Humans, Animals, and the Kingdom of Ends<sup>1</sup>

I caught a tremendous fish and held him beside the boat half out of water, with my hook fast in a corner of his mouth.

- Elizabeth Bishop, "The Fish"<sup>2</sup>

still the Luxor bee, chick and hare pursue unalterable purpose

they continue to prophesy from the stone papyrus

- H.D. [Hilda Doolittle], from The Walls Do Not Fall<sup>3</sup>

Sometime around the turn of the 16th century, the Early Netherlandish painter Hieronymus

Bosch completed his most famous work, a triptych modernly referred to as *The Garden of Earthly Delights*. Likely composed before Bosch's Haywain Triptych but after *The Last Judgment*, *The Garden* shares with those works a concern with the eschatological narrative of Christianity—with the spiritual fate of humanity. Bosch's view of that fate, tempered by a dark sense of humor or Schadenfreude, has seemed to many to be a dim one. In the left panels<sup>4</sup> of all three paintings, a hybrid of Eden and paradise are depicted. None of common humanity is present: Adam and Eve, and variously Christ and the angels, exhaust the left panels' humanoid

<sup>&</sup>lt;sup>1</sup> Per the contest's stipulations, the essay itself is less than 4,000 words when the footnotes, epigraphs, and citations are not counted.

<sup>&</sup>lt;sup>2</sup> Elizabeth Bishop, "The Fish," in *The Complete Poems 1927-1979* (New York City, NY: FSG, 1979), 42.

<sup>&</sup>lt;sup>3</sup> H. D., *The Walls Do Not Fall*, in *Trilogy*, ed. Aliki Barnstone (New York City, NY: New Directions, 1998), 3.

<sup>&</sup>lt;sup>4</sup> Left being, in accordance with the Bible, the side indicated by God's right hand on the Day of Judgment—where the righteous, who are separated from the damned, are located.

figures. Humanity as we know it is found in the middle and right panels, corresponding to earth or purgatory and, on the right, to hell, where nightmarish demons terrorize the damned.

It is easy to focus on the horrors of Bosch's hell and the absurdities of his purgatory, and to think about the negative assessments of mankind that both imply. Chaos reigns in both realms; even everyday objects like knives and ears bloat into grotesque, unnerving versions of themselves. But Bosch's insights were not, I think, limited to his criticisms of human morality. For in the leftmost panel of *The Garden of Earthly Delights* what strikes me most besides the absence of humans is the presence—no, multitude—of animals.



Hieronymus Bosch, The Garden of Earthly Delights, c. 1500, Museo del Prado, Madrid, Spain.

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Why are animals mysterious to us? Perhaps some will deny that they are. But as the philosopher Thomas Nagel writes in his essay "What Is It Like to Be a Bat?," "Even without the benefit of philosophical reflection, anyone who has spent some time in an enclosed space with an excited bat knows what it is to encounter a fundamentally *alien* form of life." Nagel's aim in that essay is not merely to describe the oddness, the shock, of encountering an animal in close quarters; his aim is to emphasize a difficulty about the philosophical view known as physicalism or materialism. There are many versions of this view, but they share this gist: the thought that the world consists entirely of matter. The problem with such a view is that it seems unable to explain the nature, or even existence, of subjective experience. Subjective experience, like matter, seems to be a component of the world, but it is not immediately clear that it is a physical component, or that its nature can be exhausted by physical description. Coupled with the fact that subjective experience, our first-personal "windows" on the world, seem to be the grounds of any possibility of our engaging with the world at all, the problem becomes pronounced. And it intensifies further when we consider what it could possibly be *like*—or how we could know, or describe in intelligible ways, what it is like—for a different sort of organism, like a bat, to experience the world.

Do animals have subjective experience, or consciousness? The French philosopher René Descartes, one of the founders of modern philosophy, thought that they did not. As Tom Regan writes in *The Case for Animal Rights*, "Animals, in his [Descartes's] view, are 'thoughtless brutes,' *automata*, machines." Cries of pain and other expressions of emotions are to be interpreted not as evidence of consciousness, but as the mechanical outputs of what amounts to a fleshly system of levers and pulleys. Animals, for Descartes, are mindless beings, not in the

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<sup>&</sup>lt;sup>5</sup> Thomas Nagel, *Mortal Questions* (Cambridge, UK: Cambridge University Press, 1979), 168. Italics in original.

<sup>&</sup>lt;sup>6</sup> Tom Regan, *The Case for Animal Rights* (Berkeley, CA: University of California Press, 1983), 3.

sense that they do not react to external stimuli—in many cases, they respond to such stimuli more efficiently than humans—but in the sense that they cannot form judgments about the world around them or their internal states. Animals have sensations, but these sensations are the mere facilitations of reactions; they do not have consciousness in any rich sense. Descartes holds a view about sensation according to which the having of pains and pleasures is only possible for minded, that is conscious, beings. It is unclear what reasons Descartes musters for thinking this, but part of his motivation, at least, seems to be practical. In a letter to Henry More he wrote that his view of animals absolves human beings "of the suspicion of crime when they kill or eat them."

More than a century after Descartes's death, the German philosopher Immanuel Kant described human persons in his *Groundwork of the Metaphysics of Morals* as "ends in themselves," never to be used by others as *means* to attain another end—with the whole human community comprising, ideally, "a kingdom of ends." But Kant denied that animals shared with humans the status of being ends in themselves. In his *Lectures on Ethics*, he claimed that "so far as animals are concerned, we have no direct duties. Animals are not self-conscious and are there merely as a means to an end. That end is man." Our duties towards animals, he said, "are merely indirect duties towards humanity." Kant did not deny that we have duties to behave humanely towards animals, but, infamously, described that obligation as one we owe to

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<sup>&</sup>lt;sup>7</sup> Ibid., 3-4.

<sup>&</sup>lt;sup>8</sup> Descartes quoted in ibid., 5.

<sup>&</sup>lt;sup>9</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals*, ed. and trans. Mary Gregor (Cambridge, UK: Cambridge University Press, 1997), 41.

<sup>&</sup>lt;sup>10</sup> Immanuel Kant, *Lectures on Ethics*, trans. Louis Infield (New York City, NY: Harper & Row, 1963), 239. He says further: "We can ask, 'Why do animals exist?' But to ask, 'Why does man exist?' is a meaningless question" (ibid.).

<sup>11</sup> Ibid.

ourselves.<sup>12</sup> To most modern sensibilities, even to many of those who think that meat-eating is permissible, this attitude will seem misplaced. We take ourselves to have a duty to treat animals humanely for their own sakes, even if we only do so when we do not need something from them. And some philosophers, like Christine M. Korsgaard, have argued that certain aspects of Kant's moral theory can be understood as consistent with treating animals as ends in themselves just insofar as things can genuinely said to be good or bad for them.<sup>13</sup> But even if this is so, it seems that Kant thought, with Descartes, that animals could not think about themselves as humans could, and could not be considered fully rational agents.

Whatever the right way to understand animals might be, it seems crucially related to one of Western philosophy's perennial problems: the problem of other minds. One desideratum of a solution to this problem is the banishment of solipsism from the list of possible outcomes. We want evidence that we are not just isolated, monadic, Cartesian egos afloat on a sea of sense-impressions, who lack any access to other egos—other individuals, lives, or beings—at all. We want evidence that what appear before us to be humans, animals, and creatures with subjective experiences other than our own actually *are* such creatures; evidence, that is, that we are not alone. But the persistence of this problem has shown that, despite countless proposed solutions, it remains puzzling, perhaps intrinsically so. Why do we infer<sup>14</sup>, or think, that there exist other beings capable of having the same sort of experiences as us? Why not think these beings are, in

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<sup>&</sup>lt;sup>12</sup> Immanuel Kant, *The Metaphysics of Morals*, trans. and ed. Mary Gregor (Cambridge, UK: Cambridge University Press, 1991), 238.

<sup>&</sup>lt;sup>13</sup> Christine M. Korsgaard, "A Kantian Case for Animal Rights," in *Animal Law: Developments and Perspectives in the 21st Century*, ed. Margot Michel, Daniela Kühne, and Julia Hänni (Zürich, Germany: DIKE, 2012), 14.

<sup>&</sup>lt;sup>14</sup> Some philosophers have denied that what we do when we come to learn about other minds can rightly be described as inference. I use the word here because to describe such a process as inference seems at least *prima facie* plausible. See, e.g., P. F. Strawson, "Persons," in *Individuals*, London: Routledge, 1964.

fact, automata? And what explains the fact that, in practice, we do take other apparent beings, people and animals alike, to be actual beings?

One suggestion, the suggestion I think most plausible, is that our practical "resolution" of this problem involves an ethical gambit—a hypothesis, a postulate. <sup>15</sup> In giving other beings, which may only *apparently* be beings, the benefit of the doubt as to their being like us (that is, as having experiences, pleasures, pains, and so on—having *minds*), we are making an ethical decision. That decision, I take it, involves reasoning along the lines of Pascal's famous wager about God's existence. Modified, it reads thus. If others do not have minds and I treat them as though they do have minds, I will have done "them" no wrong, caused "them" no pain. But if others do have minds and I treat them as though they do not, I will likely have erred morally—not only by causing suffering, if I have, but (if I am a Kantian) by treating them as means when they are ends in themselves.

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In Washington, D.C., one August, I became caught in a rainstorm. Thunder growled and lightning struck while water rose above the curbs. The miniature flood drenched my feet; everyone scrambled to get indoors. Leaves and trash sailed down the gutters, into drains. While crossing a street I noticed something that was distinctively not detritus flopping around in a puddle. It was a sparrow whose wing had been broken—likely stepped on by someone, like me, running for cover. I cupped it in my hands and set it beneath a bush. Later I wished I had taken it inside with me, though I did not, do not, know what else I could have done for it. But did I owe it to do more? Did I owe it anything at all?

<sup>&</sup>lt;sup>15</sup> The philosopher Alva Noë once suggested something like this to me.

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I remember the subdued animosity I once felt, and probably exhibited, towards those who forewent the eating of meat for ethical (though not religious) reasons. I took them and their conviction as a condemnation of my own—secular, American—way of life, though I had no reason to do so. I had inherited the attitude towards animals that I think most of industrialized Western culture can be said to have inherited: that animals are valuable, if they are valuable, as lesser beings—beings we could justly make use of when needed, though aside from our needs we had no reason to cause them pain. Certain creatures, like the dogs I owned throughout my childhood, were accorded a privileged status that I felt too obvious to need defending. I was (and still am, in more ways than I can know) in the throes of what Hume called "custom" or "instinct," the domineering, pervasive force of habit and tradition. ("Though the instinct [in humans and animals] be different, yet still it is an instinct, which teaches a man to avoid the fire; as much as that, which teaches a bird, with such exactness, the art of incubation..."<sup>16</sup>) The suggestion that one not eat meat, not merely for supposed health reasons but for reasons having to do with the well-being, the rights, of animals—which, it was implied, I had ignored for most of my life threatened to revise part of the framework through which I understood the world. That framework classed animals outside of the set of things that should be accorded serious ethical consideration. Only humans, I thought, occupied that set; anything else that claimed inclusion was fraudulent, and detracted from the project of ameliorating the suffering of humans.

But then something changed. After for so long resisting the arguments of animal-rights activists, I began to see that the arguments I would give, if necessary, to defend the value and

<sup>&</sup>lt;sup>16</sup> David Hume, An Enquiry Concerning Human Understanding (Indianapolis, IN: Hackett, 1977), 72.

(what I took to be) primacy of human life could not coherently be amended so as to not apply to animals. Some of the most powerful reasons I could give to accord special status to humans appealed to attributes of humanity that were shared with animals. These reasons were brought to light by questions about why I valued my life, why I took others to value their lives, and what made a life worthwhile. If I said, for instance, that I had reason to value my life solely because it was *mine*, then surely this also applied to animals, for in some sense they, too, had lives, and if the fact that my life was mine was a good reason to value it, then it should likewise be so for other beings with lives.<sup>17</sup> If I said that I sought to avoid suffering because it was intrinsically and instrumentally bad for me, I had to ask why I took it to be so bad; and to this I responded that my suffering was not only bad in itself (for which I could give no further reason), but bad because it prevented me from living in a way that I took to be valuable and desirable—the way that I would live if I were not suffering. But if animals could also suffer, as it seems they could, and this suffering is something that they seek to avoid, which it seems they do, then it seems that they have as strong a *prima facie* claim as I do that avoiding suffering is good for them. This common claim, and the reason it is grounded in, does not seem dependent on other sorts of attributes that humans or animals might have. That is, my reasons to value my life and to seek to avoid suffering do not seem importantly related to the further claim that I, qua human, am a rational creature.

Appeals to the rational capacity of humans are, however, a frequent feature of arguments justifying drastic differences in the treatment of humans and animals. One could accept a rationalistic picture of humanity and say, with Aristotle, that human beings, though they are

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<sup>&</sup>lt;sup>17</sup> We can say this, I think, without committing ourselves to a potentially problematic view about what constitutes a "person," ego, self, etc., as criticized by Strawson, *op. cit.* 

animals, are *rational* animals, and that this is one of their defining traits. <sup>18</sup> This seems right, but it is not clear to me that it is right without further qualification. Hume's naturalistic, psychological description of the human mind in his *Treatise of Human Nature* involves the contention that certain features of our constitution—principles of our "imagination," a faculty distinct from our sense-perception and our reason—determine for us ways in which we are inclined to view the world and for which we can have no rational justification. <sup>19</sup> And it is not clear to me that even if a rationalistic view *were* right without qualification, it would have any bearing on an entity's having a claim on living the kind of life that it takes to be good and avoiding that which it takes to be bad.

So I came to understand, and sympathize with for the first time, the notion that an organism that is capable of suffering, of having its own existence go well or badly for it according to criteria relevant to *it*, has a claim on not being made to suffer—regardless of whether or not it is rational or "conscious" in as strong a sense as we, perhaps dubiously, take ourselves to be. And I began to notice that, while not identical with the claim that animals are ends in themselves, applying this idea in practice would often lead to our treating animals as if they were.

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<sup>&</sup>lt;sup>18</sup> Aristotle has multiple formulations of this point across his corpus. See, e.g., Aristotle, *Nicomachean Ethics*, ed. Roger Crisp (Cambridge, UK: Cambridge University Press, 2000), 12, where he claims that "the characteristic activity of a human being is an activity of the soul in accordance with reason or at least not entirely lacking it..." He also says, in *Parts of Animals* 645a 20-25, that "we must go forward without embarrassment with our search into each type of animal, assuming that there is something natural and fine in each of them."

<sup>&</sup>lt;sup>19</sup> David Hume, *Treatise of Human Nature* (Amherst, NY: Prometheus Books, 1992).

As I am construing them, our moral obligations to animals have a curious shape. These obligations are *asymmetric*. If the view I have been developing so far is roughly correct, then we have a *prima facie* obligation not to harm animals.<sup>20</sup> But it does not seem that animals have any comparable obligation not to harm us. To the contrary, it seems that it is in many animals' natures to seek to harm us. Does this affect the status of our obligations towards them?

Earlier, I suggested that rationality was perhaps not relevant as a criteria for determining whether a being had a good reason for claiming that its life should go well, and that others, barring special circumstances, should not generally interfere with its seeking a good life.

Rationality now returns to the fore, but in a different manner. Our rationality—understood here as our capacity for deliberation not only about immediately necessary ends but about abstruse, speculative questions as well—is, I think it safe to say, what puts us in the position of being capable of understanding what sorts of creatures have, in principle, a good reason to make the sort of claim mentioned (even if they cannot linguistically formulate, or state, this claim). That animals—most of them, at least—seem incapable, due to their constitutions, to inhabit such a perspective, and so consequently act in ways towards us that we find objectionable when we encounter them, does not seem to change the fact that our rationality allows us to recognize an obligation we have towards animals in virtue of our relationship with them.

So it might be right to say that, while rationality as such does not itself give rise to an obligation in this case, it gives rise to the *recognition* of one; and further, while having rational capacities involves recognizing obligations such that a failure to discharge<sup>21</sup> a recognized obligation incurs moral fault, the failure to recognize an obligation, where this failure is due to

As I have noted, this seems to be part of the common-sense view about animals, even among those who deny that there are good or conclusive ethical reasons not to, e.g., eat meat. But the view I am developing must be committed to saying that many of those who hold this view are mistaken as to what it really

requires of them on any plausible interpretation.

I am using "discharge" in the sense of "fulfill" or "execute."

one's lacking rationality, incurs no such fault. As the poet Pablo Neruda asked: "Does the leopard wage war?" It seems that the correct, and implied, answer is no, though the leopard may be violent. This explains, I think, some of our common-sense intuitions about animals and other creatures less rational than ourselves. We do not tend to morally blame those, e.g. children, who we think cannot appropriately reason about their actions. But this does not mean that we do not ourselves have moral obligations to them, nor that in failing to discharge an obligation we do not incur moral fault.

Related to the question of asymmetry is the question of pain. If we were to find ways to use animals for our purposes—that is, for food, materials, and so forth—that caused them no pain or suffering of any sort, would using them in these ways then become permissible? The thorough examination of this question is beyond the scope of this paper, but I think the answer is no. And I think that answer can be explained in terms of the very sort of consideration that I have been seeking to entertain: the idea that beings for whom lives can go well or badly are the sorts of beings who are entitled to a claim on what Joseph Raz calls, in his theory of well-being, "comprehensive goals."<sup>22</sup> And having the sort of life, whether or not we conceive of ourselves as having lives or as having one particular sort of life (since it seems that many animals do not reach this level of self-awareness), that can go well or badly gives one not only a reason to want one's life to go qualitatively well—that is, have the right attributes, like pleasure and virtue—but that it take a certain form. For humans, that form might (though not necessarily) involve pursuing one's projects, starting a family, living to old age, and dying peacefully. Even if one's life goes qualitatively well, if such a person dies before she has lived to old age, then her life has not taken on the desired form, and so she has been deprived of something she had reason to want. I think we can make a similar case for animals. Though many animals do not seem to have

 $<sup>^{22}</sup>$  Joseph Raz, The Morality of Freedom, Ch. 12, "Personal Well-Being," 288.

projects in our sense, some may (bees maintaining a hive, for instance); and even if they do not, it does not seem unintelligible to say that a certain form of life is valuable for them. Nor does it seem unreasonable to say that, were they rational<sup>23</sup>, they would seek a life that, in killing them for use, we would be depriving them of.

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When I rescued the sparrow, I rescued it out of pity. Anthropomorphization, or what Ruskin called the "pathetic fallacy"—the attribution of human qualities to nonhuman entities—also, I am sure, played a role; Disney cartoons in which sweet-faced, twittering birds pluck flowers and hang sashes come to mind.<sup>24</sup> If it had been a rat, what would I have done? But now when I refrain from eating meat, or capture and release a spider that is about to be squashed by someone, I do not do it out of a sense of pity. I think that such pity, though well-intentioned, can sometimes be a form of what Peter Singer calls "speciesism," the phenomenon of discrimination based on an organism's species.<sup>25</sup> That is, such pity, though motivated by a concern for animal welfare, may treat animal suffering as merely regrettable and emotionally undesirable, not as something that animals have, in principle, a claim on avoiding. My suggestions is that, in seeking to prevent the suffering of an animal, what we are doing—or should take ourselves to be doing—is recognizing that the animal is a certain sort of creature: namely, the sort of creature that can have its life go well or badly for it. And, in virtue of this fact, we have a *prima facie* obligation

<sup>&</sup>lt;sup>23</sup> That is, were they rational *and* no other fact about them remained unchanged—they still found the same sorts of relations and pursuits preferable and pleasurable.

<sup>&</sup>lt;sup>24</sup> John Ruskin, "Of the pathetic fallacy," in *The Works of John Ruskin*. ed. Edward Tyas Cook and Alexander Wedderburn. 1<sup>st</sup> ed. Vol. 5. Cambridge: Cambridge University Press, 2010, 201-220.

<sup>&</sup>lt;sup>25</sup> Peter Singer, *Animal Liberation* (New York City, NY: Avon Books, 1975). There he writes: "The view that human life, and only human life, is sacrosanct is a form of speciesism" (18).

not to cause suffering to that creature or to prevent it from leading the sort of life that might plausibly be understood to be good for it.<sup>26</sup>

So far I have said nothing about animals as the bearers of rights. This is because the question of whether or not animals have rights is metaphysically tricky. <sup>27</sup> Some theorists, especially Regan, ground their criticisms of current practices in an appeal to the notion that animals do have rights, and in saying what rights these are. 28 But though rights may be useful, and though an argument that animals have rights may turn out to be correct. I think they may not be utterly necessary in discussing how we ought to treat animals. For the account I have tried to gesture towards here only traffics in reasons and claims; it makes no mention of rights. And I want to leave open, for now, the admittedly difficult questions of whether we can violate this prima facie obligation in cases where the gains to be gotten from using animals as ends are particularly significant (such as in certain scientific experiments), though I am doubtful that we can be morally permitted to do so.

What, in the end, does a consideration of animal welfare for our moral lives in general afford us, besides reasons to change our current practices towards animals? This may seem the wrong question to ask; to ask about animal welfare is, first and foremost, to ask if we have obligations towards animals and what those are, not what we could get out of such an investigation. But I

<sup>&</sup>lt;sup>26</sup> This does *not* mean that we are illogical or immoral in being in some way "partial" to humans; as humans, humans form part of our community. But this is not inconsistent with the idea that one should not cause harm to other creatures. On this latter suggestion, see Bernard Williams's "The Human Prejudice" in *Philosophy as a Humanistic Discipline* (Princeton: Princeton University Press, 2008).

<sup>&</sup>lt;sup>27</sup> As, I would hazard, questions about the metaphysics of rights and values generally tend to be. <sup>28</sup> Regan, op. cit.

think the question has an illuminating answer. And I think that answer involves saying why it is that ethical reflection on animals, and on the status of our lives in general, can be worthwhile and can cause us to bring about modifications to our thoughts as well as to our practices.

I have only offered, here, my own small story of a change in opinion that I arrived at by means of reasoned, though not unemotional, consideration of what makes human and animal life valuable and, in both cases, worth living. But my process of transformation involved the critical examination of deeply-rooted conceptions I held about what sorts of beings could have meaningful lives—and this is a process that, by its very nature, involved me in a larger-scale consideration of my morality as a system. It provoked the thought that the reason I value my life and other human lives is not because they are *human* lives, but because they belong to creatures who can genuinely be said to fare better or worse, not only in terms of having a life with certain properties but in having a life with a certain arc. This class of entities, on any reasonable conception, includes many animals as well, though they may share only the barest aspects of what Wittgenstein called our "form of life."<sup>29</sup>

That has been my focus; but reframing my concern for my fellow humans in terms other than what species they are has, I think, other significant consequences. Such a reframing prompts us to consider moral claims not merely as quasi-real "possessions" that some beings have, but as appeals to the empathy, goodwill, and charity—indeed, to the reason—of others. It leads to a characterization of the fulfillment of such claims as genuine pursuits of, as it were, other minds. Few endeavors, I think, can be more important for any individual or community. To borrow Bernard Williams's rephrasing of Socrates, "what we are talking about is how one should live." <sup>30</sup>

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<sup>&</sup>lt;sup>29</sup> Ludwig Wittgenstein, *Philosophical Investigations*, trans. G.E.M. Anscombe (Blackwell: Oxford, 1953), remark §19, 11. Note that Nagel also uses this formulation in his essay previously mentioned. <sup>30</sup> Bernard Williams, *Ethics and the Limits of Philosophy* (Cambridge: Harvard University Press, 1985), 1.

One answer to this implicit question may be: in such a way that Bosch would have seen it fitting to paint humans into his Eden of animals.

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