

THESIS

A RATIONALLY-ROOTED RESPONSIBILITY TOWARD NONHUMAN ANIMALS

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ABSTRACT

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How should humans treat nonhuman animals? One answer to this question arises from the belief that humans are superior to nonhuman animals, thereby giving humans a right to treat nonhuman animals however humans desire. In this paper, I argue that, while perhaps not superior in all categories, humans can be understood as rationally superior to nonhuman animals. To do this, I rely on Immanuel Kant's definition of practical rationality as the ability for an individual to set for oneself one's own ends or *telos*. Granting this type of rational superiority to humans, I argue that being rationally superior does not entail that humans have a right to treat nonhuman animals however humans desire, but that humans are limited by certain natural teleological factors. These teleological factors may be general to all animal life—both human and nonhuman as characterized in the Kantian notion of *tierheit*—or specific to each species and embodied by individuals of a species. Nonhuman animals deserve to be treated accordingly, and treating a nonhuman animal in a manner contrary to the embodied telos not only violates their telos, but is itself unreasonable, irrational, and immoral. I conclude by demonstrating what responsible treatment of nonhuman animals would look like when rooted in human rationality, as well as the motivation behind such morally responsible actions.

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§1 Introduction

In 1996, a mother in the Bronx bravely risked her own safety by entering a burning building not once, not twice, but a total of five separate times to rescue her progeny from the flames.¹ She was severely burned in the process of her rescue but received recognition across the country for her efforts, leading to the creation of an award in her honor.² What made this act of heroism so unique was that this particular mother, Scarlett, was a stray cat whose motherly instincts were stronger than her instincts regarding self-preservation.³ Stories like Scarlett's stand out perhaps because they give humans a glimpse into the lives of nonhuman animals or offer evidence that, regardless of species, motherly instincts are not only strong, but in many cases, quite universal.

There are some, however, who, despite any apparent similarities between humans and nonhuman animals, claim that the differences between the two are far greater. Many argue that the differences between human and nonhuman animals are insurmountable. Claiming that significant differences exist allows for arguments in which humans are separated from all nonhuman animals and placed into a category of their own. Thus, regarding all animal life on earth, there are two groups: human beings and every other species of nonhuman animal life. Divided from all nonhuman animals categorically does not, however, mean that humans are divided from nonhuman animals to the extent that there is no interaction. There are instances in which humans seek out nonhuman animals with whom they can interact. Some interactions are those in which humans care for nonhuman animals, enriching the nonhuman animal lives or creating symbiotic relationships between humans and nonhuman animals. While unrecognized

¹ Christine Korsgaard, *Fellow Creatures: Our Obligations to the Other Animals*, (Oxford University Press: Oxford, UK, 2018), pg. 108.

² Korsgaard, *Fellow Creatures*, pg. 108.

³ Korsgaard, *Fellow Creatures*, pg. 108.

by most, humans intrude into nonhuman animal environments, sometimes temporarily and sometimes permanently. Other times nonhuman animals seem to intrude into the lives of humans, posing a problem for some humans regarding what should be done. In what are perhaps archaic terms today, Albert Schweitzer states, “Just as the housewife who has scrubbed out the parlour takes care that the door is kept shut so that the dog may not get in and spoil the work she has done by the marks of his paws, so do European thinkers watch carefully that no animals run about the fields of their ethics.”⁴ No doubt the same could be said about U.S. North American thinkers as well. Despite distinct classifications, human and nonhuman interaction are literally and figuratively ever present in the world, leading some to ask, How, ethically speaking, should humans treat nonhuman animals?

The study of ethics is difficult enough when one is focused solely on how humans should treat one another. By adding the question of how humans should treat nonhuman animals, one risks complicating the study even more, potentially making it all the more difficult to put ethical theory into practice. Claiming that addressing nonhuman animals might overly complicate matters, however, is by no means a sufficient excuse for exclusion from ethical discussion or allowing humans to treat nonhuman animals in any way humans desire. There must be a stronger justification than simplicity or convenience to relegate nonhuman animals as lesser beings than humans in the world. For some, this justification is found in the faculty of reason or human rationality.

The argument that humans are, in fact, superior to nonhuman animals often leads to the belief that humans can treat nonhuman animals in any manner humans desire. Philosopher Shelly Kagan has no qualms in admitting that his view is, “hierarchical, recognizing that people have a

⁴ Albert Schweitzer, *The Philosophy of Civilization*, (Prometheus Books: Amherst, NY, 1987), pg. 297.

higher moral status than animals do.”⁵ While Kagan does not advocate for reckless abandon in the way humans treat nonhuman animals, he clings to the idea that nonhuman animals do not make any moral claims on humans—moral claims which would inform how humans should treat nonhuman animals. Later, Kagan cites one of the main reasons behind his hierarchical view as being that nonhuman animals are less rational than humans, thereby elevating humans to the higher echelons of his hierarchy.⁶ Kagan’s view is not an anomaly among philosophers. Others within philosophy and ethics specifically argue that humans not only can, but are entitled to, treat nonhuman animals as humans desire due to the fact that humans are superior when it comes to being and acting rational.⁷ Some individuals argue that humans have a right to treat nonhuman animals as “things” rather than living beings because humans are rationally superior as a species. Others take this argument even further and claim that this right is somehow *entailed* in being superior.

It is precisely this argument that I wish to address over the course of this paper, beginning with the questions: How should humans treat nonhuman animals? Are humans really superior to nonhuman animals? And, if so, do humans have a right to treat nonhuman animals however humans wish? In the following section of this paper, I examine what it means to claim that humans are superior to nonhuman animals, acknowledging that the strongest arguments for superiority are those established on the grounds of rationalism—specifically as rationalism is

⁵ Shelly Kagan, *How to Count Animals: More or Less*, (Oxford University Press: Oxford, UK, 2019), pg. 6.

⁶ Kagan, *How to Count Animals*, pg. 18, n. 7.

⁷ See, for instance, Tibor R. Machan, *Putting Humans First: Why We Are Nature's Favorite*, (Rowman and Lanham: Lanham, MD, 2004); Jan Narveson, “A Case Against Animal Rights,” *Advances in Animal Welfare Science* 1986/87, (2004), pgs. 191-204; Louis G. Lombardi, “Inherent Worth, Respect, and Rights,” *Environmental Ethics*, 5(3), (1983), pgs. 257-270; Peter Singer, *Animal Liberation*, (Harper Collins Publishers: New York, NY, 2009), pgs. 236-243.

I do not mention the various religious arguments for human superiority over nonhuman animals, especially those found in the Judeo-Christian traditions due to the claim of superiority emerging from divine command rather than rationality itself.

defined in the work of Immanuel Kant as the ability to autonomously set one's own ends.

Arising out of the Kantian understanding of practical rationality, I point out the importance of establishing proper ends or *telos*, as well as respecting the ends of other rational beings. By granting rational superiority to humans, I accept one of the stronger—if not the strongest—foundations for arguments that support humans having a right to treat nonhuman animals as humans wish, regarding nonhuman animals as mere means to human ends. In part three, I further establish that acceptance of this argument for rational superiority assuages the long-standing complications of instituting a practice of ethical treatment of nonhuman animals, such as arguments from marginal cases, arguments from pain and suffering, and the moral qualms of predation. In part four, I examine the scope of behavior allowable for those who possess rational superiority and whether there exist any pragmatic restrictions outside of humans themselves.

Remaining within a Kantian context, I seek to establish that human superiority does not entail that humans have the right to treat nonhuman animals in a manner contrary to their naturally-set *telos* or ends, whether in that of a species or individual nonhuman animal. In the remainder of part four, I argue that granting rational superiority to humans does not enable humans to treat nonhuman animals as a means to human ends; rather, due to human superiority as rational agents, humans have a responsibility rooted in their rationalism to care for nonhuman animals and assist them in achieving their—that is, the nonhuman animals'—ends. I explain how a teleologically-based regard for nonhuman animals might look and the motivation for humans to treating nonhuman animals in morally good ways. In the end, my aim is to make clear that, by recognizing the *telos* of each nonhuman animal—whether as members of a species or as individuals—humans have a moral responsibility to consider nonhuman animal *telos* when

interacting with nonhuman animals. First, however, it must be made clear on what basis humans might claim superiority over nonhuman animals.

§2 Human Superiority Over Nonhuman Animals

2.1 Superior in What Sense?

The claim that humans are superior to all nonhuman animals requires clarification, to say the least. On what grounds do humans claim a superior status? Is superiority based on a one-to-one comparison (e.g. one individual human compared to one individual mouse, taken either from the extreme ends of the species on the basis of strength, size, intelligence, etc., or selected as an individual who best represents the overall average of the species), an entire species or representative group of a species compared to a single representative of another species, or a comparison of one species as a whole compared to another species as a whole? Moreover, who is doing the evaluating and on what basis are these judges declared an authority on such matters? Each of these questions must be answered in turn to understand how and why human beings *might* claim that they are superior to all nonhuman animals.

In comparing species to one another, one starting point might include examining physical traits. Comparing single representatives of a species to that of another species, one needs to decide first whether to take the average individual or the individual who occupies one of the extreme ends of the spectrum, because, even within the species, statistics will vary. Averages may represent a majority of a group, but they often fail to capture the top tier of the group who might truly demonstrate superior abilities. On the other hand, extreme anomalies above and beyond the average individual of a group or species should not decide superiority for the whole species, as they do not accurately represent more than a fraction of the whole. I suspect that no one would argue that anomalies represent the whole of a society or species no matter the category of comparison, but especially when it comes to physicality. Evaluated on the overall average of human physical traits and abilities as a species, humans may fall well below the

middle, opposed to residing at the top. When it comes to physical strength, humans are far below their great-ape counterparts, not to mention larger mammals such as bears, elephants, and large cats. Examining the physical speed of the average human compared to almost any land mammal, humans find themselves in the lower echelon. The average pet dog or housecat can outrun the average human as can the average wild rabbit, most equines, not to mention the larger felines like the lion or a cheetah.⁸ Granted, many will point out that humans are not made for short sprints but for long distance running, so that when up against such creatures, they need not outrun them but outlast. The ability to cover longer distances at a sustained pace opposed to short bursts has proven beneficial to humans and their hunter ancestors.⁹ Perhaps this evens the playing field some. This argument only holds, however, when the human is doing the chasing. Being able to run a steady pace for twenty miles, which in theory outlasts a mountain lion, makes little difference when the mountain lion is able to out-sprint and catch the human she is chasing.

In a one-to-one comparison of size, strength, and mobility, humans are eclipsed by more than a few average representatives of nonhuman animal species. The elephant, for instance, is several times larger than even the tallest or heaviest human yet can move rapidly across land. Humans move even further down the line when the comparison extends beyond land animals and into the oceans. Whales are far greater in size than even elephants, not to mention giant squids, sharks, or some species of jellyfish who also surpass humans in size. Within this realm, humans are far from superior, not only in size, but in mobility through the water. Humans, while able to swim—thereby exhibiting amphibious capabilities some nonhuman animals might lack—are

⁸ In 2015, an eleven-year-old cheetah broke the previous record for covering 100 meters by foot, running the distance in 5.95 seconds. The fastest human, Usain Bolt, holds the (human) world record time of 9.85 seconds at the same distance. I acknowledge that these are not averages, but extreme cases, however the average speed of cheetahs is around 58 miles per hour or just over 6.10 seconds for 100 meters, still doubling the fastest human whose top speed is 27 miles per hour. (<https://www.livescience.com/22080-cheetah-breaks-speed-record.html>).

⁹ Jay Schulkin, “Evolutionary Basis of Human Running and Its Impact on Neural Function,” *Frontiers in Systems Neuroscience*, vol. 10, 2016.

much slower than the average fish. Even when compared to sea mammals, the ability of humans to hold their breath is wantonly meager. On land or in the oceans, humans are not the superior species when the grounds of comparison are size, strength, or mobility alone.

Perhaps one will accuse me of selectively choosing comparisons that favor nonhuman animals over humans. I acknowledge that there are species that, when compared on a one-to-one basis are inferior to humans physically. Regarding strength, humans are far superior to the average mouse or bird, but humans are inferior to these two species in terms of speed and agility. It should be noted, however, that humans are also excessively larger than these creatures. Were one to base their assessment on strength as a percentage of body weight, the numbers are closer than initially thought. Regarding speed, humans are faster than the average of any species of tortoise or sloth, and as mentioned above, humans are built for long-distance running, allowing them to outlast many of the fastest sprinters. Regarding size, there are numerous species who fall below the average human in height or weight. For instance, a large percentage of dogs and wild canids fall below the average human weight. Similarly, most rodents, and all domestic felines, weigh far less the average human. Does this mean, then, that humans are superior to dogs, cats, tortoises, and sloths? While larger, stronger, or faster, humans may still find they are unable to claim physical superiority over these species. While smaller, domestic felines have claws which are used both as a defense and as a means of predation. Dogs' and wild canids' ability to bite potentially tips the scales in their favor, and the shell of a tortoise offers nearly impenetrable protection from the average human. One may therefore add sharp claws, the ability to protect oneself from predators, and the biological means of surviving the natural elements to the list of physical traits that humans lack, diminishing their claim to superiority.

Thus, on a one-to-one comparison of physical traits such as speed, strength, or size, it is easily demonstrated that humans are unable to unquestionably claim to be *the* superior species. Suppose, then, that one were to compare a group of humans to a single nonhuman animal of a given species. Would this change the results? The short answer is that yes, a group of a species will usually prove physically superior over a single individual of another species. Working together as a group, humans have demonstrated the ability to overpower and kill mammoths, whales, and even those nonhuman animals who prove deadly to humans, such as lions and bears. Does the ability to work as a team make one species superior to the species on whom they prey? African painted dogs often hunt in packs, working together to take down larger prey than an individual could alone. Might they join humans as a higher-ranking species when compared to their prey? What might this say about viruses or bacteria and their ability to kill millions of humans? Might humans have to accept that they are, at most, the penultimate species with a virus or bacteria at the pinnacle? Yet, this is hardly a fair comparison. Any time one species requires several individuals to establish superiority over a single representative of a different species, the result is a foregone conclusion. The mere fact that it requires numerous individuals to equal or overcome a single individual proves that the single individual is already superior. That it takes a group of humans to kill a single mammoth or whale seems to demonstrate the superiority of the singular creature over the singular human.

Suppose that one were to compare an entire species as a whole to another species as a whole. What then? It seems ludicrous to attempt to find the sum total of strength of humans compared to the sum total strength of, say, bears, in order to establish which species as a whole has superior strength. Surely one could not require humans to demonstrate their physical strength in a manner that provides a comparable metric by which to measure the strength of a bear.

Similarly, attempting to match the actions of a bear in order to measure human physical strength would quickly reveal how humans and bears are physiologically built to accomplish different goals. Were it possible to find a fair metric by which to accurately measure the total human physical strength compared to that of bears, the several billion humans may outnumber the total population of the genus *ursus* on earth, thereby skewing the results. Moreover, simply comparing statistics does not necessarily equal superiority in practicality. Statistically speaking, the overall mass of ants in the world is equal to or exceeds that of the mass of humans. Add to this the fact that ants are capable of lifting several times their own body weight, and on paper, ants may well be the superior species on earth.

As is hopefully becoming clear, it is not obvious that humans are the superior species based on physical stature, speed, or strength. Why, then, do so many believe that humans are in fact the superior species on earth? One of the most often cited answers is that humans possess a rationality that allows them to overcome the ways in which they are inferior to other species. What does it mean that humans possess rationality, let alone that humans are the superior species on earth because of this faculty? It is this precise question to which I now turn.

2.2 Rational Superiority

One of the more influential arguments for human superiority rooted in rationality or reason comes from René Descartes, who believed that nonhuman animals are simply machines built to respond to stimuli that lack both minds and immortal souls.¹⁰ Pierre Gassendi argued that, “The difference between animal and human reasoning is one of degree and not kind. Man is

¹⁰ Rene Descartes, “Treatise on Man,” in *The Philosophical Writings of Descartes*, vol. 1, John Cottingham, Robert Stoothoff, and Dugald Murdoch (trans.), (Cambridge University Press: New York, NY, 1985), pgs. 100-109. See also Rene Descartes, “Discourse on the Method *of rightly conducting one’s reason and seeking truth in the sciences*,” in *The Philosophical Writings of Descartes*, vol. 1, pgs. 139-141.

simply the highest type of animal.”¹¹ Immanuel Kant describes humans as “animal rationale” in his second *Critique*, establishing that, while sharing a certain “animality” or *tierheit* (which will be explored in detail in §4.7), humans are, in fact, animals endowed with rationality (*Critique of Practical Reason*, 5:61.33, 5:160.25, 5:162.17-20; *The Metaphysics of Morals*, 6:456.28).¹² It is therefore important to identify precisely what it means for humans to be “rationally” superior beings.

To begin, acting “rationally” or being “rational” is often understood to involve careful decision making based upon empirically-justifiable facts that are available to the deciding agent. Such a definition may bring to mind a computer that analyzes input data and, based solely on the data received, conveys an output with nothing additional coming from the computer itself. This may serve as a rudimentary understanding of what it means to act rationally, but it fails to capture the full scope of the term. Similarly, one should note that being “rational” need not be juxtaposed to acting on emotion, hoping against the data available, or acting on one’s instincts. Each of the latter cases have their place in the lives of humans, allowing humans to survive in certain circumstances. Perhaps including the ability to hope against the data aids in

¹¹ Leonora Cohen Rosenfield, *From Beast-Machine to Man-Machine: Animal Soul in French Letter from Descartes to La Mettrie*, (Octagon Books: New York, NY, 1968), pg. 10.

¹² References to Immanuel Kant’s work will appear parenthetically according to *Kant’s gesammelte Schriften*, edited by the *Königlche Akademie der Wissenschaften* (AK) initially citing the full title in English followed by the AK pagination (vol.: pg.). Every subsequent reference will be abbreviated accordingly. English quotations cited are from:

G -- Immanuel Kant, *Grounding for the Metaphysics of Morals: On the Supposed Right to Lie because of Philanthropic Concerns*, trans. James W. Ellington, (Hackett Publishing Company, Inc.: Indianapolis, IN, 1981) and *Groundwork of the Metaphysics of Morals*, German-English Edition, ed. and trans. Mary Gregor and Jens Timmermann, (Cambridge University Press: Cambridge, UK, 2014).

CpR – Immanuel Kant, *Critique of Practical Reason*, trans. Werner S. Pluhar, (Hackett Publishing Company, Inc.: Indianapolis, IN, 2002).

CPJ – Immanuel Kant, *Critique of Judgment*, trans. Werner S. Pluhar, (Hackett Publishing Company, Inc.: Indianapolis, IN, 1987).

MM – Immanuel Kant, *The Metaphysics of Morals*, ed. and trans. Mary Gregor, (Cambridge University Press: New York, NY, 1996).

LE – Immanuel Kant, *Lectures on Ethics*, trans. Louis Infield, (Hackett Publishing Company, Inc.: Indianapolis, IN, 1963).

differentiating a human from a machine, but the inclusion of hope or desire would be purely ancillary. Thus, by defining humans as rationally superior to nonhuman animals, the argument does not require humans to act solely based on carefully-calculated decisions in which emotion, hope, or instinct play no part.

Describing an individual or a species as “rational” is not synonymous with intelligence either. Establishing a metric by which to measure intelligence within the human species and across societies is difficult enough. Any attempt to measure intelligence across different species proves more difficult, if not impossible. Even within humans, one cannot measure intelligence simply by asking participants to answer questions. Language barriers, age, education level, and vocation are but a few of the complications one encounters in the attempt to make a standardized written or oral exam. Moreover, the questions themselves would reflect what the tester values as important and not what is important to the test taker. A test taker could have an exceptional amount of knowledge in a particular area or field, but if that is not what the tester chooses to examine, the test taker appears unintelligent.

One begins to see how such epistemological practices create unfair grounds upon which to measure intelligence within a species as well as across different species. What is important to humans is not necessarily important to many of the nonhuman animals in the world. For instance, whether or not a squirrel can add two plus two is of little or no consequence in a squirrel’s daily life. Expecting a dolphin to solve complex mathematics or a chimpanzee to write a sentence in English with proper grammar is akin to basing the intelligence of a fish on her ability to ride a bicycle.

There are tests in which humans and nonhuman animals may both participate that offer data that might be extrapolated, such as a mouse running through a maze. One can easily imagine

a mouse running through the inside of the walls of a building in search of food while avoiding wires, studs, or insulation. A human-made maze can mimic this natural environment, allowing humans to understand how a mouse maneuvers through a series of twists and turns, deciding which course to take, and reevaluating once he reaches a dead end. Humans, too, can participate in solving a maze, however the means by which humans tend to do so skew the results in favor of humans. Most often, humans complete a maze by looking down on them from above, able to see where dead ends lay as well as a path to freedom. To level the playing field, perhaps humans should be made to traverse a large, human-sized maze that cannot be easily viewed from above. A maze of this scale would provide a greater sense of equity as a means of measuring intelligence. It should be pointed out, however, that this scenario would actually favor the mouse by testing him on skills he uses almost daily, whereas humans seldom traverse a maze in daily life. Thus, there must be something more to humans as rational beings than mere intellectual or cognitive ability. For a definition of what it means to be rational, we turn to Immanuel Kant who describes rational agents as those who are able to set for themselves their own ends (*Grounding for the Metaphysics of Morals*, 4:427). Another way of stating this might be that humans are beings with autonomously-set ends or rationally-set ends as opposed to beings with naturally-set or naturally-dictated ends.

Upon first hearing that a rational individual is one who is able to set her own ends, it may appear that Kant is simply stating the obvious and that any autonomous individual has the innate power to decide what she will do on a given day. This is not what Kant means when he describes humans as rational agents—i.e. beings of a species possessing rational faculties, even if unused—who are capable of setting their own ends. Daily activities may be driven by a person's impulses, her hunger or thirst leading to a craving for a certain food or drink, or a wish that a

specific event take place. Much of what determines these sorts of impulses, desires, or wishes are physical or sensible in that they arise from one's senses as opposed to one's reason, according to Kant (*MM*, 6:213). Each of these impulses may be pursued to fulfillment or not, giving the appearance of freedom. Yet, each impulse is caused by some physical sensation, either within the individual or from outside. These choices are described by Kant as "animal choice" (*MM*, 6:213).

Notably, rationality in the sense I have described thus far is significantly practical as opposed to more theoretical reason, such as the concepts of logic or "truth." Theoretical reason or rationality may not be present in nonhuman animals' minds and may have little to do with their daily lives or survival. Nonhuman animals may simply not need to consider the impact that their feigning injuries in the hope of getting attention from humans has on the concept of "truth" or the logic behind causal relations. Whether nonhuman animals are capable of wrestling with theoretical reason and the concepts therein is outside the scope of this paper. Thus, "animal choice" and behavior remain within the realm of practical reason, which concerns ends and the means to an end, or ends rather than logical truths.

When a choice is made from pure practical reason that is not caused by or in opposition to a desire caused by physical sensation, one has what Kant refers to as "free choice" (*MM*, 6:213). There is more to this than merely choosing to pursue an act that is not caused by physical or environmental stimuli. Even so, calling such choices "free" does not entail that every desire will, or even should, be fulfilled. A definition of deciding one's own ends based upon individual desires would, in many cases, reveal how few humans are capable of accomplishing such endeavors. After all, how many humans can claim that they are able to fulfill all of their desires? Often, there are obstacles that prevent desire fulfillment. Individuals are *not* free to set for

themselves any ends one so chooses as long as they are uncaused—i.e. not precipitated by—external forces. Free choice rooted in rationality must extend beyond the individual alone and have greater, universal applicability.

Universality is key for understanding rationality in Kantian terms and essential for comprehending precisely what is meant by ends or telos below. Establishing one's ends based solely on individual desires fails to meet this important standard, even when one believes that everyone would have similar desires. Simply citing that one's desire is shared by the entire human species fails to fulfill the universality requirement. The argument that every person desires food or water, so the rationally-motivated conclusion appears to be that "everyone should be fed or have clean water," is well intended, but it is a conclusion based on one's own specific desires for food and water. Surely is it not universally felt that I, personally, should have food and clean water. Setting one's ends involves the well-known Kantian "categorical imperative" in both of its iterations, the first of which is that individuals "act only in accordance with that maxim through which you can at the same time will it become universal law"(G 4:421). In other words, an individual should only act in ways that she could accept everyone else in the entire world doing as well. Yet, even this example fails to fully demonstrate the subtle nuances of Kant's proposal. One cannot simply state that everyone should universally do *x*, thus allowing an individual to act in a manner that benefits him alone. For instance, Kant describes a person who makes a false promise to pay back money he has borrowed (G 4:402-403). Were everyone to make false promises, the very idea of a promise would be undermined, and no one would be able to make any promises, false or otherwise. Thus, according to Kant, even if an individual could justify making a promise to pay back money without the intention to do so simply to benefit

himself, his practice and any justification of his acts cannot withstand the universalizability test. Another way of stating it would be that, by making a false promise, the man is acting irrationally.

The second iteration of the categorical imperative is that individuals should act in such a manner that one “use humanity, whether in your own person or that of another, always at the same time as an end, never merely as a means” (G 4:429). Often times referred to as “the formula of humanity as an end in itself,” Kant claims that humans, while often justified in using other humans as a means to one’s ends, one should never treat another human as *mere* means to one’s ends. There are times when a person is a means to another person’s ends, as is often the case in the service industry. One may be a means to my end of satisfying my hunger by taking my order and preparing a meal for me. What Kant’s claim prohibits is that a person be treated as *mere* means to one’s ends. Think instead that, rather than preparing a meal for me to eat, I simply kill and eat the other individual, making them a *mere* means to satisfying my hunger. Surely such an act would not only be unthinkable, but illogical or, using the terms’ other connotation, unreasonable and irrational. This is, of course, an extreme case, but one may see that treating a human as means to one’s ends differs from exploiting another or treating them as an object rather than a fellow human being.

2.3 Ends and Teloi

One additional term needs further elaboration in order to understand how humans are to behave as rational agents according to Kant, and that is an individual’s “ends.” Establishing one’s own ends is more than simply fulfilling one’s desires, which is a capacity to produce an object or state of affairs by means of a representation of that object. Humans and nonhuman animals alike seek to fulfill their desires. One can identify numerous common desires that both humans and nonhuman animals seek to fulfill or satisfy, such as hunger, thirst, and the desire to

be warm or clean. Differing desires need not be the defining trait in what makes a being rational; thus the fact that a bird desires to fly to warmer climates in the winter rather than have the desire to build a home able to withstand the cold or, like some humans, desire to write the next great work of fiction, tells us little about which being is more rational than the other. An end, according to Kant, is “An object of choice (of a rational being), through the reception of which, choice is determined to an action to bring this object about” (*MM* 6:381). According to Allen Wood, “to set an end is to judge it as *good*, which means: as *worth* pursuing.”¹³ Thus, one’s ends are not simply that which one has a mind to accomplish, but are fundamental to who or what a being is as a species, endowed with certain faculties.¹⁴ This precise understanding of ends emerges out of the Aristotelian idea of *telos*.

The concept of *telos* comes from the Greek understanding of an individual’s or an object’s ultimate function. For instance, one *telos* of a knife is to cut.¹⁵ The sharper the knife, the easier it is to cut an item. Respecting the knife’s *telos* involves ensuring that the blade is sharp and clean. One might find another use for a knife, such as prying open a can or using the handle to hammer in a nail, but this is not the ultimate aim of a knife, and there are perhaps better objects available to complete these acts. Using a knife in ways other than what it was made for fails to recognize and respect the *telos* of the knife. It may be that using the knife to accomplish an act for which the knife was not intended, such as prying open a can, accomplishes the desired outcome; the *telos* of the knife, however, goes unactualized or unfulfilled. If the knife were to

¹³ Allen Wood, *Kant’s Ethical Thought*, (Cambridge University Press: New York, NY, 1999), pg. 55.

¹⁴ Bernard Rollin, *A New Basis for Animal Ethics: Telos and Common Sense*, (University of Missouri Press: Columbia MO, 2016), pgs. 47. See also, Bernard Rollin, *Animal Rights and Human Morality*, (Prometheus Books: Amhurst, NY, 2006), pgs. 120-121.

¹⁵ Admittedly, “to cut” is the primary *telos* of a knife but a knife may also be made in order to stab or skewer as well as flatten something such as a clove or garlic. Thus, a knife might be designed with these additional *teloi* as well.

break in the process, one might claim that the telos of the knife has been violated. Thus, such misuse might even be deemed illogical or irrational.¹⁶

It is also noteworthy that an object's telos, or end, need not be associated with that thing's demise. In other words, once an object's true purpose is actualized in a manner fitting the object's nature, structure, or intent, the object is not necessarily discarded. In fact, an object may be utilized to a greater extent and only retired or disposed of when the object can no longer fulfill its true telos. In many ways, this is true for humans as well as nonhuman animals. It is not the case that a human has to realize or actualize her telos prior to her death and then, having accomplished her telos, can die peacefully. Realizing one's telos is something that should happen again and again throughout one's life, especially when it is arrived at rationally. Humans are not deemed useless when they fail to actualize their telos, even in old age.

One could say that the true "End" of humanity is to be a rational agent, adhering to the categorical imperative in both iterations. How this capital-e "End" is actually manifested by humans may be understood as each individual's lower-case "end." This allows humans the ability to autonomously set their own "ends" while still respecting the Kantian understanding that humans should be rational agents—the true "End" of humanity. An individual's ends may change or manifest differently over time, unlike a knife, for instance. The scope of possible individual ends is limited, however, to those ends that are formed rationally. One might behave in an irrational manner, however doing so the individual fails to realize his true human End. Failure to live rationally may be the result of failing to act rationally in the pursuit of one's individual ends. An individual's ends may be understood as one's teloi, which will be the term I

¹⁶ Rollin, *Animal Rights and Human Morality*, pg. 121.

utilize most in the remainder of this work, though both may be used interchangeably for the purposes of my argument.

Similar to humans, nonhuman animals have *telois* which they can realize over and over throughout a lifetime. Similar to objects, however, nonhuman animals are many times deemed disposable when they no longer serve as means to human ends, often leaving one or more *telois* of the nonhuman animals unrealized. For many nonhuman animals, their *telois* are set by humans and justified by claims of human rational superiority and nonhuman animal rational inferiority, whether warranted or not. One may well ask, however, whether human rational superiority justifies setting the *telois* of nonhuman animals, especially when doing so means treating nonhuman animals as humans desire. To put this question another way, lacking the ability to autonomously set one's own ends, are nonhuman animals simply "things"?

The inability of nonhuman animals to set for themselves their own ends or *telois* does not mean that such creatures are mere automatons or machines, unable to make decisions when the need arises. Kant made it clear that he did not agree with those who professed that nonhuman animals are merely machines.¹⁷ Kant did, however, use mechanistic language to describe some of what is observed in nonhuman animals. Lacking the ability to understand the thought behind nonhuman animal behavior, their movements and actions appear mechanical in that there is often an observable cause and effect taking place. Observing nonhuman animals, one can see that many, if not all of their action, is caused by biology—hunger, thirst, fatigue, etc.—or caused by some outside source—predators giving chase for example. According to Kant scholar Ina Goy, "From the perspective of the human power and judgment, nonhuman and human animals are mechanical 'beings' since they undergo motions and changes that fall under mechanical powers

¹⁷ Steve Nargon, "Kant on Descartes and the Brutes," *Kant-Studien*, 81 (1):1-23.

and laws.”¹⁸ Undergoing change that falls under the category of mechanical powers and laws does not mean, however, that such individuals are themselves machines.

Referencing Kant’s *Critique of Power and Judgment*, Goy establishes two important aspects of both human and nonhuman animals: “First,” she writes, “that essential parts of nonhuman and human animals can, and even must, be explained as machines by means of mechanical power and laws.”¹⁹ It should be noted that “explaining” animals as machines is rooted in causal laws of nature, such as one finds in physics. Movement and chains of events are present in all animals, just as they are in machines. Goy further states, “Second, that organized beings are in some way more than machines, since organized beings cannot be explained by mechanical laws alone.”²⁰ While exhibiting instances of cause and effect in their lives, animals are also considered “organized beings,” meaning that, unlike mere machines, such beings have what Kant refers to as “formative powers” (*bildende Kraft*) which he says “cannot be explained through the capacity for movement alone (that is mechanism)” (*Critique of Pure Judgement*, 5:374.21-6). Thus, while mechanical laws and powers may explain how or why humans and nonhuman animals behave the way they do, there is something more than merely mechanical laws or powers present and at work.

Mechanical laws lack “final causes,” but are always subject to cause and effect. There exists a seemingly infinite chain of cause and effect, extending both into the past and into the future that result in or are the result of mechanical laws. Many nonhuman animals demonstrate their ability to decide between alternatives despite possessing a lesser degree of rationality. Furthermore, desires may arise from faculties other than reason. Some desires may arise from

¹⁸ Ina Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, Lucy Allais and John J. Callanan, (eds.), (Oxford University Press: Oxford, UK, 2020), pg. 91.

¹⁹ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 91.

²⁰ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 91.

what Kant calls “impulses” which are present in both humans and their nonhuman counterparts (*MM*, 6:213). A difference begins to emerge here in that nonhuman animals are unable to resist impulses and therefore succumb to their desires and are “pathologically necessitated” to satisfy their brute desires. Thus, nonhuman animals’ behavior is not self-directed but is driven instead by impulse or desire alone, making them less rational compared to humans. Whether this is enough to justify arguments that rational superiority entails that humans can treat nonhuman animals in any way humans desire, even when such treatment opposes nonhuman animal instinct or desires, remains unclear for now.

According to Colin McLear, “Acknowledging the existence of representation in animals does not commit Kant to thinking that animals possess the faculties of reason or understanding, or that animals possess the power of mental combination beyond that of mere empirical association.”²¹ McLear further elaborates this point by noting that “Indeed, Kant seems clearly to reject the notion that animals possess the capacity for use of the first person concept, and with it any of the ‘higher’ cognitive faculties of understanding, judgment, or reason.”²² Thus, while nonhuman animals are capable of choosing between two or more competing urges, they are unable to, in essence, rise above these urges and examine them from a first-person perspective.²³ Any and all choices are driven solely by the physical and biological nature of each creature and her surroundings. Such limitations are not necessarily detrimental to nonhuman animals. As McLear states, “While there may be a question as to the *ultimate* metaphysical independence of

²¹ Colin McLear, “Animals and Objectivity,” in *Kant and Animals*, Lucy Allais and John J. Callanan, eds., (Oxford University Press: Oxford, UK, 2020), pg. 42.

²² McLear, “Animals and Objectivity,” in *Kant and Animals*, pg. 42, n. 4.

²³ Claiming animals are, perhaps limited in the ability to examine the world from a “first-person perspective” utilizes the term “person,” further illustrates the ways in which the human-nonhuman binary is embedded in human language as there is no other term that captures what it means to examine the world from such a viewpoint. Whether nonhuman animals have the concept of themselves as an individual or an “I” by which they experience and interpret the world, there is no other way in which to describe their experience in terms other than human.

empirical reality from the intuiting subject, the intuitions of animals are in no way worse off with respect to metaphysical objectivity than those of rational (human) beings.”²⁴ There may, in fact, be no actual limitations in nonhuman animals—at least none that prevent individuals from living their respective lives.

Neither should it be assumed that nonhuman animals are driven by wild, uncontrollable impulses. Ina Goy writes, “From the perspective of the human power of judgment, nonhuman and human animals are organized beings, since their mechanical motions and changes are directed toward the fulfillment of natural purposes.”²⁵ Such mechanical motions and changes, according to Goy, are the result of and are subordinate to what she terms, “physical-teleological powers and laws.”²⁶ The species-specific and individual traits of nonhuman animals are subject to their respective physical-teleological make-up and is formative for each creature. Again, Goy writes that, “the formative power is directed towards the realization of the natural end.”²⁷ Goy further elaborates, stating, “the formative power is part of the final cause process in human and nonhuman animals, since it organizes and directs the motion and change that mechanical powers and laws bring about towards a particular natural end.”²⁸ Nonhuman animals themselves have certain ends or *telo*i that are considered naturally-set by causal laws.

Given what we have said about human rational superiority, can we claim that nonhuman animals are “free”? To the extent that nonhuman animals are free to fulfill certain desires without coercion or force, absolutely. Nonhuman animals in the wild are capable of eating or drinking when there is food and water available, thus satisfying individual desires. Turning again to Kant,

²⁴ McLear, “Animals and Objectivity,” in *Kant and Animals*, pg. 63.

²⁵ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 93.

²⁶ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 93.

²⁷ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 93.

²⁸ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 93. See also, Ina Goy, “Epigenetic Theories: Caspar Friedrich Wolff and Immanuel Kant,” in *Kant’s Theory of Biology*, Ina Goy and E. Watkins (eds.), (Walter de Gruyter: Berlin, Germany: 2014), pgs. 45-60.

McLear points out, however, that, “For Kant, an animal, unlike a rational being, is never free in the employment of its representations. Its representations are always in the service of biological and contextual imperatives that may lead to unavoidable distortions in the animal’s cognitive relation to the world.”²⁹ While it may appear that animals examine, interpret, and judge certain aspects of their environment, in actuality, according to Kant’s view, individual animals are merely seeing each aspect in light of their biological needs. A squirrel examining an item on the ground may only see that thing as “food” or “not-food.” One creature sees a tree as “shelter” whereas a different animal sees a means by which to relieve an itchy back. Neither of the animals, however, would be described by Kant as behaving in a rational manner thereby exhibiting an ability to override her biological or contextual imperatives. While both animals see the tree as a means to a desired end—shelter for one and relief from a pesky itch for the other—the Kantian understanding remains one in which human’s demonstrate behavior motivated by something beyond biology or nature alone. Additionally, there are instances where nonhuman animals are forced or coerced to act against their desires, thereby rendering such individual less free or not free. The fact that many companion animals are spayed or neutered is proof that these specific nonhuman animals are incapable of satisfying their desire to breed. Similarly, it is often the human, not the companion animal, who decides what and when a nonhuman animal will eat, restricting the freedom to satisfy the desire for food. One can further extend these examples to nonhuman animals in laboratory testing, high-density factory farming, confinement in zoos, or entertainment settings. Adding that nonhuman animals may be, at the very least, less rational than humans, the answer to whether certain nonhuman animals are free appears to be “no.”

²⁹ McLear, “Animals and Objectivity,” in *Kant and Animals*, pg. 46.

As part of setting and fulfilling their teloi, humans have established ways to manipulate the environment in order to fulfill their teloi. Removing trees and changing the course of rivers in order to build homes or have the water necessary to grow food are just two examples of how humans not only use but change nature to achieve their teloi. Humans are not alone in this respect. Beavers have the ability to manipulate their physical environment in a similar manner. Damming a river in order to have a body of water in which to build their home demonstrates their ability to change the world around them in order to better establish a space in which to live and find food. Again, Kant would not attribute the actions of beavers to rationality. Instead, Kant would argue that when a beaver behaves in such a manner by which he manipulates his natural environment to suit his desires, he does so according to his brute impulses, not due to any rational thought.

In addition to manipulating nature to fit human desires and human-contrived ends, humans bend and reshape nonhuman animal teloi to fit human ends. One example is the practice of selective breeding for the sake of what humans find aesthetically pleasing. Such practices are most common in purebred companion animals. Animals with traits or physical features that are desirable to humans are bred in the hope of passing along the desirable traits to offspring. Those animals who do not possess the desirable traits are prohibited from breeding or are bred with a partner possessing more desirable features so that the unwanted traits might be bred out of the species. While this outcome is similar to that found naturally in the wild, where the traits most suited for survival are those likely to be passed on by animals who survive to a breeding age, traits and features suitable for survival are different than those that are aesthetically pleasing to humans. Furthermore, breeding practices for the sake of physical appeal can and, in certain cases, do lead to physiological and biological problems in individual animals and groups of a

species—not the least being the inability to breathe clearly and comfortably in dogs suffering from Brachycephalic Obstructive Airway Syndrome (BOAS). More will be said on this in the fourth section of this paper. For now, it is simply pertinent to note that human desires are imposed on nonhuman animals for human ends.

It is worth mentioning that an established standard such as demonstrating rationality leaves room for others to ascend, thereby obtaining a similar status to humans as one of the superior species. Were a species to demonstrate that it, too, is capable of behaving rationally—that is, to meet the minimum definition of possessing the ability to choose for themselves their own ends and formulate means by which to meet said ends—these nonhuman animals should be viewed as the human species' equals. With this elevated status comes similar rights and responsibilities, as will be described in greater detail below. The question of where the rational faculty comes from is one that deserves greater exploration.³⁰ The origin of human rational abilities is especially pertinent if the ultimate End of human beings is to be rational agents. If the faculty itself occurs in humans genetically, there may be greater motivation to acknowledge the natural faculties in nonhuman animals that aids in them achieving their respective ends. Should this be the case, there would still be reason to believe rational faculties could arise in nonhuman animals if there is a chance the faculty could be passed along hereditarily like any other trait. If, on the other hand, the rational faculty in humans came about through the external factors of evolution and humans somehow clawed their way out of the less rational or irrational mire as a species, there is indeed potential for any nonhuman species to do the same. For now, it is enough to acknowledge that, by establishing a minimum standard for superiority, humans may

³⁰ I do not consider any theistic or theological claims that the faculty of reason or rationality is divinely imparted or given to humans by God or a god and not given to nonhuman animals. The divine source of rationality is, itself, worthy of its own thesis.

only occupy their place in the hierarchy alone for the time being. Other species may well achieve similar status and join humans at the top.

As for nonhuman animal rationality itself, it is difficult to describe how this might look. On one hand, one could argue that nonhuman animal rationality would resemble human rationality in a Kantian sense and that nonhuman animals who demonstrate the ability to set for themselves their own ends would suffice to be considered “rational.” On the other hand, it may be that simply possessing the faculty for rationality is enough to be considered “potentially rational” and would thereby warrant giving any and all nonhuman animals with this potential the opportunity to live full lives free from human intrusion. There is always the potential that nonhuman rationality might manifest in a way that is yet unimagined or that there exists life in the universe with a rationality beyond what Kant envisioned. For the time being, however, I will rely on Kant’s definition of rationality as those beings who can set for themselves their own ends. Should nonhuman animals demonstrate their ability to behave in a similar manner, they too should be considered rational.³¹

It is perhaps worth positing how this might come about by exploring how humans obtained their place atop the rational hierarchy. One can only speculate how their ascension to the top took place, which makes it difficult to identify precisely when humans as a species passed the threshold of rationality and became rationally superior as a species. Let us assume, then, that humans achieved rational superiority when a vast majority—not simply 51% of adult human beings, but perhaps 90% of adult human beings—demonstrated the ability to set for themselves their own ends. Again, an ascending species only needs to have the capacity for, not always employ, rational faculties for this claim to hold true. This allows us to establish the

³¹ If this were to happen and a species of nonhuman animal were to be considered rational, the argument that follows in the fourth section of this paper would also apply to the newly recognized rational agents.

number of rational beings in a given species based on fully mature members of that species, thus omitting juvenile individuals who have not yet reached this potential. Furthermore, we are able to omit individuals who may not achieve their full rational potential due to mental illness, injury, or other circumstances which limit the ability to behave in a rational manner. I admit that these percentages are speculative and that there is perhaps no way of identifying the precise moment when humans reached the point where 90% of adult human beings possessed the ability to function as rational agents. I merely suggest this as a possible benchmark by which one might admit other species into the fold of rationally-superior agents once they too reach a similar percentage who demonstrate the ability to function as rational beings.

At this point, it is hopefully clear that if humans are to claim superiority over nonhuman animals on any grounds, the strongest argument is that humans are rationally superior. This argument does not mean that rationality is entirely absent in nonhuman animals or that nonhuman animals are mere objects, things, or machines. Working within a Kantian understanding of rationality, one can claim that humans are able to set for themselves their own ends, or are beings with autonomously-set ends, whereas nonhuman animals are not. Readers will likely ask at this point, why grant human superiority on rational grounds when one is seeking to establish that humans do not have a right to treat nonhuman animals in any manner humans desire? I attempt to make the answer to this question clear in the following section.

§3 Granting Human Rational Superiority

3.1 Why Grant Rational Superiority?

It is worth asking why one should accept the arguments that humans are rationally superior to nonhuman animals. Why not debate this claim or attempt to establish that nonhuman animals, too, can be rational agents? Conceding rational and moral superiority might not mean that one must also accept that humans can treat nonhuman animals in any way humans please or that treating nonhuman animals as mere means to human ends is entailed in being rational. Before I address whether such rights are entailed in granting rational superiority to humans, it is necessary to define that which can be excluded from the conversation. As will become clear below, granting human superiority on rational grounds allows one to overcome significant points of contention that complicate the debate on the ethical treatment of nonhuman animals.

3.2 Personhood

First and foremost, there is no argument for “personhood” of nonhuman animals or for nonhuman animals being afforded the same right as human persons, specifically rights of protection from harm inflicted by others.³² If humans are rationally superior, they occupy a category all their own. Members of this category may establish rules or regulations regarding how those within the category treat one another, but these may not extend into other categories. In the case of humans, granting personhood with rights and responsibilities is one example. Arguments attempting to extend personhood to nonhumans are difficult, especially due to the fact that the term “person” is nearly entirely synonymous with the term “human.”³³

³² See, for instance, Michael Tooley, “Are Nonhuman Animals Persons?” in *The Oxford Handbook of Animal Ethics*, Tom Beauchamp and R.G. Frey (eds.), (Oxford University Press: Oxford, UK, 2011), pgs. 332-368.

³³ It is worth pointing out that there are entities that are granted “personhood” in addition to humans. For instance, in the eyes of the law, businesses are granted “personhood” in certain countries, as are rivers and sacred religious texts in other countries.

With personhood comes certain rights, both positive, such as the right to vote, and negative, as in having the right to protection physical harm by another member of society. In addition to rights bestowed on those with personhood are responsibilities, such as the responsibility of paying taxes that support the infrastructure of a society or serving on a jury. Granting personhood to nonhuman animals may indeed allow for nonhuman animals to find protection from harm by fellow “persons”—i.e. specifically humans—thereby leading to more ethical treatment. However, even discerning the harm done to a nonhuman animal is complicated due to language barriers. Even when one can discern that an individual is responsible for harming a nonhuman animal, questions still remain as to how the human is to be held accountable. Financial compensation for one human harming another human is limited in its efficacy when it comes to making amends. How might one make amends or be accountable to a nonhuman animal? Would financial compensation still suffice? Due to barriers in language and communication, we do not know what sufficient restitution is to a nonhuman animal.

In addition to understanding and protecting the rights of nonhuman animals who would be granted personhood is the greater challenge of how we ensure they fulfill the responsibilities that accompany this status. How does one hold a gorilla accountable for not fulfilling his responsibility? Perhaps a better question is, what would such responsibilities be? It is likely that there would have to be a set of responsibilities expected of nonhuman animal persons that differ from those of human persons. This leads one to ask, what is actually gained by granting personhood to nonhuman animals that cannot be gained in some other way? For instance, instead of granting a gorilla personhood, humans might simply treat gorillas with respect and care for them responsibly according to their gorilla nature—which seems can be more easily attained without the complexity of granting nonhuman animals a status of personhood. Granting rational

and moral superiority to humans, and thereby granting them and them alone personhood, one need not address the counter arguments of those who claim that granting personhood to animals includes not only rights, but responsibilities.

3.3 Marginal Cases

Similarly, by granting humans rational superiority, any argument for equitable treatment of nonhuman animals need not rely on marginal cases such as those hinging on infants or the mentally ill for comparison.³⁴ The argument that many nonhuman species are in some way equivalent to so-called marginal cases attempt to equate the intellect of, say, a fully-grown chimpanzee and a human infant. One might assume that the chimpanzee demonstrates that she is more rational than the infant by her ability to use tools to meet her desired ends, whereas the human infant is unable and simply cries in an attempt to communicate his desires and have them fulfilled by a capable adult. Similarly, one might cite the cases of gorillas who have demonstrated an ability to understand and use American Sign Language to communicate with humans and compare them to humans who, due to mental illness, are unable to communicate or understand their fellow human beings. Taking marginal cases into account will also include times in an otherwise rational beings life that are regarded as irrational—whether in infancy, old age, or due to limited mental capacities, throughout their entire life. It would also seem that, when compared to a newborn human child, the highly intelligent chimp is deserving of better treatment due to her rational abilities, even if they fall well short of the potential of the human newborn. Add to this that there may well be marginal cases within nonhuman species as well, which may be difficult, if not impossible, to distinguish from the total population.

³⁴ See, for instance, Bryce Huebner, “Minimal Minds,” in *The Oxford Handbook of Animal Ethics*, pgs. 441-468, and T. J. Kasperbauer, *Subhuman: The Moral Psychology of Human Attitudes to Animals*, (Oxford University Press: Oxford, UK, 2018).

Much of the back-and-forth that takes place between marginal cases in the human species and nonhuman animals has resulted in the accusation of speciesism.³⁵ In the simplest terms, speciesism is when one determines differential treatment of one group opposed to another group based simply on species. No other factors are taken into consideration when making a decision. Any argument claiming that humans deserve different treatment than a nonhuman animal exhibiting rationality at a level above a marginal human case, simply because the human is a human, is speciesist. If species is the only grounds upon which one bases his argument for how groups or individuals should be treated, why grant the best treatment to one's own species and not another species? It would be just as easy to be speciesist in favor of elephants, claiming that they deserve to be treated better than even humans simply because one finds elephants fascinating or beautiful. There is really no basis for preferring one species over any other in speciesism.

Granting rational superiority to humans means granting superiority to the entire species, not simply the rationally-average or above-average human. Included in this categorization are the so-called marginal cases described above. Rational superiority is granted to all humans, regardless of the functionality of their faculties. The argument is not based on marginal cases at either extreme of the rational spectrum wherein the least rational human is compared to the most rationally-capable nonhuman animal. Nor is the most rational human compared to the least rational animal. By relying simply on the definition offered above, that humans are rational agents due to the fact that (ordinarily) they can set for themselves their own ends and that nonhuman animals (ordinarily) cannot, the entire species of humans is thereby rationally superior. One need not seek out anomalies for comparison in the hope of identifying instances of

³⁵ Peter Singer, *Animal Liberation*, (Harper Collins Publishers: New York, NY, 2009), pgs. 18-23.

rationality in nonhuman animals or irrationality in humans. By granting human rational superiority, a standard has been set for each species, which, when achieved by a vast majority of the species, elevates the entire species (see above §2.2). Until a species of nonhuman animals achieves this standard, humans alone retain rational superiority.

3.4 Pain

Human concern for nonhuman animals need not be based on the common notion of pain or the shared ability to feel pain.³⁶ Philosopher Jeremy Bentham offers one of the earliest arguments that sensitivity is of greater importance than rationality in the oft quoted footnote:

It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum* are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason or perhaps the faculty of discourse? But a full-grown horse or dog, is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month, old. But suppose the case were, otherwise, what would it avail? the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?

Possessing the ability to suffer is precisely what those who claim nonhuman animals are machines wish to deny. They claim that when someone beats a nonhuman animal, the human does no harm to the nonhuman animal because “it” cannot actually suffer. If it is true that nonhuman animals do not suffer, they are indeed mere “things” to be treated like any other object in the world. However, such claims that nonhuman animals cannot or do not suffer is offensive to one’s common sense. The fact that nonhuman animals possess pain receptors similar to those found in humans and that nonhuman animals wince, cry, or yelp when undergoing an experience that, if done to a human, cause pain in humans, makes the conclusion clear; nonhuman animals are capable of suffering.

³⁶ See, for instance, Bernard Rollin, “Animal Pain” in *The Animal Ethics Reader*, Susan J. Armstrong and Richard G. Botzler (eds.), Routledge Publishing: New York, NY, 2017), pgs. 111-115; Sahar Akhtar, “Animal Pain and Welfare: Can Pain Sometimes be Worse for Them Than for Us?” in *The Oxford Handbook of Animal Ethics*, pgs. 495-518; and Peter Singer, *Animal Liberation*, (Harper Collins Publishers: New York, NY, 2009).

Were concerns for nonhuman animal wellbeing based solely on the ability to feel pain, the prospect looms that one could treat nonhuman animals any way one pleases as long as the animal itself feels no pain. It would be essential that one take into consideration the housing, the care prior to the experiment, and the care following the experiment to ensure that the subject feel no pain whatsoever. Whether pharmacologically or by genetic manipulation, if a person could somehow ensure that the subject of an otherwise painful experiment felt no pain, one could, in theory, justify any acts no matter how painful it would have been otherwise. The subject experiences no pain, making any arguments of immorality moot, but such drastic changes in the make-up of an individual may in actuality violate the telos of the individual.

By granting that humans are rationally superior to nonhuman animals, one need not be concerned with arguments that humans and nonhuman animals might perceive pain similarly. Such shared perceptions may instead be added to the various other means by which humans and nonhuman animals demonstrate similar traits but in varying degrees. Much like nonhuman animals who possess strength to a greater degree than humans, there are perhaps nonhuman animals who are able to endure greater pains than humans. Conversely there may also be nonhuman animals who are able to feel pain much sooner than their human counterparts, demonstrating a greater sensibility. It is left to the reader to decide which of these two might be considered superior in this regard—the species who can endure greater amounts of pain or the species who is more sensitive to the most minute instances of pain. Regardless, the understanding that humans and nonhuman animals experience pain in a similar manner need not enter into the equation if the sole basis for superiority is rationality.

3.5 Predation

Perhaps most favorable to arguments granting that humans are rationally superior to nonhuman animals is that there is no need to try to explain predation within the nonhuman animal kingdom nor attempt to do away with it. One of the greatest challenges made to those who argue that nonhuman animals deserve to be treated equitably by humans is that nonhuman animals themselves do not behave in a morally acceptable way.³⁷ The nonhuman animal kingdom is rife with instances of predator and prey relationships. Lions prey on gazelles, cats prey upon mice and birds, wolves prey upon deer, hawks prey upon rodents, and the list goes on and on. Moreover, predators seldom, if ever, give any regard to what their prey might be experiencing in the moments leading up to and the moment of death. Most predators do not seek a painless means of death for their prey. Some predators even toy with their prey prior to killing them. When such acts are done by humans toward other humans, their behavior is deemed immoral and rightly so. Nonhuman animals, however, if they are to be regarded as inferior to humans on rational grounds, must not be judged by such standards.

In Kantian terms, humans participate in establishing the moral laws to which they hold other humans accountable by seeking universality in establishing one's ends. Kant calls this establishment of moral laws participating in the "Kingdom of Ends."³⁸ If one is unable to participate in the establishing of such ends, or means to one's ends, due to their inability to function as a rational agent, it is unfair to hold this individual to the same standards. This is evident in the cases of many humans who are deemed unfit to be held responsible for crimes due

³⁷ Jeff McMaan "The Meat Eaters," *New York Times* (Editorial), Sept. 19, 2010.

³⁸ For more specific examples of how humans participate in the "Kingdom of Ends," see Christine Korsgaard, *Creating a Kingdom of Ends*, (Cambridge University Press: New York, NY, 1996). For examples of how nonhuman animals might be considered within the "Kingdom of Ends," see Korsgaard, *Fellow Creatures*, pgs. 141-144 and 150-155.

to their altered mental capacity. Similarly, nonhuman animals who are unable to participate in establishing human moral laws due to their being rationally inferior means, too, cannot be held responsible for acts which might be deemed immoral were they done by a rational human being. This means that if a bear attacks a human, killing him in the process, the bear is not responsible for an immoral act. Whereas a human in the same position would surely be guilty of murdering his fellow human, the bear would not.

Humans, however, do not think or behave in a manner that absolves the bear of any wrongdoing should he kill a human being. When a nonhuman animal attacks a human, no matter the circumstances, the nonhuman animal is hunted down and euthanized. Even if the human behaves irresponsibly or recklessly, any act of aggression on the nonhuman animal's part usually warrants the nonhuman animal's death. Humans have held nonhuman animals to human legal and moral standards when humans or their property are harmed or destroyed by nonhuman animals. Historically, some of the instances have played out in a court of law. Advocate for the ethical treatment of nonhuman animals and theologian David Clough recounts several instances in which both secular and religious authorities bring nonhuman animals to trial on various charges spanning the centuries from 824-1906 C.E. and across numerous countries in Europe, Africa, and North America. Clough lists the various species accused of crimes to include "locusts, snakes, mice, caterpillars, flies, eels, pigs, bulls, beetles, horses, oxen, rats, cows, goats, weevils, cocks, snails, dogs, asses, mules, dolphins, doves, termites, and wolves."³⁹ Granting human rational superiority likely means that those who are inferior are neither guilty nor innocent of immoral acts. The inability to rationally determine their ends means that they cannot

³⁹ David Clough, *On Animals*, vol. 1, (Bloomsbury T&T Clark: New York, NY, 2012), pgs. 109-112. See also E. P. Evans, *The Criminal Prosecution and Capital Punishment of Animals*, (William Heineman: London, UK, 1906) and Peter Dinzelsbacher, "Animal Trials: A Multidisciplinary Approach," *Journal of Interdisciplinary History*, 32:3, 2002.

be held responsible for even the most violent acts, whether against humans or other species. The claim that human superiority is based on rational grounds does not extend into the realm of predatory behavior in nonhuman animals; one must refrain from judging the acts of inferior creatures according to the standards established by the superior species. Of course, this does not mean humans, when attacked by nonhuman animals, must refrain from fighting back. One may simply realize, however, that rational superiority does very little for humans when in the grips of a bear who is physically superior.

Thus, by granting human superiority over nonhuman animals on rational grounds as understood within a Kantian context, arguments regarding personhood, pain, so-called marginal cases, and predation, can be set aside. By focusing solely on rationality and individual or species-specific ends, I can now turn specifically to the question of whether rational superiority entails that humans possess a right to treat nonhuman animals in any manner humans desire.

§4 With Great Power Comes Great Responsibility⁴⁰

4.1 What Human Superiority Based on Rationality Entails

Does human rational superiority entail that it is morally acceptable for the superior species to treat the inferior species as mere means to the superior species' ends? I answer no. Rational superiority does not entail that inferior species should be treated in any manner the superior species desires, nor is it morally acceptable for the inferior species to be treated as mere means to the superior species' ends. Elaborating precisely why rational superiority does not give humans the ability or even the right to treat nonhuman animals in any way imaginable, I remain within a Kantian context—this time looking to the latter portions of his third *Critique*. In addition to Kant, several contemporary Kantian scholars are key interlocutors, not the least of whom is Ina Goy and her exegesis of Kant's *Critique of Power and Judgment*.

Humans are, according to Kant, capable of setting for themselves their own ends due to their being rational agents. I have granted that rationality is one way in which humans can claim superiority over all nonhuman animals and that, unlike humans, nonhuman animals are unable to set for themselves their own ends, making them subject to natural ends or *telo*i. What has not been made clear, and I argue cannot be demonstrated, is whether being rationally superior allows humans to exercise total power over all nonhuman animals so that nonhuman animals become mere means to human-contrived ends, regardless of the nonhuman animal *telos*. It seems that possessing rational faculties does not necessarily entail lordship over all of creation any more than physical strength, speed, or longevity of life does. Having previously addressed several of

⁴⁰ Acknowledging the contested origins of this phrase, I cite the minutes of the French National Convention at Paris on April 2, 1793 in *Collection Générale des Décrets Rendus par la Convention Nationale*, May 8, 1793; Stan Lee, and Steve Ditko, *Amazing Fantasy*, Vol. 15. (Marvel, 1962); as well as recognizing that this is perhaps a paraphrase of the Gospel of Luke 12:48 which states, "To whomever much is given, of him will much be required; and to whom much was entrusted, of him more will be asked."

the categories in which humans are inferior, it is convenient that the one category finding humans atop the list is the same one that allows for unchecked treatment toward inferior species. Being the largest species does not grant whales or elephants the freedom to eat first, leaving all other species to live off of what the elephant does not eat. It is feasible that rationality functions similarly to individuals possessing certain physical traits in that both may lead to an increase in survival. Yet, again, one might ask, why favor rationality over any other trait that also increases one's chances for survival?

The question remains, does rationally superiority alone grant humans the right to treat every other species as mere means to human ends? Moreover, are human capable of deciding not only their own fate, but in so doing, affect the fate of every other species in the universe based solely on the argument of rational superiority? Simply because humans value rationality does not mean that humans are able to decide what is most valuable for every other species. Even if one were to accept that the rights humans bestow unto themselves, such as protection from unlawful confinement, were universalized across species, treatment of nonhuman animals in a manner that violates their natural telos would still have moral implications.⁴¹ Claims of this magnitude surely require similarly significant justification, leaving one to ask, does granting rational superiority truly allow for everything its proponents claim? Or, do humans have a greater responsibility to ensure that nonhuman animals are able to live out their lives according to their nature?

According to Kant, humans should not act cruelly toward nonhuman animals; however, his motivation for prohibiting cruelty is not for the sake of the animals themselves (*MM* 6:443). Instead, humans should refrain from acting cruelly to nonhuman animals lest their cruel acts

⁴¹ Steven Wise, *Unlocking the Cage: Science and the Case for Animal Rights*, (Perseus Books: New York, NY, 2002).

spread to their fellow humans. It would seem, then, that if a human could justify his cruel treatment of nonhuman animals as his means of ridding himself of the desire to harm others, Kant could possibly support such acts. It is possible that this argument itself fails the formula of universalization discussed above, but it could also yield itself to a rational justification for harming animals.

It is worth reiterating that a human is not free to behave in any way he desires simply because he has set for himself certain ends. The means of achieving his ends are still subject to certain restrictions, which are both external and internal to the individual. Humans place restrictions on others as well as on themselves, thus limiting the means by which one might achieve one's rationally-set ends. These are direct duties humans owe to other rational beings. Out of these direct duties arise indirect duties regarding the treatment of nonhuman animals. Kant argues, for example, that humans should refrain from subjecting nonhuman animals to painful experiments when other means of discovery are available (*MM* 6:443). Such practices, according to Kant, potentially numb the moral senses of the individual, causing moral harm to himself while also possibly leading to him causing harm to his fellow humans (*MM* 6:443 and *Lectures on Ethics* 27:459). Because the behavior has the potential to directly impact or harm humans, Kant calls the prohibition of such acts a "direct duty" that one has toward rational beings (*MM* 6:443). That nonhuman animals benefit from these duties is, at most, ancillary and therefore considered an "indirect duty" (*MM* 6:443). Thus, humans do not have *carte blanche* to treat nonhuman animals in any way humanly imaginable due to rational superiority. This being the case, it is worth asking how being rational allows the individual to treat less-rational or nonrational beings as mere means to one's ends? In other words, granting that humans are rationally superior to nonhuman animals, what is permissible treatment?

It would appear that, as long as a person has set for oneself a rationally-justifiable end and that the means are not in any way prohibited or restricted by oneself or other rational beings, it could be argued that every rationally-inferior, irrational, or nonrational being and object in the universe could be used as means to achieving the set end. This argument seems to be based solely upon what humans value—i.e. rationality. Whether or not other creatures on earth hold rationality in high regard is entirely ignored. It is possible that rationality is valued so highly because it appears to allow humans to claim superiority, as opposed to other categories wherein humans are inferior. Justifications in the past for treating nonhuman animals as mere means to human ends have rested on the belief that nonhuman animals are machines without souls—whereas humans possess an eternal soul—thereby relegating nonhuman animals to the category of “things.”⁴² Stemming from this argument came the belief that animals do not feel pain, so any acts that seem cruel are actually painless, and thus ensuring no harm is done and humans bear no guilt. This argument is different than the one I grant rooted in human rationality. I have set aside any argument rooted in the immortality of souls, as well as those which arise from sentience, thereby making the justification for treating rationally-inferior or nonrational beings as “things” more difficult.

Staying within the parameters of human rational superiority alone, an argument for treating nonhuman animals as mere means to human ends might appear as such:

- P1 Human rationality means that humans are able to set for themselves their own ends otherwise known as rationally-set or autonomously-set ends (Kantian definition of “rationality”).
- P2 Nonhuman animals are unable to set for themselves their own ends but are subject to naturally-set ends, or physical-teleological laws (Kantian definition of nonrational/rationally inferior beings).

⁴² Rene Descartes, “Treatise on Man,” in *The Philosophical Writings of Descartes*, vol. 1, John Cottingham, Robert Stoothoff, and Dugald Murdoch (trans.), (Cambridge University Press: New York, NY, 1985), pgs. 100-109. See also Rene Descartes, “Discourse on the Method of *rightly conducting one’s reason and seeking truth in the sciences*,” in *The Philosophical Writings of Descartes*, vol. 1, pgs. 139-141.

P3 Humans are rationally superior to nonhuman animals (from P1 and P2).

P4 Beings with rationally-set or autonomously-set ends should have their ends met (this is the supreme good of rational beings or humanity as a species' telos ("End") from P1 and P3).

P5 Beings with naturally-set ends do not need to have their ends met because such ends arise from rationally-inferior/nonrational beings (from P2, P3, and P4).

P6 Beings with naturally-set ends can be treated as mere means in reaching the rationally-set or autonomously-set ends of beings with autonomously-set ends (from P3, P4, and P5).

Therefore, being rationally superior to nonhuman animals, humans have a right to use nonhuman animals as mere means to achieving human ends.

As established in §2 of this paper, P1, P2, and P3 have been granted. Stemming from these three premises, one can feasibly argue P4—that beings with rationally-set or autonomously-set ends should have their ends met. If P4 is accepted, it seems that P5 should follow and that, if rational beings' ends are ends that should be met, those who hold such ends will need to find a means by which to accomplish them. If this is the case, there are certain sacrifices that might need to be made, in which P5 identifies those who will make such sacrifices—the rationally inferior. It could be argued that being rationally inferior includes that the inferior species' or individual's ends are also inferior and that such ends can be sacrificed for the sake of the superior species. In other words, P5 logically leads to P6 and the subsequent conclusion, allowing humans to treat nonhuman animals as mere means to human ends.

If this argument is sound and valid, my argument has run aground and there is little one can do other than accept that nonhuman animals are grist for the mill of human ends. I am not yet ready to concede, however—not without pulling at the thread of that which might restrict human behavior with regard to rationally or autonomously-set ends. Retaining the definition of humans as those who are capable of autonomously-set ends, I will focus on P6 and the subsequent conclusion. In order to do so, it remains to be answered whether it is possible that there are restrictions in addition to those that humans place on others and oneself when it comes to the

means by which one reaches one's rationally-established ends. It is this question to which I now turn.

4.2 Restricting Human Ends

Are humans only restricted in their actions by themselves or by the ends of other humans? Arthur Ripstein and Sergio Tenenbaum suggest that Kant's understanding of individuals being morally restricted originates in Kant's religious outlook. They write that:

[Kant] suggests that prior to the appropriation of land as property, human beings were in what he calls 'disjunctive' possession of the Earth's surface. That is, each person is entitled to be wherever he or she happens to be, and does no wrong by occupying space; conversely, one person wrongs another by displacing that other person from the space he or she happens to occupy at that time. Thus, the idea of possession in common is subordinated to the idea of reciprocity.⁴³

In other words, no person is given a particular place on the earth by right, but the fact that he or she occupies a particular piece of land should be acknowledged and respected by other rational beings. Ripstein and Tenenbaum go on to point out that, "The advantage of this way of thinking about it is clear: the earth is not 'given' to human beings in order that they may meet their needs (leaving other needy beings out of the picture). Instead, each person is restricted by the rights of others."⁴⁴ Even if an individual does not know the desires of a fellow human, the individual is restricted in what he or she can do simply by the existence of the other. Is it possible that the existence of nonhuman animals places similar restrictions on how humans act? Acknowledging that nonhuman animals do not bear rights, nor do they have responsibilities, it would appear that, at least by Kantian standards, there is no requirement to behave as though the needs of nonhuman animals should restrict humans in any way. Restrictions on how humans treat nonhuman animals arise indirectly via other rational humans alone. This apparently remains true

⁴³ Arthur Ripstein and Sergio Tenenbaum, "Directionality and Virtuous Ends," in *Kant and Animals*, Lucy Allais and John J. Callanan, (eds.), (Oxford University Press: Oxford, UK, 2020), pg. 146.

⁴⁴ Ripstein and Tenenbaum, "Directionality and Virtuous Ends," in *Kant and Animals*, pg. 146.

despite the fact that humans are one species among thousands of other species on earth, allowing for a minority to act as it deems fit, only to be restricted by others within that minority.

It is worth asking, however, are these the *only* constraints that exist and that limit what means a human can utilize in achieving her set ends? Surely not. Humans are limited by external constraints and are therefore unable to effectively reach their rationally-set ends. There are time constraints put on individuals which prevent some from ever reaching their set ends, as happens when a person dies young.⁴⁵ Other constraints on an individual might be physical, while still others may be mental, the latter of which arguably prevents a person from realizing his end of being a fully rational individual. One may point out that these constraints could potentially be the result of another human's actions, thereby constraining, or even thwarting, another from achieving her ends. This is the case when someone causes extreme bodily harm to another, or even causes another's death. Yet, these constraints may also be the result of natural circumstances. A person's life may be ended due to natural events such as an earthquake or hurricane, or simply the finite nature of the human body. Similarly, an individual may be constrained by having limited mental capacities, again preventing him from reaching the human end of being a fully rational individual.

It is also worth asking whether any of the constraints mentioned are in any way moral, as the Kantian argument intends when expressing that humans are constrained by other humans. Are there perhaps naturally-occurring moral constraints? While such constraints are not moral constraints because they arise out of something other than rational beings within the moral

⁴⁵ Kant argues in *The Critique of Practical Reason* that human striving to achieve full, uncompromised rationality need not end at one's own death but continues on as the immortal human soul strives throughout eternity. (*CPPrR*, 5:122) Yet it seems that certain ends, such as living a life "as humanly as possible" does entail that when the life ceases, so too does the striving to reach that specific end. This, of course, is beyond the scope of this paper, but I acknowledge that the introduction of immortal souls restricted to humans alone and the eternal striving to achieve one's ends adds to the complexity of whether and how humans are restricted in reaching their rationally dictated ends.

“Kingdom of Ends,” I suggest that these constraints still prohibit humans from utilizing nonhuman animals in any way whatsoever. I further suggest that one may actually regard these as moral constraints on the individual due to the way such acts impact the moral wellbeing of individuals regardless of their origin outside a “Kingdom of Ends.” One of these constraints, which occurs naturally and exists outside the “Kingdom of Ends,” is the species-specific teloi of nonhuman animals. David Baumeister writes, “A reflection of his broader teleological conception of nature, Kant took each human predisposition to have been implanted or impressed into human nature by nature writ large. That the human’s predisposition to animality would be implanted by nature is to be expected. That the more properly human predispositions—including the moral predispositions—also have natural origins is more striking.”⁴⁶ It appears that, according to Baumeister’s interpretation of Kant, nature plays a significant role in humans achieving their ends, even to the point of restricting human action. Such a reading allows for the possibility that, in addition to rational humans being morally restricted in their actions by other rational beings or by themselves, nature could also play a significant role in how humans behave.

4.3 Animal Teloi as Naturally-Set

The possibility that nature has a part in how humans should treat creatures deemed rationally inferior requires first and foremost an understanding of what nonhuman animal ends might be. As simple as this might appear, one cannot paint all nonhuman animals with broad strokes. Despite placing humans into one category and every other animal species into another category, nonhuman animals differ greatly from one to another. The most obvious differences are found in nonhuman animal physiology. Rudimentary similarities are present, such as the make-up of bones, function of internal organs, or cell structure. Yet clear differences offer a

⁴⁶ David Baumeister, “Animality in Kant’s Theory of Human Nature,” in *Kant and Animals*, Lucy Allais and John J. Callanan, (eds.), (Oxford University Press: Oxford, UK, 2020), pg.112.

means by which to distinguish one species from another, such as whether or not a species is bipedal or quadrupedal. Given the physiological build of a quadruped (a horse for instance), one could not expect it to walk on two legs for an extended period of time without causing injury or discomfort. They are simply not made to walk in such a manner. One might say then, that walking on all fours is part of a quadruped's ends or teloi.

As introduced earlier, the concept of telos extends beyond objects alone. Humans have their own ends or teloi in addition to that of humanity as a species, whose supreme good or ultimate telos ("End") is to behave as rational agents. As elaborated above (§2.2), human ends are not the result of an individual's specific desires. Therefore, it is not one person's end to become a neurosurgeon while another's end is to imbibe as much alcohol as possible. Humanity's End, in their simplest terms, are to live as humanly as possible, which for Kant means to live as rationally as possible. Imbibing excessive amounts of alcohol, while perhaps desirable, would seldom, if ever, allow one's human End to be actualized. This appears to follow from Kant's claim that humans live rationally according to universalizable laws. Acknowledging that such a definition of ends or teloi is opaque and offers no specific normative prescriptions, "living as humanly as possible" suggests that certain activities that cause harm to or cease human life would be prohibited. One who seeks to "live as humanly as possible" would be allowed to pursue specific ends that do not cause harm to or end his life or the lives of others. It would also appear that any activities that treat the human as anything other than a human or that prevents "living as humanly as possible" would be prohibited. Thus, it would be prohibited to treat either another or oneself as a piece of rebar or as mortar for a wall. Certain individuals who identify as nonhuman animals by dressing up as anthropomorphized versions of nonhuman animals or getting cosmetic surgery to look more like, say, a cat, err in treating themselves as something

other than what they are, which is human. Here one sees that this claim also agrees with the second iteration of Kant's *categorical imperative*.

Just as humans and objects have teloi or ends, so too do nonhuman animals. Recalling that, according to Kant, nonhuman animals are unable to set their own ends, the question of nonhuman animal teloi must rely on physiology rather than rationality. In his work, *The Critique of Judgment*, Kant offers examples of how nonhuman animal physiology helps determine the ends of specific species. Kant argues that human and nonhuman animals cannot be explained by mere mechanical powers and laws alone, writing that, "Some products of nature cannot be judged as possible according to merely mechanical laws (judging them requires an entirely different law of causality, namely that of final causes)" (*CPJ* 5:387.6-9). Again, one sees that, according to Goy, nonhuman formative power is part of the final cause which directs nonhuman individuals toward their natural end or telos. This short statement fits well with the argument that humans should pay close attention to the teloi of nonhuman animals, but it requires some unpacking to appreciate the true weight of Kant's statement. Turning once more to Goy for assistance in understanding Kant's point, we read:

Physical-teleological laws are hypothetical laws in the form of imperatives that let humans judge all mechanical characteristics of nonhuman and human animals as if there were brought about to fulfill a natural purpose, i.e. as if they were brought about to fulfill what it means for this human or nonhuman animal to be this human or nonhuman animal; or to judge all mechanical characteristics of a part of a human or nonhuman animal as if they were brought about to fulfill what it means for this part of a human or nonhuman animal to be this part of a human or nonhuman animal.⁴⁷

In other words, there exist imperatives that are directed by the nature of the species as a whole, by individuals within a particular species, and also by the parts of individuals. Certain imperatives exist that are directed by the nature of an individual cow, for instance, with regard to her being a member of the cow species, her individual physiology and tendencies, and the parts

⁴⁷ Goy, "Kant on Nonhuman Animals and God," in *Kant and Animals*, pgs. 93-94.

of her body, specifically the way in which her legs are built to bend and move or her eyes are placed to scan the horizon for predators.⁴⁸ Each of these characteristics point to aspects of her End or telos, which is to live as a cow.

Physical-teleological laws are what Kant describes as “*empirical a priori*” in that, while they are based on observable, empirical evidence (such as discerning that an eye is made for seeing or a leg built for movement), it is also in the combination of empirical information in a unified manner that imperatives are formed. This latter aspect is the result of *a priori* human reasoning, because, “although in such judgments we discover the end of nature solely through experience,” the judgment itself is “grounded on a principle *a priori*” (*CPJ*, 5:20:239.27-30). Goy offers further insight when she says, “Ideas of natural purpose as part of physical teleological laws thus force humans to search for an *a priori* necessary unity under empirical concepts, for instance, under the empirical concept ‘for flying,’ ‘for seeing.’”⁴⁹ It perhaps goes without saying that to force a nonhuman animal to act contrary to her natural purpose or to expect a body part to function in a manner for which it was not made could cause significant harm and can be considered a violation of its telos. Moreover, one can also comprehend the nonhuman animal as a conglomerate of particular parts and particular teloi in order to fully understand the telos of a creature or a species.

Goy writes, “Physical-teleological laws introduce the causality of final causes into the observation of nature. The natural purpose in physical-teleological laws is considered the final cause of a certain teleological form of human and nonhuman animals.”⁵⁰ Here one can begin to

⁴⁸ Temple Grandin, *Animals in Translation*, (Harcourt Publishing Inc.: New York, NY, 2005), pg. 41. See also Temple Grandin, *Animals Make us Human*, (Houghton Mufflin Harcourt Publishing Company: New York, NY, 2010), pg. 151.

⁴⁹ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 94.

⁵⁰ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 95.

see the importance of the natural purposes for each species of nonhuman animal as well as for individual animals. While unable to set their own ends autonomously or rationally, nonhuman animals have a natural purpose which is identifiable by understanding their bodies and their behavior. Goy again states, “Natural purposes as final causes explain the necessary directedness, the intentionality of motions and changes in nonhuman and human animals, insofar as they are directed toward *a particular end*, namely the fulfillment of the natural purpose.”⁵¹ Interestingly, according to Goy, nonhuman animals are not essential to reach this conclusion as she notes:

Nonhuman animals play no ineliminable role in inducing religious belief in Kant’s account, neither as natural beings, nor as beings whose nature can serve the moral purposes of humans. If nonhuman animals did not exist, humans would still have reasons to believe in the regulative notions of a theoretical practical God since it would allow them to assume that the mechanisms of the motions of their matter serve natural purposes, and that their natural purposes serve their moral purposes.⁵²

The mechanical nature of humans as animals is evident in their bodies, regardless of any rational faculty. Using Goy’s example of a bird, a human can identify the eyes, wings, legs, internal organs, etc.—all of which have their individual purposes, combine to form the body of a bird, thereby allowing humans to see what it means for a bird to function, behave, and live as a bird. To alter or compromise any of these individual parts in a manner that prevents their function as particular parts, prevents the bird from achieving her natural bird telos. In other words, when one part of a bird is prevented from functioning according to the bird’s nature, she is unable to reach her natural telos of living birdishly.⁵³

Examining the hierarchy in which humans are deemed by Kant to be superior to nonhuman animals, Goy writes that, according to Kant, “the rational part of the human animal is the final end of nature because of the rational part of the human animal it ‘cannot be further

⁵¹ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 95 (emphasis in the original).

⁵² Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 101, n. 15.

⁵³ Bernard Rollin, *A New Basis for Animal Ethics: Telos and Common Sense*, (University of Missouri Press: Columbia MO, 2016), pgs. 48-49.

asked why (*quem in finem*) it exists.”⁵⁴ Yet, as such, this does not mean that humans are the end-all of every creature with whom they share the universe. It should still be feasible to inquire further “why” humans exist in the universe as they do. Any aversion to such inquiry, according to Goy, is due to Kant’s anthropomorphism that emerges from certain Enlightenment prejudices which overestimate the faculty of reason.⁵⁵ There is a distinct possibility that humans may not, in fact, be the end of nature and that nature may well exist after humans are gone. If this is the case, there is perhaps greater reason to argue that humans are subject to natural limitations and, as expressed above, are restricted by nature itself.

Initially, the physical-teleological laws and the moral-teleological laws may appear divergent. There is, however, a simple solution in which the moral-teleological laws employ physical-teleological laws to accomplish their end goal. Take for instance a person using her physical abilities to complete a moral action, such as running to offer aid to a person in need help. The physical-teleological laws require that she use her legs according to their structure “as legs” to enact the running motion. Moreover, her ability to run is what enables her to engage in the moral act of offering aid to a person in need. The physical aspects of humans are what allow moral thoughts to be turned into moral actions. Without the ability to run, the desire to help remains merely a desire and is never actualized.

It should also be said that humans and human-made objects share one thing in common, which is what determines their telos. As rational agents, humans have the ability to determine for themselves their own ends. While limited by the prescribed adherence to rationality, human teloi are not determined by external forces. The teloi of a human-made object, such as a knife, is determined by humans as well. The purpose for which a thing is made is not the result of chance

⁵⁴ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 97, and *CPJ*, 5:435.25-27.

⁵⁵ Goy, “Kant on Nonhuman Animals and God,” in *Kant and Animals*, pg. 90.

but of a purpose in the creator's mind. A human-set end or telos of a knife is to cut. The telos may determine whether or not the knife is a good or bad knife—whether it is sharp enough to cut or whether the material it is made of is sufficiently strong enough to cut—but it is the purpose for which the object is made that determines the telos.⁵⁶ Of course, this is true only within the confines of nature. As mentioned above, humans are restricted by nature in certain ways, one being the physical material with which one might create. Humans lack the ability to create anything *ex nihilo*. Humans are only able to manipulate that which already exists. Despite this, humans continue to demonstrate ingenuity and creativity with what is available in nature.

Nonhuman animals, having an origin outside of humanity, do not have a human-determined telos. Their telos is determined by nature and is evident in their physiology as well as their behavior.⁵⁷ Even when humans believe they have the best interests of nonhuman animals in mind, one cannot step beyond the bounds of what nature has established within the species or the individuals of a species. Thus, for instance, the telos of a bear is to live as bear-like or as “bearishly” as possible. A deer's is to live as “deerishly” as possible, and a cow's is to live as “cowishly” as possible. It would be unnatural for a deer to live and eat like a bear or a bear to live and eat like a deer. As those unable to determine for themselves their own ends, nonhuman animals must rely on naturally-set ends as their identifiable telos.

There is at least one caveat worth acknowledging at this point, and that is the role predation plays in the telos of nonhuman animals. As mentioned above (§3.5), granting rational superiority does not require one to do away with predation between species. A significant aspect of a cat living out her most cattish life means being a hunter. Her feline nature and her build are but two of the aspects that make her a predator. In a similar way, part of a mouse living out his

⁵⁶ Bernard Rollin, *A New Basis for Animal Ethics*, pgs.52-53.

⁵⁷ Bernard Rollin, *A New Basis for Animal Ethics*, pg. 48.

mousish lifestyle means that he is potentially prey for a cat or other various predators. Thus, a cat who preys upon a mouse is simply acting cattishly. Were a human to prey upon a nonhuman animal, though, he *could be* acting immorally, as such acts would likely violate the restrictions placed upon the predatory human by himself or the other rational agent. Such an act, however, would be subject to the rationally-set telos, which may be restricted by naturally-set telos of others. In order to fully examine whether this could in fact be true, I return again to the argument delineated above.

4.4 Not Rights but Responsibility

At this point, it is hopefully clear that, in setting teloi and the means by which one goes about achieving one's particular ends, humans are restricted by nature in addition to being restricted by other rational beings. This restriction appears to arise out of the naturally-set ends that exist in the universe. In the case of nonhuman animals, many of these naturally-set ends are discernable in the very bodies of the species, which often have corollaries in human bodies as well. All of this is consistent with P1 – P4 of the argument expressed above. However, P5, as it is written, presents problems for those who take naturally-set ends seriously. Recognizing the importance of naturally-set ends entails that those for whom nature has given certain ends deserve the opportunity to meet their respective ends. Thus, P5 should be replaced by something like:

P5* Beings with naturally-set ends should also have their ends met because these ends do not arise from the nonrational/rationally inferior beings themselves but are built into the beings physiologically and teleologically.

From P5* one need not arrive at P6 and the subsequent conclusion, but instead:

P6* As beings with rationally-set or autonomously-set ends, humans must accept that rationally-inferior beings cannot alter or change their naturally given-ends and respect those ends (P3 and P5*).

It would not be a leap to then suggest that respecting these ends entails utilizing the rational faculty and employing it in a manner suited to helping those individuals or groups achieve their given ends. Thus, from P6* one could add:

P7* Respecting the naturally-set ends of other beings means, at the very least, not interfering with those beings reaching their given ends, but may also entail that humans have a responsibility as the superior species to assist in helping beings reach their given ends (from P5* and P6*).

Therefore,* being rationally superior to nonhuman animals, humans have a responsibility to help ensure nonhuman animals reach their naturally-set ends.

The new conclusion replaces the human “right” to do with nonhuman animals as one pleases (as long as such behavior does no harm to one’s fellow humans or one’s own self) with the human “responsibility” to see that nonhuman animals meet the ends established by nature.

It is true, then, that nonhuman animals cannot set for themselves their own ends. It is also true that inability to establish one’s own ends does not mean that one has no ends. Not all humans are capable of setting their own ends due to certain inabilities or limitations. This does not exclude these individuals from having ends and neither does the rational inferiority of nonhuman animals. The fact that humans are biologically human establishes that their ends will fall within the category of humanity which, by Kantian accounts, excludes these individuals from serving as mere means to other humans’ ends. As those who can choose for themselves their own ends, humans can, and I argue should, seek to respect nonhuman animals’ *teloi* and should regard such behavior as a moral human duty. As Ripstein and Tenenbaum so astutely state, “the fact that animals must be treated as means does not contradict in any way the claim that a virtuous person has the welfare of animals as her end.”⁵⁸ If the status of “having certain ends” for humans, regardless of their rational abilities, arises from their simply being human, their status

⁵⁸ Ripstein and Tenenbaum, “Directionality and Virtuous Ends,” in *Kant and Animals*, pg. 151.

appears to be somehow due to biology and could even be said is embodied within each human being and humans as a species. Similarly, regardless of rational ability, nonhuman animals are embodied with certain characteristics or traits described above which, when properly identified and understood, point to certain ends for individuals and for entire species.

An important distinction is that humans, as rational agents, are not restricted by the desires of nonhuman animals. Instead, humans are restricted in their behavior regarding nonhuman animals by the dictates of nature. Thus, it is not about the irrational or nonrational desires emerging from the of nonhuman animal bodies or instincts, but what nature has already established in the very beings themselves. As beings with physical traits that can be observed to fulfill specific purposes—legs that bend and support, eye placement to scan the horizon, stomachs that digest food, etc.—humans can observe, identify, and understand the teloi of nonhuman animals, none of which is subject to the desires of individuals or a species as a whole. In other words, the fact that a leg is physiologically such that it allows for an individual to be mobile is not the result of the individual's desire. The physical-teleological traits of nonhuman animals may, in fact, make moral claims on humans where nonhuman animals themselves do not.

4.5 How Does Respecting Nonhuman Animal Telos Look?

Recognizing the teloi of nonhuman animals and respecting them for what they are may mean simply leaving well enough alone. Many nonhuman animals are able thrive without the interference of humans. Thus, simply allowing nonhuman animals to live out their lives in the wild is what will lead individuals and entire species to fulfill their respective teloi. Sadly, humans have not refrained from altering the nature or physiology of nonhuman animals because of their desire to meet human-contrived ends. Humans have intruded into nonhuman animal

habitats, forcing indigenous species to migrate, cutting off potential food sources, and limiting breeding opportunities (which, in turn, leads to inbreeding or problems for future generations that could be prevented with population diversity). Similarly, interloping humans have chased off certain predators, allowing for overpopulation of certain species, or eradicated necessary prey, forcing predators to prey upon new species such as human companion animals or even humans themselves.

Some acts of human interference are unintentional and their impact on nonhuman animals is unforeseen, but this is not always the case. Humans have altered the physiology of nonhuman animals for reasons of aesthetics, as evidenced by the inbreeding or “pure-breeding” practices seeking certain physical traits, such as flat faces in certain dog or cat breeds that make it difficult for the animals to breathe. Humans have also altered the physiology of nonhuman animals for the purpose of gaining capital by over-feeding chickens and turkeys to such an extent that the birds’ legs are unable to support their own body weight. The only reason for increasing the weight of birds in this manner is the human desire for the greatest amount of money possible with little cost to the human. Rather than leaving the bodies of nonhuman animals alone, allowing them to function naturally, human desire—esthetic or greed—has led to violating the natural telos of some nonhuman animal species.

Compromising the ends of a nonhuman animal need not be conflated or exaggerated to the extent of absurdity, such as proposing that if the pig were not in a sow-crate, she might endeavor to write a novel. Instead, by looking at her body, how she is made, and what she is made for—not to mention how pigs behave in the wild or in a more open environment, compared to how pigs behave when in cramped spaces—one can see a striking difference. By looking at a

pig's body, one can see that they are made to be mobile.⁵⁹ Moreover, regarding what a pig is made for, one must not be too quick to equate her nature to our desired ends. Sows, while equipped to give birth to piglets, are not made for that purpose alone. Female pigs are naturally more than mere reproductive machines. They are also equipped to feed and care for the young piglets. A sow's body needs time to recover from her pregnancy and labor, meaning she should not be immediately forced to reproduce again and again. Also, sows are not useless once their ability to birth new piglets is exhausted, and thus should not be sent off to slaughter when their birthing years are behind them.⁶⁰

The same can be said for cattle. In recent conversation with individuals in the dairy industry, they mentioned that if they were to enact much of what animal ethicists are calling for, they would set back the "human-influenced evolution" of dairy cattle by nearly half a century. They went on to describe that most dairy cows today produce so much milk that even if a calf was allowed to nurse, the calf would never drink all the milk the mother produced, leading to pain and potential illness for the mother. Thanks to inbreeding and line-breeding, many dairy cattle today are physiologically capable of producing more milk than their bodies can handle without mechanical milking. Clearly, the telos of such cattle has been altered for human-contrived ends and not the true telos of the cow. If a dairy is closed and the cattle are unable to live cowishly because their physiology has been changed so much to suit human desires, it is humans who have wronged the cattle. Such acts are what Bernard Rollin refers to as forcing

⁵⁹ Bernard Rollin, *Animal Rights and Human Morality*, (Prometheus Books: Amhurst, NY, 2006), pgs. 339-342. See also, Bernard Rollin, *Farm Animal Welfare*, (Blackwell Publishing Company: Ames, IA, 1995), pgs. 73-98.

⁶⁰ I do not address the argument that "animals are made of meat" for the simple reason that nonhuman animal "meat" is similar to human muscle but also that the regard for which nonhuman animals are "meat" producers opposed to those who are not differ between cultures, offering little consistency upon which to base an evaluation.

square pegs into round holes via technological sanders.⁶¹ Certain nonhuman animals have been bred to meet human desires while others have been genetically manipulated to fit human designs and purposes. Whether due to greed or hubris, humans have redesigned nonhuman species, not for the good of the species or individual animals within, but for humans and humans alone.

Humans are not ignorant to the nature of animals but have instead worked to reform nonhuman animals into something they were not and, in many cases, still are not. The human desire for “delicacies” such as foie gras requires that ducks or geese be force-fed via a tube inserted into their throat. Surely having a metal tube shoved down her throat is contrary to the goose’s telos. Similarly, the human desire for veal requires that otherwise playful and active calves be confined to enclosures that ensure the muscles are not overworked, thereby remaining soft and tender. One must violate the natural telos of a calf by limiting mobility, all in the name of the human desire for tender meat.⁶²

Suppose one were to argue that, much like a knife, humans have taken something found in nature and made it into something useful to humans? Just as a person takes ore from the earth, refines it into metal, takes wood from a tree and makes a handle, and combines these natural elements to make a knife with the specific purpose of cutting, so, too, do those who alter the physiology of nonhuman animals to serve a particular purpose. When cattle, who naturally produce milk, have been altered so that they can produce more milk, haven’t humans taken something in nature and improved it to suit human desires?

Noting, as elaborated above, that nonhuman animals are not things and that humans do not create anything *ex nihilo*, common sense tells us that the ore out of which one makes a knife blade is drastically different than a cow. The means by which one goes about making a knife

⁶¹ Bernard Rollin, *A New Basis for Animal Ethics*, pgs. 86-87, 109-110, 113, 126.

⁶² Bernard Rollin, *A New Basis for Animal Ethics*, pg. 100.

from items in nature is also drastically different than how one changes the physiology of a cow so that she produces a greater amount of milk. Perhaps most significant is that in using metal ore or wood to make a knife, one is not changing the nature of the items, but their form, whereas changing the cow across generations actually alters her nature from one that is cowish to a mere milk-producing machine. In other words, there are limits set by nature on what humans can alter as they seek to utilize that which exists as means to human ends. One can change the form of metal ore to make a knife but one cannot change the form of metal ore into a piece of wood and treat it as such (expect it to be easily carved, dry out, or burn as a log might). One cannot, then, change a nonhuman animal into the form of something it is not, namely, altering a cow to the extent that she is no longer a cow due to her naturally-set, physiological-teleological form.

One may still rightly ask; how does one argue that one need not treat a computer or a rock the same way one would a nonhuman animal? Compare a self-propelled vacuum cleaner to an English Bulldog. Both an English Bulldog and a self-propelled vacuum maybe considered to have human-driven or human-designated ends. Moreover, it could be argued that both are instances of humans manipulating elements of nature to fit human desires—the natural anatomy of the Bulldog manipulated through selective breeding and the parts that make up a self-propelled vacuum which are designed from natural elements, made, and assembled. A significant difference is that, in the case of the self-propelled vacuum, humans are determining the purpose first and designing or assembling the parts in order to meet the desired end. With the Bulldog, on the other hand, humans are taking a nonhuman animal and attempting to manipulate the parts intended for one purpose to fit a human desires for which the parts were never designed. In the case of the vacuum, the desire came first, and the parts were designed out of preexisting materials that are appropriate for the intended purpose, with the end goal in mind. In the case of

the Bulldog, the parts already existed and had a naturally-set purpose long before human desire led to trait-specific breeding. In both cases, it seems illogical to use either for purposes other than that for which they are designed. Few, if any, would use a self-propelled vacuum for something other than to clean the floors. There may be alternative uses, such as strapping a cooler to the top of the Roomba and using it to deliver cold drinks around the house, but it would be a significant stretch if someone were to attempt to write a book using only a self-propelled vacuum. Similarly in the case of the Bulldog's nose, while humans may desire the flatter face, this trait comes at the cost of the Bulldog's ability to breathe. Changing a nose to the point that it can no longer function as a nose neglects to take into consideration the very purpose for which a nose exists. Human desire for a certain aesthetic seems to violate the very telos of the Bulldog's nose and is just as illogical as attempting to use a self-propelled vacuum to write the next great American novel.

Respecting nonhuman animal teloi need not erase all the relationships that currently exist between human and nonhuman animals. Many of the symbiotic relationships between human and nonhuman animals can be preserved while respecting the teloi of individual species. The domestication of dogs, for example, can be preserved, but by respecting the canine telos, as opposed to satisfying human desire. This may mean curbing purebred pedigrees when the practice demonstrates potential harm to the physiology of individual dogs, as in breeds with chronic hip dysplasia, BOAS, or a propensity for developing cancer. Respecting the canine telos would mean understanding the nature of dogs and their needs for proper diet, exercise, and habitat. Feeding a dog a vegan diet because of human moral leanings, various means of confinement or restricting movement, and exposure to extreme heat or cold would need to be understood through the lens of the species and the individual dog herself. One should not expect

a husky to thrive in a desert climate without the proper means to keep cool any more than one would expect a chihuahua to thrive in an arctic climate without the means to keep warm. The same can be said for other domestic nonhuman animals. Humans can ride horses or utilize their strength in certain ways while respecting the equine telos. Humans can interact with felines while respecting their cattishness. One may even argue that dairy cattle can provide milk for humans when done in a manner that respects the bovine telos and allows for calves to have their share of the mother's milk.

It is important to acknowledge whether recognizing the naturally-set ends of nonhuman animals entails refraining from parental behaviors that go against the desires of a particular nonhuman animal. Briefly alluded to above, animal rights advocate Tom Regan argues that humans should not act in a parental manner toward nonhuman animals because humans are not always the best judges when it comes to nonhuman animal needs.⁶³ Unlike humans, nonhuman animals are unaware of their telos, at times making it difficult to act in ways that will help them arrive at their true ends. Regan is no doubt correct, given much of what I have argued above. Regan goes on to state that simply having the proper motivation—that is, the interests of the other in mind as opposed to one's own interest—does little to assuage his concerns.⁶⁴ Much of what Regan cites in his argument against paternalism, however, is rooted in practices such as slaughter, extermination, and even failure to acknowledge the desires of nonhuman animals.⁶⁵ Regan argues against a paternalism that seeks to bend the other individual into a shape that suits the parental agent with little acknowledgement of the benefits that come from allowing nonhuman animal telos to inform parental agent's decisions.

⁶³ Tom Regan, *The Case for Animal Rights*, (University of California Press: Berkeley, CA, 2004), pg. 103.

⁶⁴ Regan, *The Case for Animal Rights*, pg. 105.

⁶⁵ Regan, *The Case for Animal Rights*, pgs. 107-109.

Contrary to Regan's stance, my argument allows for humans to defy nonhuman animal desires if the desires of a particular animal would undermine her naturally-set telos. Thus, for instance, while a dog may not desire being vaccinated or having dental work performed, both are actions that, while undesirable, help ensure a healthier life for the particular dog. Moreover, dental work is often done to further enable nonhuman animals to eat pain free, which serves to respect the physiology of the nonhuman animal herself. Humans should refrain from parental behavior toward nonhuman animals when such acts are motivated by human desire, such as de-clawing cats, forced breeding, and altering animal physiology through inbreeding or inline breeding for cosmetic purposes.

Similarly, respecting the teloi of different species of nonhuman animals need not be adversarial to alterations, mutations, or instances of natural evolution. That most, if not all, nonhuman animals have experienced variation within their respective species over time is not the same as human interference. Often times, the variation over time comes about biologically and persists because certain traits allow for greater chances of survival. Variation in species brought about by humans is seldom, if ever, done for the sake of the animal. Human-caused variation is most often undertaken in order to satisfy human desires. The desire for greater milk production from cattle is not done for the sake of the bovine species, but to satisfy the human desire for greater income. Similarly, many of the traits found in purebred companion animals are sought for their aesthetic appeal to humans and may actually hinder some breed's ability to function according to their telos.

Acknowledging that not all relationships between human and nonhuman animals should be scrutinized under the lens of human moral standards, the use of nonhuman animals in experiments solely for the benefit of humans is, I argue, unashamedly immoral. Using nonhuman

animals, whether taken from the wild or bred in captivity, for experiments that do not benefit the subjects in any way violates the telos of nonhuman animals by altering their behavior, their health, and their habitats, all in the name of human desire. Relegating nonhuman animals to confined spaces, controlling diet, inducing injuries, introducing unnatural diseases, not to mention causing the premature cessation of life—were such acts done to a human being, there would be no question that they would be deemed immoral. If part of the moral scope of humanity includes respecting the telos of nonhuman animals, humans must not only acknowledge that scientific experimentation on nonhuman animals is problematic, they must also seek a remedy for this moral ailment. And, while true that certain scientific advances owe their discoveries to nonhuman animal subjects, the past does not necessarily justify the present or future endeavors.

Scientific experiments are, I admit, an ongoing debate for some, yet there is little if any acceptable argument for continued use of nonhuman animals in the testing of cosmetics, household cleaning supplies, and drug trials. The cost borne by nonhuman animals for the promotion of a new cosmetic line is an affront to human morality. As rationally-superior beings, humans cannot continue to justify treating nonhuman animals as mere means to such vain ends.

Doing what is beneficial for nonhuman animals may be the one case where experimentation on nonhuman subjects is acceptable. However, what benefits nonhuman animals may be difficult to identify. One need not endeavor to discover benefits to nonhuman animals by going about tickling puppies in the hope of gaining new knowledge about what puppies enjoy. Puppy tickling is not necessarily beneficial to the telos of dogs and much of what can be learned about what pleases them is discernable through behavioral observation that does not treat the puppies as mere subjects of human scientific discovery. While using nonhuman animals as test subjects in the hope of discovering that which benefits humans alone likely violates their

naturally-set teloi, seeking advances in how humans can treat diseases that affect nonhuman animals is more easily justified. Such acts of scientific advancement need not introduce disease or injury into the subjects but instead treat those who already have specific diseases or injuries. Recognizing that with many diseases and injuries, time is a factor, answers may not come as fast as one might desire. When answers do come, however, they will not only better the nonhuman animals whom humans seek to help, but it will come without moral compromise, which benefits humanity as well.

The actions discussed above that alter or violate the teloi of nonhuman animals are often justified by citing human rational superiority. As those who can set their own ends, humans attempt to justify setting the ends of nonhuman animals as well, even when it violates naturally-given ends or animal physiology. Most often, such altering or setting the ends of nonhuman animals is done to the detriment of the animal him or herself. Acts that alter nonhuman animal teloi can be, but are not limited to, removal from one's habitat or home to be placed in confinement, introduction of disease or injury for human gains alone, removal of reproductive organs, forced breeding, limiting mobility, and, perhaps most significant of all, premature ending of life to satisfy human desire i.e. hunting, slaughter, euthanasia for human convenience, etc.

It is a significantly large leap to go from setting one's own ends to setting those of all rationally-inferior species in the universe. Suppose that, instead of justifying their actions that change the teloi of nonhuman animals, humans employed their rational faculty in service to nonhuman animals. Humans have the ability to set for themselves their own ends. Nonhuman animals do not have the ability to set their own ends. It appears possible that humans can, using their faculty of reason and rationality, set for themselves the end of ensuring that nonhuman animals' ends—set according to nature and their physiology—are met.

What would such an endeavor entail? One aspect would be understanding that human rational superiority is not something to be used against nonhuman animals but rather to be employed to assist them reach their species-specific telos. Second, humans would need to understand what species-specific teloi are and what it means for individuals within a species to live out these Ends. As stated above, this may mean that humans understand what it means for a cow to live cowishly or a deer to live deerishly. Additionally, understanding that certain aspects of particular species might entail predation, which might be objectionable to some, is a part of nonhuman animal nature. Third, humans need to see how human desires and actions impact nonhuman animals in various ways, whether intentionally or unintentionally. Obvious examples are instances of humans driving nonhuman animals from their habitat because humans wish to occupy a specific parcel of land or hunting predators to near extinction to protect their livestock. Thus, humans do not have *carte blanche* when it comes to how they treat nonhuman animals because they are rationally and morally superior beings; instead, because of their superiority, humans have, in a sense, a responsibility to nonhuman animals. Moreover, humans do not need to alter or violate the teloi or ends of nonhuman animals to accomplish human ends, or worse, human desires. Being rationally superior, humans have the opportunity to assist nonhuman animals in reaching their naturally-given ends through active participation or by simply refraining from interfering in detrimental or destructive ways.

In the end, it is not about treating nonhuman animals the same way one treats her fellow humans, but that one treat nonhuman animals like nonhuman animals. Treating nonhuman animals *humanely* does not mean treating nonhuman animals *humanly*. Rather than attempting to turn each nonhuman animal into a rational human, humans can allow for each species to be dictated by the species' nature. Doing so means understanding that what humans desire is not

always going to be what nonhuman animals desire or even need. More than anything, behaving in such a way toward nonhuman animals means regarding them as specific entities with their own, species-specific Ends and not merely as “things” or “property” that can be treated as human desire dictates. Thus, what I am arguing for is not a system of “Animal Rights” in which nonhuman animals are afforded rights similar to that of humans. I am arguing for appropriate treatment for all creatures, according to what and who they are, with the utmost respect.

4.6 The Utmost Respect

Early in his work on morals, Kant states that there is nothing good but a good will itself (*G* 4:393). Virtuous acts such as courage could be beneficial when employed by one with a good will, but devastating when employed by one with a bad will. The difference between one who uses his courage to risk his life to save others versus one who risks his life to harm others, say by acting without caution or recklessly, is clear. Whether or not the individual with a bad will can be blamed for his acts is too large a subject for this paper, but it is perhaps enough to state that not everyone universally agrees that those who commit atrocities deserve blame. Some claim that, due to circumstances, individuals are unable to act in ways demonstrative of a good will and that such individuals should be pitied for what they lack. If the villain deserves our pity, not for his having an evil will but for having a weak will that succumbs to evil desire, how can humans argue that nonhuman animals deserve any less?

It is not pity that I argue for, however. I do not believe that humans should pity nonhuman animals who lack the level of rationality possessed by humans. Instead, I suggest that humans acknowledge nonhuman animals for what and who they are and respect them accordingly. Again, this entails understanding the nature of nonhuman animals and what in them has been dictated by nature. Doing so, humans begin to see the telos embodied in the species and

those of individuals themselves. Respecting these *teloi* means that in some instances, humans may need to intervene and assist individuals or a species to live as their *telos* suggests. In most instances, respecting nonhuman animal *teloi* means restricting human behavior regarding or toward nonhuman animals and halting human desires for the sake of the other.

What would halting desire for the sake of another look like? One of the most poignant examples of gentleness enveloped in respect can be found in none other than Homer's heroic poem, *The Iliad*. As King Priam, grieved by the loss of his son at the hand Achilles, requests the body of his beloved Hector be returned, not only does Achilles agree, but he invites Priam to join him at his table and returns the body of Hector after the deceased is washed. Furthermore, during this time, battle is suspended to allow Priam to bring his son's body home. According to French philosopher Anne Dufourmantelle, such gentleness "does not divulge in any sentimentality, and it harmonizes with courage."⁶⁶ Could humans allow for this type of respect and gentleness to direct human actions toward nonhuman animals? Were this possible, accusations of amphiboly become impotent and are of little concern for those courageous enough to serve those regarded as rationally inferior—as opposed to forcing all nature to meet human desires.

The initial disharmony of gentleness and courage is easily assuaged with similar examples. What is less obvious, however, is the hierarchy of teleological laws in which moral-teleological laws are superior to physical-teleological laws. According to Goy, despite the empirical aspects of certain imperatives, "the moral-teleological law...is a maxim in which the still empirical conditioned concepts of natural purposes get subordinated to the pure, rational, *a priori* concept of a moral purpose."⁶⁷ Again, take the earlier example of a person running to offer

⁶⁶ Anne Dufourmantelle, *The Power of Gentleness*, (Fordham University Press: New York, NY, 2018), pg. 29.

⁶⁷ Goy, "Kant on Nonhuman Animals and God," in *Kant and Animals*, pg. 98 (emphasis in the original).

aid to someone in need. Once more, she uses her legs according to their physical structure “as legs” in order to run and offer assistance. This time, in addition to running, the woman offering aid has the feeling of bodily hunger, which also falls under the physical-teleological laws, as feelings of hunger play a role in acquiring sustenance. The woman could decide that her hunger is such that she must find nourishment before she is physically capable of offering aid; however, this is seldom, if ever, the case. I offer that most, if not all human beings, would overcome their physical need for nourishment in order to first attempt the moral act of offering aid to another. Even in the most extreme circumstances when a body might be limited in some way, such as lacking the physical strength necessary to offer aid to another person in need, the moral actions are attempted and even accomplished. One need only think of the stories of mothers who lift cars off of their infants in a feat of super-human strength to see that, not only is this possible, but such deeds are actualized as well. Perhaps a more striking example involves the previously quoted philosopher Anne Dufourmantelle. During the summer of 2017, Dufourmantelle died while attempting to save the lives of two boys, neither of whom did she know, while vacationing near San Tropez.⁶⁸ Dufourmantelle willingly set aside her desire to prolong her own life—a physical-teleological aspect—in her attempt to save the two boys. Dufourmantelle placed the moral-teleological laws above the physical-teleological laws by her very actions. Some may argue that Dufourmantelle acted on instinct and that her actions were in the preservation of the lives of the children. Given that there was no relation between her and the boys, the argument for instinct is more difficult, as saving their lives would not extend her lineage. On a crowded beach, enjoying her vacation, had Dufourmantelle been unwilling to risk her life, surely she would have faced little, if any, criticism. Even her vocation as a moral philosopher might call inaction into

⁶⁸ “French Philosopher Dufourmantelle Drowns Rescuing Children” BBC News, July 24, 2017, <https://www.bbc.com/news/world-europe-40703606> (accessed on 06/24/2020).

question, but surely no more than others in the crowd who did not risk their lives and who might espouse to be morally good people. Something in Dufourmantelle convinced her to act, even at the risk of her own life, for the sake of two unknown boys, which Kant would argue can only be found rooted in rational human beings. Thus, the moral-teleological laws, which are the result of human rationality, are demonstrably superior to the physical-teleological laws of nature.

4.7 Motivation

A final question worth addressing is, what motivates humans to actually put their responsibility toward nonhuman animals into practice? It is one thing to admit that humans *should* treat animals in a manner befitting their ends and do what one can to aid nonhuman animals in achieving their natural ends. It is entirely different to claim that each human has a *reason* to act accordingly. I suggest that respect for nonhuman animals, rooted in a recognition of their naturally-dictated telos, can arise from either human empathy or compassion for nonhuman animals, both of which have a strong sense of humans identifying with nonhuman animals.

There is something that unites humans and nonhuman animals. As much as some may wish to deny it—whether they be humans who wish to deny any commonality between themselves and nonhuman animals, or perhaps, nonhuman animals who to deny having anything in common with brutish humans—similarities exist. Kant, who is consistent throughout his works, acknowledges that humans and nonhumans share something in common. Kant labels this *tierheit* or “animal-character” (*CPJ* 5:430.7, 5:432.9, 5:433.27). *Tierheit* is more than humans and nonhuman animals being made of the same material—muscle, nerves, organs, etc. *Tierheit* is the shared “animality” that unites human and nonhuman animals as those who actively participate in their own lives and in the lives of others, seeking to achieve their ends. Thus, while humans share portions of their genetic makeup with nonanimal entities, such as plants or even

basic elemental material of the universe, the activity of existing as living, animated beings forms an attribute which unites human and nonhuman animals (§2.2).

Nonhuman animals lack the ability to determine their own ends and are subject to their natural telos, but humans have the ability to employ their rationality to assist nonhuman animals in achieving their respective ends. The ability to understand others who are unable to live their lives in a manner befitting their telos, even those teloi that are naturally-set, allows humans to empathize. Empathy might include an element of “seeing one’s self” in a similar situation or allowing for one to recall a time in which one’s desires were thwarted by others, thus allowing the human to better comprehend what another—even the nonhuman other—might experience. This may be an anthropomorphized understanding, as one cannot fully experience what it is like for the veal calf to be confined. A human can only imagine what it would be like for a human to experience restriction similar to that of a veal calf. A human cannot do any more than surmise what the veal calf is thinking or feeling. The lack of complete experience need not prevent empathy. What similarities there are between humans and nonhuman animals, or *tierheit*, allow humans to empathize with their nonhuman fellow creatures.

Similarly, humans who feel a strong connection to nonhuman animals may actually suffer with individual nonhuman animals. This is the most basic etymology of compassion— “com” meaning “with” and “passion” meaning “to suffer” or “suffering.” Compassion does not mean that the other is physically undergoing the exact same experience as another being, but that the one who is undergoing an experience is not alone. Once more, it may be as simple as a shared frustration in failing to achieve ones ends that humans show compassion toward nonhuman animals, but this “suffering with” can serve as the cornerstone for halting human desire and showing respect toward and for nonhuman animals. When an individual suffers with another

individual, they begin to understand what it is that unites seemingly disparate beings. Thus, while in the past humanity sought to emphasize the differences between human and nonhuman animals and emphasize its level of rationality as the pinnacle of distinction, it is precisely this same ability—thinking rationally—that allows humans to understand and ultimately respect the teloi of nonhuman animals.

Motivation underlying human responsibility for nonhuman animals need not focus on suffering alone. As author Milan Kundera points out in his novel *The Unbearable Lightness of Being*, in languages not arising from Latin, such as Czech, Polish, and Swedish, the term compassion “is translated by a noun formed of an equivalent prefix combined with the word ‘feeling’ (Czech, *sou-cit*; Polish, *wspól-czucie*; German, *Mit-gefühl*; Swedish, *Med-känsla*).”⁶⁹ Humans can “feel with” nonhuman animals, not just in their suffering, but in their desire for a sustainable habitat and their freedom to move about and let their bodies move as their bodies are designed. Humans might even take joy in the frolicking calf in the field who gambles about or the cat who chases a string. While it is important to identify and seek to remedy suffering, so too is it important to simply feel with those whom humans share the world, thereby allowing not only humans to flourish, but nonhuman animals as well.

⁶⁹ Milan Kundera, *The Unbearable Lightness of Being*, (Harper and Row Publishing Company: New York, NY, 1999), pgs. 19-20.

§5 Conclusion

While I grant that humans are superior to nonhuman animals due to human rationality, this does not entail that humans have a right to treat nonhuman animals in any way humans desire. Being rational agents, humans do not act with unrestricted freedom, but are instead prevented from treating other humans as mere means to one's ends and should seek to ensure that their ends could be theoretically universalized. Due to certain aspects of life that restrict humans from simply doing as they desire, which come not only from other rational agents but also from nature, limitations exist in how humans treat nonhuman animals. Such restrictions are strong enough to limit what ends humans can justifiably actualize and make certain ends unobtainable.

Similarly, nonhuman animals are subject to limitations in their respective ends or telos. Nonhuman animal teloi are formed or dictated by nature alone, as opposed to the individual nonhuman animal deciding her own teloi or a species-wide determining of telos. Lacking sufficient rationality, nonhuman animals have naturally-set teloi, leaving them with no choice but to unknowingly strive to actualize their respective ends. These teloi are part of who and what nonhuman animals are, as each individual within a species embodies their teloi to live as individuals of a species—to live as a cow when one is a cow or a dog when one is a dog.

Taking the restrictions placed on humans and nonhumans by nature, my argument is that, because humans are similarly restricted by the same force, humans can understand and empathize with nonhuman animals regarding the limits of which teloi are achievable. Furthermore, with the rational ability to set for oneself one's own ends, humans can take on the ends of others, including nonhuman animals. This significant freedom in humans shifts the emphasis from having a right to treat nonhuman animals as means to human ends to having a

responsibility to ensure that nonhuman animals' respective teloi are met. The responsibility resting on humanity is one of showing respect for nonhuman animals by setting aside human desires for the sake of another. In many cases this will take the form of removing human presence from the lives of nonhuman animals. In other instances, it will mean allowing nonhuman animals to live out their lives as their species dictates—allowing that those who need the space to be mobile have it, that their genes are not interfered with for the sake of human gain, that they are not force-fed, subjected to painful experiments, or having their otherwise-healthy lives ended prematurely. This may mean undoing certain acts that unintentionally harmed or violated nonhuman animal teloi. It also means recognizing where human desires have placed too high a cost on those who never should have borne the cost in the first place and ceasing such acts immediately. Still, in other situations, humans may need to employ their rational faculties to act in such a way as to ensure that the members of a species reach their naturally-set telos. This may appear to be parental, but when done for the sake of the nonhuman individual alone and not for any human desire, it is morally right to pursue.

Recalling the words of Albert Schweitzer in the first section of this paper, perhaps we need not scrub the footprints off the freshly cleaned parlor floor. What if, instead, humans not only welcomed the muddy paws of nonhuman animals into our lives, but sought to better understand these creatures with whom we share our world? In understanding nonhuman animals, humans can better comprehend how nonhuman animals live and to what ends, making room for humans to respect nonhuman animals to the point of setting aside human desire. Humans have a freedom that brings with it an immense responsibility to care for those whom humans claim superiority over. It is a responsibility humans did not ask for, but it is one humans must bear. It is

one covered in the muddy pawprints of the nonhuman population, and it is one we must not ignore any further.

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