



Implications of Animals being Sentient Entities to Ethics

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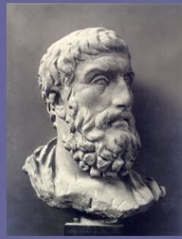
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 - What, if people do not feel empathy with particular species?
 - What creatures are sentient beings?
 - Should animal ethics aim (only) at the "protection" or at the "welfare" of sentient beings?
 - Should animal ethics aim at the "prevention of negative experiences" in sentient beings or at the "protection of their interests"?

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Ethics' long way
towards respect
for "sentient beings"

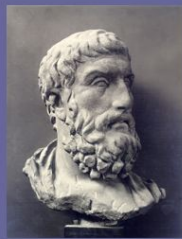
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Epicurus (341-271 BC):

„All good and bad consists in sense-experience.“

(Letter to Menoeceus)



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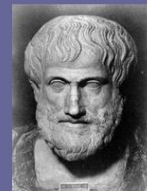
„All good and bad consists in sense-experience.“

(Letter to Menoeceus)

Aristotle (384-322 BC)

All animals have sense-experience, they all know pleasure and pain.

(On the soul)



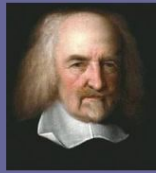
Hermarchos (~ 325-259 BC):

All duties are based on mutuality.
(social contract / contractarianism)

About animal ethics:

‘If [...] it was possible to make a certain compact with other animals in the same manner as with men, that we should not kill them, nor they us, and that they should not be indiscriminately destroyed by us, it would be well to extend justice as far as to this.’

(in: Porphyry ‘On Abstinence from Animal Food’)



Thomas Hobbes (1588-1679)

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(social contract / contractarianism)

About animal ethics:

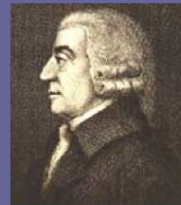
„It were a hard condition of mankind, that a fierce and savage beast should with more right kill a man, than a man a beast.“

(De Corpore Politico, 1642)

Adam Smith (1723-1790):

Ethical duties are not based on mutuality,
but on empathy (sympathy) and compassion.

(Theory of Moral Sentiments, 1759)



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Empathy is often characterized as the ability to "put oneself into another's shoes", or to in some way experience the outlook or emotions of another being within oneself, a sort of emotional resonance. (Wikipedia)



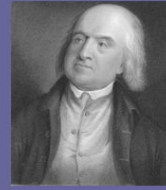
In D: Arthur Schopenhauer (1788-1860):

The best explanation of morality is to accept it as being based on compassion/
empathy (sentient animals included).

(Über die Grundlage der Moral, 1840) 9

Jeremy Bentham (1748-1832):

The right act or policy is that which will cause
 "the greatest happiness of the greatest number"
 → Utilitarianism (includes sentient animals)



(An Introduction to the Principles of Morals and Legislation, 1789)

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"The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day 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 conversible 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?"

(An Introduction to the Principles of Morals and Legislation, 1789)

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Eduard von Hartmann (1842-1906): animal ethics / justice

„Wir haben nicht deshalb uns der Verletzung der Tiere zu enthalten, weil eine solche unserer Menschenwürde nicht gemäß, oder unserem pflichtmäßigen Streben nach Selbstvervollkommnung hinderlich, oder von anderweitigen ungünstigen Rückwirkungen auf den Handelnden oder die menschliche Gesellschaft sein würde, sondern zuerst und vor allem deshalb, weil wir das moralische Recht jedes empfindenden Lebewesens ohne Ansehen von Stand oder Person, also auch ohne Ansehen von Rasse, Spezies und Genus zu respektieren haben.

Diese Achtung vor allen lebendigen und fühlenden Mitgeschöpfen (mag man sie nun auf die Achtung vor dem Schöpferwillen oder auf die Wesenseinheit der verschiedenen Erscheinungsindividuen gründen) ist einfach eine Forderung der (moralischen) Gerechtigkeit; denn ‚Gerechtigkeit‘ besagt in letzter Instanz nichts anderes als die Gleichgültigkeit des empfindenden Subjekts.“

(Moderne Probleme, 1886)



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1933: (First) Animal Protection Law in Germany (ReichsTierSchG)

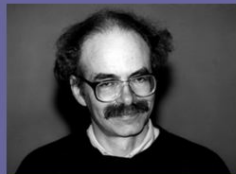
“This Law means a switch-over to Anglo-American-Scandinavian legislation, i.e. animals matter in their own right, because they are sentient beings.”

(Official explanatory statement concerning Art. 1 of the new law; 1933)

Peter Singer / Australia (* 1946)

“As long as a sentient being is conscious, it has an interest in experiencing as much pleasure and as little pain as possible. Sentience suffices to place a being within the sphere of equal consideration of interests.”

(Practical Ethics, 1979)



European Union

1997: ‘Protocol on protection and welfare of animals’ annexed to the Treaty of Amsterdam: “*Desiring to ensure improved protection and respect for the welfare of animals as sentient beings, ... the Community ... shall pay full regard to the welfare requirements of animals, ...*”

2007: Lisbon Treaty (to be ratified by the Member States until 2009): “*In formulating and implementing the Union’s ... policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the requirements of animal welfare, ...*”
(Title II Article 5b no. 21; before Article III-121)

Open Questions

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What, if people do not feel
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"This Law means a switch-over to Anglo-American-Scandinavian Legislation, i.e. animals matter in their own right, because they are sentient beings."

(Official explanatory statement concerning Art. 1 of the new law; 1933)

"This law is naturally limited to animals that feel pain. [But] in this law the term 'animal' excludes such creatures who cannot cause compassion, who's pain cannot be empathized with, because they are too small, too simple or show too little gestures." (ibid.)

("Das Gesetz kann sich naturgemäß nur auf Tiere beziehen, die Schmerz empfinden. Dort also, wo infolge der Kleinheit des Lebewesens, seines niederen Organismus, der mangelnden Ausdrucksbewegung der Schmerz nicht mehr nachgeföhlt, das Mitleid nicht mehr erweckt werden kann, endet der Begriff des "Tieres" im Sinne des Tierschutzgesetzes.")

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What, if people do not feel empathy with particular species?

- This is (perhaps) alright for a legal statement.
But, what about ethics? ...
- ... if the best explanation of morality is to accept it as being based on compassion/ empathy (A. Smith, A. Schopenhauer)
- ... if our conscience ("Gewissen") works best with such animal species that we can communicate easily with.
(J. Habermas: Erläuterungen zur Diskursethik, 1991)
- *If mosquitoes were as big as seagulls [probably] more people were positive about an insect-mind, and if we could watch otters making fun only with a microscope we were not so sure that they like to joke.*
(D.C. Dennett: Kinds of Minds, 1996; retranslated)

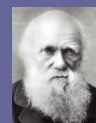
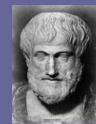
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What creatures are sentient beings?

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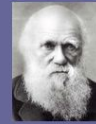
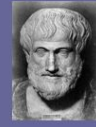
- Hypothesis of Aristotle (384-322 BC): All animals (but not plants) are sentient beings and capable of suffering.
- Hypothesis of René Descartes (1596-1650): No animal is a sentient being and capable of suffering.
- Hypothesis of Charles Darwin: "The difference in mind between man and the higher animals, great as it is, certainly is one of degree and not of kind." (1882)



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What creatures are sentient beings?

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- Today: demarcation uncertain (only for this reason are vertebrates better protected by law than other animals)
- In the Austrian Animal Welfare Act of 2004 squids (Tintenfische) and crayfish (Zehnfüßkrebse) have the same status as vertebrates.



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Should animal ethics aim
(only) at the “protection”
or
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“protection” or “welfare”



- Should animal ethics aim (only) at the “protection” or at the “welfare” of sentient beings?
Is there a (positive) ethical obligation to promote/allow good feelings in captive animals? (animals dependent on humans)
- Is there an ethical obligation to protect animals from disease, e.g. by vaccination?

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Should animal ethics aim at the “prevention of negative experiences” in sentient beings or at the “protection of their interests”?

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The Question of killing animals.

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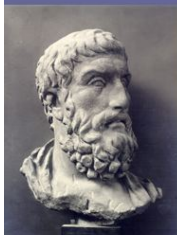
“Prevention of negative experiences” or “protection of interests”?

Today’s animal ethics mostly aims at the protection of sentient beings; but what does this mean?

- A: Does animal ethics **aim at the prevention of negative experiences** in beings who are capable of such experiences (sentient beings)? – *Background-assumption: all good and bad consists in sense-experience (Epicurus, 341-271 BC).*
or ...
- B: Does animal ethics **aim at the protection of the interests** of beings who are capable of having interests (sentient beings)? – *Background-assumption: To behave morally means to respect the interests of all who are affected (Leonard Nelson, Göttingen/Germany, 1882-1927).*

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“Prevention of negative experiences” or “protection of interests”?



If A: ‘Get used to believing that death is nothing to us. For all good and bad consists in sense-experience, and death is the privation of sense-experience. [There] is nothing fearful in life for one who has grasped that there is nothing fearful in the absence of life. [...] So death [...] is nothing to us; since when we exist, death is not yet present, and when death is present, then we do not exist.’

(Epicurus, Letter to Menoeceus)

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“Prevention of negative experiences” or “protection of interests”?

If A: There is a **basic moral duty** regarding painless killing (no fear, no distress, no suffering).

The **moral duty** not to kill humans (at all) must be a **derived** one, due to a social contract in this regard (→ Human Right to Life).



*‘If [...] it was possible to make a certain **compact with other animals in the same manner as with men**, that we should not kill them, nor they us, and that they should not be indiscriminately destroyed by us, it would be well to extend justice as far as to this.’*

(Hermarchos, ~ 325-259 BC; follower of Epicurus; in: Porphyry 'On Abstinence from Animal Food')

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“Prevention of negative experiences” or “protection of interests”?

If B: *‘My consideration is appropriate to be applied to **every interest of an animal**.*

*With this consideration one can also decide the question, **if painless killing of animals is morally permitted**.*

*The answer is easy to find when we ask ourselves if we would agree to our own painless killing. We would not agree, for our **interest in life** would be harmed, independently of the painless realization.’*



(Leonard Nelson; System der philosophischen Ethik und Pädagogik; 1932)

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“Prevention of negative experiences” or “protection of interests”?

Some Representatives of **Assumption A**
(within the group an animal-friendly philosophers):

- Jeremy Bentham (1780)
- Wilhelm Dietler (1787)
- Immanuel Kant (1797)
- Arthur Schopenhauer (1840)
- Eduard von Hartmann (1886)

→ **Killing animals is permitted if** performed as euthanasia, i.e. with no (more than justified) suffering.

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“Prevention of negative experiences” or “protection of interests”?

Some Representatives of Assumption B:

- Peter Singer (1979)
 - Tom Regan (1984)
 - Ursula Wolf (1988)
 - Jean-Claude Wolf (1993)
- Killing animals is not permitted (P. Singer and U. Wolf restrict this ban to higher animals).

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“Prevention of negative experiences” or “protection of interests”?

Representatives of Assumption B (protection of interests) have not yet found a valid argument against Epicurus (*‘there is nothing fearful in the absence of life’*).

- The ‘Right to Life’ is still a hypothesis in animal ethics.
- On the other hand there is without doubt a basic moral duty regarding painless killing (i.e. no fear, no distress, no suffering).

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Conclusion

After 2000 years we now believe that sentient beings have moral rights. We suppose empathy to be the cause of it. But ...

We do neither know what species are sentient nor when it develops in individual life.

And we do not know much about our obligations yet.

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After 2000 years we now believe that sentient beings have moral rights. We suppose empathy to be the cause of it. But ...

We do neither know what species are sentient nor when it develops in individual life.

And we do not know much about our obligations yet.

- We need a biological theory on being sentient.
- We need an ethical theory on human obligations.

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