciprocity; only those individuals that participate in the deliberation of the contract should be protected by it. This is an essential feature to contracts, it is said. To this, I must reiterate that the contract is purely hypothetical and is to be used as a heuristic device. Additionally, even despite this point, the capacities for rationality and reciprocation are unearned and undeserved; knowledge of possessing or lacking such properties must be withheld in the original position. The deliberator must consider, then, what the interests would be for an individual lacking rationality or the ability to reciprocate. Would he have any interests and, if so, what might those be? How might those be protected?

Is it necessary to go one step further, i.e., to bracket off perhaps the most basic property: sentience? If sentience is bracketed off in the original position, what interests are to be considered? Does a non-sentient individual have interests? I will argue in Chapter Four that we must not bracket off the property of sentience in the original

position because sentience is necessary for possessing interests. And interests are, after all, what we are considering in the original position.

Response to a common objection

Perhaps the most common objection to the original position is that it is impossible to put oneself in this position. Once all these undeserved, unearned properties have been bracketed off, we are left with an entity that is unimaginable. No one can imagine what it would be like to be in the original position, let alone in a situation that is totally different from one's own. How are we to take seriously a device that requires so much from us? Furthermore, even if one could imagine such a state, the state itself is impossible.

First of all, being in the original position, behind the veil of ignorance, does not entail the existence of a metaphysical entity in this position. One does not need to be able to *imagine what it would be like* to lack a certain property; one only needs to be able to *imagine that* one lacks a certain property. This is the difference between *imagining that* and *imagining what it would be like*. In order to *imagine that* one lacks a certain property, one must only know the relevant facts about the other properties. One can imagine that one is not male without needing to know what it is like to be female. With the relevant facts about female interests and the like, the contractor may make decisions about moral principles. This makes the position much less questionable and problematic for the contractor. (Rowlands 137-8) The device of the original position is used to determine what decisions an individual would make if he were uncertain of his position

in the world. This would require bracketing off particular properties, one by one, and then making decisions, not bracketing off everything and then imagine one's state.

(Rowlands 131-2) It is important to keep in mind that this is simply a heuristic device and a hypothetical contract; none of this is meant to ground moral principles, and the contracting need not actually take place. It is a thought experiment through which we can uncover the full implications of our moral beliefs.

Chapter Three – Revised Intuitive Equality Argument

A word regarding Rawls

I would like to begin this chapter with a word about Rawls and my motivation for using Rawlsian contractarianism in this endeavor. It is not the purpose of this thesis to defend Rawlsian contractarianism and all its assertions; many of Rawls' methods, however, are important for the process of thinking about justice and making moral decisions. As I discussed in the previous chapter, using the original position as a heuristic device is particularly helpful for demonstrating how a rational, self-interested individual could make moral decisions in a manner that is fair; I stress these arguments, then, in order to outline a consistent way of thinking about justice and to illustrate some of the implicit moral commitments we have as liberal thinkers.

Rawls and the principles of justice

Rawls claims that, in the original position, a person would choose two principles of distributive justice:

First principle – Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system for all.

Second principle – Social and economic inequalities are to be arranged so that they are both:

- (a) To the greatest benefit of the least advantaged, consistent with the just savings principle, and
- (b) Attached to offices and positions open to all under conditions of fair equality of opportunity. (Rawls 302-3)

Rowlands argues that Rawls has two essential arguments to support these principles of justice rather than one, as is commonly thought. He explains this in the following manner:

The first argument functions by contrasting his theory with what he takes to be the prevailing ideology concerning distributive justice – namely the ideal of equality of opportunity. The political system that embodies this ideal is referred to by Rawls as the system of *liberal equality*. Rawls argues that his theory (i.e. *democratic equality*) better fits our considered intuitions concerning justice, and that it more consistently spells out the very ideals of fairness that underwrite the prevailing ideology. I propose to call this the *intuitive equality argument*. The second argument defends the principles of justice by showing that they are the principles that would be adopted by rational agents in the original position. I shall refer to this as the *social contract argument*. Rawls has, of course, placed far more emphasis on the social contract argument, and this has led many people to overlook the intuitive equality argument. (Rowlands 127)

Rowlands stresses the importance of the first argument, stating that the social contract argument is dependent upon the intuitive equality argument. These two arguments work

in conjunction to support the principles that Rawls claims a person would choose in the original position.

Rawls uses the intuitive equality argument in order to show that the system of liberal equality and the ideal of equality of opportunity depends upon the idea that “one is not entitled to benefits that accrue from properties one has done nothing to earn” (Rowlands 128). The argument stresses that there are a great many properties that an individual possesses, and there will inevitably be a set of properties within those that the individual has done nothing to deserve or earn. These unearned, undeserved properties are morally arbitrary, and the individual should not benefit from the possession of such properties. Rawls’ dispute with the concept of equality of opportunity is not with the foundations of the concept itself, but rather with the inconsistency with which it is applied. He insists that we examine more accurately what properties we possess, what benefits or burdens accrue from their possession, and whether or not we are responsible for their possession. If the concept of equality of opportunity is to be central to liberal thought, then we must understand that there are a great many undeserved properties for which we are receiving benefits; equal opportunity must demand that no morally arbitrary properties be rewarded.

The intuitive equality argument and an important revision

The intuitive equality argument, as outlined by Rowlands, is as follows:

P1. If an individual I is not responsible for their possession of property P, then I is not morally entitled to P.

P2. If I is not morally entitled to P, then I is not morally entitled to whatever benefits accrue from their possession of P.

P3. For any individual I, there will be a certain set of properties $S = \{P_1, P_2, \dots, P_n\}$ such that I possesses S without being responsible for possessing S.

C. Therefore, for any individual I, there is a set S of properties such that I is not morally entitled to the benefits which accrue from possession of S. (Rowlands 128)

This argument sheds light on the discussion about undeserved, unearned properties in the previous chapter by actually showing how the premises lead to the conclusion; the conclusion is what motivates the bracketing off of such properties in the original position. A property for which one is not responsible for possessing is an undeserved, unearned property.

There is, however, a serious flaw with P1.^v Isn't it possible that we are *sometimes* morally entitled to a property of which we are not responsible for possessing (and then, as in P2, the corresponding benefits that accrue from the possession of that property)? For example, take the property *being the child of X*. Clearly one is not responsible for *being the child of X*; *being the child of X* is arbitrary and certainly an unearned, undeserved property. However, isn't it certainly true that the individual in question is entitled to whatever benefits accrue from being the child of X? Doesn't the very relationship involved in the property (namely, having been brought into the world by X – *being the child of X*) entitle one to certain benefits? This question cannot be fully answered here, for there are larger issues regarding the relationship between parents and

children and what rights a child has because he has had no control over being in the relationship at all. At the very least, this forces us to reexamine P1. It seems too harsh to say that if one is not responsible for the possession of a property, then he is not (for any reason) morally entitled to that property and the corresponding benefits that accrue from its possession. This leads me to reformulate the argument, which I will call the revised intuitive equality argument.

The Revised Intuitive Equality argument:

P1. If an individual I is not responsible for their possession of property P, then I is not *automatically* morally entitled to P.

P2. If I is not morally entitled to P, then I is not morally entitled to whatever benefits accrue from their possession of P.

P3. For any individual I, there will be a certain set of properties $S = \{P_1, P_2, \dots, P_n\}$ such that I possesses without being responsible for possessing S.

C. Therefore, for any individual I, there is a set S of properties such that I is not *automatically* morally entitled to the benefits which accrue from possession of S.

The revision in P1 allows for the possibility that (like in the example of *being the child of X*) there are some properties for which we are not responsible, but yet *for some other reason* we are indeed morally entitled to the possession of that property and the corresponding benefits that accrue from it. There will have to be some other reason to justify why the individual is morally entitled to that property; moral entitlement will not be automatic.

The importance of this argument

This argument sheds light on the original position by working in conjunction with the social contract argument to motivate the principles chosen in the position. I would like to stress not the particular principles of distributive justice (as Rawls does) but rather the argument itself and its implications for the original position.

The revised intuitive equality argument lays out in detail the reasoning behind bracketing off certain properties in the original position. These undeserved, unearned properties must be bracketed off from knowledge in the position because, if an individual is not responsible for possessing a certain property, then he is not automatically morally entitled to the possession of that property nor is he entitled to the benefits that accrue from it; furthermore, every individual has certain undeserved, unearned properties and will not, therefore, be automatically entitled to any benefits which accrue from the possession of those properties. Basically, those properties cannot be used to determine moral status and they cannot be used for or against an individual in any circumstance. The point is to make moral decisions based not on arbitrary properties but on those relevant to the decision at hand.

Consistent application of the revised intuitive equality argument

As I discussed earlier, Rawls is interested in consistently applying this argument so as to show the full implications of our liberal thought. He argues that many

individuals benefit from (and are harmed by) unearned, undeserved properties because we overlook these properties, failing to recognize that they too are morally arbitrary. Take the common examples: while we recognize that it is unjust for an individual to benefit simply on the basis of race (an undeserved, unearned property), we fail to see that IQ is also a property for which we are not responsible. Consistency requires us to reexamine how we think of justice and how we make decisions. If we are interested in fairness, then we must bracket off all undeserved properties (as needed) when making moral decisions. As is often the case, we fail to see the full implications of an argument we accept; Rawls is simply urging us to pay closer attention to those implications.

With this in mind, it is interesting to note that Rawls also fails to see one very important implication of this argument. Just as race and IQ are undeserved, unearned properties so are rationality and humanity. By that I mean that having a certain capacity for rationality is a property for which an individual is not responsible, and thus the individual is not responsible for possessing it or for receiving any benefits that accrue from its possession. In order to consistently apply the revised intuitive equality argument, rationality must be understood as a morally arbitrary property. The same applies to humanity (or species membership). The property of belonging to a particular species (like homo sapiens) is a property over which we have had no control and certainly have done nothing to merit its possession; the argument insists that this too be considered morally arbitrary.

When the full implications of the revised intuitive equality argument – which, remember, provide a basis for the original position as a legitimate heuristic device – are understood, then the original position can consistently and fairly be used as a tool for

making moral decisions. Just as the rational deliberators must represent non-rational humans in order to be fair and to fully represent the interests of all those protected by the contract, so too must they represent non-rational nonhumans. Our liberal commitments require it.

Chapter Four – Sentience and Having Interests

Going further: beyond contractarianism

This chapter constitutes a major departure from the previous ones in that the approach is no longer contractarian in nature. Contractarianism, and more specifically, Rawlsian contractarianism, is helpful as a heuristic device and starting point for this project because Rawls himself works within the liberal democratic tradition to illustrate a consistent understanding of justice. He employs devices such as the original position in order to assist us in understanding how to make moral decisions in a way that consistently realizes our accepted ideas of justice and fairness; bracketing off particular unearned, undeserved characteristics allows us to consider the interests of the individual without the interference of personal bias. Our liberal democratic ideas commit us to making moral decisions in a manner that neither rewards nor punishes individuals for arbitrary (unearned, undeserved) properties.

I will now use DeGrazia to motivate a principled extension of Rawlsian contractarianism. As I have discussed briefly in the previous chapters, a full understanding of Rawlsian contractarianism, with the revised intuitive equality argument as well, leads us to the conclusion that Rawls himself is not as consistent as he hopes to be. While he is thorough enough to realize the fortuitousness of natural endowments such as intelligence, he fails to see that properties (such as belonging to a particular species) also must be bracketed off in the original position. Furthermore, there is just one essential property in the possession of interests: sentience.

I will argue in this chapter that (a) sentience is necessary and sufficient for having interests and (b) having interests is sufficient for being worthy of moral consideration. Because (c) there are many sentient nonhuman animals, (d) there are many nonhuman animals that are worthy of moral consideration. Logically this argument would appear as follows:^{vi}

$$\forall x (Sx \leftrightarrow Ix)$$

$$\forall x (Ix \rightarrow Mx)$$

$$\exists x (Nx \ \& \ Sx)$$

$$\therefore \exists x (Nx \ \& \ Mx)$$

DeGrazia and desires

I will use DeGrazia to support premise (a). In order to understand the idea of *interests*, it is important to first examine the idea of *desires*.^{vii} In chapter six of *Taking Animals Seriously*, he puts forth the necessary conditions for a desire:

A desires X only if (1) A is disposed to go for X (or bring X about), (2) this disposition is at least potentially conscious, and (3) A is disposed to have some pleasant feelings upon attaining X and some unpleasant feelings at prolonged failure to attain X. (130)

Condition 1, he says, is not a sufficient condition for a desire; although “going for” something is a necessary condition for desiring that thing, it is insufficient because very simple objects such as wind-up toys can satisfy this condition, and yet they clearly do not

desire anything. More is needed in order to demonstrate that a desire is present. Condition 2, then, is important because it further qualifies the conditions for a desire. DeGrazia explains that including *potential* consciousness of a disposition is important because some “desires (e.g., to be a good parent) can exist over stretches of time when one does not have the object of desire consciously in mind” (131). Because of this, the desired object may not always be consciously considered. DeGrazia’s third condition, that the individual be disposed to have some pleasant feelings upon attaining the desired object and some unpleasant feelings at prolonged failure to attain it, fits nicely with a common understanding of desire; this, along with the first two conditions, clarifies the notion of desire. It is not as simple as just the apparent pursuit of an object (as some simple objects such as wind-up toys may do), for this kind of behavioral evidence can sometimes be misleading. While behavioral evidence may often actually reflect that desires are present, it is not sufficient for determining that desires are present. Desires may exist over long periods of time, and it is therefore unnecessary for all desires to be at the forefront of conscious thought. Finally, the attainment of the desired object must be associated with some sense of pleasure for the individual.

DeGrazia’s third condition is helpful for thinking about what individuals are capable of desiring. If the attainment of a desired object must be associated with pleasant feelings, then it follows that the individual must be capable of *having* pleasant feelings. This brings us to a discussion of *sentience*, the ability to have “feelings (mental states, such as sensations or emotional states, that are typically pleasant or unpleasant).”^{viii} If we are to consider which individuals desire, what is needed is evidence of sentience; this is where physiological evidence is beneficial. Does the individual have a nervous system

that is capable of producing pleasant and unpleasant states? DeGrazia argues that a functioning cerebrum is sufficient for sentience, and, as physiology demonstrates, a large portion of nonhuman animals possesses this.^{ix}

DeGrazia and interests

In order to establish how DeGrazia supports my premise (a) and why the idea of desires is so crucial to this project, I must now offer a definition of interests. Using ideas from Regan's *The Case for Animal Rights*, DeGrazia makes the following delineation:

Two common expressions are that someone *has* an interest in something and that something *is in* someone's interests. One is generally understood to have an interest in something (say, in getting a job) if one wants, desires, prefers, or cares about – that is, takes an interest in – that thing. And something (such as food) is ordinarily understood to be in someone's interest if that thing has, or might have, a positive effect on that individual's good, welfare, or well-being. Following Regan, we might call these two general types of interests *preference interests* and *welfare interests*, respectively.^x

This is an important move because these two meanings are often lost in conflation, and many objections about making decisions based upon an individual's interests have arisen due to a failure to indicate which meaning is being used. Unless I indicate otherwise, I will use interests in the preference interests sense; my intention in this thesis is to

advocate making moral decisions in such a manner that takes into consideration the desires of the individual. While welfare interests are important as well, I think that decisions are made regarding these interests in an entirely different manner.^{xi}

Desires, then, are an essential component of the idea of preference interests because a preference interest *just is* the thing being desired. In order to determine which individuals have preference interests, we must first establish whether that individual is capable of desiring. In the previous section, I showed that sentient creatures are capable of desiring. It follows, then, that sentient creatures have preference interests because preference interests are those things being desired. As I argue in premise A, sentience is necessary and sufficient for having interests.^{xii} It is necessary because, in order to satisfy the conditions required to desire, the individual must be disposed to go for the desired object, this disposition must be at least potentially conscious, and be disposed to have some pleasant feelings upon attaining the desired object and some unpleasant feelings at prolonged failure to attain it; together, these accurately portray a sentient individual. Furthermore, if an individual can experience pleasure and pain (is sentient), then there will be a basic desire to bring about pleasant rather than unpleasant states. This desire constitutes an interest. Sentience, then, is sufficient for the possession of interests. I have now established that sentience is both necessary and sufficient for having interests.

Premises (b) and (c)

Premise (b) states that having interests is sufficient for being worthy of moral consideration. To say that an individual is worthy of moral consideration is to say that the interests of that individual may be taken into consideration when moral decisions are to be made. Only those things that have interests will actually have something to be taken into consideration.

Premise (c) is just a matter of biological fact. It just simply is the case that there are a large number of nonhuman animals (such as higher mammals) that have a nervous system that results in sentience for the individual. There is an extraordinary amount of evidence that proves that many nonhuman animals are sentient. Bernard Rollin, in particular, has written extensively on this subject.

Conclusion

We see then that there are many nonhuman animals that are worthy of moral consideration. Logically, the argument has the following form:

$$\forall x (Sx \leftrightarrow Ix)$$

$$\forall x (Ix \rightarrow Mx)$$

$$\exists x (Nx \ \& \ Sx)$$

$$\therefore \exists x (Nx \ \& \ Mx)$$

Premise (a) states that sentience is necessary and sufficient for having interests; the logical translation would be *for all things x, x is sentient if and only if x has interests*.

Premise (b) states that having interests is sufficient for being worthy of moral

consideration; logically, *for all things x, if x has interests, then x is worthy of moral consideration*. The third line expresses premise (c): there are many sentient nonhuman animals. Logically this is translated as *there are at least some things x that are both nonhuman and sentient* (it makes no difference for my argument if we say ‘many’ or ‘at least some’). Finally, my conclusion (d), there are many nonhuman animals that are worthy of moral consideration, translates as *there are at least some things x that are nonhuman and worthy of moral consideration*.^{xiii}

Where does this conclusion leave us? What does it mean to be worthy of moral consideration? When an individual is worthy of moral consideration, this means that his interests will be taken into consideration when moral decisions are made that will affect him. It is important to note that being worthy of moral consideration does not entail being given equal treatment to all others being considered. The individual’s interests are considered and, based on what those interests actually are, a decision regarding treatment will be made accordingly. For example, an iguana has no interests in the right to free speech or to demonstrate against the government; therefore, when making moral decisions regarding how rights to free speech and demonstration will be accorded, the iguana will not be included in this because he has no interest in the matter. This is why it must be stressed that equal consideration does not imply equal treatment – individuals have different interests that will necessitate different decisions regarding treatment. However, when all individuals being considered have the same interest (for example, in being free from pain), then the treatment must be the same. Fairness can be ensured by examining what interests an individual actually has before making decisions regarding his treatment.

Chapter Five – Moral Individualism

In the previous chapter's conclusion, it was shown that if an individual has interests, then that individual is worthy of moral consideration. It remains unclear, however, as to how exactly we are to conceive of this conclusion in terms of a moral theory and what implications that theory will have. In this chapter, I will present a theory that is built upon the conclusion from chapter four, and I will explain what this entails for the moral status of animals.

What is moral individualism?

In Created from Animals: The Moral Implications of Darwinism, James Rachels also focuses on the issue of the moral status of animals; he too comes to the same conclusion as was reached in my chapter four: that is, there are at least some nonhuman animals that are worthy of moral consideration. His theory – which he calls moral individualism - offers a full understanding of what it means to be worthy of moral consideration and how we are to make decisions regarding the treatment of these morally considerable individuals. He explains the basics of moral individualism in the following way:

Moral individualism is a thesis about the justification of judgements concerning how individuals may be treated. The basic idea is that how an individual may be treated is to be determined, not by considering his group memberships, but by considering his own particular characteristics. If A is to be treated differently

from B, the justification must be in terms of A's individual characteristics and B's individual characteristics. (173-4)

An individual's characteristics will provide the necessary information for making decisions regarding treatment; as I will explain in greater detail later in this chapter, focusing on an individual's particular characteristics rather than the characteristics of the group to which he belongs (i.e., the *kind* of thing he is) will ensure both a just and consistent manner of making moral decisions. In order to fully justify differential treatment, then, one must point out specific differences in the characteristics of the individuals being considered and make a case for why this difference is important to the matter at hand.

The principle of equality and relevant differences

There is an underlying principle to which Rachels is appealing, and that is the principle of human equality. This principle is central to Western thinking, and yet it is sometimes misunderstood. To say that all persons are equal is not a statement of fact, but rather it is a statement regarding how persons are to be treated; the principle of equality is not a description of human beings, for we clearly differ in countless ways. The principle does not propose treating all people in exactly the same manner all the time. It is, however, a prescriptive principle – it offers a rule for guiding the way we regard and treat human beings, and that rule has the following meaning: “when people *are* equals – when there is no relevant difference between them – justice requires that they be treated similarly. This is just an application of the old Aristotelian point that like cases should be

treated alike, and different cases differently” (Rachels 176). Rachels formulates the principle as follows:

Individuals are to be treated in the same way unless there is a relevant difference between them that justifies a difference in treatment. (176)

Rowlands puts the same point a bit differently, and the difference is helpful to gaining a full understanding of the principle and moral decision-making. He refers to the maxim as: “there can be no moral difference in the moral entitlements possessed by two individuals unless there is some relevant natural difference between them” (Rowlands 17). This means that there can be no difference in treatment between two individuals unless there is a non-moral or natural difference between them. So, essentially, if there is to be a difference in *treatment*, then there must be a difference in the *characteristics* of the two individuals.

In order to fully grasp the principle of equality, it is important to clarify what is meant by ‘relevant difference.’ Rachels summarizes relevant differences as they relate to the principle of equality in the following way:

If it is thought permissible to treat A, but not B, in a certain way, we first ask *why* B may not be treated in that way. The reasons given will mention certain capacities of B. If A and B differ in that A lacks those capacities, then it is a relevant difference. But if A and B differ only in ways that do not figure in the explanation of why it is wrong to treat B in the specified manner, then the differences are irrelevant. (181)

We see then that the difference must be directly related to the issue at hand in order for it to be relevant. Furthermore, a difference that is relevant in one circumstance may not be

relevant in another. So we may not single out one property of an individual that may very well be relevant when making *certain* decisions regarding treatment and hold it as relevant when making *all* decisions regarding that individual's treatment. This is a common mistake – that is, taking one differing characteristic and basing all moral status upon that one difference. Rachels questions this move and proposes replacing this method with that of examining an individual's characteristics one by one – as they apply to the decision at hand. This proposal lies at the heart of moral individualism.

Rachels' motivation for moral individualism

Rachels' motivation for advocating moral individualism stems from a desire to consistently apply the principle of equality. The principle requires that individuals be treated in the same way unless there is a relevant natural difference between them. When differential treatment has been considered just, an argument has been made that there were in fact relevant differences between the individuals or groups being considered.

The principle of equality...is not a new idea. The realization that the principle requires the abandonment of slavery, racism, and sexism is relatively recent; but the principle itself is a principle of rationality that has been operating for as long as people have been capable of being reasonable. (Aristotle knew that like cases should be treated alike, and different cases differently; so when he defended slavery he felt it necessary to explain why slaves are 'different'.) (Rachels 196)

This was how differential treatment has traditionally been justified, and yet it fails to be fully consistent. For one thing, the 'difference' that is usually pointed out is rarely

relevant. We now accept that race, for example, is not a relevant characteristic when making moral decisions regarding basic social rights such as the right to be free, to participate in government, to own property, etc. A similar phenomenon has occurred with regards to the social standing of women; sex just is not a relevant difference in those cases. It would be relevant if the decision being made were directly related to an individual's sex. For example, certain medical decisions would differ depending on the sex of the patient. We see then that, in order to consistently apply the principle of equality, any differential treatment must be justified by pointing to relevant differences between the individuals or groups being considered.

Rachels also has a great interest in examining how Darwinism has changed our moral thinking; he argues that understanding species as differing in degree rather than kind should change the way we make moral decisions. Before Darwin, individual living beings were thought to be of a certain kind – meaning, the individual has particular set characteristics that make it belong to a larger group just because of the *kind of thing* it is. Rachels explores in great detail how this way of thinking is reinforced by theism: the traditional world-view placed man in a special moral category because he alone has been created in the image of God (this will also give man unique capacities such as rationality and linguistic skills).^{xiv} With the scientific work of Darwin, the way we think of all living beings changed. We see that the present state of living things is the result of an evolutionary process in which there are naturally occurring, random variations among members of the same species, and those individuals who just so happen to have beneficial characteristics – those that tend to confer an advantage in terms of survival – will pass on those characteristics to future generations. With time, those characteristics that tend to

have survival value will be much more widely represented within the species while detrimental characteristics will be slowly eliminated due to lack of reproduction. This accounts for the modification of a species and shows that species are constantly in a process of change (albeit a slow process). Although Darwin does not propose eradicating the idea of species altogether, his work does suggest that we rethink the idea of species. Individuals *within* a species will differ as will one species from the next; these differences are a matter of degree rather than kind. Individuals within the same species usually differ only to a small degree while individuals of different species usually differ to a larger degree. This is not always the case, however, and often there are certain characteristics that are shared among different species. Human beings and chimpanzees, for example, share approximately 97% of their genetic material. Clearly the differences are but a matter of degree in such a case. Furthermore, there are always individuals within a species that vary greatly from the norm due to genetic and developmental abnormalities, disease, accident, etc.; these “marginal cases”^{xv} will sometimes differ only slightly from the species’ norm, while in other cases the difference is so profound that they may only slightly resemble a healthy human being. Darwin’s work helps us to understand these similarities and differences in a way that focuses on particular characteristics rather than those of the larger group or species.

How does an evolutionary perspective coupled with moral individualism change the way we think of the moral status of human and nonhuman animals? Rachels explains it in the following manner:

We learn from Darwin that, contrary to what was previously believed, humans and other animals are not radically different in kind; and with this new understanding we are compelled to reason differently:

- Individuals are to be treated in the same way, unless there is a difference between them that justifies a difference in treatment.
- Humans and other animals are not radically different in kind: they are similar in some ways, and different in others, and these differences are often merely matters of degree. If humans are rational, so are other animals, although perhaps to a different degree. The same goes for other important human capacities.
- Therefore, when humans have characteristics that justify treating them in certain ways, it may be that other animals also have those characteristics.
- Therefore, our treatment of humans and other animals should be sensitive to the pattern of similarities and differences that exist between them.

When there is a difference that justifies treating them differently, we may; but when there is no such difference, we may not. (Rachels 197, bullets mine)

This may lead one to ask if species is ever a relevant difference. It is not so much, then, that species is *ir*relevant, but rather that, when looking at individual human beings and individual nonhuman animals, their particular characteristics are much *more* relevant. Sometimes the characteristics that are typical of the species do not apply to particular individuals within that species because there are a multitude of variations within any given species. ‘Species’ is still a useful term in many ways, but when making moral

decisions it is imperative to look at the characteristics of the individuals in question so as to ensure that the principle of equality is being consistently applied.

Conclusion

Moral individualism requires that we think of a specific issue regarding treatment in order to determine if species is relevant. It will only be a relevant difference if it is directly related to the issue at hand. Just as we must look at the characteristics of two individual human beings when making moral decisions regarding their treatment, we must also look at the characteristics of two individuals – whether human or nonhuman animals – in order to ensure that the principle of equality is being consistently applied. If differential treatment is to be justified in any circumstance, then a case must be made for why there is a difference and why it is relevant. One must also remember that the characteristics used to make one decision may not be relevant in another circumstance or with another individual. Perhaps the greatest strength of moral individualism is that it acts as a tool for making moral decisions; it does not spell out the particulars of morality, but rather it provides the method for making just decisions regarding treatment.

Chapter Six - Conclusion

Although moral individualism is sufficient for making fair moral decisions, it is itself supported by our implicit moral commitments; Rawls (and consequently Rowlands)

uses the original position as a method for making moral decisions that are both fair and consistent without proposing a normative moral code, and DeGrazia adds content to this method by spelling out what interests are and which individuals are capable of having interests – and thus being morally considerable.

I use the Rawlsian heuristic device of the original position as a means of making moral decisions: by bracketing off undeserved, unearned properties in this decision-making position, we may eliminate personal bias and consider what circumstances will be fair. These properties are those for which the individual has done nothing to earn or deserve; they are simply the properties about us over which we have no control. Rawls does not go far enough in the process of bracketing off undeserved, unearned properties; while he recognizes that properties such as intelligence and strength are undeserved and unearned just as much as properties such as race, sex, and social class, he fails to see that properties such as rationality and species are just as undeserved. Although the deliberators in the original position must be rational in order to *use* the device, they must take into consideration the interests of non-rational individuals, for example, just as they must consider the interests of non-Caucasians or the physically handicapped. The deliberators retain self-interest but lose their personal bias, and fairness results.

Using Rowlands' interpretation of Rawls, I have argued that the revised intuitive equality argument (revised from Rowlands' original formulation) provides the justification for the social contract argument – that is, for bracketing off the properties that are arbitrary (the undeserved or unearned properties). From here, we can understand what is meant by an unearned, undeserved property and conclude that moral entitlement is not an automatic product of the possession of said property.

I use DeGrazia to make the case for sentience as being essential for moral consideration. Sentience is necessary and sufficient for having interests, and having interests is sufficient for being worthy of moral consideration. From this, I conclude that because there are many sentient nonhuman animals, there are many nonhuman animals that are worthy of moral consideration. This is not, however, enough. Being morally considerable is not equivalent to having substantial moral status.

Rachels' moral individualism allows us to make moral decisions based upon the properties or characteristics of the individual, and this is particularly useful for pinpointing our treatment of humans and our justification for doing so and then simply extending this line of thought to nonhumans. An example helps to make clear where human and nonhuman interests coincide, and brings us to a clear understanding of nonhuman animals' moral status.

“We admit humans, but not non-humans, to universities; and this is perfectly all right because the non-humans cannot read, write, or do mathematics. Here humans and animals are in different positions. But suppose we ask, not about admission to universities, but about torture: why is it wrong to cause an animal needless pain? The animal's inability to read, write, or do mathematics is irrelevant; what *is* relevant is its capacity for suffering. Here humans and non-humans are in the same boat. Both feel pain, and we have the same reason for objecting to torturing one as to torturing the other” (Rachels 179).

So we see that this method allows us to isolate what is indeed relevant to the situation at hand and to consider if both individuals under consideration share it. In the case of moral status, sentience will play an important role because it is a property shared by humans

and at least some nonhuman animals; furthermore, the ability to feel pain will provide the foundation for a great deal of status for the nonhumans as it already does for humans.

Using Rawls, Rowlands, DeGrazia and Rachels as support, I conclude that at least some animals have significant moral status.

Works Cited

- DeGrazia, David. Taking Animals Seriously (NY: Press Syndicate of the University of Cambridge, 1996).
- Kymlicka, Will. "Contractarianism" in Peter Singer (ed.), A Companion to Ethics (Oxford: Basil Blackwell, 1989).
- Rachels, James. Created from Animals: The Moral Implications of Darwinism (NY: Oxford, 1990).
- Rawls, John. Justice as Fairness (Harvard: Harvard University Press, 2001).
- Rawls, John. A Theory of Justice (Harvard: Harvard University Press, 1971).

Works Consulted

- Cavalieri, Paola. The Animal Question: Why Nonhuman Animals Deserve Human Rights (Oxford: Oxford University Press, 2001).
- Miller, Harlan and William Williams. Ethics and Animals (Clifton: The Humana Press, 1983).
- Pluhar, Evelyn. Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals (Durham: Duke University Press, 1995).
- Regan, Tom and Peter Singer. Animal Rights and Human Obligations (Englewood Cliffs: Prentice Hall, 1976).
- Singer, Peter. Animal Liberation (London: Pimlico, 1975).
- Singer, Peter. In Defense of Animals (NY: Basil Blackwell, 1985).

End Notes

ⁱ For more on this distinction, see Kymlicka's *Contractarianism*.

ⁱⁱ This is admittedly an oversimplification of Hobbes. I am introducing Hobbesian contractarianism so that I may contrast it with Kantian (ultimately Rawlsian) contractarianism in a very basic sense.

ⁱⁱⁱ This is a summary of Rowlands, 55-6.

^{iv} I would like to stress here that I am not necessarily committed to this interpretation of Hobbesian contractarianism. I am using it to show how the idea of moral status differs in Hobbesian and Kantian (or Rawlsian) contractarianism; while Hobbes uses the contract to ground or justify morality, Rawls uses it to reflect ideas that we endorse and as a method for eliminating differences in the bargaining power of the contractors.

^v I thank Jim Klagge for pointing out this flaw using the parent-child relationship as an example.

^{vi} I thank Harlan Miller for assistance with the logical form of this argument.

^{vii} Although I use DeGrazia for support and I accept his views on these concepts, I will not go into his theories in great detail. For more information, please refer to *Taking Animals Seriously*. His chapter on desires and beliefs is extremely thorough in its dealing with these concepts.

^{viii} This definition of sentience comes from DeGrazia, 99, in his discussion of feelings. In this chapter, DeGrazia examines the possibility of animals having feelings and being sentient. His arguments and insights into the mental life of nonhuman animals establish that a significant amount of nonhuman animals are capable of experiencing a wide variety of feelings.

^{ix} See DeGrazia, 108-112 and 131-136.

^x DeGrazia, 39. Although DeGrazia makes this distinction, he goes on to say that he will use the word interests in both respects (without making it clear as to which is meant). I think this is unfortunate, because the distinction is so important.

^{xi} Here, discussions about eudaimonia may be helpful.

^{xii} For an interesting discussion on why only sentient beings have interests, see DeGrazia 226-231.

^{xiii} Please note that *nonhuman animals* can be substituted for *x* in this argument in order for the translations to be more specific.

^{xiv} I am not trying to make any particular theistic claim, but rather I am just showing how theism has historically reinforced this way of thinking. For a full exploration of this subject, please see Rachel's [Created from Animals: The Moral Implications of Darwinism](#), especially chapters 2, 3, and 5.

^{xv} This is a commonly used term in moral philosophy and ethics; I introduce the idea not with the intention of making it central to my argument but rather to help clarify the idea of individuals differing in matters of degree within a particular species (especially with regards to humans).

Rhiannon M. Farmer

2222 West Grace Street, Apartment One • Richmond VA 23220
(804) 355-2968 • rhiannon09@hotmail.com

EDUCATION

Master of Arts, Philosophy, Virginia Polytechnic Institute and State University
Blacksburg, VA, January 2003
Advisor: Harlan B. Miller, Ph.D.

Bachelor of Arts, Summa Cum Laude, Philosophy, Virginia Wesleyan College
Norfolk, VA, May 2000
Advisor: Steven Emmanuel, Ph.D.
Studied abroad at University College Cork; Cork, Ireland
September 1998 – January 1999

EXPERIENCE

Assistant Director, The Village at Rainbow Station, Hanover Medical Park
Mechanicsville, VA, December 2002 - present
Plan, implement and oversee an after-school and summer camp program with an enrollment of 150, ensuring that it is in accordance with Playworks curriculum, NAEYC accreditation standards and licensing requirements
Coordinate all educational and recreational activities including center-based learning activities, field trips, and special events
Design the program to meet the needs of individual children with regards to their interests, handicaps, special talents and individual style and pace of learning
Direct the activities of teachers, evaluate the quality of care delivered and provide guidance as needed
Serve as a liaison between parents, teachers, and the community

Recreational Instructor, The Village at Rainbow Station, Hanover Medical Park
Mechanicsville, VA, July 2002 – December 2002
Acted as a lead teacher in an after-school and summer camp program, overseeing school-aged children in groups of 20
Developed and carried out lesson plans for summer mini-courses and daily center activities in accordance with NAEYC standards and Playworks curriculum

Program Co-coordinator, Graduate Women's Forum, Virginia Tech
Blacksburg, VA, Fall 2001 – Spring 2002

Aided in the creation of the Graduate Women's Forum, the first assembly of all graduate women

Served the need for social support, university assistance and opportunities for professional development for the women of the University through the establishment of this Forum and associated activities

Assistant to Mark Gifford, Ph.D., Department of Philosophy, Virginia Tech
Blacksburg, VA, Winter 2001 – Summer 2001

Aided in the organization of a bibliography on Plato and literature for Dr. Gifford's seminar and personal research

Assistant to Marjorie Grene, Ph.D., Department of Philosophy, Virginia Tech
Blacksburg, VA, Fall 2000 – Spring 2001

Compiled a complete collection of her publications in preparation for her featured volume in The Library of Living Philosophers

Assisted with research needs

Program Coordinator, Animal Rights Conference, Virginia Wesleyan College
Norfolk, VA, Spring 2000

Conceived and organized a conference on animal rights issues to include speakers from the academic, professional and advocacy communities

Guest Lecturer, Department of Philosophy, Virginia Wesleyan College
Norfolk, VA, Spring 2000

Lectured on the political theory of contractarianism for all three sections of Dr. Steven Emmanuel's Contemporary Moral Issues course

Facilitated discussions on this theory in response to the lecture

Philosophy Tutor, Virginia Wesleyan College
Norfolk, VA, 1999-2000

Peer Advisor - Freshman Seminar course, Virginia Wesleyan College
Norfolk, VA, 1997

HONORS/ACTIVITIES

Valedictorian, Summa Cum Laude, Virginia Wesleyan College, Class of 2000
Outstanding Achievement Award for the Female Student with the Highest Grade Point Average, American Association of University Women, Virginia Wesleyan College, 2000

Co-captain, VWC Ethics Bowl Team; winner of Inaugural Ethics Bowl, Virginia Foundation of Independent Colleges, 2000

Presidential Scholarship, Virginia Wesleyan College, 1996-2000

Student Orientation Staff, Virginia Wesleyan College, 1997

Staff Writer, The Marlin Chronicle, Virginia Wesleyan College, 1996-1997

REFERENCES

Kim Field, *Director*, The Village at Rainbow Station, Mechanicsville, VA (804) 762-5855

Steven Emmanuel, Ph.D., *Head of Humanities; Professor*, Department of Philosophy, Virginia Wesleyan College, Norfolk, VA (757) 455-3405

William Fitzpatrick, Ph.D., *Associate Professor*, Department of Philosophy, Virginia Tech, Blacksburg, VA (540) 231-7543