

A too restrictive basis of morality

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In 'Legal and moral basis for animal experimentation' (*Scandinavian Journal of Laboratory Animal Science*, No. 2, 1990, vol. 17) Stian Erichsen rehearses the very familiar observation that human beings' use of non-human animals for food and experimentation can be seen just an extension of the use animals make of each other for the purpose of survival. Although true, this does not establish that it is *morally right* for humans to put animals to this use or that this is something that they *ought* to do. At least since David Hume published his *A Treatise of Human Nature* in 1739, it has been recognized by philosophers that it does not follow from the fact that something *is* the case that it *ought* to be so. If that inference was valid, one could for instance employ it to prove that we ought to leave deformed and old humans to die, since this is a universal practice in the non-human world.

As Erichsen himself notes *homo sapiens* differs from other species in a crucial respect: humans possess a higher intelligence which allows them not only to devise new and more sophisticated ways of exploiting animals, but also to consider how their acts affect the well-being of these beings, whether they cause them pain and suffering and so on. This is, as Erichsen correctly remarks, 'the origin of animal protection' and of demands such as 'that no effort be spared to minimize the burden which experiments in live animals represent' (p. 61). Since humans are by nature omnivores rather than carnivores, this capacity for reflection could also lead to the conclusion that suffering

could be minimized by sticking to a vegetarian diet.

But isn't this to concede that non-human animals have a *moral standing*, a *moral right* not to suffer unnecessarily? Not according to Erichsen, for he takes morality to be a set of rules which regulate intercourse in a community of beings that are all able to understand the purport of the rules and to reciprocate benefits received (p. 63). That is, he espouses the well-known theory that morality arises from contracts or agreements between beings that are sufficiently intelligent to understand the nature of reciprocity. This conception effectively rules out most, if not all, non-human animals from the sphere of morality.

However, it also excludes some humans: foetuses, who still have not acquired the requisite intelligence, the senile who have lost it and the mentally retarded who never will come into possession of it. Would Erichsen claim about these humans what he claims about animals, that their suffering and well-being don't morally matter, and that when we – that is, normally intelligent humans – are seemingly concerned about them, all we are really concerned about is our feelings towards these beings? I doubt it, but even if he were to opt for this line, I'm sure most of us would not follow him. But then consistency requires us to admit that the weal and woe of non-human animals matter, as does that of the marginal humans, and, hence, that Erichsen's reciprocity theory is untenable by being too restrictive.