

Towards an Ethic of Animal Difference

Nathan Kowalsky

Abstract: Extending ethical considerability to animals consistently takes the form of imperialism: progressing outward from the core of human morality, it incorporates only those animals deemed relevantly similar to humans while rejecting or reforming those lifeforms which are not. I develop an ethic of animal treatment premised on the species difference of undomesticated animals, which has the potential to reunite not only animal and environmental ethics, but environmental and interhuman ethics: each species has evolutionarily specified patterns of behavior for the proper treatment of members of its own species and members of other species.

No less than the technological mindset, Romanticism converts the other into the Same of the human self, but by a soft and seductive path, the generous extension of citizenship rather than violent reduction to utility.¹

In the early years of the Second World War, the famous Christian apologist C. S. Lewis grappled with the problem of pain. While most of his attention was directed towards human suffering, like many Englishmen before him Lewis was also concerned about nonhuman animals.² In his discussion, he claimed that the “tame animal is . . . in the deepest sense, the only ‘natural’ animal—the only one we see occupying the place it was made to occupy, and it is on

1. Don McKay, “Ediacaran and Anthropocene: Poetry as a Reader of Deep Time,” *Prairie Fire* 29.4 (Winter 2008–2009): 11.

2. For ease of exposition, I will usually use the word “animal” as shorthand for “non-human animal” although, as will become clear below, my argument turns on the animality of human beings as well.

the tame animal that we must base all our doctrine of beasts."³ In this paper I will argue that, as Lewis suggested, the domesticated animal is the paradigm governing animal rights or welfare ethics (hereafter referred to collectively as "humane ethics," about which I will say more below), even though their projects and reasons differ from Lewis's own. Humane ethics see themselves as the logical outworking of a larger process of moral progress, a narrative which prereflectively assumes agrarian human sedentism as its foundational conceptual framework. Moreover, this framework of domesticity is inconsistent with positive evaluations of wild or free varieties of nature, and thus constitutes the central reason why humane ethics diverged from environmental ethics in the 1980s. I criticize the idea of moral progress as a colonization of the other by the selfsame and, in like manner, humane ethics as paradoxically extended anthropocentrism. I argue that J. Baird Callicott's attempt to conceptually reconcile humane ethics with environmental ethics fails to escape the anti-naturalistic framework of progressive domesticity. I propose a solution based on Paul Shepard's critique of agrarian cosmology and Holmes Rolston, III's ethic of species discontinuity. While any essay is only an exploratory foray that puts forth ideas for testing, I hope to develop some groundwork towards establishing an ethic of animal difference.

I. PROGRESSIVIST ANTI-NATURALISM

Peter Singer, the founding father of contemporary humane ethics, sees the so-called "circle of ethics" as expanding over the course of history, moving outwards from the individual human self as normative center.⁴ Relying on the nineteenth-century historian William Lecky, Singer sees ethics as growing from concern for one's own well-being towards one's family, and eventually out towards all people and even animals. Singer's expanding circle of ethics recapitulates the vision of the State of Nature, one of the cornerstones of Enlightenment thought.⁵ As the story goes, human beings are, by nature, egotistic and nasty to each other,⁶ as is the rest of the animal kingdom. Accordingly, the first human beings lived like impolite cave men who "bash[ed] other human beings in the skull"⁷ and celebrated "physical aggressiveness

3. C. S. Lewis, *The Problem of Pain* (London: Geoffrey Bles, 1940), 126–127.

4. Cf. Peter Singer, *The Expanding Circle: Ethics and Sociobiology* (New York: Farrar, Straus & Giroux, 1981).

5. Mick Smith, "The State of Nature: The Political Philosophy of Primitivism and the Culture of Contamination," *Environmental Values* 11.4 (November 2002): 408–411.

6. Another way of saying this is that "we are inherently partial." Lisa Kemmerer, "Theorizing 'Others,'" in *Theorizing Animals: Re-thinking Humanimal Relations*, ed. Nik Taylor and Tania Signal (Leiden: Brill, 2011), 73.

7. Evelyn B. Pluhar, "The Joy of Killing," *Between the Species* 7.3 (Summer 1991): 124.

and sexual dominance."⁸ But eventually, it dawned on us that our own self-interests were better served by mutual co-operation, in spite of our innate distaste for getting along with each other. Morality was invented to keep beneficial social groups operating smoothly, although it was first limited to fairly small groups. Over time, inclusivity increased; new human sub-sets were included in the definition of the self-interested ego. Therefore, recent and more enlightened generations have seen movements advocating the moral and legal equality of women, African-Americans, LGBTTQQPIANU+ persons,⁹ and other oppressed minorities. Today, enlightened or progressive persons find themselves at the point where all of humanity is within the orbit of moral concern, and thus they face the question of expanding morality further to include nonhuman animals.

The narrative of moral progress is not merely a description of how humans have, in fact, morally developed. It is a normative claim about how morality should have developed (and thankfully, is developing). Indeed, as Lewis Mumford argues, time itself is value on the progressive narrative: the old is denigrated, the new celebrated.¹⁰ Ethics is and ought to be *self-interest increasingly generalized over time*. The ego is necessarily the only intrinsically valuable thing, and "higher ethical consciousness"¹¹ simply expands the boundary of the self to include others within its own self-definition. Humane ethics criticize classical Enlightenment moralities for not being progressive enough—the latter ethics are "anthropocentric," an egoism of humanity. While other chauvinisms recognize no values outside a narrowly defined ego, anthropocentrism substitutes that ego for the human species which (it thinks) recognizes no inherently valuable things outside itself.¹² For humane ethics, the solution to anthropocentrism is to expand the definition of the ego yet further, beyond the boundary of the human species. Thus does John Clark,

8. Jennifer Everett, "Environmental Ethics, Animal Welfarism and the Problem of Predation: A Bambi Lover's Respect for Nature," *Ethics and the Environment* 6.1 (Spring 2001): 59.

9. The lesbian, gay, bisexual, transgender, two-spirit, queer, questioning, pansexual, intersex, asexual, non-binary, unlabelled, and more community lacks a simple shorthand. This abbreviation is what the student's union of my university currently uses ("The Landing," University of Alberta Student's Union, accessed 5 May 2016, <http://thelandingualberta.ca/>).

10. Lewis Mumford, *Technics and Civilization* (New York: Harcourt Brace, 1934), 183–184.

11. Peter Singer, "The Drowning Child and the Expanding Circle," *New Internationalist*, April 1997, <http://www.utilitarian.net/singer/by/199704--.htm> (accessed 11 October 2011).

12. Mary Midgley, "The End of Anthropocentrism?" *Philosophy and the Natural Environment*, Royal Institute of Philosophy Supplement: 36, ed. Robin Attfield and Andrew Belsey (Cambridge: Cambridge University Press, 1994), 103–112.

a critic, identify this as *moral extensionism*, “the project of applying ethical theories based on anthropocentrism (and usually ethical individualist) presuppositions to greater-than-human and larger-than-individual moral realities such as species, ecosystems, and the biosphere.”¹³

However, a convenient shorthand to denote “animal-centered ethics” has been hard to come by.¹⁴ Jennifer Everett opts for the term “animal welfare” even though not all such ethics are utilitarian, while others opt for “animal rights” even though not all such ethics are deontological. Ned Hettinger uses “animal activists,”¹⁵ while critical animal scholar Richard Twine proposes the non-homogenous term “animal advocacy movement,”¹⁶ both of which give no indication of the sort of ethics operative therein. Therefore, I propose the plural “humane ethics,” for it captures (as I shall argue below) the anthropocentrism mentioned in Clark’s notion of moral extensionism (“the word ‘humane’ is just a dressed-up version of the word we use for ourselves”)¹⁷ while being conveniently associated with nonhuman animals (e.g., the Humane Society, albeit with unnecessary utilitarian connotations). The extent to which critical animal studies might be counted among the humane ethics remains to be seen, as many such scholars distance themselves from animal welfarism or animal rights theory.

However, the distance between progressive ethics and nonhuman animals is the heart of the issue. Up until this point it was comparatively easy for the circle of ethics to expand, because the differences between one’s own self and other human beings could be clearly shown to be surmountable. But crossing the species barrier presents progressive morality with an unprecedented obstacle: generally speaking, animals are not capable of behaving in accordance with the dictates of generalized egoism. In Singer’s terms, they do not and indeed cannot act in accordance with the principle of utility. Of course, humane ethics do not claim that animals should voluntarily follow Enlightenment norms—at this point Singer, Tom Regan, and Lori Gruen grant animals the

13. John Clark, “What is Living in Deep Ecology?” *The Trumpeter* 30.2 (2014): 171n46.

14. Everett, “Environmental Ethics, Animal Welfarism and the Problem of Predation,” 62n1.

15. Ned Hettinger, “Valuing Predation in Rolston’s Environmental Ethics: Bambi Lovers versus Tree Huggers,” *Environmental Ethics* 16.1 (Spring 1994): 3–20.

16. Richard Twine, “Ecofeminism and Veganism: Revisiting the Question of Universalism,” in *Ecofeminism: Feminist Intersections with Other Animals and the Earth*, ed. Carol J. Adams and Lori Gruen (New York: Bloomsbury, 2014), 191.

17. Brian Seitz, “Hunting for Meaning: A Glimpse of the Game,” in *Hunting—Philosophy for Everyone: In Search of the Wild Life*, ed. Nathan Kowalsky (Malden, MA: Wiley-Blackwell, 2010), 75.

autonomy to be what they are and behave in their own ways¹⁸—but Singer, at least, cannot but “regret that this is the way the world is.”¹⁹ In other words, it’s a shame that nonhuman animals do not fit well within the sphere of morality that expands outwards to include them.²⁰

This is the crux of the well-known clash between humane and environmental ethicists.²¹ While many environmental philosophers have used the language of expansion when encouraging the broadening of human moral horizons to include ecology,²² the *individualism* assumed by Enlightenment ethics was seen (albeit controversially) to be *relativized* by encompassing natural systems.²³ By contrast, humane ethics understood their notions of an expansive transcendent self to be undifferentiated by internal markers or divisions, a *de jure* indivisible thing. Physically extant entities (such as Vladimir Putin or Beethoven the dog) were valued as individuals to be protected from unjustified harm because they were microcosms of the inviolable super-self. Summarizing her broadly sourced ethic, Gruen says that her “theories of value . . . recognize the value of individual lives, . . . [that] promoting those interests contribute to their well-being, . . . and [that] preventing this behavior constitutes a violation of their autonomy or dignity.”²⁴ But the naturalistic holism of land ethics illuminated a recalcitrant reality: “Nature . . . is not fair; it does not respect the rights of individuals.”²⁵ If it did, every food chain

18. Peter Singer, *Animal Liberation: A New Ethics For Our Treatment of Animals* (New York: Avon, 1975), 237; Tom Regan, *The Case for Animal Rights*, updated version (Berkeley: University of California, 2004), xxxvi–xxxviii; Lori Gruen, *Ethics and Animals: An Introduction* (Cambridge: Cambridge University Press, 2011), 182–183.

19. Singer, *Animal Liberation*, 237.

20. Cf. Ty Raterman, “An Environmentalist’s Lament on Predation,” *Environmental Ethics* 30.4 (Winter 2008): 417–434.

21. Eugene C. Hargrove, *The Animal Rights, Environmental Ethics Debate: The Environmental Perspective* (Albany, NY: State University of New York, 1992).

22. E.g., Aldo Leopold, “The Land Ethic,” in *A Sand County Almanac: And Sketches Here and There* (London: Oxford University Press, 1949), 201–226; Arne Naess, *Ecology, Community and Lifestyle: Outline of an Ecosophy*, trans. David Rothenberg (Cambridge: Cambridge University Press, 1989); Holmes Rolston, III, *A New Environmental Ethics: The Next Millennium for Life on Earth* (New York: Routledge, 2012).

23. John Rodman, “The Liberation of Nature?” *Inquiry* 20 (1977): 83–131; K. E. Goodpaster, “From Egoism to Environmentalism,” in *Ethics and Problems of the 21st Century*, ed. K. E. Goodpaster and K. M. Sayre (Notre Dame/London: University of Notre Dame Press, 1979), 21–59; J. Baird Callicott, “Animal Liberation: A Triangular Affair,” *Environmental Ethics* 2.4 (Winter 1980): 311–338.

24. Gruen, *Ethics and Animals*, 169.

25. J. Baird Callicott, “Animal Liberation and Environmental Ethics: Back Together Again,” in *In Defense of the Land Ethic: Essays in Environmental Philosophy* (Albany: State University of New York, 1989), 51.

that exists would shut down: "The most fundamental fact of life in the biotic community is eating . . . and being eaten."²⁶ There is no right to life in nature, nor any tendency to alleviate suffering. Nature (or at least the processes of wild or undomesticated ecologies) does not line up very well with an ethic of generalized self-interest where the primary duty is not harming whatever counts as an ego.

Environmental ethics thus diverged from humane ethics for the same reason that nature has fared poorly in Western ethics generally: naturalness, like tradition, functions as a limit to (putative) reason and progress. Wild animals and plants are a chaotic threat to human survival in the State of Nature,²⁷ and the human body has presented a serious obstacle to the enlightenment of the soul since the earliest Greek philosophers. To be associated with nature or the body is, as ecofeminists have pointed out, to be considered 'irrational' or, in the socio-political sense, 'backward.' James Stanescu advocates for "the Gothic's resistance to the natural order" because "a dark animal studies needs to dissociate itself from the tyranny of the natural order. . . . We are now about as far away from [Michael] Pollan's notion of having 'a respect for what is' as we can be."²⁸ This anti-naturalism is even more boldly articulated by vegan food writer Stefany Anne Golberg: "Nature is an asshole. We know this and other animals don't."²⁹ Antipathy towards nature is presupposed at the outset of morally progressive narratives, scuttling attempts at resolving the impasse between humane and environmental ethics.

II. SAMENESS AND ANTHROPOCENTRISM

Enlightenment progressivism sees itself as *discontinuous* with what it conceives of as nature, be it vicious wild animals or humanity's own pre-contractual animality. On the other hand, Enlightenment progressivism expands by uncovering *continuities* between itself and entities not yet included within its boundaries. Between humans, particular differences (such as age, gender, class or creed) are conceptually discarded as accidental, while universals like 'humanity' are held to be the basis of our unalienable rights as individuals. The task of humane ethics is to show that this core notion of self—an ideal derived from the Enlightened human exemplar—shares relevant commonalities with

26. *Ibid.*, 57; original emphasis.

27. Cf. Theodor W. Adorno and Max Horkheimer, *Dialectic of Enlightenment*, trans. John Cumming (London: Verso, 1972), 3–32.

28. James Stanescu, "Toward a Dark Animal Studies: On Vegetarian Vampires, Beautiful Souls, and Becoming Vegan," *Journal for Critical Animal Studies* 10.3 (2012): 44, 46.

29. Stefany Anne Golberg, "Happy, Fat, and Meatless: A Proposal for a 21st-century Vegetarianism," *Table Matters*, <http://www.tablematters.com/index.php/plate/vm/vm1> (accessed 11 October 2011).

some nonhuman animals. We have already seen this to be the case with Singer's expanding circle, but it is also the case for a wide and representative swath of non-welfarist humane ethics.

The morally relevant commonality for Regan's deontological ethic is being a "subject-of-a-life," which is supposed to engender moral duties in human animals to respect the desires of nonhuman animals to not be used, harmed, or killed—duties which are analogous to how human animals are obligated to treat each other as more than mere objects. The ecofeminist Carol Adams combines welfarist and rights theory in her attempt to cast humane ethics as a matter of solidarity in opposition to interlocking systems of domination. Her language is clearly progressive: "color will lose its character as a barrier, just as 'animals' will lose their otherness, and join human animals as a 'we' rather than a 'they' or a collective of 'its.'"³⁰ Martha Nussbaum's capabilities approach, meanwhile, explicitly calls for the reorganization of the natural world around Enlightenment principles of justice.³¹ This includes treating nonhuman predators in ways analogous to how human sexual predators are to be treated (i.e., incarceration and behavioral treatment). In Adams and Nussbaum, the Benthamite ability to suffer or the Kantian ability to recognize oneself as a subject do not figure as explicitly as they do in Singer or Regan (respectively). Rather, a broader sense of similarity between ourselves and other animals seems to ground these ethics. Gruen captures this deeper felt sense of likeness between human and nonhuman animals, while also recapitulating Singer and Regan's moral frameworks: "Other animals matter because, *like us*, their lives can go better or worse for them. They are sentient beings who have interests and well-beings. They can be harmed when their interests are thwarted and their wellness undermined."³² Sue Donaldson and Will Kymlicka stick with an explicitly rights-based framework, supplementing the core theory of universal rights (common to both human and nonhuman animals) with differentiated rights derived from citizenship theory. Just as certain human beings are granted different rights depending on the sort of citizenship they have in a political community, nonhuman animals are granted different rights depending on whether they are analogous to human *citizens* of one's own country, human citizens of a *foreign* nation, or human *denizens* of one's own country.³³

30. Carol J. Adams, *Neither Man nor Beast: Feminism and the Defense of Animals* (New York: Continuum, 1994), 78.

31. Martha Nussbaum and Carla Faralli, "On the New Frontiers of Justice: A Dialogue." *Ratio Juris* 20.2 (June 2007): 157.

32. Gruen, *Ethics and Animals*, 33; emphasis mine.

33. Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford: Oxford University Press, 2011).

Some critical animal scholars are critical of such expansionism. While rejecting human exceptionalism, Cynthia Willett also asks why “one species, the human, [should] serve as the standard for measuring the capacities or determining the moral worth for all the other species?”³⁴ Kari Weil casts suspicion on Singer and the Great Ape Project (discussed below) for “bring[ing] (some) animals within the community of humans,” because it is questionable that “our understanding of rights and protection are adequate for animals,”³⁵ but it is not clear what she thinks our moral duties towards other animals might be. Willett later points out that “response” or “alterity” ethics have yet to “generate multifaceted norms or guideposts,”³⁶ so the ambiguity of Weil’s broadly Continentalist ethic should perhaps be unsurprising. While she accuses both animal welfarists and rights theorists (“abolitionists”) of being human exceptionalists,³⁷ she identifies human exceptionalism as the main if not the only ethical hurdle to overcome.³⁸ Nik Taylor criticizes moral expansionism for “simply maintain[ing] dualist conceptions while moving the boundary slightly . . . and as such, ultimately reinforc[ing] traditional anthropocentrism.”³⁹ Yet in nearly the same breath, he seeks “the removal of animal oppression and the serious inclusion of animals themselves into our intellectual sphere”⁴⁰ by “waging war on essential differences”⁴¹ and allowing “the cognitive capacities of humans to migrate to objects.”⁴² Richard Twine is sensitive to the ways in which vegan theory can be colonialist, racist, or ethnocentrist (although evidently not anthropocentrist), but he sees these shortcomings as due only to external sociological factors and not intrinsic to the logic of “what we share with other animals both socially and corporeally [which] ought to be enough to transgress the human/animal dualism of moral considerability.”⁴³ Their

34. Cynthia Willett, *Interspecies Ethics* (New York: Columbia University Press, 2014), 8.

35. Kari Weil, *Thinking Animals: Why Animal Studies Now?* (New York: Columbia University Press, 2012), 4, 5.

36. Willett, *Interspecies Ethics*, 9.

37. Weil, *Thinking Animals*, 132.

38. *Ibid.*, xvii.

39. Nik Taylor, “Can Sociology Contribute to the Emancipation of Animals?” in *Theorizing Animals*, 206–207.

40. *Ibid.*, 219.

41. *Ibid.*, 210; quoting John Law, “After ANT: Complexity, Naming and Typology,” in *Actor Network Theory and After*, ed. John Law and John Hassard (Oxford: Blackwell, 2004), 7.

42. Taylor, “Can Sociology Contribute to the Emancipation of Animals?” 211; quoting Emilie Gomart and Antoine Hennion, “A Sociology of Attachment: Music Amateurs, Drug Users,” in *Actor Network Theory and After*, 224.

43. Twine, “Ecofeminism and Veganism,” 199.

misgivings notwithstanding, insofar as critical animal theorists assume that human exceptionalism is the only philosophical obstacle they face and that its solution is the inclusive appeal to cross-species commonalities, they replicate the characteristic theme of humane ethics: “What is powerful is not what makes us unique, but what makes us in-common. What is exhilarating is not what individuates us, but rather what brings us together.”⁴⁴ “In other words, we invest a vast amount of intellectual work in trying to figure out what separates and individuates the human species, rather than in what makes us a part of a commonality with other lives.”⁴⁵ And so, as Kemmerer adds, “working to define human beings as distinct from other animals [has] the hidden agenda of justifying human supremacy, dominion, and exploitation.”⁴⁶

I want to argue that humane ethics’ search for commonalities follows the logic of Hegelian dialectic: in the beginning there is the self, the subject. But the subjective does not know very well what it is (or what its ethic should be), and so it puts forth a proposal of selfhood, externalizing itself, articulating its loosely formed idea in the objective realm. But the objective is not the subjective and so there is always an incongruity between the two; the objective other-than-self is different than the selfsame, and the self is rocked back upon itself, disgusted by its poorly realized idea, and so is forced to revise its understandings and to try again anew. This often violent relation between subjective thesis and objective antithesis (Hegel calls it a victimizing “slaughter-bench”)⁴⁷ is the engine of progress, driving the self forward dialectically as it encounters recalcitrant objectivity and creates new syntheses therefrom. However, the final goal—the Absolute—is when the negativity inherent in objectivity is overcome by the self’s *discovery of itself* in the other.⁴⁸ On this reading of Hegel, other-modification takes priority over self-modification. As much as Hegelians might want to say that the subject discovers alterity within itself, this is not what provides the subject relief. The horrors of the objective stage are resolved by the balm of the selfsame, not alterity. Even if, for Hegel, the Absolute stage were to achieve perfectly reciprocal representation of both difference and sameness whereby both subject and object are mutually modified by each other, the normative standards of moral progressivism (as distinct from Hegelianism)

44. James Stanescu, “Species Trouble: Judith Butler, Mourning, and the Precarious Lives of Animals,” *Hypatia* 27.3 (Summer 2012): 576–577.

45. *Ibid.*, 569.

46. Kemmerer, “Theorizing ‘Others,’” 70.

47. G. W. F. Hegel, *The Philosophy of History*, trans. J. Sibree (New York: Dover, 1956), 21.

48. My reading of Hegel comes primarily from William Desmond, *Ethics and the Between* (Albany: State University of New York Press, 2001) and *Hegel’s God: A Counterfeit Double?* (Aldershot: Ashgate, 2003).

are not altered by the encounter with suitably similar nonhuman animals. In Kemmerer's unequivocal words:

We ought not to theorize about "others." . . . If we can look into the bright eyes of a calf and see into a mirror—if we can see in this individual a person—complete with interests, hopes, and fears—not unlike ourselves, then our theorizing is likely to have a greater degree of validity. If we theorize about self whenever we theorize about fish or a dice snake, crab-eating mongoose, or killfish, our theories are more likely to be grounded in reality—the reality that there is no "other," the reality that we are all animals, and therefore are fundamentally alike, particularly in morally relevant ways, such as our ability to suffer and our innate desire to live without suffering. . . . Those who look at another human being, or another animal, and see "other" must not theorize about those "others." . . . If we are to theorize about oxen and sheep, then we must theorize about self. . . . Please, do not theorize about "other" animals.⁴⁹

Humane ethics thus reach the satisfaction of the Absolute when they find sameness at the heart of the other animal. Difference qua difference is simply opposition, negativity, even evil. The good is that which the self can find in the other to be in line with itself.

The moral logic of sameness plays itself out in the case of the 2008 decision by the environmental committee of the lower house of the Spanish parliament to extend certain legal rights to gorillas, orangutans, chimpanzees and bonobos. First of all, the rationale for extending these rights to the great apes was explicitly based on sameness: these animals are our closest genetic relatives, they display many of the same emotions we do, like us they can recognize themselves as selves, and so "should be protected by similar laws."⁵⁰ Pedro Pozas, the director of the Spanish branch of the Great Apes Project, said this move by Spain was "a courageous and decisive step in breaking the species barrier and granting deserved rights to *those beings closest to us*."⁵¹ Species difference is clearly seen as a hindrance, a limit to be overcome in the pursuit of moral near-equivalence for beings which are the most similar to humans. In a telling slip of the tongue, *The Times* decried that "70 per cent of apes in Spanish zoos live in sub-human conditions," as if apes were to

49. Kemmerer, "Theorizing 'Others,'" 79–82; original emphasis.

50. Lee Glendinning, "Spanish Parliament Approves 'Human Rights' for Apes," *The Guardian*, 26 June 2008, <http://www.guardian.co.uk/world/2008/jun/26/humanrights.animalwelfare> (accessed 11 October 2011).

51. Quoted in Lisa Abend, "In Spain, Human Rights for Apes," *Time Magazine*, 18 July 2008, <http://www.time.com/time/world/article/0,8599,1824206,00.html> (accessed 11 October 2011); emphasis mine.

live in human conditions instead.⁵² The living conditions of captive apes is, of course, a pressing moral concern, but 'subhuman' does not automatically imply inadequate treatment when the moral patients in question are not, in fact, humans. The question arises whether differences between humans and other apes are morally relevant as well similarities, or whether similarity is so central that human living conditions are required for other primate species.

In anticipation of this objection, Spain's Socialist Government denied that they were giving these animals the *same* rights as humans. The resolution was meant to ensure "the protection of apes from 'abuse, torture and death'"⁵³ by extending to them "the right to life and freedom."⁵⁴ It is unclear how the human right to life would differ from the right to life of "nonhuman hominids,"⁵⁵ but interesting differences do arise with regard to the right to freedom: this law would make it illegal for apes to be used "in circuses, television commercials or filming"⁵⁶ while it is clearly legal to use humans in circuses, TV, and movies. On the other hand, the law would deny apes the freedom (in Spain) to live outside zoos (under improved conditions, of course), though it would violate our right to freedom if humans were prevented from living outside zoos (even if the conditions were quite humane).⁵⁷

So while moral consideration can be extended to marginalized humans without modification, we must note, secondly, that it cannot be extended without modification to even our closest "evolutionary comrades."⁵⁸ Crossing the species barrier *is* morally relevant, even for moral progressives whose rhetoric suggests otherwise. For example, while it would be irrational to claim that 1) men and women are morally equal while 2) denying that women should vote, it made perfect sense for the Spanish legislation to not extend the franchise to chimpanzees. Indeed, even though Singer does not want to admit that species difference is morally relevant, he is clear that animals should not

52. Susana Vera, "Apes Get Legal Rights in Spain, to Surprise of Bullfight Critics," *The Times*, 27 June 2008, <http://www.purdue.edu/bioethics/blog/?p=171> (accessed 24 November 2011).

53. *Ibid.*

54. Glendinning, "Spanish Parliament Approves 'Human Rights' for Apes."

55. The Great Apes Project; quoted in Glendinning.

56. Glendinning.

57. One could draw analogies between zoos and prisons, of course, but that is counter to the intention of the Spanish legislation. As to being protected from "death," I'm not sure any great ape genera (ours included) would fully benefit from such legal protection unless technoscience figures out how to grant immortality—a hope that is held by transhumanist futurists like Ray Kurzweil, who certainly belong within the general progressivist tradition.

58. Pedro Pozas, cited in Vera, "Apes Get Legal Rights in Spain."

vote.⁵⁹ So *prior* to the particulars of Singer's argument (and indeed regardless of whether this sensitivity to difference is consistent with the expanding circle), we can already see that as the ethic of moral sameness extends outward from the core of the human individual, it must be adjusted if it is to apply to non-human animals. The kinds of moral standing we recognize for nonhumans will *depend also on the differences between humans and nonhumans*. Natural difference means that human moral sameness cannot be absolute after all.

Third and moreover, the ethic of sameness can only be extended so far before it exhausts itself. There are minimum requirements of similarity that must be met before moral recognition will be extended; failing those, the circle of ethics stops expanding. In the Spanish case, apes have rights that bulls do not have (this national legislation came before the 2012 banning of bullfighting in the province of Catalonia). Pozas expressed the hope that the rights of apes "would set a precedent, establishing legal rights for animals that could be extended to other species,"⁶⁰ but Marta Tafalla at Barcelona's Autonomous University pointed out that bulls are not as close to humans as apes are.⁶¹ Cattle are not our closest genetic relatives, do not display as many of the same emotions as we do, and are less likely to be seen as possessing a sense of self. Of course, humane ethics do set minimum standards for moral considerability that actually do include cattle—for Singer, the line is somewhere in-between shrimp and clams,⁶² while Regan certainly includes adult higher mammals—but at some point the differences between humans and certain animals (to say nothing of plants or nonliving ecosystemic components)⁶³ are just too different for humane ethics to include. *The more different a being is in comparison to the human, the less it will count within the scheme of expansionistic moral progress.*

What this means, finally, is that some animals simply do not benefit from the expansion of human egoism. Their difference is such that insufficient commonalities are recognized between them and the transcendental Self. In addition to being excluded from moral considerability, some animals actually stand in clear opposition to the egoism being extended by moral progress,

59. Peter Singer, "All Animals Are Equal," *Philosophic Exchange* 1.5 (Summer 1974): 104.

60. Vera, "Apes Get Legal Rights in Spain."

61. Abend, "In Spain, Human Rights for Apes."

62. Peter Singer and Jim Mason, *The Ethics of What We Eat: Why Our Food Choices Matter* (Melbourne: Text Publishing, 2006), 133–134, 275–276.

63. Gruen draws the line between animals and plants, for while plants "can have their interests negatively affected," unlike us and (some?) other animals "they will never be interested in that impact" (*Ethics and Animals*, 29). Regardless of whether clams or mosquitoes should be counted among plants, subjective interests rather than objective interests are Gruen's touchstone.

particularly predators. As seen above, Singer, Regan, and Gruen fall back on the lack of moral agency in nonhuman animals—that is, their difference—to avoid advocating the policing of nature, but Martha Nussbaum's ethic is more progressive than that. Her capabilities approach "calls for the gradual formation of an interdependent world in which all species will enjoy cooperative and mutually supportive relations. Nature is not that way and never has been. So it calls, in a very general way, for the gradual supplanting of the natural with the just."⁶⁴ Nussbaum is clear that her ethic derives from what she thinks are human ethical powers, and when these human standards are applied to nature she finds that specifically predatory animals have "undesirable instincts [which] don't pass ethical muster."⁶⁵ She says little dogs are "entitled to protection" from tigers, and tigers should be placed in zoos where their predatory instincts can be satisfied by playing with rubber balls rather than live prey. True, policing nature is a very large and expensive project and so we should proceed with due care and precaution,⁶⁶ but because nature is a contingent rather than a necessary reality we should not let it stand in the way of justice.⁶⁷ Therefore, when animals stand in opposition to the extension of human moral standards, those animals need to be corrected, i.e., forced into alignment with the progressive moral order.

So while many if not most people have intuitions that there are right and wrong ways to treat nonhuman animals, and while there are meaningful similarities between ourselves and many if not most nonhuman animals, difference nevertheless raises its ugly head and the progressive ethic has to backpedal. While there is no need to modify rights when they are extended from some humans to other humans, there is a need to modify rights when they cross the species barrier. Because species difference is ethically relevant even to anti-speciesists, it undermines the expansionistic model of moral progress. Progress is not supposed to have limits, and yet species difference does constitute a limit. The circle of ethics reaches a point where it can expand no further: because clams or trees (and whatever lies below them on the *scala natura*) *do not possess anything like the most basic element of what counts morally* for the progressive, they cannot be directly morally considerable. When there is no self to be found in the other, difference outweighs sameness and inclusion stops. Beyond the boundary, the radically nonhuman can be instrumentally valued, benignly

64. Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Belknap, 2006), 399.

65. Nussbaum and Faralli, "On the New Frontiers of Justice," 158.

66. Tyler Cowen, "Policing Nature," *Environmental Ethics* 25.2 (Summer 2003): 169–182.

67. Marcel Wissenburg, "The Lion and the Lamb: Ecological Implications of Martha Nussbaum's Animal Ethics," *Environmental Politics* 20.3 (May 2011): 391–409.

neglected, or morally censured. Singer's regret at animal difference becomes an activist project of reforming nature in Nussbaum, because a violent animal's lack of moral culpability doesn't mean it shouldn't be stopped. The dark side of the ethic of sameness is its anti-naturalism: the more something can be included within the expanded human self, the better, whereas the less amenable something is to inclusion within that sphere, the more problematic it is.

Progressivist anti-naturalism thus ends in the oppression of 'insufficiently human' nonhuman animals, just as Hegel's encounter with alterity violently reduces (in Levinasian terms) the other to the same. The Enlightenment ego values things (other persons, animals) insofar as they *cease* to be considered different from it and rather come to be seen (at least in the morally relevant aspects) as the same as it. Moral progressivism assumes egoism as the ethical starting point, basic to human nature and unavoidably rampant in the State of Nature, and it sees improvement as the aggregation of egos whereby more and more things which had previously been excluded from the realm of moral sameness are included. Things that were on the outside are now on the inside; things that were other are now incorporated into the self. This logic views difference as a threat; Hans Jonas calls this "the negative experience of otherness."⁶⁸ It tries to affirm variety and diversity by making it all morally *equivalent* ("different strokes for different folks"; "chacun à son goût"; "it's all the same to me"). Anything outside Enlightened, democratic, liberal tolerance that resists assimilation is vilified as uncivilized, barbaric, or even savage. The form of subjectivity advanced by humane ethics replicates the imperialist logic of colonialism.⁶⁹

Granted, moral progressivism starts from the reasonable supposition that we value our selves for their own sakes, and some things (e.g., oxygen) are clearly better for ourselves than other things (e.g., hydrogen sulfide).⁷⁰ It is trivial to say that things may be either good or bad in relation to the self (instrumentally valuable), but if we go on to claim that goodness itself is *completely defined* in terms of what is good for the self, then we claim the self to be absolute—the only being that matters—rather than one limited being

68. Hans Jonas, *The Gnostic Religion: The Message of the Alien God and the Beginnings of Christianity*, 3d ed. (Boston: Beacon, 2001), 332.

69. Thus I do not think, as Twine does, that the collusion between humane ethics and the dark side of Enlightenment liberalism is simply due to external sociological factors. For a further indictment of the ironies of progressivism, see Nathan Kowalsky, "Radical Albertans? Hunting as the Subversion of Heroic Enlightenment," in *Found in Alberta: Environmental Themes for the Anthropocene*, ed. Robert Boschman and Mario Trono (Waterloo, ON: Wilfrid Laurier University Press, 2014), 281–302.

70. Cf. Holmes Rolston, III, *Philosophy Gone Wild* (Amherst: Prometheus, 1986), 111–112 and *Environmental Ethics: Duties to and Values in the Natural World* (Philadelphia: Temple University Press, 1988), 186.

among many. If the self is (*de jure*) an absolute being and an absolute unity, then anything different from the self or anything which threatens its absolute one-ness, is absolutely bad—the very definition of evil itself. Things that do not fit with the sameness of the self are cosmically out of order, because the self is the standard around which the cosmos should be ordered. Anthropocentrism thus reveals itself to be more than human exceptionalism or the simple denial of direct moral considerability for nonhumans; it is rather the species-level absolutization of otherwise reasonable self-preservation. Because they see alterity antagonistically, aspirationally nonanthropocentric humane ethics self-defeatingly replicate anthropocentrism by imposing human-modeled sameness onto nonhuman animals. *Animals only count in so far as they approximate human beings*. Human beings remain at the center of the circle, the absolute moral standard for all things, only to find this ideal increasingly frustrated the further it moves outward into nonhuman territory. Against this self-defeating ethic of expansionistic sameness, I propose a direction for ethics where animal differences are viewed positively rather than as obstacles to be overcome, where animals possess *independent* standards of value for themselves rather than being beholden to standards centering on us.

III. AN ETHIC OF THE BARNYARD⁷¹

One attempt to theorize animal difference positively rather than negatively comes from J. Baird Callicott, who tried to repair the split between humane and environmental ethics using Mary Midgley's concept of 'mixed' or hybrid communities—communities that include both people and animals. Human beings participate in a variety of different communities, and he suggests that the right way to treat animals will depend on the community context within which they exist.⁷² For example, the ethical way to treat a pet dog will not necessarily be the same as the way we ought to treat a seeing-eye dog, a sled dog, or a wild dog. Life might be justifiably easier for a pet dog in a familial context than a working dog in an economic context. We might be justified in killing a wild dog if it threatens us or our livelihood, whereas we might take our domesticated dogs to the veterinarian to keep them alive longer. But we won't always be justified in killing wild dogs, Callicott suggests, because the

71. The ethics of the barnyard is a concept derived from Paul Shepard, "Reverence for Life at Lambaréné," in *Encounters with Nature: Essays by Paul Shepard*, ed. Florence R. Shepard (Washington, D.C./Covelo, CA: Island/Shearwater, 1999), 60–61 and Paul Shepard, *Man in the Landscape: A Historic View of the Esthetics of Nature* (New York: Alfred A. Knopf, 1967), 190–205.

72. This is also the general strategy of Donaldson and Kymlicka's *Zoopolis*, although unlike Callicott's, their communities of differentiation are all explicitly modelled after human politics.

extermination of natural predators is inappropriate within the context of the environmental or 'biotic' community.

Each context, therefore, calls for its own set of moral rules. Individualistic humane ethics are relativized to the contexts of domiciled pet ownership and rural animal husbandry, but are deemed inappropriate for evaluating wild animals or the natural world they dwell in. I might be inclined to agree, *given* those civilized and agricultural contexts. But Callicott's solution is not an ethic of *animal* difference so much as an ethic of *community* difference, and crucially, it replicates the whole system of moral progress by naturalizing those communities. Whereas Singer's circle of ethics expands over time, Callicott's communities emanate outward in space: at the core are sedentary human domiciles, followed by rural nature-culture hybrid communities, terminating in wild biotic communities.

Callicott's model is problematic on a number of levels. First of all, it implies that our primary moral duties arise out of the domestic sphere, because it is (putatively) closest to the human self. Mixed communities, which are constructed by humans to be occupied by domesticated animals (the kinds upon which C. S. Lewis said we should base all our doctrine of the animals), are morally as well as economically tributary to the domicile. Of course there are also wild animals in our mixed communities, but if they are perceived to systematically invade the domicile or barnyard and threaten its order—like mice, crows or foxes (as opposed to songbirds or butterflies)—they are out-grouped and categorized as vermin or pests. The ethics of these largely sedentary and agrarian contexts require that outsider animals be eliminated; Callicott will not tolerate foxes who help themselves to domesticated chickens.⁷³ Only the animals we own as property are supposed to benefit from the humane morality of the home and farm. Those that differ from the (putatively) domesticated human core suffer accordingly.

Second, neither Lewis, Midgely, nor Callicott seem to have any qualms about domestication or taming per se. Lewis toys with the idea that it might be our moral duty to humanize the wild world through the active process of taming or domestication,⁷⁴ while Midgely and Callicott merely take domestication and its social construction of vermin as an ethically unremarkable *fait accompli*: it's just there. However, one of philosophy's tasks is not to take cultural constructions for granted but to subject them to moral examination. Social contexts, after all, are not simple givens but contingent realities, formed by the accumulation of free human actions and potentially changed by human choices. That is, they are both the products of moral agency as well as objects upon which moral deliberation can operate. Indeed, if moral standards are

73. Callicott, "Back Together Again," 58.

74. Lewis, *The Problem of Pain*, 124.

nothing other than what our social communities require, then we have no moral resources for critiquing those communities; presumably Callicott would not advocate a normative cultural relativism. Moreover, his acquiescence here to sedentary agrarian contexts is curious, because his earlier work viewed domestication as the "genetic debasement" of animals⁷⁵ and argued for "a shrinkage, if at all possible, of the domestic sphere."⁷⁶ Indeed, if domestication constitutes a degradation which ought to be minimized, then it behooves us to think more critically about the barnyard context in which Callicott thinks humane ethics make the most sense.

Third, though Callicott appeals to human social instincts and evolutionary genetics in moral philosophy, he uncritically assumes that the human community at the center of his ethic is naturally defined by sedentism and domestication. Of course, he shares this assumption with much of the Western intellectual tradition (at least). The authors of the first book of the Bible, for example, present the tending of gardens as one of humanity's essential tasks. The European progressive Giambattista Vico viewed the 'clearing away' of forests as definitive of our humanity; before people 'cleared the land' to make room for agriculture, they weren't even human beings but rather sub-human giants.⁷⁷ John Locke saw agriculture as one of the earliest outcomes of the social contract,⁷⁸ while J. S. Mill saw non-agricultural peoples as evidence against the existence of an omnipotent God.⁷⁹ The problem with this naturalizing of human agriculture, however, is that it is both archaeologically and anthropologically false. It is clear that for the vast majority of our species' chronology, we lived without agriculture and were not any less human for

75. Callicott, "Triangular Affair," 332n43.

76. *Ibid.*, 334.

77. Robert Pogue Harrison, *Forests: The Shadow of Civilization* (Chicago and London: University of Chicago, 1992), 3–13.

78. John Locke, "An Essay Concerning the True, Original, Extent and End of Civil Government," in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 288.

79. "And since the exertion of all his power to make it as little imperfect as possible leaves it no better than it is, they cannot but regard that power, though vastly beyond human estimate, yet as in itself not merely finite, but extremely limited. They are bound, for example, to suppose that the best he could do for his human creatures was to make an immense majority of all who have yet existed be born (without any fault of their own) Patagonians, or Esquimaux, or something nearly as brutal and degraded, but to give them capacities which, by being cultivated for very many centuries in toil and suffering, and after many of the best specimens of the race have sacrificed their lives for the purpose, have at last enabled some chosen portions of the species to grow into something better, capable of being improved in centuries more into something really good, of which hitherto there are only to be found individual instances." John Stuart Mill, "Nature," in *Three Essays on Religion* (Henry Holt, 1874), 40–41.

lacking it. However, *if* we find ourselves within the context of an agricultural civilization, the tendency to subconsciously naturalize our own context as 'background' understandably leads to the assumption that agriculture is essential to being human. But just because it's difficult to imagine humanity within a non-agricultural context doesn't mean we should naturalize the agrarian (or post-industrial agricultural) context we happen to be in.

Finally, the tacit naturalization of agrarian human sedentism returns Callicott to the story of moral progress, even though he explicitly criticizes "generalize[d] egoism" as a moral theory.⁸⁰ The core of morality and thus the most important ethical context is the household, the (putatively) stable dwelling of the autonomous self. Ethics then emanates in radiating circles from the domicile into other naturalized social spheres such as barnyard, city, and nation, before finally encountering the natural world. The animals closest to the center are the most domestic and the most highly valued; indeed, the biotic community of wild nature *comes last* in the preferential ordering of Callicott's theory as it is the most foreign to supposedly naturally domesticated human beings: "our holistic environmental obligations are not preemptive. We are still subject to all the other more particular and individually oriented duties to the members of our various more circumscribed and intimate communities. And since they are closer to home, they come first."⁸¹ Because he sees the domestic sphere of human/animal hybridity as intrinsically opposed to and conflicting with the realm where wild animals belong, he does not in fact see that latter realm as the basis and matrix of human culture. Therefore, Callicott's preferential ordering of agriculturally-defined social spheres commits him to an antithetical view of the wild which mirrors Nussbaum's antipathy towards the wild, a nature/culture dualism which elsewhere he eschews.⁸² While he wants to make sure that barnyard ethics do not justify the eradication of wildness, he still replicates the structure of the progress narrative which above was incapable of tolerating difference as such. Because Callicott's moral framework still centers around the human-dependence relation, he reverts back to a generalized egoism despite his attempts to avoid that outcome.

IV. ETHICS WITHOUT THE BARNYARD

Despite its flaws, Callicott's analysis uncovers a connection between animal welfare ethics, the domestication of animals, normalizing sedentary agrarian

80. Callicott, "Back Together Again," 53.

81. *Ibid.*, 58.

82. Cf. J. Baird Callicott, "La Nature est morte, vive la nature!" *Hastings Center Report* 22.5 (September–October 1992): 16–23 and J. Baird Callicott, "Should Wilderness Areas Become Biodiversity Reserves?" in *The Great New Wilderness Debate*, ed. J. Baird Callicott and Michael P. Nelson (Athens and London: University of Georgia Press, 1998), 585–594; originally published in *The George Wright Forum* 13.2 (1996): 32–38.

human cultures, and the drive for sameness. At best, humane ethics appear suited only to domesticated animals within urban and rural contexts. The more oppositional and irreducible differences there are between wild animals and the core context of sedentary agrarian human civilization, the less those animals count morally. By contrast, the human ecologist Paul Shepard (relying on the anthropologist Claude Lévi-Strauss) argued that *pre-agricultural* symbolic thought is characterized by an *embrace of wild animal difference*.⁸³ At a minimum, 90 percent of the history of the human species was spent hunting wild animals and gathering wild plants (i.e., foraging), and human intelligence both evolved and flourished in this non-agricultural context hundreds of thousands of years before the appearance of the domesticated dog, hybridized bread wheat, permanent human sedentism, or the population density and class divisions of the city. Within these non-agrarian contexts, wild animals were viewed as emissaries from cultural communities of other-than-human 'peoples' on account of their similarities with humans but, on account of their differences from humans, wild animals were exemplars of foreign ways of being that humans could not actually participate in—and thus companionable behaviors were seen as inappropriate. To respect animals as members of a different order and valued in their own right meant that they could not be citizens of human communities. Sameness with humans did not dominate the moral status of nonhuman animals; rather, their difference was integral to their independent value.⁸⁴

In spite of this careful totemic and tabooed differentiation, foragers did not view wild animals as inimically opposed threats to the domesticated order, because there was no domesticated order for wild animals to threaten. In the absence of Callicott's naturalized agrarian spheres, there can be differentiation between humans and other animals without intrinsic conflict, and difference within reciprocal relationship. If wild animals were seen to have their own cultures, so too were human cultures seen as part of an encompassing wild natural order that phenomenologically precedes human construction—after all, what humans do culturally as foragers closely parallels how other large animals instinctively make a living.⁸⁵ Unlike the social order of agriculture,

83. Paul Shepard, "On Animal Friends," in *The Biophilia Hypothesis*, ed. Stephen R. Kellert and Edward O. Wilson (Washington, DC/Covelo, CA: Island/Shearwater, 1993), 275–300.

84. While Willett wants to champion a Paleolithic ethic which (hopefully) recuperates what may have been lost over "several thousand years of Neolithic metaphysics" (*Interspecies Ethics*, 131), her project focusses on showing that there may be structural similarities between a variety of different species-specific ethics. My project is rather concerned with what the human species' ethical duties may be towards other species which have ethics relevantly different from our own.

85. Only a very few and very small nonhuman animals practice anything like domestication or agriculture (e.g., ants).

foraging does not require the large-scale manipulation of the ecosystem in a manner that sharply contrasts with how the ecosystem would function without human presence.⁸⁶ Indeed, Shepard critiques the naturalization of conflict between wild and domesticated spheres as an anti-naturalism *generated by* the domestic sphere. Agriculture creates a contingent situation wherein it appears that humans must by necessity construct an order which is opposed to that of the wild, and which must be defended against wild incursions of weeds and vermin by walls or weapons. As T. R. Kover argues, agriculture fosters an oppositionally dualistic view of the cosmos where order is found emanating from the secure domicile while chaos lurks in increasing degrees as one moves away from the secure 'home' and into the chaotic 'wild.'⁸⁷ For a musical example of this agrarian worldview, listen to *Peter and the Wolf* by Sergei Prokofiev.⁸⁸

Shepard's argument is thus that in non-agrarian contexts *wild animals were viewed as both different from humanity and yet as positive and unopposed to humanness*, a non-oppositional encounter with alterity which is precisely what humane ethics lack. And because this was the context in which human consciousness evolved, non-oppositional animal otherness became the vocabulary by which the conscious human self came to understand itself. Indeed, the paradox of self-consciousness is that we are aware of ourselves as if we are looking at ourselves from the outside; to be self-aware is to experience one's own identity as alterity, as if it were another thing. And yet we do not view our selfhood (as object) as a threat (to the subject). In like manner, wild animals are like us in so far as they too (according to a generalized forager cosmology) are persons and cultures active in the world, and yet we view them and their strange ways from the outside. Despite nonhuman predators occasionally preying upon humans, or more frequently competing with them for prey, pre-agricultural symbolic thought was dominated by a *positive* encounter with predators and other instantiations of animal difference. Wild animals were used as metaphors for human selves-as-others, using masks, mythological or totemic treaties of affiliation, and even vocabulary based on animal difference to account for the self's difference to itself. Wittgenstein says that "a whole

86. Cf. Colin Tudge, *Neanderthals, Bandits and Farmers: How Agriculture Really Began* (New Haven and London: Yale, 1998), 5–7.

87. T. R. Kover, "The Domestic Order and Its Feral Threat: The Intellectual Heritage of the Neolithic Landscape," in *Nature, Space and the Sacred: Transdisciplinary Perspectives*, ed. S. Bergmann, P. M. Scott, M. Jansdotter Samuelsson, and H. Bedford-Strohman (Farnham, UK: Ashgate, 2009), 235–245.

88. Nathan Kowalsky, "The Hero, the Wolf, and the Hybrid: Overcoming the Overcoming of Uncultured Landscapes," in *Old World and New World Perspectives in Environmental Philosophy: Transatlantic Conversations*, ed. Martin Drenthen and Jozef Keulartz (Cham: Springer, 2014), 211–220.

mythology is deposited in our language,"⁸⁹ and Shepard lists a variety of verbs for human activity that remain in English which are simply the names of nonhuman animals: to bear, to outfox, to fish, to endear, to duck, to quail, to clam up, to skunk, to weasel, to hound, to horse around, to bug, to hog, to grouse, to fawn . . .⁹⁰ Indeed, for Shepard, wild animal difference is *required* for adequately modeling the human self to itself.

But if positive and non-oppositional difference is needed to make sense of one's selfhood, domestication removes that difference from animals by genetically changing them so that they can physically and psychologically tolerate captivity by humans. Shepard denies that some animals actually chose to be domesticated (like the dog), and in most cases taming and domestication does occur by force. Aggressive animal behavior, which is exacerbated by conditions of artificially high population density (i.e., enclosures), is selected against by differential mortality (i.e., killing non-passive captives) and selectively breeding only those with the most 'desirable' traits. Indeed, the obscenely large udders of milk cows and the juvenile mentality of dogs (whose brain volumes are 30 percent smaller than their wild counterparts)⁹¹ are the result of reshaping animals by humans to better suit the demands of agricultural settlement. Domestication forces alignment with the strictures of agrarian sedentism, being the literal anthropomorphization of wild animals, or a genetic reification of the reduction of the other to the same.

For Shepard, therefore, the domestication of animals is an aspect of the domination of nature, just as the clearing of land for insemination is.⁹² Thinking without agriculture, wild nature has a prior order all its own, while anthropocentric 'civilization'—which is the process of making something fit for a human city—conceives of anything outside its own order as a chaotic threat. Furthermore, to make something a citizen—be it a human or another animal—is to reconstruct it as a denizen of the city, a place where that thing's wild nature is unsuited. Thus did Plato famously compare human nature to an ancient war machine: our body is like an inanimate chariot, pulled by the uncooperative horses of fleshly lust and the desire for power, but ruled by the charioteer who wields the whip of rational control.⁹³ Our body is thus a

89. Ludwig Wittgenstein, *Remarks on Frazer's Golden Bough*, trans. A. C. Miles (Retford, UK: Brynmill, 1979), 10e.

90. Shepard, "On Animal Friends," 280.

91. Vladimir Dinets, "The History of Dog Domestication," unpublished paper (University of Miami, 2007), <http://dinets.travel.ru/dogs.htm> (accessed 22 May 2012).

92. Some humane ethicists also view the domestication of animals as domination; e.g., Gary Comstock, "Pigs and Piety: A Theocentric Perspective on Food Animals," *Between the Species* 8.3 (Summer 1992): 121–135.

93. Plato *Phaedrus* 246a–254e.

corpse and our soul is a set of domesticated and subhuman animal instincts dominated by the (putatively) human spirit, the triumph of the selfsame who brings order to recalcitrant and repulsive nature with the point of a weapon.

Shepard argues that when we are out of touch with the wildness of animals and are faced only with ourselves and the images of ourselves written into humanized animals, all we have left is ourselves and artifacts (animate and inanimate ones) with which to interpret the world. Our relationship with domesticated animals is what *allows* us to project that relationship onto the rest of the world. When all we encounter is identity, everything must be made sense of in terms of identity. The tamedness of the barnyard—i.e., the anthropocentric artificializing of wild animals to make them amenable to sedentary humans—becomes a moral ideal, whereas wildness becomes the enemy. All animals should behave like good cows and cats already do and, as in Isaiah, a little child should be able to lead them. Moral progressivism, which emanates outward from this humane sense of self and generates barnyard ethics of animal treatment, is actually *premised* on the domination of animals and *perpetuates* the domination of animals. Therefore, to naturalize domestication and agrarian human sedentism as the prereflectively given background of humane ethics is morally problematic. We should look elsewhere for an animal ethic which does *not* seek to overcome animal and ecological difference with barricades, behavioral control, or old-fashioned genetic engineering.

V. SITUATING ANIMAL DIFFERENCE

Primitivists like Shepard are often criticized for advancing a theory which cannot be relevant to the contemporary context, but this is unfair. The past can provide inspiration and grounding for action in the present and vision for the future.⁹⁴ Appropriately appreciating animal difference does not require us to 'go back' to the Stone Age. Philosophy can and should attempt an articulation, in a modern context, of the nonagricultural encounter with positively assessed animal alterity. Here I intend to sketch out one such articulation, using Homes Rolston, III's work on animal ethics and natural disvalues as a point of departure. Rolston is neither a primitivist nor a Continental ethicist of alterity, but he insists on the axiological relevance of "discontinuity" as well as continuity between animal species,⁹⁵ and on wildness, rather than agrarian domesticity, as the touchstone for our evaluation of animals.

94. I explore this potential further in "Between Relativism and Romanticism: Traditional Ecological Knowledge as Social Critique," in *Indigenous Perspectives of North America: A Collection of Studies*, ed. Enik Sepsí, Judit Nagy, Miklós Vassányi, and János Kenyeres (Newcastle upon Tyne: Cambridge Scholars, 2014), 2–31.

95. Holmes Rolston, III, "Treating Animals Naturally?" *Between the Species* 5.3 (Summer 1989): 132, 135.

As we saw earlier in the paper, humane ethics are vexed by natural animal behaviors that do not appear to conform to the models set by sedentary, agrarian, and civil society. Predation, parasitism, cannibalism, coprophagy, and cuckoldry are but a few examples of animal alterity that cannot be made to fit into the progressive moral order. Coprophagy might just strike us as disgusting (although lagomorphs and juvenile iguanas apparently both enjoy and benefit from it), but carnivory, parasitism, cuckoldry and cannibalism all turn out rather badly for the particular individuals at the receiving end: prey (or cannibalized cubs) are painfully killed and eaten; hosts to parasites can suffer greatly before eventually dying; cuckolded parents struggle to feed their inadvertently adopted offspring, while their own offspring are often out-competed. An ethic of generalized egoism cannot look kindly on such *de facto* violations of *de jure* inviolate individuals, and thus falls into anti-naturalism. The solution, then, is to encounter animal otherness without trying to force it into alignment with individualistic subjectivity.

For Rolston, the key to an ethic of animal difference is recognizing the wildness of animals as a legitimate form of alterity. If humans should not reduce the value of animals to what they (or some of them) have found valuable about themselves, then they should espouse a value pluralism—or species relativism—in nature: "There are myriad sorts of things and they are differently made."⁹⁶ Indeed, the etymology of the word 'species' is indicative of this plurality: each species is specific and special, and there are millions of them. Each one is different from the other in certain important aspects. There are many degrees of similarity between species too, of course, but what makes them species is their specificity or speciality. Earlier, I argued that anthropocentrism should be understood as the imposition of human-modeled sameness onto the other-than-human. Here, this means that anthropocentrism is the denial of species-specificity: it sees all species (as much as possible) as unwitting aspirants to the human species. Rolston argues that anthropocentrism is a category mistake, because it holds nonhuman species up to moral standards similar to those we hold ourselves to, as if it were illegitimate that there should be *different kinds of animals*.

Environmental nonanthropocentrism must therefore carefully parse the interrelations of the value plurality in nature, "recognizing their intrinsic animal natures and their ecological places in the world."⁹⁷ That is, individual animals (ourselves included) should be seen as governed by behavioral norms that concern both internal interactions with their respective species members (intraspecific relations between conspecifics) and external interactions with members of other species (interspecific relations between heterospecifics).

96. Holmes Rolston, III, "Disvalues in Nature," *The Monist* 75.2 (April 1992): 253.

97. Rolston, "Treating Animals Naturally?" 134.

Classical ethics, being focused exclusively on human behavior towards other human beings, seeks to identify good *interhuman* behavior. The anthropocentric mistake was to think that this behavior set was all there could be to normative (as opposed to aesthetic) axiology. Interhuman 'morality' (if that term is to be limited to animals which possess 'moral agency' or volition) is but a species of the axiological genus, or within a larger framework of 'nonmoral' values which relativizes human morals. Animal and environmental ethics, by way of contrast, prescribe good *interspecific* behaviors for humans, or moral duties to nonhuman agents, entities, and systems.

But none of these moral (i.e., good human) behavior sets have anything to do with how nonhuman animal behaviors should be assessed. In Rolston's words, "the appropriate evaluative category is not nature's moral goodness, for there are no moral agents in nonhuman nature. The appropriate category is *one or more kinds of nonmoral goodness*, better called nature's value. Such value is not to be mapped by projection from culture, much less from human moral systems within culture."⁹⁸ The axiological inter/intra distinction can be applied to any species, be it comprised of moral agents or not. There is a set of good intraspecific behaviors for any given species, just as there is a set of good interspecific behaviors for that species. And because species are specific and special, there are often pointed differences between any two species-specific sets of good behaviors. For instance, it is good (though not 'moral') intraspecific behavior for juvenile iguanas to eat the feces of adult iguanas, but familial coprophagy is not very good behavior for most other species, likely including our own. For lions, it is good intraspecific behavior for the newly dominant male to eat the cubs of the previously dominant male, but cannibalizing step-children is not very good behavior for many other species, likely including our own.

The same goes for nonhuman interspecific relations. For cuckoo birds, it is good interspecific behavior for them to lay their eggs in the nests of other unsuspecting bird species, leaving non-cuckoos to raise overly large cuckoo chicks which out-compete the surrogate parents' own offspring. Yet cuckoldry is rightly considered bad human behavior, both when it is intraspecific (as goes the dictionary definition of the term) and interspecific (like mythic tales of Romulus and Remus or Tarzan). Brood parasitism is not very good behavior for most other species either. Finally, for some species, say peregrine falcons, it is good interspecific behavior to eat the flesh and blood of other species, but this does not mean it is good interspecific behavior for other species, say the Ruby-throated Hummingbird, to engage in carnivorous predation (Fig. 1).⁹⁹

98. Rolston, "Disvalues in Nature," 252; emphasis mine.

99. John Hart puts it this way: "All species (even those without advanced intellectual capabilities or moral agency) favor their own kind and might be either neutral toward

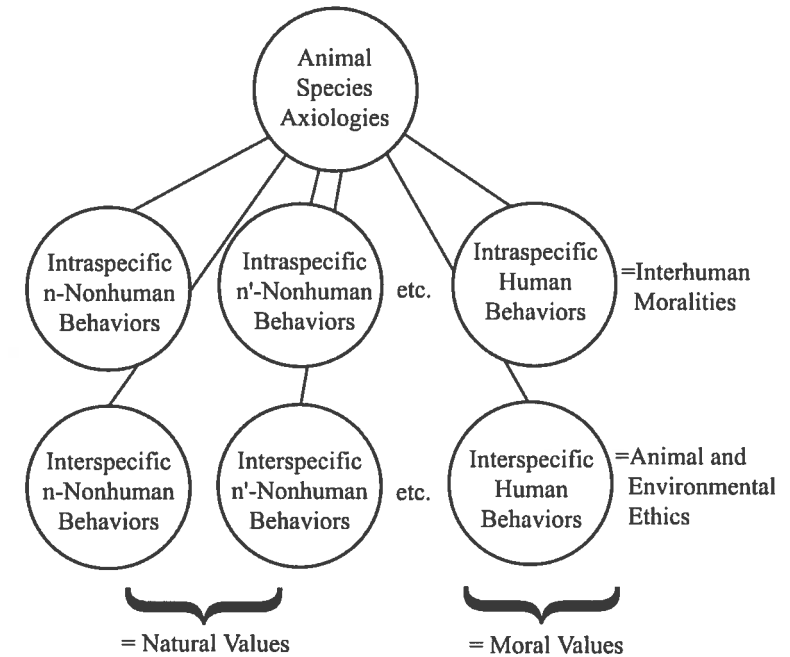


Figure 1. Axiological Categorization of Species Difference

In common parlance, it is often said that nasty natural behavior 'just is,' as if it cannot be subject to evaluation at all. But with these axiological distinctions in place, we are in a position to capture the intuition of the 'just is' while also avoiding the temptation to see the natural world as a neutral repository of material for us to exploit in whatever way we see fit. The best way for humans to assess the natural behaviors of (especially wild) nonhuman animals is to see them as good-in-themselves. It is not our place to say that, because humans are generally not supposed to prey on each other, eat each other, eat their own shit, or impregnate other people's wives, that the sorts of animals which will do things like these are value-negative. Nor will it suffice to say that those behavior patterns are value-neutral, for saying so anthropocentrically denies the conceivability of other-than-human value. Positive value is not the same as 'moral' value, which is what humans are obligated to achieve in their own

other members of biokind or competitors with or predators on them, and act accordingly. . . . Just as a bear would not be accused of 'speciesism' (recognizing, of course, that bears would not think about the term) when eating a salmon or when protecting its territory from intrusions that threaten its own or its species' survival, neither should a human be so accused for seeking to preserve his or her own life or the lives of other members of the human community or species." John Hart, *Sacramental Commons: Christian Ecological Ethics* (Lanham: Rowman & Littlefield, 2006), 130–131.

behaviors. Each animal has its own set of proper behaviors, and our set is not necessarily the same as any other set.

The categorizations established above are yet empty of content, and the scope of this paper permits only preliminary gestures towards their filling. However, it cannot be that humans ought to simply stand back and watch approvingly as animals go about their business, for what we regard as interactions, and we are ourselves animals who interact and are interacted with by animals other than us. Indeed, sometimes we are subject to parasitism or even predation by heterospecifics. Rolston offers two ethically naturalistic principles for human treatment of other animals (the principle of the non-addition of suffering, and the prohibition against ecologically pointless suffering),¹⁰⁰ but for him these apply across the board to any and all sentient nonhuman animals, and are not situated within the relativization of interhuman ethics by the larger category of normative species behavior sets.

Elsewhere, Rolston suggests that human treatment of nonhuman animals should be "homologous with nature," i.e., having "functional similarities."¹⁰¹ Furthermore, he argues that our animal ethics should take their "cues from the nature of animals and their place in nature and from our animal roots and human ecology. . . . 'Naturally' must apply to the object animal and to the subject human."¹⁰² In the first place, then, the right way for humans to treat nonhuman animals will depend on the way those particular animals are naturally treated by both conspecifics and other heterospecifics. We should not want to treat animals in ways that fail to do justice to their constitutive ecological relations. Secondly, humans should treat other animals in ways consistent with our own species-specific natural history and needs.¹⁰³ Just because ticks like to infest moose hides doesn't mean we should try to do the same, but likewise, just because ticks don't use moose hides, bones or antlers for clothing and tools doesn't mean we shouldn't be permitted to. "Resource use of one animal by another," Rolston says, "is a characteristic of the world

100. Rolston, *Environmental Ethics*, 84–88.

101. Rolston, "Treating Animals Naturally?" 134.

102. Ibid., 135; species essentialism is not necessarily assumed thereby. See Nathan Kowalsky, "Science and Transcendence: Westphal, Derrida, and Responsibility," *Zygon* 47.1 (March 2012): 129–134.

103. Gruen allows that "[a]lthough some of the morally relevant facts might be gleaned from species membership, many of them won't be so apparent. . . . the fact[s] that dandelions reproduce asexually or that gibbons are monogamous, don't tell us anything about how we should treat those organisms, . . . or what obligations or duties we might have towards them in light of such information" (*Ethics and Animals*, 55–57). To the contrary, I would argue that these facts suggest—at the very least—that humans ought not to attempt to engage in reproductive activities with dandelions and gibbons, and any such attempts by those species towards humans should be rebuffed.

humans inhabit (a premised fact), one which they are under no obligation to remake (a concluded ought)."¹⁰⁴ Animal difference refines this position by particularizing it: resource use of one animal by another will depend on the kind of each animal in question and their natural histories.¹⁰⁵

For example, whether it is ethical for a human to hunt a mule deer will depend, at least, on whether mule deer are typically prey species, whether humans are a typically predatory species, and if mule deer provide goods suitable to their being treated as prey by humans (i.e., meat, leather, sinew, bone, or homologous goods that predators seek through predation). The question would be posed again, and potentially answered differently, with respect to human hunting of grizzly bears, golden eagles, Richardson's ground squirrels, leopard frogs, or what have you. If it is found to be ethical to use an animal on these terms, then Rolston's principle of the non-addition of suffering should come into force: animals should not be subjected to more pain than they would suffer if they were living (and dying) in the wild as undomesticated animals. However, his prohibition against ecologically pointless suffering (one cannot cause pain in an animal—even if it is less than it might experience, say, in the claws of a hawk—if that pain does not have or resemble an evolutionary function) is made virtually otiose by the naturalization of each animal's constitution and relation with the other, unless the use of the animal is clearly a desecration or dishonorable. Besides, Rolston's nature/culture dualism makes virtually any resource use 'cultural' and thus ecologically pointless, making the question "what is natural to humans?"¹⁰⁶ unanswerable on his own terms.¹⁰⁷

Peter Wenz criticizes Rolston's ethic as "conservative in the worst sense. It papers over difficulties in the status quo that a philosopher should be exposing,"¹⁰⁸ and most humane ethicists would likely level the same charge against an ethic of animal difference that is open, in principle, to the killing and use of animals by humans. However, the ethic I am proposing here is more radical than perhaps even Wenz envisioned. While it may permit, in principle, killing an animal for the good of its body, farming an animal for fur or meat may not be permitted. No animals are typically caged species (and few are typically herded by nonhuman heterospecifics) and humans are not a typically caging species (nomadic herding arose contingently a mere 9,000

104. Rolston, "Treating Animals Naturally?" 134.

105. Morally prior to this, of course, is the human duty to maintain ecologically sustainable populations, without which no resource harvest would be permissible.

106. Rolston, "Treating Animals Naturally?" 132.

107. Nathan Kowalsky, "Following Human Nature," *Environmental Ethics* 28.2 (Summer 2006): 165–183.

108. Peter S. Wenz, "Treating Animals Naturally," *Between the Species* 5.1 (Winter 1989): 7.

years ago among idiosyncratic cultural groups).¹⁰⁹ Similar problems beset the use of animals for traction, like horseback riding. It is not even clear how a naturalistic ethic of respect for animal difference could justify animal testing, even for reasons of urgent medical necessity. Rolston admittedly does not want his ethic to delegitimize “horses, wagons and plows, nomads and camels, cows and milk, chickens and eggs . . . agriculture . . . , cities and industry,”¹¹⁰ but the ethic I have outlined here is poised to do just that. To be sure, we will always have to “make some pragmatic compromises”¹¹¹—perhaps for urgent medical necessity, or for the survival of more than seven billion people—but an ethic of animal difference can provide both operative obligations against many present animal cruelties, and aspirational or regulative imperatives which, even as lofty and perhaps unattainable ideals, do not entail colonialist anti-naturalism.¹¹² While criticizing and revising humane ethics, animal difference could go a long way towards reconciling that field and environmental philosophy.

CONCLUSION

As an essay, this paper can only remain a proposal, and as such its results are indeterminate and open. I hope to have set forth parameters within which an

109. Jacques Cauvin, *The Birth of the Gods and the Origins of Agriculture*, trans. Trevor Watkins (Cambridge: Cambridge University Press, 2000).

110. Rolston, “Treating Animals Naturally?” 137.

111. *Ibid.*, 136.

112. The sameness of the domesticated animal is a particularly difficult case, for they are the ones mainstream contemporary society most commonly interacts with and depends on—while my proposal for an ethic of species difference calls domestication into radical question. Here especially the distinction between operative and regulative obligations must be emphasized: contrary to Kant’s “ought implies can” dictum, what we must do is often more than what we can do in a given context. I foresee my ethical proposal as recommending the phasing out of domesticated animals, but this also includes—as Shepard’s “primitivism” might suggest—the phasing out of agriculture, urban settlement, and high human population levels. This paper has explicitly eschewed making concrete policy proposals, but it is immensely unclear if there are *any* concrete policy proposals that might reasonably attain these goals. (Politics is hardly in the business of radical social change anyway.) What this ethic may offer by way of domesticated animals are compromises with humane ethics *for the time being*. Insofar as animals are incorporated into sedentary agrarian social systems, we may apply certain anthropocentric moral standards to their treatment (perhaps alleviation of suffering) as a form of ironic respect for what remains of their wild form’s alterity (e.g., allowing chickens to express “natural” scratching behavior). But insofar as these same animals cannot (and should not!) be fully humanized, other anthropocentric moral standards may not be applied (perhaps prohibitions against use or consumption). In such cases, these compromises would not be considered ideal endpoints, and so the ethic would push towards ‘higher’ compromise possibilities, such as incorporation of (some) feral animals into (some) novel ecosystems, dedomestication through back breeding (where possible), and rewilding—to say nothing (as yet) of the primitivists’ ideal endpoints mentioned earlier.

ethic of animal difference could proceed apace, producing careful descriptions of particular species’ interspecific and intraspecific behavior sets, articulating homologous norms for human behavior vis-à-vis the animals in question, and exploring the implications for particular cases of current animal use. I hope such work will open up fruitful avenues of research toward reconciling humane ethics with naturalistic environmental ethics, even in the face of the reception of the ‘end of nature’ as a *fait accompli*. Rather than uncritically acquiescing to our contexts as givens, viewing wild animals as valuable in their own right and thus taking the wild order of nature as good in itself may not only improve our relations with nonhuman animals, but also enrich our self-understanding as animals ourselves.¹¹³

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