

Joel MARKS

AMORAL ANIMAL RIGHTS

What then of my commitment to animals? One thing to note at the outset is that I have remained a kind of Kantian. By this I mean that I still felt ... and feel ... that the way to treat all sentient beings, human or otherwise, is as ends-in-themselves. The difference of my present amorality from my previous moralism is that I no longer say or think that one ought to adopt this attitude and behavior. Instead it is "only" something that, upon reflection, I desire.

[T]he present inquiry does not aim at theoretical knowledge like the others (for we are inquiring not in order to know what virtue is, but in order to become good, since otherwise our inquiry would have been of no use)

Aristotle, *Nicomachean Ethics* (bk. 2, ch. 2),
trans. W. D. Ross

I can only speak for myself. In the beginning there were animals, and there was meat. Actually "meat" is not quite right: There were hamburgers and hotdogs and steak and chicken (but not chickens) and fish (the mass noun, not the count noun) and so on. And the animals were nonhuman ones (that is, human beings were not animals), divided between domestic ones, like the little doggie next door, and wild ones, which were in the zoo and on television, and semi-wild ones, which were in the trees in the backyard. Other domestic animals, like cows and chickens, lived on farms, as were pictured on the milk and egg cartons (since I was an urban boy). There were also storybook and cartoon animals aplenty.

What did not occur to me was that the animals and the meat were one and the same thing. Naturally there was a dawning awareness of the connection as I grew older. But it would be more than a half-century before I had my soylent green moment. (Soylent green is a processed food in the 1973 American science fiction film by the same name, whose true source is kept hidden from the populace and turns out to be none other than humans themselves.) By this time I had become thoroughly acquainted with ethical theory, having earned the doctorate in philosophy (of the so-called analytic school) and spent my working life as a university professor. Post-retirement I became affiliated with the Interdisciplinary Center for Bioethics at Yale University, where, almost by accident, I founded their Animal Ethics Group.

Everything about animals (or, as I would now often call them, "other animals," to distinguish them from human animals) was crystal-clear in my mind

at this point: The way human beings tend to treat other animals is morally wrong. The reason was, in my mind, a Kantian one, although not as Immanuel Kant himself would have explained it. For Kant's morality attributes inherent moral worth only to beings who are rational in the way he conceived human beings to be, such that only a being who was capable of being moral could him- or herself have moral considerability. Since the peculiar self-legislating rationality that enabled human beings to be moral agents is obviously lacking in other animals, they cannot be members of the moral community, neither as agents nor as patients. Kant did, however, allow for indirect moral concern for other animals, in that he believed our treatment of them would inevitably color our treatment of human beings.¹

Both premises or assumptions of Kant's argument have been questioned in recent times. For example, Tom Regan argues that an individual need not be a moral agent in order to merit being a moral patient²; even in the human realm there are persons who lack moral competence but who yet, many of us feel, are entitled to moral consideration. And Marc Bekoff and Jessica Pierce argue that at least some nonhuman animals are moral agents³; this is especially evident in their play behavior, which includes punishment for violations of norms of forbearance.

My own version of Kantianism relied not on self-legislation but on the categorical imperative, and in particular, the (ironically named, given my use of it) formula of humanity. This stipulates that one ought treat persons (including oneself) never merely as means, but always at the same time as ends-in-themselves.⁴ (The "merely" is crucial here, since Kant is certainly not denying that we may properly "treat" one another or ourselves as means, since this can scarcely be avoided.) Thus the key concept becomes "end-in-itself," and the question is whether other animals might also merit this designation and hence deserve *d i r e c t* moral solicitude. I argued that they do.⁵ (Alternatively one could say that "person" is the key concept in this formulation of the categorical imperative, but I finessed this by substituting the term "being" or "sentient being." My linguistic sense is that "person" is so closely allied with human being – hence the name "formula of humanity" – that it begs the question

¹ See Immanuel K a n t, "Duties towards Animals and Spirits," in: Immanuel Kant, *Lectures on Ethics*, trans. L. Infield (Indianapolis: Hackett Publishing, 1993, 239-241).

² See Tom R e g a n, *The Case for Animal Rights* (Berkeley and Los Angeles: University of California Press, 1983).

³ See Marc B e k o f f & Jessica P i e r c e, *Wild Justice: The Moral Lives of Animals* (Chicago: University of Chicago Press, 2009).

⁴ See Immanuel K a n t, *Groundwork of the Metaphysics of Morals*, trans. J.W. Ellington (Hackett : Indianapolis, 1993), 36 (1785: 429).

⁵ See Joel M a r k s, *Ought Implies Kant: A Reply to the Consequentialist Critique* (Lanham, Maryland: Lexington Books, 2009), ch. 5, from which comes the long quote to follow.

I wished to pose of whether nonhumans might also merit being treated as ends-in-themselves. Some consolation may be taken from legal scholar Steven M. Wise's Nonhuman Rights Project,⁶ which seeks to extend the notion of legal person to "at least some" nonhumans; it remains to be seen, however, whether the touchstone will still be *similarity to humans*.)

I parsed "end-in-itself" in the following way:

"Because of the use of the terms «end» and «means» in Kant's formula of humanity, it is tempting to think of ends-in-themselves in those terms. We could illustrate the general notion with countless examples. Suppose you owned a precious Chinese vase. It is of course possible that you could «treat» it as a means, for example, to hold flowers. But you might very well forswear any such use of the vase and value it simply for itself. So it is tempting to say that you would then be treating the vase as an end-in-itself. There is no further end being served, such as holding flowers. And again: suppose you went for a walk. It is perfectly possible that you did so, even though you disliked walking or any form of exercise, simply to maintain your health; so you would be treating the activity as a means to the end of being healthy. However, you might not even be thinking about your health and instead just love to walk, «for its own sake,» as we say. Therefore you seem to be appreciating walking as an end-in-itself, with no need of further justification.

I do not agree with that interpretation of «ends-in-themselves,» however. The concept embodied in the examples is a different one, namely, intrinsic value. A means has *instrumental* value. Thus, a vase can be used as an instrument or tool or means to hold flowers, and going for a walk can be a way of preserving health. But a vase and a walk can also be valued for themselves, as we have seen; hence they would (instead or in addition, as the case may be) have *intrinsic* value. In general, all instrumental value derives from intrinsic value, for there would be no means without ends. Now an end, as we have seen, can also be a means, but then it would be for some further end. Eventually the referral of means to ends must come to an end, however, or else nothing could have any kind of value at all, not even merely instrumental value. So, again, it is tempting to refer to the kind of end that is intrinsic as an «end-in-itself,» for the buck stops there.

But that is not what Kant means by an end-in-itself. For consider that the ends in our examples – the preciousness of the vase and the enjoyment of the walk – are relative to a human being or human beings in general. Even though we refer to their value as «intrinsic,» we do so only to preserve the distinction from their being used for some further purpose. But their value is *not* intrinsic in the sense of being self-sufficient. The intrinsic (not to mention instrumen-

⁶ See Nonhuman Rights Project, <http://www.nonhumanrightsproject.org/about-us-2/>.

tal) value of a vase or a walk in the woods would evaporate instantly if there were no human being(s) to appreciate it. Thus, it is we who bring value into the universe. It is not that we have value, although that is true too (both kinds); but for ethical purposes what matters most is that we are value-makers. It is we who have purposes, create meanings, and so forth.

And who are «we»? Not only humans, surely. We are, at the very least, animals: all animals are value-makers. A cat can appreciate, for example, the meaning of being in pain. Therefore a cat is a being that is an end-in-itself as much as you are. Again, this is not because pain may have negative value «intrinsically,» as a hedonist or utilitarian would have it, but because it is the cat to whom that value has meaning – the cat who brings that very value into existence by her own being. A cat may be valued as useful because of her rat-catching ability; and she may be valued intrinsically by you for her loveableness. But the cat is also an end-in-itself because things are valued by her. This is an order of magnitude beyond simply having value, even intrinsic value.”⁷

I then characterized the ethical significance of ends-in-themselves in this way:

“That is why beings who are capable of recognizing and responding to an ethical imperative – beings who are rational and free as we are – have obligations to all beings who are ends-in-themselves, which includes us but not only us because a being does not need to be rational and free, or what I called an ethics-maker, in order to be a value-maker. You could say: The reason human beings have ethical responsibilities [i.e., are moral agents] is that we are human (i.e., rational and free, ethics-makers), but the reason human beings have ethical responsibilities to themselves [and others] is that we [i.e., qua moral patients] are animals (value-makers, ends-in-themselves).”⁸

But no sooner had I dotted the final «i» of this exposition than pure contingency intervened to upend my thinking. As a result of events related elsewhere,⁹ I became convinced that morality is a figment – at least morality in the way I had understood it, none other than in the Kantian way of a categorical imperative. It became clear to me that all imperatives are hypothetical and a function of desire. I will not attempt to persuade you of that in this article, where I have so much else to discuss; and I have covered the ground in a monograph.¹⁰ But I can say briefly that I was moved by two main arguments

⁷ Marks, *Ought Implies Kant: A Reply to the Consequentialist Critique*, 63f.

⁸ Marks, *Ought Implies Kant: A Reply to the Consequentialist Critique*, 64; items in brackets added to original text.

⁹ Joel Marks, “Confessions of an Ex-Moralist,” *The New York Times* Opinionator (blog), August 21, 2011.

¹⁰ See Joel Marks, *Ethics without Morals* (New York and London: Routledge, 2013).

for distinct but interconnected theses: (1) There is no such thing as morality because our best theory of the world does not require it as explanans and can also account for why we (falsely) believe that it exists, and (2) We, both as individuals and as societies, would, if fully informed, prefer to give up the (false) belief in morality because (belief in) morality tends to make us angry, hypocritical, arrogant, arbitrary, imprudent, intransigent, useless, and silly, while amorality tends to be guilt-free, tolerant, interesting, explanatory, simple, and compassionate, as well as being, as per (1), grounded in reality.

What I am especially keen to deal with here is the upshot of this meta-ethical conversion for animal ethics. For in rapid succession I had become a convinced animal advocate on moral grounds, only to become a convinced amoralist on meta-ethical grounds. What then of my commitment to animals? One thing to note at the outset is that I have remained a kind of Kantian. By this I mean that I still felt ... and feel ... that the way to treat all sentient beings, human or otherwise, is as ends-in-themselves. The difference of my present amoralism from my previous moralism is that I no longer say or think that one o u g h t to adopt this attitude and behavior. Instead it is “only” something that, upon reflection, I d e s i r e.

I w a n t s t r o n g l y that all animals be treated with a certain kind of respect (and also caring, which desideratum can, I think, be found in Kant as well¹¹); and as a result of this wanting, I find myself behaving in some ways rather than others in the conduct of my personal affairs, and also in my dealings with other human beings regarding matters than impact other animals. So for example, I have become a dietary vegan: a person who does not eat any animals, nor any animal products (milk, cheese, eggs, honey). Although this came about originally for the explicitly moral reasons delineated above, I have maintained this regime on the basis of what I now would characterize as cause and effect. The cause is my desire not to be complicit in practices and institutions that treat sentient beings “merely as means,” or in a word, as “things”; the effect is my diet.

In addition, however, there is nothing ironclad about this. Since the basis is contingent desire rather than categorical command, my veganism is subject to the vagaries of circumstances, including, most directly, the presence of other desires. So now when I say that I am a Kantian, I mean that I am drawn to a certain ideal but at the same time recognize real-world constraints which militate against that ideal in actual practice. At times, therefore, even after ample and rational reflection, I might be motivated to respond in, say, a utilitarian manner, or an egoistic manner, or whatever, and thus perhaps violate some vegan precept. (I say “perhaps” because veganism could plausibly contain various nonKantian

¹¹ See Immanuel K a n t, *The Metaphysics of Morals*, trans. M. Gregor (Cambridge, U.K.: Cambridge University Press, 1996), (1797), 6:448.

provisos in its own concept, such as “unless there is no plant food available.” Of course the endless resources of casuistry might yet rescue Kantianism itself even in such a case, for example, by interpreting one’s own starvation in the cause of veganism as “merely using” oneself and hence prohibited.)

It would be natural for a moral theorist to comment, “But why are you still a vegan? You have only given an explanation of your continuing with this diet, but you have not provided a justification for doing so. There are many things that people do that can be explained; indeed, all of them, presumably. But this hardly justifies everything that people do. If it did, we would need no ethics to advise on how we ought to act since how we did act would be the end of the story.” But it is precisely my point that there is no such thing as moral justification. Because there is no categorical “ought,” there is nothing of that sort in need of justification. So long as my preference to remain a vegan arises in response to true or rationally held beliefs, it has all the justification there could be. Any “ought” arising (but not derived) therefrom would be based hypothetically on my desire, thus: If an individual, after a reasonable amount of research and rational reflection, prefers to do *x*, then, if *x* is practicable, he or she ought to do *x*.

In fact, even that hypothetical “ought” now strikes me as overkill (if not downright mysterious), so I would rather say simply this: If an individual, after a reasonable amount of research and rational reflection, desired to do *x*, then, all other things equal, he or she would do *x*. This is an ethics of desire, not of obligation, and so a matter of prediction rather than prescription. Hence I call it *desirism*, as opposed to morality. And, yes, it is the end of the story.

The end of the theoretical story, that is. But there is still a practical story, and this is where I would now want to see ethical inquiry directed. It seems to me, in my post-moral period, that ethics – the way to live – is quite simple in outline, to wit: Figure out what you want and then figure out how to get it. The virtue is in the details, of course, but the details have to do with praxis. (Hence the epigraph from Aristotle. I would only caution that in my appropriation of it, the “good” that one is to become is not “objective” or “external” but is established solely by one’s own considered desires.)

When it comes to animal ethics, I know what I want. (Recall my opening: “I can only speak for myself” ... although I shall try to bring you around in the sequel.) I want all nonhuman animals to be let alone to live on their own terms. (I take this terminology – “let alone” and “on their own terms” – from Catharine MacKinnon¹² and Lee Hall¹³, respectively.) This means at a mini-

¹² See Catharine A. MacKinnon, “Of Mice and Men: A Feminist Fragment on Animal Rights,” in *Animal Rights: Current Debates and New Directions*, ed. C.R. Sunstein & M.C. Nussbaum (Oxford: Oxford University Press, 2004), 263-276.

¹³ See Lee Hall, *On Their Own Terms: Bringing Animal Rights Philosophy Down to Earth* (Darien, Connecticut: Nectar Bat Press, 2010).

num that the kidnapping and confinement and breeding and domestication of animals would cease. Animal agriculture would cease. Animal experimentation would cease. Hunting and trapping would cease (with possible exceptions for true hunting cultures; and meanwhile active steps would be taken to restore and maintain habitats¹⁴). The pet industry would shut down (although sanctuaries and shelters and adoption remain). Zoos would become extinct. And so on.

The ideal or position I have described is sometimes called animal abolitionism, a prominent spokesperson for which is law professor Gary L. Francione.¹⁵ (An analogous if not synonymous term is “animal liberation,” usually associated with philosopher Peter Singer.¹⁶ There are various interpretations of these and related terms, of course.) The term derives from the analogy of the abolition of human slavery, thereby connoting the end of *ownership* of animals or their designation as legal property or “chattel” (from which we get the word “cattle”), and more broadly, the end of the *use* of other animals for human purposes.

I had to “*figure out*” that this was what I wanted because of both the ubiquity and the camouflaging of animal enslavement by humans. Animal exploitation is carried out everywhere in plain view, and yet we miss it for that very reason. Just as David Hume made us aware that there is nothing *necessary* about, say, a ball falling to the ground if we let go of it – Why might it not just as well float upward? – nevertheless from habituation (along with, perhaps, our Kantian intuition of causality itself) it appears natural to us; so any practice whatever – whether it be cannibalism or carnivorousism – can be readily accepted as just the way things are (done). But in addition, in less rural societies there are increasingly active efforts to *disguise* what is going on, often by sophisticated marketing (again think soy lent green) but also by simple failure to mention. Instructive in the latter regard is the use of animal body parts for manufacturing buttons, tennis racket strings, fire fighting foam, etc. *ad inf.*¹⁷ (Dare I mention lampshades?)

The process by which I have arrived at my present considered feelings and desires about the animal ideal is, as would be expected from the preceding remarks, more a matter of personal biography than of dialectical inference. Indeed, how could I even be sure of their source within my own breast? But I feel their precise origin hardly matters so long as they have proved their mettle under rational scrutiny. In concrete terms, I still desire the specified ideal

¹⁴ See Hall, *On Their Own Terms: Bringing Animal Rights Philosophy Down to Earth*.

¹⁵ See The Abolitionist Approach, <http://www.abolitionistapproach.com/>.

¹⁶ See Peter Singer, *Animal Liberation* (New York: Random House, 1975).

¹⁷ See Clare Motershead, “The Unusual Uses for Animal Body Parts” (BBC News Online, June 6, 2011), <http://www.bbc.co.uk/news/science-environment-13670184>.

even after years of study, conversation, “experience,” meditation and reflection about animals and our treatment of them.

I am ready, therefore, to move on to the second part of the “desirist” program, namely, figuring out how to get what I desire. Such a process could naturally enough begin with purely personal projects, such as, in my case, “going vegan.” It is in part simply a question of putting one’s own house in order; but it also serves an important public purpose by setting an example. As a colleague of mine¹⁸ once remarked, ad hominem argumentation seems peculiarly suited to ethics. For all sorts of reasons it makes sense that one strive to practice what one preacheth. Doing so serves as a test of the viability of the course of being and behavior one is recommending to others, and it commands a minimal respect and hence attention from them.

I would go even further and deem personal praxis a necessary and sufficient condition of the amoralist ethics I favor, since, by desirist logic, if I myself did not behave in a certain way despite my wide and deep exposure to relevant information, then (other things equal) that way of behaving would really have nothing whatever to commend (not to say, command) it. For, to reiterate, there is no (moral) right or wrong independent of one’s actual motivation, and there is only one’s rational (reflective, informed, etc.) motivation to serve as ethical touchstone.

Moving beyond personal behavior, there is also the wide world of influencing others’ behavior, that is, in ways other than simply modeling the behavior one wants everyone else to adopt as well. Standard methods include teaching, advertising (marketing), politics (lobbying, law), and so on. They may employ techniques that range from suasion to coercion, honesty to deception, negotiation to fiat, dialogue to dogma. The deciding factors are strategic – what works? – and also, as always, desire. The latter is relevant here because we usually care about means as well as ends. Thus, I for one would prefer to see honesty prevailing in the world even if that promised a delayed realization of my “main” end, animal liberation. Or I could say, alternatively, that honesty is part of the ideal world I envision that includes only free animals. Would I cleave to honesty “*ruat caelum*”? I want to say, in the “pure” case, no. But the “pure” case might be a phantasm. (Alan Donagan has very interesting things to say about this.¹⁹)

Thus, in all honesty, I would (and do) direct people’s attention (as I am about to do right here) to excellent books and films that: vividly portray the

¹⁸ Mitchell Silver.

¹⁹ See Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago Press, 1979), 199-209.

marvel that is other animals²⁰; our biological connection to them²¹; the horrors that are imposed on them so that we might eat them, or wear them, or be entertained by them, or advance both our medical and our “basic” knowledge at their expense, etc. ad inf.²²; the environmental devastation animal agriculture wreaks, including its contribution to climate change²³; the nutritional facts about humans’ capacity to live without consuming any animals or animal products²⁴; the appetizing, inexpensive, and easy-to-prepare alternatives to an animal diet that are available²⁵; and so on.

As it turns out, there is room for theoretical work even here, so the philosopher or other thinker need not go unemployed in the brave new world of amoral animal ethics after all. It is just that theory is now in service of praxis. A central issue I have certainly spent much time pondering is whether the animal ideal I espouse is better promoted by a direct or by an indirect approach. The direct approach usually goes by the name “animal rights.” This notion is morally tinged since rights are commonly thought to follow from the inherent worth of the rights-holder. So for the abolitionist ideal this would mean that nonhuman animals “are endowed by their Creator” (to use the resonant phrase from the American Declaration of Independence concerning “all men”) with the right to freedom from interference or use by human beings. As an amoralist I deny the reality of inherent worth or rights for anyone, but I recognize the utility of *l e g a l r i g h t s* for achieving various goals and ideals I happen to favor. So to me the animal rights approach means *s e e k i n g l e g i s l a t i o n* that secures nonhuman animals from human encroachment except under the most compelling circumstances.

²⁰ See Jonathan B a l c o m b e, *Pleasurable Kingdom: Animals and the Nature of Feeling Good* (New York: Macmillan, 2006); Marc B e k o f f, *The Emotional Lives of Animals* (Novato, California: New World Library, 2007); Victoria B r a i t h w a i t e, *Do Fish Feel Pain?* (Oxford: Oxford University Press, 2010); Karen D a v i s, *Prisoned Chickens, Poisoned Eggs: An Inside Look at the Modern Poultry Industry*, revised edition (Summertown, Tennessee: Book Publishing Co., 2009); Tribe of Heart, *Peaceable Kingdom: The Journey Home* (documentary), <http://www.peaceablekingdomfilm.org/home.htm> (trailer) and *The Witness* (documentary), http://www.tribeofheart.org/sr/sr_witscreeningroom_english.htm (entire film).

²¹ See Richard D a w k i n s, *The Ancestor’s Tale: A Pilgrimage to the Dawn of Evolution* (Boston: Houghton Mifflin, 2004).

²² See Larry C a r b o n e, *What Animals Want: Expertise and Advocacy in Laboratory Animal Welfare Policy* (Oxford: Oxford University Press, 2004); D a v i s, *Prisoned Chickens, Poisoned Eggs: An Inside Look at the Modern Poultry Industry*; S i n g e r, *Animal Liberation*; Tribe of Heart, *Peaceable Kingdom: The Journey Home* and *The Witness*.

²³ See Ramona C. I l e a, “Intensive Livestock Farming: Global Trends, Increased Environmental Concerns, and Ethical Solutions,” *Journal of Agricultural and Environmental Ethics* 22, no. 2 (2009): 153-167.

²⁴ See Vegan Health, <http://www.veganhealth.org/>.

²⁵ See Humane Society of the United States, “Our Favorite Recipes,” <http://www.humanesociety.org/issues/eating/recipes/recipes.html>.

The most fundamental animal rights could even be thought of as universal, by which I mean: applicable to humans too considered as a species of animal life. Thus, the very same rationale would underlie our refusal to permit little girls, chimpanzees, and rats from being kidnapped or bred, caged for life, and subjected to invasive surgeries for the promotion of medical or veterinary science, or little boys, baby calves, and young chickens from being bred, penned in, and slaughtered for human or animal consumption.

Again, it is natural enough to suppose that such legal rights would rest upon a foundation of moral rights. Don't the latter justify the former? (Or, for theists, the Deity's "endowment," as above, would in turn justify the moral rights.) But from the amoralist perspective, that is all a fairy tale. Legal rights are created by legislatures, which in turn are voted into office by the citizens of a nation (or nations in world bodies). As such they are products of competing interests and, ultimately, desires. Yes, some of these desires may pertain to ideals; thus, I myself would, other things equal, vote for a legislator who shared my ideal of a world where nonhuman animals were free of most human interference. But not even that desire or that ideal relies on there being such a thing as moral rights or inherent values. I "just happen" to have that desire ... due to various causes partially known and partially unknown to me, whether from genes or upbringing or a course I took in college or what have you.

It is also certainly possible that some explicitly moral or even religious belief underlies my (or somebody else's) animal ideal. All I am asserting is that no such moral or religious reality need underlie it, and there is no evidence whatever that one does. For, as noted above, there is, it seems to me, an abundance of ways to explain how it has come about that human beings have moral and religious beliefs, without the need to postulate that any of them are true; and such explanations are more plausible and a better fit for our best explanation of the world than the moral or religious alternatives. On the other hand (but also by the same token), the empirical fact that moral and religious beliefs are widespread may recommend that even the amoralist animal advocate will want to rely in part on moral and religious arguments and appeals in the furtherance of the animal cause, and in particular of legal rights for animals. After all, in order to prevail in a legislature, one must have sufficient allies to constitute a majority.

But what I have called the direct approach to animal liberation – animal rights – has a rival in the animal movement: so-called animal welfare. (Lee Hall objects to the appropriation of this term by non-animal rightists, on the grounds that the animal welfare movement does not have the best welfare of other animals in mind or help to promote it.²⁶ Nevertheless "animal welfare"

²⁶ See Hall, *On Their Own Terms: Bringing Animal Rights Philosophy Down to Earth*.

or “welfarism” is the term commonly used to designate the animal advocacy alternative to animal rights, by both its critics and its proponents; so I shall use it here.) The underlying premise of animal welfarism is that the human use of other animals is desirable, or at least justifiable, or at least sufficiently desired by humanity to be unlikely to end in the foreseeable future; and therefore the most pressing goal of the animal movement is to improve the conditions of animals in confinement, experimental manipulations, slaughter, etc. Strictly speaking, an amoralist animal welfarist would not hold that animal use is desirable or justified, since nothing has objective value or moral justification on the amoralist scheme; so only the third consideration mentioned above would be a relevant rationale for animal welfarism, namely, the simple but inexorable reality of indefinitely continued use of animals by human beings.

Therefore the decision between animal rights and animal welfarism for the amoralist animal advocate would seem to rest on an empirical question, namely, which strategy seems more likely to help, or seems likely to offer more help to, other animals: seeking their direct liberation from human use, or seeking the amelioration of the conditions of their use?²⁷ (Of course there can be mixed strategies as well, for example, aiming at long-term liberation from human control while also seeking short-term relief from suffering at human hands.) However, I began this section of the article by speaking of the theoretical aspect of animal advocacy, and what I have in mind is that the very goal of animal advocacy is in dispute. For I originally characterized both animal rights and animal welfare as alternative means to the end of animal liberation; yet if one were to stress the indefinite prolongation of animal use, or for that matter, desire its indefinite prolongation (so that one could continue to enjoy eating animals, etc.), then animal liberation would not even be one’s goal. So animal welfare would constitute a distinct goal from animal rights, and not merely be a different means to the same end.

The theory part of this, furthermore, is not only drawing various conceptual distinctions relevant to means and ends, but also identifying different rationales for the various means and ends. Thus for example, an animal advocate who favored animal liberation as an end could do so for welfarist reasons. The reasoning would be that “Mother Nature knows best”; that is, the fine-tuning of animals to their natural habitats by biological evolution strongly suggests that their welfare would be better secured by leaving them to their own devices than by any conceivable regime of human intervention. Alternatively, however, an animal advocate who favored animal liberation as an end could do

²⁷ See Gary L. Francione & Robert Garner, *The Animal Rights Debate: Abolition or Regulation?* (New York: Columbia University Press, 2010).

so for nonwelfarist reasons. The reasoning might be that animals have a dignity or autonomy that commands our respect ... no matter whether our respecting it would work out in the animals' best interest. (This has an obvious parallel to traditional Kantian reasoning about human beings.) Note also that while this latter is most commonly encountered in moralist guise, such that the "command" is one of obligation, it also lends itself, I claim, to a perfectly respectable amoralist interpretation, to wit, that a very natural human psychological response to closely observing the natural ways of other animals is to desire to let them go about their business unmolested by us.

Of course I cannot claim that everyone would have that response even under ideal conditions of observation and reflection. What could be more "natural" than for (some) human beings to closely observe the natural ways of other animals and thence be possessed by the desire to kill them (for food, or for the pure pleasure of the hunt, or for the "trophy")? So once again, as an amoralist, I am certainly going to shy away from any suggestion of universal concordance of desires (although one can always hope). Rather, the amoralist way is to strive for as much agreement as possible under realistic conditions of education and dialogue, and then resort to politics for resolution of any remaining issues that do not lend themselves simply to mutual accommodation.

Let me end my discussion of animal ethics with a brief encomium to animals' significance to ethics (albeit, as always, speaking for myself). The study of nonhuman animals has proved to be in my own life not only an important topic in its own right but also the undoing of all of my normative commitments and indeed of normativity (of the moralist stripe) itself. This evolution has taken two interesting turns. The first was my sense that animal ethics should be understood not only as a branch of applied ethics but also as integral to ethics as such. Animal ethics speaks to the very nature of ethics; ethics might even itself be better understood as synonymous with animal ethics, since human beings are themselves animals and may be ethical beings in virtue of that fact.²⁸ The second turn was the realization that ethics may be better understood as about desire than about obligation (or morality or right and wrong or inherent value or justification, etc.). This turn did not come about by purely meta-ethical thought but, in equal measure, was midwifed by my growing awareness that the human moral response to the plight of other animals at human hands was a sham. Thus, I ended up facing the philosophical (and personal) challenge of my career and life: How to reconcile two apparently diametrically opposed facts, namely, the amoral basis of ethics and my personal commitment to animal liberation. This essay has presented my response to that challenge.

²⁸ See Joel Marks, "Animal Ethics", in *Ought Implies Kant*, Appendix III; Joel Marks, "Turning the Tables: We Matter Because We Are Animals," *Philosophy Now* 67, no. 3 (2008): 37.